

20 January 2012

Dear Mr Newman

Thank you for your further request received on 16 January 2012. You asked:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Limited Capability for work - Activities 1 & 2'.

As this is such an important point, I would like to be sure I have understood your response correctly. You have said that:

1) Nowhere in any of the processes connected with a WCA (within Atos or DWP) is there a clear statement that the HCP and the Decision Maker must at all times place the claimant's health and well-being above all else. Putting this another way, a DM is therefore under no obligation to treat claimants' health and well-being as a priority. Correct or incorrect?

This being the case, what is their priority when making a decision?

2) In the interests of improving mobility to the point that capability to work becomes possible, an HCP and DM are not just at liberty to recommend use of a self-propelled wheelchair, but any revise that achieves the same objective, for example, a powered wheelchair. Yes or no?

3) They can take these steps without directly explaining to claimants that this is what they are doing and why. Yes or no?

As FoI is about supplying recorded information held by the Department rather than explaining things or confirming whether your assumptions are correct or not, these question are not valid FOI requests. I should also note that the relevant guidance from which your questions could be drawn have already been provided to you.

But to be clear I can confirm that the Decision Makers role is **only** to make decisions on benefit matters, nothing else, while ATOS is required to provide an independent advice on a person's ability to work **only**. Neither makes decisions on treatment.

Our decision makers are required to provide a reasoned explanation of why they came to their decision on a person's fitness to work, this would include details such as how aids could be used to overcome barriers to obtaining and undertaking work. This would not be treatment advice, but rather simply a recognition that many sick and disabled people can and do work as aids exist to remove many barriers to working.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk