

Mr J Newman  
C/O [request-130881-5fd41bb7@whatdotheyknow.com](mailto:request-130881-5fd41bb7@whatdotheyknow.com)

25 January 2013

Dear J Newman

**Freedom of Information Act – Request for Information**  
**Our Reference: FOI IR 887**

Thank you for your Freedom of Information request which we received on 31 December 2012. In that request, you asked:

Please pass this on to the person who conducts Freedom of Information reviews.

*I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Painkillers – NICE announcement'.*

*In Q5 & Q6 I have NOT asked to create or interpret anything, just to confirm what information does or does not exist, so your comments here are inappropriate. Appropriate responses might be for example:*

*Q5: "There is no documentation that makes a distinction between prescribed and non-prescribed medication."*

*Q6: "HCPs are not instructed to make any assumptions regarding painkilling medication and the levels of pain described. Instead HCP are expected to draw their conclusions based on the balance of probabilities if necessary, but in so doing they must explain precisely the logic and evidence they have considered and how they have evaluated it".*

*I have read the WCA Handbook and neither of these issues is mentioned, but this does not mean they are not covered elsewhere, perhaps in documentation that has not been formally published.*  
*Note*

*that FOI does not apply only to formally published information. I am expecting you to confirm whether or not this is the case.*



As DWP Central Freedom of Information Internal Reviewing Officer, I have read your letter and accepted this as a request for an Internal Review of FOI reference 3689 dated 28 November 2012

In your original request you asked is there any difference in interpretation between prescribed and non prescribed medication? I.e. is one regarded as more significant than the other.

You also asked would a) HCPs and b) DMs assume that low amounts of pain killing medication means little or no pain regardless of what the claimant describes.

Having considered your request I am satisfied that the questions you have asked are not a request for information. You are asking for conjecture on a generic scenario seeking a statement, opinion, or conclusion which is based on speculation in the absence of evidence.

I am therefore satisfied that the original response dated 28 November 2012 was correct.

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

Yours sincerely

Internal Reviewing Officer  
**Contracted Customer Services Directorate**

[DWP.MEDICALSERVICESCORRESPxxxxxxx@xxx.xxx.xx](mailto:DWP.MEDICALSERVICESCORRESPxxxxxxx@xxx.xxx.xx)

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### **Your right to complain under the Freedom of Information Act**

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](http://www.ico.gov.uk)