

DWP Central Freedom of Information Team

request-553138-e2d02412@whatdotheyknow.com

e-mail: freedom-of-information-request@dwp.gov.uk

Our Ref: IR2019/23697/30186

2 August 2019

Dear John Slater,

Thank you for your Freedom of Information (Fol) internal review request received on 25 June. You asked:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'PIP Contracts - Management Information Reports (2018)'.

Thank you for your response. Unfortunately, it raises more questions than answers.

The scope of my IRR of 24 May 2018 is specifically limited to:

MI 28 – Medical Quality Report (for Atos & Capita).

MI30, 31, 31A & 31B – Quality of assessment reports (for Atos).

I take no issue with the redactions in documents that appear to fall within the scope of S.31(1) and S.43.

I accept the Department's explanation regarding MI28 Medical Quality Report. However, it is unusual to produce a revised Annex G and leave in requirements that have never been delivered and are not expected to be. This is a novel approach to contract management. The Department has breached the FOIA in its handling of MI28 as it was required to inform me that it did not hold the requested information in its original response.

I am at a loss to see how S.31(1) and S.43 could apply to the information that falls within the scope of my IRR of 24 May 2019. In respect of S.40(2) this does not apply as my original RFI specifically excluded personal information from scope by stating:

"This request is made on the assumption that the Department will carry out relevant redaction of personal information exempt under the FOIA (Section 40 (2))"

The Department states in its response of 24 June 2019 (ref: IR2019/19881):

"In 2016, the department introduced 'authority independent audit (AIA)' into Personal Independence Payment contracts for the purposes of monitoring the quality of assessment reports submitted to the department by assessment providers (APs).

From this point forward, APs were no longer required to submit management information (MI) reports numbered 30, 31, 31A & 31B of Annex G, as the quality of assessment reports was

derived from the AIA process. MI report 28 was a pre-contract expectation. The department subsequently decided this was not required and this report has never been delivered by APs."

However, in its response of 08 May 2019 (ref: FOI2019/06760) it stated:

"Your RFI1 request refers to 'MI prescribed in the Service Specification FINAL v2.0' which is now extremely out of date. In 2016, following a Contract Review, there were several changes made to the Contract, including the removal of MI requirements from the Service Specification. From this point forward MI requirements were captured solely in the Terms & Conditions of the Contract (Annex G). A copy of Annex G is included within this response."

I suggest the implication is that the version of Annex G disclosed contains the current contractually required management information. If this is not the case, then the Department appears to have misled me.

The Department's position that MI reports 30, 31, 31A & 31B have never been delivered by assessment providers is further damaged by the fact that Capita did deliver the all of this MI for the whole of 2018, hence my IRR only applying to Atos. Given the obvious contradictions here I ask that the Department revisit its response.

As with MI28 the Department has breached the FOIA by failing to tell me that it did not hold this requested information in its original response.

If the Department persists with its position, then I suggest it should explain why Capita has continued to deliver MI reports that haven't been required for 2 years and why they remain part of Annex G.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/pip_contracts_management_informa_3

And on 13 August 2019 you submitted a further request as follows:

"I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'PIP Contracts - Management Information Reports (2018)'.

The Department is aware that it should have provided its response to my IRR by now. It even told a Journalist that it was going to do so. Is the Department really going to make be complain to the ICO again?"

DWP Response:

I apologise for the delay in replying, whilst there is no statutory requirement to respond to an Internal Review in 20 working days, we endeavour to respond to all requests in this timescale. However, on this occasion, the department has failed to meet this deadline we set ourselves.

In response to your request of 17 February 2019 (Fol 06760) under the Freedom of Information (Fol) Act we provided the information on 8 May 2019. You then submitted an Internal Review (IR 19881) on 24 May 2019 and we provided a response on 24 June 2019

which informed you that if you were not content with the outcome of the Internal Review you may apply directly to the Information Commissioner's Office for a decision.

We have, therefore, provided all the recorded information that you requested and we have nothing further to add. You have exhausted the complaints procedure.

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 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
Web: [ico.org.uk/Global/contact us](http://ico.org.uk/Global/contact-us) or telephone 0303 123 1113 or 01625 545745