

DWP Central Freedom of Information Team

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

Our Ref: VTR5501

14 January 2014

Dear Mr Dale,

Thank you for your Freedom of Information request received on 22 November 2013. DWP recognises that on this occasion it has not met the prescribed deadline. Please accept our apologies for this.

You asked for:-

I am making a Freedom Of Information request for a copy of the staff bulletin I believe was dated on or around the 7th November 2013.

As requested please find attached, at Annex 1 below, the bulletin referred to in the *Daily Mirror* article of 20 November 2013 (<http://www.mirror.co.uk/news/uk-news/civil-servants-told-judge-whether-2810718>).

You will note that the staff bulletin contains no reference to Google or other search engine.

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, Caxton House, Tothill Street, London, SW1H 9NA. 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

DLA/AA Bulletin 28/2013

Type of bulletin	Procedural Information	Date issued: 07/11/2013	
		Bulletin number: 28/2013	
Subject	Restricted ATOS Services		
Issued to	All DLA/AA Staff		
Make changes by	Immediately		
Timing	Immediate to be brought to the attention of staff on the day of issue	Destruction Date:	To be notified

[DLA/AA Abbreviations](#)

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Revised ATOS Services

Introduction

1. The ATOS service will for the time being be on a revised basis. This bulletin explains the new procedures to undertake until a full service is resumed.

Background

2. ATOS Healthcare have been providing the DLA/AA Business with Medical Services for many years and during this time they have supported Decision Makers (DMs) to make better informed decisions. From 06/11/2013 this support will be on a revised basis.

Special Rules Claims

3. The process for SR claims is unchanged and SR cases can be referred in the usual way for Warbreck House, Preston and Midlands BC. However any DLA residual cases which are still

being processed at the Regional Benefit Centres will need to be referred to the ATOS Service Delivery Lead at Atos Healthcare, Warbreck House, A114, Lobby E, Warbreck Hill Road, Blackpool, FY2 0YE. Contact details [Redacted S.40 FOI Act]

Normal Rules process with Revised ATOS Support – Midlands BC

4. ATOS will be available for face to face advice on child cases at Midlands BC and referrals for advice should continue on the DBD385.

Normal Rules process with Revised ATOS Support

5. All other cases which need advice will follow the new process.

6. The Team Member will register and refer normal rules claims to the DM for a decision following business as usual processes.

7. The DM will look at the case and decide if they have enough information to make a decision. If so, a decision is made as usual.

8. If the DM cannot make a decision they will consider the evidence available (see DMG Chapter 1 and Chapter 61, para 18). EMPs will no longer be available as a source of evidence (except for RPP cases). DMs may however use CCM guidance, Health and Wellbeing Directorate recognised internet sites such as Cancer Research UK and NHS Choices, the information in the claim form, request factual reports, ESA85 reports, care plans, information available from schools or social services. They can also telephone the claimant or carer, discuss the case with fellow DMs, colleagues, their HEO, or seek advice from DMA Leeds if the enquiry concerns applying the law to the established circumstances. This list is not exhaustive.

9. If the DM is unable to make a decision, they will refer the case to the designated person for a case conference.

10. The designated person will consider all the available evidence and decide if there is sufficient information available to enable a decision to be made on the balance of probabilities and if so advise accordingly.

11. If there is insufficient evidence the designated person will advise an appropriate source of evidence to be obtained before a decision can be made on balance of probabilities.

12. In exceptional circumstances, should all sources of evidence be exhausted and it is still not possible to reach a decision on balance of probabilities, the designated person may seek advice from ATOS using the DBD 385 via the medical evidence wizard.

13. Following the case conference, the DM must make and implement their decision on the balance of probability based on available evidence at the time, or progress case in line with the advice given.

Potentially Harmful Information

14. DMs will still be responsible for identifying Potentially Harmful Information. Harmful information is information that must be withheld from the customer if the disclosure of the information would be harmful to the customer's health.

15. Information should not be disclosed to the person to whom it relates if you consider the disclosure would be harmful to the health of the customer. If you receive a medical report where the health professional has included information on the harmful information page of the report, you should accept this as harmful information unless you have good reason to believe the health professional was mistaken.

16. If you are unsure whether the information is harmful, or there is potential harmful information mentioned elsewhere on the form, if Potentially Harmful Information is identified it must be highlighted on the document, a harmful information sticker placed on the front of the file and the DBD39 (if used) completed stating where the evidence is held. You should no longer refer the case at this point to medical services.

Appeal responses which contain potentially harmful information

17. DM's should continue to follow the guidance contained in [DMPG chapter 12](#) para 172 to 176.

Copy documents requested

18. It is the customer's right to ask for a copy of the information on which the DM has based their decision. If the DM has identified the documents requested contains potentially harmful information Team Members should refer the case back to the DM.

19. The DM should complete form DBD385, using the medical evidence wizard, and refer the file to MS for advice. The form DBD385 should be retained as supporting evidence.

<p>Do you have any questions about the procedural/technical content?</p>	<p>For questions about DLA/AA guidance contact:</p> <p>Staff Advice line via e-mail: DCS DLA-AA Advice line</p>
<p>Do you have any comments about the formatting or publication process?</p>	<p>Please contact DWP PDCS Communications</p>

Approved by: DLA/AA Procedures and Forms Stakeholders

Business Unit: DLA/AA Disability Business Products and Advice Team