

To Mr Newman
C/o request-130897-97b8832b@whatdotheyknow.com

DWP Business Management Team
Health & Disability (Operations)

22 January 2012
RE: FOI 3691

Dear Mr Newman,

Thank you for your Freedom of Information request response that was received by the Department for Work and Pensions (DWP) Freedom of Information Requests on 24 September 2012. I apologise for the delay in responding to you.

In your email you asked:

The Atos report published 15 months ago states

- *“There is increasing demand for recording of assessments and currently there is no easy process to offer this and we estimate AH receives around 1-2 requests / day. Therefore is a need to make recordings more readily available on request.”*
- *“The results of the pilot indicate that there are a significant proportion of clients who would welcome the opportunity to have their assessment recorded”*
- *“Our recommendation would be that recording should become routine as it is in a call centre or for example – NHS direct”.*

1. I would like to see

- *the discussion record(s) within DWP that resulted in it choosing to ignore this recommendation*
- *who in DWP sanctioned it and*
- *the subsequent communication to Atos that this was to be the case.*

In any trial of this nature, statistical rigour and transparency are paramount if the results are to have any meaning.

2. What RECORDED INFORMATION was produced to prove that:

- *There was no bias in the trial sample of 500 claimants selected?*
- *There was no bias in the phraseology of the “invitation” to join the trial that influenced the responses received?*
- *The sample of reports that underwent IQAS within the trial was representative and that the conclusions you have drawn are sound?*
- *What was the size of this sample?*

The only true measure of success is through the impact on right-first-time decision making, which DWP neglected to establish within the trial and only has the IQAS findings.

3. *Of the assessments subject to IQAS, was each one followed through decision making, reconsideration and appeal to ensure that the HCPs' recommendations were correct?*

In VTR 3701-2609 you have stated that the universal roll-out would not be cost effective:

4. *I would like to see the facts and figures on which this statement is based, including the full range of factors considered as potential benefits and the methodology used to value them in the overall cost-benefit equation.*

Claimants will not of course consider requesting a facility they do not know exists.

5. *In its ongoing tracking, how is DWP ensuring that it gains a true and comprehensive picture of demand, by making ALL claimants aware of the facility in advance? Clearly, if the exercise is NOT announced and launched, levels of real demand could be hugely understated.*

It is now 15 months since the trial was concluded during which some progress must have been made.

6. *What new evaluation criteria have been agreed to date to judge the success (or otherwise) of the current approach? These may not be complete and may require ongoing development, but some progress must have been made by now.*

It is not illegal for a claimant to make their own recording of a WCA overtly or covertly, however DWP has decided not to allow the former and abandon the WCA if the latter comes to light during the WCA, which represents a huge waste of time and money for all concerned.

7. *What steps has DWP taken to advise claimants in advance that this is the case to avoid the waste of time & money?*

In reply to **Q 1** all aspects of the Atos Healthcare recording pilot were considered. The Department has fully applied Professor Harrington's recommendations in relation to his proposal for the Department to Pilot audio recordings. In considering the Atos recommendation to provide an audio recording facility for all assessments the view of the Department is that it would be extremely costly with no apparent substantial benefit or improvement in assessments. As a result, the Department has not implemented universal recording of assessments at this time. Instead we have asked Atos Healthcare to try and accommodate requests for audio recording where a claimant makes a request in advance of their assessment.

This was undertaken in consultation with the Harrington Project Board. The results of the pilot have been published and in view of the limited number of requests for recording, the limited funds available and competing priorities, the large scale purchase of machines is not an effective use of public money. The Department is also still considering its position in relation to recordings.

As the provision of audio recording is still under review by the Department I am unable to provide you with the names of the decision makers or any recommendations as no final decision has been made. This information falls within Section 35 of the Freedom of Information (Fol) Act 2000. This exemption relates to the formulation of government policy. I consider that the

exemption applies because it is intended to protect the space within which government can think and develop its policies without prejudice. The information you seek falls into this category.

As required by the Act, I have also considered whether the balance of the public interest comes down in favour of not complying with your request. I consider that there is no overarching public interest argument in favour of releasing this information.

In answer to **Q 2** the information you requested is not held.

With regards to your question in relation to bias, in accordance with Section 14(2) of the FoIA, the Department is not obliged to comply with a subsequent identical or substantially similar request it has previously responded to. The letter dated 7 November 2012 reference: FOI 3566-2668 question 6 refers.

The sample size for the IQAS is contained within the Pilot Results part 14 paragraph 5.5:

In response to **Q 3** this information is not available. The object of the IQAS was to assess if there had been any effect on the quality of the WCA reports not to track decision making process by the Department.

In reply to **Qs 4, 5 & 6** as the provision of audio recording is still under review by the Department I am unable to provide you with any information relating to universal roll out as all aspects of audio recording are still under consideration as no final decision has been made. This information falls within Section 35 of the FoI Act 2000. This exemption relates to the formulation of government policy. I consider that the exemption applies because it is intended to protect the space within which government can think and develop its policies without prejudice. The information you seek falls into this category.

As required by the Act, I have also considered whether the balance of the public interest comes down in favour of not complying with your request. I consider that there is no overarching public interest argument in favour of releasing this information.

In response to **Q 7** please note that if the claimant records a conversation covertly, this may mean that they take on legal obligations they are not aware of. The Data Protection Act (DPA) is clear that the recording of information is pertinent to who ever is being taped and to publish without the consent of the other party could lead to legal action.

If it is only the claimant's personal data that is recorded then there are no restrictions on the use that can be made of the recording. However the DWP reserves the right to take appropriate action where the recording is used for unlawful purposes, for example, if it is altered and published for malicious reasons.

If the personal data of anyone other than the claimant is recorded, for example the data of the Healthcare Professional (HCP) conducting the face-to-face assessment, then, without the consent of the HCP and any other person to whom the data relates, the claimant can only use the recording for domestic purposes (i.e. their personal, family, or household affairs) and in certain other specified circumstances, such as legal proceedings.

Assessment of Neurological Conditions for Registered Nurses

If the claimant intends to use that recording for any other purpose, they may be required to comply with the DPA 1998, and to register with and notify the Information Commissioner of their intended actions. The Information Commissioner may take enforcement action to ensure that any intended actions comply with the DPA.

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The Department has no plans to advise claimants in advance of their WCA with regard to covert recording. The claimant has a responsibility to advise the HCP either during the appointment scheduling process or before the Assessment commences that they intend to record an assessment. Covert recording is not permissible under any circumstances and the WCA will be suspended if a claimant is found to be covertly recording.

MED-RNEXNEURO-001(a)

Version: 3 Final

6 July 2011

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

Yours sincerely,

DWP Business Management Team

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xxx.xx

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