

To J Newman
C/o request-114116 – xxxxxxxx@xxxxxxxxxxxxxxxxxxx

DWP Central Freedom of Information Team

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

Our Ref:FOI 3211-1689

DATE 21 May 2012

Dear Mr Newman,

Thank you for your Freedom of Information request that was received by the Department for Work and Pensions (DWP) Adelphi on 20 April 2012 and forwarded for response by the DWP Medical Services Contract Correspondence Team (MSCCT) Freedom of Information (Fol) Officer.

In your email you asked:

Dear Department for Work and Pensions,

Can you please provide the information that explains each of the following questions together with its source?

At a WCA, a claimant audio records the session. Subsequently DWP decides to stop ESA payments and the claimant wishes to submit their case initially for re-consideration and provides the recording as evidence. Would DWP accept it as evidence:

- 1. If the claimant had made the HCP aware before the WCA started that the recording was being made solely for personal use and the HCP had no objection?*
- 2. If the claimant had made the HCP aware before the WCA started that the recording was being made solely for personal use and the HCP had objected?*
- 3. If the claimant had made the HCP aware at the end of the WCA that the recording had been made solely for personal use and the HCP had objected?*
- 4. If the claimant had not made the HCP aware before or after the WCA that a recording was being made?*
- 5. If the claimant claimed they had made the HCP aware and they had agreed, but the HCP denied this was the case?*

In response to all questions stated above if a claimant states that s/he wishes to record their Work Capability Assessment (WCA) using their own equipment, for example mobile phone, the Healthcare Professional (HCP) will offer to reschedule the WCA for another day when Atos recording equipment is available. If claimants refuse to cooperate and continue to record the assessment the HCP will terminate the WCA. The WCA will also be terminated if it is discovered that covert recording is taking place.

Audio recordings are considered to be 'documents' for the purposes of appeals and Social Security Tribunals (SSAT). Recordings may be admitted as evidence, if considered to be relevant to the point in question. Audio recordings submitted to SSATs as evidence will require transcription. Arrangement for transcription services and any associated costs usually fall to the party presenting the evidence, i.e. if a claimant is requesting that the recording being admitted, then this becomes their responsibility and therefore arrangement for and costs of transcription are likely to fall to the claimant. However, Social Security Appeals Tribunal Chairs may, at their discretion, attribute transcription costs to either party i.e. the claimant or DWP.

Requests for recording of assessments can only be agreed with the

- prior consent of the HCP,
- approved recording equipment is used.

These criteria have to be in place so as to ensure that stringent safeguards are in place to produce recordings that are complete, accurate and that the facility provides for simultaneous duplicate copies to be made available to both the claimant and the HCP

May I again remind you that the FoI Act is not about creating information, entering a debate on the meaning or definition of phrases used or educating the requestor on what things mean.

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

Yours sincerely,

DWP Central FoI 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, Wycliff House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk