DWP Business Management Team Health & Disability Assessments (Operations)

Our Ref: VTR IR575

23 November 2012

Dear Mr Newman,

Thank you for your e-mail dated 13 September that has been accepted as a request for an Internal Review of FOI reference 3147 also dated 13/09/2012.

In your email you specifically asked;

I am writing to request an internal review of Department for Work and Pension's handling of my FOI request 'WCA Postponement - no audio recorders'.

It is very wrong of you to claim that DWP policy has remained consistent, when it has regularly shifted. On 1 February 2012 in a private members debate Chris Grayling stated: "On audio recording, we will offer everyone who wants it the opportunity to have their session recorded." This statement was not in any way qualified. You are now only offering the facility on a "best endeavours" basis and leaving the level of service provided totally at the discretion of Atos – if no machines are available (due to poor management & maintenance), no recordings will take place. It also provides Atos with the ability to manipulate equipment availability as they see fit to achieve whatever objectives they have in mind in a way that is not transparent and therefore open to abuse.

The end result will be that some people who want recording will get it, some will not, split on a totally arbitrary and unpredictable basis. As a recording is a critical piece of evidence within an appeal, you are deliberately placing some claimants at a huge disadvantage compared with others, which breaks your commitment to treating all claimants equally and potentially allows you to influence the outcome of an appeal.

Many appeals arise due to disputes over what was and wasn't said during the WCA and neither DWP nor Atos will accept statements that cannot be substantiated. This is precisely why the suggestion to record arose and you are denying (some) claimants the opportunity to prove their case. Whilst this position is completely untenable, I do not expect you to admit it here, but I do believe in the interests of accuracy and honesty, to should correct your suggestion that policy has not changed when clearly it has. Continuing in denial only reflects on DWP's integrity.

A full history of my FOI request and all correspondence is available on the Internet at this address: <a href="http://www.whatdotheyknow.com/request/wca\_postponement\_no\_audio\_record">http://www.whatdotheyknow.com/request/wca\_postponement\_no\_audio\_record</a>

An internal review is a chance to reconsider information previously provided to you; please be assured that the FOI elements of your request have been given our full consideration and that

all aspects of your review have been taken fully into account. The review was conducted by an independent official of the Department, of the relevant grade and authority to carry out such requests.

As reviewing officer, I have checked the information provided to you in our response of 13 September 2012, reference FOI 3147 and I am satisfied with the response that DWP provided. The remit of the FOI act is to provide access to information held by DWP, it is not to enter into debate or comment on any opinions or complaints about services highlighted by requestors. I consider some of the points you have raised above to be outside the remit of the FOI act. Although, I should add here that whilst DWP has asked Atos healthcare to do all that they can to accommodate request for audio recording, there may be times when this service cannot be offered, for example, where it has not be possible to get access to recording equipment on the date/time of the WCA. In these circumstances claimants will be told in advance that their request cannot be accommodated. WCA appointments may be deferred for up to four weeks for any circumstance, and this could include the non-availability of recording equipment.

Turning to your original request dated 13 August in which you ask ''please provide the information that confirms this point about not being able to postpone WCAs if recording equipment is not available. I have checked the Medical Services contract previously provided and there is no such clause."

It may help if I further explain that the Work Capability Assessment audio recording pilot is not contained within the contract that DWP holds with Atos, as it was a pilot undertaken to determine whether the use of audio recording would be helpful for claimants and if it would improve the quality of assessments.

Further information relating to the audio recording pilot can be viewed via the following link: <a href="http://www.dwp.gov.uk/policy/welfare-reform/employment-and-support/wca-independent-review/year-one/">http://www.dwp.gov.uk/policy/welfare-reform/employment-and-support/wca-independent-review/year-one/</a>

After consideration the reviewing officer has decided to uphold the original decision as the original response dated 13 September 2012 was correct and all the information that DWP are able to supply to you has been supplied.

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

Yours sincerely,

DWP Business Management Team Health & Disability Assessments (Operations)

e-mail: <a href="mailto:freedom-of-information-xxxxxxxx@xxx.xxx.xxx.xx">freedom-of-information-xxxxxxx@xxx.xxx.xxx.xx</a>

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

 Caxton House, Tothill Street, 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 <a href="https://www.ico.gov.uk">www.ico.gov.uk</a>