

To Mr J Newman
C/o request-110013-b49c1106@whatdotheyknow.com

DWP Central Freedom of Information Team

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

Our Ref: 3203-IR238

DATE 17 May 2012

Dear Mr Newman,

Thank you for your email dated 18 April 2012 that was received by Department for Work and Pensions (DWP) Adelphi that day and forwarded on 19 April to the DWP Medical Services Contracts Correspondence Team (MSCCT) to respond to.

As DWP MSCCT Freedom of Information Internal Reviewing Officer, I have read your letter and accepted this as a request for an Internal Review of FOI reference 3048-1240 dated 18 April 2012.

I have therefore conducted a full investigation into your original request to check that the information previously supplied to you, clearly and accurately answered your request. I have also reviewed any decisions to withhold information and in doing so I have fully considered the public interest in disclosure.

In your email you asked to be provided with information answering the following questions:-

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'WCA – Surreptitious evidence gathering'.

Q1: I understand that an HCP must consider anything provided by DWP, anything provided by the claimant and may send Forms ESA113 or FRR3 to the claimant's medical advisors. However my question was about their use of OTHER data they may have at their disposal?

I am aware that Decision Makers are encouraged to be imaginative, creative and proactive with the techniques they employ to make an ESA decision and I would like to know if the same philosophy is applied to HCPs and how it might then manifest itself.

Q3: I understand that the DM makes the ESA decision, but the HCP's makes a recommendation. Could CCTV footage from ANY source be used by the HCP to formulate this recommendation? If not, where is the instruction to this effect contained – it is not covered in the WCA Handbook?

The response to FOI 3048-1240 provided you with a link to the Work Capability Assessment Handbook where there is information at page 40 regarding data to be used as further medical evidence.

With regard to CCTV footage, I can confirm that a HCP would not use footage from any source to formulate their recommendation.

In reviewing your request I uphold the decision of the Freedom of Information Officer dated 18 April 2012 in part and have added information where appropriate. I am therefore satisfied now that 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 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 www.ico.gov.uk