

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 October 2012

Public Authority: Department for Work and Pensions
Address: 6-12 Tothill Street
London
SW1H 9NA

Decision (including any steps ordered)

1. The complainant requested information relating to the processes surrounding the qualifications of Atos Healthcare Professionals (HCPs). The DWP did provide the complainant with the requested information but it did not do so within the statutory time for compliance.
2. The Commissioner's decision is that the Department for Work and Pensions (DWP) has not complied with section 10(1) of the Freedom of Information Act 2000 (FOIA) in its handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 20 January 2012, the complainant wrote to the DWP and requested information in the following terms:

"Atos HCPs are required to have specific medical qualifications to allow them to undertake WCAs.

- 1) What process does Atos have in place to ensure that these qualifications are renewed where necessary on time, without lapse?
- 2) Would Atos be aware immediately of a qualification that had expired and would they immediately suspend the HCP, reassigning upcoming WCAs to other HCPs?
- 3) Can Atos guarantee without fail, that at the time of every WCA, the HCP's qualifications are absolutely up to date in all respects?
- 4) If a HCP is found to have qualifications that have lapsed, can you confirm that all the WCAs undertaken whilst unqualified can be

identified, that they will automatically be rejected as invalid and DWP advised accordingly?"

5. On 17 February 2012 the DWP responded. It provided the complainant with information relevant to parts 1, 2 and 4 of the request but said that part 3 of the request was not a valid FOIA request.
6. The complainant requested an internal review on 18 February 2012. The DWP sent the outcome of its internal review on 16 May 2012. It provided the complainant with further information in particular in relation to part 4 of the request. It also said that it felt it had answered part 3 of the request even though it did not consider it was a valid FOIA request. On 28 May 2012 the complainant wrote to the DWP to explain that he was still dissatisfied with its response, particularly in relation to part 4 of the request. On 26 June 2012 the DWP provided the complainant with further information relevant to part 4 of the request. It said it had now provided the complainant with all information it held relevant to the scope of the request.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He explained that he was dissatisfied with the length of time it had taken for the DWP to provide all of the information he had requested.
8. The Commissioner has considered whether the DWP complied with the statutory time for compliance in relation to this request.

Reasons for decision

9. Section 10 of FOIA states that, "... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."
10. In this case the original request was made on 20 January 2012. The DWP did not provide all information relevant to the scope of the request until 26 June 2012.
11. As the DWP did not provide all information relevant to the scope of the request within 20 working days it did not comply with section 10(1) FOIA in handling this request.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF