

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 July 2013

Public Authority: Department for Work and Pensions (DWP)

Address: 6-12 Tothill Street

London

SW1H 9NA

Decision (including any steps ordered)

1. The complainant has requested information about the increase in Medical Standard Times (MSTs). The DWP did not respond within the statutory time for compliance. Furthermore the complainant does not consider he was provided with all of the information he requested.
2. The Commissioner considers that all information held relevant to the scope of the request has been provided to the complainant by the DWP. The Commissioner therefore considers that the DWP has complied with section 1(1)(a) and (b) of the Freedom of Information Act 2000 (FOIA). The DWP has however breached section 10(1) FOIA in relation to this request as it did not provide a response to the complainant within 20 working days, furthermore it did not provide the complainant with all of the information it held within 20 working days.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 19 February 2012 the complainant made a request for the following information:

On 9/2/2011, Chris Grayling stated in a House of Commons written answer:

“Over the last six months, there has been extensive discussion, meetings and workshops between DWP and Atos Healthcare where the capacity pressures have been discussed. The introduction of changes

recommended by Professor Harrington resulted in an increase to the Medical Standard Time (MST), that is, the time taken on average to conduct a face to face medical assessment. The focus of discussions between DWP and Atos Healthcare has been on improving the new process and gradually reducing the impact of the Harrington changes with learning and development support, process efficiencies and a focus on recruitment and increasing productivity overall.”

For these commitments to be achieved a number of management controls will need to be in place that have been lacking from other parts of the WCA project:

1. The MST increased from what to what and on how many data elements is each average based?
2. The fact that Prof Harrington’s recommendations might increase the MST was obvious. What estimates were made of this increase prior to implementation of the changes?
3. What overall productivity measures are in place? What have they been historically, what are they now and what are your targets going forward?
4. What are the forecasted WCA volumes week by week for the next 6 months and who provides these forecasts?
5. How do the volumes of WCAs that were forecasted compare with actual volumes over the past 6 months? I would like to see how reliable forecasts have been.
5. The DWP responded on 29 June 2012. It provided the complainant with information in response to all parts of the request.
6. On 13 July 2012 the complainant wrote to the DWP to explain that he was dissatisfied with the way it had handled the request. The complainant explained that he was unhappy with the length of time it had taken the DWP to respond. He also explained that he did not consider that the DWP had provided him with the information he had requested at parts 1, 3 and 4 of the request.
7. The DWP sent the outcome of its internal review on 23 October 2012. It acknowledged that it had exceeded time limits in replying to the request. It provided the complainant with further information and explanation in response to parts 1, 3 and 4 of the request.
8. During the course of the Commissioner’s investigation the DWP indicated that it did hold some information relevant to part 1 of the

request which could be disclosed to the complainant. The DWP disclosed this information to the complainant during the course of the Commissioner's investigation.

Scope of the case

5. The complainant contacted the Commissioner on 1 November 2012 to make a complaint about the way the DWP handled his request.
6. The Commissioner has considered whether the DWP responded in accordance with the requirements of the FOIA in this case. In particular he has considered whether the DWP has provided all information it holds relevant to the scope of parts 1 and 3 of the request. He has also considered whether the information was provided within the statutory time for compliance.

Reasons for decision

7. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request". EMAS has stated that at the time of the request it did not hold any further information, other than that which was provided to the complainant.
8. In this case the complainant considers that the DWP did not respond fully in relation to parts 1 and 3 of his request.

Part 1

9. In response to this part of the request, the DWP did provide the complainant with this figure as at August 2012. It did not however provide the complainant with an earlier figure for the purposes of comparison.
10. During the course of the Commissioner's investigation, the DWP has explained that the average medical standard time (MST) is a productivity measure which can change daily, weekly, monthly depending on when it is measured. It provided the Commissioner with some information which gives details of the MST for February 2011, June 2011 and December 2011. It explained that the MST includes face to face time with the claimant and also report writing time. It said that this information is not provided as part of the normal monthly management information suite and only produced on request by the

DWP. It explained it is also only pertinent to that period of time. This information has now been provided to the complainant.

11. The Commissioner considers that the DWP has provided all of the information it holds relevant to part 1 of his request.

Part 3

12. The DWP confirmed that the information provided in its response dated 23 October 2012 is all of the information DWP holds in relation to this element of the request and has nothing further to provide.
13. Whilst the Commissioner acknowledges that the information provided was the 'overall' productivity measured by the number of WCA clearances linked to the contractual targets rather than the actual productivity, the information provided is the information which is held. Further interim productivity measures had been introduced since the initial response was issued and this information was provided to the complainant.
14. The complainant has not provided the Commissioner with evidence that any further information is held.
15. Based upon the submissions of the complainant and the DWP, the Commissioner is satisfied that on the balance of probabilities, the DWP has provided all information it holds relevant to this part of the request.

Section 10

16. Section 10 of FOIA states that, "Subject to subsections (2) and (3), 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."
17. In this case the complainant submitted his request on 18 February 2012 and the DWP did not respond until 29 June 2012. Some information relevant to part 1 of the request was only provided during the course of the Commissioner's investigation. As the DWP did not respond fully within 20 working days it breached section 10(1) FOIA in relation to its handling of this request.

Right of appeal

18. 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

19. 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.
20. 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
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