

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 February 2013

**Public Authority:** Department for Work & Pensions

**Address:** Caxton House, 4<sup>th</sup> Floor,  
6-12 Tothill Street  
London, SW1H 9NA

### Decision (including any steps ordered)

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1. The complainant has requested information relating to Atos monitoring the performance of individual Healthcare Professionals (HCPs).
2. The Commissioner's decision is that Department for Work & Pensions (DWP) breached section 10(1) of the FOIA by providing a response outside the statutory time limit of 20 working days. The Commissioner does not require the DWP to take any steps as a result of this notice.

### Request and response

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3. On 2 August 2012, the complainant wrote to the DWP and requested information in the following terms:

*"Recently Atos had confessed to monitoring the performance of individual HCPs performing WCAs against 'norms'.*

*a) What are these 'norms' and what information exists to confirm how they have been derived? Are the norms accumulated solely from HCPs initial recommendations or corrected to reflect errors subsequently reversed by DWP itself or as a result of a Tribunal appeal decision.*

*b) what information is available that demonstrates that Atos has comprehensively considered the potential causes of 'deviations' – for example, an HCP's mix of FFW recommendations might simply reflect the mix of conditions he/she has assessed, both of which were abnormal?*

*c) what levels of deviation are regarded as statistically significant and*

*worth pursuing?*

*d) Are HCPs routinely made aware of these norms and their employer's expectations?"*

4. The DWP acknowledged the request on 29 August 2012. Following intervention by the Commissioner the DWP responded on 21 December 2012.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 4 October 2012 to complain about the way his request for information had been handled.
6. The Commissioner considers the scope of this case to be to determine if the DWP has complied with section 10 of the FOIA.

### **Reasons for decision**

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7. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
8. In this case the DWP acknowledged receipt of the request but did not provide its response within the statutory timeframe. The Commissioner has therefore found that it breached section 10(1) of the FOIA.

## Right of appeal

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9. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

10. 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.
11. 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**