

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 11 February 2013

**Public Authority:** Department for Work and Pensions (DWP)

**Address:** Caxton House  
6-12 Tothill Street  
London  
SW1H 9NA

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about the DWP contract management process relating to its contract with Atos Healthcare to undertake the WCA. The DWP did not respond within the statutory time for compliance.
2. The DWP has breached section 10(1) of the Freedom of Information Act 2000 (FOIA) in relation to this request as it did not provide a response to the complainant within 20 working days.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 18 April 2012 the complainant made a request to the DWP for the following information:

"On 17th April in response to a parliamentary question regarding the contract with Atos Healthcare to undertake the WCA, Chris Grayling MP stated that "The DWP Contract Management process ensures regular review of performance and value for money considerations. This activity is undertaken across all our suppliers as a matter of course."

Can you please provide the information that:

1. Lists the individual parameters against which performance is judged?

2. For each, describes what is contractually acceptable/unacceptable and the consequences to Atos of each performance level they might attain?
  3. Demonstrates for each of the past 6 months Atos's overall composite performance and whether DWP has deemed it acceptable or unacceptable?
  4. Shows Atos's performance over the past 6 months against each individual parameter?
  5. Shows for each of the past 6 months the results and conclusions from review meetings held between DWP & Atos at any level?
  6. Explains the formula/methodology through which DWP establishes value for money."
5. The DWP responded on 10 September 2012. It provided responses to the complainant's requests. However as the complainant was dissatisfied with some of the responses provided, after further correspondence he asked to DWP to carry out an internal review on 9 November 2012.
  6. The DWP has not carried out an internal review.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 14 July 2012 to make a complaint as the DWP had not responded to his request for information.
8. The Commissioner has considered whether the DWP responded in accordance with the requirements of the FOIA in this case.

### **Reasons for decision**

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9. 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."
10. In this case the complainant submitted his request on 18 April 2012 and the DWP did not respond until 10 September 2012. It did not therefore respond within 20 working days. It breached section 10(1) FOIA in relation to its handling of this request.

## **Other matters**

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11. In this case the complainant asked for an internal review to be carried out on 9 November 2012. The DWP has not conducted an internal review. The Commissioner would expect an internal review to be carried out within 40 working days as a matter of good practice. In this case the DWP has failed to do this. The complainant can make a further complaint to the Commissioner should the DWP fail to respond to his request to an internal review.

## Right of appeal

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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](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)

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**