

# Freedom of Information request 1767/2013

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## Information request

*It is my understanding that Capita's Personal Independence Payments (PIP) division made a request to the Department of Work and Pensions (DWP) to be permitted to offer pip claimants recording of PIP assessments. I believe that the DWP refused this request.*

*Are PIP claimants permitted to record their own assessments? What are any DWP regulations around this?*

*If claimants are not allowed a recording what reassurance do claimants have that the assessment process will be carried out with integrity given the concerns about the Work Capability Assessment for ESA and existing problems with DLA assessments which have been criticised by the British Medical Association and other organisations?*

*If Capita have been refused permission to offer to record assessments can the reasons for this refusal, minutes of meetings, correspondence between Capita and DWP and any other information pertaining to this decision be released under the Freedom of Information Act?*

## DWP response

The Department has asked Personal Independence Payment (PIP) assessment providers not to offer audio recording of consultations or to provide recording equipment at present. We have not seen any evidence from other disability assessments that audio recording face-to-face consultations would improve the quality of assessments and there was only limited evidence of improvement in the customer experience for some individuals. The Department is currently evaluating the costs and benefits of the approach to audio recording of Work Capability Assessments. If there is evidence in support of a more proactive approach to audio recording DWP will review the arrangements for PIP.

As a result, we have asked Capita not to offer audio recording at this stage. We communicated this message in our response to the Disability Benefits Consortium's briefing on the provider pledges. You can find this on the GOV.UK website at

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/186849/consortium-report-dwp-response.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/186849/consortium-report-dwp-response.pdf).

Claimants may use their own equipment to record their face-to-face consultation, should they wish to, subject to any reasonable conditions the Department chooses to impose on such recordings. These reasonable conditions are:

- The claimant must inform the provider in advance that they wish to record their consultation. This is to allow the provider to ensure the HP scheduled to carry out the consultation is willing to be recorded. If the HP is unwilling to be recorded, an alternative appointment should be made with the HP who is willing.
- The claimant must be able to provide a complete and accurate copy of the recording to the HP at the end of the consultation. Acceptable formats for such recordings are restricted to CD and audio cassette only. Mobile phones and laptops are not suitable mediums for recording consultations.
- The claimant must sign a form in which they agree that they will provide a copy of the recording and not use the recording for unlawful purposes.

You asked for a copy of correspondence between DWP and Capita on this issue. I have enclosed a copy of our letter to Capita informing them of the Department's decision on their proposal to offer audio recording.

You asked for a copy of information pertaining to this decision. I am unable to provide you with this information as I believe that it falls within exemption 35 of the Freedom of Information Act. This exemption relates to the formulation of government policy. I consider that the exemption applies because it is intended to protect the space within which government can think and develop its policies without prejudice. I maintain that the information you seek falls into this category.

As required by the Act, I have also considered whether the balance of the public interest comes down in favour of not complying with your request. I consider that there is no overarching public interest argument in favour of releasing this information for the following reason:

The Act acknowledges that good government depends on good decision making and therefore needs space in which to formulate policies based on the best advice available with full consideration of all the options. Ministers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off other, better options.

We have been clear that we intend to look closely at the ESA experience before taking decisions on whether to include audio recording as part of the

PIP process in the longer-term. As we are awaiting the outcome of the evaluation of the ESA arrangements, no longer-term decisions on the arrangements for PIP have been taken. I therefore consider these documents remain related to the formulation of government policy.