



Department  
for Work &  
Pensions

DWP Central Freedom of  
Information Team  
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John Pring  
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[freedom-of-information-  
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

Our Ref: FOI2021/16780

31 March 2021

Dear John Pring,

Thank you for your Freedom of Information (Fol) request received on 26 February. You wrote:

“Please treat this as a request for information under the Freedom of Information Act.

In 2014 or 2015 the attached peer review completed by the department made it clear that DWP had an ongoing duty of care to claimants of incapacity benefit who were being reassessed for ESA.

It recommends a review of DWP’s “ongoing Duty of Care in relation to the identification and support of claimants required to participate in the IBR [incapacity benefit reassessment] Process, who as a result of a [redacted] may be vulnerable and have different or additional support needs.”

It continues: “When defined, the Duty of Care should be brought to the attention of all colleagues including those from Atos\* who are involved in the IBR Process...”

Please provide me with a copy of that review and also tell me:

- 1 When was the review completed?
- 2 What was the result of the review?
- 3 Ministers now say that DWP has no duty of care to any claimant. Please tell me when the position changed, and provided any recorded information that explains why and when it changed (I don't need all such recorded information, just one piece of relevant recorded information that explains the position).”

## **DWP Response**

The Internal Process Review made a recommendation to review the Department’s responsibilities which on further consideration was not progressed as the Department does not have a legal safeguarding duty to review, therefore can confirm that DWP does not hold the recorded information to respond to your request.

You may find the following explanation useful:

Whilst the Department does not have a statutory duty of care or safeguarding duty, we can help direct our customers to the most appropriate body to meet their needs.

The Department's key obligation is to ensure that customers receive the correct benefit entitlement at the right time. We often need to consider a customer's particular circumstances to provide the right service or ensure appropriate support.

DWP's legal obligation with regards to duty of care has not changed.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team  
Department for Work and Pensions

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### **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dw.gov.uk](mailto:freedom-of-information-request@dw.gov.uk) or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Website: [ICO Contact Information](#) or telephone 0303 123 1113.