

MEDICAL SERVICES

PROVIDED ON BEHALF OF THE DEPARTMENT FOR WORK AND PENSIONS

Training & Development

ESA Filework Guidelines

MED-ESAFWG~001

Version: 10 Final

14 July 2014

Medical Services

Foreword

This training has been produced as part of a training programme for Health Care Professionals (HCPs) approved by the Department for Work and Pensions Chief Medical Adviser to carry out benefit assessment work.

All HCPs undertaking assessments must be registered practitioners who in addition, have undergone training in disability assessment medicine and specific training in the relevant benefit areas. The training includes theory training in a classroom setting, supervised practical training, and a demonstration of understanding as assessed by quality audit.

This training must be read with the understanding that, as experienced practitioners, the HCPs will have detailed knowledge of the principles and practice of relevant diagnostic techniques; therefore, such information is not contained in this training module.

In addition, the training module is not a stand-alone document, and forms only a part of the training and written documentation that the HCP receives. As disability assessment is a practical occupation, much of the guidance also involves verbal information and coaching.

Thus, although the training module may be of interest to non-medical readers, it must be remembered that some of the information may not be readily understood without background medical knowledge and an awareness of the other training given to HCPs.

Office of the Chief Medical Adviser

July 2014

Document Control

Superseded documents

Version history

Version	Date	Comments
10 Final	14 July 2014	Signed off by HWD and CMMS
10b Draft	14 July 2014	Updated following external QA by HWD
10a Draft	19 May 2014	Schedule 28 Review by DL
9 Final	24 th May 2013	Signed off by HWD and CMMS

Changes since last version

General formatting

Amendment of text throughout for clarity

Reference to 'Livelink' updated to 'SharePoint'

Reference to 'WCA Handbook' amended to 'Revised WCA Handbook' for consistency

Reference to 2011 and 2012 amendment regulations updated throughout document to make it clear that 2008 regulations apply with subsequent amendments to these regulations

References to appendices updated throughout the document

Reference to 'Sensitive' cases updated to 'Special Customer Record' cases

Reference to 'practitioner' updated to 'HCP' where appropriate

Reference to 'Medical Services' updated to 'Atos Healthcare' where appropriate

Reference to DLA updated to include reference to PIP

1.1 - More information added to introduction on ESA legislation

1.2 - Brief mention of Universal Credit included

2.1 - Reference to 'inpatient' updated to 'hospital patient' and 'residential rehabilitation'

2.2 – Reference to 'sensitive cases' updated to 'Special Customer Record' cases with additional information on cases of miscarriage of justice included

2.3.1 – More explanation on the different types of FRR4 added

Medical Services

2.3.1 – Additional information added on UCB process

2.3.1 - Availability constraints and address added to bullet points

2.3.2 – Clarification on use of letters from consultants/specialists included within GP information added

2.5.3 – Information on OCP process updated

3 – TI process updated

4 – Further information added on cases which are referred as PBC

5.1 – Additional information added on LCWRA-only advice

6.1.1 – Additional information added on ‘accepting’ cases at scrutiny

6.1.3 – Additional information added in summary box for clarity

6.2 – Further information added to clarify process in cases where DM or Tribunal confirms Support group

6.3 – Additional information added on the need to document the evidence reviewed on the ESA85A

6.3.2 – Additional information added to evidence within ESA55

6.3.5 – Cases amended for more consistency with current guidelines

6.3.6 – Cases amended for more consistency with current guidelines

7.1 – Additional information added on the IB re-assessment process

7.3 - Additional information added on the need to document the evidence reviewed on the ESA85A

7.3.2 - Additional information added to evidence within ESA55

7.3.4 – Cases amended for more consistency with current guidelines

7.3.5 – Cases amended for more consistency with current guidelines

8.3 – Information on Income Related ESA claimants added to Work Program

9 – Additional reasons for appropriate justification given

10.1 -Additional information on appropriate use of Harmful information section added

Appendix H – IB/PCA exemption added

Medical Services

Appendix J - Glossary of terms updated

Appendix K – TI Referral Cover sheet added

Appendix L - DCS SMART TI Check Proforma added

Outstanding issues and omissions

Updates to Standards incorporated

03/2013, 04/2013, 08/2013, 10/2013, 19/2013, 26/2013, 01/2014, 7/2014

Issue control

Author: Medical Training and Development Team

Owner and approver: Clinical Director

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Date:

Distribution:

Contents

Document Control	3
Contents	6
1. Introduction	8
2. General Principles of ESA Filework	12
3. The Special Rules Check (TI check)	24
4. The Pre-Board Check	29
5. LCWRA-only Referrals	31
6. Re-referral Filework	34
7. IB Re-assessment Scrutiny	43
8. Prognosis	49
9. Justification	55
10. Miscellaneous	57
11. Medical Quality	66
Appendix A - ESA 2008 Regulations as amended in 2012 - Support Group Categories	67
Appendix B - ESA 2008 Regulations as amended in 2012 - LCW Descriptors	71
Appendix C - ESA 2008 Regulations as amended in 2011 - Support Group Categories	79
Appendix D - ESA 2008 Regulations as amended in 2011 - LCW Descriptors	82
Appendix E - ESA 2008 Regulations - Support Group Categories	88
Appendix F - ESA 2008 Regulations - LCW Descriptors	92
Appendix G - IB/PCA Descriptors	102
Appendix H - IB/PCA Exemption	106

Medical Services

Appendix I - Prognosis Matrix	108
Appendix J - Glossary of Terms	109
Appendix K - TI Referral Cover Sheet	113
Appendix L - DCS SMART TI Check Proforma	114
12. Observation Form	115

1. Introduction

1.1 Background to ESA

The Employment and Support Allowance (ESA) was introduced in 2008. It was designed to be an integrated contributory and income-related allowance replacing Incapacity Benefit and Income Support paid on the grounds of limited capacity for work. Initially, it was intended to apply to new claimants only. Eventually claimants on Incapacity Benefits started being reassessed under the ESA regulations. The national 'migration' from Incapacity Benefit to Employment and Support Allowance began on 4 April 2011 in Great Britain and is still ongoing.

A process of review of the ESA 2008 regulations was carried out over the years and these regulations were amended in 2011 and in 2012. The assessment became referred to as the Revised Work Capability Assessment (WCA) in 2011.

Following a review of the process by Professor Harrington, one of the recommendations made was that every Work Capability Assessment should contain a personalised summary of the assessment, written in plain English. This is known as the Personalised Summary Statement and applies to all reports completed after 6th June 2011.

During the process of review of the ESA 2008 regulations, some of the amendments were made to clarify the various terms used within the Statutory Instruments for legislation purposes, together with the conditions for entitlement to benefits, allowances, payments and sanctioning. However some of the amendments included changes to the wording of the descriptors and support group activities.

These guidelines refer to the current filework process according to the ESA 2008 Regulations and subsequent amendments to these regulations.

For reference, the Support Group criteria and functional descriptors of the ESA 2008 Regulations, together with the Support Group criteria and functional descriptors as amended in 2011 and 2012, as well as the IB descriptors and exemption criteria, are listed in the appendices at the end of this document. A glossary is provided at Appendix J listing some abbreviations used throughout this document or which may be encountered during ESA filework.

1.2 Universal Credit

From 29th April 2013 a new benefit, Universal Credit, was introduced. This is a new, single payment for people who are looking for work or on a low income. Its aim is to simplify the benefits system by bringing together a range of working-age benefits into a single payment.

Universal Credit (UC) was initially introduced in the form of a Pathfinder exercise in certain areas of north-west England, followed, from October 2013, by a managed progressive national rollout, to be complete by 2017. The plan is to make Universal

Medical Services

Credit available in each part of Great Britain during 2016. New claims to existing benefits, which Universal Credit is replacing, will then close down, with the vast majority of claimants moving onto Universal Credit during 2016 and 2017.

The policy and process around the filework and medical assessment is similar in UC and ESA. As in ESA, there will be TI, filework and face-to-face (WCA) elements. WCA may also be performed on individuals who are still at work in UC if they are claiming the Disability Component of UC. UC still considers Limited Capability for Work and Limited Capability for Work Related Activity; however the terms Support Group and Work-related Activity Group are not used in UC. Prognosis in UC is in terms of functional improvement rather than work.

1.3 Objectives

The specific objective for the ESA Filework Guidelines is:

- To ensure that HCPs adopt a nationally agreed framework for providing the ESA filework service, which is common to all business units.

Adherence to the ESA Filework Guidelines will ensure that medical advice is:

- Consistent
- Auditable
- In keeping with the policy requirement

1.4 Purpose of ESA Filework

The purpose of the ESA filework process is to identify those individuals for whom advice on limited capability for work and work-related activity can be provided without the need for a face-to-face assessment. There are five such categories where the evidence may suggest that the claimant:

1. Has severe functional restriction fulfilling the criteria for inclusion in the Support Group.
2. Meets the criteria for inclusion in the Support Group on other grounds that do not directly measure function (such as terminal illness).
3. Fulfils criteria for being treated as having limited capability for work ('Treat as LCW' categories); and where adequate evidence is available to advise on limited capability for work related activity (LCWRA).
4. Continues to meet the threshold of limited capability for work (LCW) where they have previously been identified as having LCW at a medical assessment.
5. Fulfils the criteria for LCW and/or LCWRA where they were previously accepted or exempt as unfit for work under the Incapacity Benefit/Personal Capability Assessment (PCA) regulations, and where the evidence suggests that they are likely to reach the threshold of LCW/LCWRA under the ESA regulations.

Medical Services

These guidelines were written to support existing and new Healthcare Professionals (HCPs) in their training and when carrying out ESA filework. They are not intended to provide HCPs with a comprehensive overview of ESA.

Before HCPs can provide filework advice to the Decision Maker (DM), they must be approved in ESA assessments and must have successfully completed the filework training course.

HCPs undertaking filework will be expected to be familiar with the content of the Revised WCA Handbook to understand the ethos, structure and fundamental principles of ESA. Therefore, throughout this document, references will be made to guidance in the Revised WCA Handbook. The document will also refer to Atos Healthcare 'SharePoint' for accessing the most up to date copies of various forms that may be referred to in this guidance. HCPs are also expected to be familiar with the EBM Protocols and should provide advice in keeping with these guidelines. All HCPs providing ESA filework advice will have access to the Revised WCA Handbook, the LiMA ESA Filework Technical Guide, the EBM Protocols and the LiMA Repository; and should refer to them as required.

1.5 Categories of ESA Filework

This document will provide guidance on the various categories of filework. These are:

- **The Terminal Illness (TI) or Special Rules (SR) check**

For the remainder of this document this process will be referred to as the 'TI check' to avoid confusion. This process requires urgent attention and rapid progression of the claim as **the main purpose of this stage of filework is to identify those with a terminal illness**. Further details of this process can be found in the TI check section of this document.

- **The Pre-Board Check (PBC)**

This process **aims to identify those with the most serious problems and who satisfy criteria for consideration of the Support Group**. Some other outcomes are possible at this stage and will be considered in the Pre-board Check section of this document.

- **LCWRA-only advice referrals**

This process relates to circumstances where the DM has already accepted that the claimant can be treated as having limited capability for work due to specific circumstances detailed in the regulations. **The DM will require advice at this stage about whether or not the claimant meets criteria for the Support Group**. Further detail of this process can be found in the section LCWRA-Only Referrals.

Medical Services

- **Re-referral scrutiny**

This process relates to claimants who have previously had a face-to-face assessment for ESA. There are a number of different outcomes possible at re-referral scrutiny and these will be considered in the Re-referral Scrutiny section of this document.

- **IB re-assessment scrutiny**

This process relates to claimants who have previously been assessed under the Incapacity Benefit Regulations. From April 2011, assessment under the ESA regulations commenced for claimants previously on Incapacity Benefit. Further detail of this process can be found in the section IB Re-assessment Scrutiny.

2. General Principles of ESA Filework

2.1 General Considerations

As part of the Welfare Reform Act 2007, the Department for Work and Pensions (DWP) introduced the Employment and Support Allowance (ESA).

The intention of ESA is to identify individuals who have:

- Limited Capability for Work (LCW)

Individuals with LCW have a level of disability, defined in the legislation, at which it is unreasonable to require them to work. This may be due to functional restriction or by meeting certain specific criteria, for example undergoing treatment as a hospital patient in a medical facility or in residential rehabilitation for drug/alcohol use. Further guidance on criteria for 'Treat as LCW' and the functional criteria for LCW can be found in the Revised WCA Handbook.

- Limited Capability for Work Related Activity (LCWRA)

Individuals with LCWRA have a severe level of disability such that it would be unreasonable to require them to work or participate in activities such as training or rehabilitation to help them return to the workplace. Those individuals who have LCWRA are considered to be in the Support Group. This may be due to severe functional restriction or by meeting certain specific criteria such as undergoing chemotherapy or having a terminal illness. Further guidance on criteria for the Support Group can be found in the Revised WCA Handbook.

The assessment of capability for work and ability to undertake work-related activity (LCW/LCWRA status) will be determined by the Jobcentre Plus (JCP) Decision Maker (DM). The DM will consider all the available evidence. In some circumstances, the DM may be able to determine that the claimant can be treated as having LCW where specific criteria apply. However, in most cases, the DM will refer the case to Atos Healthcare (AH) for advice on whether the claimant fulfils the criteria for LCW and LCWRA.

LCW and LCWRA status may be established through advice given at the initial filework stage without the need for a face-to-face medical assessment; however, in the majority of cases, a face-to-face LCW/LCWRA assessment will be required to assess functional ability and limitations in areas of physical, mental, cognitive and intellectual function. The DM will review advice provided by Atos Healthcare before determining benefit entitlement.

Although most claimants will be seen for an initial referral, there are some whose level of disability is so severe that it would not be appropriate to require them to attend for an assessment. It is usually possible for the HCP to recommend application of the Support Group at the filework stage in such cases.

Medical Services

In re-referral cases, either ESA or IB re-assessment, not all claimants will need a further assessment. If there is evidence that the claimant continues to meet the LCW or LCWRA criteria, it may be possible to provide advice to the DM, without the need for a face-to-face assessment.

The intention of WCA is that the initial assessment process is carried out between weeks 8 and 12 after the first date of claim.

In each type of filework, there are different possible outcomes. Each type of filework and the advice that can be given will be considered in detail in the appropriate sections of this document.

2.2 Overview

The majority of ESA filework is accessed, completed and advice submitted to the DM electronically via the Medical Services Referral System (MSRS), an automated case management and workflow system. The advice is completed on form ESA85A through the LiMA application and submitted electronically to the DM.

The only exception to this is certain highly sensitive cases, for example, Members of Parliament, gender reassignment, VIPs, members of the Royal household or people in witness protection. These referrals are now marked as 'Special Customer Record' and are handled clerically.

Cases of 'Miscarriage of Justice' are also handled clerically as 'Special customer records'. These are individuals who claim ESA for mental health problems following a miscarriage of justice, where the Court of Appeal overturns a conviction. These cases will need to be discussed with a Mental Function Champion prior to completion of the advice to the DM.

In each type of filework advice, the HCP will have to consider the information and evidence available to them, determine whether further evidence is required and then provide and justify their advice to the DM.

In each case, the advice provided must be objective and impartial, in keeping with the consensus of medical opinion and on the balance of probability.

2.3 Sources of Evidence/Information

The HCP, when providing advice, must consider all the evidence available. This may be found in:

- The MSRS application
- The ESA55 jacket

2.3.1 MSRS Information

Within the MSRS application, all the evidence must be considered in order to provide an opinion. Some examples of evidence that may be available include:

Medical Services

- **Claimant's Age:** This may impact upon the likely level of disability caused by their medical problem.
- **Appointee Status:** It is important to check whether the claimant has an appointee as this may impact on the requirement to obtain further medical evidence. This may be extremely important in mental function problems suggesting that the claimant has a significant level of impairment.
- **Cause of Incapacity:** This may be listed as **MED3** or **FRR4**. Information noted on MSRS as MED 3 is usually information provided directly from the MED3 as completed by the claimant's GP.
FRR4 details are used to document any communication, usually through a phone call, with the claimant, GP or any health professional involved in the claimant's care. This information is usually documented electronically on MSRS, although clerical forms are also available. FRR4s can be documented by a DWP user (these will never be blue or underlined) or by an AH HCP (these will always be coloured blue and underlined and may be viewed as a hyperlink).
Further detail may be obtained by referring to the technical guide available on SharePoint.
- **Previous ESA85As and IB85As:** These may provide useful information from previous referrals. In IB re-assessment, IB85As may provide information of relevance when considering whether the person may meet the threshold of the WCA.
- **Previous ESA85s:** If the case has been referred for re-referral scrutiny, previous ESA85 reports should be available for review. At each referral the HCP must ensure that the information is still current and relevant. A thorough and well-justified ESA85 report will often provide the best source of evidence for the filework HCP; but care must be taken to check for consistency within the report. The ESA85 may have been completed under the 2008 or subsequent amendments to these regulations and care must be taken to consider the application of this report in the context of the current ESA regulations and amendments.

An ESA85 may also be available where the claimant was assessed and found to be in the Support Group. These cases will be referred back to Atos Healthcare for PBC. Although the ESA85 may not be fully completed, there may still be valuable information in the report.

All available evidence needs to be reviewed during the filework process and documented within the ESA85A report. For any previous reports which have been reviewed, the relevant dates, such as the year when these reports were completed, also have to be documented on the ESA85A.

- **Previous IB85s:** A person may previously have been assessed under the IB regulations and then referred under the ESA regulations. Although the descriptors are very different in IB, the report may still contain evidence that suggests the claimant may meet criteria to be considered as LCW/LCWRA in the context of the WCA. (See Appendices G and H for IB/PCA descriptors and exemption criteria).

Medical Services

Once again, all available evidence needs to be reviewed during the filework process and documented within the ESA85A report. This includes the relevant dates when these reports were completed.

- **UCB Status:** Unacceptable Claimant Behaviour (UCB) is still marked as PV on MSRS. Careful consideration should be given to the reason for UCB status. If this is due to the medical condition, it should be taken into consideration in evaluating the evidence and giving advice. The safety of colleagues also needs to be considered. The DWP should refer any claimant who is indicated as being PV/UCB, with a case file which contains the required UCB paperwork inside the ESA55. All the UCB documentation must be viewed before calling for assessment (MEC or DV). If the UCB documentation is not available on MSRS, the file must be returned to the administration section to obtain a full account of the reasons for the UCB status.
- **Availability constraints:** This may contain useful information about wheelchair use, hospitalisation or reasons for a DV request
- **Address:** This may refer to a care home or hospital address

2.3.2 Evidence and Information contained in the ESA55 Jacket

The amount of information in the ESA55 will vary in each case.

If a case has been referred clerically, for example a 'Special Customer Record' case, there will be no MSRS record and all documents will be held clerically in the ESA55.

For each case, all information within the ESA55 must be considered and evaluated. The information could include:

- **ESA50 or ESA50A information:** The ESA50 or ESA50A (where the referral is LCWRA-only) is the claimant's form, and provides them with the opportunity to provide details about their medical conditions, functional problems and abilities. An ESA50 or ESA50A may not always be present since claimants with mental function problems are not compelled to complete either form. Where completed, the information must be carefully considered. Within the ESA50 or ESA50A you may find copies of hospital letters, repeat prescription sheets, details of whether or not the claimant is in receipt of Disability Living Allowance (DLA) or Personal Independence Payment (PIP), etc. All this information must be considered.
- **Further Medical Evidence (FME):** This may have been requested during the current referral when another HCP felt FME was essential in order to provide advice on the case. In most cases, this will be a 113 form sent to the GP, or form FRR3 sent to any other health professional. In some cases, where specific information is being sought, form FRR2 may have been sent out to a health professional involved in the claimant's care. These forms can be found on SharePoint.

Medical Services

From time to time health professionals involved in the claimant's care may submit letters containing information about the claimant. Sometimes GPs may forward letters from consultants/specialists with a 113/ FRR2/GP medical record printout. The Health and Well-being Directorate (HWD) have discussed this with the Standards and Ethics section of the General Medical Council (GMC). The GMC have confirmed that GPs can forward hospital letters etc without the consent of the author because they form part of the claimant medical record and the DWP/Atos hold consent for release from the claimant.

- **Telephone Contact Report:** Form FRR4 is used to document details of communications with the claimant, GP or any other health professional involved in the claimant's care. In most cases, the electronic version of this form will be used, but clerical forms should be used in Special Customer Record cases; or, on occasion, may be available from a previous referral.
- **Documentation from JCP:** Sometimes, JCP includes in the ESA55 information relevant to a case. This could be where a claimant has failed to attend an allocated appointment. Often this will be due to administrative issues, such as the appointment letter arriving late or the claimant having problems with mail delivery; however, at times the claimant will have provided detail that they were unwell or admitted to hospital at the time of the appointment. You should consider whether it may indicate a serious problem or deterioration of the claimant's condition, whence FME may be appropriate.

In non-sensitive cases, where clerical information is used to provide advice, it is essential to record the key points of this evidence in any electronic justification. This ensures that the salient facts are available for future reference. For example, details such as type of treatment, length of any planned therapy and prominent clinical signs.

2.4 Analysis of the Evidence

When undertaking filework, you must be able to evaluate evidence and weigh up the different types of evidence available to you. There may well be conflicting pieces of evidence on file and your role, as the filework HCP, is to consider each piece of evidence carefully and provide advice based on the strongest evidence.

When scrutinising filework cases, there are five fundamental areas of documentary evidence where the HCP has to apply evaluation skills. These are:

- **Medical Knowledge:** This is what is learnt through training and experience (the consensus of medical opinion). It is important to recognise that there are limitations to the extent of the usefulness of this element in the evaluation process. It provides a reliable indicator to the HCP about the level of disability that might reasonably be expected. Its usefulness may be limited because it provides generalised broad-brush advice, which is not directly relevant to an individual. The HCP's advice must always be based on the evidence available and with background knowledge of the medical conditions claimed. HCPs must provide advice which is evidence-based and in keeping with the consensus of medical opinion. HCPs should refer to the EBM Protocols and the LiMA Repository for further guidance.

Medical Services

- **Independent Medical Evidence (IME):** This is information that has been provided by a health professional involved in the claimant's medical care such as the claimant's GP or a member of the community mental health team. They can be seen to be independent because they are not representing only the claimant's perspective. Primarily, the information will be factual; it may be derived from the Med 3, 113 or even the claimant's questionnaire. IME may also be taken from a previous, well-completed and justified ESA85.
- **Independent Medical Opinion (IMO):** On occasions, within IME, an opinion may be offered, e.g. "unable to work". The value of such opinions needs to be considered in the context in which they are given and may on occasion be overridden by the HCP. However, it may include useful information about function. IMO may arise from a variety of sources, usually a health professional who is involved in the management of the claimant's medical condition(s). It can assist the HCP in formulating a more holistic view about the claimant's medical conditions, their interaction, how they respond to treatment and their effect on the individual's function not only from a medical model, but also from a psychosocial aspect.
- **Verifiable Medical Information (VMI):** This comes from a non-medical source, e.g. the claimant or their representative. It includes details of symptoms, medication, hospital attendance, etc. For example, they may indicate a BMI of 36 or may list their daily peak flows. Normally, the information does not directly describe functional loss; but, on occasion, it may do. For example, a claimant may state, "I had a treadmill test for angina and only managed on the machine for 6 minutes". It may not and does not have to be confirmed; but could be verified if IME is requested. For VMI to be used effectively it has to be both internally consistent within itself and with the IME and IMO on file. It is important to note that "consistent" does not mean "supported by". If the information is consistent, there is no need to doubt or exclude it. Frequently, the Med 3 diagnosis on MSRS will be the only IME available, and may not be strong enough to stand-alone. However, it may indicate the presence of a condition in which there is a possible range of disability from mild to severe. Where all the parts of the evidence are consistent, the HCP may accept the stated disability without further evidence even in a first referral. Further medical evidence, such as a 113, is then not essential. Medical Information and Claimant Provided Opinion will often be present in an ESA50; both types of evidence should be considered when formulating an opinion on likely level of function.
- **Claimant Provided Opinion (CPO):** This refers to reported symptoms and functional loss. It is usually derived from documentation provided by the claimant. It may include opinion from a relative or carer who is representing the claimant. Therefore, this evidence is not independent.

The claimant may have understated or overstated their problems. However, CPO still forms an important part of the overall evidence that requires evaluation in the disability analysis process. With CPO, additional VMI may be provided. For example, a claimant may have detailed in the ESA50 that they cannot walk more than about 5 metres without getting breathless and that they are breathless even on washing and dressing.

Medical Services

This would be CPO. The claimant may indicate that they are on home nebulisers four times daily for COPD; require home oxygen; they have wheelchair provided by their respiratory consultant; hoists and bathing aids have been installed in their home; and they have been provided with a carer by social services to help with daily tasks. This is verifiable medical fact that could be potentially consistent with the CPO. The Med 3 information may indicate “severe COPD – oxygen dependent”. This IME would be reasonably consistent with the VMI and CPO and a high level of disability could be accepted.

Where the situation is unclear, the HCP must consider obtaining FME in order to give robust advice from a position of strength. Medical evidence, including that from the claimant's own GP or other health professionals, can be very useful in forming a decision not to call the claimant for assessment. The best medical evidence in a re-referral case will normally be a good ESA85 report completed at a previous referral. Where there is a previous LiMA report, you can access this through MSRS.

Sometimes the ESA50 will indicate that DLA or PIP is in payment. This information should not be considered to be sufficient to accept incapacity. The ESA HCP does not have the opportunity to evaluate the evidence used to make the decision. The HCP should use it rather as an indicator of possible severity; for example, it may prompt a request for FME rather than calling for a face-to-face assessment.

Rarely the ESA50 may contain information that has not been revealed to or reported by the GP. The HCP must weigh each item of evidence, given the circumstances of the case under consideration, in order to provide advice in accordance with the guidelines.

2.5 Deferring for FME in ESA Filework

Atos Healthcare HCPs are best placed to determine when it is appropriate to request fresh medical evidence from the claimant's GP or other health professional. HCPs must be aware of the issue of consent when requesting FME.

2.5.1 Consent for Further Medical Evidence in ESA

Claims for ESA are made over the telephone. As part of the claims process, a declaration is read to the claimant. They must agree this declaration before the claim is accepted. An audio recording is made of this verbal consent. This will be retained by the DWP as a documentary record of consent for the life of the claim.

As verbal consent will be held in every case, FME can be requested whether or not an ESA declaration has been signed on the ESA50/ESA50A.

FME gathered by telephone

In urgent cases, for example terminally illness cases, the HCP may well need to phone the GP or other health professional to obtain evidence. From time to time, you will be asked to provide evidence that consent is held. If such a request is made, the HCP should undertake to fax this evidence of consent.

Medical Services

Request details of a fax number and then complete form ESA C (available on, and should be accessed from SharePoint) and fax this with a cover sheet.

Once this has been faxed, the HCP should call the healthcare provider again. If the healthcare provider remains unwilling to divulge clinical details, then an ESA113 should be despatched via MSRS. The HCP should ensure that any fax sent with claimant details is in accordance with the current Atos Healthcare security policies.

You should use the same process where an ESA113 has been issued, but the external health professional calls you to request evidence of consent.

Consent requested by written correspondence

When a request for consent is received by post, the administrator or HCP should access MSRS to establish the status of the referral.

If the referral has progressed to 'workstack' or beyond, then the request should be disposed of in the confidential waste and no further action taken.

If the referral is awaiting the return of the ESA113, then the request should be passed to an admin team leader. The team leader should contact the healthcare provider and explain that they have received the request and that they will fax the above consent letter along with a further manual ESA113. The team leader will request that, since significant time has already passed, the completed ESA113 is faxed back as soon as possible.

Once the return fax is received, the process continues as normal for receipt of an ESA113. If a return fax is not received or is not completed, the process continues as normal for a non-return of an ESA113.

2.5.2 Requests for FME

FME should be obtained in those cases where there is a strong probability that such evidence will confirm a level of claimed disability where Support Group criteria may be established or 'Treat as LCW' may be confirmed. In re-referral cases, FME may confirm whether or not there has been improvement in the condition resulting in ongoing functional restriction; or may confirm further deterioration such that Support Group advice may be applicable. Where, in the filework HCP's judgement, there is a clear possibility that a face-to-face assessment may be avoided they should make reasonable attempts to seek further evidence. FME should not be requested simply to confirm that an assessment is required. In all cases, the reason for adjourning for FME must to be clearly documented.

In certain cases, where evidence in addition to the certified diagnosis is not available, it may be appropriate to try to obtain it, for example by:

- Making a further attempt to obtain evidence from the GP by phone
- Requesting the completion of an ESA113 report
- Requesting a factual report from the GP, specialist or other health professional
- Contacting the claimant by telephone for further information

Medical Services

If information from the GP is needed, usually an ESA113 will be sent. However, there may be occasions when a specific issue needs to be addressed and form FRR2 is more appropriate (e.g., when information about the frequency of epileptic fits is required).

FME should always be requested before calling for assessment a claimant who is noted to have an appointee.

Where there is evidence of a previous suicide attempt, suicidal ideation or self-harm expressed in the ESA50/ESA50A, the HCP must request FME.

When you request FME, at the time of initiating the FME request you need to determine whether:

- The case requires further review if FME is not returned
- The case requires face-to-face assessment if FME is not returned

Where FME is not returned, only those cases where review is indicated will be submitted for further review. The remaining cases will automatically be submitted for face-to-face assessment.

At the time of calling for FME, if face-to-face assessment on non-return is selected, you must also indicate the practitioner type and whether a domiciliary visit (DV) is required. (See Section 10.3 for information on DVs)

When FME is returned, the case will always be reviewed with this further information.

2.5.3 Late Receipt of FME and Off Critical Path (OCP) Action

Where FME was received after a claimant has been summoned to an assessment but before the assessment is carried out, an administrator will pass the unlinked FME to an HCP. In such cases the workflow hyperlink 'OCP Scrutiny', 'OCP Pre-Board Check' or 'OCP LCWRA Filework' will be visible in MSRS. Clicking on these will open integrated LiMA enabling you to record a further filework outcome on the referral:

- Where you are able to give an outcome, depending on the type of case, of: Terminally Ill, In Support Group, Accept, 'Treat as LCW', Not Terminally Ill, or Not Support Group/Terminally Ill, that outcome should be recorded on LiMA.
- Where the evidence now indicates that the claimant should be granted a DV, you must record an outcome of 'Call to Exam by DV'. This will automatically cancel the MEC appointment process and initiate the DV process.
- Where it is clear from the evidence that there need be no change to the current outcome, then you must record an outcome of call to exam. However if there is a change to the practitioner type, then the file should be returned to the administrator separately.

Medical Services

- Where you believe there is a likelihood that you would be able to close the referral (e.g. Accept), but would need the case file in order to do that, no outcome should be recorded in LiMA. Instead, you should ask the administrator to retrieve the case file.

2.5.4 Questionnaire received while awaiting receipt of FME

If a questionnaire is received while awaiting receipt of FME, administration staff will record receipt of the questionnaire. This will progress the referral to OCP Scrutiny or OCP Pre-Board Check.

When carrying out filework in such circumstances and you feel that FME would still be useful, you should record an outcome of call for assessment. The time taken for the referral to progress out of the Stockpile Management System will allow for the original FME to be received, which will then be linked to the Case File and returned to a HCP for OCP FME Scrutiny or OCP Pre-Board Check.

The exception to this is LCWRA advice referrals. In this instance you should invoke LiMA, calling the case for FME – selecting 'Other' FME. This will leave the case at FME Dispatch. The referral should be passed back to administration informing them FME is still required. Administration will then await the remaining time for the FME to be received and return the file to the HCP if the FME is returned, or when the questionnaire return date has expired.

2.5.5 Potential Review Criteria

Each case must be considered on its individual merits. However, in deciding the appropriate course of action, you may wish to consider the following points:

- Where a claimant is likely to have a terminal illness, a phone call to the GP will almost always be the most appropriate method of obtaining further evidence in the first instance, however, if an ESA113 is sent and not returned, the case should be reviewed further.
- Where a claimant reports that they are undergoing chemotherapy/radiotherapy then the case will benefit from further review.
- Where a claimant is likely to be so distressed by being called for an assessment or have such a high level of disability that a face-to-face assessment will only be considered when all evidence gathering has failed, the case should be reviewed further. In particular, consider those claimants with major mental health conditions such as psychotic illnesses and claimants who, for example, are oxygen dependant, or quadriplegic etc.

This list is not intended to be exhaustive and, as indicated above, you should consider each case on its own individual merits.

If there was no response, or an inadequate response, to an ESA113 request despatched previously, a second written request from the scrutiny desk is unlikely to meet with success and should not be made.

Medical Services

If FME from the GP is considered essential in a case of this type, you should make a telephone call to the GP. Any record of a telephone conversation with the GP or any other health professional involved in the claimant's care should be made on form FRR4.

This is usually recorded electronically on MSRS except in Special Customer Record cases where recording is done on the clerical form.

Examples of cases where it may be appropriate to seek further evidence (when there is insufficient evidence on file) as an alternative to calling the claimant for an assessment:

- A first referral where, in the filework HCP's clinical judgement, there may be a severe medical condition or disability present suggesting inclusion in the Support Group
- Where in a re-referral or IB re-assessment case there appears to be a level of functional disability that would meet the LCW or LCWRA criteria

Filework HCPs may use their professional judgement to decide when to contact the claimant by telephone for further information, but the following examples may be helpful:

- The claimant appears to be undergoing regular treatment but details and current status are not given.
- The claimant has fits but details of frequency and nature are not given (in re-referral and IB re-assessment cases).
- Contact details of an external health professional who may be able to supply a report, are not given on the ESA50.

Evidence may be obtained from a health professional by using form FRR3 or by a telephone call to the claimant using form FRR4. For example, where there is evidence of a significant and enduring mental health condition and the claimant reports frequent contact with the community mental health team, the CPN may well be the person best placed to provide information about the claimant's current condition.

If the HCP decides that that an approach to a health professional is the appropriate course of action, they should request that form FRR3 is dispatched. The HCP must complete the details of the claimant and the health professional, and include all the relevant questions.

If the HCP considers that an approach to the claimant is the appropriate course of action, they may telephone the claimant or ask an administrator to make the call.

In either event, form FRR4 must be completed to provide the claimant's details and the nature of the information required from the claimant. When making the telephone call it is essential that the HCP or the administrator establish the identity of the person to whom they are talking at the outset.

The following script or something very similar must be used:

Medical Services

“I’m Dr/HCP (name) from Atos Healthcare, and I would like to speak to Mr Y”. No further details should be given until the claimant has been positively identified.

Further evidence of identity should be sought (e.g. date of birth or NINO) to make a positive identification. If you are uncertain that the person speaking is the claimant, you should terminate the call and note this on the form. If the claimant is unavailable, arrangements should be made to call back.

If this is not possible, note this on the form. You will then have to reconsider the file to decide on an appropriate alternative course of action.

Having established the identity of the claimant, you need to explain why the telephone call is being made. The following form of words should be used, dependent upon whether it is the filework HCP or administrative staff making the call:

“I am one of the doctors/HCPs providing medical advice to the Department for Work and Pensions” or “I have been asked by one of the doctors/HCPs who advises the Department for Work and Pensions to obtain further information”

The following form of words is then used: “You have recently completed an ESA50 questionnaire for the Department for Work and Pensions Decision Maker. I wonder if I could ask you some additional questions about your health problems, so that we can decide whether it is necessary to examine you?”

If the claimant agrees, the questions identified by the filework HCP in the form are asked and the answers are recorded, using the claimant’s own words as precisely as possible. The person phoning should always ask if there is anything else that the claimant wishes to say before concluding the call. The person making the call should conclude by reading back what has been documented. The filework HCP /administrative colleague should advise the claimant that this information will be added as evidence to the file.

If the claimant does not agree to talk on the telephone, the call is terminated and the form completed. If a member of the administrative staff has made the call, the form should be returned to the filework HCP forthwith.

Under no circumstances should any likely outcome of the claim be indicated. Similarly, no indication should be given as to whether the claimant will or will not be asked to attend for assessment. In all cases, the form must be signed and dated by the person who made the call.

3. The Special Rules Check (TI check)

When a claimant applies for ESA, they may state that they are terminally ill. In such cases, the DWP will generate a TI referral.

The definition of terminal illness in legislation is:

“That he/she is suffering from a progressive disease and his/her death in consequence of that disease can reasonably be expected within 6 months.”

When a claimant is considered to be potentially terminally ill, a referral will be sent to Atos Healthcare for advice.

These referrals must be treated with great urgency.

The referrals are accessed using MSRS. The HCP will access the case and follow a process, which has been agreed by the DWP. The advice provided to the DM is generated using the LiMA application.

The advice given must be current and in keeping with the balance of medical probability with regard to prognosis in the diagnosed condition.

Some TI checks will be submitted with a faxed DS1500, which will be passed to the Customer Service Desk (CSD) HCP within an ESA55. In that circumstance, the HCP should consider the TI question based on that evidence. The DS1500 form is used in Personal Independence Payment (PIP), Disability Living Allowance (DLA) and Attendance Allowance (AA) to consider applicants for PIP/DLA/AA under the Special Rules for the terminally ill. As in ESA, the definition of terminal illness is that life expectancy is likely to be less than 6 months. The DS1500 is completed by a health professional involved in the claimant's care. The DS1500 allows the HCP to record medical details of the diagnosis, date of diagnosis, treatment and general condition of the patient.

At times, the detail in the DS1500 may not be adequate to confirm TI and a phone call should then be made to the author of the DS1500 for further clarification. The record of the telephone conversation should be recorded on form FRR4.

Balance of medical probability should be used when advising on TI cases. The definition states that death “can reasonably be expected...”. Consideration should be given for claimants with non-cancer terminal illnesses such as rapidly progressive forms of Motor Neurone Disease and End stage Heart Failure, as well as those with advanced cancer.

The TI process has been updated since Personal Independence Payment (PIP) was introduced across the UK in June 2013 to replace Disability Living Allowance (DLA) for new working-age claimants.

PIP is administered using a separate, stand-alone referral system and on separate sites to ESA and DLA. Details of any PIP Special Rules claim will not be held on

Medical Services

SMART or MSRS, nor will they be accessible to non-PIP Atos staff. SMART is an IT system used by administration staff. It has a variety of functions including recording data relating to Disability Living Allowance and Attendance Allowance claims.

Therefore DWP staff, when raising an ESA TI referral, have to ring the PIP Helpline to check whether a PIP Special Rules claim has been made and, if so, what the outcome was. They will then send this information on a proforma to Atos by fax, where it will be passed on to the ESA filework HCP to provide further information to assist in offering advice.

All TI referrals will be supported by a fax. The fax will consist of the TI Referral Cover Sheet (Appendix K) and any supporting medical evidence that may have been sent such as a DS1500.

The TI Referral Cover Sheet will indicate whether DLA or PIP has been claimed and awarded.

For PIP, the TI Referral Cover Sheet will indicate whether PIP has been awarded under 'Special Rules' or not.

If PIP has not been awarded but DLA has, a DCS (Disability Carers Service) SR (Special Rules) check has to be carried out through SMART. This SMART check is done by the admin team and the DCS SMART SR check proforma (Appendix L) is completed and passed to the Filework HCP.

If a DS1500 is available which confirms TI, or the claim has been accepted under PIP/DLA/AA SR within the last 6 months, the HCP can consider the claimant as TI for the purposes of ESA. This outcome should be documented on the ESA85A electronically and sent to the Decision Maker. There is no requirement to provide advice on prognosis in TI referrals.

If no DS1500 is available or no recent SR claim or PIP/DLA/AA SR outcome is negative, a phone call must be made to the relevant healthcare professional involved in claimant's care and the information recorded on the FRR4. In cases where the healthcare professional is unwilling to discuss by phone, a "consent letter" should be faxed (ESA C found on SharePoint), along with an appropriately phrased request for information. It should be noted that a claimant who is terminally ill (as defined) would be entitled to the higher rate of benefit while still in the 13-week assessment phase. **Therefore, a phone call should be the preferred option to enable prompt establishment of information regarding their medical condition.**

The HCP will review the evidence obtained and provide advice on the body of evidence, indicating whether it is likely that the claimant is suffering a terminal illness as defined in the legislation.

Advice regarding TI status is provided through the LiMA application. The advice must be justified in every case, with reference to sources of evidence considered. If the claimant is considered to be terminally ill (as defined), the HCP will submit the advice to the DM electronically on form ESA85A. If the advice is accepted, the claimant will be placed in the Support Group and there will be no requirement for the claimant to complete form ESA50, to be assessed or to participate in work-related activity.

Medical Services

If the claimant is not considered to be suffering from a terminal illness, the HCP must consider whether or not there is evidence at this stage that they satisfy one of the other Support Group criteria. For example, the GP may confirm that the claimant has breast cancer, with no evidence of metastatic disease, has had surgery and has now commenced chemotherapy. In this case, terminal illness could not be advised; however, the claimant fulfils the criteria for inclusion in the Support Group on grounds of receiving chemotherapy.

For the special circumstances categories of Support Group inclusion, i.e. TI, pregnancy risk, cancer treatment and specific risk, it is accepted that LCW will also be satisfied. However, for those in the severe functional Support Group categories, you must also justify why they meet criteria for LCW.

HCPs should refer to the Revised WCA Handbook for guidance on the Support Group Criteria – both Functional categories and Special Circumstances. All filework advice must be in keeping with the guidance in the handbook.

In some circumstances, 'Treat as LCW' may be confirmed at this stage. For example, the GP may confirm: "Long history of drug misuse. Currently in a residential detox unit. Due for discharge in 3 months". In this case 'Treat as LCW' advice could be given. If you indicate 'Treat as LCW' at this stage, MSRS will issue form ESA50A to the claimant. On receipt of this, the case will be further reviewed to give advice on LCWRA.

HCPs should refer to the Revised WCA Handbook for guidance on the categories defined in legislation where claimants may be treated as having LCW. All advice must be compliant with the guidance contained in the handbook.

If there is no evidence of Support Group or 'Treat as LCW' being applicable, the case will be processed in the normal manner, i.e. Form ESA50 will be issued and the case will move to Pre-Board Check.

This process may be summarised as follows:

- Referral for TI check received
- All TI referrals will be supported by a fax. The fax will consist of the TI Referral Cover Sheet and any supporting medical evidence that may have been sent such as a DS1500
- The TI Referral Cover Sheet will indicate whether DLA or PIP has been claimed and awarded
- For PIP, the TI Referral Cover Sheet will indicate whether PIP has been awarded under 'Special Rules' or not
- If PIP has not been awarded but DLA has, a DCS (Disability Carers Service) SR (Special Rules) check has to be carried out through SMART. This SMART check is done by the admin team and the DCS SMART SR check proforma is completed and passed to the Filework HCP
- If a DS1500 is available which confirms TI, or the claim has been accepted under PIP/DLA/AA SR within the last 6 months, the HCP can consider the claimant as TI for the purposes of ESA. This outcome should be documented on the ESA85A electronically and sent to the Decision Maker

Medical Services

- If no DS1500 is available or no recent SR claim or PIP/DLA/AA SR outcome is negative, a phone call must be made to the relevant healthcare professional involved in claimant's care and the information recorded on the FRR4. In cases where the healthcare professional is unwilling to discuss by phone, a "consent letter" should be faxed along with an appropriately phrased request for information
- If outcome is not TI, evidence may be available at this stage to advise Support Group inclusion or 'Treat as LCW'
- If there is no evidence of Support Group or 'Treat as LCW' being applicable, the case will be processed in the normal manner, i.e. form ESA50 will be issued and the case will move to Pre-Board Check

It should be noted that JCP will set a control date of 3 years for TI cases (i.e. the case should not be re-referred for 3 years); however, some cases may be inappropriately re-referred earlier than this. If a referral is received for a claimant where TI was advised less than 3 years ago, the referral should be questioned with the BDC as it is possible the referral was an error.

3.1.1 Exceptions for IB re-assessment TI cases

The process differs between ESA and IBR cases, as the DWP cannot raise a request for TI referrals on MSRS for IBR cases. Therefore when an IBR claimant is identified as being TI, JCP (Job Centre Plus) will direct the claimant to obtain a DS1500 from their GP as supporting evidence. JCP will also inform the claimant that they do not need to complete a questionnaire if it has not already been returned.

If a referral has already been made on MSRS, this is withdrawn by the JCP and an advice referral (ESA CN) is created on MSRS. JCP will notify AH by phone of the registration of the referral.

The administration team will alert an available HCP to the fact that there is an IBR TI referral that needs to be looked at and provide them with the NINO.

A TI Referral Cover Sheet will be sent by fax together with any other available evidence. Further Medical Evidence may be required and the HCP should follow the process as for ESA TI claims.

Once the HCP has all of the information required, they should open the referral on MSRS and complete the free text advice response.

This process may be summarised as follows:

- IBR TI cases will be referred via the advice route
- The HCP will be notified by the scrutiny team leader
- In these cases once sufficient evidence has been gathered (with the usual urgency for any TI case), the advice as to whether or not the claimant is likely TI must be completed using the free text box on MSRS which is accessed by clicking on the advice hyperlink on MSRS

Medical Services

- Unlike other TI referrals where the options of other LCWRA categories or 'Treat as LCW' are available, the only two outcomes in the IBR TI cases referred via this route will be 'TI' or 'not TI'
- The HCP must summarise the evidence underpinning the advice offered and justify the advice

4. The Pre-Board Check

The intention of the Pre-Board Check is to identify those claimants who are the most severely disabled and will be eligible for inclusion in the Support Group (LCWRA). The Pre-Board Check will also identify claimants, for the DM, who satisfy the criteria for 'Treat as LCW'.

A Pre-Board Check must be completed in all initial claims where the claimant is not terminally ill.

A Pre-Board Check must also be completed in ESA re-referral cases where the claimant has not previously been subject to a face-to-face assessment, or where previous filework or face-to-face assessment advised inclusion into any of the Support Group or 'Treat as LCW' categories.

IB re-assessment cases will not be subject to Pre Board Check, but will be considered as scrutiny cases.

The case is accessed through the MSRS application and the HCP reviews the information available.

At this stage, many claimants will have completed the ESA50 (or ESA50A if LCW is already established). This information should be looked at carefully along with any other information on file including the Med 3 diagnosis. HCPs should consider whether the evidence presented suggests that the claimant fulfils any criteria for inclusion in the Support Group or 'Treat as LCW' categories. HCPs can refer to the EBM Key Points for guidance on factors that suggest that severe disability is likely.

In cases where hospital admission is pending, HCPs can recommend 'Treat as LCW' if there is evidence that the claimant is due to have a major procedure within the next 21 days. HCPs should state the nature of the anticipated procedure and be sure that it is consistent with the claimant's medical condition.

It may be possible to advise at this stage based on the evidence in ESA50 and the Med 3 diagnosis. In cases where there is no evidence that any category of the Support Group apply, nor that any of the 'Treat as LCW' categories apply, the advice should be to call for a face-to-face assessment.

FME should be requested in cases where there is information suggesting Support Group or 'Treat as LCW' criteria are likely to be met. You should adhere to the guidance for requesting FME provided in section 2.5 of these guidelines.

When reviewing a case that has previously been adjourned for Further Medical Evidence, you need to decide whether further evidence is still required. When the FME was initially requested, the requesting HCP should have noted whether further review of the case was necessary so in most cases it will be necessary to make a phone call to a GP or other health professional to obtain information.

Medical Services

As before, when justifying your advice for the severe functional categories of Support Group, you must also provide reasoning to indicate why the claimant satisfies LCW. This is likely to be clear in cases where the highest descriptor is a Support Group, for example mobilising. (Remember that this is not necessary for the exceptional circumstances categories although you should make it clear to the DM that both LCW and LCWRA criteria are met due to the exceptional circumstances.)

When 'Treat as LCW' has been identified, the HCP must carefully review the case and provide advice for the DM on whether the LCWRA criteria also apply.

In most cases, it should be possible with the current evidence to advise on whether the criteria for inclusion in Support Group are met. If they are met, full justification should be given only for the specific category of Support Group inclusion.

Where there is clear evidence that the claimant does not meet LCWRA criteria, specific justification must be provided to the DM why each Support Group category (both functional and non-functional) does not apply. It is not sufficient to say that no Support Group criteria are met. Your justification may be based on information from the ESA50, FME or on your medical knowledge of the certified cause of incapacity.

In every case, a prognosis must be given. Where Support Group criteria are met, the prognosis given should refer to both LCW and LCWRA. The prognosis given must be logical and in keeping with the consensus of medical opinion. Further detail on prognosis can be found in section 8 of this document.

If the HCP advises that the claimant should be called for an assessment, the appropriate practitioner type must be selected on MSRS. The HCP will also have to indicate whether the assessment can be carried out at a medical examination centre (MEC) or whether a home assessment is required. Further guidance on DV requests can be found in section 10.3 of this document.

5. LCWRA-only Referrals

5.1 General LCWRA-only Referrals

LCWRA-only referrals are generated when the Decision Maker has already established that 'Treat as LCW' applies.

This may be from information provided by the claimant or from the Med 3 diagnosis where the DM identifies the claimant as being in a 'Treat as LCW' category. These are:

- Infectious disease exclusion by Public Health Order
- Pregnancy around dates of confinement
- Hospital patient treatment or a day of recovery from such
- Certain regular treatment as defined in the regulations
- Certain claimants on Income Related ESA (for details see section 5.2)

Further detail of each of these categories can be found in the Revised WCA Handbook.

The Decision Maker will require advice from Atos Healthcare about the claimant's ability to participate in Work-related Activity (LCWRA advice).

The Decision Maker will submit the request for advice, providing information about the 'Treat as LCW' category and any further detail they have. For example, the DM may indicate they have accepted LCW on the grounds of being a hospital patient. They may also then add details of the hospital/consultant in charge of the claimant's care. If no such information is included the referral should be returned to JCP for clarification

As soon as the referral is received by Atos Healthcare, MSRS will issue form ESA50A to the claimant. As LCW has already been established within the appropriate period, where the ESA50A is not returned the case needs to continue through the process.

The role of the advising HCP is to review all the information available on file and to decide whether further information is required.

Whenever possible clear advice and justification must be given to the Decision Maker indicating whether the claimant meets criteria for LCWRA.

The HCP must consider the ESA50A (if returned), the diagnosis provided on the Med 3 as well as any information available on MSRS for example a previous ESA85. In many cases, there will be a requirement to obtain further information about the claimant's condition. This would normally be by requesting FME. The FME request should be documented on MSRS.

Medical Services

In the event of non-return of FME, you should phone the GP or other external health professional for further information. The claimant should not be called to assessment until all other evidence-gathering options have been exhausted.

The possible outcomes for LCWRA Filework include:

- The evidence suggests that the claimant is terminally ill. In this case, the ESA85A should be completed on LiMA giving fully justified advice on TI.
- The evidence suggests LCWRA is applicable, i.e. the claimant fulfils the support group criteria. In this case, the ESA85A should be completed on LiMA giving advice on the appropriate Support Group category. This should be fully justified.
- The evidence suggests that LCWRA is not applicable. In this case, the advice should be given to the DM detailing why none of the Support Group categories are applicable. Every category must be clearly justified. These categories include the special circumstances and the functional support groups:
 - Terminal illness
 - Cancer treatment
 - Substantial physical or mental risk
 - Specific pregnancy risk
 - Mobility
 - Transferring
 - Reaching
 - Picking and moving
 - Manual Dexterity
 - Continence
 - Eating and drinking/chewing swallowing food
 - Understanding communication
 - Communicating with others
 - Learning or comprehension
 - Awareness of hazard
 - Personal action
 - Coping with change
 - Coping with social engagement

Medical Services

- Appropriateness of behaviour with other people
- In rare circumstances, where no information is available or when level of function cannot be clarified by any other means, it will be necessary for the claimant to have a face-to-face LCWRA assessment in order to provide advice to the DM on LCWRA status. A **face-to-face LCWRA assessment should only be advised after every possible attempt has been made to provide definitive advice. You should only ever take this action after discussing the case with the Clinical Manager.**
- Rarely, the situation may arise where the HCP uncovers evidence that conflicts with the LCW decision made by the DM. For example, information may be uncovered to reveal that the claimant is no longer requiring weekly haemodialysis, or that they are no longer a hospital patient. In these situations review the evidence and consider if Support Group or 'Treat as LCW' for another reason is appropriate. If not, the advice that the claimant is no longer in 'Treat as LCW' category should be given and the claimant called for an LCW/LCWRA assessment. Full justification must be given.
- The option to request FME is usually available and should be considered where appropriate and where previous advice has not been requested already by another HCP. If OCP LCWRA filework is being completed, the option to request FME electronically will not be available.

5.2 Income Related ESA LCWRA-only Referrals

In addition to the above case types in Section 5.1, occasionally you may come across referrals for LCWRA-only filework advice for a claimant on income related ESA, who is also in education, is entitled to a DLA or PIP award at any level and is not in receipt of child benefit.

You should treat these referrals as any other LCWRA-only referral with due consideration to all the evidence, seeking FME as appropriate; and fully justify the LCWRA advice.

You would not be expected to identify a claimant satisfies this specific LCWRA-only referral category in any other type of Filework as you would not have the relevant information available to you regarding DLA, PIP, child benefit etc.

These referrals will be made by the DM to Atos Healthcare on MSRS. The filework HCP should follow the process for LCWRA-only referrals as described in section 5.1, and provide their advice to the DM on LiMA with full justification.

Rarely, you may become aware that the claimant is no longer in education or receiving DLA or PIP. In these circumstances, you should pass the referral back to the administration team with a note explaining why the claimant is no longer likely to be 'Treat as LCW' in this referral sub category. They will then arrange for this referral to be sent back to the DWP.

6. Re-referral Filework

6.1 Re-referral Scrutiny

When a claimant has been accepted as having LCW by the Decision Maker based on a full LCW/LCWRA medical assessment, or following ESA or IB re-assessment scrutiny the case will be referred to Atos Healthcare after an appropriate period for further advice. This time period will normally be based on the advice provided by the examining HCP at the time of the assessment or filework HCP at the time of scrutiny.

The possible outcomes at re-referral scrutiny are:

- To accept ongoing LCW
- To advise that 'Treat as LCW' criteria are met
- To advise that the Support Group criteria have been met
- To advise that a face-to-face assessment is required

6.1.1 ESA Cases

For ESA re-referral cases that have not been subject to the IB re-assessment process, re-referral scrutiny allows the possibility to 'accept' for a further period of time that the person has continuing LCW as long as the following criteria are met:

- The claimant has had a full LCW/LCWRA assessment (completed ESA85). The full ESA85 report may not always be visible, for example if it was completed clerically; however, the referral details on MSRS should make it clear that the person has previously been subject to a full face-to-face assessment. You do not have to see the previous report to accept at scrutiny.
- The claimant has scored above threshold (15 points or above) either on physical or mental function descriptors at the previous assessment and the DM has accepted LCW (not 'Treat as LCW').
- The current available evidence suggests there has been no improvement, or there is evidence of deterioration in their functional capability, and it is likely that they will continue to score over threshold, however would still not fulfil any of the support group criteria.

The case will be referred back to Atos Healthcare and accessed by an appropriately trained filework HCP. At this stage, the HCP will review, through the MSRS application, the ESA85 from the previous referral, if available, and the current ESA50, if completed. The HCP must carefully review any ESA85 completed under the 2008 regulations, or subsequent amendments to these regulations, and consider whether the claimant would continue to be considered as LCW under the 2008 Regulations and their amendments.

Medical Services

For example, the descriptors relating to mobility have been significantly revised and amended from the initial 2008 regulations where the main function considered was walking rather than mobilising.

The ESA85 will usually have been completed electronically using LiMA. Where the previous ESA85 was completed clerically, the ESA85 will not be available at re-referral. Where the ESA85 is not available, there must be sufficient evidence that you can satisfy yourself that LCW threshold was likely to have been met and is still appropriate.

When accepting that a claimant still has ongoing LCW, the HCP has to record their advice on which descriptors are likely to apply for the DM on the ESA85A. LiMA contains a phrase where the applicable descriptor advice can be easily and quickly noted. However it is also acceptable to record the relevant descriptors within the free text box available in the ESA85A, as long as the descriptor choice is made clear to the DM.

After review of all the evidence, the HCP must carefully consider whether FME is required. The decision on FME should be based on the current evidence available and must only be requested if it is likely to impact on the scrutiny advice.

In cases where the claimant was accepted as satisfying the criteria for Support Group or 'Treat as LCW' by the Decision Maker either as a result of filework advice or following face-to-face assessment, the case will be re-referred as a Pre-Board Check. Those previously in the Support Group or 'Treat as LCW' cannot be "accepted" as having ongoing LCW.

6.1.2 Re-referral of IB Re-assessment Cases

In IB re-assessment cases, the principle remains the same. The evidence available to you may include a previous IB re-assessment scrutiny (IB85A) or previous IB assessment report (IB85). The outcomes are the same as for ESA re-referrals above. There is no requirement for a past IB85 to be visible to allow ongoing acceptance of the case.

The first date of incapacity will be available on MSRS and can be useful in terms of choosing a prognosis to advise upon.

Medical Services

6.1.3 Summary

The key for all re-referral cases whether ESA re-referral or IBR scrutiny include:

- Understand that a case that was previously IBR may not have a previous assessment report available for review on MSRS
- Remember that a previous report on the system is not mandatory for acceptance for any re-referral scrutiny case
- Review all the available evidence and document this on the ESA85A
- Advise whether the claimant is likely to score above threshold on the WCA descriptors for acceptance
- Advise as to the descriptors on which acceptance is based
- Consider and advise if Support Group or 'Treat as LCW' likely to be more appropriate
- If none of the above outcomes, then call for face-to-face assessment

6.2 Re-referral where Support Group was awarded by the DM or Tribunal Service at the previous referral

Currently, the process for the automated re-referral of cases is:

- Where AH has previously advised Support Group, MSRS will check the previous advice and the referral defaults to a Pre Board Check
- Where AH has previously advised that a claimant **does not** meet Support Group criteria, irrespective of a subsequent decisions by the DM or Tribunal Service that support group criteria are met, that referral defaults to Scrutiny. As a consequence, the outcomes available to the filework HCP will include advice to accept LCW

If the DM or Tribunal Service advise that the claimant meets the support group criteria, and the filework HCP 'accepts' ongoing LCW, the DM is unable to utilise this AH advice to 'accept' LCW. In these cases, the DM will need to seek further medical advice to determine LCWRA.

The DM will make a request for repeat filework in cases where:

- the outcome of the (most recent) previous referral is that the DM or tribunal has determined that support group criteria are met but AH advice was that the claimant did not have LCWRA;

and

- where the advice on the current referral has been to 'accept'

Medical Services

When a request for repeat filework is made, the decision maker will send a 'Request for Pre-Board Check Action' form with the ESA55. This form will provide:

- The contact details of the DM
- The details of the referral
- The reason for the referral and any available evidence supporting the previous DM or Tribunals Service decision

The ESA55 will include all documentation, including the ESA50 and FME where returned. The filework HCP should follow the standard guidelines for pre-board check. Where the outcome is to call the claimant for face-to-face assessment, justification should include reference to the requirement for repeat filework.

6.3 Review of Evidence in ESA Re- referral cases

In re-referral filework, the HCP must scrutinise all available evidence. This evidence may be on MSRS or in the ESA55 jacket. The evidence reviewed must be documented in the ESA85A and any previous reports should also include the date for when the report was completed.

6.3.1 MSRS Information

- Within MSRS the HCP should check for any medical evidence such as Med 3 or FRR4 information to see if there is evidence of a change in the claimed level of functional capability.
- Other information such as appointee status and any 'Potentially Violent' information should be considered along with the age of the claimant, address and availability constraints, as this may impact on likely level of disability.
- Any previous filework outcomes on ESA85As should be reviewed as these may provide some detail of previous level of disability.
- Check other evidence including advice offered at reconsideration.
- Any previous ESA85s should be reviewed.

6.3.2 ESA55 Information

The re-referral will be initiated electronically by the DM. Therefore, clerical papers from previous referrals will not be available.

However, there may be useful information within the ESA55 Jacket, for example the ESA50. At re-referral, the claimant may have completed a new ESA50 detailing their current problems. This document can be invaluable in assessing stated problems and comparing this evidence to the previous ESA85. Details of changes to medication, any new treatment/consultant input etc should be considered.

Medical Services

The claimant's stated abilities and limitations in each functional area should be considered and compared to the level of ability detailed in the ESA85.

The ESA55 may also contain consultant/specialist/hospital letters provided by the claimant, ESA113s or FRR2s if FME had been requested, or correspondence from the JCP. All the available evidence needs to be considered carefully by the filework HCP as it may provide useful information on the overall level of disability.

6.3.3 ESA85 Information

The previous ESA85 (if available) should be accessed and reviewed on MSRS. This may have been completed under the 2008 Regulations, or subsequent amendments to the 2008 regulations.

When considering the ESA85, there are many aspects to consider. These require knowledge of the 2008 descriptors, together with the subsequent amendments. (For support groups, descriptors and scoring see appendices A to F.) The report must also be reviewed and scrutinised for consistency and appropriate justification in each case.

6.3.4 Scoring at previous LCW/LCWRA assessment

In order to be able to consider acceptance, the claimant must have been awarded:

- 15 points or more on physical descriptors; or
- 15 points or more in the Mental Function descriptors, or
- 15 points or more through a combination of physical and mental function descriptors

In some cases, the ESA85 will suggest a score of less than 15 points. The claimant may have in this case been awarded ESA by the Decision Maker or Tribunal Service. You will not have sight of the evidence considered by the Tribunals service so in many cases, a further face-to-face assessment may be necessary, unless there is enough evidence available which allows you to 'accept', place in 'Treat as LCW' category or place in a support group category. In these cases, the advice must be fully justified.

6.3.5 Choosing Descriptors – Physical Cases

The descriptors chosen at previous LCW/LCWRA assessments must be considered with the current ESA50. The HCP must be aware of whether 2008, or subsequent amended regulations were applicable. The following guidelines for reviewing the evidence must be considered in line with the guidance at section 2.4 and 2.5 of this document.

In cases where the claimant has identified some improvement in one area of function where they were previously awarded scoring descriptors, this may suggest that a further face-to-face assessment is required to assess the current level of function.

Medical Services

Some examples of possible scenarios where this may occur are listed below:

1. A claimant was awarded 15 points for restriction in walking limited to 50 m and 6 points for standing restricted to less than 30 minutes at their previous assessment following a recent fractured femur under the 2008 regulations. In their current ESA50, they indicate they still have some pain but their walking has now much improved following physiotherapy and they can manage in excess of 200 m and can stand for longer than 30 minutes. They also indicate that their analgesia has been reduced from high strength dihydrocodeine to paracetamol. In this case, as long as there was no indication of problems in any other area, the outcome would be to call.
2. A claimant was awarded 15 points at their previous LCW/LCWRA medical assessment for weekly seizures. They had only recently been diagnosed with epilepsy and their consultant had been trying various medication regimes with little success to control their condition. Their recent ESA50 now indicates that they have been tried on new medication and have only had two seizures in the last 7 months. They indicate no other problems. Again, in this case, there appears to be an improvement in the condition since the last assessment, and the likely outcome would be to call the claimant for face-to-face assessment.
3. A claimant was previously awarded 15 points for bowel incontinence occurring on a monthly basis. At this time, they had poorly controlled ulcerative colitis. Since then, they indicate in the ESA50 that they have had surgery and now have a stoma. They indicate they can manage this by themselves and feel their condition has significantly improved. They have no other medical conditions. Again, in this case, there is no evidence in the ESA50 of problems with the stoma, and therefore calling the claimant for further assessment is likely to be appropriate.

It is important to review all the available evidence as while the information may suggest improvement in one functional area, it may also indicate a deterioration in other areas which would still allow advice on ongoing LCW or even support group or 'Treat as LCW' to be given.

At times the evidence in the ESA50 may suggest deterioration in the condition or that there is unlikely to have been a significant change since the last assessment. Usually there will be a requirement for supportive medical fact to be documented to allow acceptance of ongoing LCW and there may be a requirement for FME.

For example:

1. A claimant was awarded 15 points at their previous assessment for monthly bowel incontinence. The report was detailed and consistent. They had poorly controlled Crohn's disease at the time of the assessment. The claimant has indicated in the ESA50 that they continue to have loss of full bowel control every 2-3 weeks despite various changes to medication. They have also recently lost a lot of weight and have been prescribed "Build up drinks" by their GP. They have had two hospital admissions lasting 10-14 days in the last 6 months due to dehydration and they await further referral to a specialist unit to consider further management options. The claimant has supplied dates of hospital admissions, details of current medication and details of their current consultant and the tertiary referral centre they have been referred to.

Medical Services

2. Again, in this case it may be reasonable to accept the stated level of disability for a further period based on the medical facts presented and knowledge of the diagnosed condition, provided that the evidence does not suggest that any of the support group categories would apply.
3. A claimant was awarded 15 points for visual impairment under the 2008 regulations - cannot see 16 point print at 15cm. They have now been re-referred. They were waiting for bilateral cataract extraction, which have now been performed, however they have indicated that they feel the operation was not fully successful. They indicate that they still struggle to see and cannot read properly. It is not clear whether they have completed the ESA50, or whether it has been completed by someone else for them. They have not supplied any dates of clinic appointments and have not submitted a Certificate of Visual Impairment. In this case, support group or ongoing LCW advice may be possible depending on the extent of visual impairment. However, the evidence does not fully clarify the extent of the current visual impairment and further evidence would be required from the GP regarding their current reading ability and ability to navigate safely. This may be difficult to obtain from FME and it may be necessary to call the claimant for further face-to-face assessment if not fully clear from the available information.

6.3.6 Choosing Descriptors – Mental Function Cases

The descriptors chosen at the LCW/LCWRA assessment must be considered with the current ESA50. The following guidelines for considering the evidence must be considered in line with the guidance at section 2.4 – 2.5 of this document.

In cases where the claimant has identified some improvement in one area of function where they were previously awarded scoring descriptors, this may suggest that a further face-to-face assessment is required to assess current level of function. Once again, it is important to review all the available evidence as while the information may suggest improvement in one functional area, it may also indicate a deterioration in other areas which would still allow advice on ongoing LCW or even support group or 'Treat as LCW' to be given.

For example:

1. A claimant was awarded 18 points in Mental Function through descriptors in coping with change, getting about and coping with social interaction. No physical issues were identified. At the previous assessment, they had been recently assaulted and developed panic disorder as a result. At the time of assessment they had just been commenced on citalopram and were awaiting input from the Community Mental Health_team. They have documented in their current ESA50 that they have been attending anxiety management classes and "feel more like their old self". They have now recommenced some social activities and can leave the house alone. They indicate no new problems. Their GP is reducing their medication. In this case, a decision to call would be likely as there is evidence of improvement.
2. A claimant was awarded 18 points at the LCW/LCWRA medical assessment 6 months ago for initiating and completing personal action, and coping with social engagement. At the time, they had been discharged from a psychiatric unit 12 months previously with a severe depressive episode. They had 3 monthly input

Medical Services

from the psychiatrist and fortnightly input from the CPN. There was no evidence of self harm/ suicidal tendency and at the time of the assessment, the claimant was beginning to feel some improvement. In the current ESA50, the claimant has indicated that she now sees the psychiatrist every 6 months and CPN on a monthly basis. There have been no further hospital admissions and she has been stable on the same dose of medication for the past year. She feels more motivated and has started some voluntary work 6 hours a week in a local charity shop. In this case, there appears to be evidence of improvement, FME is unlikely to change the outcome and calling the claimant for further assessment would seem appropriate.

At times the evidence in the ESA50 may suggest deterioration in the condition or that there is unlikely to have been a significant change since the last assessment. Usually there will be a requirement for verifiable medical fact to be documented to allow acceptance of ongoing LCW; although at times, there may be a requirement for FME.

For example:

1. A 19-year-old claimant scored above threshold at the previous assessment in Mental Function. They have a diagnosis of learning disability and scored in the areas of learning or comprehension and in coping with change. At the time of the assessment, the claimant was living with their parents, who provided significant support. They were due to start a life skills course at college. The report was comprehensive and well-justified. The prognosis advice given was “that with input may improve within 18 months”. The current ESA50 was completed by the claimant’s social worker. They have indicated that his progress at his life skills course has been slow and hampered by increasing levels of anxiety. The claimant has been commenced on citalopram for his anxiety. He is now reluctant to leave the house at all, cannot cope with any change at all and finds it hard to interact with strangers due to his increasing anxiety. He is now having input on a weekly basis from the community mental health team and daily support from social services. Details of the community mental health team and social workers are provided. In this case there is enough information to suggest that support group for coping with change now seems appropriate.

2. A claimant was awarded 18 points in Mental Function in coping with change, getting about and coping with social engagement on the 2008 Regulations as amended in 2011. No physical issues were identified. The report was consistent, well-justified and indicated moderate to severe levels of anxiety. At the time of assessment, she had just been commenced on citalopram. A prognosis of 6 months was given with justification that improvement in the condition would be expected with medication, which had only just been commenced. In the ESA50, the claimant still indicates ongoing medication with no change to the dose of citalopram. She indicates she sees her GP every 2 months and is increasingly finding it more difficult to attend due to anxiety. She says she can no longer go outdoors alone and has panic attacks on a frequent basis. She was referred to a counsellor by her GP but she felt too anxious to attend. She now says that she cannot cope with any change at all, cannot go out alone and has no social interaction with others. Despite some evidence of deterioration in her anxiety, she is still on the same medication with no increase in the level of mental health support. It is not clear whether there has been a deterioration which might allow support group to be considered or whether there is ongoing LCW.

Medical Services

In this case, it would be reasonable to request FME to attempt to ascertain whether there has been any significant change to her condition to allow acceptance of ongoing LCW or establish whether SG is likely to apply.

7. IB Re-assessment Scrutiny

7.1 Background

In 2010 the Government announced plans to re-assess all current recipients of Incapacity Benefit and those in receipt of Income Support on grounds of incapacity in order to establish their readiness to work.

At that time, 2.5 million people in receipt of IB had little in place to support them to re-enter the workplace. The Government felt this was not a desirable situation and announced that Incapacity Benefit claimants would be re-assessed under the ESA regulations over a 3-year period commencing in 2011. The process is still ongoing at present although the numbers of IB Re-assessment referrals are decreasing as most of the eligible people have already been through the re-assessment process.

Only the initial referral of an individual who has been on Incapacity Benefit is processed as an IB re-assessment case, if further scrutiny is subsequently required, this would be done through the normal ESA re-referral scrutiny process.

In re-assessing these individuals, those who are found to have limited capability for work related activity would be placed in support group, while those who are found to have limited capability for work under the ESA regulations will be placed in the work-related activity group which will allow them access to the Work Programme. The Work Programme is a single package of support providing personalised help for people who find themselves out of work regardless of the benefit they are claiming.

Those who are capable of work will migrate to Jobseekers Allowance or Income Support

7.2 IB Re-assessment Scrutiny

The DWP will refer most claimants currently in receipt of Incapacity Benefit to Atos Healthcare for re-assessment under the ESA regulations. Those who will have reached state pensionable age by the end of the process in 2014 will not be referred. The timing of referral of each case will be determined by JCP based on the date that their IB entitlement was due for review.

The claimant may be in receipt of Incapacity Benefit because:

1. They have been previously accepted as meeting the threshold of incapacity for the Personal Capability Assessment used in IB following advice from a PCA medical assessment
2. They have previously been accepted as meeting the threshold of incapacity for the PCA following filework scrutiny advice
3. They were considered to be exempt from the PCA process following advice either at scrutiny or face-to-face assessment.

Medical Services

Those on Incapacity Benefit may have been referred many times over the years and the Decision Maker has continued to accept they meet the threshold of incapacity. You may find that there are a number of previous assessment and filework outputs to consider.

When the IB re-assessment referral is received, the Atos Healthcare HCP will apply the process of IB re-assessment scrutiny. This will allow them to:

- Accept that the claimant meets the threshold for LCW under the ESA Regulations
- Advise that the Support Group criteria have been met under the ESA Regulations
- Advise that 'Treat as LCW' criteria have been met under the ESA Regulations
- Advise that further face-to-face assessment is required to determine the level of disability

The Pre-Board Check process is not applicable to IB re-assessment claims. The filework HCP can base their advice on any evidence available, for example previous filework outputs, FME or a previous IB assessment.

7.3 Review of Evidence in IB Re-assessment Cases

In IB re-assessment filework, the HCP must scrutinise all available evidence. This evidence may be on MSRS or in the ESA55 jacket. The evidence reviewed must be documented in the ESA85A and any previous reports should also include the date for when the report was completed.

7.3.1 MSRS Information

- Within MSRS the HCP should check for any further medical evidence such as Med 3 or FRR4 information to see if there is evidence of a new diagnosis.
- Other information such as appointee status and any 'Potentially Violent' information should be considered along with the age of the claimant, address and availability constraints, as this may impact on likely level of disability.
- Any previous filework outcomes on IB85As should be reviewed as these may provide some detail of previous level of disability.
- Any previous IB85s should be reviewed.

7.3.2 ESA55 Information

The re-referral will be initiated electronically by the DM. Therefore clerical papers from previous referrals will not be available. However, there may be useful information within the ESA55 Jacket, for example the ESA50. At referral, the

Medical Services

claimant may have completed a new ESA50 detailing their current problems.

This document can be invaluable in assessing stated problems and comparing this evidence to any previous information on file. Details of changes to medication, any new treatment/consultant input etc should be considered. The claimant's stated abilities and limitations in each functional area should be considered and compared to the level of ability detailed in the IB85 if available.

At the beginning of the re-assessment process, JCP will make telephone contact with the claimant to explain the process. During this conversation, they will encourage the claimant to attach any medical evidence that they hold, such as hospital reports, to the ESA50. It is important that you consider any such evidence.

The ESA55 may also contain ESA113s or FRR2s if FME had been requested, or correspondence from the JCP. All the available evidence needs to be considered carefully by the filework HCP as it may provide useful information on the overall level of disability.

7.3.3 IB85 Information

Any previous IB85s should be accessed and reviewed on MSRS. When considering the IB85, you need to consider whether the report is consistent and appropriately justified. You need to have knowledge of the IB exemption categories, IB descriptors and scoring. A list of the IB descriptors and exemption categories can be found in Appendices G and H.

In order to achieve the threshold for incapacity under the PCA regulations, the claimant **must have been** awarded:

- 15 points or more on physical descriptors; or
- 10 points or more in the mental health assessment; or
- A combination of 6 or more points on physical descriptors and 6 or more points on the mental health assessment.

HCPs must be aware of the fundamental differences between the descriptors of the WCA and the PCA when considering their advice.

In some cases, the IB85 will suggest a score below threshold. The claimant may have in this case been awarded IB by the Tribunals Service. You will not have sight of the evidence considered by the Tribunals service so in most cases, a further assessment may be necessary unless other evidence is available on file which allows you to give advice on LCW/LCWRA.

7.3.4 Choosing Descriptors – Physical Cases

Although the physical descriptors are entirely different in the PCA and the WCA, there is still scope to consider the level of function suggested by the IB descriptors and the IB85 information. This should be compared against the current ESA50 looking for any change in the level of disability.

Medical Services

If the level of disability was very high in the IB assessment, then the claimant may well reach the threshold for the WCA.

However, if the level of disability was found to be low at the IB assessment the claimant is unlikely to reach the threshold for the WCA unless further evidence suggests significant deterioration.

In cases where the claimant has identified some improvement in one area of function or no change in function where they were previously awarded scoring descriptors, a face-to-face assessment may be required to assess the current level of function.

Some examples of possible scenarios where this may occur are listed below:

1. A claimant with a diagnosis of fractured femur following a road traffic accident, was assessed for IB, and found to have significant limitation of function. The MSRS MED3 information states “leg problem”. He was found to have severe restriction of standing, walking, using stairs and bending and kneeling. No other physical or mental function problems were identified. His current ESA50 indicates that he has had further surgery and now walks reasonable distances without crutches. In this case, the appropriate advice would be to call for face-to-face assessment.
2. A claimant with a diagnosis of back pain scored a number of 3-point descriptors at the last PCA assessment through mild restriction of sitting, standing, walking, stairs, rising from sitting and bending/kneeling. The IB85 indicates that he was taking co-codamol for pain with no evidence of specialist input or sciatic symptoms. In his current ESA50, he indicates that his back pain has not improved at all and that he is still as restricted as he was when previously assessed. In this case, as the level of functional restriction at the PCA is unlikely to equate to the LCW threshold of the WCA with no evidence of change, the appropriate outcome would be to call.

At times the evidence in the ESA50 may suggest deterioration in the condition or that there is unlikely to have been a significant change since the last assessment. Usually there will be a requirement for verifiable medical fact to be documented to allow acceptance of LCW/LCWRA under the WCA, and at times there may be a requirement for FME.

For example:

1. A claimant with long standing rheumatoid arthritis (multiple joint involvement) was previously exempt under the PCA criteria for having an active and progressive form of inflammatory polyarthritis. The Med 3 indicates: “severe progressive rheumatoid arthritis – unresponsive to therapy”. The previous IB85A states that a phone call to the GP confirmed that the claimant had very limited mobility, severe hand and wrist problems and that she was awaiting immunotherapy. Her current ESA50 indicates that despite input from a tertiary referral centre with immunotherapy, she has become a wheelchair user with severe deformities of the hands and wrists. She has been assessed and is not considered to be safe to operate an electric wheelchair due to the weakness and pain in her hands. In this case, the reasonable outcome would be to advise Support Group inclusion because of poor mobility.

Medical Services

2. A claimant has diabetic retinopathy and was previously found to reach the threshold for incapacity under the PCA regulations. At the time, he was found to be unable to see well enough to read 16-point print at a distance greater than 20 centimetres. In the year leading up to the re-assessment of his benefit claim, he developed bilateral retinal haemorrhages and was subsequently registered blind. He has attached a certificate of visual impairment with his ESA50. In his ESA50, his wife indicates that he has lost his confidence and that he requires assistance from her to navigate outdoors as he has no confidence to cross the road safely and even struggles indoors. She has completed the ESA50 form and indicated that he cannot read Braille and has help with all written correspondence. In this case it would be appropriate to give advice to the DM to consider Support Group for understanding communication in view of the severity of visual impairment

7.3.5 Choosing Descriptors – Mental Function Cases

There is little obvious direct correlation between the WCA descriptors and the Mental Health Assessment in the PCA. However, information within the report can still be related to the WCA descriptors.

Where an IB85 exists, the typical day may provide adequate information to allow advice that the threshold of LCW may be met. As with physical problems, careful scrutiny of the ESA50 or other evidence may provide information about possible improvement or deterioration since the claimant was last assessed.

For example;

1. A claimant has been in receipt of Incapacity Benefit based on her learning disability due to Down's syndrome. She is now referred for re-assessment under the ESA regulations. On MSRS, there is a previously completed IB85 in which the claimant comfortably achieved the threshold for the PCA in the areas of completion of tasks, coping with pressure and dealing with other people. The IB85 indicates that she lives with her mother and can manage simple tasks. She was subsequently accepted under the PCA on filework scrutiny on one occasion based on information obtained from the GP at the time. There is a recent MED 3 confirming that the claimant has Down's syndrome. The ESA50 and the IB85 suggest that she has some difficulty managing unexpected changes to routine and tends to get lost in unfamiliar locations. She manages some simple tasks but not anything complex. The ESA50 does not suggest significant problems with hazard awareness, personal action, social interaction and behaviour. The appropriate advice would be to accept under the ESA criteria on a combination of managing change (coping with unplanned change), getting about (unfamiliar places) and learning tasks (learning beyond a simple task).
2. Mr C was previously exempt under the PCA due to severe anxiety and panic attacks. The previous IB85A indicates: "GP confirms true agoraphobia; does not leave house". The current ESA50 indicates that he no longer sees a CPN and has discontinued propranolol, diazepam and citalopram. He indicates he does not see the GP and that he is doing voluntary work for a local charity. There is no evidence to suggest deterioration in overall mental function.

Medical Services

The Med 3 indicates “debility”.

In this case, as there is evidence of likely improvement in the level of function, the advice should be to call for face-to-face assessment to ascertain current level of function.

3. Ms A was previously exempt from the PCA on the grounds of severe mental illness at assessment. The IB85 indicates she had a diagnosis of autism and did not communicate at all at the assessment. Her mother provided all the history – indicating her daughter has severe communication problems, isolates herself in her room and only communicates as necessary with her parents. She attended a special school and has had input from the National Autistic Society. She has severe mood swings with uncontrollable aggressive outbursts, which can be difficult to manage. She has never made any friends and has never been employed. The MED 3 indicates severe autism. Her current ESA50 was completed by her mother indicating social services are now involved and a referral has been made to the psychiatric services to consider medication as her violent outbursts are becoming even more problematic. In this case, Support Group advice would be appropriate (either Social Engagement or Appropriateness of Behaviour).

8. Prognosis

8.1 Overview

As part of the filework process, HCPs are required to give advice on when a return to work and work-related activity could be considered in all cases in which acceptance, 'Treat as LCW' or Support Group inclusion is advised.

The key messages are:

- For many claimants, provision of ESA is a temporary measure, until they have recovered from an illness or adapted to disability (following appropriate interventions if necessary)
- For others, provision of ESA might be a longer term measure if they have conditions which are unlikely to functionally improve or that no adaptation is possible
- ESA is an active benefit (with Work Focussed Interviews and appropriate interventions) and so prognosis does not only consider when / if a claimant's disability would be expected to improve, but also considers the provision of appropriate interventions or adaptations that could be made

Note the following:

- Under the LCW/LCWRA medical procedures, approved HCPs are required to give advice on prognosis without reference to the outcome of the decision making process
- When the claimant satisfies the LCW/LCWRA medical assessment, the medical advice on prognosis provided by approved HCPs to Job Centre Plus is often used by the Decision Maker to determine when subsequent re-referral to Atos Healthcare is appropriate
- The DWP will wish to refer a claimant for re-assessment of LCW/LCWRA at the point where there is a reasonable expectation that their prospects of a return to work have improved. Whether the outcome of the case is inclusion in the Support Group, application of Exceptional Circumstances or advice on a functional condition, the Decision Maker will require a reasonable prognosis for a return to work. In assessing when a return to work may be possible, the approved HCP should provide this advice based upon their assessment of the claimant, their knowledge of the natural progression of the identified medical conditions, and the time they feel a claimant may need to adapt to their condition
- Note that the prognosis is not just about improvement in function. This is obviously one part of the prognosis issue, however; there are conditions that will be permanent with no expectation of functional improvement but this does not mean the claimant will be unable to work. Consideration of reasonable time scales to allow possible retraining, support, time to adapt to disability and provision of work place adaptations should allow many

Medical Services

claimants, even with significant functional restriction to enter into work

- For those deemed to be in the terminally ill group there is no requirement to include a prognosis
- If there is more than one relevant functional condition, the HCP should aim to provide an opinion on the likely timescale for return to work, taking account of the effects of all conditions
- If an early improvement is expected, a short prognosis should be given. In all cases your opinion on when a return to work could be considered must be fully and comprehensively justified. It is important to consider each case individually and to choose and justify the appropriate time period (3, 6, 12 or 18 months), or to justify why a return to work is unlikely within 2 years or in the longer term.

8.2 How to formulate prognosis advice

Improvement Likely

The main question the HCP must consider is:

When would you expect significant improvement in the disability or in cases where improvement in the level of function is not anticipated, with adaptation/re-training/aids when could a return to work be considered?

The HCP's response will depend on whether the key functional problems will improve and over what timescale:

- With further treatment
- With time
- With the natural progress of the underlying disease
- Or whether adjustments will result in a reasonable expectation of the claimant being engaged in some form of work

The duration of prognosis must be based around the medical knowledge of the condition and consideration of rehabilitation and workplace adaptations. This will determine the duration of prognosis.

It is difficult to give specific guidance as each case must be considered on its own merits. Some cases with the same functional loss may have different prognosis. For example:

Registration as severely sight impaired. Those who have had a gradual process of visual loss and have continued to work and have now become unemployed are more likely to be able to re-enter the workplace in a shorter time than a person who perhaps through trauma has suddenly become severely sight impaired.

Medical Services

The person with acute visual loss is likely to need more time to adapt to their condition to allow safe navigation and is likely to need retraining or significant workplace adaptations to re-enter a workplace.

In some cases, functional recovery cannot be expected, for example, where there is complete paraplegia following spinal cord transaction.

This, however, does not mean that a long term prognosis is appropriate. With ongoing rehabilitation, the person may develop the strength to propel their wheelchair over 50 metres and the person may be able to return to work in an adapted workplace.

In musculoskeletal cases, with advances in medicine and with adaptations in the work place, most cases should have some expectation of recovery of function and with additional support should be able to re-enter the workplace in the short to medium term. Again, this is not an absolute as complex rheumatoid cases with multiple joint involvement may require longer for their medical management of the condition to be optimised. Therefore, overall, each case must be considered carefully and prognosis advice fully justified to the Decision Maker.

In Mental Function cases, consideration of the diagnosis, current treatment and medication should be considered. Guidance from the EBM Mental Health protocols should be followed. In mild anxiety and depression, in most cases, with support, a fairly short prognosis would be expected. In more major conditions such as first onset of a psychotic episode, the treatment and recovery time may be more prolonged.

With some conditions, prognosis may be more straightforward; for example, where LCW is accepted due to pregnancy around dates of confinement.

Where the claimant is in the Support Group because they are having chemotherapy, prognosis may initially seem fairly straightforward since in most cases the duration of treatment will be known. However, you must also assess a “reasonable recovery period”. This may vary from one case to the next. A person who was otherwise fit and well may have a shorter recovery period than a person who has had significant weight loss, post-operative complications or complications of chemotherapy. You must base your advice on your medical knowledge and skills as a disability analyst to provide reasonable advice to the DM. Where the advice provided seems to be out with that normally expected clear and comprehensive justification must be given.

The timescales for improvement are:

- 3 months
- 6 months
- 12 months
- 18 months

Medical Services

Change unlikely:

In some cases, the HCP may consider change is unlikely. The timescales for advice in these cases are:

- Within the next 2 years:

If significant change is unlikely within two years but there is still some possibility that improvement may occur with time or with further therapy, then the HCP should indicate that a return to work is unlikely for at least 2 years.

For example, you might be considering a claimant with rheumatoid arthritis with a significant degree of functional disability, where you would not expect much improvement within 2 years but where surgery or other treatment in the medium term might change the clinical picture. You might reasonably advise that a return to work is unlikely within 2 years.

A claimant has significant learning difficulties needing significant support on a daily basis; however is attending life skills at college and with some degree of further maturity may functionally improve, a 2-year prognosis may be suitable.

- In the longer term:

If in your opinion there is a substantial degree of functional impairment due to a serious medical problem, which is chronic or will inevitably deteriorate further, even with optimal treatment/ maximal input and adaptations, you should indicate that a return to work is unlikely for in the longer term.

For example, you might reasonably advise an “in the longer term” prognosis for a claimant with a progressive neurological condition.

Or, in the case of a young adult with a very significant degree of learning disability, who has a disability in a number of functional areas because of cognitive impairment and a requirement for a high level of support, you may feel that all management and support strategies have been exhausted and that further adaptation is unlikely to occur. You might then reasonably advise an “in the longer term” prognosis.

Other factors:

Age: This is not a medical cause of incapacity but may indicate the stage of the disease.

Duration of incapacity: It is undesirable to review claimants with a confirmed chronic or progressive disability whose capability is unlikely to improve.

Fluctuating conditions: It may be reasonable to give a finite prognosis if the natural history of the condition suggests that the periodicity and duration of exacerbations of the condition will be significant.

Medical Services

Multiple conditions: If there is more than one relevant functional problem, your prognosis should be based on the overall functional prognosis.

HCPs should remember the repository and the EBM Protocols. These will be helpful when considering prognosis (see Appendix I for a Prognosis Matrix).

8.3 The Work Programme

The Work Programme is a major new payment for results welfare to work programme launched throughout Great Britain in June 2011. It replaces previous programmes such as the New Deals, Employment Zones and Flexible New Deal. It is delivered by a range of private and voluntary sector organisations providing support for people who are at long-term risk of unemployment. It represents a significant investment by the Government and its partners in seeking to help millions of people into lasting jobs.

The design of the Work Programme seeks to address weaknesses of previous programmes, and brings together and simplifies the range of contracted provision and support. The programme supports a wide range of participants, from those who are at risk of long-term unemployment, to others with limited capability for work and who may have been out of work for several years.

Individuals can access the Work Programme at different times dependent on a number of characteristics. These include the type of benefit they are receiving, their age, their distance from the labour market and, for individuals placed in the Work-related Activity Group (WRAG) of ESA, their WCA prognosis. Some will be required to attend the Work Programme, whilst others will be able to volunteer with the agreement of their Jobcentre Plus adviser. Whilst not on the Work Programme claimants will be supported by Jobcentre Plus.

Individuals who are placed in the WRAG and given a three or six month prognosis will be required to join the Work Programme. These individuals will be expected to recover or adapt to their condition within a relatively short period, so they will be provided with immediate support to help them back to work. They will be reassessed respectively at the 3 or 6 month point and if found fit for work can claim Jobseekers Allowance and continue to receive support through the Work Programme. This will place them in the best possible position to return to work once they are well enough to do so. Individuals placed in the WRAG and given a prognosis of greater than 6 months will not be required to join the Work Programme. They will be able to access the Work Programme on a voluntary basis or receive support through Jobcentre Plus. Individuals on Income Related ESA who are placed in the WRAG with a 12 month prognosis are now also required to join the Work Program.

Once on the Work Programme, claimants will be expected to stay on the programme for two years. During this time, some people's circumstances and the nature of their participation in the programme may change. If, for example, they are found to be in the Support Group at re-assessment, then they will no longer be mandated to remain in the Work Programme, but could still access the support on a voluntary basis.

Medical Services

Work Programme providers are able to require participants in the WRAG to undertake work-related activity. However, this activity must always be reasonable given the claimant's circumstances. ESA claimants cannot be required to look for, apply or undertake work, nor undergo medical treatment.

Claimants in the WRAG who are not on the Work Programme will be expected to prepare for a return to work with support from Jobcentre Plus, undertaking work-related activity as required by their adviser.

9. Justification

You are required to explain and justify any advice that is given at the filework stage.

The purpose of the justification of advice is to:

- Justify the reason for requesting Further Medical Evidence
- Fully justify the advice given when advising inclusion into support group, indicating clearly which support group category applies
- Fully explain the advice given when advising on 'Treat as LCW', including justification why LCWRA is not met
- Fully explain the advice given when advising acceptance including justification why LCWRA is not met when advising LCW only
- Indicate which pieces of evidence were considered in providing the advice
- Explain prognosis advice

In cases where the advice given is to accept, the purpose of including a justification in all cases is:

- To provide the Decision Maker with the reasons why you consider the evidence to be sufficiently clear to allow you to advise on the level of disability without the need for a face-to-face assessment and indicate which descriptors are likely to apply
- To explain medical reasoning for subsequent audit purposes
- To explain the medical reasoning for future filework HCPs who consider the case when it is next referred

When the claimant has indicated a high level of disability in any activity area but your advice is to accept, your justification should fully explain your reasoning as to why the support group does not apply in the specific activity.

You may also wish to explain your reasoning if

- The opinion appears to be out of keeping with the ESA Filework Guidelines; or
- There is a need to highlight important issues for the attention of the examining HCP or the Decision Maker

Medical Services

Justification must:

- Be specific to the case under consideration
- Refer to the certified cause of incapacity and to any other relevant conditions
- Be succinct and in line with the IQAS quality standards
- Give details of the pieces of evidence used in order to provide the advice, including dates of any documents.

Justification for every filework outcome must be recorded. Justification is recorded as either:

- A LiMA phrase (with use of free text box as appropriate); or
- Free text

Both these can be entered into the Justification box. LiMA will provide a selection of justifications from which to choose or you should create an individual response using free text.

You must provide enough detail to explain your opinion if the advice given seems to be contrary to any of the principles set out in the ESA Filework Guidelines.

You need to justify and explain the reasoning not only to the Decision Maker but also to a medical auditor.

Advice should:

- Not include embarrassing information
- Not mention the ESA Filework Guidelines in the justification

10. Miscellaneous

10.1 Harmful Information

Any information that is identified as harmful to the claimant can be indicated to the Decision Maker by entering it into the 'Harmful Information' box. Any information entered here will only be printed out onto the harmful information part of the ESA85A. This may be of particular importance in TI cases.

Only Harmful information should be documented in this section and it should not be used to document any embarrassing or sensitive information.

10.2 Unexpected Findings

On rare occasions, you may identify information suggesting the claimant may have an undiagnosed illness, or information may be revealed in the ESA50 that the GP may not be aware of e.g. suicidal ideation. You must consider this information carefully and follow the guidance provided by your professional body about breach of confidentiality.

You should refer to the Revised WCA Handbook for further information and should consult with a senior colleague before disclosing information to a third party.

10.3 Domiciliary visits

Not all benefit assessments are conducted at a Medical Examination Centre (MEC). Sometimes a claimant indicates that they are unfit to travel to or to attend the MEC and then a domiciliary visit (DV) may be necessary.

Assessment at a MEC is the most desirable option, as the conditions there are most suitable in terms of Health and Safety and providing a suitable environment to conduct a comprehensive interview. However, it is recognised that, at times, the assessment needs to be conducted in the claimant's home.

It is impossible to provide specific guidance that covers all eventualities, but the following guidance should be considered when assessing a request for a DV.

- Does the claimant have a medical condition that precludes them from travelling to the MEC?
- Has there been medical verification of the severity of the condition that precludes them from attending for assessment in the MEC?
- Are there health and safety implications for a DV? E.g. the claimant or their representative has UCB status identified?

Medical Services

When considering these factors, you must ensure that there is medical confirmation of the condition, providing the reason why the claimant cannot travel on the grounds of health. The request for a DV may come from a GP or other health care professional involved in the claimant's care. When assessing this request you should consider:

- Whether the request is based on medical fact rather than opinion e.g. "My patient has severe agoraphobia and cannot leave the house" rather than "I feel my patient would benefit from an assessment at home" or "My patient tells me they are unable to travel to the examination centre"
- Does the request relate to the claimant's medical problems rather than social circumstances at home?
- Does the information leading to the DV request suggest a severe level of disability where Support Group advice may now be applicable?

In each case, the evidence should be reviewed. At times, it may be necessary to seek further clarification from the author of the report to clarify the medical facts.

Information that may help support a DV request may be:

- Diagnosis suggesting significant disability that may make travel extremely difficult – e.g. incomplete quadriplegia where LCWRA status cannot be established to allow Support Group inclusion without further assessment
- Evidence that the claimant receives home visits or telephone consultations with their GP
- Evidence that the claimant has home visits from the psychiatrist/CMHT

The HCP may also consider whether other options may be acceptable - for example if travelling on public transport is the issue, could a taxi be considered?

There are some circumstances where a DV may be authorised without the need for FME. This may be due to practical or health and safety issues. For example if the local MEC had no ground floor examination rooms and the claimant is a wheelchair user, a DV could be authorised. Each case must be considered carefully by the HCP taking into account all the information available and health and safety issues.

In many cases, the HCP may wish to consult with an experienced colleague when considering whether a DV is appropriate.

10.4 Miscellaneous ESA filework

From time to time, the DM may send other types of filework referrals for advice. The vast majority of these are done electronically. A clerical ESA55 may be available, but the advice request and response is usually given via MSRS. These are usually dealt with by an experienced HCP at CSD. As the advice offered will be available online (MSRS), HCP s doing re-referral filework may also access this as evidence.

Medical Services

Occasionally, the DM may submit a referral with a query concerning the diagnosed cause of incapacity. The DM may need clarification as to what class of incapacity is appropriate based on the Incapacity Reference Guide (IRG). The filework HCP should review the information submitted and provide a response to the DM making it clear which IRG diagnosis is clinically equivalent. The IRG is available on SharePoint.

For example;

DM query

Retinopathy. Not on IRG, please advise on equivalent category.

HCP response

Thank you for this referral. Retinopathy is an eye condition. Please consider using IRG number 0788 (Eye, condition, disease or injury).

These referrals may also include advice cases following receipt of new evidence or information by the DM after an assessment was done. The DM may seek clarification of a specific issue prior to making a decision. This is separate from rework. The majority of cases are reconsiderations with or without an appeal after the decision has been made. The DM would usually have specific questions concerning the impact of the new evidence or information on the original assessment advice. The role of the filework HCP is to evaluate all the available evidence, highlight the evidence that underpins the advice offered, and give appropriate advice in response to the question(s) raised. The replies should be in keeping with the consensus of medical opinion.

The HCP can advise the DM in a number of ways:

- Interpreting and explaining medical terminology in claim packs and medical reports. This can include the nature of diagnoses, the use of medication, the interpretation of clinical examination findings, the significance of special investigations and the nature of surgical or other treatments.
- Giving advice of a general nature to the DM on the likely restrictions and sequelae arising from specific physical or mental health conditions.
- Identifying and explaining limitations, inconsistencies or contradictions in the evidence, and advising whether further evidence is likely to be useful.
- Advising on response to treatment and prognosis of the disabling condition(s).
- Advising on prognosis in relation to descriptor choices.

For example:

Medical Services

Case 1

A 55-year-old woman with multiple medical problems including Angina, Arthritis and Chronic Fatigue Syndrome states in her ESA50 that she cannot walk more than 100 metres because of fatigue, painful joints and back pain. She reports she has problems with prolonged sitting/standing and climbing stairs.

She uses paracetamol and ibuprofen gel as analgesia. She appears not to be attending any hospital specialist or clinic currently.

She has been assessed by a HCP who documents that she lives alone, apart from a pet cat, in a house with stairs, where the toilet and bedroom is upstairs. She sleeps well, rising without difficulty. She has a shower, standing in the bath without difficulty for 15 minutes. She climbs into the bath using a stool. She cooks her own meals and does all her own housework including vacuuming and changing bed, but says everything takes her ages. She feeds and cares for the cat. She enjoys watching TV including all the soaps the news and occasionally films. She reads a good deal, mainly religious texts. She is involved with her local church; she visits weekly for counselling, and attends services every Sunday, which she never misses. She has been attending yoga classes weekly for the last year. Six weeks ago, she started to attend swimming classes at the local pool with her friend from the yoga class. Initially she found it very tiring but now spends 20 minutes in the pool doing a few laps and stretches with her friend. She visits her mother once a week and sees friends from church. She says she is too stiff and sore to garden any more, which she used to enjoy. She drives her own manual car and travelled 20 minutes to examination centre without difficulty. No significant variability reported throughout the week or during the day.

Findings at examination include:

Performed neck movements slowly, but all movements at the neck were in the normal range. She reported pain on moving the shoulders and declined further upper limb examination due to reported discomfort. Started straight leg raise on the left leg but stopped after about 20 degrees and reported legs heavy and felt discomfort in thighs. Declined squat and rise as reported too weak and would be painful. When asked to perform other lower limb examination of hips, knees and ankle, declined due to reported pain and discomfort.

Sat up on couch with outstretched legs.

Blood pressure (sitting) 126/ 74. Not breathless at examination.

Informal Observations:

Sat without obvious discomfort for 40 minutes in upright chair with knees and hips bent to about 90 degrees.

Rose from chair using arms of chair to push self up.

Bent to pull step out from under the examination couch, as well as to pick up handbag from floor.

Used both hands to get medication and spectacles from the handbag. Reached up

Medical Services

to head with both hands to put on spectacles.

Got on the couch swinging both legs onto it without obvious difficulty. Used the step to get on couch. Walked about 20 metres to the examination room with walking stick and slight limp. Noted to walk around examination room without stick.

The advice following assessment was that none of the descriptors apply for all the physical descriptors including: mobilising, sitting/standing, picking up and moving, reaching, and manual dexterity.

Following disallowance of ESA, she submitted a report from a DLA assessment, carried out 3 weeks after the WCA.

In it she claimed that she could walk only 50 – 75 yards due to pain, breathlessness, poor balance and co-ordination and that she dresses and bathes slowly, and manages stairs with an effort. She did not report urinary or faecal incontinence at all.

At assessment she was noted to walk using a stick and with a waddling gait and stooped posture. She was able to demonstrate 30 degrees of SLR (straight leg raising), restricted by back and hip pain. She demonstrated spinal flexion to touch knees.

In this case, the HCP offered the opinion that she could only walk 50 metres, very slowly, before stopping and that she would benefit from support from another person on uneven ground or hills. The HCP reported she is worse in the afternoons when she is more fatigued, and that she was at increased risk of falls.

Model DM submission

WCA carried out on 01st November, zero points awarded for physical descriptors. Has now appealed stating should be in mobilising Support Group.

“The descriptors on which I would welcome your advice are....

1. Mobilising

With her appeal, she has enclosed a copy of a DLA report dated 22nd November (three weeks after the assessment). She was awarded HR mobility and LR care for life.

In the ESA85 report, the HCP has advised that she should be able to mobilise more than 200m and advised ‘none apply’ for the mobilising descriptor. In the DLA report, the HCP has advised that her mobility is severely restricted and that she would be able to walk no more than 50m. I would be grateful if you could advise which of the two reports appear consistent in this area with her medical history.

In order for me to carry out reconsideration, I would appreciate any comments you are able to make on the two contemporaneous reports.

Medical Services

Model HCP response

Thank you for this referral. This 55 yr old lady was assessed separately by two approved Disability Analysts over a 21-day period, and as you have indicated, there is marked inconsistency between the two reports.

Summary

In the WCA report, the HCP has taken a detailed history, identifying that the principle restrictions reported are due to back pain and fatigue. However, the activities of daily living reveal that she is able to manage quite an active lifestyle. She drives a car, attends yoga and now goes to the pool every week. She does all of her own housework. This suggests reasonable upper and lower limb function. Formal clinical examination was limited by the claimant's reported pain, discomfort and weakness. However, detailed observations made by the HCP demonstrate a far greater degree of functional ability than formal clinical findings suggest, and that would be more in keeping with her typical day history.

In the DLA report, the examining doctor has taken a far less detailed history, documenting only what the claimant reported directly and focussing on what she reports she cannot do. The formal clinical findings appear more complete, and seem to demonstrate substantial restriction of back and hip function. However, in this report the examiner has failed to document any informal observations to validate the formally demonstrated findings.

Medical Advice

The main disabling conditions are back and hip pain, and Chronic Fatigue Syndrome. Given the level of analgesia taken, the level of specialist involvement and the activities reported, severe disability seems unlikely. Since the detailed history of activities and the documented informal observations in the WCA report seem to support a level of mobility well in excess of that identified in the DLA report, the advice given in the WCA report seems to be the more sustainable opinion.

Medical Services

Case 2

A 19-year-old lady with learning difficulties attended the assessment alone. The ESA50 was completed by the social worker, who indicated problems by ticking “it varies” with all mental function descriptors except appropriateness of behaviour (no problem). She reports that the claimant can be shy and does not always speak up. Now living in supported accommodation and attends a Life Skills course at College.

At assessment, the claimant stated she came to the centre alone and got the bus there. The supported house is only 5 minutes away. She reported that she usually manages to wash and dress herself alone every day and cooks meals. She does not like doing housework, but has to do tidying duties in the house. The support workers always encourage them to do the tidying up. She indicated that she likes to go to the shop alone for things to eat and to get sweets. She goes to the supermarket with the support worker and two of the other residents. The support worker drives them there.

Gets picked up by the college bus and attends a Life Skills course 4 days a week. She likes to be with her other friends from college and they chat and play games on the computer most afternoons. On Thursdays, she goes to a charity shop where she helps with unpacking items. There is a nice lady at the shop who looks after her there and stays with her whole day. She wants to work in the shop at the counter with the customers and use the computer at the counter to sell items.

Examination Findings:

Alert at exam. Dressed casually in clean clothing. Smiled a lot during the interview. Appeared friendly and gave answers to all questions with no prompting. Was fiddling fingers throughout the interview. Knew the day of week and the city but did not remember the exact date. Was unable to calculate change £1 - 75p. Was able to register three items but only able to recall 2 after 5 minutes and three attempts. Adequate concentration. Not anxious.

The advice following assessment was ‘none apply’ for all the mental health descriptors.

Following disallowance of ESA, the social worker sent a letter seeking reconsideration. She also sent a supporting letter from the learning disability nurse at the college. In the letter, the social worker stated that the claimant tends to overstate her abilities and although very proud of living away from elderly parents now, she receives lots of support at the house. The support workers are currently teaching “dressing skills” at the home and at the college as the claimant continues to be unreliable when performing all the activities on her own. The social worker indicates that the claimant still often “gets it wrong” for example choosing summer clothes on a cold winter day. She likes colourful clothing, preferring orange and green, and would not want to change clothes at times when wearing these colours. Every few days she has to be reminded to get washed and dressed appropriately; and, although she makes snacks in the kitchen, she has difficulties with doing simple meals as cannot tell when things are cooked properly and has set the pans on fire. She now knows not to use cooker unless the support and activity workers are in the kitchen. The support worker also prompts the residents to clean up the house.

Medical Services

The claimant is only able to go to the local shops as she has had travel training for this route, which is less than 200 metres from the house. She is unable to go to the supermarket just over 1 kilometre away as she gets lost and would cry and get very upset. She was only able to come to the MEC alone as she was prepared for the journey over the 4 weeks prior to the assessment and it is only five stops from the home. The support worker actually shadowed her for a few practice trips.

The letter from the learning disability nurse stated that the claimant is now practising lots of life skills but is slow at taking up activities. The nurse is concerned that the claimant may have overstated her ability, as she tends to give the answers she thinks the person wants to hear and is somewhat vulnerable. All computing activity is supervised and the programme that the claimant plays games on is set up and loaded for her to use with her classmate. When the system had a glitch a few weeks ago, the programme stopped working and she became extremely distressed, as she could not reload the game. The activity worker calmed the situation and reloaded the programme, which just required clicking on one icon. A part of the college activities involves planning travel training, however; despite this, the claimant found it difficult to manage the trip from the house to the college, which is 15 minutes away by bus. She became upset when the bus was crowded and felt really lost when the bus got past the usual supermarket. The shop work is part of the supported work in a charity shop the college uses as part of the Life Skills programme. All the claimant's activities there are supervised and she has the main task of packing away two sets of items on the stock shelves. Recently, when the colour of the packaging of the items was changed she became very upset and had to be calmed down. She had to leave the shop for the remainder of the day.

DM submission

ESA85 report completed out on 04th January. No points advised for initiating personal action, going out and coping with change. The social worker letter and the letter from the nurse are casting some doubt now. Kindly advise if this new information is likely to alter the advice. I have already reconsidered the learning tasks and coping with change descriptors. The other descriptors I am concerned about are personal action and going out.

Model HCP response

Thanks for your referral.

The WCA report has provided some information on the activities undertaken. However, the claimant seems to be somewhat vulnerable and overstated her abilities. Given the additional information from the social worker and the nurse about reliability of information given at the assessment, there are some issues with the descriptors in question. The reliability in personal activities such as dressing appears to be under assessed in this case as frequent prompting is a feature. She appears to manage only very familiar routes and managed to come to the MEC, which is close to the house after travel training and preparation. The difficulties with travel are further supported by the letter from the nurse.

Medical Services

Advice

The main disabling condition is learning disability. The claimant is attending a Life Skills course at College. The additional information suggests that although participates in dressing activities this is with frequent prompting. Although able to travel to very familiar locations with travel training, she is unable to manage unfamiliar locations unaccompanied.

You may wish to consider IA(c) and GA(c).

11. Medical Quality

11.1 Audit

Prior to approval, all filework is audited. Subsequent filework may be subject to audit at anytime. The quality of medical advice provided by approved HCPs on ESA filework will be assessed against defined quality standards. Further details are available.

It is important to note that sufficient justification for the advice given must be provided by the filework HCP in all cases where the advice is not to call the claimant for assessment or request FME. The evidence reviewed during the filework process must be documented and when requesting FME, the HCP must still justify why this is required. When calling a claimant for an assessment, justification may be required if this advice appears to be out of keeping with the ESA Filework Guidelines or there is a need to highlight important issues for the attention of the examining HCP or the Decision Maker

The quality of the medical advice on ESA filework will be reviewed on the basis of the evidence, which was available to the HCP at the time the advice was provided.

In general terms, advice must be:

- In keeping with the consensus of medical opinion on the expected level of disability from the underlying medical condition(s) present;

and

- Justified in a manner which a decision maker will understand and will withstand medical peer review.

11.2 Amending filework reports

If a case has been audited and the HCP wishes to make amendments to a report, this can be done through MSRS. The HCP can make any necessary amendments to the report, review the details carefully, and then complete the case. Please refer to the LiMA ESA Filework technical guide for specific instructions about audit amendment if required.

Appendix A - ESA 2008 Regulations as amended in 2012 - Support Group Categories

<i>Activity</i>	<i>Support Group</i>
1 Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid <u>is</u> normally, or could reasonably be, worn or used	Cannot either (i) Mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) Repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion
2 Transferring from one seated position to another	Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from someone else
3 Reaching	Cannot raise either arm as if to put something in the top pocket of a coat or jacket
4 Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this schedule)	Cannot pick up and move 0.5 litre carton full of liquid
5 Manual dexterity	Cannot either - (a) press a button, such as a telephone keypad or; (b) turn the pages of a book with either hand

Medical Services

Activity	Support Group
7 Understanding communication by i) verbal means (such as hearing or lip reading) alone, or ii) non-verbal means (such as reading 16 point print or Braille) alone, or iii) any combination of (i) and (ii), using any aid that is normally, or could reasonably be, used, unaided by another person	Cannot understand a simple message due to sensory impairment, such as the location of a fire escape
8 Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or voiding of the bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used	At least once a week experiences (i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (ii) substantial leakage of the contents of a collecting device; sufficient to require the individual to clean themselves and change clothing
9 Learning tasks	Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder
10 Awareness of hazard	Reduced awareness of everyday hazards, due to cognitive impairment or mental disorder, leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that they require supervision for the majority of the time to maintain safety
11 Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks)	Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions

Medical Services

Activity	Support Group
12 Coping with change	Cannot cope with any change, due to cognitive impairment or mental disorder, to the extent that day to day life cannot be managed
13 Coping with social engagement, due to cognitive impairment or mental disorder	Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual
14 Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder	Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace
15 Conveying food or drink to the mouth	(a) Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else; (b) Cannot convey food or drink to the claimant's own mouth without repeatedly stopping, experiencing breathlessness or severe discomfort; (c) Cannot convey food or drink to the claimant's own mouth without receiving regular prompting given by someone else in the claimant's physical presence; or (d) Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant's own mouth without receiving— (i) physical assistance from someone else; or (ii) regular prompting given by someone else in the claimant's presence
16 Chewing or swallowing food or drink	(a) Cannot chew or swallow food or drink; (b) Cannot chew or swallow food or drink without repeatedly stopping, experiencing breathlessness or severe discomfort; (c) Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant's presence; or (d) Owing to a severe disorder of mood or behaviour, fails to— (i) chew or swallow food or drink; or (ii) chew or swallow food or drink without regular prompting given by someone else in the claimant's presence

Medical Services

Support Group Criteria – Special Circumstances

A claimant may be considered to have Limited Capability for Work Related Activity if he/she falls into various specific categories:

1. A claimant is terminally ill
2. Where the claimant is a woman, she is pregnant and there is serious risk of damage to her health or to the health of her unborn child if she does not refrain from work-related activity
3. A claimant who does not have limited activity for work-related activity as determined in accordance with regulation 34 (1) (the support group descriptors) is to be treated as having limited capability for work related activity if:
 - (a) The claimant suffers from some specific disease or bodily or mental disablement, and
 - (b) By reasons of such disease or disablement, there would be substantial risk to the mental or physical health of any person if the claimant were found not to have limited capability for work related activity
4. A claimant is
 - (i) receiving treatment for cancer by way of chemotherapy or radiotherapy;
 - (ii) likely to receive such treatment within six months after the date of the determination of capability for work-related activity; or
 - (iii) recovering from such treatment,

and the Secretary of State is satisfied that the claimant should be treated as having limited capability for work and work-related activity

Appendix B - ESA 2008 Regulations as amended in 2012 - LCW Descriptors

<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally, or could reasonably be, worn or used	Wa Cannot either (i) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion	15
	Wb Cannot mount or descend two steps unaided by another person even with the support of a handrail	9
	Wc Cannot either (i) mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion	9
	Wd Cannot either (i) mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion	6
	We None of the above apply	0

Medical Services

Activity	Descriptors	Points
2. Standing and sitting	Sa Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person	15
	Sb Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around) or; (ii) sitting (even in an adjustable chair) or (iii) a combination of (i) and (ii) for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion	9
	Sc Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around) or; (ii) sitting (even in an adjustable chair) or (iii) a combination of (i) and (ii) for more than an hour, before needing to move away in order to avoid significant discomfort or exhaustion	6
	Sd None of the above apply	0
3. Reaching	Ra Cannot raise either arm as if to put something in the top pocket of a coat or jacket	15
	Rb Cannot raise either arm to top of head as if to put on a hat	9
	Rc Cannot raise either arm above head height as if to reach for something	6
	Rd None of the above apply	0

Medical Services

Activity		Descriptors	Points
4. Picking up and moving or transferring by the use of the upper body and arms	Pa	Cannot pick up and move a 0.5 litre carton full of liquid	15
	Pb	Cannot pick up and move a one litre carton full of liquid	9
	Pc	Cannot transfer a light but bulky object such as an empty cardboard box	6
	Pd	None of the above apply	0
5. Manual Dexterity	Ma	Cannot either: (i) Press a button, such as a telephone keypad or; (ii) Turn the pages of a book with either hand	15
	Mb	Cannot pick up a £1 coin or equivalent with either hand	15
	Mc	Cannot use a pen or pencil to make a meaningful mark	9
	Md	Cannot single-handedly use a suitable keyboard or mouse	9
	Me	None of the above apply	0
6. Making self understood through speaking, writing, typing, or other means which are normally, or could reasonably be, used, unaided by another person	SPa	Cannot convey a simple message, such as the presence of a hazard	15
	SPb	Has significant difficulty conveying a simple message to strangers	15
	SPc	Has some difficulty conveying a simple message to strangers	6
	SPd	None of the above apply	0

Medical Services

Activity		Descriptors	Points
7. Understanding communication by i) verbal means (such as hearing or lip reading) alone, ii) non-verbal means (such as reading 16 point print or Braille) alone, or iii) a combination of i) and ii), using any aid that is normally, or could reasonably be, used, unaided by another person	Ha	Cannot understand a simple message due to sensory impairment, such as the location of a fire escape	15
	Hb	Has significant difficulty understanding a simple message from a stranger due to sensory impairment	15
	Hc	Has some difficulty understanding a simple message from a stranger due to sensory impairment	6
	Hd	None of the above apply	0
8. Navigation and maintaining safety, using a guide dog or other aid if either is or both are normally, or could reasonably be, used	Va	Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment	15
	Vb	Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment	15
	Vc	Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment	9
	Vd	None of the above apply	0

Medical Services

Activity		Descriptors	Points
9. Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bedwetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used	Ca	At least once a month experiences	15
		(i) Loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or	
		(ii) Substantial leakage of the contents of a collecting device; sufficient to require the individual to clean themselves and change clothing	
	Cb	The majority of the time is at risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder, sufficient to require cleaning and a change of clothing, if not able to reach a toilet quickly	6
	Cc	None of the above apply	0
10. Consciousness during waking moments	Fa	At least once a week, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration	15
	Fb	At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration	6
	Fc	None of the above apply	0
11. Learning tasks	LTa	Cannot learn how to complete a simple task, such as setting an alarm clock	15
	LTb	Cannot learn anything beyond a simple task, such as setting an alarm clock	9
	LTC	Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes	6
	LTd	None of the above apply	0

Medical Services

Activity	Descriptors	Points
12. Awareness of everyday hazards (such as boiling water or sharp knives)	AHa Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that they require supervision for the majority of the time to maintain safety	15
	AHb Reduced awareness of everyday hazards leads to a significant risk of (i) injury to self or others; or (ii) damage to property or possessions, such that they frequently require supervision to maintain safety	9
	AHc Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that they occasionally require supervision to maintain safety	6
	AHd None of the above apply	0
13. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks)	IAa Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions	15
	IAb Cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions for the majority of the time	9
	IAc Frequently cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions	6
	IAd None of the above apply	0

Medical Services

Activity	Descriptors	Points
14. Coping with change	CCa Cannot cope with any change to the extent that day to day life cannot be managed	15
	CCb Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult	9
	CCc Cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult	6
	CCd None of the above apply	0
15. Getting about	GAa Cannot get to any place outside the claimant's home with which the claimant is familiar	15
	GAb Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person	9
	GAc Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person	6
	GAd None of the above apply	0

Medical Services

Activity	Descriptors	Points
16. Coping with social engagement due to cognitive impairment or mental disorder	CSa Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual	15
	CSb Engagement in social contact with someone unfamiliar to the claimant is always precluded due to difficulty relating to others or significant distress experienced by the individual	9
	CSc Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the individual	6
	CSd None of the above apply	0
17. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder	IBa Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace	15
	IBb Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace	15
	IBc Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace	9
	IBd None of the above apply.	0

Appendix C - ESA 2008 Regulations as amended in 2011 - Support Group Categories

Activity	Descriptors
1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid can reasonably be used.	Cannot either: (i) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.
2. Transferring from one seated position to another.	Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.
3. Reaching.	Cannot raise either arm as if to put something in the top pocket of a coat or jacket.
4. Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this Schedule).	Cannot pick up and move 0.5 litre carton full of liquid.
5. Manual dexterity.	Cannot either - (a) press a button, such as a telephone keypad or; (b) turn the pages of a book with either hand.
6. Making self understood through speaking, writing, typing, or other means normally used.	Cannot convey a simple message, such as the presence of a hazard.
7. Understanding communication by hearing, lip reading, reading 16-point print or using any aid if reasonably used.	Cannot understand a simple message due to sensory impairment, such as the location of a fire escape.
8. Absence or loss of control over extensive evacuation of the bowel and/or voiding of the bladder, other than enuresis (bed-wetting), despite the presence of any aids or adaptations normally used.	At least once a week experiences (i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (ii) substantial leakage of the contents of a collecting device; sufficient to require the individual to clean themselves and change clothing

Medical Services

Activity	Descriptors
9. Learning tasks.	Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder.
10. Awareness of hazard.	Reduced awareness of everyday hazards, due to cognitive impairment or mental disorder, leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that they require supervision for the majority of the time to maintain safety.
11. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).	Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions.
12. Coping with change	Cannot cope with any change, due to cognitive impairment or mental disorder, to the extent that day-to-day life cannot be managed.
13. Coping with social engagement, due to cognitive impairment or mental disorder	Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual.
14. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder	Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.
15. Conveying food or drink to the mouth.	(a) Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else; (b) Cannot convey food or drink to the claimant's own mouth without repeatedly stopping, experiencing breathlessness or severe discomfort; (c) Cannot convey food or drink to the claimant's own mouth without receiving regular prompting given by someone else in the claimant's physical presence; or (d) Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant's own mouth without receiving— (i) physical assistance from someone else; or (ii) regular prompting given by someone else in the claimant's presence.
16. Chewing or swallowing food or drink.	(a) Cannot chew or swallow food or drink; (b) Cannot chew or swallow food or drink without repeatedly stopping, experiencing breathlessness or severe discomfort; (c) Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the

Medical Services

Activity

Descriptors

claimant's presence; or

(d) Owing to a severe disorder of mood or behaviour, fails to—

(i) chew or swallow food or drink; or

(ii) chew or swallow food or drink without regular prompting given by someone else in the claimant's presence.

Support Group Criteria – Special Circumstances

The following is a list of the other circumstances that may result in a claimant being treated as having limited capability for work-related activity:

1. The claimant is terminally ill
2. Where the claimant is a woman, she is pregnant and there is a serious risk of damage to her health or to the health of her unborn child if she does not refrain from work-related activity.
3. A claimant who does not have limited activity for work related activity as determined in accordance with regulation 34 (1) (Support Group Descriptors) "is to be treated as having limited capability for work related activity if:
 - (c) The claimant suffers from some specific disease or bodily or mental disablement and;
 - (d) by reasons of such disease or disablement, there would be a substantial risk to the mental or physical health of any person if he were found not to have limited capability for work-related activity
4. The claimant is receiving treatment by way of intravenous, intraperitoneal, or intrathecal, chemotherapy or recovering from that treatment or is likely to receive such treatment within 6 months of the date of the determination of capability for work will be treated as having limited capability for work related activity

Appendix D - ESA 2008 Regulations as amended in 2011 - LCW Descriptors

Physical Function Descriptors

Activity		Descriptors	Points
1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid can reasonably be used	Wa	Cannot either (i) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.	15
	Wb	Cannot mount or descend two steps unaided by another person even with the support of a handrail.	9
	Wc	Cannot either (i) mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion.	9
	Wd	Cannot either (i) mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion or (ii) repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion.	6
	We	None of the above apply.	0
2. Standing and sitting	Sa	Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.	15

Medical Services

Activity	Descriptors	Points
3. Reaching	Sb Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around) or; (ii) sitting (even in an adjustable chair) for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion.	9
	Sc Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around) or; (ii) sitting (even in an adjustable chair) for more than an hour before needing to move away in order to avoid significant discomfort or exhaustion.	6
	Sd None of the above apply	0
	Ra Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	15
4. Picking up and moving or transferring by the use of the upper body and arms	Rb Cannot raise either arm to top of head as if to put on a hat.	9
	Rc Cannot raise either arm above head height as if to reach for something.	6
	Rd None of the above apply.	0
	Pa Cannot pick up and move a 0.5 litre carton full of liquid.	15
5. Manual dexterity	Pb Cannot pick up and move a one litre carton full of liquid.	9
	Pc Cannot transfer a light but bulky object such as an empty cardboard box.	6
	Pd None of the above apply.	0
	Ma Cannot either: (i) press a button, such as a telephone keypad or (ii) turn the pages of a book with either hand.	15
	Mb Cannot pick up a £1 coin or equivalent with either hand.	15

Medical Services

Activity		Descriptors	Points
	Mc	Cannot use a pen or pencil to make a meaningful mark.	9
	Md	Cannot use a suitable keyboard or mouse.	9
	Me	None of the above apply.	0
6. Making self understood through speaking, writing, typing, or other means normally used; unaided by another person	SPa	Cannot convey a simple message, such as the presence of a hazard.	15
	SPb	Has significant difficulty conveying a simple message to strangers.	15
	SPc	Has some difficulty conveying a simple message to strangers.	6
	SPd	None of the above apply.	0
7. Understanding communication by both verbal means (such as hearing or lip reading) and non-verbal means (such as reading 16 point print) using any aid it is reasonable to expect them to use; unaided by another person	Ha	Cannot understand a simple message due to sensory impairment, such as the location of a fire escape.	15
	Hb	Has significant difficulty understanding a simple message from a stranger due to sensory impairment.	15
	Hc	Has some difficulty understanding a simple message from a stranger due to sensory impairment.	6
	Hd	None of the above apply.	0
8. Navigation and maintaining safety, using a guide dog or other aid if normally used	Va	Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment.	15
	Vb	Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment.	15
	Vc	Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment.	9
	Vd	None of the above apply.	0
9. Absence or loss of control leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bed-wetting) despite the presence of any aids or adaptations normally used	Ca	At least once a month experiences (i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (ii) substantial leakage of the contents of a collecting device; sufficient to require the individual to clean themselves and change clothing.	15
	Cb	At risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the	6

Medical Services

Activity		Descriptors	Points
		bladder, sufficient to require cleaning and a change in clothing, if not able to reach a toilet quickly.	
	Cc	None of the above apply.	0
10. Consciousness during waking moments	Fa	At least once a week, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	15
	Fb	At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	6

Mental Function Descriptors

Activity		Descriptors	Points
11. Learning tasks	LTa	Cannot learn how to complete a simple task, such as setting an alarm clock.	15
	LTb	Cannot learn anything beyond a simple task, such as setting an alarm clock.	9
	LTc	Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes.	6
	LTd	None of the above apply.	0
12. Awareness of everyday hazards (such as boiling water or sharp objects)	AHa	Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that they require supervision for the majority of the time to maintain safety.	15
	AHb	Reduced awareness of everyday hazards leads to a significant risk of (i) injury to self or others; or (ii) damage to property or possessions, such that they frequently require supervision to maintain safety.	9
	AHc	Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions,	6

Medical Services

Activity	Descriptors	Points
	such that they occasionally require supervision to maintain safety.	
	AHd None of the above apply.	0
13. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks)	IAa Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions.	15
	IAb Cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions for the majority of the time.	9
	IAc Frequently cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions.	6
	IAd None of the above apply.	0
14. Coping with change	CCa Cannot cope with any change to the extent that day to day life cannot be managed.	15
	CCb Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult.	9
	CCc Cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult.	6
	CCd None of the above apply.	0
15. Getting about	GAa Cannot get to any specified place with which the claimant is familiar.	15
	GAb Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person.	9
	GAc Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person.	6
	GAe None of the above apply.	0
16. Coping with social engagement due to cognitive impairment or mental disorder	CSa Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual.	15
	CSb Engagement in social contact with someone unfamiliar to the claimant is always precluded due to	9

Medical Services

Activity	Descriptors	Points
	difficulty relating to others or significant distress experienced by the individual.	
	CSc Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the individual.	6
	CSd None of the above apply.	0
17. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder	IBa Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15
	IBb Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15
	IBc Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	9
	IBd None of the above apply.	0

Appendix E - ESA 2008 Regulations - Support Group Categories

<i>Activity</i>	<i>Descriptors</i>
1. Walking or moving on level ground.	Cannot— (a) walk (with a walking stick or other aid if such aid is normally used); (b) move (with the aid of crutches if crutches are normally used); or (c) manually propel his wheelchair; more than 30 metres without repeatedly stopping, experiencing breathlessness or severe discomfort.
2. Rising from sitting and transferring from one seated position to another.	Cannot complete both of the following— (a) rise to standing from sitting in an upright chair without receiving physical assistance from someone else; and (b) move between one seated position and another seated position located next to one another without receiving physical assistance from someone else
3. Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this Schedule).	Cannot pick up and move 0.5 litre carton full of liquid with either hand.
4. Reaching.	Cannot raise either arm as if to put something in the top pocket of a coat or jacket.
5. Manual dexterity.	Cannot— (a) turn a “star-headed” sink tap with either hand; or (b) pick up a £1 coin or equivalent with either hand.
6. Continence— (a) Continence other than enuresis (bed wetting) where claimant does not have an artificial stoma or urinary collecting device	(a) Has no voluntary control over the evacuation of the bowel; (b) Has no voluntary control over the voiding of bladder; (c) At least once a week, loses control of bowels so that the claimant cannot control the full evacuation of the bowel; (d) At least once a week loses control of bladder so that the claimant cannot control the full voiding of the bladder; (e) At least once a week fails to control full evacuation of the bowel, owing to a severe disorder of mood or behaviour; or (f) At least once a week fails to control full voiding of the bladder, owing to a severe disorder of mood or behaviour.

Medical Services

Activity

Descriptors

(b) Continence where claimant uses a urinary collecting device, worn for the majority of the time including an indwelling urethral or suprapubic catheter

(a) Is unable to affix, remove or empty the catheter bag or other collecting device without receiving physical assistance from another person;
(b) Is unable to affix, remove or empty the catheter bag or other collecting device without causing leakage of contents;
(c) Has no voluntary control over bowel evacuation;
(d) At least once a week loses control of bowels so that the claimant cannot control the full evacuation of the bowel; or
(e) At least once a week fails to control full evacuation of the bowel, owing to a severe disorder of mood or behaviour.

(c) Continence other than enuresis (bed wetting) where claimant has an artificial stoma appliance

(a) Is unable to affix, remove or empty stoma appliance without receiving physical assistance from another person;
(b) Is unable to affix, remove or empty stoma appliance without causing leakage of contents;
(c) Where the claimant's artificial stoma relates solely to the evacuation of the bowel, has no voluntary control over voiding of bladder;
(d) Where the claimant's artificial stoma relates solely to the evacuation of the bowel, at least once a week loses control of the bladder so that the claimant cannot control the full voiding of the bladder; or
(e) Where the claimant's artificial stoma relates solely to the evacuation of the bowel, at least once a week, fails to control the full voiding of the bladder, owing to a severe disorder of mood or behaviour.

7. Maintaining personal hygiene

(a) Cannot clean own torso (excluding own back) without receiving physical assistance from someone else;
(b) Cannot clean own torso (excluding back) without repeatedly stopping, experiencing breathlessness or severe discomfort;
(c) Cannot clean own torso (excluding back) without receiving regular prompting given by someone else in the claimant's presence; or
(d) Owing to a severe disorder of mood or behaviour, fails to clean own torso (excluding own back) without receiving—
(i) physical assistance from someone else, or
(ii) regular prompting given by someone else in the claimant's presence.

Medical Services

Activity

8. Eating and drinking

(a) Conveying food or drink to the mouth.

Descriptors

(a) Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else;
(b) Cannot convey food or drink to the claimant's own mouth without repeatedly stopping, experiencing breathlessness or severe discomfort;
(c) Cannot convey food or drink to the claimant's own his mouth without receiving regular prompting given by someone else in the claimant's physical presence; or
(d) Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimants own mouth without receiving—
(i) physical assistance from someone else, or
(ii) regular prompting given by someone else in the claimant's presence.

(b) Chewing or swallowing food or drink

(a) Cannot chew or swallow food or drink;
(b) Cannot chew or swallow food or drink without repeatedly stopping, experiencing breathlessness or severe discomfort;
(c) Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant's presence; or
(d) Owing to a severe disorder of mood or behaviour, fails to—
(i) chew or swallow food or drink; or
(ii) chew or swallow food or drink without regular prompting given by someone else in the claimant's presence.

9. Learning or comprehension in the completion of tasks

(a) Cannot learn or understand how to successfully complete a simple task, such as the preparation of a hot drink, at all;
(b) Needs to witness a demonstration, given more than once on the same occasion of how to carry out a simple task before the claimant is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a further demonstration of how to complete it;
or
(c) Fails to do any of the matters referred to in (a) or (b) owing to a severe disorder of mood or behaviour.

10. Personal action

(a) Cannot initiate or sustain any personal action (which involves planning, organisation, problem solving, prioritising or switching tasks);
(b) Cannot initiate or sustain personal action without requiring daily verbal prompting given by someone else in the claimant's presence; or

Medical Services

Activity

Descriptors

(c) Fails to initiate or sustain basic personal action without requiring daily verbal prompting given by someone else in the claimant's presence, owing to a severe disorder of mood or behaviour.

11. Communication

(a) none of the following forms of communication can be achieved by the claimant—
(i) speaking (to a standard that may be understood by strangers);
(ii) writing (to a standard that may be understood by strangers);
(iii) typing (to a standard that may be understood by strangers)
(iv) sign language to a standard equivalent to Level 3 British Sign Language;
(b) none of the forms of communication referred to in (a) are achieved by the claimant, owing to a severe disorder of mood or behaviour;
(c) Misinterprets verbal or non-verbal communication to the extent of causing distress to himself or herself on a daily basis; or
(d) Effectively cannot make himself or herself understood to others because of his disassociation from reality owing to a severe disorder of mood or behaviour.

Support Group Criteria – Special Circumstances

The following is a list of the other circumstances that may result in a claimant being treated as having limited capability for work-related activity:

1. The claimant is terminally ill
2. The claimant is a woman, she is pregnant and there is a serious risk of damage to her health or to the health of her unborn child if she does not refrain from work-related activity”.
3. A claimant who does not have limited activity for work related activity as determined in accordance with regulation 34 (1)” (Support Group Descriptors) “is to be treated as having limited capability for work related activity if:
 - (e) The claimant suffers from some specific disease or bodily or mental disablement and;
 - (f) by reasons of such disease or disablement, there would be a substantial risk to the mental or physical health of any person if he were found not to have limited capability for work-related activity
4. People receiving intravenous, intraperitoneal, or intrathecal, chemotherapy (for whatever reason) will be treated as having limited capability for work related activity (i.e. in the support group), while they are receiving treatment and during a subsequent “period of recovery”.

Appendix F - ESA 2008 Regulations - LCW Descriptors

Physical Function Descriptors

Activity		Descriptors	Points
1. Walking with a walking stick or other aid if such aid is normally used.	Wa	Cannot walk at all.	15
	Wb	Cannot walk more than 50 metres on level ground without repeatedly stopping or severe discomfort.	15
	Wc	Cannot walk up or down two steps even with the support of a handrail.	15
	Wd	Cannot walk more than 100 metres on level ground without stopping or severe discomfort.	9
	We	Cannot walk more than 200 metres on level ground without stopping or severe discomfort.	6
	Wf	None of the above apply.	0
2. Standing and sitting.	Sa	Cannot stand for more than 10 minutes, unassisted by another person, even if free to move around, before needing to sit down.	15
	Sb	Cannot sit in a chair with a high back and no arms for more than 10 minutes before needing to move from the chair because the degree of discomfort experienced makes it impossible to continue sitting.	15
	Sc	Cannot rise to standing from sitting in an upright chair without physical assistance from another person.	15
	Sd	Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.	15
	Se	Cannot stand for more than 30 minutes, even if free to move around, before needing to sit down.	6
	Sf	Cannot sit in a chair with a high back and no arms for more than 30 minutes without needing to move from the chair because the degree of discomfort makes it impossible to continue sitting.	6
	Sg	None of the above apply.	0

Medical Services

Activity	Descriptors	Points
3. Bending or kneeling.	Ba Cannot bend to touch knees and straighten up again.	15
	Bb Cannot bend, kneel or squat, as if to pick a light object, such as a piece of paper, situated 15cm from the floor on a low shelf, and to move it and straighten up again without the help of another person.	9
	Bc Cannot bend, kneel or squat, as if to pick a light object off the floor and straighten up again without the help of another person.	6
	Bd None of the above apply.	0
4. Reaching.	Ra Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	15
	Rb Cannot put either arm behind back as if to put on a coat or jacket.	15
	Rc Cannot raise either arm to top of head as if to put on a hat.	9
	Rd Cannot raise either arm above head height as if to reach for something.	6
	Re None of the above apply.	0
5. Picking up and moving or transferring by the use of the upper body and arms	Pa Cannot pick up and move a 0.5 litre carton full of liquid with either hand.	15
	Pb Cannot pick up and move a one litre carton full of liquid with either hand.	9
	Pc Cannot pick up and move a light but bulky object such as an empty cardboard box, requiring the use of both hands together.	6
	Pd None of the above apply.	0
6. Manual dexterity.	Ma Cannot turn a "star-headed" sink tap with either hand.	15
	Mb Cannot pick up a £1 coin or equivalent with either hand.	15
	Mc Cannot turn the pages of a book with either hand.	15
	Md Cannot physically use a pen or pencil.	9
	Me Cannot physically use a conventional keyboard or mouse.	9
	Mf Cannot do up / undo small buttons, such as shirt or blouse buttons.	9

Medical Services

Activity	Descriptors	Points
	Mg Cannot turn a "star-headed" sink tap with one hand but can with the other.	6
	Mh Cannot pick up a £1 coin or equivalent with one hand but can with the other.	6
	Mi Cannot pour from an open 0.5 litre carton full of liquid.	6
	Mj None of the above apply.	0
7. Speech.	SPa Cannot speak at all.	15
	SPb Speech cannot be understood by strangers.	15
	SPc Strangers have great difficulty understanding speech.	9
	SPd Strangers have some difficulty understanding speech.	6
	SPe None of the above apply.	0
8. Hearing with a hearing aid or other aid if normally worn	Ha Cannot hear at all.	15
	Hb Cannot hear well enough to be able to hear someone talking in a loud voice in a quiet room, sufficiently clearly to distinguish the words being spoken.	15
	Hc Cannot hear someone talking in a normal voice in a quiet room, sufficiently clearly to distinguish the words being spoken.	9
	Hd Cannot hear someone talking in a loud voice in a busy street, sufficiently clearly to distinguish the words being spoken.	6
	He None of the above apply.	0
9. Vision including visual acuity and visual fields, in normal daylight or bright electric light, with glasses or other aid to vision if such aid is normally worn.	Va Cannot see at all.	15
	Vb Cannot see well enough to read 16 point print at a distance of greater than 20cm.	15
	Vc Has 50% or greater reduction of visual fields.	15
	Vd Cannot see well enough to recognise a friend at a distance of at least 5 metres.	9
	Ve Has 25% or more but less than 50% reduction of visual fields.	6

Medical Services

Activity	Descriptors	Points
	Vf Cannot see well enough to recognise a friend at a distance of at least 15 metres.	6
	Vg None of the above apply.	0
10 (a) Contenance other than enuresis (bed wetting) where the person does not have an artificial stoma or urinary collecting device.	Ca Has no voluntary control of the evacuation of the bowel.	15
	Cb Has no voluntary control of the voiding of the bladder.	15
	Cc At least once a month loses control of bowels so that the person cannot control the full evacuation of the bowel.	15
	Cd At least once a week loses control of bladder so that the person cannot control the full voiding of the bladder.	15
	Ce Occasionally loses control of bowels so that the person cannot control the full evacuation of the bowel.	9
	Cf At least once a month loses control of bladder so that the person cannot control the full voiding of the bladder.	6
	Cg Risks losing control of bowels or bladder so that the person cannot control the full evacuation of the bowel or the full voiding of the bladder if not able to reach a toilet quickly.	6
	Ch None of the above apply.	0
10(b) Contenance where the person uses a urinary collecting device, worn for the majority of the time including an indwelling urethral or suprapubic catheter.	CUa Is unable to affix, remove or empty the catheter bag or other collecting device without receiving physical assistance from another person.	15
	CUb Is unable to affix, remove or empty the catheter bag or other collecting device without causing leakage of contents.	15
	CUc Has no voluntary control over the evacuation of the bowel.	15
	CUd At least once a month loses control of bowels so that the person cannot control the full evacuation of the bowel.	15
	CUE Occasionally loses control of bowels so that the person cannot control the full evacuation of the bowel.	9

Medical Services

Activity	Descriptors	Points
	CUf Risks losing control of the bowels so that the person cannot control the full evacuation of the bowel if not able to reach a toilet quickly.	6
	CUg None of the above apply.	0
10(c) Continence other than enuresis (bed wetting) where the person has an artificial stoma.	CBa Is unable to affix, remove or empty stoma appliance without receiving physical assistance from another person.	15
	CBb Is unable to affix, remove or empty stoma appliance without causing leakage of contents.	15
	CBc Where the person's artificial stoma relates solely to the evacuation of the bowel, at least once a week, loses control of bladder so that the person cannot control the full voiding of the bladder.	15
	CBd Where the person's artificial stoma relates solely to the evacuation of the bowel, at least once a month, loses control of bladder so that the person cannot control the full voiding of the bladder.	9
	CBe Where the person's artificial stoma relates solely to the evacuation of the bowel, risks losing control of the bladder so that the person cannot control the full voiding of the bladder if not able to reach a toilet quickly.	6
	CBf None of the above apply.	0
11. Remaining conscious during waking moments.	Fa At least once a week, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	15
	Fb At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	9
	Fc At least twice in the six months immediately preceding the assessment, has had an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	6
	Fd None of the above apply.	0

Medical Services

Mental Function Descriptors

Activity		Descriptors	Points
12. Learning or comprehension in the completion of tasks.	LTa	Cannot learn or understand how to successfully complete a simple task, such as setting an alarm clock, at all.	15
	LTb	Needs to witness a demonstration, given more than once on the same occasion, of how to carry out a simple task before the person is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a further demonstration of how to complete it.	15
	LTc	Needs to witness a demonstration of how to carry out a simple task, before the person is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a verbal prompt from another person.	9
	LTd	Needs to witness a demonstration of how to carry out a moderately complex task, such as the steps involved in operating a washing machine to correctly clean clothes, before the person is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a verbal prompt from another person.	9
	LTe	Needs verbal instructions as to how to carry out a simple task before the person is able to learn or understand how to complete the task successfully, but would be unable, within a period of less than one week, to successfully complete the task without receiving a verbal prompt from another person.	6
	LTf	None of the above apply.	0
13. Awareness of hazard.	Aha	Reduced awareness of the risks of everyday hazards (such as boiling water or sharp objects) would lead to daily instances of or to near-avoidance of: (i) injury to self or others; or (ii) significant damage to property or possessions, to such an extent that overall day to day life cannot successfully be managed.	15
	AHb	Reduced awareness of the risks of everyday	9

Medical Services

Activity	Descriptors	Points
	<p>hazards would lead for the majority of the time to instances of or to near-avoidance of:</p> <p>(i) injury to self or others; or</p> <p>(ii) significant damage to property or possessions, to such an extent that overall day to day life cannot successfully be managed without supervision from another person.</p>	
	AHc Reduced awareness of the risks of everyday hazards has led or would lead to frequent instances of or to near-avoidance of:	6
	(i) injury to self or others; or	
	(ii) significant damage to property or possessions, but not to such an extent that overall day to day life cannot be managed when such incidents occur.	
	AHd None of the above apply	0
14. Memory and concentration.	MCa On a daily basis, forgets or loses concentration to such an extent that overall day to day life cannot be successfully managed without receiving verbal prompting, given by someone else in the person's presence.	15
	MCb For the majority of the time, forgets or loses concentration to such an extent that overall day to day life cannot be successfully managed without receiving verbal prompting, given by someone else in the claimant's presence.	9
	MCC Frequently forgets or loses concentration to such an extent that overall day to day life can only be successfully managed with pre-planning, such as making a daily written list of all tasks forming part of daily life that are to be completed.	6
	MCD None of the above apply.	0
15. Execution of tasks.	ETa Is unable to successfully complete any everyday task.	15
	ETb Takes more than twice the length of time it would take a person without any form of mental disablement, to successfully complete an everyday task with which the claimant is familiar.	15
	ETc Takes more than one and a half times but no more than twice the length of time it would take a person without any form of mental disablement to successfully complete an everyday task with which the claimant is familiar.	9
	ETd Takes one and a half times the length of time it	6

Medical Services

Activity	Descriptors	Points
	would take a person without any form of mental disablement to successfully complete an everyday task with which the claimant is familiar.	
	ETe None of the above apply,	0
16. Initiating and sustaining personal action.	IAa Cannot, due to cognitive impairment or due to a severe disorder of mood or behaviour, initiate or sustain any personal action (which means planning, organisation, problem solving, prioritising or switching tasks).	15
	IAb Cannot, due to cognitive impairment or due to a severe disorder of mood or behaviour, initiate or sustain personal action without requiring daily verbal prompting given by another person in the person's presence.	15
	IAc Cannot, due to cognitive impairment or due to a severe disorder of mood or behaviour, initiate or sustain personal action without requiring verbal prompting given by another person in the person's presence for the majority of the time.	9
	IAd Cannot, due to cognitive impairment or due to a severe disorder of mood or behaviour, initiate or sustain personal action without requiring frequent verbal prompting given by another person in the person's presence.	6
	IAe None of the above apply.	0
17. Coping with change.	CCa Cannot cope with very minor, expected changes in routine, to the extent that overall day to day life cannot be managed.	15
	CCb Cannot cope with expected changes in routine (such as a pre-arranged permanent change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult.	9
	CCc Cannot cope with minor, unforeseen changes in routine (such as an unexpected change of the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult.	6
	CCd None of the above apply.	0

Medical Services

Activity		Descriptors	Points
18. Getting about.	GAa	Cannot get to any specified place with which the person is, or would be, familiar.	15
	Gab	Is unable to get to a specified place with which the person is familiar, without being accompanied by another person on each occasion.	15
	GAc	For the majority of the time is unable to get to a specified place with which the person is familiar without being accompanied by another person.	9
	GAd	Is frequently unable to get to a specified place with which the person is familiar without being accompanied by another person.	6
	GAe	None of the above apply.	0
19. Coping with social situations.	CSa	Normal activities, for example, visiting new places or engaging in social contact, are precluded because of overwhelming fear or anxiety.	15
	CSb	Normal activities, for example, visiting new places or engaging in social contact, are precluded for the majority of the time due to overwhelming fear or anxiety.	9
	CSc	Normal activities, for example, visiting new places or engaging in social contact, are frequently precluded, due to overwhelming fear or anxiety.	6
	CSd	None of the above apply.	0
20. Propriety of behaviour with other people.	IBa	Has unpredictable outbursts of, aggressive, disinhibited, or bizarre behaviour, being either: (i) sufficient to cause disruption to others on a daily basis; or (ii) of such severity that although occurring less frequently than on a daily basis, no reasonable person would be expected to tolerate them.	15
	IBb	Has a completely disproportionate reaction to minor events or to criticism to the extent that the person has an extreme violent outburst leading to threatening behaviour or actual physical violence.	15
	IBc	Has unpredictable outbursts of, aggressive, disinhibited or bizarre behaviour, sufficient in severity and frequency to cause disruption for the majority of the time.	9
	IBd	Has a strongly disproportionate reaction to minor events or to criticism, to the extent that the person cannot manage overall day to day life when such	9

Medical Services

Activity	Descriptors	Points
	events or criticism occur.	
	IBe Has unpredictable outbursts of aggressive, disinhibited or bizarre behaviour, sufficient to cause frequent disruption.	6
	IBf Frequently demonstrates a moderately disproportionate reaction to minor events or to criticism but not to such an extent that the person cannot manage overall day to day life when such events or criticism occur.	6
	IBg None of the above apply.	0
21. Dealing with other people.	DPa Is unaware of impact of own behaviour to the extent that: (i) has difficulty relating to others even for brief periods, such as a few hours; or (ii) causes distress to others on a daily basis.	15
	DPb The person misinterprets verbal or non-verbal communication to the extent of causing himself or herself significant distress on a daily basis.	15
	DPc Is unaware of impact of own behaviour to the extent that: (i) has difficulty relating to others for longer periods, such as a day or two; or (iii) causes distress to others for the majority of the time.	9
	DPd The person misinterprets verbal or non-verbal communication to the extent of causing the person significant distress to themselves for the majority of the time.	9
	DPe Is unaware of impact of own behaviour to the extent that: (i) has difficulty relating to others for prolonged periods, such as a week; or (ii) frequently causes distress to others.	6
	DPf The person misinterprets verbal or non-verbal communication to the extent of causing the person significant distress to themselves on a frequent basis.	6
	DPg None of the above apply.	0

Medical Services

Appendix G - IB/PCA Descriptors

<u>PHYSICAL DESCRIPTORS</u>			<i>Descriptors</i>	<i>Points</i>
<i>Activity</i>				
WALKING ON LEVEL GROUND WITH A WALKING STICK OR OTHER AID IF NORMALLY USED*	W(a)	Cannot walk at all	15	
	W(b)	Cannot walk more than a few steps without stopping or severe discomfort	15	
	W(c)	Cannot walk more than 50 metres without stopping or severe discomfort	15	
	W(d)	Cannot walk more than 200 metres without stopping or severe discomfort	7	
	W(e)	Cannot walk more than 400 metres without stopping or severe discomfort	3	
	W(f)	Cannot walk more than 800 metres without stopping or severe discomfort	0	
	W(g)	No walking problem	0	
WALKING UP AND DOWN STAIRS*	St(a)	Cannot walk up and down one stair	15	
	St(b)	Cannot walk up and down a flight of 12 stairs	15	
	St(c)	Cannot walk up and down a flight of 12 stairs without holding or taking a rest	7	
	St(d)	Cannot walk up and down a flight of 12 stairs without holding on	3	
	St(e)	Can only walk up and down a flight of 12 stairs if goes sideways or one step at a time	3	
	St(f)	No problem in walking up and down stairs	0	
SITTING IN AN UPRIGHT CHAIR WITH A BACK BUT NO ARMS	Si(a)	Cannot sit comfortably	15	
	Si(b)	Cannot sit comfortably for more than 10 minutes without having to move from the chair	15	
	Si(c)	Cannot sit comfortably for more than 30 minutes without having to move from the chair	7	
	Si(d)	Cannot sit comfortably for more than one hour without having to move from the chair	3	
	Si(e)	Cannot sit comfortably for more than two hours without having to move from the chair	0	
	Si(f)	No problem with sitting	0	
STANDING WITHOUT THE SUPPORT OF ANOTHER PERSON; MAY USE A WALKING STICK	S(a)	Cannot stand unassisted	15	
	S(b)	Cannot stand for more than a minute before needing to sit down	15	
	S(c)	Cannot stand for more than 10 minutes before needing to sit down	15	
	S(d)	Cannot stand for more than 30 minutes before needing to sit down	7	
	S(e)	Cannot stand for more than 10 minutes before needing to move around	7	
	S(f)	Cannot stand for more than 30 minutes before needing to move around	3	
	S(g)	No problem standing	0	

* Only take the highest descriptor from walking or stairs, not both

Medical Services

RISING FROM SITTING FROM AN UPRIGHT CHAIR	R(a)	Cannot rise from sitting to standing	15
	R(b)	Cannot rise from sitting to standing without holding on to something	7
	R(c)	Sometimes cannot rise from sitting to standing without holding on to something	3
	R(d)	No problem with rising from sitting to standing	0
BENDING AND KNEELING	B(a)	Cannot bend to touch knees and straighten up again	15
	B(b)	Cannot bend or kneel as if to pick up a piece of paper from the floor and straighten up again	15
	B(c)	Sometimes cannot bend or kneel as if to pick up a piece of paper from the floor and straighten up again	3
	B(d)	No problem with bending and kneeling	0
MANUAL DEXTERITY	D(a)	Cannot turn the pages of a book with either hand	15
	D(b)	Cannot turn a tap or control knobs on a cooker with either hand	15
	D(c)	Cannot pick up a coin which is 2.5 centimetres or less in diameter with either hand	15
	D(d)	Cannot use a pen or pencil	15
	D(e)	Cannot tie a bow in laces or string	10
	D(f)	Cannot turn a tap or control knobs on a cooker with one hand	6
	D(g)	Cannot pick up a coin which is 2.5 centimetres or less in diameter with one hand	6
	D(h)	No problem with manual dexterity	0
LIFTING AND CARRYING	MH(a)	Cannot pick up a paperback book, with either hand	15
	MH(b)	Cannot pick up and carry a 0.5 litre carton of milk with either hand	15
	MH(c)	Cannot pick up and pour from a full saucepan or kettle of 1.7 litre capacity with either hand	15
	MH(d)	Cannot pick up and carry a 2.5 kilogramme bag of potatoes with either hand	8
	MH(e)	Cannot pick up and carry a 0.5 litre carton of milk with one hand	6
	MH(f)	Cannot pick up and carry a 2.5 kilogramme bag of potatoes with one hand	0
	MH(g)	No problem with lifting and carrying	0
REACHING	RS(a)	Cannot raise either arm to put something in the top pocket of a coat or jacket	15
	RS(b)	Cannot raise either arm to his/her head to put on a hat	15
	RS(c)	Cannot put either arm behind his/her back to put on a coat or jacket	15
	RS(d)	Cannot raise either arm above his/her head to reach for something	15
	RS(e)	Cannot raise one arm to his/her head to put on a hat	6
	RS(f)	Cannot raise one arm above his/her head to reach for something	0
	RS(g)	No problem with reaching	0

Medical Services

SPEECH	SP(a)	Cannot speak	15
	SP(b)	Speech cannot be understood by family or friends	15
	SP(c)	Speech cannot be understood by strangers	15
	SP(d)	Strangers have great difficulty understanding speech	10
	SP(e)	Strangers have some difficulty understanding speech	8
	SP(f)	No problem with speech	0
HEARING WITH A HEARING AID IF USED	H(a)	Cannot hear sounds at all	15
	H(b)	Cannot hear well enough to follow a television programme with the volume turned up	15
	H(c)	Cannot hear well enough to understand someone talking in a loud voice in a quiet room	15
	H(d)	Cannot hear well enough to understand someone talking in a normal voice in a quiet room	10
	H(e)	Cannot hear well enough to understand someone talking in a normal voice in a busy street	8
	H(f)	No problem with hearing	0
VISION IN NORMAL DAYLIGHT WITH GLASSES	V(a)	Cannot tell light from dark	15
	V(b)	Cannot see the shape of furniture in the room	15
	V(c)	Cannot see well enough to read 16 point print at a distance greater than 20 centimetres	15
	V(d)	Cannot see well enough to recognise a friend across the room	12
	V(e)	Cannot see well enough to recognise a friend across the road	8
	V(f)	No problem with vision	0
CONTINENCE	Cn(a)	No voluntary control over bowels	15
	Cn(b)	No voluntary control over bladder	15
	Cn(c)	Loses control of bowels at least once a week	15
	Cn(d)	Loses control of bowels at least once a month	15
	Cn(e)	Loses control of bowels occasionally	9
	Cn(f)	Loses control of bladder at least once a month	3
	Cn(g)	Loses control of bladder occasionally	0
	Cn(h)	No problem with continence	0
REMAINING CONSCIOUS OTHER THAN FOR NORMAL PERIODS OF SLEEP	F(a)	Has an involuntary episode of lost or altered consciousness at least once a day	15
	F(b)	Has (above) at least once a week	15
	F(c)	Has (above) at least once a month	15
	F(d)	Has had (above) at least twice, in the six months before the test is applied	12
	F(e)	Has had (above) once in the six months before the test is applied	8
	F(f)	Has had (above) once in the three years before the test is applied	0
	F(g)	No problems with consciousness	0

Medical Services

MENTAL HEALTH DESCRIPTORS

<i>Activity</i>		<i>Descriptors</i>	<i>Points</i>
COMPLETION OF TASKS	a	Cannot answer the telephone and reliably take a message	2
	b	Often sits for hours doing nothing	2
	c	Cannot concentrate to read a magazine article or follow a radio programme	1
	d	Cannot use a telephone book or other directory to find a number	1
	e	Mental conditions prevents them from undertaking leisure activities previously enjoyed	1
	F	Overlooks or forgets the risk posed by domestic appliances or common hazards due to poor concentration	1
	g	Agitation, confusion or forgetfulness has resulted in mishaps or accidents in the 3 months before the test is applied	1
	h	Concentration can only be sustained by prompting	1
DAILY LIVING	a	Needs encouragement to get up and dress	2
	b	Needs alcohol before midday	2
	c	Is frequently distressed at some time of the day due to fluctuation of mood	1
	d	Does not care about his appearance and living conditions	1
	e	Sleep problems interfere with his daytime activities	1
COPING WITH PRESSURE	a	Mental stress was a factor in making him stop work	2
	b	Frequently feels scared or panicky for no obvious reason	2
	c	Avoids carrying out routine activities because he is convinced they will prove too tiring or stressful	1
	d	Is unable to cope with changes in daily routine	1
	e	Frequently finds there are too many things to do that he gives up because of fatigue, apathy or disinterest	1
	F	Is scared or anxious that work would bring back or worsen his illness	1
INTERACTION WITH OTHER PEOPLE	a	Cannot look after himself without the help of others	2
	b	Gets upset by ordinary events and it results in disruptive behaviour problems	2
	c	Mental problems impair ability to communicate with other people	2
	d	Gets irritated by things that would not have bothered him before he became ill	1
	e	Prefers to be left alone for six hours or more each day	1
	F	Is too frightened to go out alone	1

Appendix H - IB/PCA Exemption

Incapacity Benefit legislation recognised certain categories of severe disease where it was considered unreasonable that a person with such a disease should be judged capable of work. Claimants with disease in these exempt categories were not asked to complete a self-assessment questionnaire or undergo the Personal Capability Assessment.

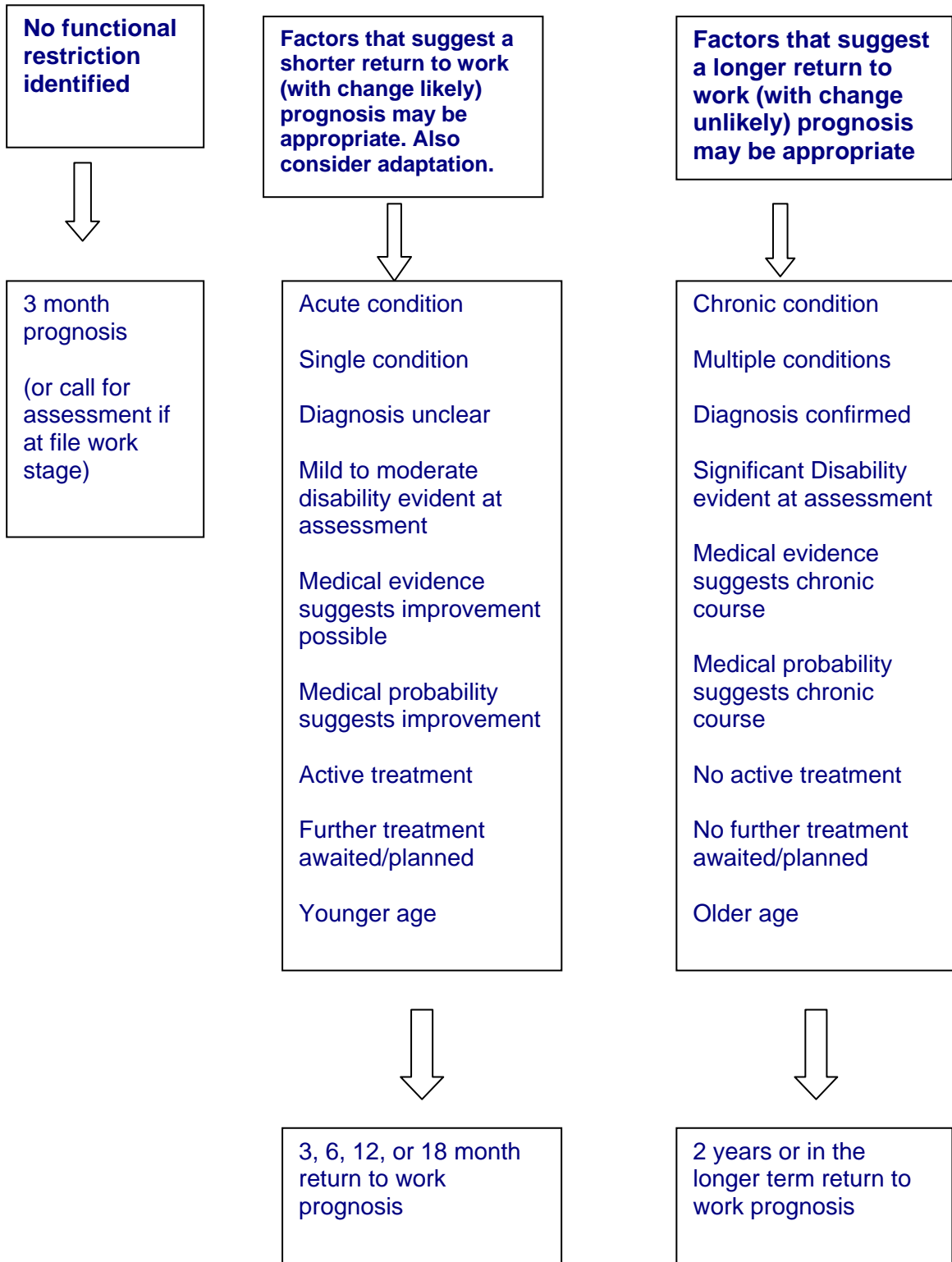
There were two types of medically exempt categories:

- **Conditions which could be determined by a Decision Maker, with or without further medical advice from Atos Healthcare**
 - People in receipt of the highest rate care component of Disability Living Allowance
 - Terminally ill individuals
 - People suffering from any of the following severe medical conditions:
 - Tetraplegia
 - Paraplegia, or uncontrollable involuntary movements or ataxia which effectively render the sufferer functionally paraplegic
 - Persistent vegetative state
 - Dementia
 - Registered blindness
 - Claimants assessed as 80% disabled for Severe Disablement Allowance, Industrial Injuries Disablement Benefit or War Pensions Purposes
- **Conditions which required the Decision Maker to consider the advice of a Health Care Professional approved by the Secretary of State**
 - Severe learning disabilities, defined in legislation as a condition which results from the arrested or incomplete development of the brain, or severe damage to the brain and which involves severe impairment of intelligence and social functioning
 - Severe and progressive neurological or muscle wasting disease
 - Progressive impairment of cardio-respiratory function which severely and persistently limits effort tolerance

Medical Services

- An active and progressive form of inflammatory polyarthritis
- Dense paralysis of the upper limb, trunk and lower limb on one side of the body
- Multiple effects of impairment of function of the brain and/or nervous system causing motor, sensory, and intellectual deficits
- Severe mental illness, defined in legislation as the presence of mental disease which severely and adversely affects a person's mood or behaviour, and which severely restricts their social functioning, or their awareness of their immediate environment
- Severe and progressive immune deficiency states characterised by the occurrence of severe constitutional disease or opportunistic infections or tumour formation

Appendix I - Prognosis Matrix



Appendix J - Glossary of Terms

Throughout the ESA Learning Path you will various terms and abbreviations used. The following is a list of some of these terms:

113	A form used to request FME
AA	Attendance Allowance: is a non-contributory, non-means tested and tax-free benefit that is based on an assessment of care. AA is payable to those whose needs arise after the age of 65 (or who claim after that date) and it relates to personal care only. AA does not have a Mobility component
BC	Benefits Centre – DWP Centre where all benefits are processed
BF	Brought Forward - End date for an action to be carried out
BF 223	Form which claimant completes to explain why they have failed to attend for an assessment
CN referral code	Request for general advice
CSHU	Claimant Sent Home Unseen
CZ referral code	Reconsideration advice request
DLA	Disability Living Allowance: Disability Living Allowance is a non-contributory, non-means tested and tax-free benefit that is based on an assessment of care and mobility needs for people with disability. DLA is payable to those with qualifying needs where the claim is made before the age of 65. DLA is being replaced by PIP (Personal Independence Payment) in eligible people aged 16 – 64 over a phased period of time
DLA/AA Special Rules	A type of claim within the DLA/AA benefit for those claiming a terminal illness
DNA	Did Not Attend – claimant failed to attend for their assessment
DV	Domiciliary Visit
DWP	Department for Work and Pensions
ED referral code	Claimant failed to attend at last appointment
ESA	Employment and Support Allowance

Medical Services

ESA50	A form completed by claimants detailing their medical problems and stating their functional abilities and restrictions in both physical and mental function activities
ESA50A	A form completed by claimants who have been identified as having 'Treat as LCW' by the DM and where FME is not available or adequate to provide advice on LCWRA status. The form is an abridged version of the ESA50 and relates to LCWRA criteria
ESA55:	The file jacket where documentation relating to the claim is inserted
ESA85	The medical report completed by an HCP following a face-to-face assessment to advise the Decision Maker on LCW/LCWRA status
ESA85A	A report produced advising on Filework outcomes in ESA
ESA86	A form used to record advice on LCWRA-only clerical referrals
FME	Further Medical Evidence
FRR2	A form used to request FME where there is a requirement for specific questions to be addressed.
FRR3	A form used to request FME from an HCP other than the claimants GP
FRR4	A form used to document any telephone contact with the claimant or any HCP involved in their care.
GMC	General Medical Council
GP	General Practitioner
IB	Incapacity Benefit
IB85	The medical report completed by an HCP following a face-to-face assessment to advise the Decision Maker about the PCA
IB85A	A report produced advising on Filework outcomes in Incapacity Benefit
IRG	Incapacity Reference Guide – list of coded conditions / diagnoses the DM uses to record diagnosed cause of incapacity


Medical Services

LCW	Limited Capability for Work: The term used to identify those with a certain degree of disability defined in the legislation, which means there are likely to be limitations on their ability to engage in work
LCWRA	Limited Capability for Work Related Activity: The term used to describe those with the most severe conditions where it would be considered unreasonable for them to engage in any type of work-related activity or training. Those who meet criteria to be considered as having LCWRA are entered into the Support Group. LCWRA may be as a result of severe functional restriction or certain specific circumstances such as Terminal Illness
LCWRA-only	A type of referral where the Decision maker has identified 'Treat as LCW' and requests advice on LCWRA status
LiMA	Logic Integrated Medical Assessment – computer based program
MEC	Medical Examination Centre
MSRS	Medical Services Referral System: An automated workflow and case management system used to register details of Incapacity Benefit and ESA claims
NINo	National Insurance Number
NMC	Nursing and Midwifery Council
OCP	Off Critical Path
PBC	Pre-board check: A stage of filework completed on all claimants at their initial referral other than cases where definitive advice has been provided at the TI check
PCA	The medical assessment process which applied to those who applied for Incapacity Benefit
PIP	Personal Independence Payment. This started to replace DLA in eligible people aged 16 – 64 from April 2013
PV	Potentially Violent (Now obsolete – see UCB)
Q referral code	Awaiting receipt of claimant questionnaire
Revised WCA	Revised Work Capability Assessment

Medical Services

SCF	Supporting Case File
SMART	System for Medical Allocations, Referrals and Tracking. An IT system used in Atos Healthcare by administration staff with a variety of functions including recording of appointments and brief outcomes of advice relating to DLA/AA claims
TI	Terminal illness
TI Check	Terminal Illness Check/ Special Rules check: An initial stage of ESA Filework completed by those who claim they are terminally ill
'Treat as LCW'	The term used for claimants who are considered to have limitations on their ability to work due to specific criteria defined in the legislation namely having certain types of regular treatment, pregnancy around dates of confinement, hospital patient treatment and restriction on work due to a Public Health Order
UCB	Unacceptable Claimant Behaviour
WFHRA	Work Focussed Health Related Assessment: A face-to-face assessment which was conducted by an Atos Healthcare HCP to explore the claimant's views on their abilities and restrictions in relation to work and health. The WFHRA provisions were revoked from the ESA Regulations in June 2011
WFI	Work Focussed Interview: A series of interviews conducted by Personal Adviser at the Job centre Plus (or private contractor) to help those with limited capability for work to begin a journey towards work readiness and ultimately employment

Appendix K - TI Referral Cover Sheet



TI Referral Fax Cover Sheet

MSC:

BDC Office ID:

BDC Address:

Client Name:

Client NINO:

Number of pages (including this cover sheet):

An ESA TI Referral was made through MSRS on / / (Insert date)

Please tick either YES or NO for the following questions

	YES	NO	DATE
Is the DS1500 attached?			
Has DLA been awarded? If so, from what date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
Has PIP been claimed? If so, from what date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
Has PIP been claimed under Special Rules?	<input type="checkbox"/>	<input type="checkbox"/>	
Has decision been made on PIP claim?	<input type="checkbox"/>	<input type="checkbox"/>	
Has PIP been awarded? If so, from what date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
Has PIP been awarded under Special Rules?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
If so, from what date?			
Sender's Name:	<input type="text" value=""/>		
Sender's Contact No:	<input type="text" value=""/>		

Appendix L - DCS SMART TI Check Proforma

Section A - Client Details	
Full Name:	<input type="text"/>
NINO:	<input type="text"/>
Date of Birth:	<input type="text"/>
<hr/>	
Section B - DCS Special Rules Outcome	
No DCS SR Output within last 6 months	<input type="checkbox"/>
DCS SR Referral advised TI	<input type="checkbox"/> <input type="text"/>
DCS SR Referral did not advise TI	<input type="checkbox"/> <input type="text"/>
<hr/>	
Checked By (Print Name):	<input type="text"/>
Signed:	<input type="text"/>
Date:	<input type="text"/>
<small>DCS CHECK PRO FORMA 10/08</small>	

12. Observation Form

Please photocopy this page and use it for any comments and observations on this document, its contents, or layout, or your experience of using it. If you are aware of other standards to which this document should refer, or a better standard, you are requested to indicate this on the form. Your comments will be taken into account at the next scheduled review.

Name of sender: _____ Date: _____

Location and telephone number: _____

Please return this form to: xxxxx xxxxxx
Service Delivery Lead
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