

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR 212

DATE: 4 February 2016

Tom Evans
request-311458-12560089@whatdotheyknow.com

Dear Tom Evans,

Thank you for your Freedom of Information request of 19 January 2016. You asked:

- 1. Please provide a copy of all templates that are in use for preparing response bundles to ESA appeals in England and Wales.*
- 2. Please also provide any material that consists of guidance / flowcharts or similar systems which is used for selecting templates or parts of templates for inclusion in ESA appeal responses.*

The information requested is in the attached document – see Appendix 7, Example 14.

The department has recently started using a modified template. But the only real difference is that Section 5 now sets out the law in some detail at the start of that Section – see below.

Section 5: The response

1. Entitlement to Employment and Support Allowance depends on whether a claimant's capability for work is limited by their physical or mental condition, and if so, whether the limitation is such that it is not reasonable to require them to work. **Welfare Reform Act 2007, sections 1(3)(a) and (4)**
2. The question of whether a claimant has limited capability for work is determined by an assessment of the extent to which a claimant is capable or not of performing certain activities due to disease or bodily or mental disablement. Points may be scored if the claimant satisfies the appropriate descriptors for an activity. Where a total of 15 or more points are scored, the claimant has limited capability for work. **Welfare Reform Act 2007, section 8 Employment and Support Allowance Regulations 2008, regulation 19 and Schedule 2**
3. The claimant can be treated as having limited capability for work pending assessment where certain conditions are satisfied, including the condition that the claimant provides medical evidence. **Employment and Support Allowance Regulations 2008, regulation 30**
4. A claimant can be treated as having limited capability for work without assessment, or after being assessed as not having limited capability for work, where certain conditions are satisfied, such as where the claimant is undergoing specified treatment, or where there is a serious risk to health if the claimant is found not to have limited capability for work. This does not apply to Mr Alves. **Employment and Support Allowance Regulations 2008, regulations 20, 25, 26 or 29**

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

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

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