

DWP Central Freedom of Information Team
e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: Fol 2893

Date: 09 July 2018

Dear Janet Jewell,

Thank you for your Freedom of Information request received on 21 June 2018.

You asked:

I am interested in obtaining a FOI request concerning how the DWP defines mental illness and its rules on mental illness. I am particularly interested in how this is reflected in fluctuating patterns of mental illness and wherein the opinions at assessments by Health Professionals appear to override medical history. Please would you inform me of the legislative origin of all of the above.

The Freedom of Information Act 2000:

The act gives you a legal right of access to any recorded information held by a public authority. We do not have to provide opinions or explanations, generate answers to questions, or create or obtain information we do not hold.

If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act; your interpretation of the information provided is at your perusal.

DWP Response:

Personal Independence Payment (PIP)

The Personal Independence Payment (PIP) process is designed to treat all claimants fairly and with respect. A core tenet of its design is the principle of equivalence between physical and non-physical conditions in order to accurately determine the level of support a person needs. It achieves this by looking at the overall needs of an individual rather than which conditions they have. Very specifically, the majority of activities the assessment looks at not only assess physical barriers to completion of those activities but whether someone needs prompting or supervision to do them. Additionally, three activities have been designed to better reflect the barriers that those with mental health conditions face: engaging with other people face to face; making budgeting decisions; and planning and following journeys.

We know it is essential for the assessment to accurately reflect the impact of variations in an individual's level of impairment. This is important for all health conditions and impairments, not only those which more typically fluctuate. The criteria consider an individual's ability over a 12-month period, ensuring that fluctuations are taken into

account. For each activity, if a descriptor applies on more than 50 per cent of the days in the 12-month period, that descriptor should be chosen.

Detailed information of PIP assessment processes and how claimants with mental health conditions are assessed for PIP can be found in the PIP Assessment Guide: [Personal Independence Payment assessment guide for assessment providers - GOV.UK](#)

More information can be found in the PIP Regulations:
<http://www.legislation.gov.uk/ukxi/2013/377/contents/made>

Information on the decision in MH v Secretary of State for Work and Pensions (PIP): [2017] UKUT 424 (AAC) can be found at:
<https://www.gov.uk/administrative-appeals-tribunal-decisions/mh-v-secretary-of-state-for-work-and-pensions-pip-2017-ukut-424-aac>

Employment and Support Allowance (ESA)

Detailed information on ESA assessment processes and how claimants with mental health conditions are assessed for ESA can be found in the latest edition of the Work Capability Assessment Handbook:
<https://www.gov.uk/government/publications/work-capability-assessment-handbook-for-healthcare-professionals>

More information on legislation can be found in the ESA Regulations:
<http://www.legislation.gov.uk/ukxi/2008/794>

If you have any queries about this letter please contact us 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