

To: Mr B Adams  
C/o [request-130322-04d97c66@whatdotheyknow.com](mailto:request-130322-04d97c66@whatdotheyknow.com)

18 February 2013

Dear Mr Adams

## **Freedom of Information Act – Request for Information**

**Our Reference: FOI 0518**

Thank you for your Freedom of Information request which we received on 4 February 2013.

*You asked: Could you clarify the following information contained in your response...*

*1) You state .. "There is no compulsion for claimants with mental function problems to complete the Limited Capability for Work questionnaire ESA50".... I would presume that this does not provide any exemption for those claimants, but alternatively allows another person to fill the ESA50 in on the claimants behalf.. Is this correct?*

*2) You state .. "HCPs are registered medical or nursing practitioners who have in depth knowledge of the practices and principles of diagnostic techniques" .... As a Disability Analyst is not included in the Nursing and Midwifery Council Registration "recordable qualifications", then what additional qualification enables the nurse to achieve the title "nursing practitioner" which is a standard of proficiency for a level beyond initial registration..*

*3) With regards to the part "in depth knowledge of the practices and principles of diagnostic techniques" ...*

- a) What relevance does this have in the assessment process, and*
- b) As the scope of a nurses on initial registration does not include diagnosis or prognosis, when do they obtain this in depth knowledge?*

*4) You state.. "When a claimant has a mental function problem, DWP identify these cases in their referral to Atos Healthcare at the commencement of the WCA process".... In other FOI requests you state...."In order to establish a claimant's entitlement to ESA, the DWP Decision Maker (DM) will make a referral to the Medical Services Contractor to issue a Limited Capability for Work questionnaire (ESA50)"....*

*This would indicate that as the ESA50 has not been completed at the referral stage, the DM would have no knowledge of the claimants mental function problems. The ESA 50 is returned to Atos and as described in the other FOI requests,... "the HCP will at that stage decide if a face to face WCA is required".*

*5) Please could you clarify your statement: how the DWP identifies when a claimant has a mental function problem in their referral to Atos Healthcare at the commencement of the WCA process, when no such information is yet available?*

In response to **Q 1**: Whilst there is no restriction on a third party assisting the claimant in completing the ESA 50, I can confirm that we hold no information to support your assumption that a third party would be required to complete the form on the claimant's behalf with mental function problems. However for claimants with mental health conditions the Department do not compel the claimant to complete the questionnaire.

In response to **Q 2**: I note that DWP quoted an incorrect generic term "nursing practitioners" in their decision dated 31 January 2013, however, an approved Health Care Professional is prescribed in Statute as:

- a registered medical practitioner;
- a registered nurse; or
- a registered occupational therapist or physiotherapist.

In response to **Q 3**: The Welfare Reform Act makes provision for medical assessments in connection with benefit entitlement to be carried out by a range of Healthcare Professionals specified in the legislation. The relevance to the assessment process is because nurses and other HCPs are increasingly being used for disability assessments, which were once reserved to doctors.

HCPs are also fully trained in Disability Assessment Medicine. Expertise in this field qualifies the HCP to give an impartial, independent assessment on the way in which a claimant's illness or disability affects them in carrying out of a range of everyday work-related activities. Training includes the assessment of the effects of specific conditions, for example claimants with mental health conditions.

I note that Evidence Based Protocols were sent to you on 04 December 2012 (ref 3958) which explains the scope of diagnosis and/or prognosis. For clarification, clinical features are identified at the face to face assessment. HCPs can subdivide categories of a claimant's mood swings into the biological symptoms of their disabling condition and use diagnostic techniques at the examination of the claimant's mental state.

In response to **Q4 & 5**: When DWP refer a claimant to Atos Healthcare to commence the Work Capability Assessment process, they record the individual claimant's incapacity on the computer system referral, they obtain this information from the claimant's Statement of Fitness for work medical certificate (Med 3) which has been completed by their GP at the onset of their claim. There are no circumstances when "no such information" is available.

The DWP referral commences the process and the Limited Capability for Work Questionnaire (ESA50) is generated automatically by the computer system and sent out to the claimant. On



occasions where form ESA50 is not returned by post to Atos Healthcare, they consider whether the DWP referral includes mental health conditions. If so, the claimant is not exempt from a face to face assessment but there is no compulsion for them to complete the Questionnaire.

Yours sincerely

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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](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, London SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

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