

To: Mr Adams
request-162617-34f31e3b@whatdotheyknow.com

14 June 2013

Dear Mr Adams,

Freedom of Information Act – Request for Information
Our Reference: Fol 2412

Thank you for your Freedom of Information request which we received on 23 May 2013.

You asked:

'Following the ruling and directions in MM & DM v Secretary of State for Work & Pensions [2013] UKUT 0260 (AAC)) as given below, could you provide the DWP guidance now made available to Atos with regards to the assessment of claimants with mental health problems.

Claim for Judicial Review

(2) We should direct the SSWP to take defined steps, within a defined period, to investigate and assess the implementation of significant changes in the practice relating to obtaining Further Medical Evidence in respect of claimants with Mental Health Problems to provide the evidence referred to in (4).

- i) by being required to complete an ESA50 when this is not needed,*
- ii) in the completion of the ESA50,*
- iii) by being required to attend a face-to-face examination / assessment when this is not needed,*
- iv) during a face-to-face examination / assessment, and*
- v) during the final decision-making process and the communication of that decision by the DWP decision-maker.'*

At this stage and in this judgement, the Upper Tribunal has not found the Department to be in breach of the duties placed on it by the Equality Act. They have asked the Department for further evidence to help determine whether any reasonable adjustments could be made.

As such, individuals should continue to apply for Employment and Support Allowance and undergo Work Capability Assessments in the normal way. Those currently on Incapacity Benefit will be reassessed as planned. Therefore revised guidance regarding the assessment of claimants with mental health problems has not been produced and will not be issued to Atos Healthcare at this stage.

With regard to the current guidance issued to Atos Healthcare relating to mental health problems, you have previously been provided with a link to a copy of the Revised Work Capability Assessment (WCA) ESA (LCW/LCWRA) Amendment Regulations 2011 Handbook and I can further provide you with the mental health protocols that are issued to approved Healthcare Professionals (HCP).

These requested documents have been produced as part of a training programme for approved HCPs to carry out medical assessments. All HCPs undertaking these medical assessments

must be registered medical or nursing practitioners who in addition, have undergone training in disability assessment medicine and more specific training. The training includes theory training in a classroom setting, supervised practical training, and a demonstration of understanding as assessed by quality audit. These documents must be read with the understanding that, as experienced medical or nursing practitioners, the HCPs will have detailed knowledge of the principles and practice of diagnostic techniques and therefore such information is not contained in these documents. In addition, these are not stand-alone documents, and form only a part of the training and written documentation that a HCP receives. As disability assessment is a practical occupation, much of the guidance also involves verbal information and coaching. Thus, although the documents may be of interest to non-medical readers, some of the information may not be readily understood without background medical knowledge and an awareness of the other training and guidance given to HCPs.

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

Yours sincerely

Business Management Team
Health & Disability Assessments (Operations)
dwp.medicalservicescorrespondence@dwp.gsi.gov.uk

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 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



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