

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xxx.xx

To Mr J Newman
C/o xxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx

The WCA was designed in consultation with medical experts and representative groups and was designed to be a more accurate reflection of an individuals capability for work, taking account of modern workplaces, healthcare, legislation (such as the Disability Discrimination Act) and what a claimant could do, rather than what can't be undertaken.

It builds on the experience gained from the operation of the Personal Capability Assessment (PCA) which was used for Incapacity Benefit, which was replaced by Employment and Support Allowance (ESA).

In reply to **Qs 2 & 4** HCPs record within the medical assessment report (ESA 85) all medical conditions and medication, a list of which claimants are requested to provide at the Work Capability Assessment (WCA): this can be found on page 142 of the Revised ESA WCA (LCW/LCWRA) Amendment Regulations 2011 Handbook that is issued to approved HCPs employed by Atos Healthcare. In addition HCPs will record, within the chosen descriptors any pain which results from performing the activity (page 61). HCPs also have to justify their views within the medical report by completing a Personal Summary Statement (ESA85S).

It is also clearly set out in the current training products that Decision Makers (DM) must scrutinise all the available evidence for the claimant, including the Atos medical report. Where, for example, contradictions exist in the report or where further detail or clarification is required, DMs are instructed to challenge the information provided by Atos Healthcare. This process is called rework. It should also be noted that DMs are also told that they are not bound by Atos Healthcare medical reports and can choose to prefer other evidence if they so wish, providing their decision is justified and soundly based in fact and law.

In reply to **Q 3** the DM considers the merit of each answer and any other evidence to determine an overall score¹ (see DMG 42154). As with all evidence DMs have to decide what weight to give to the content of the medical report. DMs are advised that the medical assessment report should be read as a whole; *ESA Regs, reg 19(3)* state that any concerns over inconsistent or improbable entries should be addressed by the DM before a determination of Limited Capability for Work is made.

DMs are appointed on behalf of the Secretary of State to give fair and impartial decisions after applying the laws to the facts of each case. They are required to consider all the evidence available to them to be able to make inferences of fact from the evidence available. Claimants have a right of redress against decisions with which they are unhappy. This is the only way in which questions relating to the treatment of evidence can be addressed.

In answer to **Qs 5 & 6** these are not related to Freedom of Information, as the Act is not about creating more information, entering a debate on the meaning of things or providing an explanation to the requestor on what things mean.

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

Yours sincerely,

DWP Business Management Team
Health & Disability Assessments (Operations)

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