

To Mr Newman  
C/o request-110362-d155909e@whatdotheyknow.com

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-xxxxxxx@xxx.xxx.xx](mailto:freedom-of-information-xxxxxxx@xxx.xxx.xx)

Our Ref: FOI 3064-1277

DATE 19 April 2012

Dear Mr Newman,

Thank you for your Freedom of Information (FOI) request dated 20 March 2012 that was received by the Department for Work and Pensions (DWP) Adelphi on that day and forwarded on 21 March for response by DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer.

In your email you asked to be provided with information answering the following questions:-

*1)the information you (DWP OR Atos) send to claimants in advance of a WCA that SPECIFICALLY points out that:*

*a)When assessing mobility, the HCP will consider if it could be improved by the claimant using a self-propelled wheelchair even though they may not have one.*

*b)That they should bare this in mind when completing the ESA50, both in terms of*

*i)Their upper body condition to allow them to propel a wheelchair.*

*ii)Their ability to accommodate two steps.*

*2)The information you routinely send to claimants to explain if the decision regarding ESA payments has been based on use of a wheelchair when they do not use one currently.*

*3)The information you send to supplement such a decision regarding the interpretation the claimant should place on your wheelchair recommendation in relation to potentially conflicting information from GP &/or consultant.*

*4)The help you provide to explain what a claimant might have to do to obtain a wheelchair.*

*5)When gathering additional information (perhaps from a GP or consultant), the advice a DM would send out to ensure the recipient is aware of the wheelchair scenario so that the reply can be prepared accordingly.*

*6)What should a claimant do if DWP has made a decision based on use of a wheelchair, when the GP/consultant has SPECIFICALLY advised against using one?*

*When assessing mobility, do the HCP and DM have to be consistent with regard to wheelchair use or not? That is, must they consider ALL aspects of mobility either with a wheelchair or without a wheelchair, rather than some aspects with and some aspects without?*

*7) You refer to “aids that are widely available”. What exactly are these?*

*8) If mobility scooters are NOT on this list, why not as they too are widely available?*

*9) A claimant's might first become aware that their chances of finding employment will be improved by using a wheelchair from the first decision notice they receive from DWP, which might immediately stop ESA payments. Arranging a wheelchair could take a few months during which time their lower mobility prevents them from working. Being unable to work for this reason, they are not eligible for JSA either. How do they deal with this?*

In response to **Qs 1 & 2** Other than the appointment letter, I confirm that no such information as described is issued to claimants in advance of the Work Capability Assessment (WCA). All decisions on entitlement to Employment and Support Allowance (ESA) are based on the circumstances in each individual case and the reasoning for the Decision Makers (DM) decision is subject to a claimant's individual circumstances.

In reply to **Q 3** detailed reasoning why DWP think a wheelchair could be used is included in the decision reasoning and this is based on evidence available to the DM at the time the decision is made. Should further evidence be made available that has the potential to affect the outcome, this can be considered as part of the reconsideration process and, if appropriate, the decision can be revised.

In reply to **Q 4** DWP does not give advice on what a claimant might have to do to obtain a wheelchair.

In answer to **Q 5** if appropriate to the claimant circumstances, the opinion as to why the use of a wheelchair is within the claimant's capability is included in the DM's reasoning, which is sent out to claimants. Where a decision is likely to be disallowed, based on available evidence, the DM will also attempt to contact the claimant by telephone to explain the decision. Claimants are also at liberty to speak to a DM, on request, to discuss the decision.

In response to **Q 7** it is not possible to provide an answer to this question without knowing from which literature you have taken the statement “aids that are widely available”.

In reply to **Qs 6, 8, 9 & 10** these questions are not valid for response under the FOI Act. The purpose of the Act is the supply of recorded information held by the Department rather than providing an explanation to, or confirming whether the assumptions made by the author of the questions are correct or not.

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

Yours sincerely,

DWP Central Fol Team

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**Your right to complain under the Freedom of Information Act**

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)