

To: Mr Glynne Powell  
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DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk)

Our Ref: FOI866

8 April 2015

Dear Mr Powell,

Thank you for your Freedom of Information request which we received on 4 March 2015.

You asked:

*"I was disturbed to read people in different parts of the country with depression have been asked by their work capability assessor (one case with Atos and one case with Capita) a specific question in relation to their condition.*

*"Why have you not tried to commit suicide?"*

*1) Is this a question which your department suggests the assessor to ask? (as more than one assessor is reported to be asking it)*

*2) Do you provide any guidance to assessors in terms of asking them to avoid doing or saying anything which may harm the claimant or damage the DWP's case if the decision maker concludes the claimant is fit to work and the claimant appeals that decision? Please kindly supply such guidance if it exists.*

*3) This question links in with question two. Does the DWP provide legal guidance to work capability assessment companies/assessors in order to minimise the risk of the claimant suing the DWP for inappropriate conduct of its WCA contractors?"*

In response, Work Capability Assessments (WCA) relate to Employment Support Allowance (ESA). WCAs are not delivered by Atos Healthcare or Capita but by the Centre for Health and Disability Assessments (CHDA). I have therefore interpreted your request in terms of WCAs delivered by CHDA.

In reply to **Q1**, this is not a suggested question for Healthcare Professionals (HCPs) to ask.

In reply to **Q2**, There is no guidance which suggests HCPs should avoid asking questions which may influence an appeal outcome. Section 7.1 of The Evidence Based Medical Protocols relating to depression state:

*'The examining doctor should consider the information on file, informal observations, medical and psychiatric history, medication and other treatments, typical day, mental state examination and, in some cases, physical examination.'*

The HCP is required to form an opinion as to whether a claimant meets the criteria set out by the Department for each Mental Health Activity (coping with change, memory and concentration and so forth). They do this by asking a series of relevant questions. The HCPs advice also takes

account of discussion (what the claimant states they do each day), observation, and the claimant's reactions/responses during the interview and assessment.

In answer to **Q3**, no such advice has been provided by the DWP.

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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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 Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter. Please remember to quote the reference number above in any future communications.

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  
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