

To Barry Almond
C/o request-114960-612ac47f@whatdotheyknow.com

DWP Central Freedom of Information Team

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

Our Ref: FOI 3276-1830

DATE 28 May 2012

Dear Mr Almond

Thank you for your Freedom of Information request that was received by the Department for Work and Pensions (DWP) Adelphi on 27 April 2012 and forwarded on 5 May for response by the DWP Medical Services Contracts Correspondence Team (MSCCT) Freedom of Information Officer.

You asked

Dear Department for Work and Pensions,

Please can you confirm the following information

- 1. Atos assesments for people wishing to work for the DWP are carried out with the inclusion of the applicants own doctors records . In thier own words*

Your Consent.

Depending on the information you provide, our occupational health advisers, Atos Healthcare, may need to speak to you or consult your GP before giving us advice. They will do this to ensure that the advice they provide is based on all the facts.

By completing Part 2 of this form you will provide consent for Atos Healthcare to contact you, or your GP, if they need to.

- 2. Dwp customers claiming benefits are not afforded the same courtesy. Does this mean not mean Atos WCA/ESA decisions are in Lawful terms issued without all the relevent facts.*
- 3. What is the dwps official stance on this question ?*

In response to **Q 1** pre-employment medical assessments are carried out at the request of employers. They normally relate to the specific employments for which an application has been made. Such assessments take into account the needs of that specific employment, the needs of the individual applicant and where applicable the effects any difficulties would have on other employees and customers of that employer.

Such assessments will take account of relevant pre-existing and current health problems and significant workplace risks. Some industries will require specific clinical investigations such as

respiratory, hearing or vision assessments. Others may require drug screening. Medication may in some cases preclude employment in specific fields.

If an applicant is rejected on health grounds from that employment it does not follow that the individual is unfit for all employment. The individual may well be medically fit for a wide range of alternative employment.

In answer to **Qs 2 & 3** the Limited Capability for Work questionnaire (ESA 50) is the claimants' opportunity to tell DWP how they are affected by their illness or disabling condition and allows DWP to determine the level of illness or disability.

The Parliamentary Act which sets out the way in which Employment & Support Allowance (ESA) is administered – with particular reference to arrangements governing a WCA is the Welfare Reform Act 2007 and the ESA Regulations 2008 provide how limited capability for work shall be determined. You can access the ESA Regulations 2008 via the attached link: http://www.opsi.gov.uk/si/si2008/pdf/uksi_20080794_en.pdf

The questionnaire scrutiny or pre-board check is designed to identify those claimants who may fall into the “support group” or those claimants who may meet certain criteria to be treated as having limited capability for work without having a face to face assessment. The Healthcare Professional (HCP) will review the information available and may choose to ask for further Medical Evidence (FME) from the claimants own GP. At this stage, the intention of the pre-board check is to identify those claimants who are most severely disabled and will be eligible for the Support Group, or to identify for the DWP Decision Maker (DM) claimants who fall to be treated as having Limited Capability for Work without need for a medical assessment.

If FME is requested, the case will be re-scrutinised by a HCP to identify if a Work Capability Assessment (WCA) is required. Unless the claimant has a very severe level of illness or disability, they will be asked to attend a WCA.

The WCA is different to the more usual type of medical examination in which the Medical Clinician's aim is to make a diagnosis and decide on appropriate treatment. A GP or Specialist is not usually trained in disability assessment medicine and therefore will often not have specific experience in assessing the disabling effects of medical conditions and the way in which a customer's illness or disability affects them in carrying out of a range of everyday work-related activities. As well as this difference in emphasis within the assessment process, the HCP will, when giving an opinion, be aware of the law relating to benefit entitlement. A Specialist on the other hand is less likely to be familiar with Social Security Legislation.

The role of the HCP is to carry out an assessment of the functional effects of the customer's disabling condition, and to utilise the information gathered to provide the DWP Decision Maker (DM) with an impartial and independent assessment. Unlike the more widely known type of medical examination, the assessment is not concerned with diagnosis or decisions about treatment, therefore specialist diagnostic qualifications are unnecessary. A customer may submit evidence from their doctor or (if appropriate) specialist, either with the completed ESA 50, or at the actual WCA.

A HCP will complete a medical assessment report which will be sent to the office administering the benefit claim to help the DWP DM decide on benefit entitlement.

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

Yours sincerely,

DWP Central Fol Team

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-xxxxxxxxxxxxxxxxxxxx@xxx.xxx.xxx.xx 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.

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