

DWP Central Freedom of Information Team

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

Our Ref: Fol 1973

Date: 19 July 2011

Dear Ms Smith,

Thank you for your Freedom of Information request of 7 July 2011.

You requested the following information:

I have heard that if a client "fails" the Work Capability Assessment, the DWP discourages the client's GP from issuing a medical certificate, as they have been found "fit for work". Is this true in any way? Given that a large proportion of applicants "fail" the WCA, and given the large number of appeals awaited, this is a worrying suggestion. What communication(s) are there, if any, between the DWP and a client's GP? Does the DWP have access to a patient's confidential details?

The Department for Work and Pensions can ask for information where someone claiming ESA has provided the GP's contact details and agreed that they can provide information by completing declarations on the claim form, in the course of making a telephone claim, or on a completed Work Capability Assessment questionnaire.

The declaration authorises the department, or healthcare professionals advising the department, to ask any person or organisation mentioned on the forms for any information needed to deal with the claim for benefit and any request for the claim to be looked at again.

The Department does not discourage GPs from issuing a medical certificate where they judge that a person is unfit for work.

We do, however, inform the claimant's GP when he or she has been found capable of work following a Work Capability Assessment. A letter is sent advising that the GP no longer needs to issue further medical certificates for ESA purposes, unless an appeal is made or a new claim is made because of a deterioration in the current medical condition or a new medical condition arises. The claimant also consents to this by completing the relevant declarations when making a claim or completing the WCA questionnaire.

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-information-request@dwp.gsi.gov.uk or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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