

27 April 2011

Dear xxxxxxxxx

Thank you for your Freedom of Information request dated 5 April 2011. You asked for clarification of an earlier response, reference 491:

*'In response to Q 1 as part of the Employment and Support Allowance (ESA) conditions of entitlement, the Department does require medical evidence to continue to award ESA benefit whilst the appeals process is ongoing. However, the Department does not stipulate the length of period that the certification is for particularly where a long term health condition is involved. The medical evidence in question should be supplied by a medical practitioner who is registered with the General Medical Council. This does not have to be a GP, and may be a hospital doctor or consultant.'*

*What is meant by "medical evidence"? Is a letter from a GP OK as evidence?*

*When LETTERS from a GP are sent in as evidence (in place of medical certificates,) even by "special delivery" or FAX, the DWP "loses" them. (4 lost so far, in so many weeks.) (Benefit is withheld over this time.) Is this because, despite what they say about letters can be accepted in place of medical certificates, they only actually want medical certificates. Why do they seemingly refuse letters as evidence of an ongoing condition, despite what they say in black and white in their letter to clients?*

*For a letter to be recognised as evidence instead of a medical certificate, what points does it have to include? Is a diagnosis plus an opinion that the condition is ongoing and may get worse not enough evidence?*

*Why can DWP only deal with medical certificates? Why waste GP time in this way?*

Please accept my apologies if the earlier response of 16 March 2011 may have been slightly confusing. From the question asked it was assumed that you wished to know what evidence from a medical practitioner would be accepted to support a claim to Employment and Support Allowance. It is now apparent that your enquiry covers all aspects of evidence to support such a claim or an appeal. I can confirm therefore that the following information may be accepted:

### **Self-certification**

Evidence of Limited Capability for Work (LCW) for a spell of less than eight days, or for the first seven days of a longer spell, may be self-certification. Self-certification is only appropriate for the first seven days of a Period of LCW.

A self-certificate is:

1. a declaration made in writing by the claimant, in a form approved by the Secretary of State **or**
2. a verbal declaration by the claimant in such cases where the DWP Decision Maker (DM) allows (for example where the claim to ESA is made by telephone).

### **Doctor's statements**

A doctor's statement is a statement given in writing by a doctor. They are made on an approved form. A doctor means a registered medical practitioner and includes a medical practitioner outside the UK who is asked for a medical opinion by the Secretary of State. Doctors must be registered or recognised as such in the country in which they pursue a medical practice.

### **Other evidence**

Evidence other than on an approved form or from a registered medical practitioner can be accepted if:

1. it is unreasonable to require a doctor's statement; **and**
2. the evidence shows that the claimant is unfit for work because of a disease or disablement.

Decisions regarding what is 'reasonable' are made by a DM on a case by case basis. For example, evidence from alternative therapists such as chiropractors, osteopaths, etc can be accepted if the claimant is usually treated by them as well as, or instead of, a GP.

Depending on the circumstances a declaration that a claimant is incapable of following a particular occupation and is receiving non-medical treatment such as Christian Science treatment (i.e. treatment through prayer) may be sufficient proof of LCW.

For further information, I attach a weblink to this statutory instrument (Regulations) which is as follows: <http://www.legislation.gov.uk/ukxi/2008/794/contents/made>

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 happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwpgsi.gov.uk](mailto:freedom-of-information-request@dwpgsi.gov.uk) or by writing to DWP, Central FoI Team, 5<sup>th</sup> 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](http://www.ico.gov.uk)