



Emily Thornberry



28 May 2008

Dear

I enclose a copy of the letter I have received from the Chief Executive of the Pension Disability and Carers' Service about welfare reform.

Mr Moran confirms that the strategy is built on the premise that work is generally good for the health of the individual, and therefore new assessment procedures will be focussed on emphasising each individual's abilities. There will not be straightforward exemptions for people with particular health conditions, as this would contradict the aim of treating everyone as an individual.

Mr Moran has also provided some comments on the design of the DLA form, and the involvement of claimants and their representatives in the design process.

I appreciate that this response does not provide a general reassurance to the claimants who are having problems with the Personal Capability Assessment now, or to those who are anticipating problems with the Work Capability Assessment. However, I think that if the new approach works well in practice it should be an improvement on the present system.

I am prepared to take up individual cases for any of my constituents who feel that they have been unfairly treated, so please feel free to get back in touch with any problems or concerns – I am happy to do what I can to help.

Best wishes,

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ON YOUR SIDE

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Quoted

Your ref:

Dear Mr Thornberry,

Thank you for your letter of 25 April 2008, addressed to the Rt Hon James Purnell MP, about Welfare Reform, people with chronic medical conditions and claim forms for Incapacity Benefit (IB) and Disability Living Allowance (DLA). Responsibility for DLA operational matters rests with the Disability and Carers Service and I am replying as Chief Executive of the Pension, Disability and Carers Service. I have also obtained information about IB in response to your enquiry.

As you may know, entitlement to DLA depends on the amount of help a person needs in connection with their personal care and independent mobility. It is not paid simply for the existence of an illness or disabling condition.

The DLA claim form is a generic form for people with physical, sensory, (sight, hearing) speech difficulties or mental health problems.

The "structured" design of the claim form is to:

- * improve the claiming process for the customer; and
- * help the customer to provide as much relevant information, as early as possible.

The claim form has changed several times in recent years. When developing it to its present style, we consulted customers and a wide variety of customer representative groups.

The questions in the claim form are designed to help the customer to focus on the relevant information in describing their needs, with the minimum of difficulty. Questions on help with getting around and care needs are presented in an easy to read and complete style. Although your constituent feels the claim form is unsuitable for people with a range of disabilities, it has the Plain English Campaign crystal mark for clarity of language.

I now turn to IB. The primary aim through Welfare Reform is to enable as many people as possible to engage in work, by offering them the right support, as well as ensuring that benefits are paid to the right people until they are able to engage in work.

The Government understands that being out of work is harmful to health and that generally, being in work is good for health. The Government also believes that as many people as possible should be encouraged to be in work. The current Personal Capability Assessment is identifying too many people as incapable of work when they could work, given the right support. The new Work Capability Assessment (WCA) will be a more accurate test of limited capability for work, despite a physical or mental condition. The WCA is about creating a fairer and more accurate assessment of a person's entitlement to benefit, that will correctly identify those people who have limited capability for work because of a physical or mental condition. Assessments are not done on a 'snapshot' basis but take into account the person's functional ability over time. They assess whether the person can carry out an activity most of the time. They will also take into account the effects of symptoms like pain or fatigue and any relevant side-effects of medication on an individual's ability to carry out tasks.

The Government has said all along that everyone should have the opportunity to engage in work and to have the support needed to enable them to do so. It is recognised that there will always be some people for whom this is just not possible because of the severe level of disability they have. That is why, within the new Employment and Support Allowance we have developed the Support group, for people with limited capability for work-related activity, who should not be required to engage in work-related activity as a condition of getting benefit.

The group will comprise people who cannot reasonably be expected to carry out work-related activity and may include people with the conditions you have mentioned. This will depend however, on the effect of their conditions on each person's physical or mental functions. Unlike the existing IB exempt group, the criteria for this group will not be based on the nature of health conditions or disabilities, but on how severely these conditions impact on an individual's ability to function. As such, having a specific condition in itself is unlikely to make someone qualify for entry into the Support Group. No-one should be written off and everyone will be viewed as an individual.

The new WCA is more robust, more accurate, and is a fairer assessment of capability for work. It will focus not just on what a person cannot do but on what they can do. It will also include the work-focused health-related assessment (WFHRA), a new element of the assessment, which looks at residual capability and the health-related interventions that could be taken to improve it. A questionnaire is used to get information from the customer about their physical and mental functions: this questionnaire has been re-designed to fit with the new Employment and Support Allowance and to make it more customer-friendly. The wording, lay-out and design of the form will be an improvement.

Healthcare professionals and representatives from trade unions, charities and disability organisations have worked with this Department on the WCA and also the re-design of the questionnaire, which has been tested with some of our customers and whose responses have been taken into account.

The Government's Health, Work and Well-being Strategy is a unique joint initiative between the Department of Health, the Department for Work and Pensions and the Health and Safety Executive, in partnership with the Scottish Executive and the Welsh Assembly Government. Its focus is on improving the health of working age people, reducing the likelihood of people having to take time off or leave work because of ill-health but, where this is necessary, helping to ensure that they are able to return to work as quickly as possible.

...is generally good for us. It has been recognised for a long time that work is the best route out of financial poverty and social exclusion but crucially, it is now known that work is also good for our health. There may of course be times when the wrong job is bad for an individual but the general principle is that work is beneficial to well-being.

I recognise that the information about IB does not give your constituent the guarantee he seeks about not being forced back to work. I am sorry I cannot be more helpful in this respect but I hope I have clarified the position.

Terry Moran
Chief Executive