



Emily Thornberry



04 June 2008

Dear

I wrote to you last week with a copy of the letter I had received from the Chief Executive of the Pension, Disability and Carers' Service about welfare reform. I have now received a letter from the Minister, and I enclose a copy of this.

The letter from Stephen Timms covers broadly the same ground as the previous letter, but the Minister has confirmed that side effects of medication and symptoms such as fatigue will be taken into account when assessing claimants' abilities, and I know you were concerned about this point. The Minister also confirms that the new version of the DLA form should be available quite soon.

As I said in my previous letter, I am happy to take up individual cases, so if you come across someone who is having difficulties please let me know, and I will do what I can to help.

Best wishes,

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Emily Thornberry MP

22 May 2008

Dear Emily,

Thank you for your letter of 25 April to James Purnell on behalf of your constituent about our welfare reforms and safeguards for people with long-term or chronic incapacities.

I can assure your constituent that we are aware of the barriers that people with conditions such as HIV may face, and of the need to handle such cases carefully. The new medical assessments will be designed with these needs in mind.

It may help if I set out what the changes involve. Incapacity Benefit, and Income Support paid on the grounds of incapacity or disability, will be replaced for new applicants by the Employment Support Allowance from October 2008. This will extend the support offered to those who face barriers to work and change the focus to what work a person can do, rather than what they cannot.

As part of the introduction of the new Allowance, we will also be introducing a new Work Capability Assessment (WCA) for all new applicants. This assessment has been designed with the help of experts in the field and will help us better assess people when they apply for benefit. From 2009, existing incapacity benefit claimants under the age of 25 will have their repeat assessment conducted on the basis of the scoring used in the Work Capability Assessment. From 2010, all existing recipients of incapacity benefits will be assessed under the new arrangements.

We have said it that we have no intention of forcing people who receive incapacity benefits into work as a result of these changes. The Welfare Reform Act 2007 and the subsequent regulations do not provide any powers to do so. I can assure your constituent that the assessments of capability will be thorough, and carried out by people who are trained in medical testing.

The Secretary of State announced further details of the new benefit on 27 March, and I will provide some detail here, which I hope will answer your constituent's concerns. From October, all new and repeat applicants to incapacity benefits will take part in the new WCA. Applicants will then be split into two groups, depending on the outcome of the assessment.

Those people who pass the assessment and are identified as capable of taking part in some form of work-related activity – the work-related activity group – will be able to claim the new Allowance at £84.50 a week. They will be required to attend work-focused interviews to help them overcome barriers to work and support them into long-term sustainable employment.

Those who are identified as not able to take part in work-related activity – the Support group – will not be expected to take part in these interviews, unless they volunteer to do so. People in this category will receive a minimum of £89.50 a week.

Both existing and new applicants will continue to have access to other benefits, such as Disability Living Allowance and help with rent, council tax and NHS charges if their incomes are low. The Government does intend that current recipients of incapacity benefits will move fully to the new benefit arrangements at some time in the future. I emphasise that they will have the existing cash value of their benefits protected at the time of the changeover.

Our primary aims through our welfare reforms are to enable as many people as possible to engage in work by offering them the right support; and to ensure that benefits are paid to the right people, until they are able to engage in work. We recognise that there will always be some people for whom work just isn't possible, because of the severe level of disability they have.

The new WCA will be a more accurate test of limited capability for work because of 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.

The new assessments will 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.

We will be improving the wording, layout and design of forms and notifications. Healthcare professionals and representatives from trade unions, charities and disability organisations have worked with this Department on the WCA and also the redesign of the questionnaire which has been tested with some of our customers and their responses taken into account.

With regard to the current claim form for Disability Living Allowance, the Pension, Disability and Carers Service is continually making improvements to the structure and design of the claim form, in order to make it easier for customers to state how their disabilities affect their daily lives. It must be emphasised that it is the care and mobility needs arising from the disability that determine entitlement to Disability Living Allowance, and not the diagnosis itself. Improvements have been made to the claim form in light of customer research and extensive consultation with welfare rights groups. It is expected that the latest version of the claim form will be available nationally in the next few months.

I hope this explanation has served to reassure you.

Please pass my thanks to your constituent for taking the trouble to raise his concerns with us.

STEPHEN TIMMS