The Rt Hon Amber Rudd MP  
Secretary of State for Work and Pensions

Rt Hon Frank Field MP  
Chair of the Work and Pensions Select Committee  
House of Commons  
London  
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Thank you for your letter dated 20 March.

As discussed with you at the select committee, DWP is committed to supporting customers facing difficult circumstances such as those that you have highlighted. At the committee we confirmed that DWP guidance provides flexibility for decision makers to consider oral evidence in circumstances where the claimant is unable to provide documentary evidence. Our work coaches and decision makers take very seriously their responsibilities to work cooperatively with claimants to gather evidence in support of their claim. DWP provides training, guidance and line management support to ensure that staff are fully aware of their legal responsibilities to obtain this information as part of the decision making process.

DWP’s decision making guidance devotes an entire chapter to the principles of decision making and evidence.  

In the letter you stated that the Advice for Decision Making (ADM) focuses on oral evidence. This is not the case. DWP's decision making guidance provides decision makers with advice on many forms of evidence; oral, documentary and electronic. Evidence can be obtained from the claimant as well as other departments.

Your letter also states that guidance only briefly mentions the responsibility placed on decision makers to seek additional documentary evidence. DWP guidance provides more flexibility than you have suggested. Decision makers are not solely reliant on obtaining documentary evidence. ADM para 1312 states that decision makers can use
all three types of evidence. Some carry more weight than others. The weight given should be carefully judged in the circumstances of the particular case. As a general rule, direct evidence is more significant than indirect or hearsay evidence. Also, the closer in time to the event the decision maker obtains and considers the evidence, the more helpful it is likely to be.

Therefore, should decision makers predominantly focus on documentary evidence, as suggested in your letter, this could provide a worse outcome for victims of abuse. I know that this would not be your intent but we need to exercise caution here and not send the wrong signals to Decision makers, who need to make determinations on the ground. So I believe the current mix is right for the difficult cases highlighted.

We remain ever conscious of our duty to support customers in difficult circumstances and will continue to work collaboratively with stakeholders to deliver the most effective means of support.

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