



Work and Pensions Committee

House of Commons, London, SW1A 0AA

Tel [REDACTED] Email [REDACTED]

From the Chair

Keith Ward
Chief Executive
British Medical Association

26 March 2019

Dear Keith

You may have seen recent reports in the Guardian about the Committee's correspondence with the Department for Work and Pensions about its letters to the GPs of people who have failed Work Capability Assessments (WCA).¹

Employment and Support Allowance (ESA) claimants who are appealing the Department's initial decision on their ESA claim are entitled to receive an "assessment rate" of ESA pending their appeal. To obtain this they must supply regular "fit notes" from their GP.

The previous version of this letter (ESA65B) made clear that GPs may be required to provide fit notes in this situation:

This means you do not have to give your patient any more medical statements for benefit purposes. But you may have to give your patient new medical statements if

- they decide to appeal against our decision
- their condition gets significantly worse
- they have a new medical condition.

The current version, however, states (emphasis in original):

"As a result of this decision, [client] is not entitled to ESA from [date] and you do not need to provide any more fit notes to him relating to his disability/health condition for ESA purposes."²

The Committee has heard that, reflecting this wording, GPs are refusing to issue fit notes to claimants awaiting their appeal. This is leaving them unable to access ESA to which they are entitled.

The Department has told us that the change of wording was agreed with the Royal College of GPs and the British Medical Association during a stakeholder meeting. I find it very difficult to believe no record whatsoever is held of these meetings, but DWP has so far failed on request to provide any minutes or similar.³

I am therefore writing to both you and to the RCGP. Might you please tell us:

1. Whether the BMA agreed to the change of wording in the ESA65B letter as it currently stands;

¹ <https://www.theguardian.com/society/2019/mar/18/misleading-dwp-letter-causing-ill-and-disabled-people-to-lose-benefits>

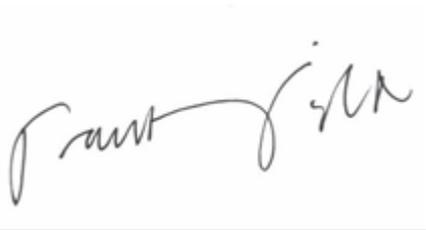
² http://data.parliament.uk/DepositedPapers/Files/DEP2018-0290/ESA65B_Letter.pdf

³ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2clords&member=4683&dept=29&keywords=employment%2csupport%2callowance>

2. Whether the BMA offered any feedback on the current choice of wording at the time of the decision;
3. Whether you consider the wording suitable now, given the evidence we have received, and if not what further revisions you might suggest.

I would be very grateful if you would please respond by Friday 5 April, so that the Committee can progress with its work.

With best wishes and I look forward to hearing from you,

A handwritten signature in black ink, appearing to read 'Frank Field', enclosed in a thin black rectangular border.

Rt Hon Frank Field MP
Chair, Work and Pensions Committee
Cc. Royal College of GPs