

Incapacity Benefit (I.B.)

As reported in previous newsletters, in October this year Incapacity Benefit (I.B.) will be replaced for new applicants by the Employment Support Allowance. The new test to receive the allowance will be called the **Work Capability Assessment (WCA)** and this will be used for all claimants over the age of 25 from 2009.

There will be a **basic rate** for the new allowance, topped up by a **'support component'** for those who are most disabled, and by a **'work related activity component'** for those who may be able to return to work, with help. The 'support component' will be worth more than the 'work related activity component' but the exact rates are not yet known. We have heard from the organisation Benefits and Work (www.benefitsandwork.co.uk) that **the vast majority of incapacity benefit claimants will not automatically be moved onto employment and support allowance** as was originally feared - at least not before 2014 at the very earliest. However, claimants will still have to pass the new WCA test.

Many people with ME/CFS are very concerned that they may in the future be forced into unsuitable activities, and have written to their MPs about this. Stephen Timms, Government Minister in the Department of Work and Pensions, has given a written assurance to the MP of one of our members:

"I want to stress 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."

Transitional Protection for those already on I.B.

Stephen Timms has also pledged:

"I can repeat the commitment we made to Parliament that all current recipients will have the cash level of their benefits protected when any transfer to the new Allowance takes place."

Difficulties of claiming benefits with a fluctuating illness

The following is taken directly from Hansard, the publication which records government business:

28 Apr 2008 : Column 44W—continued

*Incapacity Benefits: Medical Examinations Dr. Gibson: To ask the Secretary of State for Work and Pensions what steps he is taking to ensure that employment and support allowance assessments take account of the characteristics of different health conditions, with particular reference to the **fluctuations inherent in symptomatic severity of myalgic encephalopathy**; and if he will make a statement. [201834]*

*Mr. Timms: The new Work Capability Assessment for Employment and Support Allowance will be a fair, robust and accurate assessment of limited capability for work which takes account of all conditions, **including those that are long term and that fluctuate such as myalgic encephalopathy.***

*The Work Capability Assessment is not a snapshot of a person's condition on the day of the assessment. In assessing whether a person can carry out any given activity, health care professionals **must take into account the person's condition over a reasonable period of time.** They must take into account the effects of symptoms such as pain and fatigue. In this way the Work Capability Assessment takes account of the effects of fluctuating conditions.*

The Medical Examination

In our area, the medical examinations are arranged on behalf of Jobcentre Plus by Atos Healthcare (phone 0800 2888 777).

The appointment: When you are given an appointment you have **just one chance** to change it and / or to request a same-sex doctor. You do not have another chance and may not change the replacement appointment.

Taking notes: There is no regulation to state that you or your companion may not take notes. If you find that a doctor says it is against the rules (as recently happened to a member) then this is not true. Medical Services of Atos Healthcare have written to us with the following clarification:

“Should a person wish to take notes during their examination, it must be understood that they will be for their own use and benefit. They will not be included in any report, save for the fact that notes have been taken and they are not accepted as an official record of the examination. If the notes are subsequently produced at any time for any purpose, such as part of an Appeal process, the examining doctor, his employer/engager/contractor and the Department for Work and Pensions (DWP), reserve all rights to challenge anything that may be recorded in the notes taken. People who do choose to take such notes should also not seek to publicise them as certain matters are subject to data protection and confidentiality.”

Using recording equipment: There is clear guidance on this. Recording is allowed only if it is notified at the time when the interview is fixed. It must be done by a professional and the costs borne by the claimant. Copies then must be available for all parties.

Sheffield M.E. Group
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