



Department
for Work &
Pensions

Minister for Disabled People,
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Catherine McKinnell MP
Chair, Petitions Committee

3 April 2020

Dear Catherine

Thank you for your letter of 30 March to the Secretary of State regarding MIND's concerns about disability benefit claims, assessments, Mandatory Reconsiderations and Appeals during the Covid-19 crisis. I have been asked to respond as I am the Minister responsible for these.

I should begin by saying - as I am sure you will understand - that this is a fast-moving situation which we are adapting to, as and when required. Therefore, these answers reflect the current processes. If we do make further changes, we will endeavour to update our guidance on Gov.uk as soon as is possible and will write back to you with an update.

We have seen an exceptional demand for our services as a consequence of the challenging circumstances presented by the coronavirus outbreak. The Department is working round the clock to help people across the country in these extraordinary times to make sure people get the support they need.

Regarding MIND's concerns as raised in your letter, as part of the Government's strategy to support people affected by the COVID-19 public health emergency, DWP is making a number of changes to both its benefit processes and legislation to ensure people who need financial help have access to the benefit system.

To remove the burden on Healthcare Professionals and to reduce the risk of further infections, anyone with COVID-19 or required to self-isolate in line with the Government guidelines will not need to undergo a

Work Capability Assessment (WCA) or provide a fit note to claim New Style Employment and Support Allowance (NS ESA) or the equivalent under Universal Credit.

The Department recently suspended all face to face assessments as we felt it is necessary to do this to support the public health advice to stay at home and in order to safeguard the health of individuals claiming these benefits, many of whom are likely to be at greater risk due to pre-existing health conditions.

Instead, we will be looking to make decisions on paper-based evidence (e.g. claim forms and questionnaires completed by claimants) and evidence collected through telephony enquiries and, as normal, claimants can request a Mandatory Reconsideration if they believe the decision taken on their claim is wrong. We will again focus on paper-based evidence and evidence collected through telephony enquiries to make these decisions where possible.

In addition, to reassure claimants about continuity of their benefit during the COVID-19 outbreak, we are automatically extending all awards and reassessments for 3 months so that claimants continue to receive financial support at their current rate during this period. This suspension will be kept under regular review and extended if necessary. However, where people in the Work Related Activity Group experience a change in their health condition or disability they should contact the Department to ensure they are receiving the correct level of support. Claims from those that are not affected by COVID-19 are requested to provide a fit note and undergo a WCA. I must reiterate again though, we are in a fast moving situation and we will keep this under review.

We know that for some claimants it will be difficult for them to complete their ESA50/UC50 health questionnaire and return it to us by the given deadline due to the current situation. People are being asked that they return the form as soon as they can.

Regarding appeals, HMCTS and the Judiciary are currently continuing to hold appeal hearings. Paper based and telephony hearings are being considered as an alternative. Further guidance has been released by the Lord Chancellor looking at additional contingency measures and can be found here: <https://www.judiciary.uk/wp-content/uploads/2020/03/General-Pilot-Practice-Direction-Final-For-Publication-PDF.pdf>

We are working with colleagues in HMCTS to ensure that claimants who do have an appeal adjourned or delayed are signposted to appropriate support.

I hope you find this reply useful.

Kind regards,

A handwritten signature in purple ink that reads "Justin." followed by a long, sweeping horizontal line that ends in a small upward hook.

Justin Tomlinson MP
Minister for Disabled People, Health & Work