

Written evidence from Disability New Service (PEA0103)

Executive summary

- Since November 2016, Disability News Service has been investigating allegations that healthcare professionals working for Capita and Atos have been submitting dishonest PIP assessment reports to the Department for Work and Pensions
- Since beginning the investigation, DNS has heard from more than 250 PIP claimants who say that the way their assessment reports were written was inherently dishonest and misleading, and led to them being found ineligible for PIP or receiving lower rates of PIP than they were entitled to
- The Department for Work and Pensions, Capita and Atos have continued to insist that there is no dishonesty among the healthcare professionals carrying out these assessments on their behalf
- Neither DWP nor Capita and Atos have shown any interest in seeing the evidence I have collected, apart from looking at details of occasional one-off case studies, despite being aware of the huge numbers of cases I have collected
- DWP figures that emerged this month appear to corroborate the evidence I have collected – showing a huge rise in PIP assessment complaints in 2016-17

Evidence

1 I have been investigating claims of dishonesty in the PIP assessment system since November 2016. I made the decision to begin the investigation after realising I had been receiving a steady trickle of emails and phone calls over the previous few months, all from PIP claimants and all making similar allegations. These calls and emails were alleging that the assessment reports prepared by their assessors – some from Capita and some from Atos – had deliberately misreported what the assessor had been told in the face-to-face assessment. These claimants were insisting that the assessor had not just made mistakes or been slipshod in their work, but had clearly and deliberately told untruths. As a result, DWP decision-makers either awarded them a lower level of PIP than they should have been given, or found them completely ineligible for PIP.

2 I began the investigation by contacting all of those who appeared to have credible stories about dishonest assessors, to ask if they would share details of their experiences with me. For those who agreed, I asked 10 questions, the most significant being what in their opinion were the three clearest lies told in their assessment report, as well as factual questions such as where the assessment took place, which company the assessor worked for, etc.

3 These questions were asked of the first tranche of cases. After that, for workload reasons, I continued to collect any further cases – a small proportion of which I investigated – of PIP claimants who made credible allegations that their assessor had lied in their assessment report.

4 I have not tested the accuracy of every claim of dishonesty I received, although I have looked at many of the claims in depth. However, I believe the weight of evidence gives the

results of this investigation substantial credibility when taken together, enough for me to be certain beyond any reasonable doubt that the problem of dishonest assessors exists, and that it is a widespread and institutional issue.

5 The claimants I have spoken to have told me that assessors working for Capita and Atos – most of them nurses – have repeatedly lied, ignored written evidence and dishonestly reported the results of physical examinations.

6 Both Atos and Capita have refused to accept that there is any dishonesty at all in the system, or that their assessors have produced any dishonest reports. They have also shown absolutely no curiosity about my research. Despite learning of scores and scores of cases of alleged dishonesty, they have not asked for a briefing on my research, or for further details of what I have discovered. The same applies to DWP and its press office. Neither Atos and Capita, nor the DWP, have shown any concern whatsoever about the results of my investigation.

As an example, when I told DWP, Atos and Capita that I had collected more than 200 examples of alleged dishonesty, these are extracts of their responses:

DWP: "As we've previously made clear, assessment providers must adhere to strict quality standards regarding staff recruitment and training. They must demonstrate that their health professionals meet all of our requirements before they are approved to carry out assessments. All the health professionals are subject to on-going quality audits to ensure they continue to deliver high-quality assessments. Should they fall below our required standards, they are stopped from carrying out assessments."

Capita: "Our assessors are healthcare professionals who are committed to delivering high-quality and accurate reports throughout the Midlands, Wales and Northern Ireland in line with Department for Work and Pensions and [Northern Ireland] Department for Communities guidance. If someone is unhappy with the assessment service we have provided, they are welcome to contact us by phone, text phone, email or post so that we can look into their concern and understand what we are doing well as well as where we need to do things better."

Atos: "We pride ourselves on providing a professional, compassionate and high-quality assessment service using the criteria as laid out by government and we will always investigate when and if complaints are made. Should any evidence be found of an assessment which does not meet our high standards then we will of course act promptly."

6 Because of the weight of my workload – I run DNS on my own, and do not just cover benefits issues – I no longer collect every case study I come across. If I had done so, I believe I would have reached at least 500 cases of alleged dishonesty by now. As it is, I have collected more than 250. I should point out again that I have not investigated these cases individually in depth. I have not had time to do that. But with many of them, I have interviewed the claimant, examined paperwork in their cases – and in some cases audio and/or video – and put questions to DWP, Atos and/or Capita.

7 I compiled a database of the first 200 cases I collected. An anonymised version of this database was shared with committee member Neil Coyle in July, and I would be happy for

him to share that information with the committee if needed, or to share it with the committee myself. I have also provided him with names and contact details for more than 20 of the claimants in that database (with their permission) so that he can speak to them to discuss their cases in more depth.

8 This week (26/10/17), I published a new story based on figures secured by Stephen Kinnock MP from DWP, which show that complaints about PIP assessments rose by nearly 900 per cent last year – from 142 to 1,391 (*see appendix for details*), while upheld complaints rose by more than 700 per cent (67 in 2015-16 to 545 in 2016-17). I believe these figures corroborate the results of my investigation.

9 I have included an appendix of the key news stories I have written on this investigation since January 2017, when the first one was published.

10 Finally, here are excerpts from some of the case studies shared with me by PIP claimants over the last year:

“Apparently I made constant eye contact and was cheerful through out...I broke down sobbing 3 times & looked at the floor hugging a teddy.”

“I was convinced they had made a genuine mistake when they said I was observed to walk to the assessment room unaided with a normal pace and gait. I had been assessed at home and remained seated throughout! They said I could hear unaided. I permanently wear prescribed hearing aid and white noise generators for hearing loss and tinnitus. I was wrongly quoted throughout as saying and doing things that were simply not true while information and evidence supporting my conditions that was provided was absent, not even referred to. However, as I had an independent support worker present at the assessment taking her own notes, I was sure they would recognise their mistakes when I pointed them out. Their response: The assessor has nothing to gain by inaccurate recording and I can take my complaint directly to them (Capita), their details being on the invitation letter. It would seem from the article in Private Eye and your web site their responses to me are neither genuine mistakes nor isolated instances and which the DWP is well aware of and getting away with.”

“In pip interview I got 0 points for verbal communication. I didn’t utter a single word at assessment someone had to speak for me.”

“I lost my mandatory reconsideration IT SAYS I made my own way alone to venue by metro I was assessed at HOME...”

"I've been reading about the 200 false assessment stories that are being used to highlight the false accounting of PIP & ESA 'face to face' assessments. These are a 'tip of the iceberg' and as a member of a couple of Facebook groups aimed to offer help regarding the application process, I read time & again the lies that are being told by Atos & Capita etc in the reporting of these assessments. The phrase I read most from these applicants is that 'on reading the report of the assessment, it is as if they are talking about somebody else!'."

"I was a police officer for 30 years. Ended up as sergeant and acting inspector. I then represented people at police stations for a legal firm... They constructed a totally inaccurate pack of lies. They have left out a lot of things I said. She kept cutting me short. She wouldn't listen to all my evidence. It was an absolute farce... A lot of the lies were clearly recorded in their statement."

'I asked for my notes from DWP from the atos assessment and discovered the nurse has lied about a physical examination I didn't have and said I can crouch to the floor and stand up again which I was not asked to do and cannot as I have no right forefoot and wear carbon fibre plates which do not bend... She has omitted lots of things I told her about my diabetes and vision and said I could raise my legs from lying down which I was not asked to do. There was no couch in the room.'

'I need a double knee replacement but as I'm too young I have to survive on morphine. Codeine and gabapentin. I was written off too sick to work by my gp and had to claim esa pip...I went for the interview and the lady was very sympathetic saying I should apply for a blue badge and need a morphine increase. She examined me and commented on the dislocations when I bend my knees and the severe muscle wastage. I told her how I had to go to the shops in the car and park in the closest bay, that I times I cannot walk and my 12 year old daughter helps me dress. Then the report came that I walk to the shops daily which is a mile away (never said this) I clean my windows myself on a daily basis (who even does this? Obviously I never said)... the report of her examination said no serious leg problems.'

'I run a disability charity and we do many appeals for people who have got 0 points and go on to get enhanced on both daily living and mobility... There are 2 of us doing the tribunals. And we do on average 2 a week. These are all related to either incorrect information or lies. We have all the reports on file... I've had clients not giving any eye contact, turned away looking at the wall needing a door open and the assessor saying they didn't look anxious and gave good eye contact.'

'I'm a nurse myself, and also the mother of H, now aged 31, who has had ME since she was 16. H and I attended an ATOS PIP assessment 14 months ago, and just as others have said,

the transcript from the assessment seemed to almost reverse everything we said. Anything negative and true about H's health was dismissed or interrupted in an arrogant fashion, and if we mentioned "good" episodes, these were reported as how H is most of the time. I was in disbelief. H and I were stunned and bewildered at on how so many points could be ...yes...lies. It feels unprofessional and reactive to describe it as lies, but that is exactly what it was.'

(Advice charity): "One of the projects we run helps people with learning disabilities with money advice. Recently we have found that the highest area of demand is coming from when people are having DLA stopped and being invited to apply for PIP and where people on disability benefits are being moved over to JSA. We would like to support your point that assessors are lying and providing inaccurate reports when carrying out assessment interviews. We have evidence to support this because on several occasions our support worker has been at the assessments and heard what has been said only to find the written report to say something completely different.'

"Mine is yet another atos report returned riddled with lies and assumptions... anything from me driving myself and the carer there in my car when in fact it was my carer who drove us there in hers... to a full A4 page of exercises even ones done laid down... when in reality I never left my wheelchair or as much as removed a padded parka style coat.'

'At my assessment I broke down and cried three times, my husband helped me with my notes as I knew my mind would go blank when I was being asked lots of questions and he gave me a water bottle after removing the lid, lots of the questions I couldn't answer as I was so exhausted and distressed I wore dark glasses as it was too bright for me and only looked at the assessor once! She wrote in ger report that I coped well, had good eye contact, didn't appear anxious or distressed, answered all the questions unprompted and well!!!! She wrote that was 'seen' to drink from a bottle and referred to notes unaided!!! She lied about almost every single aspect of the assessment!'

'My ATOS "health care professional" made lots of comments that could - just about - be considered misinterpretation, but she also told some outright lies: she said I refused a physical examination, when in truth, I wasn't asked to take one, and she claimed I don't take anti-depressants, despite evidence to the contrary. Without recordings, there's no way to prove the first, but what about the medication? How can anyone say they don't lie when there is proof that they do? This falsehood has dogged my application because no matter how many times I produce evidence, the decision makers just ignore it "preferring the evidence" of the assessor to actual medical evidence.'

'When DWP refused the renewal I got them to supply me with a copy of the report and found it was not just a pack of lies but contained 19 spelling mistakes, three sentences that were complete gibberish and at least two contradictory statements. Among the lies the report claims I'm taking a type of medication that I can't swallow, one of the notes claims I'm doing all my own housework when it was made clear I had to employ someone to do this while another says I can use public transport, which I also made very clear was not the case. The assessor also reports she conducted a full MSK exam, which she never did.'

'My award changed from full care and mobility to zero points for both. When I received the assessors report I thought it was for another person as it contained so many omissions, inaccuracies and conjecture. There was also several instances of fabrication (MSK tests that were not done, but reported that as completed). Luckily I recorded the assessment and have now prepared a full transcript which I shall be submitting to my Tribunal Appeal the Nursing and Midwifery Council to support my complaint to them.'

'We were seen by a nurse who spent a good 85% of time hiding behind her computer, was uncommunicative, rude and totally lacking in any understanding of the numerous significant mental health issues my partner has. When the report arrived from the meeting I thought it was a joke. She said there was nothing wrong with him, and at least 10 significant issues that were raised and discussed in the meeting were ignored by her, and instead she claimed he had no problems in those areas. It was full of lies too, as there are a good 8 or 9 things she claimed happened that we don't even remember being mentioned.'

'As a result of the assessment they gave me standard daily living and took mobility away. I can't walk more than 10 feet, no discs in my back. I am dyslexic and they said I can read and write perfectly. She said I can walk at a normal pace. I am in pain constantly. I can't walk more than 10 metres without stopping. I told her about the pain. She said nothing about the pain.'

'I am a volunteer supporter helping people with fibromyalgia in X with pip/esa claims from beginning through to tribunal. I now have about ten cases waiting for tribunal, and one that went to tribunal and won, all recorded so evidence of errors and lies, pretty much each one consistent.'

'On Friday 27th Feb accompanied individual to assessment by atos I realised that something was not right and that during the assessment the individual was having a heart attack. Yes you have guessed it he failed with the biggest set of mistruths I have ever seen, the person doing the assessment even put that the individual was not sweating and was of a normal colour.'

'Got my appeal next week the so called Health care professional would not identify her qualifications and went on to lie in her report, after being refused my right to have it taped she lied all the way through the form she completed... fortunately my home security system had a record of the meeting and I submitted it via CD to my appeal the Court has accepted it into evidence where it clearly shows she lied.'

Disability News Service

Disability News Service (DNS) is a news agency that specialises in covering disability-related issues, such as independent living, benefits and poverty, human rights and discrimination, affecting the day-to-day lives of disabled people in the UK. I have been running DNS since April 2009. The stories are sent weekly to subscribing organisations, some of which publish them on their websites. They are also published on the DNS website, which currently has about 100,000 users a month.

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