

## **Work and Pensions Committee -- PIP and ESA Assessments inquiry**

Written evidence submitted by WinVisible (women with visible and invisible disabilities)

WinVisible (women with visible and invisible disabilities) is a multi-racial organisation with a UK-wide network: enabling women to have a voice, and providing self-help information, advocacy, campaigning and other activities, on many issues. We produce information on benefit rights and also directly work with and support women claimants with visible and invisible disabilities. In 2015, we were among the organisations and individuals who gave evidence to the UN Committee on the Rights of Persons with Disabilities which found that UK welfare reforms have led to "[grave and systematic violations](#) of the rights of persons with disabilities" (2016).

### Summary:

- Assessments for ESA and PIP are set up to deny claimants the disability benefits they need and are entitled to. The assessor companies, Atos, Capita and Maximus which profit from these contracts, and the tests themselves, are discredited. (Since 2012, the British Medical Association has policy opposing the Work Capability Assessment and Atos: BMA policy reference 1694. Atos was forced to pull out of the ESA contract but now has a PIP contract.) Benefit cuts are imposed on people, leading to enormous suffering, destitution and hastening deaths of sick and disabled people. Destitution was first legalised against asylum seekers, and is now commonplace among benefit claimants.
- Women with invisible disabilities, mental distress including eating disorders, survivors of child abuse, rape and domestic violence, mothers deemed fit to work or not to need daily living help because they are caring for children, traumatised refugee women, suffer particular discrimination and suspicion about their eligibility for disability benefits. Disability benefit assessments cause a terrifying insecurity and lead to suicides or admissions to NHS psychiatric institutions.
- Ways in which vulnerable claimants are mistreated in assessment.
- Assessors refer women for DWP action to make women prove good cause for missing assessments when the reason is ill-health or responsibility for children.
- Right to paper-based assessment, which the Work and Pensions Committee itself supported in its 2014 inquiry.
- Unjust and unjustifiable rejection of requests for exemption of vulnerable claimants from highly stressful and needless face-to-face interviews – profit motive and deterrence from rightful claims and concessions.
- Multiple agencies and lack of accountability or taking responsibility.
- Personal experiences and views from women in our group and network.

### Submission

1. **The Work Capability Assessment (WCA) for Employment and Support Allowance (ESA) and the Personal Independence Payment (PIP) test are discredited.** These tests with their "descriptors" and points system are set up to

deny claimants the benefits they need and are entitled to, in the context of aiming to cut spending on disability benefits. In 2010, Chancellor George Osborne targeted ESA in plans to cut £2.5 billion from [spending on disability benefits](#).

2. **Impact on women and our children.** Women with invisible disabilities, mental distress including PTSD, survivors of child abuse, rape and domestic violence; mothers deemed fit to work or not to need daily living help because they are caring for children; traumatised refugee women; women with eating disorders, suffer particular discrimination and suspicion about their eligibility for disability benefits. Disability benefit assessments cause a terrifying insecurity and lead to [suicides](#); and admissions to NHS psychiatric institutions, as previously experienced by Ms A.
3. Ms A writes: “There is a huge problem with benefits causing crises in women with mental health problems. It all started with the new ESA forms and has now been compounded by the PIP fiasco with many women being driven into panic by being denied benefits and then having to face long processes of challenge leading to tribunals which seem generally to be far more willing to understand and hear the real truth about the women’s situation and often give high rates for long periods.” For her full statement, see: <https://winvisibleblog.wordpress.com/2017/06/21/benefits-stress-and-my-success/>
4. Benefit cuts are imposed on people and implemented via the assessors, leading to enormous suffering, [destitution](#) and **hastening deaths** of sick and disabled people. Destitution was first legalised against asylum seekers (who are barred from claiming benefits since 1999, and from working) in the Asylum & Immigration Act 2004, and is now common for all claimants. In March 2016, [Lillian Oluk](#), 36, and her two-year-old daughter Lynne Mutumba were found dead of starvation and dehydration in their one-bedroom flat in Kent, after the Home Office told Ms Oluk she could no longer stay in Britain, so Social Services stopped their food vouchers.
5. Between December 2011 and February 2014, 2,650 ESA and IB claimants died soon after being found “fit for work” as a result of an assessment. Another 7,200 died after being placed in the ESA work-related activity group (WRAG), whom assessors had decided were well enough to move back towards work. See report [here](#).
6. These tragic avoidable deaths continue till today, with the [death](#) of mother-of-four Elaine Morrall, whose mother Linda Morrall writes: *“My daughter lived in Boston Ave. She died on the afternoon of 2 November, 2017 at home on her own. She was 38 yrs. In the cold with her coat & scarf on. Because she wouldn’t put her heating on until her kids came home from school. Why?? Because she couldn’t afford it . . . Because she was severely depressed. Suffered from eating disorder & many other problems for many years. Was in & out of hospital in recent months in intensive care. But was deemed not ill enough for ESA. Had her benefits stopped numerous times, which in turn stopped her housing benefit. No income but expected to be able to pay full rent. Was told being in intensive care was not sufficient reason for*

*failing to attend a universal credit interview. I went to the job centre to inform them that she couldn't attend. But benefits stopped again. Uncaring housing taking her to court. She's due to go to court on Monday. Is being dead now enough reason? Is that what's had to happen to prove she was ill? How many people have got to die before this government realises they are killing vulnerable people?? How many kids going to lose a parent??..."*

7. Benefit stress adds enormously to the workload of unwaged carers and family members.
8. The abolition of Disability Living Allowance for adults and introduction of PIP with no low rates, **aimed to cut the number of claimants and spending by 20%**. This was [announced by the Treasury](#) in 2010 and reiterated by the Minister for Disabled People Maria Miller.
9. **ESA**. Since 2012, the British Medical Association (BMA) has policy opposing the Work Capability Assessment and Atos (which then had the WCA contract and now has one of the PIP contracts).
10. **BMA policy reference 1694** (2012): "That this Meeting in respect of Work Capability Assessments (WCA) as performed by Atos Healthcare:- (i) believes that the inadequate computer-based assessments that are used have little regard to the nature or complexity of the needs of long term sick and disabled persons; (ii) calls on the BMA to demand that the WCA should end with immediate effect and be replaced with a rigorous and safe system that does not cause avoidable harm to some of the weakest and most vulnerable in society. (iii) calls on the BMA to work with disability groups and political parties to change public policy on this issue."
11. The Work and Pensions Committee itself found in 2014: "The **flaws in the existing ESA system** [are so grave](#) that simply 'rebranding' the WCA by taking on a new provider [replacing Atos with Maximus] will not solve the problems: a fundamental redesign of the ESA end-to-end process is required."
12. The Committee's ESA and WCA inquiry report stated: "We raise concerns about the current system and set out a number of shorter-term changes which we believe will help ameliorate some of its most egregious flaws. However, our overall conclusion is that the design of the ESA benefit and assessment process is so problematic, particularly in relation to the confusion and limitations of the outcome groups, that its inefficiencies and the detriment inappropriate decisions cause to claimants can only be resolved in a fundamental redesign of the ESA claims process over the next few years. (Paragraph 17)"  
<https://publications.parliament.uk/pa/cm201415/cmselect/cmworpen/302/30212.htm>
13. **A key pledge of the Labour Party**: "Labour will scrap the Work Capability and Personal Independence Payment assessments and replace them with a personalised, holistic assessment process which provides each individual with a tailored plan, building on their strengths and addressing barriers, whether finance,

skills, health, care, transport, or housing related.” [NOTHING ABOUT YOU, WITHOUT YOU: A MANIFESTO WITH AND FOR DISABLED PEOPLE](#) page 7. Issued by Labour leader Jeremy Corbyn, Debbie Abrahams (Shadow Work and Pensions) and Marie Rimmer in May 2017. Shadow Chancellor John McDonnell has reiterated this many times and opposed the Work Capability Assessment since the 2006 Welfare Reform Bill which contained it.

14. **PIP test fundamentally wrong.** A 2016 [study](#) found that under PIP, 200,000 disabled people would lose any entitlement and 400,000 people be downgraded and lose income. One example is mobility. Under the PIP test which takes aids and adaptations into account, wheelchair users or people with artificial limbs able to “mobilise” are treated as equivalent to being able to walk normally. The same discrimination on “mobilising” is true of the WCA – a wheelchair user who had come by cab to the assessment, was treated as having no problem with mobility.
15. A [survey](#) of more than 1,700 people by the Disability Benefits Consortium found that the health of 79% of the respondents deteriorated due to stress and anxiety about their PIP exams; 58% said the assessors didn’t understand their conditions.
16. **The profiteer assessor companies are discredited** but still awarded lucrative contracts.
17. **Maximus.** When appointed to replace Atos assessing ESA, it was known that Maximus had settled a lawsuit by the federal US government for \$30.5 million, for falsifying Medicaid claims ([Washington Post](#), 24 July 2007).
18. In 1998 to 1999, [16 formal gender or racial discrimination complaints](#) were filed in the Milwaukee office of the Equal Employment Opportunity Commission against Maximus.
19. Maximus paid \$50,000 [to settle a disability discrimination lawsuit](#), for failing to promote a disabled woman, filed by the U.S. Equal Employment Opportunity Commission (EEOC) in 2012.
20. **Capita.** An [assessor exposed](#) in Channel 4’s Dispatches 2016 documentary, said it was general practice for PIP assessors working for Capita to “pre-populate” (pre-fill) assessment forms before meeting with the claimant and that assessors dismiss most of what the claimants are telling them. The programme also exposed that medical evidence sent by claimants was often not matched up with their forms.
21. **Atos was granted a PIP contract after their long track record of deaths of people found fit for work under their WCA contract.** June Mitchell was found fit for work while suffering from terminal lung cancer (*BBC Scotland Investigates – 2010 – 6. Who’s Cheating Who?* “Mark Daly investigates new government plans to end the UK’s sicknote culture by getting a million people off benefits and back to work. We reveal how, in Britain’s modern welfare state, private companies are paid billions to carry out medical assessments on claimants to determine if they are fit for work, and ask if they are putting profits before welfare. The film hears claims that patients across Scotland with severe mental illness and cancer are being denied benefits and told they must find a job.” Broadcast 26 May 2010.) [Video](#)

22. Others whose death was hastened include [Linda Wootton](#), a transplant patient found fit for work who died in hospital nine days after her appeal was refused; and [Moira Drury](#), too ill to go to the exam and cut off after she was reported by Atos to the DWP for “failure to attend”.
23. Joyce Drummond, a nurse who worked for Atos [said](#) candidates were marked down if they: looked well-presented, with neat hair and make-up; turned up with a toddler; could sign the application form. She also said Atos decision makers paid no attention to her professional clinical opinion and were only interested in cutting down the number of claimants.
24. Atos and Capita [were paid](#) £507 million until late 2016 to assess people for PIP ([Private firms rake in half a BILLION pounds for cruel disability benefit assessments](#))
25. [Targets and deadlines](#) to complete the processing of claims, also have the effect of cutting down the time for people’s claims to be properly considered and the time for claimants to submit further medical evidence to support their claim or for paper-based assessment.
26. A high rate of PIP refusals are [overturned](#) at appeal tribunal.
27. Sir Ernest Ryder, senior president of tribunals [strongly criticised](#) the poor quality of the evidence presented by the DWP in many benefit tribunal cases. “In an extraordinary outburst against what he said was the incompetence of the department, he said he and his fellow judges were so incensed by the volume of cases where there was “no justifiable defence to the appeal” that they were considering sending them back – or charging the DWP for the cases it loses.”
28. Ms S from WinVisible said: “When I accompanied Ms X to the PIP testing centre in Islington [Atos], they ask the same question multiple times to try to trip you up, they twist things around. She has difficulty preparing meals for herself, the assessor wrote that she was observed to be well-nourished”. But eating food is not the same as being able to prepare a hot meal.
29. **Mistreatment of vulnerable claimants.** Maximus is overbooking appointments at assessment centres, which leads to claimants having to wait for hours or being cancelled at the last minute, sometimes more than once. But when claimants are a few minutes late for an appointment, even if this is due to their ill-health, this is treated as failure to attend.
30. **Good cause** for not attending WCA or PIP exams have not been accepted even if women are too sick to go. Women are cut off when their forms are returned late even though the deadlines are very tight and do not take into account delays due to ill-health or the time needed to get help with filling in the form or to obtain medical evidence. ESA and Housing Benefit payments are stopped when “failure to attend” is then upheld by the DWP.

31. Ms D, who has multiple severe conditions including breathing problems from COPD, was cut off for being 10 minutes late for an ESA exam as she could not run for the bus. Until we complained to the DWP, [her ill-health was not accepted as good cause](#), even though she had previously been in the Support Group of ESA and the severity of her ill-health was known. She had attended the assessment centre twice previously without being seen. On one occasion, she was rung by Maximus while on her way, and was told to go home as they “didn’t have enough doctors”. Another time, people were having to wait hours in overcrowded conditions, facilities were inadequate, she was unable to sit or stand for that long and therefore she asked for the appointment to be rearranged. On the day in question, she overslept as she has trouble sleeping. She was unable to run for the bus due to her breathing problems, and had to wait ten minutes for the next one. She called the assessment centre and told them she would be 10 minutes late. They said that was too late and she would have to fill in a BF223 form to explain why she missed the appointment. A welfare rights service helped her to fill in the form. According to regulations, state of health at the time and nature of any disability should be taken into account, which Ms E clearly described on the form. But the stop was upheld by the DWP: “You have not provided evidence that you were prevented from [attending the exam].” This caused her to become suicidal. She lost weight and suffered deterioration in physical health due to lack of proper food and her only income being Disability Living Allowance. She did not claim JSA meanwhile as she was unable to take on job seeking. Due to stop of Housing Benefit tied to ESA, she went into rent arrears and was terrified of eviction. Camden Council ignored her request for nil income Housing Benefit payments. With our help, her benefits were restored.
32. Ms E, a single mother with severe health problems, who doesn’t have relatives living nearby, had to fill in a “good cause” form as to why she could not attend an exam scheduled for 9am, the time she takes her child to school, at an assessment centre at least one hour away by public transport.
33. [Eloise Wakeman](#), who suffers from severe depression, anxiety and diabetes, and her family, face eviction after her ESA was stopped in August 2017 after she missed an assessment as she urgently had to take her two-year-old son to the GP.
34. Claimants are wrongly found fit for work and then told to apply for Jobseekers Allowance which many don’t do, as they are not able to cope with jobseeking conditions. They are left destitute while they wait for mandatory reconsideration.
35. Ms F who has multiple severe health problems including an eating disorder and depression was scored 0 points after waiting hours at the testing centre. She complained to Maximus about how she was treated during the assessment, which included being asked why she hadn’t committed suicide. For various reasons, she had to wait 10 weeks for mandatory reconsideration. When it was unsuccessful, this caused a further deterioration in her mental health. We asked the welfare rights service that was dealing with her case, to send evidence from her consultant and others to the DWP to cut short the wait for a tribunal date. The DWP eventually awarded her ESA at Support Group rate.

36. **Maximus' behaviour as an ESA WRAG back-to-work contractor.** Ms G, a mental health service user and child abuse survivor with continuing consequences, was placed in the Work-Related Activity Group. For more than a year, she was compelled to attending back-to-work activities with Maximus, who pressured her to apply for jobs with companies they had an arrangement with. In other words, they put her under jobseeking conditions. On one occasion, she had just come from a counselling appointment and was in tears. **The woman adviser told her: "You can choose to be a victim or you can go and get a job"**. We helped Ms G write a letter of complaint and Maximus apologised. We wrote to the DWP with medical evidence to show that she should be in the ESA Support Group and her MP wrote to the Secretary of State supporting that Ms G had a compelling case. She was finally placed in the ESA Support Group.
37. **Rights to paper-based assessment.** It is not true that everyone must attend or have a face-to-face interview. A decision from paper evidence is still built in to the disability benefit system. Claimants should be told about paper-based assessment, not just the possible alternative of a home visit. A home visit can be even more stressful as your home is your safe space.
38. **Exemption from the face-to-face interview.** We have been helping vulnerable claimants to ask for exemption from interview and to be accepted as qualifying for benefit from paper evidence, under ESA Exceptional Circumstances [regulation 25](#); and from the PIP exam (under DWP [PIP Assessment Guide Part One -- The Assessment Process](#)). The face-to-face appointment requirement should be lifted while requests for paper assessment are considered. The assessor companies often refuse to halt the date, with the false justification that it could be a negative decision. In reality their decisions that they must see claimants, are driven by the profit motive as fees are higher.
39. **In 2014, your Committee supported paper assessments:** "Improving the claims process: DWP's role. The current ESA process is too long and complex . . . it would be improved if DWP itself, and not the assessment provider, issued the ESA50 and decided whether a face-to-face assessment and/or additional evidence was necessary. This would both speed up the process and put the DWP decision-maker at the heart of the process. We recommend that this change be implemented when the new provider starts delivering the WCA." (para 25)
40. **Unjustifiable rejection of paper-based assessment.** Maximus rejected as insufficient, a current report from a PTSD team clinical psychologist about a traumatised refugee woman, who survived the Rwandan genocide in which she lost numerous family members. She has PTSD, flashbacks and physical injuries from being shot, bayoneted, beaten and bereaved; and from a bomb blast which sent shrapnel into her body, for which she has been referred to the pain clinic. Maximus insist that she must be seen by them or will lose ESA, and previously rejected her medical history -- as it was not dated within the last six months. We are pursuing a

complaint. At first she told us she couldn't describe in English how she felt, being treated like this. Then she said: "I need help, because I can't work. I can't use my arm. I am shot. I take many medicines, I feel dizzy, I don't know what kind of job I can do." In another case, Maximus rejected a letter from an Independent Domestic Violence Advocate supporting a mother escaping domestic violence, saying the IDVA was not medically qualified and had not addressed the woman's functionality.

41. Ms H, who is in her 60s, was found fit for work despite both physical and long-standing mental health problems. She was upset that having disclosed intimate information to the assessor, this was so disregarded that it was not even registered anywhere in the assessment form sent to her with the refusal. She is having to appeal.
42. Ms I has lifelong disabilities and is a former patient of Great Ormond St Hospital, with very substantial daily living and mobility needs. Despite the evidence in her PIP form, she was called in for a face-to-face assessment, which she had to postpone as it clashed with an urgent NHS appointment she had waited for. She was cut off DLA and PIP for some weeks, after a request for paper-based assessment acknowledged received by Atos was "sent to the wrong team" and never replied to. An Atos manager commented to WinVisible on the phone that her missed appointment "should never have been listed as failure to attend" but their complaints unit later glossed over this admission and denied any accountability. The DWP cut-off letter stated that her car insurance was soon to be invalid as she lost the disabled driver tax concession when her DLA ended. A complaint to the DWP about DLA/PIP underpayment and car tax expenses is being pursued.
43. **Multiple agencies and lack of accountability.** In the past, you could write to the DWP to deal with a problem. Now, this is not effective as instead of assuming supervision and oversight, they usually refer the matter back to the assessor company. Mail to the DWP takes weeks to process and get a reply, whereas Atos and Maximus impose tight deadlines on claimants. Privatisation of assessment has resulted in multiple agencies to deal with. The contractor companies deny responsibility, saying they are only "advisory" to the DWP, as in the Health Assessments Advisory Service (Maximus) but they are accountable for what they do or don't do, and must be held accountable. Vulnerable claimants should not have to resort to their MP to get fairer treatment. Ms S: "In some cases you have to put so much effort into it that vulnerable women would not really have a chance on their own and also the DWP and the assessment companies kind of pass the cases back and forth. If you complain to one, they put it back on to the other."
44. **Quotes from women about assessment and multiple assessments.**  
Ms J: "That instability when you get cut off, you are going to lose your home. What will I deal with first, the rent, the gas, the electricity, forget the food. OK, secure the home, so pay the rent. But then the gas, if I don't pay the gas, then they are gonna start to come. And then another brown letter comes and the other letters I haven't even begun to open and then having the dyslexia, the dyspraxia, and taking a long

time to read, and misread it...it's very conscious torture ... how that felt for me was being pushed to my death... where you are given untold pressure.”

45. **Anti-sanctions campaigner Gill Thompson**, sister of David Clapson who was diabetic and died during a benefit sanction. “They don't want to see the vulnerability. Lots of people don't open their letters. When my brother died, the DWP said all procedures were followed and no errors were made.”
46. Ms K: “As a (now) claimant, that used to be in full-time employment, I thought that the system was there to support the most vulnerable in society. To my horror, I have found the complete opposite to be true. The hoop jumping, form filling and getting support to get benefits, and keep them, has pushed me to the end of sanity and destroyed my faith in the powers that be. I have been made to feel like a criminal and guilty before being charged. A lot of time and energy being spent sorting out 'bread and butter' issues when one should be spending such time getting treatment, convalescing, learning to come to terms with living with a disability.
47. “When people are asked to attend a work capability assessment, access requirements are not asked. Assessors haven't got the expertise on all conditions and the impact it has on daily life, particularly with some mental health diagnoses. For example, my last PIP was done by a previous paramedic – I'm appealing the assessment.”
48. “In the climate of lack of support services around, that deal with welfare, and with the CAB being stretched, one month isn't enough time for sick and disabled people to get mandatory reconsideration or appeal notices done... Many support agencies don't support people through mandatory reconsideration or tribunals. Also, although the option of explaining why your submission is late is there, it doesn't provide a safety net, rather it adds to stress and intensity, as it's up to their discretion.”
49. Ms L: “I am a single mum who despite a lot of barriers, settled in the UK to save my family's life. My ex-partner who is my son's dad left us and made trouble for us. The Jobcentre punished me and didn't believe all of our proof. I was without money with a young son, sick and weak without any help from them. They didn't care about what I said and didn't care about my GP's support letter. As English isn't my first language I can't explain what I went through during this time...”
50. Ms M, a pensioner in her 70s who is disabled and her son's main carer: “We are still waiting, there should be a letter coming soon, we still haven't had the letter and we should get it I think before the end of this year. And I am dreading it.”
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10 November 2017