

Our Ref: Fol 4245 & IR 628

Date: 5 January 2018

Dear Glenys Harriman,

Thank you for your Freedom of Information requests of 4 October and 5 December 2017.

On 4th October you asked:

I am writing to ask if there is any guidance for decision makers / work coaches / service centres etc to protect terminally ill claimants from having to be aware of their prognosis in order to benefit from the various concessions in UC (such as having the Limited Capability for Work Related Activity Element added from start of illness; no work related requirements in Claimant Commitment) .

In some circumstances, the claimant is not made aware of their prognosis, either because they do not want to know or because it would be harmful to the claimant if they were made aware. The DS1500 form asks the doctor to confirm if the patient is aware of their condition and/or prognosis and, if unaware, the name and address of the patient's representative who is requesting the DS1500. The PIP, Disability Living Allowance and ESA departments have special arrangements whereby they use discretion and deal with claimants sensitively and carefully, without disclosing their prognosis.

We have been unable to find any guidance on how the UC department should deal with this type of situation. The processes do not appear to allow for this type of flexibility or special arrangements as:

- *In a digital service area, the claimant will be expected to complete their claim online and they will need to answer: 'Have you been diagnosed with a terminal illness? What is your prognosis?'*
- *If they are already on UC and need to report their diagnosis as a change of circumstances, presumably the UC dept will ask for the same information.*
- *Any information will be logged on the journal and is visible to the claimant.*

The explicit consent rules require that the claimant is specific about what they are authorising someone to deal with the DWP on their behalf about – it could be very difficult to manage this process without the claimant being made aware of their diagnosis.

Another issue could be the process requiring the claimant to attend the jobcentre. If making a new claim, the normal procedure is for the claimant to attend a new claim interview. A discussion about the claimant commitment should not be required if the information that the special rules should apply is available, as there should be no work related requirements. But, there is a risk that if the claimant is not aware of their prognosis and has not therefore provided the relevant information on their claim, they

will be expected to attend a new claim interview to discuss their claimant commitment and this could put their health at risk (eg. if undergoing cancer treatment they may be more prone to infection so should avoid public places).

And they may be required by the claiming process to book and attend a verification interview at the jobcentre. Again, this may not be appropriate. They should request a home visit instead - but as with the issue above, if they are not aware of their prognosis the home visit might not be agreed.

Please could you supply any guidance that explains how a terminally ill claimants can go through the above processes when they are not aware of their prognosis.

On 5th December you asked:

I am writing to request an internal review of Department for Work and Pensions's handling of my FOI request 'Terminally ill UC claimants- guidance'.

This response is getting ridiculously overdue- please respond - thank you.

Please accept our apologies for the increased time it has taken to respond to your original request for information and note that your review request is upheld.

We make all of our work coaches and relevant staff aware during their training that claimants may not know about their prognosis or condition. Therefore, they are aware that they should not record or refer to the nature or detail of the illness on the full service journal or in discussions, unless requested by the claimant.

We check our systems as a matter of course to see whether we already hold a DS1500 submitted for another claim. This is the same process as under ESA, and if a DS1500 is already held, we reuse it for the UC claim.

We do not need to change the consent rules in UC to support these claimants, as we can already accept information directly from claimant representatives, such as from claimant appointees and third party organisations representing the claimant.

I have attached the written guidance on Terminal Illness available to all staff at the Department for Work and Pensions.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
www.ico.gov.uk