

After the Medical

For IB50 form applications, notification by post of the decision will follow very quickly. However, if the report is requested for a tribunal then they and your advocate will receive the report and a new tribunal hearing date will be set and the appeal will continue.

If you pass the PCA

You will receive a letter, the result is usually buried in the text after the first page. It is usually made for a period of time. For CFS/ME, it is usually one to five years, after which you will have to submit a further CA and IB50 form.

If you fail the PCA.

You will receive a letter, the result is usually quite clear, and the reasons for refusal are stated. You should appeal, and not accept that decision as final. Many people with CFS/ME are hesitant to take their case any further because of the hassle involved. The procedure is complex, and we advise that you appoint an advocate to act on your behalf. Many of the welfare organisations can provide an advocate free of charge. However the success rate varies enormously. Leger ME monitor cases and can advise you of the best options in your case based on our experience. However, the decision is yours alone.

You may need to apply for alternative or other welfare benefits in order to receive any further money from the DWP. This usually takes the form of an application for Income Support. Any PCA/IB50 related benefit will stop on the day of your medical examination. Any Income Support applications can only be considered from the date of application, and not backdated. Usually there are several days where you get no money while the paperwork is in the post. If on appeal your PCA/IB50 related benefit is reinstated, it is backdated and adjustments will be made for any months owing.

The Appeal Process

We strongly advise you to appoint an advocate if you haven't got one. You should do this as soon as possible because there are time limits on the appeal process. They will ask you to sign a consent form so that they can act on your behalf. Usually then, they do all the office work, and you get on with your life. Your advocate will contact the DWP and deal with the appeals procedure.

Sometimes it may be six months before anything happens. Don't be tempted to check up yourself because you could be given misleading information by the DWP. You will be told if you have to attend a tribunal, another medical examination, or get further information.

Your advocate will also request copies of all papers in your case. Very often, the reason for refusal is quite clear, and is directly attributable to the way the IB50 was judged out by the DWP doctor.

The DWP decision makers are instructed to put their DWP doctors report over that of a G.P., so even if the problem is identified and corrected with a G.P.'s letter, the DWP insist that the matter goes to a tribunal.

The tribunal is independent of the DWP, and may choose to ignore the DWP doctor's report if other evidence is available. Your advocate can argue your case and challenge the evidence. In almost all cases our members have won, if taken to tribunal.

The outcome of most PCA assessments are favourable. Where refusals are made it is usually due to misreading of the IB50 instructions or a disbelieving doctor.

One problem is that there is no accurate method of grading or reporting on fatigue issues within the DWP forms.



Leger-ME:

*Supporting Myalgic Encephalopathy or Encephalomyelitis (ME),
Chronic Fatigue Syndrome (CFS),
Post Viral Fatigue Syndrome (PVFS),
Fibromyalgia Syndrome (FMS), Patients & Carers*

The Personal Capability Assessment Medical Examination

The Personal Capability Assessment (PCA) originally referred to as the 'All Work Test' is a hurdle which members frequently encounter. It is the gateway for Incapacity Benefit, National Insurance Credits and other sickness related welfare benefits.

From many members past experiences, this can be stressful or intimidating, but it is a necessary step to process a benefit claim. This leaflet is compiled to help from group members experience, as a supplement to the helpline guidance. You will have completed the IB50 form prior to being called.

about the IB50 form.

The IB50 form is a questionnaire on which the assessment is based. It is divided into Physical and Mental sections, both of which members will have completed. The questions are not ME/CFS friendly, and in some cases a wide degree of interpretation is needed. In any cases members are called for examination by a DWP doctor who is often asked to verify or refute your answers. The Medical Examination will take place at a DWP centre. For Doncaster this is usually Wood Street.

Why is the medical examination necessary ?

-) It is your first claim or a renewal.
-) If there is not enough points to grant your benefit.
-) Where there is doubt in the 'Decision Makers' mind as to the contents of the application.
-) Where there may be conflicting evidence.
-) When directed by a tribunal of the appeals service.
-) When the DWP directs for their own reasons. These are usually not disclosed, but is usually for audit purposes because fraudulent ME/CFS claims are often made.
-) You may have applied to do part time or voluntary work.

Who Will the Doctor be ?

Normally the DWP will send a letter or telephone to arrange an appointment, give about a weeks notice. The doctor will normally be from a G.P. from another area trained by the DWP, or who works for the DWP. The Doctor will not be local.

What if I refuse to see the doctor ?

As you can. This may be because you wish to see a doctor of the same sex, the appointment is inconvenient for some other reason. The DWP are obliged to fit in with your convenience, for example a prebooked hospital appointment or holiday. If you however refuse too many times, then your claim will be denied. If you do not attend the medical without good reason your claim will be disallowed.

The Visit to the DWP Medical

The doctor has to fill out a report, which is usually typed directly into a computer. It consists of consists of three parts

- a) Verification of identity.
- b) An Interview.
- c) A Medical Examination.

Before you set out.

- a) Take a third person with you. This can be anyone e.g. a carer, friend or welfare advisor, but make sure they are aware of the details of your claim.
- b) Ensure that you know what you have stated in the original IB50 form. We advise all clients to keep a copy of the originals. The doctor will have seen a copy of the original application and will ask you questions about it.
- c) Ensure that any drugs, appliances or aids are taken with you.
- d) Identification documents as requested.
- e) Go by car or taxi. Do not drive yourself or go by public transport.

On arrival at the DWP Centre

Once you walk through the door, you will be under observation and scrutiny.

- a) Book in at the reception and show your ID documents to the receptionist.
- b) Claim any expenses.
- c) You will be shown to the waiting area.
- d) Make a note of the time you are called to the doctor's office, and the name of the doctor.
- e) Sit in the chair with arms.

The Interview

After taking your history, the doctor will ask you questions from the IB50 form. Although you may be tempted to give a long explanation, you should give short direct answers. Some doctors have been known to try and catch people out by offering a negative question something like "You have no trouble with walking?". You have to make it clear if you do, and why. You have to be prepared to argue your case if necessary.

Remember that ME's under pressure are not very good at concentrating, so it is important that the third person listens in and corrects anything you might say wrong. Don't forget that where CFS/ME is concerned the problem is "what happens if". If you have any other health problems other than CFS/ME, even though they may be minor, tell the doctor, because this will strengthen your claim.

The Medical Examination

This will take place in private part of the office. If the doctor asks you to do something, and it will be painful, harmful or some else, refuse to do it and tell the doctor why. The doctor may ask you to undress or do something else. This is where you need the third person present. Sometimes only basic medical checks are done. Once the doctor has finished, this is the end of the medical. Usually the parting words are "I'll send in the report. It's not me that make the decision, it's the DWP". What he doesn't tell you is that what he reports can be pivotal in what you get. Record the time of departure.

The doctor will complete the report either at the time of examination or just after you have left. If you are concerned about the attitude of the doctor or anything else tell the doctor. Let the doctor continue with his examination. Contact the helpline 01302 787353 as soon as possible.

What next ?

The doctor's report will be forwarded to the decision maker. They will compare your claimed points against the doctor's assessment and make the decision based on the following criteria.

Physical Score. Greater score of Questions 1 or 2 plus the sum of the scores Questions 3 to 14.

Mental Score Sum points scored by the doctor in your statement, Questions 15 to 18

For a Successful Claim:

Physical Score must be 15 or more

or...Mental Score must be 10 or more .

or ... If both Mental & Physical Scores are 6 or more