



Action for M.E. factsheet

Supporting evidence for welfare benefits assessments

Updated March 2024

This factsheet offers information and guidance for people with M.E. who are considering gathering supporting evidence for claims, reviews and appeals for Personal Independence Payment (PIP), Employment and Support Allowance (ESA) and/or Universal Credit (UC).

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Disclaimer Welfare benefits law is complex and subject to change and the information is correct at the time of writing. While every care has been taken to ensure accuracy at the time of writing, this factsheet can only be a general guide as the process will vary depending on the severity of the claimant's condition. Action for M.E. cannot accept responsibility for any loss experienced as a result of this document.

What you need to know

- This factsheet is primarily intended for people who will be undergoing a PIP assessment or a Work Capability Assessment (WCA). However, it may also be useful for people who are able to do some work but need to communicate their employment needs to their Work Coach.
- The WCA forms part of the assessment process for claims for ESA and for UC if you are too ill or disabled to work.
- Supporting evidence can be included at any stage of a welfare benefits claim including new claims, renewal claims or at the appeal stage.
- Supporting evidence can include statements from a carer, friend or family member, a diary and/or medical evidence.
- Relevant medical evidence can make a crucial difference to the outcome, but it is not the only evidence you could use. For example, letters from social workers, housing/support workers, carers or friends must all be considered.
- Ways in which you may request medical evidence include showing your doctor the PIP and/or ESA descriptors or writing a letter to your doctor requesting the information you need.
- **IMPORTANT** The most useful medical evidence is that which is specifically relevant to the PIP and/or WCA criteria.

Supporting evidence in more detail

Supporting evidence – particularly medical – can make a crucial difference to the success of a welfare benefits claim or appeal. Decision makers at the Department for Work and Pensions (DWP) and assessors who carry out face-to-face assessments may have little knowledge of M.E. and are very unlikely to have any specialist knowledge. So your evidence is vital in helping assessors understand how you are affected.

Supporting evidence for welfare benefit claims can be useful when making a new claim for PIP or UC (if you are too ill to work) or for reviews of these benefits. It can also help with an appeal, if it's been decided that you are not entitled to one of these benefits.

Supporting evidence can come in the form of:

1. statements from a carer, friend or family member
2. personal statement and/or diary
3. data from health tracking mobile apps
4. medical evidence.

See the following pages for more on each of these.

If you need help getting evidence (from a relative or friend), if the process has affected your health in any way, or if it has been difficult for you in terms of the effect on your health, make sure you explain this on your form.

1. Statements from a carer, friend or family member

Letters from carers, friends, or family can also be useful. They are likely to see you on frequent basis and will see you at home. Again, commenting on the activities relevant to the welfare benefit you are claiming is most helpful.

For example, if your partner helps you with daily living activities such as washing and bathing, dressing and preparing food, it would be helpful if they could include the things they do for you and why you find them difficult.

2. Personal statement and/or diary

Keeping a diary can also be useful and you can include this with your PIP or WCA questionnaire. It can:

show what help you need and/or how you are affected by your condition on a day-to-day basis
help you remember things you struggle with that you may otherwise forget
focus on how you have adapted to cope with being ill. When you have been ill for some time it is usual to adapt and is easy to forget what it's like to be well. Writing things down reminds you are too unwell to do the things you need, or that something takes you a lot longer than it used to.

Once you have written your diary, you may want to turn this into a personal statement. A personal statement should be two pages maximum and can explain the history of your condition(s) and how your ability differs on good and bad days. You can explain your average week, so the person reading gains a full picture of how you are affected. This may be clearer and easier to read than a diary.

3. Data from health-tracking mobile apps

Tracking how your condition affects you can be useful in helping you manage your energy. You can share this with both the DWP and healthcare practitioners to help them understand how you are affected. Examples of tracking apps include:

Tracking how your condition affects you can be useful in helping you manage your energy. You can share this with both the DWP and healthcare practitioners to help them understand how you are affected.

There are many tracking apps available, and there's usually a charge to use them. Examples of tracking apps include:

- www.makevisible.com/
- <http://mypaindiary.com/>

4. Medical evidence

Medical evidence is an important form of evidence you should try to obtain. It often takes the form of a letter/report from your GP, consultant or other healthcare professional. Please note that some healthcare professionals will charge for this; GPs almost always do.

The DWP may contact your GP or healthcare professional to obtain medical evidence when you submit a PIP or WCA questionnaire, but in many cases they will not. It is therefore often a good idea to submit medical evidence yourself as part of a claim, review, mandatory reconsideration or appeal process.

If you feel that your healthcare professional would be willing to write a letter of support that you can send in with your claim, we recommend that you ask them. Not all healthcare professionals are able or willing to write supporting letters and they are not obliged to do so, but it is worth asking them. It is always a good idea to update your healthcare professional when you make a claim for PIP. You can also let them know that the DWP may get in contact with them.

You may also want to ask another healthcare professional involved in your care to support you, for example, a physiotherapist or occupational therapist. If you see a complementary therapist, they could also be asked to provide a letter.

What to include in medical evidence and how to request it

The DWP will usually want to see up-to-date medical evidence, ideally written within the last six months. This does not mean that you can't use evidence which is more than six months old; it just means new evidence will have more credibility.

Situations where old evidence may be particularly relevant include:

where your doctor has decided there is limited ongoing support they can give you with your health condition, meaning there is limited need for you to see your doctor regularly
you are housebound and as a result have not been able to get to your doctor's surgery.

The most helpful supporting medical evidence will be specifically relevant to the criteria for the PIP medical assessment of the ESA/UC work capability assessment. General background information is useful but, more importantly, you really want evidence that shows how you meet the criteria.

For example, if you think that you should score 8 points in the mobility activities because you can walk less than 50 metres but more than 20 metres, you may wish to ask your GP to comment on your difficulties with walking.

It is important that the healthcare professional knows that you will be assessed on how you are for the majority of the time and that, in order for you to be considered able to do an activity, you need to be able to carry it out:

- safely AND
- to an acceptable standard AND
- repeatedly AND
- in a reasonable timescale.

We would recommend that you ask that the letter be sent to you first, so you can check that are happy with the content and that it is an accurate reflection of your condition and abilities. You may need to ask for the letter to be amended if you are unhappy with it.
IMPORTANT Do not send in anything that you are not happy with.

To request medical evidence, write a letter to your doctor explaining the topics you need them to comment on and the amount you are willing to pay for the medical report.

You could take a photocopy of the ESA and/or WCA descriptors to your GP or healthcare professional and highlight the ones you think you meet and that you would like them to comment on. This can help your GP/healthcare professional focus on the activities that are most relevant to you.

Template letters requesting medical evidence for PIP and ESA/UC claims can be found in Appendix I and II of this factsheet.

If you use a template, you should adapt it to ensure it only includes information relevant to you. For example, our templates are tailored to suit individuals living with M.E. only. If you have other health conditions, your letter should also cover these. You may also wish to remove descriptors that you feel do not apply to your situation.

Question 5 on our ESA/UC letter may also be adapted, depending on whether you are eligible for the criteria for the Work-Related Activity group or the Support group.

IMPORTANT: If your case goes to a tribunal, the tribunal members may ask to see any letters that you sent to your GP to ask for evidence. This allows them to gauge whether your report is based on your views or the views and opinions of your doctor. For this reason, it is important to:

- request medical evidence by asking your doctor neutral, non-leading questions AND
- keep a copy of your request in case you need to submit it to the tribunal AND
- submit it to the tribunal if you are asked for it.

Alternative ways of gathering medical evidence

If you have copies of **pre-existing medical appointment reviews or reports** that are still relevant, you could submit these to the DWP as medical evidence.

Or could request a copy of your **summary care record** from your GP. This is a short summary of your GP's medical records and should include details of medication, allergies, medical history and care plan information. You have the right to access this information under GDPR regulations for free, within 40 days of requesting it.

When you request it, state that you are putting in a subject access request to the GP surgery (or hospital trust if relevant) to access your summary care records.

If you use NHS online services or apps, you can see access some of your medical records this way.

Visit www.nhs.uk/using-the-nhs/about-the-nhs/how-to-get-your-medical-records/

Appendix I: Example of a medical evidence request letter for PIP

Please add to or edit the *text in [orange]* so that the letter is accurate for you.

[Your address]

[GP/Healthcare professional name and address]

[Date of letter]

Dear [doctor's name]

Re: requesting medical evidence for PIP claim/renewal/appeal [delete as appropriate] for patient [your name], to be completed by [add the date you need the evidence by here]

I am currently in the process of *claiming/renewing/appealing [delete as appropriate]* for the welfare benefit, Personal Independence Payment (PIP) and I require a medical report to send to the Department for Work and Pensions (DWP), as supporting evidence.

I am willing to pay up to *[add amount here]* to meet the cost of this.

In your letter, please could you comment on the following:

- Clinical history of my physical and mental health conditions and all of the relevant medication that I am currently taking.
- Whether my M.E. can cause fluctuations in symptoms and if so, what kind of impact this has on me.
- Whether my M.E. can prolong recovery from activities and if so, whether I am affected by this.
- Any aids or adaptations that have been recommended and/or provided for me by a health professional.
- Any aids or adaptations that have not been recommended and/or provided for me by a health professional but may help my condition.
- How my M.E. affects me in relation to each of the PIP descriptors (set out below) that apply to me (there is no need to mention descriptors that don't apply, only those that do), for example:
 - *My patient struggles with walking due to M.E.-related significant pain and exhaustion.*
 - *My patient is never able to cook due to the pain and exhaustion from standing and chopping things.*
- Whether you are aware of any care and support I am receiving at home that allows me to manage my M.E. and its symptoms. If I am not receiving care, and you think extra assistance would be beneficial to me, please comment on this.

Please try to include both recent and past discussions I have had with you. The DWP will want to

know how M.E. has been affecting me over a period of time, not just what I have told you recently.

For your reference, here are the PIP daily living descriptors:

- Preparing food and cooking
- Taking nutrition
- Managing therapy or monitoring a health condition
- Washing and bathing
- Managing toilet needs or incontinence
- Dressing and undressing
- Communicating verbally
- Reading and understanding signs, symbols and words
- Engaging with other people face to face
- Making budgeting decisions.

Here are the PIP mobility descriptors:

- Planning and following journeys
- Moving around.

Many thanks

[your name]

Appendix II: Example of a medical evidence request letter for ESA or UC

Please add to or edit the *text in [orange]* so that the letter is accurate for you.

[Your address]

[GP/Healthcare professional name and address]

[Date of letter]

Dear [doctor's name]

*Re: requesting medical evidence for **ESA/UC claim/renewal/appeal** [delete as appropriate] for patient **[your name]**, to be completed by **[add the date you need the evidence by here]***

I am currently in the process of **claiming/renewing/appealing** [delete as appropriate] for the welfare benefit **Employment and Support Allowance (ESA)/Universal Credit (UC)** [delete as appropriate] and I require a medical report to send to the Department for Work and Pensions (DWP), as supporting evidence.

I am willing to pay up to **[add amount here]** to meet the cost of this.

In your letter, please could you comment on the following:

- Clinical history of my physical and mental health conditions and all of the relevant medication that I am currently taking.
- Whether my M.E. can cause fluctuations in symptoms and if so, what kind of impact this has on me.
- Whether my M.E. can prolong recovery from activities and if so, whether I am affected by this.
- How my M.E. affects me in relation to each of the Work Capability Assessment descriptors (set out below) that apply to me (there is no need to mention descriptors that don't apply, only those that do), for example:
 - *My patient struggles with organising and planning due to M.E.-related lapses in concentration and brain fog.*
 - *M.E. can cause mobility problems due to fatigue and pain. My patient struggles with walking and it is unlikely they can walk more than 200 metres.*
- Whether, in your professional opinion:
 - If I am asked to work (or participate in work-related activity) there could be a substantial risk to my mental or physical health AND
 - If I am asked to work (or participate in work-related activity) there could be a substantial risk to the mental or physical health of those around me.

Please try to include both recent and past discussions I have had with you. The DWP will want to know how M.E. has been affecting me over a period of time, not just what I have told you recently.

For your reference, here are the Work Capability Assessment descriptors:

- **Mobilising:** 50, 100 or 200 metres (with or without an aid such as a stick or a wheelchair) and mounting/descending steps. If you can't specify exact metres, please mention general mobility problems.
- **Standing and sitting** for periods of time without experiencing pain, discomfort and/or exhaustion. Including the ability to transfer seats independently.
- **Reaching:** raising arms up, including above the shoulder or head.
- **Picking up, moving or transferring objects:** for example a cardboard box or carton of milk.
- **Manual dexterity:** picking things up and pushing buttons.
- **Conveying messages to others:** through speech, writing or typing.
- **Understanding information:** verbally (talking or lip reading) or non-verbally (reading).
- **Navigating familiar and unfamiliar places:** includes patients unable to get to a familiar or unfamiliar place due to mental or cognitive function OR they can but only if accompanied by another person.
- **Absence or loss of control of bladder and/or bowel:** please include the use of aids if applicable.
- **Loss of/ altered consciousness:** includes severely disrupted concentration.
- **Learning tasks:** for example, remembering the steps involved in using a washing machine.
- **Reduced awareness of everyday hazards:** i.e. forgetting about a boiling pan or forgetting to take medication.
- **Starting and finishing tasks:** includes planning a meal, shopping, washing, cooking and dressing.
- **Coping with change:** for example, a change to the time of an appointment.
- **Getting to familiar and unfamiliar places unaccompanied:** relates to cognitive or mental function for example anxiety or lapses in concentration.
- **Social engagement with others:** can relate to anxiety and distress.
- **Appropriate behavior:** includes becoming frustrated or emotionally distressed in public.
- **Conveying food and drink to the mouth/ chewing and swallowing food** (without experiencing discomfort, breathlessness or assistance from another person).

Many thanks

[your name]

Useful contacts

Action for M.E.

Information and support for people with M.E. and their carers

Tel: 0117 927 9551 (Mon to Fri 10.30am to 3pm)

Email: questions@actionforme.org.uk

www.actionforme.org.uk/info-support

Citizens Advice Bureau

Offers advice on a range of issues and may complete a welfare benefits check for you

www.citizensadvice.org.uk

Advice Local

Find benefits advisors who can help with form-filling and appeals

<https://advice.local.uk/>

Disability Law Service

Offers information and advice on a range of issues including welfare rights

Tel: 0207 791 9800

www.dls.org.uk

Scope

Independent and impartial advice and support for disabled people and their families

Tel: 0808 800 3333

Email: helpline@scope.org.uk

www.scope.org.uk/helpline

Disability Rights UK

Factsheets on benefits, tax credits and independent living

www.disabilityrightsuk.org

Local councils

Some local councils employ welfare rights workers and/or may have information about other services that offer welfare rights advice in your area

www.gov.uk/find-your-local-council

If you have found the information in this factsheet helpful, please consider making a donation to Action for M.E. at www.actionforme.org.uk or by calling 0117 927 9551. Thank you.

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