



Supporting evidence for welfare benefits assessments

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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, Action for ME cannot accept responsibility for any loss experienced as a result of this document.

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Who is this factsheet for?

This factsheet is primarily intended for people who are or will be

- undergoing a Personal Independence Payment (PIP) assessment,
- undergoing an Adult Disability Payment (ADP) assessment,
- undergoing 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.

What you need to know

- The Work Capability Assessment forms part of the benefits rules for Employment and Support Allowance (ESA), as well as the rules for Universal Credit (UC) for those who are too ill or disabled to work.
- If you claim Adult Disability Payment, then Social Security Scotland will need supporting information from a professional that confirms your conditions, disability or needs. You can either provide this yourself, or ask them to get this information for you. If Social Security Scotland have to get this information for you, this may mean that your claim takes longer to process.
- Supporting evidence can be submitted at multiple different stages in a benefits claim or appeal, including: when making a new claim, during a review, when requesting a mandatory reconsideration or re-determination of a decision, or when appealing to a tribunal.
- 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.
- **IMPORTANT** The most useful medical evidence is that which is specifically relevant to the assessment criteria for the relevant benefit.

Supporting evidence in more detail

Supporting evidence – particularly medical evidence – can make a crucial difference to the chances of success of a benefits claim or appeal.

Assessors who carry out face-to-face assessments, and government staff who make a decisions on applications, may have little knowledge of ME. Therefore your evidence is vital in helping assessors understand how the condition affects you.

There is a wide variety of evidence that can be helpful. This includes:

1. statements from a carer, friend or family member
2. personal statement and/or diary
3. data from health tracking apps
4. documentatin relating to your social care
5. documents related to support in education or employment
6. evidence from a medical professional (such as a doctor or therapist)

See the following pages for more on each of these.

You should also be sure to mention if

- you needed help, for example from a relative or friend to get supporting evidence
- if you found it difficult to get evidence, as a result of youe health condition
- there has been a negative effect on your health of going through the process of gathering supporting evidence

Statements from a carer, friend, or family member

Letters from informal carers, friends, or family can be useful. They are likely to see you on frequent basis and will see you at home.

Commenting on the specific activities that are relevant to the benefit you are claiming is most helpful. For example, if you are claiming PIP or ADP and your partner helps you with daily living activities such as washing and bathing, dressing and preparing food, then they should explain what they do for you and why you would struggle to do these things without their support.

Personal statement and/or diary

Submitting a diary is often helpful because it can:

- show what help you need and how you are affected by your condition on a day-to-day basis
- help you to remember all the things you find difficult
- help you to 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 was like to be well. Writing things down reminds you are too unwell to do all the things you need to, or that something takes you a lot longer than it used to.)

If you are a member of Benefits and Work, you can download a template activity diary for PIP from the [guides](#) section of their website.

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 information as part of a benefits claim, renewal, or when challenging a decision.

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/>

Documentation relating to your care needs

If you have care at home, then copies of any documentation relating to this can be submitted as supporting evidence. This could include

- A copy of your care plan from social services
- A copy of your medical needs assessment
- A copy of an occupational therapy assessment (for example from someone assessing whether you need home adaptations)
- If you have hired a carer directly, a copy of their job description or contract, or invoices from your carer if they specify which tasks were carried out.
- You could also directly ask for a letter from a social worker, PA or paid carer
- Sometimes a carer might complete daily care records, in which they note what was done to them each day. You can request these. If you are struggling to get access to them, you can make a subject access request to the agency.

Documents related to employment or education support

Many people won't have supporting evidence of this kind, because they won't be in education or employment. However, evidence like this can be helpful where it exists.

Evidence from work or education can include

- A copy of an IHCP or EHCP
- Disabled Student Allowance documentation
- Occupational Health reports
- Documentation in relation to reasonable adjustments
- Copies of Access to Work assessment reports

Medical evidence

Medical evidence is an important form of evidence you should try to obtain.

Medical Evidence often takes the form of a letter or report from your GP, consultant or other healthcare professional. Please note that some healthcare professionals will charge for this; GPs almost always do.

The government may contact your GP or healthcare professional to obtain medical evidence when they are assessing a claim for PIP or ADP or assessing whether you are capable of work, 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, redetermination or appeal process.

We know that, unfortunately, many people with ME may not have recent medical evidence they can submit with their claim. You may not regularly see your GP about your ME symptoms if your GP feels they have done what they can to help you and don't have more to offer, and you may not have been able to access specialist care for ME. If the reason that you haven't recently seen a health professional about ME is that there isn't one who is able to help you, we would encourage you to say so on your benefit form.

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. You can tell your healthcare professional when you make a claim for PIP or ADP, and let them know that the DWP may get in contact with them.

Remember that it is the cumulative impact of all health conditions that matters for benefit assessments and decisions, so evidence in relation to all conditions you have is relevant. Professionals that you see for conditions other than ME could be asked to provide a letter. (This might include a physiotherapist, occupational therapist, counsellor or mental health professional) You can also include reports you have about any other health conditions (for example reports from a rheumatologist or cardiologist).

What to include in medical evidence and how to request it

The benefits decision-maker 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.

While background information can be useful, the most helpful supporting medical evidence will directly address the criteria of the disability assessment you are undergoing. For example, if you are applying for PIP or ADP and 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 no more than twice the time it would take a healthy person to complete.

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, you can write a letter to the relevant professional 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 WCA, or PIP/ADP 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. However, do remember that doctors and healthcare workers aren't under an obligation to do this and they may just comment in general terms, or not at all.

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.

If you use NHS online services or apps, you can see access some of your medical records this way. This may be the easiest way to view information from your health records. Visit www.nhs.uk/using-the-nhs/about-the-nhs/how-to-get-your-medical-records.

You can also 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 can also include copies of your prescription list. Depending on the circumstances it might be relevant to submit copies of your fit notes for PIP or ADP claims. (You will need to do this anyway if you are claiming ESA, or claiming UC and are too ill to work).

Under data protection law, you have the right to access information held about you by and to receive this information within 40 days of your request. This covers your personal data held by any NHS service. When you are writing to an NHS service requesting your health records, you can make it clear that you intend to exercise this right by stating clearly in any correspondence that you are making a “subject access request”.

Other useful contacts

Citizens Advice Bureau

Offers advice on a range of issues and may be complete a 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



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Info & Support: infosupport@actionforme.org.uk

Fundraising: fundraising@actionforme.org.uk

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