

10. Mr [REDACTED] also states that he satisfied the Coping with Change descriptor in Schedule 3, this is not supported in his own evidence in the Questionnaire where he stated that he can cope with small changes in his routine if he knows they are about to happen. He added that he sometimes has a lapse of concentration and forgets what he is doing. I have also noted that Mr [REDACTED] is holds a driving licence and still drives. I submit that driving a car shows that Mr [REDACTED] ability is greater than the minimum scoring requirement for this descriptor as the act of driving you are constantly dealing with changes in road conditions, traffic, hazards etc.
11. Mr [REDACTED] has also stated he meets the Schedule 3 descriptor for Social Engagement (this descriptor represents almost total social isolation), in his questionnaire Mr [REDACTED] stated that he was able to meet people he knew without being too anxious or scared, he also stated that he had a varying ability to meet people he didn't know without feeling anxious or scared. There is evidence to suggest Mr [REDACTED] remains able to go out the house, he has attended appointments with his GP (18/02/15) the Job Centre (01/04/2015) and sought the assistance of Dundee [REDACTED]. The evidence does not support that Mr [REDACTED] meets the Schedule 3 descriptor for Social Engagement.
12. I would also like to comment on Mr [REDACTED] being advised by a member of staff at the Job Centre that he should be in the Support Group. The member of staff has no knowledge of Mr [REDACTED] medical conditions or treatment, it was their own personal opinion and not one based on medical evidence.
13. Overall I believe that the evidence does not show any change in condition since Mr [REDACTED] was last assessed in 2012.
14. In relation to the possible risk involved in undertaking work related activity I would draw the tribunal's attention to the fact that in *IM v SSWP (ESA) [2014] UKUT 412 (AAC)*, a three Judge panel of the Upper Tribunal held that the Secretary of State should include evidence of all types of work-related activity available in the claimant's area at the date of the decision under appeal, either provided directly by the Department for Work and Pensions, or contracted out. The list should specify how demanding the activity is considered to be.
15. I have enclosed examples of the least and most demanding WRA available in Dundee. This is because at present it is not possible to produce the entire WRA available, both because the list is too great to be produced, and because it only contains information about referrals for contracted out WRA. In addition to the selection provided the Secretary of State can agree discretionary tasks such as – setting individual goals such as exercise routines or place to visit or techniques for coping with negative thoughts, anxiety or panic attacks.

16. Examples of the most demanding types of WRA in the area where Mr [REDACTED] lives would be referral to Disability Action Dundee, who are based at Dundee College and provide Employability and accredited training for anyone with a disability. In addition to vocational skills, the training also focuses on building confidence and motivation. Specialist assistance and equipment can be provided to the students to help remove any barriers surrounding their health problems. . An example of the least demanding WRA could include Leaving the House every day, keep a log to chart progress (e.g. walking around the block; going to the corner shop, going into town)
17. For the Work Related Activity examples I have considered Mr [REDACTED] current health, treatment and his current day to day activities. I have chosen Leaving the House everyday as Mr [REDACTED] indicates that he has problems with mobility and Social Contact, I believe having Mr [REDACTED] walk even a couple of metres from his home if would benefit him physically and also bring him into contact with his neighbours with whom he could engage in conversation and build up his social confidence. I have also chosen Disability Action Dundee as an example of the most demanding work related activity for similar reasons, I believe a referral would provide him with a reason to get out of bed, get washed and dressed on a regular basis, it would also get him out of the house, drive to the college, and engage with people other than family.
18. Taking into consideration the activities that Mr [REDACTED] is able to perform i.e he is able to walk short distances, he drives, he is attending appointments, he has use of a telephone and he is engaging with his GP, Job Centre, Liver and Diabetic Clinics, Dundee [REDACTED] etc it would be reasonable for him to undertake WRA without any substantial risk to his own health in relation to her journey to and from the provider or whilst there. Also there is no evidence that Mr [REDACTED] would put anyone else at substantial risk.
19. As held in IM, the question is not whether the claimant could undertake any work-related activity, nor whether they would be sanctioned inappropriately. Being unable to carry out an activity does not mean there would be a risk to anyone's health if the claimant is required to do so. A substantial risk to health must be identified.
20. Whilst it is not in doubt that Mr [REDACTED] does have a health conditions that affects his day to day living, this does not limit his functional abilities sufficiently for histo have limited capability for work-related activity for employment and support allowance purposes.
21. I respectfully request that the Tribunal confirms the decision that Mr [REDACTED] does not have, and cannot be treated as having, limited capability for work-related activity.