



Department
for Work &
Pensions

www.gov.uk/dwp

Neil Couling,
Director General, Universal Credit
Programme
6th Floor, Caxton House
Tothill Street
London
SW1A 9NA

neil.couling@dwp.gsi.gov.uk

Daphne Hall
On behalf of National Association of Welfare
Rights Advisors
C/O CPAG 30 Micawber Street
London N1 7TB

14 February 2018

Dave Daphne

Thank you for your letter of 30 January 2018.

Terminally ill

Attached is the guidance for DWP staff when dealing with claimants once a DS1500 is issued. As you can see there is no difference in Universal Credit from other benefits where terminal illness is an issue. I am at a loss to know what the concern is here. NAWRA continue to assert there is no process for terminal illness but that is wrong. There has always been.

ESA Claimants moving to Universal Credit

You asked how the system identifies that the claimant was previously on Employment Support Allowance (ESA) and which component was in place. The Universal Credit (UC) full service system checks with the DWP Customer Information System to see if there is another benefit in place or if there is gap between the ESA claim and UC claim. The case manager requests the Work Capability Assessment (WCA) decision and the component that was awarded. This information is then transferred onto the UC system. If a change of circumstance has occurred that means a claimant will move from a legacy benefit to UC and there is a break in the claim of more than one day, the ESA decision cannot be used for UC purposes.

You also asked us to clarify how cases were managed through the process. All new claims to UC, and those who moved from a legacy benefit, were referred for a WCA from day 29 of the UC claim. This would apply for cases where it was a new claim where there has a break of a day or more from ESA to UC. However, in addition to a day 29 referral there is also a day 1 referral in certain cases, where their condition merits it.

Waiting days.

As stated in my letter of 29 November 2017 the process to apply waiting days is automated and the system calls on our customer information system to determine if waiting days apply or not. The seven-day waiting period will be removed from this month.

Hopefully this reply might bring this exchange of letters to an end. I recognise NAWRA will want to campaign around certain aspects of Universal Credit. There is of course nothing wrong with that. And of course when campaigning it can be the case that a perspective rather than the full picture is presented. I am though increasingly getting reports of people anxious to come on to Universal Credit driven by negative reporting in the media. Last week I heard of a lone parent who was prepared to try to subsist solely on her Child Benefit rather than apply for Universal Credit, and who was in tears at the prospect of being on Universal Credit following what she had seen in the media. These fears were groundless and thankfully an hours worth of coaching in the jobcentre got the claimant to apply, and to see Universal Credit in its true light.

As previously stated if you have concerns over how specific cases have been managed I'd be happy to look into them, if you provide names and national insurance numbers. But can I ask you and your colleagues to reflect on how the debate on Universal Credit is conducted, as I am increasingly concerned for the welfare of the public? I am sorry to have to write in these terms but I think we have a shared responsibility to the public we serve.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Neil Couling', written in a cursive style.

Neil Couling
Director General
Universal Credit Programme

Terminal illness

For DWP purposes a person is regarded as being terminally ill if both of the following apply:

- at any time the person suffers from a progressive disease
- the person's death in consequence of that disease can reasonably be expected within 6 months

A claimant may supply a form DS1500. This is confirmation that they have a terminal illness with a life expectancy of up to 6 months.

Form DS1500 is completed by a doctor or other healthcare professional. It should contain details of:

- the diagnosis
- whether the patient is aware they are terminally ill
- if unaware, the name and address of the patient's representative who requested the DS1500
- current and proposed treatment
- brief details of clinical findings

It may not be clear if a DS1500 has been issued. This could result in a difficult conversation with the claimant must be treated sensitively and with empathy.

A DS1500 may be requested and be sent in by:

- the claimant
- the claimants representative
- a third party who is supporting the claimant such as a GP or McMillan

The claimant must never find out if a DS1500 has been requested or completed on their behalf by a GP or a third party. They must never find out about their condition or prognosis from DWP

If a claimant has been diagnosed with a terminal illness but has a prognosis of life expectancy longer than 6 months they will need for a Work Capability Assessment (WCA).

Where the claimant is physically or mentally unable to accept a Claimant Commitment (CC) and this is unlikely to change, or it would be unreasonable to expect them to do so due their terminal illness, we will waive the requirement to accept a CC."

A claimant can be given LCWRA from Day 1 of the claim if the DS1500 is held. If the claimant doesn't have a DS1500 and has a prognosis of 6 months or less, they should contact their GP or other healthcare professional to obtain one.

If a DS1500 is not held Day 1 referral action should be taken. If a DS1500 is provided after the Day 1 referral has begun, it should be faxed to the Centre of Health and Disability Assessment (CHDA). An LCWRA decision can be made following a WCA.

If the claimant or their representative says the DS1500 has been sent to PIP/DLA/AA the member of staff must confirm this with PIP/DLA. Verification can either be:

- terminal illness marker
- verbal confirmation from a member of PIP/DLA staff

A DS1500 is acceptable medical evidence in its own right and does not need to be supported by a Statement of Fitness for work or any other form of medical evidence.

When the claimant makes their claim online and indicates they have a terminal illness, they can request a call back to discuss their terminal illness. This may include explaining about a DS1500, and the WCA process. If the claimant has not finished completing their claim on line they may require further support with it.

The claimant may, however, decide that they want to complete their online claim themselves.

There may be an increase in the amount payable as a result of a DS1500 being returned and the claimant may not know the form has been sent. The terminal illness or prognosis must not be disclosed as the reason for the increase. Instead the explanation could be an increase in their payment has happened due to the severity of their health condition.