

WHAT TO EXPECT FROM AN INCAPACITY FOR WORK MEDICAL EXAMINATION



THIS BOOKLET APPLIES TO THOSE 'INCAPACITY FOR WORK BENEFITS' WERE FIRST CLAIMED (OR DEEMED TO HAVE BEEN CLAIMED) BEFORE 27 OCTOBER 2008.

WHAT TO EXPECT FROM A SOCIAL SECURITY MEDICAL EXAMINATION.

This leaflet outlines what you can expect when attending a medical examination as part of the Personal Capability Assessment.

This booklet is not relevant if:

- ◆ your first claim was made on/after 27th October 2008. If this applies to you, you come under a different assessment system –the Limited Work Capability Assessment. Get advice if this is the case (see back page for sources of local advice);
- the own occupation test applies: this test is used for the first 28 weeks of your period of sickness if you have recently worked in a regular job before becoming incapable of work;
- you are exempt from the Personal Capability Assessment;

For example:

- You are in receipt of DLA high rate Care component;
- You suffer from a severe learning disability;
- You are registered blind;
- You have a severe mental illness;
- You are terminally ill.

This leaflet does not cover “medical examinations” for people who have claimed Disability Living Allowance or Attendance Allowance.

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WHY HAVE A 'MEDICAL EXAMINATION'?

You need to be incapable of work in order to get any of the following benefits:

- Incapacity Benefit;
- Severe Disablement Allowance;
- Income Support (if you qualify only on the grounds of being incapable of work);
- Disability Premium for Income Support, Housing Benefit and Council Tax Benefit;
- National Insurance Credits (if you qualify only on the grounds of being incapable of work).

The main way of testing whether you are incapable of work is the Personal Capability Assessment. It is not a 'hands-on' medical examination or 'physical fitness test', but more an assessment of your physical or mental limitations that arise from your disabilities.

The assessment is based on a self-assessment form (IB50) that is completed by you and an 'examination' conducted by a doctor who is employed by the Jobcentre Plus.

WHAT TO DO BEFOREHAND

You will usually be called for an 'examination' after you have completed and returned your IB50 form. **DO NOT PANIC!**

YOU SHOULD.....

- keep a photocopy of the IB50 form that you have completed before returning it to the Jobcentre Plus.
- read through your photocopied IB50 form before attending the 'examination'.
- make some notes of what you wish to tell the doctor who 'examines' you – it is easy to forget what you want to say on the day!

- get advice from an independent advice agency, if you want to find out how best to deal with the 'examination'.
- Take
 - all of the medication that is prescribed to you by your own doctor.
 - any hospital appointment records and details of any treatments that you have received (for example, physiotherapy)
 - any details of any operations/future treatment that you are due to receive.
 - a diary
if your medical condition varies from day to day or changes frequently, take a diary to show how it has affected you for at least over the few days before your 'examination'. The longer you can do the diary for the better! That way the doctor examining you will get a better idea of how your medical condition affects you
 - a friend!
If at all possible, arrange to take a friend, relative or 'advocate'. They can back-up what you are telling the doctor, add bits that you might miss out, or just simply provide moral (and even physical) support!
- Claim travel expenses for you and your companion. However, these are usually not actually paid on the day of the examination. They will be paid afterwards, directly into your bank account. Unfortunately, the Medical Services are unable to make payments into Post Office card accounts. If this is the only type of account you have, they should arrange to send you a giro cheque which you can then pay in to your account.
- Finally check that you know where to go and how to get there!

WHAT HAPPENS AT THE 'EXAMINATION'?

- When you arrive for an examination you will need to give your name to a receptionist. When the doctor is ready to start the 'examination' s/he will come and get you.
 - Be aware that the examination starts when the doctor first meets you. S/he will watch how you get out of a chair in the waiting room and walk along to the examination room. This will be particularly relevant if you have a physical disability or illness. Just behave as you normally do. The doctor will possibly ask how you managed to get to the 'examination'.
 - The 'examination' can take up to 45 minutes. Make a note of the time that it takes, because this may be useful if you need to make a complaint or need to appeal (*see below "Happy with the examination?"*).
 - The doctor will produce (A) an **INCAPACITY REPORT** and
(B) a **CAPABILITY REPORT**.
- (A) For the **INCAPACITY REPORT**, the doctor will assess your level of physical and/or mental disability. The report will be based on answers that you give to the doctor in reply to her/his questions about your disabilities and a medical assessment. This report covers various basic **physical** and **mental** tasks that you may do when at home or when out and about, and describes what you cannot do. You can contact an independent advice agency, if you want some information on what the report covers.

Remember to tell the doctor what you cannot do and what you can manage. Although you should not exaggerate your problems, you should not "play them down" either!

1. PHYSICAL TASKS

- ➔ For the **physical tasks**, the doctor has to record evidence of your incapacity under the following headings:
- the severity of your disability and how it varies;
 - what you managed to do during the assessment;
 - the doctor's medical opinion;
 - what you can do on a day-to-day basis.
- ★ You may be asked questions about normal daily living activities such as watching television, reading books, shopping, going to the pub, doing household chores. These questions are being asked in order to 'work out' your ability to carry out physical tasks such as standing, sitting down, walking. You should always give detailed answers in order to give the doctor the full picture. For example, if you are asked whether you watch films on television, but you can only do this by lying down or by repeatedly changing your sitting position, you should make this fact clear. Otherwise, your ability to watch a film on television can be misinterpreted as meaning that you are able to sit happily for up to 2 hours!
- ★ The doctor will need to know how your physical symptoms (e.g. pain, stiffness, fatigue, breathlessness) affect your ability to carry out the physical tasks. For example, if you can only walk up or down stairs in pain, then you should tell the doctor. If you find it difficult or painful to carry out any physical task during the actual 'examination', you should tell the doctor. S/he won't know this unless you say!

- ★ S/he will also need to know how your illness affects you over time, not just on the day of the 'examination'. You should tell her/him how your condition varies and whether you can predict good and bad days. If asked to describe a typical or average day, you should try to give examples of both good and bad days.
- ★ The doctor may want to carry out a brief physical examination. But do not let her/him 'browbeat' you into doing something that you cannot do or which would cause you pain or could damage your health.

2. MENTAL TASKS

- ➔ If you have a **mental 'disability'**, the doctor will try to 'work out' the following issues:
 - your ability to complete tasks (for example, reading a magazine article or using a telephone book)
 - your ability to cope with pressure (for example, when carrying out routine tasks or when being faced with a change in routine)
 - the way in which you socially interact with people;
 - the way in which you cope with daily living (for example, how you look after your personal appearance or how you look after your home)
- ★ In order to address these issues s/he will ask you general questions about your day-to-day living. You need to be careful how you answer these questions, because otherwise the doctor may come to the wrong conclusions about how the disability affects you. For example, if you say that you visit friends and family by yourself the doctor will probably conclude that you have no problem with interacting with other people socially. Likewise, if you say that you go to the paper shop every day, the doctor will probably conclude that you are not too frightened to go outside by yourself.

- ★ As with the physical tasks, the doctor needs to be aware of any changes or variation in the problems that you have when dealing with mental tasks over a period of time.

(B) For the **CAPABILITY REPORT**, the doctor will ask you questions to find out what work you can do despite any incapacity. S/he will want to know:

- your work history and whether you have had to give up work as a result of your disability;
- the treatment that you are taking and the disability aids that you use;
- whether any treatment has been arranged for you and whether your disabilities might improve in the near future;
- what you can physically or mentally do during your day-to-day routine;
- whether you could travel to a place of work;
- if you could deal with work-related tasks;
- whether your health problems prevent you from carrying out certain types of work;
- whether you would be able to work if certain adaptations were made in the workplace to accommodate your disability.

WHAT IF YOU CANNOT ATTEND?

You should be given at least 7 days notice of the date and time of the 'examination'. If you are unable to attend at that particular time, you must contact the office that arranged the 'examination' as soon as is possible and arrange another appointment. If you just do not attend the appointment that you have been given without contacting the office, your benefit will be stopped. You may be able to challenge this, but you will need to contact an independent advice agency for advice.

CAN YOU GET TO THE 'MEDICAL EXAMINATION'?

'Examinations' are normally held at the Jobcentre Plus office at Cofa Court in Coventry, unless you have a Birmingham postcode (i.e. beginning B instead of CV) in which case they are at Five Ways House in Birmingham. If you think that you are physically or mentally unable to get to the 'examination' you must contact the office that arranged the appointment and ask that the doctor visits you at home. They will ask you why you are unable to make the appointment and may ask for a letter from your own doctor to confirm that a home visit is needed. If you have any problems in getting a home visit, contact a local independent advice agency for help.

If you can get to the 'examination' but need a taxi, you must contact the office who told you about your appointment before the "examination" and ask whether they will pay for the taxi fare.

DO YOU HAVE ANY OTHER 'SPECIAL NEEDS'?

You may have other 'special needs' which have to be met in order for the 'examination' to go smoothly. For example, English may not be your main language and you need an interpreter. Contact the office who have informed you about your appointment and ask that your needs are met. Again, if you experience any problems with this, get advice.

WHAT HAPPENS AFTER THE 'MEDICAL EXAMINATION'?

The doctor sends the Incapacity report to the Jobcentre Plus and the Capability report to the work-focus Personal Adviser.

- If you are fit for work, the Jobcentre Plus tells your work-focus 'Personal Adviser' who takes no further action. It has been decided that you are capable of work and you have the right to appeal and/or claim another benefit, such as Jobseekers Allowance.
- If you are found unfit for work, your benefit continues. The Jobcentre Plus tells your 'Personal Adviser', and s/he will interview you to discuss the work you may be able to do now or within the near future. You are shown the Capability report when discussing these issues.
Note: there will be no pressure put on you to find work, because the doctor has already determined that you are unfit for work.

HAPPY WITH THE EXAMINATION?

If, after the medical examination, you are not happy with the way it was carried out write at once to the Jobcentre Plus to explain why. For example, if you did not think the doctor gave you a 'fair hearing', or was rude. Do not wait until they have made a decision about your incapacity for work (it might sound like sour grapes!)

Remember: only complain if you are not happy about the way the 'examination' was done. If you do not agree with the decision that you are fit for work, you have the right to appeal, but it must be within a month of receiving that decision. Always get advice, if you are unsure about what to do.

WHERE TO GO FOR ADVICE

For advice, including how to appeal a negative decision, the following agencies can help.

Citizens Advice Bureaux

Rugby CAB

1st Floor, Chestnut House
North Street
Rugby, CV21 2AQ

North Warwickshire CAB

The Parish Rooms
Welcome Street
Atherstone, CV9 1DU

Bedworth & District CAB

(Covers Nuneaton & Bedworth)
Old Market Tavern
25 Congreve Walk
Bedworth, CV12 8LX
(To book appt in Nuneaton
call 024 7635 1049)

Warwick District CAB

10 Hamilton Terrace
Leamington Spa, CV32 4LY

Stratford-upon-Avon CAB

25 Meer Street
Stratford-upon-Avon, CV37 6QB

Switchboard number for ALL CABx: 0844 855 2322

For Disabled people.....

D.I.A.L.

(Nuneaton & Bedworth only)
New Ramsden Centre
School Walk
Attleborough
Nuneaton, CV11 4PJ
Tel: 024 7634 9954

The Rowan Organisation

(Whole County)
Eliot Park Innovation Centre
Barling Way
Nuneaton
CV10 7RH
Tel: 0800 783 1755

The information in this fact sheet is correct as of April 2010

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