

FORWARD

MIDLOTHIAN

DISABLED PEOPLE

FORWARD

MID

Equality - Diversity - Inclusion



Disability Living Allowance assessments

As you may have seen in the news, Atos Healthcare are providing assessments for disability living allowance for the Department of Work and Pensions(DWP). The assessment should last between 20 to 60 minutes but have been known to last 2 hours.

Apart from proof of identity what else should take with you: You should bring proof of all hospital admissions and appointments, All your medication, any medical aids you require, A letter from your GP explaining all your medical conditions. Before the assessment starts it is your responsibility to see the credentials of the person doing your assessment, just because the person doing your assessment is wearing a uniform it does not mean they have the right to wear it. Be assured that all health care professionals have a duty and obligation to their professional code of practice to behave in a professional and appropriate manner whilst carrying out assessments and have a duty to provide evidence if asked for. You can also ask to be seen by a person of the same sex. Taken from the Atos website "It is suggested before the assessment starts that you get the healthcare professionals name and ask for proof of their Identity to ensure they are who they say they are."

You are allowed to record your assessment either by taking notes or through a recording device, the taking of a record of the assessment at this time is essential if you have to appeal the findings. The findings of your assessment is then sent to the DWP, under the freedom of information act you can request to see them. If you ask for a copy of your assessment you may be charged a fee.

You should also take along all hospital admissions and a letter from every doctor and hospital you have attended, as atos health care professionals do not have access to them! Yes you read that right a Government approved medical assessment that does not have access to you medical records.

You should receive seven days notice to attend, if for any reason you cannot attend you should call the Atos control centre ☎0800 2888 777 and give the reason you cannot attend so then make another suitable appointment. If you have a complaint about your assessment you should contact your local authority welfare rights officer or CAB IMMEDIATELY for assistance in completing the ESA 85 or IB50 form.

Two Websites that offer help and information

blacktrianglecampaign.org/ Disabled people fighting for our future.

www.afteratos.com/ Back up and running after Atos shut it down without due cause.

It is a well established fact that the DWP Personal Capability Assessment is difficult to pass. This assessment is little more than an official method of denying you benefits you may be legally entitled to. There is an appeals procedure, however it is a very long and drawn out process which can take up to a year to resolve so be prepared for a siege. Based upon evidence and case studies . There is now a check list you may wish to run through before you go to your appointment. This can be posted out to you or downloaded from the publications section on the Forward Mid Website.

On receiving communication to attend from ATOS contact your local authority welfare rights officer or CAB IMMEDIATELY for assistance in completing the ESA 85 or IB50 form.

It is imperative you read these three Manuals to understand the ESA WCA with a view to gaining enough points to pass. You must be aware ATOS HEALTHCARE and DWP will use any excuse to deny you benefit. www.tameside.gov.uk/esa/wca,
http://www.rightsnet.org.uk/pdfs/Lima_Nov_2005.pdf,
http://afraser.com/welfare/ESA_handbook.pdf

Use the wording in the descriptors to explain your condition

- Be prepared to make extensive notes including name of caller etc of any calls to or from the DWP or ATOS after receiving the form. Record these if possible
- When completing the form make sure you stick to facts you can prove, do not embellish your symptoms, be precise in your use of medical terms.
- Make a full copy of the ESA85 or IB50 form BEFORE YOU POST IT.
- Do not include any copies medical reports or additional information as this will be ignored by the ATOS HCP, this information should be handed in by appointment to the Decision Maker when you start the appeals process.
- Make arrangements to be accompanied on the day of the examination, make arrangements for a stand in, in case your first choice can not go on the day.
- Make a list of any medication you are taking.
- Make an accurate list (times and dates) of any Doctors appointments, specialists appointments Hospital visits, doctors visits, hospitalisation in relation to your claim etc
- Always attend accompanied
- Record your arrival time
- Record waiting time
- Record time examination starts
- Do not be afraid to decline physical movements if they would cause you pain.
- Record HCP name
- Record HCP Title & or qualifications
- Get your companion to make notes during the examination.
- Record time examination ends
- Record the time you leave
- Check the credentials of your HCP with the BMA

Call your local Job Centre within 24 Hours requesting a copy of the HCP report. Do not take any further action until you have the Decision Makers report.

If you have been passed fit for work you must act immediately to appeal, you have one month from the date of the letter to do so.

The appeals process requires you to appeal directly to the Decision Maker first, be prepared to wait this can take a while.

Whilst waiting:- (F.O.I. = Freedom of Information)

- Make a F.O.I. request for any information ATOS Origin hold on you
- Make a FOI request for a copy of the video footage of you entering and leaving the building.
- Make a FOI request for any audio recordings ATOS may have made during the time of your visit (even if they are for training purposes).

Changes to Invisible Disabilities Eligibility for Blue Badge

The British Lung Foundation is concerned that people with “invisible” disabilities such as breathlessness and others associated with respiratory conditions are missing out.

The blue badge scheme plays an important role in helping disabled people access jobs, shops and other services. Disabled parking spaces are often used by people who are not entitled to them. The Scottish Government has in the past committed itself to ensuring that the scheme continues to provide accessible parking for those most in need.

The British Lung Foundation said that people with lung disease were being refused disabled parking permits because poorly-trained council staff were ruling that they were not disabled.

James Cant, the head of the British Lung Foundation in Scotland and Northern Ireland, voiced his fears about a rise in such instances. “We’re actually quite worried about the increasing number of cases,” he stated. “Very often people with a lung condition look much better on the outside than they actually are on the inside.” Legislation came into force at the start of the year in Scotland and England as part of a crackdown.

The British Lung Foundation said that problems were being caused by new discretionary powers which have been given to local authorities. Cant said: “We are finding that there’s a lot of variation by council.” “Many of these decisions are being taken by people who may not have had enough training to understand the full implications of lung disease on somebody’s mobility.”

The Foundation is calling for breathlessness to be given more consideration in the assessment process so that people with “invisible” conditions do not lose out.

“The Scottish Government has no locus to intervene in individual cases,” she added. “The administration and assessment process is entirely a matter for each local authority.”

Changes to the way people are assessed for eligibility are to be introduced shortly. Under new Scottish legislation medical assessments will no longer be sought from applicants’ GPs but instead from occupational therapists or other professionals qualified to carry out mobility assessments.

The occupational therapist will carry out the mobility assessment and, where necessary, invite applicants to attend for a personal assessment as part of the new process.

Fresh applications will be assessed using the new criteria. Existing blue badge holders who must apply for renewal every three years will be assessed using the new criteria when they re-apply. It is hoped that the move will help to streamline the application process and provide a more consistent approach to the provision of blue badges across the country.

The Breathe Easy group Meet first Tuesday of every month at :-

MVA

4-6 White Hart Street,

Dalkeith

EH22 1AE

Call George Worrell Telephone: ☎ 01875-823-323 for further information



EARS Independent Advocacy Service Midlothian

Due to some additional hours EARS will be extending its independent advocacy service to offer one-to-one advocacy to any adult in Midlothian who has a physical disability or Acquired Brain Injury and requires the support of an independent advocate.

EARS will be producing an information leaflet about the new service shortly. However, should you require any further information please contact the EARS Midlothian Advocate Hannah Saddington.

What can EARS do for the people who use it?

The purpose of EARS is to provide independent advocacy, which will:

- assist and support people to speak up for themselves,
- ensure that people who cannot speak up for themselves have their voices heard,
- assist people to achieve their goals and/or to access the services they need,
- provide the information people need to ensure that they can make informed choices and decisions,
- assist people to gain control over their situations and lives,
- protect rights, services and interests.

If you are not confident in challenging the findings of the assessment by Atos and the Department of Work and Pensions Ears Advocacy could assist in helping you prepare for the hearing.

Tel: ☎ 0845 607 0129 or ☎ 0131 553 8866.

Email: info@ears-advocacy.org.uk
Forecort Business Centre,
Ashley Place,
Edinburgh,
EH6 5PX



MSP met disabled people using a new living and work choices service in Lothian.

MSP Malcolm Chisholm has met disabled people taking part in an exciting new service in Lothian, aimed at providing them with life-long skills to take up opportunities in their communities and live more independently. Whether it be gaining employment, pursuing education or achieving other life-long ambitions the Living and Work Choices service, is providing new learning opportunities for disabled people in Lothian to develop a positive vision of who they may want to be within their community and be more confident about moving on with their lives.

Delivered by disabled people who offer their own expertise and understanding to those taking part in the Big Lottery funded programme, disabled people participate in a series of training courses, which are followed up by individual dedicated support to develop their own plan to reach their goals over the next five years.

Sunil Bhatnagar, Manager of Independent Living and Work Choices had this to say about the new service:

“There are many disabled people with a life long history of institutionalisation, overprotection and sometimes self-discrimination or acceptance that a disabled person can only have lesser opportunities. In order to realise their goals, some disabled people will need support and encouragement to consider their own potential and to explore what skills they have or can develop. Above all else, they will need to be supported in raising or sustaining their own aspirations”.

The service is part of Lothian Centre for Inclusive Living (LCiL), a user led charity that works with disabled people to raise their awareness of independent living skills, and supports them in learning life-long skills and making informed choices about their future. We recognise that these skills may be particularly relevant for disabled people under the age of 30 making significant life transitions and who may have a lower baseline of independent living skills. Through our one to one support, disabled people will be supported to establish, prepare and develop independent living plans tailored to their own needs and aspirations.

For more information about the Living and Work Choice Service contact Sunil Bhatnagar on ☎ 0131 475 2554 or email: sunil.bhatnagar@lothiancil.org.uk

For any media enquires please contact Kirstie Henderson on ☎ 0131 475 2467 or email: kirstie.henderson@lothiancil.org.uk.

Supplied by: Lothian Centre for Inclusive Living

Lothian Centre for Inclusive Living (LCiL): LCiL has been working with disabled people across Lothian for the last 20 years, to support them to take control of their lives and live independently in the community. As a user-led charity all our services respond to needs identified by disabled people and offer a range of practical and emotional support to promote their equal participation in all aspects of society,



How to get Disabled people back to work!!!

An Aberdeen factory employing mostly disabled staff faces closure after a bid to acquire the site was rejected.

Workers and management at Remploy had been working for months on the bid, and had the support of the city council and a number of voluntary organisations.

Staff were informed on Tuesday. But Aberdeen North MP Frank Doran said the fight must go on to save the factory, which employs 14 disabled people.

Meanwhile, the closure of Edinburgh's Remploy plant has also been confirmed.

A spokeswoman for the Department of Work and Pensions (DWP) said there had been an expression of interest in the factory, but that it had gone no further.

Mark Lazarowicz, MP for Edinburgh North and Leith, said: "The news makes me wonder whether the government was genuinely seeking to find bids to keep factories open or whether it was simply offering false hope.

"One of the stated aims of its welfare changes is to support disabled people into work wherever possible - laudable in principle but it is hard to square that with the way that it has treated Remploy workers."

Remploy said earlier this year it was planning to close 36 of its 54 factories.

A DWP spokeswoman said:

"We have followed the advice of disability expert Liz Sayce to use the £320m protected budget for disability employment more effectively, to support more disabled people into mainstream jobs instead of loss-making segregated factories.

"We have put in place an £8m package of employment support for those affected, including a Personal Case Worker to help individuals with their future choices, as well as access to a personal budget."

Other targeted factories include Barking, Birkenhead, Bristol, Edinburgh, Gateshead, Leeds, Manchester, Newcastle, North London, Oldham and Swansea.



The pot calling the kettle black

The department of work and pensions are intent on getting disabled people back to work. By removing the stepping stones disabled people have now got to get in to work without ensuring they can manage working.

Disabled people come in many shapes and conditions, Iain Tait states: "Having completed university and actively looking for work, I found that employers sent me to interviews in buildings that were not suitable for wheelchair users, this immediately put me at a disadvantage, by the time an alternate interview was organised the job position had already been allocated. Eventually one employer looked beyond my disability and saw my ability. I applied for more than 700 jobs, and received about 80 interviews only 4 interview locations were wheelchair accessible."

Reformation of the Welfare System not working

Holyrood's Welfare Reform Committee took evidence from disabled people about changes to benefits. MSPs heard the benefits system described as a "Kafkaesque" machine that used "lies and misinformation" to deprive people of their benefits. A key part of the Welfare Reform Act is to replace Disability Living Allowance (DLA) for eligible working age people with a Personal Independence Payment (PIP). Under the changes, two million claimants will be reassessed in the next four years, with only those considered to be in need of support qualifying for the new payment.

First case: Henry Sherlock said: "I thought the days of the blind man begging with a cup on street corners were gone. Sadly, that is not the case." The committee is looking at ways of limiting the impact of welfare reform.

In a statement read out by the committee clerk, Mr Sherlock, 50, who is blind with chronic heart disease, diabetes and depression, said: "I still rely on family handouts and additional begged support in order to live."

Mr Sherlock also claimed he had been "harassed and bullied" by the Department of Work and Pensions and Atos Healthcare, the private firm paid to carry out fit-to-work medical assessments.

He said: "It truly is a sad reflection of any government that refuses to see the true fear it has put the most vulnerable in our society under." "In my opinion, it is simple persecution. We did not choose our disabilities."



Second case: Norman Gray, whose son Andrew has Asperger syndrome and works at a hotel. Mr Gray said while he was in favour of rationalising the benefits system and closing as many loopholes as possible, he felt the proposals for DLA were "too rigid" and did not take into account the real needs of the individual.

Third case: Janice Scott, whose 61-year-old husband was disabled by an accident and a stroke. She told MSPs there seemed to be an Atos "ethos" of twisting assessments to cut benefits. She added: "I can honestly say that there are lies that go into that assessment.

"I do shorthand and I took down word-for-word my husband's whole assessment and what actually came back was practically the opposite of everything he said. I've heard that from many other people as well."

SNP MSP Annabelle Ewing said it was "disgusting" there was no discretion in the welfare system and called for an immediate rethink. She said: "We're looking at a Kafkaesque approach to this issue and that is very dangerous for society indeed."

"When you have someone who is trying to get the benefits they need telling you that they feel like they are being treated like a "criminal" during the eligibility assessment process, something clearly is not working."

A Spokesman Department for Work and Pensions

Committee convener, Labour MSP Michael McMahon, said: "It's almost as if they're deliberately using social norms against people." "The idea that someone would get up and present themselves well is actually being used against them. "When you hear this experience of Atos, they can't justify what they are doing on the basis that they are only acting on the instructions of the government."

An Atos spokesperson said: "We understand that applying for benefits can be an emotional time which is why we work hard to make sure that service that we provide is as highly professional and compassionate as it can be. "We do not make decisions on people's benefit entitlement or on welfare policy.

"The assessment carried out by our staff forms an important but single piece of information used by the DWP to make a decision on benefit entitlement."

The UK Department of Work and Pensions said the incapacity benefit system needed reform because it "wrote too many people off to a life on benefits".

A spokesman added: "We are committed to help thousands of people move from benefits and back into work if they are capable while giving unconditional support to those who need it, and we have made considerable improvements to the Work Capability Assessment to make it fairer and effective.

"If someone disagrees with the outcome of their Work Capability Assessment, they have the right to appeal."

Holyrood cannot block these welfare reforms as power over the benefits system is reserved to Westminster but MSPs recently passed new legislation aimed at softening the impact of the changes on devolved services like care and free school meals.



Alternative Publications

The editions of the Forward MID newsletters are available in large print or at www.forwardmid.org.uk
For alternative publication please E-mail to eric.johnstone@mvacvs.org.uk or call Eric Johnstone on 0131-663-9471 or write to him at MVA 4-6 White Hart Street, Dalkeith EH22 1AE with your request.