

Community  
Legal Service



**Coventry Law Centre<sup>®</sup>**  
*legal action for the community*

## **Incapacity for Work: The DSS Medical Examination**

**Incapacity Benefit has been abolished for new claimants. It has been replaced by Employment and Support Allowance. If you are currently on Incapacity benefit you will probably transfer to the new benefit at a later date.**

**PLEASE NOTE THAT THIS LEAFLET DOES NOT APPLY TO ANYBODY MAKING A NEW CLAIM AS UNFIT FOR WORK.**

## **About this leaflet**

If you have completed a form IB50 because you are claiming benefit and not fit for work you may be asked to attend a medical. This leaflet will provide you with some tips for that medical examination. There is a separate leaflet which gives you details of the 'personal capability' test that is used to assess your fitness for work.

If you are unable to work through ill health or disability the DSS may require you to attend a medical examination to check your 'incapacity for work'. This leaflet provides some information to help you prepare for and attend the medical.

## **Before the medical**

You will be usually called for a medical after completing the 'personal capability' test questionnaire (form IB50). You should be given at least 7 days notice to attend the medical. If you fail to attend the medical your benefit will stop unless you have 'good cause' for not keeping the appointment. Therefore contact the client help desk at the Medical Assessment Centre as soon as possible if you can not attend and confirm any telephone calls in writing. The DSS *may* accept you have 'good cause' for not attending the medical if one of the following applies to you:

- You are too ill to attend the medical on that day.
- You wish to be seen by a doctor of the same sex as you.
- You are experiencing a crisis such as bereavement or illness in the family.
- Other reasons may also be accepted.

## **At the medical**

It is important to remember that the only information the examining doctor has about your health problems will be the completed 'personal capability' test questionnaire (form IB50) and the form MED 4 from your own doctor. The MED 4 contains very little information. By taking along the medicines you use, and any hospital appointment cards or admission letters, the examining doctor may ask you questions which he or she may not have considered from the 'personal capability' questionnaire and MED 4 alone.

The medical examination will begin as soon as the doctor collects you from the waiting room. The doctor will watch you rise from the chair and walk from the waiting room, and may use this information as part of the medical assessment. It has been known for the examining doctor to watch claimants in the waiting room, and walking or using the stairs on the DSS security cameras!

If you get nervous at examinations it may be worth making some notes to take with you. This will remind you to tell the doctor about how your health problems affect you from day-to-day. If you decide to leave your notes with the examining doctor, make sure you keep a copy for yourself.

The doctor will ask you how you spend your day, and will use your answers when considering your health problems. For example, if you say you watch television, the doctor may ask what programmes you watch to get an idea how long you can sit comfortably, rather than ask you a direct question about sitting. If you have ticked the box on the 'personal capability' questionnaire (form IB50) that you have no problem with that particular activity - for example, bending and kneeling - the doctor will probably not consider this point in the medical report.

The medical examination should not just be a 'snapshot' of your health problems, but rather should consider how your illness affects you over time. The doctor should consider whether you experience any stiffness, pain, or tiredness when performing the activities on the 'personal capability' questionnaire. It is known that some medical conditions vary, so that you have 'good' and 'bad' days. Therefore, as mentioned above, it is important that you tell the doctor how your condition affects you. For example, you may be able to lift and carry a 2.5kg bag of potatoes once or twice, but to do this all day long in a work situation is unreasonable if you would be in pain, and you should mention this to the doctor. Likewise if you are examined on a 'good' day you should tell the doctor about your 'bad' days as well. Remember, the doctor will base his or her opinion of your incapacity not only on the direct medical examination but how you appear when, for example, getting on or off the couch or bending to put shoes on etc.

You may take a friend with you to the examination for support. Perhaps your friend can remind you of any problems you have not mentioned to the doctor, but he or she must not stop the doctor from carrying out the examination.

If you have a mental health problem the doctor will look at four main areas:

- Completion of daily tasks
- Daily living
- Coping with pressure
- Interaction with people

The interview will look at how your problems affect your daily living, and it will not consist of the doctor simply asking the questions in the 'descriptors'. It is

important to explain as clearly as possible how your mental health problems affect you. For example, if the doctor asks if you read newspapers, you need to explain if you have any problems with concentration that means it takes a very long time to read one story.

### **After the medical examination**

It may be useful to make notes of what happened at the examination for later use.

The DSS will use the medical examination report to decide if you are incapable for work. A separate report may be compiled by the examining Doctor and sent to your personal work adviser if you have one. This report is about what work you may be able to do and is not used to assess your entitlement to benefit.

### **Appeals**

If you are turned down it is always worth asking advice about an appeal. You have one month to appeal from the date of the letter telling you the decision.

Coventry Law Centre will advise you about appealing and may represent you at the hearing. The Law Centre offers free legal advice and representation.

You can contact the Law Centre for an appeal appointment.

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