

WELFARE REFORM - REDRESS FOR THE DISABLED

An independent report by Mo Stewart

EXECUTIVE SUMMARY

This disturbing and very detailed evidence report is offered to members of the House of Lords as a contribution to the delayed debate on Welfare Reform, now planned for September 13th, 2011.

As a retired Healthcare Professional I have invested in excess of 12 months of my time to investigate the relationship between the American insurance corporate giant UNUM Insurance, the Department for Work & Pensions (DWP) and Atos Healthcare(AH). AH is the private contractor engaged by the DWP to conduct medical “assessments” of the chronically sick and long-term disabled population of the UK, who are in receipt of disability benefits, yet this company are totally free from all medical regulation according to the General Medical Council. The parent company, Atos Origin – another foreign corporate giant - were awarded the lucrative IT contract for the Olympic Games that government ensure was awarded as part of “fair and open competition.”

It should be cause for enormous concern that, when engaged as UK government advisers on welfare reform in 1994, Unum Insurance were known as Unum Provident Insurance. This corporate insurance giant dominate the income protection (disability) insurance market, worldwide, with 25 million clients in the US alone. Yet Unum Provident Insurance had a diabolical reputation, with strong evidence of atrocious tactics and the resistance to funding the income protection (disability) insurance policies once a client made a claim, following the onset of chronic ill health or permanent disability.

By 2005, following copious numbers of successful law cases throught the USA, the California Department of Insurance Commissioner, John Garamendi, stated that “Unum Provident is an outlaw company. It is a company that has operated in an illegal fashion for years...” By 2007, the American Association for Justice identified Unum Provident as “..**the second worst insurance company in the US.**” Therefore, given this company’s atrocious record, one must enquire why they were involved in any way with the welfare of British citizens?

Following this statement by the American Association for Justice, in 2007 Unum Provident Insurance once again changed its name and is now known as Unum Insurance. Unum Insurance now deny culpability for the past history of the company and, mysteriously, all evidence of past wrong doing by Unum Provident Insurance disappeared from the Internet, including the transcript of a BBC News report, from 2007, happily rescued from obscurity by researchers who predicted that the UK were about to become a copy of the American healthcare system, funded by insurance. With the latest press release from Unum Insurance, announcing that they are about to flood the UK market with mass marketing for income protection insurance, it looks like this is about to become a reality.

EXTRACT FROM BBC REPORT: BBC News 10pm 6th November 2007:

Mark Daly, presenter: But, there are still dozens of bad faith cases and allegations outstanding against the company on both sides of the Atlantic. Despite all of this Unum had senior executives sitting on key government working groups last year, and has provided detailed memorandum on transforming the benefits system. (The government also awarded grants worth £300,000 to Unum’s research centre in Cardiff. MS)

Mark Daly, presenter: The BBC has discovered internal documents revealing that Unum believes it is driving Government policy. The Department for Work and Pensions refused to comment on Unum’s past.

The government's devotion to its main priority, which is a dramatic reduction of the welfare budget, has meant that the concerns of respected front-line charities such as Citizens Advice⁽¹⁾, Macmillan⁽²⁾, Scope⁽³⁾, and the Disability Alliance⁽⁴⁾ are all totally ignored. These welfare organisations, and many others, have collectively expressed serious concerns regarding growing evidence that the disability evaluation system, using the Work Capability Assessment (WCA), is flawed and totally unworkable - but the government isn't listening. Hence the planned legal challenge now being undertaken by the Disability Alliance, which may lead to a Judicial Review of the government's welfare reforms.

Government concern expressed for the welfare of the chronically sick and disabled people of this nation has been demonstrated to be totally insincere when employing the services of Atos Healthcare to assess them, and whose existence is dependent upon a 500 page contract provided by the Department for Work and Pensions (DWP). Indeed, the assessment of the long term sick and disabled population by a totally unaccountable private contractor, using computer software instead of a detailed physical examination, has been identified as unnecessarily traumatic.^(1-4,6,7) This dangerously flawed medical assessment system uses a computer questionnaire, based on a points system, as recommended by government advisers Unum (Provident) Insurance, a US corporate giant actually banned from fifteen states in America until 2008. Renamed late 2007, Unum Provident were identified in early 2007 as **being the 2nd worst insurance company in the US**, by the American Association for Justice⁽⁵⁾, yet they had been government advisers for UK welfare reform since 1994. Why does a UK government use a totally discredited US corporate insurance giant as advisers if not to adopt their system?

Successful government propaganda has the able bodied general public convinced that the majority of people in receipt of Incapacity Benefit^(IB) or Disability Living Allowance^(DLA) are mainly 'scroungers.' This is despite the fact that all evidence supports the fact that, out of the entire DLA budget, less than 0.5% were bogus applications with 1.5% admin error.^(1,4,6,) So why do the other 98% need to suffer other than because the chronically sick and disabled population make very easy targets? Since when is the opinion of medical experts, namely consultants, unacceptable as a level of a patient's ability to work other than when the DWP need to reduce costs? This is a very dangerous and medically unacceptable precedent, imported from America, that has basic grade administrators and an unaccountable assessment system deciding the fate of often desperately ill and chronically disabled people. Many people in receipt of DLA do work as the award of DLA is **unrelated** to employment.

The DWP's resistance to employing qualified medical administrators has meant that basic grade administrators, known as Decision Makers, who confirm that they **lack the ability to interpret medical evidence**,⁽⁷⁾ have betrayed the sick and disabled people the WCA was meant to protect. The actual disability assessment, as reported by the contracted healthcare professional (HCP), is simply one extremely limited opinion derived from a dubious computer evaluation programme, as confirmed in the WCA review by Professor Harrington.⁽⁷⁾ By definition, when all evidence of care, concern, compassion and human dignity is removed from any medical assessment, all that's left is medical tyranny as now funded by the British government against its own most vulnerable people.

The main responsibility of the DWP Decision Makers, as identified in the government contract with Atos Origin Healthcare Services, is to correlate all presented medical evidence including the detailed reports of GPs and consultants, who know the claimant and have actually treated them. Given that the opinions of these medical specialists are accepted in every court in the land, it seems more than reasonable to consider their clinical judgement when deciding if anyone is fit to return to work or to retain disability

(1) Citizens Advice: www.citizensadvice.org.uk/not_working_march_2010_final.pdf

(2) Macmillan: www.macmillan.org.uk/Documents/GetInvolved/Campaigns/Benefits/FailedByTheSystemReport.pdf

(3) Scope: www.Scope.org.uk/sites/default/files/counting_the_cost.pdf

(4) Disability Alliance: www.disabilityalliance.org/dbcpress3.htm

(5) <http://unumclaimsdenial.com/2011/07/unum-ranked-2nd-worst-insurance-company-in-america>

(6) Atos Healthcare or Disability Denial Factories: www.whywaitforever.com/dwpatosveterans.html

(7) The Harrington WCA Review: www.dwp.gov.uk/docs/wca-review-2010.pdf

benefits. However, the Harrington Review⁽⁷⁾ confirmed that Decision Makers routinely failed in their responsibility and exclusively accepted the opinion of the contracted HCP from Atos Healthcare, who enjoy **“total immunity from all medical regulation”** according to the General Medical Council(GMC) and the Care Quality Commission.⁽⁶⁾ Therefore, large numbers of chronically sick and genuinely disabled people are being forced to appeal the often alarming decisions of totally unqualified junior civil servants.^(1-4,6) Welfare agencies now advise that nothing has improved since the Harrington review, hence the challenge by the Disability Alliance.

This deeply flawed medical assessment process was identified for a long time by His Honour Judge Robert Martin when President of the Appeal Tribunals. For over a decade Judge Martin’s consecutive annual reports constantly identified serious problems with the Atos medical assessments that “failed to coincide with reality”⁽⁶⁾ yet, to date, none of His Honour’s recommendations have been implemented by successive governments, as confirmed in evidence to the Work and Pensions Select Committee.⁽⁸⁾

The evidence confirmed that almost half of DWP Appeal Tribunals find in favour of the applicant⁽⁸⁾ with 70% of claims being upheld for claimants who have representation at the Appeal Tribunal.⁽⁹⁾ However, the stress and distress of the need to wait for several months to attend an appeal, in order to retain financial support to which these invalids are morally entitled, is totally ignored. If these were civil cases, generous compensation would be offered as an acknowledgement of the unnecessary distress and suffering caused to the many victims. However, all successful applicants can expect is a reluctant reinstatement of their disability payments, and a back dated award to when they were forced to accept Jobseekers Allowance instead of Incapacity Benefit or, more recently, the new Employment Support Allowance.^(ESA) DWP letters to their many victims remain unnecessarily hostile.

With plans to rapidly transfer IB to the new ESA and DLA being renamed and reallocated to the Personal Independence Payment (PIP), all reference to incapacity or disability is being systematically removed. How can a chronically sick and/or disabled person, who will never again be fit enough for paid employment, be allocated a benefit named Employment Support Allowance when employment is not a realistic possibility? How does this support anyone with a permanent serious illness or profound disability? What happened to welfare? The Minister for Welfare Reform happened to welfare... and it is cause for concern that the input of this one unelected official can threaten the welfare provision for millions, with compassion replaced with a price tag.⁽¹⁰⁾

The Minister made his intentions clear in a press interview⁽¹⁰⁾ in 2008 when he claimed that: “... somebody will see a gap in the market and make their fortune” and the article went on to claim that the Minister’s idea was to eventually put the private sector in charge of the long-term unemployed. “There will be bonuses for hard cases, and no special treatment of disabled people or lone parents with children at school.”⁽¹⁰⁾ As Minister for Welfare Reform, Lord Freud’s past history in finance demonstrates a dangerous lack of any comprehension that a serious illness or chronic disability can indeed be permanent, hence past awards of DLA offered to invalids who, by definition and especially by diagnosis, are permanently disabled. DWP medical tyranny can’t make them well.

(1) Citizens Advice: www.citizensadvice.org.uk/not_working_march_2010_final.pdf

(2) Macmillan: www.macmillan.org.uk/Documents/GetInvolved/Campaigns/Benefits/FailedByTheSystemReport.pdf

(3) Scope: www.Scope.org.uk/sites/default/files/counting_the_cost.pdf

(4) Disability Alliance: www.disabilityalliance.org/dbcpress3.htm

(6) Atos Healthcare or Disability Denial Factories: www.whywaitforever.com/dwpatosveterans.html

(7) The Harrington WCA Review: www.dwp.gov.uk/docs/wca-review-2010.pdf

(8) Decision making and appeals in the benefit system. Second Report of Session 2009-10

- the House of Commons Work and Pensions Select committee:

www.publications.parliament.uk/pa/cm200910/cmselect/cmworpen/313/313.pdf

(9) Citizens Advice Scotland: Unfit for purpose:

www.cas.org.uk/Publications/publications/Evidence+reports/unfit-for-purpose

(10) Welfare is a mess, says adviser David Freud:

www.telegraph.co.uk/news/politics/1577313/Welfare-is-a-mess-says-adviser-David-Freud.html

Now, the most vulnerable people in our society, already faced with a limited quality of life, are being terrorised by the DWP with the threat of an annual review of their financial support, despite their confirmed and permanent physical limitations. Any annual assessment is therefore, by definition, a total waste of limited resources.

Decisions need to be made to enable justice to be seen to be done. The DWP should either cancel this totally flawed disability assessment contract, or introduce a generous compensation scheme for the many hundreds of thousands of genuine chronically sick and/or disabled victims of this DWP medical tyranny, now masquerading as medical assessments, as conducted by Atos Healthcare on behalf of the government following guidance by the discredited American corporate giant Unum Insurance. It is no coincidence that Unum Insurance are about to launch a massive UK media campaign to promote their Income Protection Disability Insurance, ⁽¹¹⁾ as planned since 1994.

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(11) <http://www.ifaonline.co.uk/cover/news/2083156/unum-unveils-consumer-campaign>