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Date: 27th March 2018

https://www.researchgate.net/profile/Mo_Stewart/publications

<http://www.newgeneration-publishing.com/books/reference/cash-not-care-the-planned-demolition-of-the-uk-welfare-state-3/>

Rt Hon Esther McVey MP
Secretary of State for Work and Pensions
Department for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9NA

Re: Mortality Statistics: Employment and Support Allowance, Incapacity Benefit or Severe Disability Allowance¹

I am writing to you in my capacity as the lead independent researcher in the UK regarding the history behind the adoption of the Work Capability Assessment (WCA) by the Department for Work and Pensions (DWP), and the human consequences of its use.²

The previously published Employment and Support Allowance (ESA) mortality statistics¹ are out of date and, for research purposes, I would welcome access please to the updated ESA and Incapacity Benefit mortality statistics, from March 2014 to February 2017, which should be routinely collated annually by the DWP. The figures should include statistics for the total number of claimants with a WCA decision between the above dates, including the numbers of ESA claimants who died within a year of that decision.

When still at the DWP, Lord Freud was alerted by colleagues as to the need to collate the mortality statistics of the numbers of claimants refused access to the ESA having been declared “fit for work” following a WCA. Statistics for those claimants who were obliged to claim Jobseekers Allowance who then died, within twelve months of ESA being refused regardless of diagnosis or prognosis which are both dangerously disregarded by the WCA would be most welcome. I assume those very important statistics are also now available and I would welcome access to them.

I also assume you have accessed the speech made by Sir Ernest Ryder to the Bar Council in November 2017, in his capacity as the Senior President of Tribunals³, where he reported that most of the benefits cases that reach court are based on “bad decisions” where the DWP has no case at all. Sir Ernest

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459106/mortality-statistics-esa-ib-sda.pdf

² <http://www.newgeneration-publishing.com/books/reference/cash-not-care-the-planned-demolition-of-the-uk-welfare-state-3/>

³ https://www.buzzfeed.com/emilydugan/most-dwp-benefits-cases-which-reach-court-are-based-on-bad?utm_term=.kljKld8KV#pevNg6aN4

further advised that the quality of evidence provided to tribunals by the DWP was so poor it would be “wholly inadmissible” in any other court.³

“In an extraordinary outburst against what he said was incompetence by the department, he said he and his fellow judges were so incensed by the volume of cases where there was “no justifiable defence to the appeal” that they were considering sending them back – or charging the DWP for the cases it loses.

He said : “It’s an inappropriate use of judicial resources, it’s an inappropriate experience for users, and the cost is simply not right.”

The percentage of cases lost by the DWP on appeal has been growing rapidly. In 2007, 44% of cases heard in the Social Security and Child Support Tribunal went against the DWP. Ryder said the figures have now risen to a “staggering” 61%...

“In case management I could send back those cases and say, ‘You might as well remake them, because there is no argument that a tribunal could hear. There’s no justifiable defence to the appeal.’ That’s the argument we’re thinking about long and hard, because the appellant doesn’t lose anything.”...

He said claimants were needlessly put through “the stress of the day when actually at the end of the day (though they can’t know it) they’re bound to win.”

Commenting on the poor quality of the DWP’s evidence, he said that after sitting in on one tribunal for a day, not one of the cases he saw had an assessment that was dated, named, or timed...

“And yet we are expected to take those documents, some of which are amended and we only know they’re amended by the computer line at the bottom but we don’t know by whom or in what circumstances, we’re expected to take that and rely upon it as our primary evidence before the court starts to ask questions and come to a determination.

“So, it’s hardly surprising if that’s the quality of the base product that’s relied on, for example, where it’s a telephone assessment that leads to it, that you then find when you look at the wall, 60% of it is a no-brainer. On a long-term basis that just can’t be right.” ...”

A senior judge has suggested charging the government for every “no-brainer” benefit case it loses in court³.

BuzzFeed News
Emily Duggan

³https://www.buzzfeed.com/emilydugan/most-dwp-benefits-cases-which-reach-court-are-based-on-bad?utm_term=.kljKld8KV#.pevNg6aN4

Given that the WCA adopted the biopsychosocial (BPS) model of assessment as recommended in a DWP commissioned report⁴, which was co-authored by the former DWP Chief Medical Adviser Professor Mansel Aylward and former orthopaedic surgeon Gordon Waddell, and the recommendation to use the fatally flawed⁵ BPS model was subsequently retracted⁶ by Mansel

“The Waddell-Aylward BPS [model] has remained largely unexamined within academic literature, although it has not escaped critique by disability activists (e.g. Jolly 2012, Berger n.d., Lostheskold 2012, Stewart 2013). In this paper we build on these political challenges with an academic analysis of the model and the evidence used to justify it. We outline the chief features of the Waddell-Aylward BPS [model] and argue that, contrary to Lord Freud’s comments above, there is no coherent theory or evidence behind this model. We have carefully reviewed claims in Waddell and Aylward’s publications; compared these with the accepted scientific literature; and checked their original sources, revealing a cavalier approach to scientific evidence. In conclusion, we will briefly outline the influence of the Waddell-Aylward BPS on contemporary British social policy, and the consequent effects on disabled people...

The WCA was designed to ensure that only the most ‘needy’ (those assessed to have the most limiting health conditions) and the most ‘deserving’ (those who are judged compliant) claimants can access the highest rate of ESA...

In this way, Waddell and Aylward often make elisions between widely accepted concepts and frameworks, and their own idiosyncratic accounts of disability and health. Another example is where they fail to draw a conceptual distinction between literature on medical rehabilitation, which focuses on restoration and maintenance of functioning, and literature on vocational rehabilitation, which focuses on return to work and job placement (Waddell and Aylward 2010, 35). These slippages undermine the validity of their argument...

Most importantly, given that the BPS [model] is intended as a contribution to policy formation, and that contentious claims are often made, it might be expected that a robust evidence base would be provided. Yet the authors rely on un-evidenced assertions throughout their work...

Waddell and Aylward slide between general statements that are scientifically valid, and specific statements that are matters of opinion or political prejudice. They also tend to cite their own, non-peer reviewed papers extensively...

...the Waddell and Aylward BPS [model]... does not represent evidence-based policy. Rather, it offers a chilling example of policy-based evidence.”

*Blaming the victim all over again: Waddell and Aylward’s
biopsychosocial (BPS) model of disability*⁵

Critical Social Policy Journal, Volume 37, Issue 1, May 2017

Tom Shakespeare, Nick Watson and O A Alighaib

⁴ <https://www.tsoshop.co.uk/bookstore.asp?FO=1279028&DI=607598>

⁵ https://ueaeprints.uea.ac.uk/58235/1/1351_Shakespeare.pdf

⁶ <https://www.disabilitynewsservice.com/former-dwp-medical-boss-makes-wca-pledge-to-protesters-2/>

Aylward as long ago as 2012⁶, the question remains as to why the DWP continue to use the fatally flawed⁵ BPS model of assessment for the WCA? Those in greatest need now live in fear of the DWP.

The WCA is known to cause death, despair and preventable harm to many⁷. A direct link between the WCA and suicide was identified by a Coroner in 2015⁸, and an NHS report has identified that almost 50% of ESA claimants have attempted suicide⁹. So, the BPS model is rejected⁶ by one of the government 'experts' who originally recommended its use to the DWP, and the Waddell and Aylward BPS model has been totally discredited⁵ by some of this nation's top academics who were not funded by an American corporate giant with an alternative agenda.¹⁰

Secretary of State, my nine years of independent research has demonstrated that the DWP bring a great many problems upon themselves. They tend to exclusively reference critically challenged DWP commissioned research⁴, or research provided by a dubious right-wing think tank¹¹.

It is most unwise to allow this to continue, as demonstrated in my detailed reply to John Herron¹², given that DWP commissioned research is invariably demonstrated to be fatally flawed by high calibre academics whose work is always peer reviewed⁵, unlike DWP commissioned research which isn't.⁴ Therefore, there is no credibility in DWP commissioned research, which is very easily challenged as demonstrated in my lengthy letter to your colleague who was responding to my contact with your predecessor, given that I am an expert in this field and he quite clearly is not¹².

On that subject, I would alert you to the enclosed copy of the very detailed reply recently sent to the Ministerial Correspondence Team Leader, John Herron, dated 5th March 2018¹². Given that Mr Herron has lost all credibility due to the preposterous content of his correspondence, I would welcome not having any more contact from the Ministerial Correspondence Team and, given the distribution list of this letter, it is assumed that a personal reply by your good self will be forthcoming in due course. *A copy of this letter will be sent to you via the House of Commons as well as to the DWP.

I would appreciate any reply to be related to the content of this letter only, with a resistance to offering pages of political rhetoric in keeping with your Ministerial Correspondence Team Leader¹², that is neither needed nor welcomed. We are all very busy people and pages of rhetoric are unhelpful.

Yours sincerely

Mo Stewart

Disability studies researcher

Author of *Cash Not Care: the planned demolition of the UK welfare state*. New Generation Publishing 2016

https://www.researchgate.net/profile/Mo_Stewart/publications

5 https://ueaeprints.uea.ac.uk/58235/1/1351_Shakespeare.pdf

6 <https://www.disabilitynewsservice.com/former-dwp-medical-boss-makes-wca-pledge-to-protesters-2/>

7 <http://jech.bmj.com/content/70/4/339>

8 <https://www.disabilitynewsservice.com/coroners-ground-breaking-verdict-suicide-was-triggered-by-fit-for-work-test/>

9 <https://www.disabilitynewsservice.com/shocking-nhs-stats-show-nearly-half-esa-claimants-have-attempted-suicide/>

10 <https://www.covermagazine.co.uk/cover/news/2151231/unumprovident-teams-cardiff-university>

11 https://www.researchgate.net/publication/314045256_STATE_CRIME_BY_PROXY_corporate_influence_on_state_sanctioned_social_harm_An_independent_report

12 <https://www.scribd.com/document/374106994/Redacted-Reply-to-DWP-Minister-Correspondence-Team-Manager>

Enclosure:

¹Reply to John Herron, Ministerial Correspondence Team Leader, 5th March 2018

²Letter to the Rt Hon David Gauke MP, Secretary of State for Work and Pensions, 8th January 2018

Copied to:

Mr Guido Raimondi ~ President, European Court of Human Rights

Rt Hon Sir Ernest Ryder ~ Senior President of Tribunals

Rt Hon Frank Field MP ~ Chair, Work & Pensions Committee

Meg Hillier MP ~ Chair, Public Accounts Committee

Dr Sarah Wollaston MP, Chair ~ Health and Social Care Committee

Paul Gray CB ~ Chair, Social Security Advisory Committee

Margaret Greenwood MP ~ Shadow Secretary of State for Work and Pensions

Paula Sherriff MP ~ Shadow Minister, Mental Health and Social Care

Barbara Keeley MP ~ Shadow Minister, Mental Health and Social Care

Marsha de Cordova MP ~ Shadow Minister for Disabled People

Sharon Hodgson MP ~ Shadow Minister, Public Health

Dr Philippa Whitford MP ~ Shadow SNP Spokesperson Health

Angela Crawley MP ~ Shadow SNP Spokesperson Disabilities

Dr Lisa Cameron MP ~ Shadow SNP Spokesperson Mental Health

Neil Gray MP ~ Shadow SNP Spokesperson Social Justice

Liz Saville Roberts ~ PC Spokesperson for Justice

Steve Wood, h/o Policy Delivery ~ Information Commissioner's Office

Professor Peter Beresford ~ Professor of Citizen Participation, University of Essex

Professor Danny Dorling ~ Halford Mackinder Professor of Geography, University of Oxford

Professor Tom Shakespeare ~ Professor of Disability Research, Norwich Medical School

Professor Nick Watson ~ Professor of Disability Studies, University of Glasgow

Professor Nicola Martin ~ Professor of Social Justice, London South Bank University

Professor Woody Caan ~ Editor, Journal of Public Mental Health

Dr Simon Duffy, Director ~ The Centre for Welfare Reform

Dr Anne Daguerre ~ Ass Professor in Work, Employment and Welfare, University of Middlesex

Dr Ruth Patrick, Postdoctoral Research ~ School of Law & Justice, University of Liverpool

Dr Kayleigh Garthwaite ~ School of Social Policy, University of Birmingham

Dr Kim Allen ~ Faculty of Education, Social Sciences and Law, University of Leeds

Dr David Webster ~ Dpt of Urban Studies, University of Glasgow

Richard Burgon MP ~ Shadow Lord Chancellor and Shadow Secretary of State for Justice

Sarah Newton MP ~ Minister of State for Disabled People, Health and Work

Luciana Berger MP ~ Health and Social Care Committee

Ben Bradshaw MP ~ Health and Social Care Committee

Heidi Allen MP ~ Work and Pensions Committee

Chris Stevens MP ~ Work and Pensions Committee