

Personal Independence Payment
Further Response

Name: [REDACTED]

Date 26/07/2023

NINO: [REDACTED]

Tribunal Reference: [REDACTED]

[REDACTED] has been in receipt of Universal Credit since 04/03/2019. She had a work capability assessment on the 26/07/2019 and the health care professional (HCP) awarded points for 15C and 16B for difficulties with getting to unfamiliar places and dealing with unfamiliar people, recommending [REDACTED] has limited capability for work (LCW) and therefore was placed in the work preparation group.

She subsequently had another work capability assessment on the 06/06/2023 which I have attached. The HCP awarded 15B and 16B for difficulties getting to familiar places and dealing with unfamiliar people, as well as schedule 8(4), recommending [REDACTED] has LCW. There are a number of inaccuracies with the information reported by [REDACTED] for this assessment. At this assessment she declared she has PTSD; her GP records show she has not been formally diagnosed and that they could not supply her with a fit note for PTSD (page 13 Addition B). She also told the assessor she was no longer volunteering and had stopped this a few years ago, however in the consultation on the 19/4/2022 (page 13 Addition B) she told the nurse practitioner that she was still volunteering for ESOL every Thursday which she enjoys. It may be that [REDACTED] has stopped volunteering but after 19/04/2022.

Unfortunately, it appears there has been an error with the UC decision for this assessment. In the HCP summary it is stated "It is likely there would be a significant risk of deterioration if found capable for work. She has daily negative thoughts that life is not worth living, she feels low in mood daily and takes no medication. **However, it is unlikely there would be a significant risk if found capable of work-related activity.**" The decision maker has noted the system to state they agree with the HCP's recommendation, however, has marked the system as [REDACTED] having limited capability for work related activity (LCWRA) in error. I have since raised this to be investigated and rectified.

In terms of the PIP claim, no points were initially awarded, however this was later changed at the mandatory reconsideration stage, with points awarded for 3B, 4C and 6C. From the evidence, it has been established that [REDACTED] was not taking any medication for her mental health and was also volunteering at the time of our decision, which shows general motivation, engagement and the ability to plan and follow journeys.

As a tribunal have the power to award points, keep them the same or remove points, I, therefore, ask the tribunal to consider the points awarded afresh.



**Personal Independence Payment
Further Response**

The role of the tribunal is to put themselves in the shoes of the Decision Maker (DM) and so cannot take into consideration anything that the DM could not have known when they looked at the case. Anything that has happened since the decision was made, will need to be the subject of a new claim.

Secretary of state do not require a further copy of these papers

Regards



Section PIP Appeals
Site Newcastle BC