

How to Deal with Atos Benefits Medical Examinations

This leaflet describes how claimants for disability benefits can deal with the medical examinations by medical professionals, which for many claimants are central in deciding whether or not you are entitled to disability benefits. Remember you never have to face them alone.

Before the Examination

To obtain benefits you are legally required to attend a medical examination. These are run by Medical Services (MS), which is operated by the private company Atos on behalf of the Benefits Agency. The information obtained at the examination is used, within a legal framework, to decide on your benefit entitlement. It is vital to make sure your legal rights are protected.

Before a MS examination your own GP sends info to the Benefits Agency. **It is important that the info your GP sends is as full as possible** and states clearly whether or not (in their medical opinion) you are fit for work at that time and in the foreseeable future (at least 6 months ahead).

It is frequently the case that people with a long-term illness gradually minimise in their own minds the effect of their illness on their everyday lives and develop survival strategies to cope on a daily basis in an attempt to lead as normal a life as possible. A medical examination the assessor may not take this into account. **It may be helpful to discuss the reality of your illness and the limitations it imposes on your life with someone who knows both the illness and yourself well ahead of time.** The reality of your illness is what must be presented to the Atos medical professional and to the DSS.

You always have the right for someone to accompany you on your assessment, whether it is at home or in an office. They cannot refuse you this right. If they try then you and the person with you can insist that you need someone with you. Meet your accompanying person beforehand to discuss what's going to happen.

The person accompanying you should take a pen and paper and also a watch. **If possible, take a tape recorder.** Peter Mathison, then Chief Executive of the Benefits Agency, has stated that the taping of medical examinations can be carried out. **Take along your medicines and any aids you use,** such as a walking stick or crutches.

If the date for the examination is not suitable for any reason (eg: your accompanying person cannot make it on that date), **you can get the date changed.** If you are unable to travel to the examination **you can ask for a home visit instead.** If you change the arrangements over the phone **write to confirm the changes.** You can claim travel expenses for going to the examination, but if you need to take a taxi you must contact the MS beforehand.

You have the right to be seen by a Doctor of the same sex.

The examination can be halted at any point to allow you to go to the toilet, have a glass of water, take a pill, or if you feel faint or ill. **The examination should only proceed if you feel happy to continue.** You should refuse to do anything that hurts or distresses you.

At the Examination

Be aware that the examination begins on entry to the examination centre and does not end until you leave the centre. An evaluation of your medical condition does not only take place when you are in front of the examining medical professional, but also on your way into the building, in the waiting room, and on your way out. They could note the length of time you can sit without apparent discomfort, how you pick up your bag, etc.

At the examination the medical professional should:

- Be courteous and considerate.
- Spend some time explaining the purpose of the examination.
- **Ask if you are willing to be examined.**
- Ask you and give you time to explain **in your own words** how you are affected by your condition, including how it affects your ability to do day-to-day tasks like shopping, cooking, cleaning and so on.
- **The medical professional should not attempt to 'manipulate' parts of your body.**

During the examination:

- **Make sure the medical professional realises the full extent of your illness/ disability**, including any other conditions/ illnesses you may have. Remember, unlike your GP, this medical professional does not know your medical history.
- **Describe how you feel on a "bad day"**, rather than on a "good day".

If you are accompanying a claimant:

- **Write down** the name of the medical professional, their qualification (eg: if they are a nurse, doctor or physiotherapist), the place of examination, the time of starting and finishing the examination.
- **Take notes on everything** the Doctor and the claimant say, what the Doctor asks the claimant to do, what happens. Especially note any aggressive attitude or manner adopted by the Doctor. Note the exact words spoken. **Time the length of the examination and any breaks taken** (some medical professionals have been known to exaggerate the length of time of the examination to make it appear more thorough than it was).
- Intervene and **ask for the examination to be halted if the claimant becomes unwell or distressed**. The claimant should have a break until they feel well enough to continue.
- Object to and **stop any attempt by the Doctor to have the claimant do exercises which could injure or distress them**. If distress is caused by mistreatment by the doctor then stop the interview and say that you will be making a complaint with a request for an examination at a future date with a different medical professional.

At the end of the main examination ask the medical professional to read back their notes. If they refuse then note the reason given for refusing. If there seems to be any inaccuracies in the notes, check with the claimant, then if necessary ask the Doctor to change their notes. If they refuse then make a note of that, writing down exactly what they said.

After the Examination

If the medical professional did anything wrong then write a letter of complaint to BAMS and to the DSS as soon as you can. **Don't wait for the decision to come through to complain.** The letter should be signed by both the claimant and the accompanying person.

Keep in mind that you can be found to be incapable of work even if you do not score enough points.

Even if you don't score enough points under the personal capability assessment – the medical test to decide if you're incapable of work – you may still have a chance of being found incapable of work either at claim or appeal stage. This is because of the little known 'exceptional circumstances' rules.

There are a number of these, but probably the most important is regulation 27(b), which states that you will be found incapable of work if:

“there would be a substantial risk to the mental or physical health of any person if he were found capable of work”

This regulation could apply to you on **physical health** or on **mental health** grounds.

For example: If you experience severe anxiety attacks and might harm yourself or somebody else if placed in a situation you find threatening, then this might be grounds for applying regulation 27(b); or you may have a lung condition which is made much worse by stress and, in the past, such situations have led to a serious deterioration in your health and perhaps hospitalisation. **If you would find being found capable of work, having to sign on for Jobseekers Allowance and take part in training or work experience very stressful, then that may be grounds for declaring you incapable of work under the exceptional circumstances regulations.**

However, neither doctors nor decision makers are quick to identify people who might be covered by these clauses and very few claimants even know they exist.

Atos in the Bigger Picture

ATOS are currently working to force more people off disability benefits. This is to solve the problems caused by banks gambling on the financial markets. The process is driven by cost cutting not medical opinion. The most vulnerable in society are being made to pay for the greed of others and the inevitable boom and bust of capitalist economics.

Medical professionals (such as physiotherapists), are only given days of training before making assessments for areas they may have no experience of (eg: mental health problems). They are paid substantially more than NHS doctors and nurses for leaving their ethical concerns at the door. Atos claim that they do not make the decision as to whether someone can work and have their benefits reduced and that performance targets are based simply on the number of claimants seen in a day, however they admit that if a medical professional passes all claimants for disability benefits it will not go unnoticed.

We encourage and aid claimants organising together, and linking up with workers in employment, to oppose and take action against these government policies. Why should we put up with a system where everything is run for the profit of a rich elite? Why shouldn't society's resources belong to everyone, and be used for people's needs?



**CUTTING DISABILITY
BENEFITS *KILLS***