

NB This letter is only for people who are told they have to go to an ESA or PIP assessment but cannot get there / deal with it due to a severe and long-term impairment. If you can reasonably be expected to go then you have to go or risk losing your benefits. However, if you cannot get there / deal with it because of a severe and long-term impairment then the DWP, and/or any agents acting on its behalf, have a duty to make reasonable adjustments for you. This letter is designed to tell them that you are entitled to reasonable adjustments. This is designed to send to the agent that told you that you must attend a “consultation”. If you telephone instead then you may wish to speak in similar terms to this letter.

[your address]
[your telephone number]

The Complaints Manager
XXXXXX Centre for Health and Disability Assessments
[address of centre that wrote to you
demanding your attendance at an ESA or PIP consultation]

[date]

Dear Sir / Madam,

Complaint

Equality Act 2010 – failure to consider reasonable adjustment in the ESA / PIP [delete as appropriate] assessment regime

Re: appointment at your assessment centre proposed for XX/XX/XX – I will not be attending as I am severely disabled and the proposed manner of assessment is unsuitable

Unfortunately there appears to have been a break-down in communication between the Department and yourselves in respect of my needs as they relate to social security assessments. Please find attached for ease of reference a copy of a letter demanding my attendance at a consultation proposed for [date of consultation proposed] at a venue that I cannot access because [list why you cannot go the consultation proposed – e.g.... You are severely physically disabled and/or have a mental health condition means that you cannot go and/or deal with face-to-face consultations].

Your letter gives no meaningful information regarding how I can access reasonable adjustments such as a paper-based or domiciliary consultation. As such I believe this communication breaches the requirements of the Equality Act 2010. You are aware that ESA / PIP [delete as appropriate] is a benefit claimed by severely disabled people and that you have an anticipatory duty to make reasonable adjustments.

This letter is to put you on notice that I am a disabled person entitled to reasonable adjustments from the DWP and any agents acting on its behalf.

The Equality and Human Rights Commission’s Code of Practice states that making reasonable adjustments is a continuing and evolving duty (para. 7.27). The duty should be kept under regular review. Furthermore, the Code of Practice states that the duty is an anticipatory one. Accordingly, it requires consideration of barriers before a disabled person seeks the use of the service (see para. 7.20).

Had the DWP and/or its agents reviewed my claims history it would have known that I could not get to the proposed consultation. You have failed in your anticipatory duty to make reasonable adjustments, hence this complaint.

How to put this right

- a. In view of my condition I propose a domiciliary hearing / paper-based assessment [delete as applicable depending on whether you can reasonably be expected to cope with a home assessment].
- b. Please assure me that you have amended my file so that I am not called for such assessments in future.

I look forward to your response within the next 14 days.

Thanks for your help.

Yours sincerely,

[your signature]

[your name]