

# UK: Department of Work and Pensions “followed policy” denying benefits to dying Liverpool man

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An internal review by the Department of Work and Pensions (DWP) following the horrific death of Stephen Smith is an insult to a man who was forced to endure terrible hardship fighting for the welfare benefits to which he was entitled.

The review, concluded last week, found the DWP had missed “crucial safeguarding opportunities” but that “policy guidance was followed.”

Stephen, who lived in Liverpool, died in April aged just 64. He perished in an emaciated state, weighting just 38kg (6st). He had been found fit for work after attending a medical Work Capability Assessment (WCA).

Stephen had every right to believe the test outcome would determine that he would be awarded Employment and Support Allowance (ESA). He could barely walk and his illnesses included chronic obstructive pulmonary disease, osteoarthritis and an enlarged prostate. He also had a colostomy bag.

Photographs taken of Stephen, a few months before he died, show someone resembling a victim of famine.

Following the DWP’s callous decision, Stephen fought to have his benefit claim reinstated, including providing substantial medical evidence from his doctor warning that he had lost a considerable amount of weight. He eventually had his benefit reinstated and was paid the backdated £4,000 he was owed, but he died a short time later. The money was used to pay his funeral costs.

Conservative Work and Pensions Secretary Amber Rudd refused to allow a public inquiry into Smith’s death, instead calling for the internal review. Her response to its findings were predictable and self-serving. “This review has now concluded and shows

that whilst policy guidance was followed in Mr Smith’s case, there were crucial safeguarding opportunities which were missed by the Department.”

She added, “The review has identified areas where we need to change our policy and we will be implementing these changes to ensure our most vulnerable claimants are protected.”

What was revealed is the complete disregard and naked contempt of the government and top civil servants for the sick and the vulnerable. The government designed the Work Capability Assessments to penalise the poor and deny them benefits.

As long ago as 2010, the Citizens Advice Bureaux (CAB) published a report, “Not working,” on the ESA work capability assessment. The report was endorsed by numerous organisations that work with sick and vulnerable people in the UK, including We Are Macmillan cancer support, Child Poverty Action Group, the Parkinson’s Disease society and Action for Blind People.

The report highlighted several structural problems with WCAs, including the fact that that people such as Stephen were being subjected to investigation at all. The seriously unwell claiming Incapacity Benefit under previous benefit rules were treated differently. This involved the DWP seeking further information from the claimant’s GP, and if specific criteria were met, defining the claimant as part of an exempt group. They then would not have to attend a medical assessment.

These rules have been torn up. Following the introduction of ESA in 2008 under the Gordon Brown Labour government, the number of exemptions for claimants was reduced. This made it increasingly difficult for those with health conditions to be eligible

for ESA, with more and more people who are clearly unwell being found fit for work.

The CAB report provided the example of people with Parkinson's disease who had to give up work following the diagnosis, as the symptoms became too bad. They then failed a WCA medical and were found fit for work.

The CAB report found myriad problems with the implementation of ESA and that WCAs were finding a significant number of people with illnesses fit for work. The CAB stated, "We therefore believe we are in a strong position to judge whether there is a systemic problem rather than a few perverse cases."

Another case earlier this year is proof of the brutality of the ESA system. A woman who had been found fit for work, following a horrific acid attack that left her with 50 percent burns to her face and body, won her case on appeal at an ESA tribunal. The woman, who chose to remain anonymous, had been awarded 0 points following a WCA and told she was fit for work. This was despite difficulties in sitting and standing without experiencing pain and being bed-bound for weeks after having reconstructive operations.

She had received ESA for several years. However, not long after she had undergone an operation to reconstruct part of her ear the WCA found her fit for work. This was despite her suffering constant pain, experiencing trauma, and rarely going out of the house, other than to attend medical appointments or to visit local shops.

The tribunal took 20 minutes to uphold her appeal and award her 24 points, with the panel members, a judge and medical doctor, paying tribute to her courage. Her solicitor, Sophie Earnshaw of Hammersmith and Fulham Law Centre, West London said; "This is a truly horrific example of the Department for Work and Pensions poor decision making when it comes to disability benefits."

Even as benefit claimants are illegitimately being denied welfare, the DWP spent £121.5 million in fighting social security and child support tribunals for the year 2017/2018—an increase of 15 percent on the previous year.

Government statistics show that of the 51,256 appeal disposals in the quarter up to December 2018, 41,171 (81 percent) were cleared at hearing. Of these, fully 70 percent found in favour of the claimant, an increase of

5 percent on 2016/2017.

Those enforcing this savage system are being well rewarded. Earlier this month, it was reported that 61 of the top civil servants working for the DWP—directly connected with the implementation of cuts to social security benefits—were granted £17,500 each in bonuses, with less senior staff receiving smaller amounts.



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