Capita contractor pays substantial compensation to family of UK benefits cuts victim Philippa Day

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Following the tragic death of Phillipa Day, a vulnerable 27-year-old, for the first time an agent of the Department for Work and Pensions (DWP) has been forced to settle a legal claim resulting from their errors.

Phillipa was found at home in August 2019 after taking an overdose following her disability benefits being stopped. She died two months later in hospital.

In May, Phillipa's family issued a claim for negligence to both the DWP and Capita, the government contractor who had been dealing with her case at the time, Capita carries out assessments for Personal Independence Payment (PIP), a benefit providing extra financial support to claimants with health conditions.

Capita agreed to settle out of court and paid what the family were asking for. The money will be used to provide for Phillipa's family and her surviving son.

Phillipa had been claiming PIP until it was stopped by the DWP. An inquest into her death held in January this year found that there had been 28 instances where systematic errors by both the DWP and Capita had led to failures in the handling of Day's claim to benefit. The coroner ruled that although he was unable to conclude she intended to take her own life, the failures were a stressor in her decision to take the overdose.

Following her PIP being stopped Phillipa's weekly income fell from £228 to £60 a week. At the inquest, a telephone recording was played of Philippa pleading with a benefits official for help. She can be heard crying telling the official, "I've been waiting for six months now. I'm literally starving, I can't survive for much longer". She added, "[I'm in] £5,000 debt. Nothing to eat. I've lost all my [benefit] premiums... I cannot survive... without any money. I need something to live for".

Imogen Day, Phillipa's sister said, "Our family has always maintained that my sister's treatment by Capita, on behalf of the DWP, directly impacted her mental state and in the end the reason for her death. Capita's wall of bureaucracy, with no consideration for Phillipa's mental state, exacerbated her despair at her debt and poverty. She was met with cold, uncaring call operators who would not listen to her cries for help."

The original draft internal process review (IPR) into Philippa's death had not been intended to go into the public domain and was only brought to the public's attention when the Disability News Service (DNS) mounted a legal challenge, following government lawyers attempts to block its release.

The IPR was released to the coroner by the DNS. This was to outline the catastrophic failings that had taken place over a period from late 2018 till her death in October 2019.

Philippa had a long history of suffering with mental health problems and type 1 diabetes, which she had suffered with since childhood and had been claiming disability benefits for originally. She had a history of self-harm, suicide attempts and had had numerous admissions to psychiatric hospital because of her mental health problems.

Philippa had her benefits stopped because she was struggling to get to the PIP assessment. Capita were fully aware that Philippa had a long history of mental health problems, including inpatient psychiatric admission, significant mental distress and importantly the fact she struggled with getting out of the house due to agoraphobia.

At the time Capita's own chief medical officer, Dr Shah Faisal admitted that "with the benefit of hindsight" there had been "sufficient medical evidence available" to decide Philippa's claim through a paper-based review, without having the need to put her through a face to face assessment.

At the inquest the coroner said that throughout the 11-month period when she had not been paid, Philippa had been entitled to PIP paid at the highest rates for both parts of this benefit, and the DWP had the information it needed to ensure she received those benefits.

There have been long-standing criticisms of the DWP's PIP assessment process and of Capita, who were awarded a

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new contract in 2019 to make PIP assessments.

Companies like Capita make a killing from lucrative contracts overseeing the governments brutal welfare cuts against the unemployed and disabled. In 2020, Capita were appointed to the DWP's renewed and enhanced Commercial Agreement for Employment and Health Related Services employment and health (CAEHRS) framework. This framework will provide opportunities for suppliers to bid for £7.5 billion of work over five years. Capita is the only new supplier to have been successfully appointed to all seven regional lots as well as the national lot.

The *Disability News Service* recently reported that families of bereaved benefit claimants were outraged at the DWP's decision to award its own disability benefits team an "outstanding contribution" award just weeks after the coroner had criticised the DWP in Philippa Day's case.

The award was made by the cross government Operational Delivery Profession (ODP), headed by Peter Schofield, permanent secretary of the DWP. ODP supports civil servants who run frontline services such as the processing driving licenses, passports, and the benefits system.

The awards were made in an online ceremony in March. The decision to award the DWP's Disability Services Customer Experience and Safeguarding Team was described by Imogen Day, Philippa Day's sister as "sickening" and "abhorrent". Imogen said they DWP were "patting themselves on the back" just six weeks after she and her parents had had to listen to Gordon Clow, assistant coroner for Nottingham and Nottinghamshire, detail the 28 separate mistakes by DWP and Capita that led to her sister's death.

Alison Burton, who has been leading the campaign for justice for Errol Graham, her father-in-law who starved to death after the DWP wrongly stopped his benefits, said the award was "disgusting" and "ignorant" and should be revoked. Joy Dove, whose daughter Jodey Whiting took her own life after her benefits were stopped for not attending a work capability, said, "It's upsetting, it's like killing them again."

In 2019, Capita threatened court action in an attempt to reverse the "reputational damage" it said it had incurred following the death of 33-year-old Victoria Smith in 2018. She died months after her PIP was stopped following a Capita assessment where she had not scored a single point.

Victoria was agoraphobic and suffered with fibromyalgia that left her experiencing constant pain throughout her body.

Her mother Susan Kemlo pursued legal action against Capita and they were ordered to pay £10,000 for maladministration over how they had handled her disability claim, including making inaccurate statements about her.

A week after Victoria's death, a Social Security Tribunal appeal found that she had been eligible for the benefit and the original decision had been wrong. Capita decided to drop the case before it could reach Telford County Court where they were seeking to set the original decision aside.

That many people are in similar situations reflects the government callousness and indifference as to the plight of benefit claimants.

The death of Phillipa Day follows the social murder of over 131,000 people due to austerity measures from 2012 to 2019. The Institute for Public Policy Research noted how a "decade of austerity has resulted in cuts to public health, prevention and mental health budgets in the NHS [National Health Service], and wider national and local government services which help drive better health."

Since then, the ruling elite has only intensified its sadistic assault on the poorest and most vulnerable in society.

Thérèse Coffey, the work and pensions secretary, speaking in 2020, told the Commons Work and Pensions Select Committee that the DWP has no duty of care to benefit claimants, and the duty should be left to "the local councils, the social services, the doctors and other people." This year Coffey suggested that Universal Credit benefit claimants who have lost the £20 a week uplift in payments, the largest one-off benefit cut in British history, should work more hours to make up the difference.

The Parliamentary Standards Authority records that Coffey claimed on top of her MP's salary and minister's salary (combined over £140,000), over £201,000 in parliamentary expenses during 2019-20.

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