

DEPARTMENT FOR WORK AND PENSIONS

RESPONSE TO REGULATION 28 PREVENTION OF FUTURE DEATHS REPORT

Introduction

1. This response fulfils the Department for Work and Pensions' (DWP) duty to respond to a Prevention of Future Death report made under the Coroners (Investigations) Regulations 2013. The request for the report has arisen following an inquest on 3 July 2019 into the death of Mr Alexander Boamah who was a Personal Independence Payment (PIP) claimant.
2. The response is structured in two parts. The first describes Personal Independence Payment (PIP) and Mr Boamah's interaction with the benefit. The second part explains what action the Department is taking to ensure the relevant safeguards for vulnerable claimants are in place.

Personal Independence Payment

3. PIP was introduced in 2013 and is a non-means tested, non-contributory tax-free individual benefit that provides financial support to people with long-term health conditions or disabilities, where the person's ability to carry out prescribed daily living or mobility activities is limited by the person's physical or mental condition. It is intended to make a contribution to the extra costs that claimants face as a result of their disability or long-term health condition. This underlying rationale is similar to the rationale for the predecessor benefit, Disability Living Allowance (DLA). But there are key differences between the two benefits, namely the way in which entitlement is determined as well as the award duration.
4. PIP is intended to be a more modern benefit, in which needs arising from all impairment types are considered equally and on an individual basis, rather than labelling people by their condition. Claimants undergo a functional assessment, conducted by an external health care professional, usually involving a face-to-face consultation with the claimant, a points-based system is used when determining whether a claimant is entitled to PIP, and if so, at what rate. The aim of the PIP assessment is to ensure awards are determined fairly, objectively and consistently, and in a way that creates a more financially sustainable benefit. Consequently, the general rule is that PIP awards are for a fixed term with regular reviews of the award.

Appealing a decision

5. A claimant who is unhappy with a decision can ask DWP to reconsider the decision within 13 months of the date of the decision. DWP will reconsider the claimant's case, and respond with their decision in a Mandatory Reconsideration Notice. If a claimant disagrees with the Mandatory Reconsideration Notice, they can use the free to access service and appeal against the decision to the First-

tier Tribunal (Social Entitlement Chamber). The First-tier Tribunal consists of a judge and a medical representative (where appropriate).

Mr Boamah's case

Benefit claim history

6. Mr Boamah made his initial claim for PIP on 18/10/16 and attended a face to face assessment in Harrow assessment centre. Mr Boamah was notified that he was not entitled to PIP, scoring 0 points for both the Daily Living and Mobility component. Mr Boamah requested a Mandatory Reconsideration and was notified on 3/3/17 that the original decision had been upheld. In April 2018 the Department received a phonecall from a benefits advisor at Mary Ward Centre explaining that Mr Boamah had been refused PIP the previous year and that she would like to submit a late appeal on his behalf as he was not in a position to deal with such matters as a result of his condition.
7. A new appeal was registered on the Department's administrative systems in April 2018. In October of that year the appeal was heard. Mr Boamah was awarded the enhanced rate of the Daily Living component and the standard rate of the Mobility component. This was communicated to Mr Boamah and his respondent in a decision notice in October 2018 and was followed up with a call to Mr Boamah on 1/11/18. Mr Boamah was also advised that a decision letter detailing the award and payments would be sent to him shortly. Mr Boamah made a call to the Department on 5/11/18 explaining that he had received a call on 1/11/18, but wasn't clear for the reason. The telephony agent explained to Mr Boamah that the call had been made in relation to his appeal and to confirm a number of questions to establish if there were any factors that would affect his PIP payment such as hospital stays.
8. The telephony agent advised Mr Boamah that PIP was now in payment going forward and an arrears payment of £11,253.92 covering the period 18/10/16 to 1/11/18 was due to be credited on 9/11/18. An appeal outcome decision letter was issued to the claimant on 7/11/18. Sadly, the Department was subsequently informed by a friend of Mr Boamah that he had passed away on 26/1/19. The inquest in to Mr Boamah's death concluded that the cause was unascertained, but liver sampling was able to demonstrate the presence of both cocaine, metabolites and morphine.
9. Mr Boamah had a history of drug misuse and he was under the care of Camden and Islington NHS Foundation Trust for the treatment of this condition. It is understood that following the receipt of the arrears payment Mr Boamah began to disengage from his addiction treatment and increased his reported use of illicit substances.

Review of safeguards for vulnerable claimants when making payments

10. DWP is committed to regularly reviewing claimant support policies and guidance for our staff. This is to ensure claimants are safe and receive the support they need. This is particularly important for those at risk of suicide and self-harm or who are considered vulnerable because of their particular circumstances.
11. In the interest of safety and public protection, safeguarding vulnerable individuals is recognised as a priority for the Department and is being addressed. This is manifest in a need to exercise increased vigilance across all areas of our operations. We are also working to help our staff to understand this need and develop their capability to ensure they make appropriate response and decisions when a concern is identified or raised.
12. In response to this a review of the DWP safeguarding policy and guidance is currently underway. The purpose of the review is to strengthen existing guidance along with ensuring liaison and co-ordination happens with other statutory and non-statutory bodies and agencies so claimants are safe and receive appropriate support safeguards.
13. The review team is working with teams across the Department and with reference to practice in other statutory bodies in order to create a policy that is in line with good practice. It will consider how communication channels between the Department and treating clinicians can be opened up so concerns can be raised and acted on where necessary. The review is scheduled to provide a revised policy and guidance in September 2019.

Conclusion

14. The Department was saddened to learn of Mr Boamah's death. The payment to Mr Boamah was made in accordance with the law and DWP's policy to pay benefit without delay and as soon as reasonably practicable. However, the Department recognises that this may not be the most appropriate form of action in some circumstances.
15. The review of safeguards for vulnerable claimants when making payments will ensure that the needs of vulnerable claimants such as Mr Boamah are reflected in updated policy and guidance to ensure necessary safeguards are in place.
16. The Department will be pleased to share the updated guidance with the Coroner when available.


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