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HMAC Mr Gordon Clow
The Council House
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12 April 2021

Dear Mr Clow,

RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS

Introduction

This is the Department for Work and Pensions' ("DWP") response to HMAC Clow's Report to Prevent Future Deaths made under Regulation 28 of the Coroners (Investigations) Regulations 2013 dated 12 February 2021. The report arose from an inquest held between 8 and 20 January 2021 into the death of Philippa Jane Louise Day, who was a Personal Independence Payment ("PIP") claimant with DWP.

I would like to take this opportunity to add my condolences to Philippa Day's family and acknowledge the tragic nature of this case. I would also like to thank the Coroner for his report.

The Report to Prevent Future Deaths covered three matters of concern to the Coroner. This response is structured accordingly. Those matters were:

- 1. Call handlers as the DWP had not received, in their preparatory course prior to commencing work taking calls from claimants, specific training as to how best to interact with persons suffering from mental ill health in such a way as to avoid inadvertently exacerbating the difficulties experienced in progressing claims for benefits by such persons;*
- 2. Records of calls handled were very brief and, at times, inaccurate. The records did not facilitate accurate decision making or enable queries to be dealt with efficiently and without inadvertently exacerbating the difficulties experienced by Philippa Day in progressing her benefits claims; and*
- 3. The change of assessment process did not allow for a decision, which was incorrect, to be rectified without evidence of a subsequent change of circumstances. In addition, when a change of review process was appropriate, there was no means by which*

upcoming appointments could be cancelled without causing prejudice to Philippa Day. A misleading letter was sent which led Philippa Day to consider that her benefits would be stopped if she did not attend the upcoming appointment.

This response therefore firstly covers action that DWP is taking to increase the level of training relating to mental health conditions that call handlers will undertake before they take their first call from a claimant on their own (i.e. without a more experienced colleague on hand to advise them, a standard approach to initial training in service centres in many organisations in both the private and public sector). It then describes the steps underway to improve record-keeping and note-taking during and after calls. It then reports on changes to the assessment process we are developing in conjunction with the PIP Assessment Providers. Finally, I relate a number of other relevant actions DWP is either taking or has already taken to help mitigate the risk of these circumstances happening again in the future.

Capita Business Services Ltd (“Capita”), who deliver parts of the PIP service to claimants on DWP’s behalf, have submitted a separate response where the Report to Prevent Future Deaths touches on matters for which they are responsible. However, the two organisations are working together (and with Independent Assessment Services, “IAS”, who also deliver assessments as part of the PIP system) to address the concerns raised in both the Coroner’s findings on Philippa Day’s death and his subsequent Report to Prevent Future Deaths.

Mental health awareness training

DWP has taken significant steps to improve its staff’s ability to understand the wide range of mental health issues that benefit claimants may face. It may help if I cover in some detail the training in place before and after this case.

In August 2018 DWP began including an existing training module on supporting vulnerable customers to all new entrants joining any of its service delivery teams. This provides a foundation level understanding to colleagues of the kinds of issues people with mental health conditions may face; what constitutes good practice when working with those claimants; and where claimants can be directed to find sources of expert help and support.

From July 2019 we began rolling out further training, on mental health, behaviour and relationships. This enables colleagues to recognise the effect of their personal impact on people with mental health conditions, and to respond appropriately to unexpected customer behaviour and identify a claimant’s ability to proceed with a call or a face-to-face meeting. It also helps colleagues identify a claimant’s needs and signpost them to sources of help and support, where appropriate.

We recognise the need to treat everyone with empathy and care; especially those with mental health conditions. Because of this, and in response to the Coroner’s concerns, we have amended our training for new entrants. From 1 April 2021 all new entrants handling PIP and Employment Support Allowance (“ESA”; an income-maintenance benefit for people with a disability or health condition that limits their capacity to work or engage in work-related activity) will therefore undertake the mental health, behaviour and relationships training in addition to the “supporting vulnerable customers” training **before** they handle calls from claimants on their own. We are also arranging for existing colleagues in those roles who have not yet received the training to undertake it by 30 June 2021.

Improvements to record-keeping and note-taking

I would now like to outline activity that, together with a major change in how DWP approaches decision making in PIP and ESA claims, will go some way towards reducing the risks associated with incomplete or inaccurate note-taking.

We issued internal communications to all staff working on PIP and ESA early in March 2021 to reinforce the importance of recording notes on the appropriate computer systems and remind them that all colleagues are required to ensure that notes:

- a. are made following all interactions with customers or third parties where an accurate record of it is needed, and
- b. are an accurate and factual account of the conversation, including both any action agreed or taken, and the full reasons for decisions made.

To ensure a consistent focus on recording accurate notes on the system we are now building the subject into our PIP decision-making “quality assurance checks” and updating the documents that define quality standards for PIP colleagues. Dedicated “quality checkers” within DWP check notes are compliant with those standards; are recorded in a standard format and accurately represent conversations and decisions. Updating these processes requires an IT change, which we have planned. We also plan to add a new section, about recording notes on the PIP computer system, to the instructions that colleagues working on PIP claims use for guidance. We expect both of these actions to be completed by the end of Summer 2021.

At the same time we have also strengthened the guidance around note-taking for colleagues who manage ESA claims. We plan to issue two further communications to those colleagues, covering specific aspects of ESA claims, in the next few months. As in PIP, we have set new quality standards around note-taking. Quality checkers will now deem only notes that meet the standards outlined in the best-practice guides to have complied with ESA processes. The changes to quality assurance checks in ESA came into effect from March 2021.

In addition, since August 2019 DWP has been rolling out training and new guidance for colleagues working on PIP and ESA claims to promote a new approach to making decisions that considers a wider range of evidence that could be relevant to a claim. This new approach, known as “holistic decision making” involves decision-makers proactively contacting claimants to gather evidence, and spending more time considering all evidence available to them before making a decision. It is now embedded across all teams handling PIP and ESA claims.

Holistic decision making by necessity requires more extensive record keeping and note-taking on case files for decision makers to explain their decisions. In turn, that means that notes recorded on claimants’ files that might have been considered acceptable in internal quality assurance checks up to the time of Philippa Day’s PIP application would now result in feedback and appropriate action taken with the colleague involved, ranging from informal coaching conversations to more formal management action where consistent poor performance is identified.

The process regarding note-taking in Universal Credit (“UC”) claims has always been slightly different to that used in ESA and PIP. UC is an online-based service, which means a certain

amount of written record keeping is built in to it automatically. We encourage claimants to use an online 'Journal' to share information with their work coach or case manager via online messages, which are free text in format. Similarly, case managers and work coaches communicate with claimants in the same way. Journal messages remain on a claimant's UC record for future reference for the duration of the claim, forming a permanent written record of conversations.

There would of course be a risk that key information could be lost within the detail of what can be lengthy conversations with a claimant. To guard against this, UC case managers and work coaches can 'pin' information shared either via the journal or as the result of a conversation with a claimant (face-to-face or by telephone) that they deem critical. Pinning a note to the claim means it will be flagged to anyone viewing a claimant record as soon as they open that record.

Colleagues working on UC claims are trained on the effective use of journal messages and pinned notes effectively, and also on the standard of messaging and note-taking required.

Changes to the health assessment process

I now turn to the third matter of concern described by the Coroner. DWP is working with Capita and IAS, to ensure a process is put in place that allows assessments to be paused even when an appointment has already been scheduled to allow for the gathering of additional information or changing the type or location of the assessment. The new process ensures that a claimant's assessment can be paused without affecting that claim while the reason for the pause is addressed. Elements of this change have already been implemented with the full process, including the IT elements, being implemented across the whole of the PIP assessment service by the end of September 2021.

This process will be supported by new letter templates to be used in correspondence between the PIP Assessment Provider (i.e. Capita or IAS) and the claimant, which DWP will review before approving. These will ensure clear communication around the reason for the pause; confirming any steps that are being taken; and reassuring claimants that their claim will not be affected during this pause. Letter templates will be clear and easy to understand, adhering to existing guidelines for writing in plain English in Government communications.

Other action

Finally, I would like to update you on additional steps taken by DWP in response to concerns raised throughout the inquest that we committed to addressing at the time.

These include:

- a. We have amended the script that call handlers use in new PIP claims, strengthening wording around additional support to clearly identify claimants with vulnerabilities such as mental health conditions, as well as those who have difficulties communicating with DWP and who therefore may need additional support to manage their claim. We have also strengthened guidance for DWP case managers who may speak to claimants after the initial application has been completed, aiming to give them greater confidence when considering when they may need to apply an additional support marker to a claimant's records and when it may be needed. We have improved training to help call handlers better identify those who may need that support.

In developing the script changes we have worked with behavioural science experts in DWP to maximise the effectiveness of the wording. We have sought feedback from front-line call handlers and, via DWP's Operational Stakeholder Engagement Forum, external stakeholder organisations.

These changes require changes to the PIP IT system to implement them and they will be live by the end of May 2021.

- b. We have strengthened the wording in the PIP application script when Disability Living Allowance ("DLA", a benefit for people with long-term disabilities and health conditions, which PIP is replacing for working age people) claimants start a PIP application. The revised wording warns them that their DLA will stop in most cases if they do not return their "PIP2" form (the questionnaire that claimants complete setting out their ability to undertake daily living and mobility activities in PIP). The new wording will be introduced by early May 2021.
- c. We enhanced the PIP computer system in February 2021 by introducing a highly visible "watermark", prominently displayed on the first page that appears when accessing a customer's records, showing if the customer currently holds, or has previously had, Additional Support Indicated or Additional Support Determined markers on their records to indicate to any PIP colleague dealing with the customer that they have, or have previously had, additional support needs.

DWP is determined to learn from this deeply tragic case and takes the Coroner's concerns very seriously. We are constantly reviewing the service we provide to claimants across all DWP services and are committed to improving them for all our customers and especially the many vulnerable people who receive benefits like PIP to help them manage the effects of health conditions and disabilities on their daily lives.

Yours sincerely,


DWP Director General, Service Excellence