

**ATTENDING THE DOCTOR'S EXAMINATION
WHEN CLAIMING
DISABILITY AND SICKNESS BENEFITS**

Information and advice from the Rights for ME caseworker is available to those with ME/CFS, their carers and families. The project is available for people living in the area covered by Barrow, Lancaster and South Lakes districts.

When you make a new claim for sickness or disability benefits, or a renewal claim, you might be asked by the Decision Maker to have a medical examination.

The examination is carried out by a doctor, frequently referred to as the EMP (Examining Medical Practitioner). S/he is employed indirectly by the Department for Work and Pensions (DWP). You will be asked to attend an examination centre, or if you tell them you have difficulties leaving the house because of your health, and they accept this request, the doctor will visit you at home.

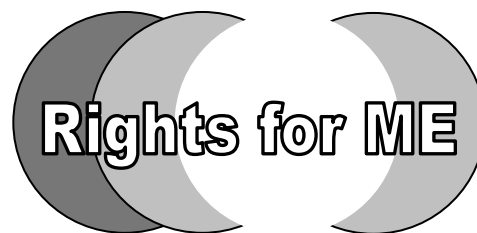
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If you have been asked to undergo a medical examination for a benefit application, please read this booklet. If you want further advice, please contact the RfME project.



benefits service for people with me/cfs

**Lancaster CAB
Morecambe Bay ME Group**

KEY POINTS

- **request** that the appointment time is arranged around the usual daily pattern of illness
- have a **friend or carer present** during the examination if possible and ask them to make notes
- **read a copy of your application** form before the medical examination, and supplementary information such as a diary
- tell the doctor about all your illnesses, not just ME
- **don't be hurried** during the examination - if the doctor wants to leave before you have fully explained your illnesses, then tell the doctor that you will need to arrange a further visit
- **be prepared to describe a typical or average day**
- be prepared for the fact that the doctors are **not always well informed about ME**, or the application of important legal decisions concerning the **variability of symptoms** to the assessment process

The doctor employed to carry out the medical by the Department for Work and Pensions (DWP) is called an Examining Medical Practitioner (EMP). The doctor is not employed directly by the DWP: she or he is employed by Atos Origin, which has held the contract to undertake the medical examinations on behalf of the DWP since 1998.

If you refuse to have a medical examination on principle, then your claim for Disability Living Allowance (DLA) or Incapacity Benefit (IB) will be stopped.

APPOINTMENTS

The appointment will be arranged by letter, or by telephone (if the DWP have your telephone number). If you know that the appointment time will be when you are very likely to be at your worst during the day, or very likely to be in bed, please make this clear to Medical Services, the part of the DWP that organises these examinations. Explain your pattern of symptoms, and how

well you are likely to be at a given time of day. Ask if they can rearrange the appointment time to one that is better for you. The reason for this is twofold—to try to arrange the appointment to best suit you, and give further information to the DWP about your illness.

It is important to have on record that you have requested a rescheduled appointment (though the DWP will not necessarily agree to this). This is especially relevant if the doctor arrives at a different time to the one arranged. It can be difficult to manage a doctor's visit at unexpected times because of the symptom pattern of ME. In effect you will be forewarning the DWP that you will struggle to manage an unexpected doctor's visit.

Even if you cannot re-arrange the appointment for a time more suitable to you, do not miss the appointment unless: **either** a long awaited appointment with a consultant is scheduled at the same time —let the DWP know as soon as possible if you cannot make the examination, and they should arrange another; **or** you were severely ill on the day of the appointment and could not travel to the examination centre or answer the door when the doctor called. The DWP will usually accept the explanation that you were too ill, as long as you are able to provide confirmation from a health professional (e.g. GP or nurse) if asked. Contact RfME about this if you are in this situation.

If you miss an appointment when claiming IB or Income Support (IS) it is likely that the claim will be stopped. Contact RfME straightaway.

When the appointment is arranged, you need to make clear to Medical Services if you prefer to have a doctor of your own gender.

WHAT THE DOCTOR WILL DO

The medical examination will usually start by the doctor asking you to describe your symptoms and illnesses. You will probably be asked about a typical day or average day, or the doctor might ask you for details of the day of the visit. Make clear to the doctor how you are on the day of the appointment, and explain that this is a middling day or a good day in the range of feeling better or worse. You should also explain if the visit has occurred at a good or bad time of day for you in terms of your usual ME symptoms.

TYPICAL DAY

You will be asked about a "typical day" or "average day", and the doctor is likely to ask about every hour in the day, or how you manage routine activities during a 24-hour period. You must consider how you are most of the time. Prepare for this by describing to yourself what level of activity you might be able to undertake on most days; how you manage particularly strenuous activities (for you, this might be going shopping, or it might be getting out of bed and having a bath); describe the consequences of undertaking these more strenuous activities, which might mean hours, days or weeks of rest to recover; think about the things you do not do, or cannot do, because it would cause too much pain or fatigue. Develop if possible an overview of how you are over 7 days or better still a month.

If you have written a diary or completed a checklist for the benefit application, use this to help you represent your illness. Do not forget to make clear to the doctor the unpredictability of energy levels. You are telling the doctor about how you **usually** are over a period of time: tomorrow might be a very good day, and you might be able to do something special, but this would not be relevant in the assessment of benefits.

The doctor can also ask you more general questions about hobbies, driving, doing things around the house, meeting with friends and family, and more. Always make clear the frequency and duration of these activities, **if you are able to undertake them at all**. If they only occur once every 2-3 weeks or less

often, then they are not worth mentioning.

Please remember that any statements made to you by the doctor, and any questions put to you, as well as what she or he observes will be for the purpose of collecting information. This will start from the moment you meet them in the waiting room at the centre or their arrival at your house. If the doctor makes a statement about your ability to do something during the examination which you do not think is an accurate reflection of what you can do, or they put a leading question to prompt a particular answer, respond by explaining fully how you can or cannot do that activity, how frequently, what help you have or need in doing those things, and what the after-effects are likely to be.

Please remember — if the doctor asks you to carry out any actions that you know will cause you considerable pain, or are likely to trigger exceptional fatigue, tell the doctor this, carefully explaining that you know that you are unable to perform these actions without significant effects. It is reasonable to decline to undertake the actions when you know they are likely to have serious consequences for you.

For **paper reports**: after recording your statements the doctor should read your comments to you, and then ask you to sign the statement. You then sign the report to mark your agreement with what the doctor has written. If you are not happy about what the doctor has written, then do not sign this statement.

For **computer reports**: the record of the doctor's examination for Incapacity Benefit / Personal Capability Assessment is now made on a computer. The doctor is likely to spend much of the time recording his assessment at the keyboard in between examining you.

WHAT YOU and the FRIEND / CARER SHOULD DO

Prepare for the examination by reading the copy of your application form, your diary if you produced one, plus any doctor's reports you hold, from your GP or a consultant. If you hold such reports, and they are fairly recent and **generally favourable in describing and / or diagnosing your health**, make copies if possible, and give a copy to the EMP to read and she or he can add them to their report. Please do this, even if you have also sent copies of these reports along with your application form.

Try to ensure that you give the doctor as full a picture of what you are able and not able to do, most of the time. Tell the doctor about the help you might receive from somebody else, tell them about the after-effects of actions such as having a bath, or climbing the stairs. Refer to notes if you have to, and explain, if relevant, that you have short-term memory loss and difficulties of concentration.

Do not allow yourself to be hurried by the doctor: be as clear as you can about the full picture of how your health affects your life.

Always try to have somebody with you in the examination room to give moral and practical support. EMP doctors may sometimes discourage the presence of a companion; if this should happen it is suggested you explain to the EMP that the nature of the illness means you have a need for support. It is a good idea to go over the important points with the person with you before the examination.

The carer or friend will be there to give you emotional and practical support; they will be there to prompt you in helping you describe your symptoms and effects of the illness; and importantly they will take notes during the examination.

Points that should be recorded include:
when the examination started and ended;
the manner of the doctor;
the attitude of the doctor;
if the doctor was prepared to listen to your description of cause and effect symptoms of ME in describing specified activities;
if the doctor allowed you time to describe your day to day life;
if the doctor seemed to take a full record of what you said to them;
if the doctor read your statement to you;
if the doctor issued you with a warning about note-taking;
if the doctor required you to undertake actions that you know would cause you significant pain or fatigue (these being reasons why you avoided those particular actions);
any statements made by the doctor that seemed prejudicial or judgemental about you or the illness.

If a doctor should raise an objection about note taking, do not allow yourself to be intimidated. Talk this over in advance with your friend or carer. You might explain to the doctor that it is necessary to take notes because of memory and concentration problems caused by ME. If you cannot have a friend or carer with you, then please try making notes about the examination as soon as possible afterwards.

When the examination is over, please ask the note taker to sign and date the notes, as they may be used as part of the challenge to the decision on your benefits.

If you have been upset by any aspect of the doctor's examination, please record this fact. If the doctor was rude or aggressive or appeared to be ignoring your statements, or insisted you do something that you had explained would be painful, or was pressurising you, or seemed to doubt the existence of ME, please contact RfME.

To contact the Rights for ME (RfME) project:
referrals line
tel **01524 65842**
or email to:
enquiries@lancastercab.org
or
info@bayme.org

Useful internet links about benefit rules and benefit changes:

Disability Alliance—general information charity, with wide spectrum of useful information on website: **www.disabilityalliance.org.uk**

Benefits and Work—(partly subscription service) specialist campaigning organisation challenging policy and legislation, as well as practical guides to claiming benefit: **www.benefitsandwork.co.uk**

Department for Work and Pensions the benefit agency of the government. Forms can be downloaded from here, and you can find information about local Job Centres: **www.dwp.gov.uk**

Material tends to be internet-based, but RfME holds a list of useful telephone numbers.

Other organisations are welcome to make use of this leaflet, but are asked to inform the Rights for ME project first.

Suggestions for amendments would be gratefully received via Lancaster CAB or Morecambe Bay ME Group.

The Rights for ME project is a partnership between
Lancaster CAB & Morecambe Bay ME Group.

Supported by



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