

## BENEFITS APPEALS LETTERS

This advice note clarifies the LMC's position on benefits appeals letters, following the misunderstandings that were generated by the media's interpretation of LMC's original guidance.

- GPs have a contractual obligation under their GMS contract to provide medical information free of charge for certain benefits and where that is the case the information should always be provided promptly when it is requested by Jobcentre Plus.
- The DWP has issued its own advice for health professionals on their duty to write reports to support patient appeals after patients have had their incapacity benefit withdrawn. The DWP advice reflects the position taken by the LMC in its original advice. The DWP advice is quoted here verbatim in bold:- **GPs, as certifying medical practitioners, have a statutory obligation to provide statements of incapacity to patients on their list and certain information to a healthcare professional working for ATOS Healthcare on behalf of DWP when requested. However, under their NHS contract there is no requirement for GPs to provide reports or offer an opinion on incapacity for work to anyone unless requested to do so by Jobcentre Plus. Claimants should contact Jobcentre Plus or the Appeals Service if they think that further medical evidence is necessary to support their claim or appeal. They should state clearly their reasons for believing that further evidence is necessary. If Jobcentre Plus or the Appeals Service consider that further medical evidence is necessary, they will seek it. They will be responsible for paying any fee to the doctor providing the report. So NHS GPs are under no obligation to provide such evidence to their patients nor to provide it free of charge.**
- The link to this advice for health care professionals on the DWP website is:  
<http://www.dwp.gov.uk/healthcare-professional/frequently-asked-questions/>
- GPs should always use their own discretion and judgement based on the circumstances of each case.

**Bro Taf LMC  
August 2013**