

Employment and Support Allowance - Work Capability Assessment

Audio Recording of face-to-face assessments

Policy

The policy around audio recording of face-to-face Work Capability Assessments (WCA) is owned by the Department for Work and Pensions (DWP).

The Audio Recording Pilot

A pilot of the audio recording of face-to-face assessments was undertaken in Spring 2011. The pilot was conducted in response to Professor Harrington's recommendation, in his first independent review of the WCA, to "pilot the audio recording of assessments to determine whether such an approach is helpful for claimants and improves the quality of assessments."

The pilot showed audio recordings did not improve the quality of assessments, less than half those taking part thought an audio recording would be helpful to them and only a handful requested a copy.

Between December 2012 to February 2014, figures showed that demand for audio recordings was very low. For every 10,000 WCAs completed the Department received an average of 66 requests for an audio recorded assessment. This is equal to 0.66% of all completed WCAs.

Current Policy

Despite the very low number of requests for audio recordings, DWP is still making this service available to those claimants who request it in advance of the assessment.

Claimants can request that their assessment is recorded, either by using the service offered by DWP/Centre for Health and Disability Assessments (CHDA) or by using their own recording equipment so long as they comply with certain conditions (set out below).

However, there is no legal right to an audio recorded assessment and it should be noted that neither DWP nor CHDA has a legal obligation to provide an audio recording service or equipment.

FAQ's

1. Do claimants have a legal right to have their face-to-face assessment audio recorded?

Claimants can ask to have their face-to-face assessment audio recorded and all requests will be accommodated where possible. However, claimants do not have a legal right to a recorded assessment and it should be noted that neither DWP nor CHDA has a legal obligation to provide an audio recording service or equipment.

Any attempt to covertly record an assessment will result in immediate termination of that assessment

2. What is the audio recording policy?

In offering an audio recording service, or allowing claimants to record their own face-to-face assessment, DWP is entitled to apply reasonable conditions. These conditions are designed to protect the assessment provider staff and to ensure the integrity of any recording subsequently relied upon by the claimant.

- **All requests for face-to-face assessments to be recorded should be made in advance to CHDA**
- **Claimants can use their own audio recording equipment, provided it meets certain conditions**
- **Acceptable media types at present are standard CD and audio tapes only.**
- **A complete and accurate copy of the recording must be available for both parties at the end of the face-to-face assessment**
- **DWP will not routinely use the recording when making a decision on benefit entitlement following the assessment.**
- **Video recording of face-to-face assessments is not permitted**
- **A consent form must be signed before recording can take place**
- **Covert recording is not acceptable and will result in the termination of the assessment by the HCP**

3. How does DWP publicise the recording service?

Information is available on both the CHDA website (<https://www.chdauk.co.uk/>) and on the DWP pages of the GOV.UK website.

The WCA AL1C form, which is sent to claimants when they need to attend a face-to-face assessment contains written information on audio recording.

4. How can a claimant request an audio recorded assessment?

Requests for an audio recorded face-to-face assessment should be made to CHDA as part of the appointment booking process. If CHDA has been unable to contact a claimant by phone and an appointment letter is issued, the claimant will need to telephone CHDA as soon as possible to notify them of their request for a recorded assessment. If a claimant makes a request for the recording service to a DWP Benefit Centre they will be advised to make their request to CHDA.

5. Can a claimant request that their face-to-face assessment be audio recorded on the day?

All requests for assessments to be audio recorded should be made in advance to CHDA. There are a limited number of recording machines available and it is highly unlikely that it would be possible to accommodate a request made on the day of assessment. This is also the case where a claimant wishes to use their own equipment as the CHDA healthcare professional conducting the assessment needs to be aware and CHDA needs to make sure that the proposed recording equipment is compliant with DWP requirements before the assessment.

If a claimant has not requested audio recording prior to the day of the assessment and then refuses to proceed with an unrecorded assessment, this may be considered a failure to submit to an assessment and the case will be passed to a Departmental Decision Maker for consideration of 'good cause' for failure to attend or submit for a face-to-face assessment. This may result in loss of benefit.

6. If recording equipment is not available, can claimants ask to postpone their assessment until equipment is available, without having their benefit affected?

CHDA will make every effort to provide an audio recorded face-to-face assessment in good time. However, if equipment is not available, claimants may have to wait longer than normal for their face-to-face assessment. This might slow down the process but will not effect entitlement to benefit.

7. Can claimants have audio recordings carried out at home?

The audio recording equipment used by CHDA is portable and claimants can request to have a home based face-to-face assessment recorded. Requests for home recordings must be made in advance by contacting CHDA as part of the booking process.

8. Can claimants use their own equipment to record their face-to-face assessment?

Claimants may use their own equipment to audio record their face-to-face assessment. Claimants wishing to use their own recording equipment should make a request to CHDA as part of the appointment booking process. Claimants may also use their own equipment to audio record assessments carried out at home provided they comply with the requirements

DWP requires that claimants using their own equipment must be able to provide two copies of the recording at the end of the assessment in a way which ensures that the recording has not been tampered with and that it is a complete, reliable and accurate record of the assessment. One copy must be given to the CHDA healthcare professional at the end of the assessment.

Approved media at present are standard CD and audio tapes only.

Certain computing devices that are capable of real-time editing or live-streaming are not approved, nor are devices which cannot provide a media copy that can be easily verified straight after the assessment. These include but are not limited to;

- PCs and laptops,
- Tablets and smart phones,
- MP3 players

9. Why do I have to sign a consent form?

The consent form provides a claimant with information about what will happen to the recording kept by CHDA and also records that both the claimant and any companion formally consent to the recording process. The consent form is published with this guidance on GOV.UK – www.gov.uk/government/publications/work-capability-assessment-audio-recording-of-face-to-face-assessments-faqs

Refusing to sign the consent form and refusing to take part in an unrecorded assessment may be considered a failure to submit to an assessment and the case will be passed to a Departmental Decision Maker for consideration of 'good cause' for failure to attend or submit for a face-to-face assessment. This could result in loss of benefit.

Covert recording is not acceptable and will result in the termination of the assessment by the HCP. This may also result in the case being passed to a Departmental Decision Maker for consideration on the basis of 'good cause' for failure to attend or submit for a face-to-face assessment. This could result in loss of benefit.

10. How do DWP/CHDA use and store claimant recordings?

Claimants should be aware that audio recordings will not form part of their benefit claim records and will not be used by the Decision Maker when considering entitlement to benefit.

Copies of recordings will not be returned to DWP with case papers or be considered as part of the decision making process. Recordings will be stored securely by CHDA in secure cabinets within the Customer Relations Team based in Leeds for a period of 14 months after which time they will be destroyed.

11. Are any restrictions placed on claimants about the use of their recordings?

If it is only the claimant's personal data that is recorded then there are no restrictions on the use that can be made of the recording.

If the personal data of anyone other than the claimant is recorded, for example the data of the healthcare professional conducting the face-to-face assessment, then, without the consent of the healthcare professional and any other person to whom the data relates, the claimant can only use the recording for the purposes of their own personal, family or household affairs and in certain other specified circumstances, such as legal proceedings.

12. Will First-tier tribunals consider the recordings?

Claimants can ask the Tribunal to consider a recording as additional evidence during an appeal. The acceptance of the recording as evidence is at the discretion of the Tribunal.

13. Will you be introducing audio recording for Personal Independence Payment (PIP) assessments?

At present there are no plans to offer audio recording to PIP claimants. The Department intends to look closely at the Employment and Support Allowance experience.

Claimants can record their PIP consultation using their own equipment, provided it meets the requirement as set out by DWP. Further information on PIP can be found here - <https://www.gov.uk/PIP>