

Letter to the BMA:

On 24th June last year at the BMA's Annual Representative Meeting (ARM) doctors from every discipline voted overwhelmingly to demand that the DWP-Atos Work Capability Assessment end 'with immediate effect'.

Through their Medical Adviser, the patient-led Black Triangle disability rights campaign originated the motion which became BMA national policy. Part (iii) of the ARM motion called upon the BMA to engage with disability groups to change public policy. To date, the only "official" communication their campaign has received has been a short statement via Facebook.

As doctors on the front line witnessing daily the enormous avoidable suffering of many of our most vulnerable patients caught up in this Kafkaesque system of 'disability assessment', we find this failure to meaningfully engage unacceptable. More critically, we fully share in the dismay with which sick and/or disabled people have greeted the failure of the BMA's leadership to give any meaningful effect to the unanimous wishes of its members: that this dreadful assessment régime should be immediately terminated.

The GMC's own publication 'Good Medical Practice' states that:

'... a doctor must (overriding duty or principle) take prompt action if he feels that "patient safety is or may be seriously compromised by inadequate... policies or systems.'

ESA Regulations (2013) 25 & 31 deal with flagging up a substantial risk of harm to patients if they were to be found 'fit for work' or to have 'limited capability for work' and placed in the Work-Related Activity Group (WRAG) where:

'the claimant suffers from some specific disease or bodily or mental disablement and, by reasons of such disease or disablement, there would be a substantial risk to the mental or physical health of any person if the claimant were found not to have limited capability for work.'

Regrettably, it remains the case that only DWP and ATOS staff are aware of these regulations whilst GPs remain ignorant of their existence and those performing the WCA and DWP Decision Makers continue to make complex risk assessments based on grossly inadequate patient information.

Until the current system is entirely revised, there remains no safety protocol for the assessment of risk and the avoidance of harm to patients. There are no formal reporting mechanisms for GPs to report significant adverse events such as self-harm and suicides which many of us have witnessed.

Black Triangle have led the way in campaigning for the uptake of Regulations 25 and 31 and their legal Counsel has advised that they should be applied in every case where harm would be more likely than not to occur as a result of erroneous DWP decisions regarding patients' fitness for work.

We are also fully aware of the fact that numerous conflicts of interest exist between the ethical versus contractual duties placed upon GPs arising out of the DWP-Atos contract. In

balancing a doctor's duty of care to provide supporting information for Tribunal appeals and contractual conflicts with the DWP over the issue of fees and workloads, we submit that the only ethical solution must be the one that causes the least harm to patients.

Black Triangle's simple campaign for the appropriate application of these regulations utilising one side of A4 has proved highly efficacious in this respect. It has saved General Practitioners a substantial amount of time and expense and has meant that unnecessary, costly and stressful tribunal appeal hearings have been rightly avoided.

We now call upon the BMA leadership to urgently publicise and make known to every GP in the country the existence and lawful application of these regulations without any further delay in order to prevent further avoidable harm to our patients. Any failure to do so would in our opinion amount to negligence.

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Dr John Budd, GP Edinburgh Access Practice

Dr Roy Robertson, GP Muirhouse, Honorary Clinical Reader

Dr Ian McKay, GP Rose Garden Medical Practice, Leith

Dr Oliver Aldridge, Edinburgh

Dr Guy Johnson, GP Sighthill Health Centre, Edinburgh

Dr Helga Rhein GP, Sighthill Health Centre, Edinburgh

Dr Elizabeth Morton, GP Challenging Behaviour Practice, Edinburgh

Dr Kate Burton, Public Health Practitioner

Dr Margaret Craig, GP, Allander Surgery, Possilpark, Glasgow

Dr Nick Treadgold, GP, Pollok Health Centre, Glasgow

Dr Christine Grieve, GP Drumchapel Health Centre Glasgow

Dr Chris Johnstone, GP Paisley

Dr Donald MacIntyre Consultant Psychiatrist Edinburgh

Dr Sarah Houston GP

Dr Ros Wight GP

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Dr Peter English, Consultant, London

Dr Robert Cheeseman, Ophthalmology Registrar, Liverpool

Dr Ray Noble, Medical Ethicist, UCL Institute for Women's Health

Dr Margaret McCartney, GP , Glasgow

Supporting Letter from Trade Unions and Civil Society

As trade unionists, organisations and campaigners from across civil society who collectively represent millions of citizens we write in support of the letter by doctors in the British Medical Association about work capability assessments.

We firmly believe the current assessment régime is unfit for purpose and poses a real risk to the health and lives of disabled people and those with life threatening conditions. This is because the government's regulations, which ask whether substantial risk or harm would be caused if the claimants are found 'fit for work' or with limited capacity for work, are not being applied consistently.

Information obtained through freedom of information requests shows that between January and August 2011, 1,100 claimants died after they were put in the work-related activity group - the equivalent of 30 deaths a week.

We are hopeful for a successful outcome to discussions between disabled people's organisations and the BMA, following its conference decision last year to call for the current assessment régime to be scrapped.

We send our solidarity to these groups and the BMA and hope you will join us in a united campaign to bring an end to the disgraceful treatment of ill and disabled people.

John McArdle, David Churchley and Dr. Stephen M. Carty Black Triangle Campaign
Linda Burnip Disabled People Against Cuts DPAC
Mark Serwotka General Secretary Public and Commercial Services Union PCS
Len McCluskey General Secretary Unite the Union
Christine Blower, General Secretary National Union of Teachers NUT
Bob Monks, General Secretary of United Road Transport Union URTU
Sally Hunt, General Secretary of University and College Union UCU
Michelle Stanistreet, General Secretary National Union of Journalists
Phil Gray, Chief Executive, Chartered Society of Physiotherapy
Richard Evans, Chief Executive Officer Society of Radiographers
Bill Scott, Manager, Inclusion Scotland
Gordon McFadden, Policy Director, Limbicare
Dr Simon Duffy, The Centre for Welfare Reform
Dan Moreton, Social Work Action Network (SWAN) and SWAN (London)
Mary Olaniyi Coordinator/Family Adviser Lewisham Mencap
John McDonnell MP (Lab, Hayes and Harlington)
Deborah King Co-founder Disability Politics UK
Paul Smith - Founder Atos Victims Group
John Burgess Branch Secretary Barnet UNISON
Gill MacDonald Psychiatric Nurse Lothian NHS