



Mr Gordon Clow
Her Majesty's Assistant Coroner for the area of
Nottingham and Nottinghamshire
The Council House,
Old Market Square,
Nottingham NG1 2DT

12 April 2021

Dear Mr Clow,

**Regulation 28: REPORT TO PREVENT FUTURE DEATHS
Philippa Jane Louise Day (died 16 October 2019)**

On behalf of Capita, I would like to say how very sorry we are for the mistakes we made in processing Philippa's Personal Independence Payment claim and the additional stress this caused her.

We have conveyed our apologies and condolences to Philippa's family and offered to meet them to explain the improvements we have already made and will be making to how we deliver our Personal Independence Payment service.

In partnership with the Department for Work and Pensions, we have very carefully considered the issues raised in your Findings of Fact, Conclusion and Prevention of Future Deaths Report of 27 January 2021.

We strive at all times to ensure that we safely deliver our services for the benefit of members of the public. It is a source of profound regret that we made mistakes in this case. We are determined to learn from these mistakes.

On 12 February 2021, you issued a Regulation 28 Report to Prevent Future Deaths (the **Report**). Paragraphs 1 and 2 of the Matters of Concern in the Report were addressed to the Department for Work and Pensions. We understand the Department for Work and Pensions will be responding to those paragraphs and separately addressing paragraph 3 of the Matters of Concern.

We respond below to paragraph 3 of the Matters of Concern. We have divided paragraph 3 into three separate sections and explained the steps we are now taking to address the concerns expressed in each section.

Paragraph 3 of the Matters of Concern states the following:

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.

Section 1 of Paragraph 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”.

When a case is referred to Capita by the Department for Work and Pensions for assessment, an Initial Review is undertaken by one of our Disability Assessors. Our Disability Assessors are all trained and qualified health professionals (nurses, physiotherapists, paramedics or occupational therapists) with at least two years’ experience. They are required to select the most appropriate and safest assessment route for assessing a Claimant. This may result in a paper-based review or a face-to-face assessment which could be completed in a clinic or at home (and now, following changes made to our processes due to the current pandemic, by telephone).

Review of the Initial Assessment Route Decision

Currently, once the Initial Review decision has been communicated to the Claimant, the outcome of the Review may only be reconsidered if either new evidence is made available to Capita, or a health professional involved in the Claimant’s care notifies us that the setting chosen at Initial Review is not appropriate.

Capita will now amend its processes so that any change of assessment request made by Claimants or their representatives will be reviewed by one of our Disability Assessors within 3 working days of the request, whether or not new evidence is provided (the **Change of Assessment Review**).

The Change of Assessment Review will check the decision that was made by the original Disability Assessor at the Initial Review and, if appropriate, select a different assessment route.

To improve objectivity and prevent unintentional bias, the Change of Assessment Review will be undertaken by a different Disability Assessor to the one who completed the Initial Review. The second Disability Assessor will be able to contact the Claimant and the Claimant’s representatives for further information, if required.

In addition, the process will be amended so that on receipt of a change of assessment request, the Personal Independence Payment claim will be paused to allow for the Change of Assessment Review.

Within 24 hours of a change of assessment request a Capita employee will contact the Claimant:

- Notifying them of the pause in the process and that a Change of Assessment Review will be undertaken;
- Confirming that the Change of Assessment Review will not prejudice their claim but will pause the processing of it while the Review is being undertaken; and
- Asking how they would like to be informed of the outcome of the Change of Assessment Review.

We will suspend any further appointment letters being sent to the Claimant during the period of the Change of Assessment Review.

In agreement with the Department for Work and Pensions, the pausing of the case during the Change of Assessment Review will be recorded in our system and will have no detrimental impact for the Claimant. While the processing of the Claimant’s claim will be paused during the period of the Review, the Department for Work and Pensions will backdate any award to the date of the original claim and existing Claimants should continue to be in receipt of current disability benefits.



A Capita employee will notify the Claimant of the outcome of the Change of Assessment Review within 24 hours of its completion regardless of whether the original Initial Review decision has been changed.

Further Review following the Change of Assessment Review

After being notified of the outcome of the Change of Assessment Review, the Claimant will be offered two options:

1. **To accept the outcome of the Change of Assessment Review** - unless the Claimant wishes to challenge their assessment route, following the Change of Assessment Review, they will be informed that their application will proceed under the assessment route determined by such review.
2. **To seek a Further Review** - if the Claimant wishes to challenge the assessment route, determined by the Change of Assessment Review, they will be invited by a Capita employee to provide further evidence as to why they believe the assessment route should be changed. If further evidence is provided, Capita will undertake a further review of the assessment route (**Further Review**).

Any further evidence must be provided to Capita within 15 working days of notifying the Claimant of the outcome of their Change of Assessment Review. The claim process will remain paused during this period.

We will provide clear guidance to the Claimant on:

- The type of evidence that would be considered relevant;
- That Capita will accept verbal evidence from a third party *or* written evidence; and
- How, where and when the evidence needs to be provided.

The Claimant will also be informed by the Capita employee that a Further Review will lead to a pause in the processing of their claim for the period of the Further Review.

We will suspend any further appointment letters being sent to the Claimant during the period of the Further Review.

In agreement with the Department for Work and Pensions, the pausing of the case during the Further Review will be recorded in our system and will have no detrimental impact for the Claimant. While the processing of the Claimant's claim will be paused during the period of the Further Review, the Department for Work and Pensions will backdate any award to the date of the original claim and existing Claimants should continue to be in receipt of current disability benefits.

If new evidence is provided, this will be recorded on our system and the case will be passed to one of Capita's Disability Assessors for the Further Review.

To improve objectivity and prevent unintentional bias, the Further Review will be undertaken by a different Disability Assessor to those who completed the Initial Review and the Change of Assessment Review. The Disability Assessor conducting the Further Review will contact the Claimant and the Claimant's representatives for further information, if required.

A Capita employee will notify the Claimant of the outcome of the Further Review within 24 hours of its completion regardless of whether the Change of Assessment Review decision has been changed.

If no evidence is received within the 15 working days and unless a good reason has been provided for the failure to produce that evidence we will assume the Claimant no longer wishes to challenge their



assessment route. Once this has been confirmed, the Claimant will be informed that their application will now continue to proceed as per the assessment route determined by the Change of Assessment Review.

If further evidence comes in after the 15 working day period we may elect to pause the process and undertake a Further Review if appropriate. In other words, the 15 working day period is not an absolute time deadline. However, we would like to avoid unnecessary delays to the consideration of claims for the benefit of our Claimants.

Following the outcome of the Further Review, the Claimant will be informed by a Capita employee that their application will proceed under the assessment route determined by such review.

Section 2 of Paragraph 3

“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.

Currently, the Department for Work and Pensions process entitles the Claimant to cancel their appointment on one occasion without suffering any detriment. In accordance with Capita’s contract with the Department for Work and Pensions, should a Claimant attempt to cancel on a second occasion, they will be informed that they must attend their appointment. If the Claimant does not attend, their case is returned to the Department for Work and Pensions, which then establishes whether there was good cause for the Claimant’s failure to attend. This may result in a delay in the processing of the claim.

In agreement with the Department for Work and Pensions, and as outlined above in Section 1, the assessment process will now be paused while Capita undertakes any Change of Assessment Review or Further Review.

During this period, any appointments will be cancelled by Capita and will not be classified as a Claimant cancellation. The Claimant will not suffer any detriment as a result of challenging the assessment route as any award will be backdated to the date of the original claim.

Section 3 of Paragraph 3

“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. “

The changes to be made to our systems will prevent the issue of any appointment letters being sent to the Claimant during the period when a Change of Assessment Review or Further Review is being conducted, other than a letter confirming that the assessment process has been paused while the relevant review is conducted.

We are also working closely with the Department for Work and Pensions to further review the tone and language used in any written communications with Claimants. This is being done to ensure, not only that they impart clear and important factual information, but also to ensure that they do not cause any unnecessary distress, anxiety or upset to those going through the Personal Independence Payment process.

Timings and Progress

Capita is already adopting the Change of Assessment and Further Review processes outlined in section 1 above. Full implementation of the remaining improvements require process and system developments, training and contractual amendments which will enable all changes to be in place as soon as possible and by no later than 30 September 2021.



Capita truly cares about the Claimants we support through the Personal Independence Payment process. We are fully committed to learning from this tragedy and to continuously improving how we safely deliver services for the benefit of members of the public.

As noted above, we will also seek to discuss the changes described in this letter with Philippa's family and our stakeholder groups.

Please do not hesitate to contact me if you require any further clarity or have any queries about any aspects of this letter.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'AS' followed by a long horizontal stroke.



**Chief Executive Officer
Government Services
Capita Business Services Limited**