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Ms Janine Richards  
Area Coroner for Durham and Darlington  
H.M. Coroner's Office  
P.O. Box 282  
Bishop Auckland  
Co. Durham  
DL14 4FY

8 February 2024

Dear Ms Richards,

## **RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

I write on behalf of the Department for Work and Pensions' ("DWP") in response to your Prevention of Future Deaths Report made under Regulation 28 of the Coroners (Investigations) Regulations 2013.

I would like to take this opportunity to express my condolences, both personally and on behalf of DWP, to Ms Holmes' family.

You raised the following concerns in your report:

- (1) The central cause of Sarah's mental health deterioration was her concerns in relation to a difficulty that had arisen in respect of her benefits, and the prospective actions she feared would be taken by the Department of Work and Pensions as a result.***
- (2) The DWP were aware that Sarah had mental illness and that she was "very distressed" about the difficulty which had arisen, namely that she had earned very slightly above, for a very short period of time, the permitted level for the benefit she was in receipt of.***
- (3) I have a concern about how the DWP interact with the vulnerable when there has been a difficulty in relation to benefits.***
- (4) Although the recordings of the calls were not available to me, I am satisfied that Sarah was made aware of the possible actions available to the DWP. These actions***

***included the possibility of closing her claim, referring the overpayment, and requiring Sarah to make a new claim for Universal credit, in place of the ESA benefit which had been payable to her as an individual with a disability or health condition that affects how much they can work. No new claim for ESA could be made in this eventuality. I am concerned about both the availability of disproportionate action and the communication of this.***

***(5) I understand that the DWP are undertaking an internal investigation into this case, and that they consider all correct procedures were followed in terms of call handling, but I remain concerned that greater care needs to be taken in relation to how such prospective actions are communicated to those the Department knows to be vulnerable and distressed.***

### **DWP interaction with vulnerable customers**

The department supports millions of people every year and its top priority is that they get the benefits to which they are entitled at the right time, and to ensure they receive a supportive and compassionate service.

The department is bound by laws which dictate how the benefit system is delivered and clearly define a person's entitlement to benefit. The Social Security Administration Act 1992 is the main piece of legislation dealing with the administration of social security benefits in the United Kingdom.

Under this legislation, DWP can only pay benefits to those who are legally entitled. However, partly because of processes it has in place to support vulnerable claimants, the department continued to pay Ms Holmes' benefit even when a question arose about her entitlement. If a decision had been made to close Ms Holmes' Employment and Support Allowance (ESA) claim due to her earnings exceeding the permitted work (PW) limits, she would have had to make a new benefit claim. Relevantly, Ms Holmes' claim was for Income Related ESA which no longer accepts applications. In usual circumstances, Ms Holmes would have been directed to make a new claim to Universal Credit.

To support the application of this legislation the department has robust policies and guidance in place to support colleagues dealing with customers it identifies as vulnerable. I describe some of these below.

### **Customer Experience Directorate**

The Customer Experience Directorate was created in 2019 to co-ordinate policy development, guidance, and learning, as well as monitoring the implementation of change. Through this directorate the department is examining how it listens and learns as an organisation using customer experiences, insight and data to improve the service it offers to its customers.

### **The Customer Experience Advanced Support Team**

The Customer Experience Advanced Support Team (CEAST) for Working Age (WA, the business area ESA sits under) was established in January 2021. Its function is to support DWP colleagues and external partners who identify customers who are vulnerable, or have complex needs, and who therefore need more advanced support in order to comply with the statutory requirements of the benefit.

WA CEAST work with Vulnerable Customer Champions (further details provided below) to provide specialist support to vulnerable customers and work closely with colleagues across DWP to resolve any complaints raised.

### **Additional checks before withdrawal of benefits from vulnerable customers**

The department has reviewed the processes in place where existing benefits are suspended or stopped and has put in place additional steps to check on the wellbeing and support needs of customers it identifies as vulnerable. For example, Stopping Payments guidance introduced in 2020 ensures that payments are not stopped or suspended while the department considers a customer's vulnerability.

### **Measures in place to support vulnerable customers**

DWP looks to maximise opportunities to signpost vulnerable customers towards support. The department wants to ensure that chances to flag concerns to agencies with statutory safeguarding responsibilities are not missed.

DWP frequently collaborates with these agencies. For individual customers, the department can liaise with health and social services to consider next steps, contact GPs for evidence for disability benefits decisions, or offer a voluntary referral to local authority housing teams (in England) for people who may be homeless or threatened with homelessness.

The role of the **Vulnerable Customer Champion** (VCC) was implemented to provide additional support to customers. VCCs help support Decision Makers to make more informed decisions when dealing with vulnerable customers, particularly those that fail to attend Work Capability Assessments or do not engage with DWP as required under the terms of their benefit entitlement.

The department's national network of **Visiting Officers** allows DWP to meet the needs of customers with complex requirements who may be unable to access its services. This includes vulnerable customers and those needing additional support.

**Disability Employment Advisers** have extensive knowledge of the support available enabling customers with health conditions and disabilities to prepare for work and move into and remain in employment. They work with stakeholders and healthcare professionals meeting customer needs.

The department also has a detailed mental health training package which all customer facing colleagues undertake. This provides colleagues with learning that they can then apply to the different scenarios with which they may be faced. The training includes modules on appropriate actions to take to support customers with vulnerabilities including mental health issues.

The package is constantly evolving, and work is ongoing to further strengthen guidance and training as part of continuous improvement activities. These activities benefit all our customers, especially the many vulnerable people who rely upon us. One of these improvements is the introduction of the **Serious Case Panel**, which was set up in late 2019.

The Serious Case Panel meets quarterly considering themes and issues that have arisen across DWP service lines, in order to agree changes and improvements. It does not investigate individual cases but considers themes arising from a range of sources, including Internal Process Reviews, frontline feedback and Independent Case Examiner reports. The minutes of its meetings are published on the GOV.UK website.

### **DWP communication with Ms Holmes regarding the possible effects of her work on her Employment and Support Allowance claim**

Departmental guidance on supporting vulnerable ESA customers requires details of any incapacity to be recorded on a customer's account. When a call handler accesses the customer's account, details of the incapacity are available on screen as primary and secondary disabilities. The purpose of this is to ensure that call handlers are aware of any health conditions which may impact a customer and require them to tailor their communication accordingly.

DWP provides call handlers with training that helps them understand some of the issues that people with mental health conditions might face. However, they are not medically trained and DWP does not expect call handlers to have a detailed understanding of individual mental health conditions.

The existing service assurance process includes the requirement for call handlers to check customer records for any additional needs each time a customer contacts the department. This, alongside the incapacity banner and tailored training, enables colleagues to identify and be mindful of a customer's vulnerability or additional needs. This means that each interaction will be assessed against the information known at that time, allowing us to adapt to the individual's circumstances.

As you are aware, Ms Holmes was in receipt of both ESA and Personal Independence Payment (PIP) at the time of her death. Neither of these benefits required Ms Holmes to routinely attend her local Jobcentre, nor did she have regular interactions with DWP once she had been assessed as eligible to receive each benefit.

Ms Holmes' entitlement to PIP began on 21 March 2017 and remained until her death. DWP were not aware of Ms Holmes' worries regarding exaggerating her health conditions on her PIP application, nor the impact it was having on her mental health as stated by the NHS and Police at the inquest. Her payments continued until her death.

Similarly, her entitlement to ESA began on 5 April 2017 and remained until her death. ESA payments continued despite the doubt of entitlement in relation to Ms Holmes' permitted work, which I will come to next.

Ms Holmes telephoned the ESA enquiry line at 11:20 on 4 July 2023 as she thought she might have earned over the permitted work limit. The primary incapacities listed on Ms Holmes' account were, "debility (other)" and "mental illness".

The note of the initial call from Ms Holmes stated that she was "very distressed", however there was no mention of her expressing suicidal thoughts or any intention to harm herself. The telephony agent recognised that Ms Holmes was distressed, as demonstrated by the note they recorded on the computer system, which meant that the distress would be known to future colleagues. The telephony agent also arranged for a 3-hour call-back because they were unable to fully answer her query. The call back procedure involves an electronic message being sent to the site to which the customer is attached in order for a processing agent to make contact. Arranging for someone to contact the customer within 3 hours is the correct procedure in circumstances where a customer appears distressed but does not indicate that they are suicidal or at risk of harming themselves.

A telephone call was made to Ms Holmes later that day at 14:04, in accordance with DWP guidance. The call notes confirm that "earning over the limit was discussed" and that Ms Holmes "advise[d] she will be reducing her hours to earn under PW limit and will send in PW1 form". There is no mention of suicidal thoughts or an intention to harm, therefore no further action would have been required following this call.

The ESA agent did not stop Ms Holmes' benefit pending the receipt of a PW1 form even though her benefit entitlement was in doubt. This action indicates that Ms Holmes' vulnerabilities were recognised, and the department's Stopping Payment guidance had been followed. Ms Holmes' PW1 form, along with proof of earnings, was received by the department on 14 July 2023.

No further action was taken by DWP in relation to Ms Holmes' ESA claim at that time and payments continued to be made to Ms Holmes until her death.

## **Conclusion**

The full circumstances of this case have been reviewed, and the department is satisfied that there is appropriate guidance and support in place to allow vulnerable customers with complex needs access to benefits. In addition, the department is continually looking at ways to support vulnerable

customers and to build on the support it currently provides. I trust that my response addresses your concerns and helps to assure you of the measures DWP currently has in place and the department's commitment to developing such measures.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Head of National Operations Hub