

SOUTH STAFFORDSHIRE LOCAL MEDICAL COMMITTEE

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LMC advice regarding appeals against Benefits Agency decisions

GPs are obliged by their terms of service to provide certificates to enable patients to claim certain benefits. The LMC advises GPs that their terms of service do not oblige them to provide reports on patients who are appealing against adverse decisions by the Benefits Agency in respect of the patients' benefits.

Various welfare rights agencies, including Borough Councils, County Councils and Citizens Advice Bureaux, make requests for such reports on a regular basis. These agencies make it clear that they have no funding to pay for such reports and they sometimes argue that the GP is obliged by his terms of service to provide them. The LMC's strong advice is that GPs should decline to provide such reports unless a fee is paid. GPs have no funding to pay for the resources required to produce these reports.

It is, however, open to the appeal panel hearing an individual case to adjourn in order to request a report from the patient's GP if the panel feels that that would help it in making a decision. The appeals service is funded to pay for such reports. It is therefore the LMC's advice that GPs who are approached by welfare rights officers to write reports for patients appearing before appeal panels should decline to do so unless requested to do so specifically by the appeals service. The LMC advises GPs to point out to the person requesting the report that this option is available.

This advice from the LMC may be freely copied and given to patients or their advisers as required.

Dr David Dickson
LMC Secretary