

Factsheet B13: Getting Medical Evidence

The most common way of getting medical evidence is to approach your GP, specialist consultant or other health practitioner. You should ask them to write a letter explaining your condition and prognosis, and to provide information about **how you are functionally affected by your condition** on a day to day basis. It is important that it is specific about how you are affected, because different people can have a very different range of experience even though they technically have the same condition.

It depends on which benefit you are claiming, but it can be helpful if they make a comment about how far you can walk, what kind of tasks you need someone to help you with, and whether there are any safety issues to consider. Any letter can be sent attached to your claim form, or used in challenging decisions, but we recommend you send a copy and keep the original. If we are acting as your representative in an appeal, please ensure the letter is sent to us so that we can submit it on your behalf.

It may also be helpful for any support workers or family/friends who act as a carer for you to write their own letter of support which can give some detail of the kind of help you need at home; it is accepted that any medical professionals will not know the full detail of your daily life.

If you are unable to get any letters of support from medical professionals, either because they appear to be unwilling to help or because you cannot afford the charge, there is an alternative route to getting medical evidence. Since the Data Protection Act of 1998, you have had a legal right to



apply for access to health information held about you. This was updated in 2018 and the new law is the Data Protection Act 2018 (DPA 2018). This includes your NHS or private health records held by a GP, optician or dentist, or by a hospital. A health record contains information about your mental and physical health, recorded by a healthcare professional as part of your care.

If you want to see your health records, you don't have to give a reason. If it is your GP patient record you want to see, submit your request in writing to your surgery. We usually recommend that you ask for your patient record for the last couple of years, including copies of any referrals and letters to and from consultants. If it is hospital records you want to see, write to your hospital's patient services manager. A very simple letter will do. It's always a good idea to state the dates of the records you want when you apply.

The health records manager, GP or other healthcare professional will decide whether your request can be approved.

Under what is known as the General Data Protection Regulations (GDPR) which applies from May 2018, there should not be any charge for getting a copy of your own information. See <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/> for more details, but the important things to know are:

- Individuals have the right to access their personal data.
- This is commonly referred to as subject access.
- Individuals can make a subject access request verbally or in writing.
- You have one month to respond to a request.
- You cannot charge a fee to deal with a request in most circumstances.



The only times they can charge a fee is if they can show that your request is if the request is 'manifestly unfounded or excessive' and in that case they can charge a "reasonable fee" for the administrative costs of complying with the request (or they may just refuse to comply with your request), or if you request further copies of your data following a request, in which case they must base the fee on the administrative costs of providing further copies.

If you require further information or would like this factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

