

# Employment and Support Allowance: Atos recommendations and post appeal Work Capability Assessment outcomes

12 September 2012

# Introduction

This statistical release presents information on new claims for Employment and Support Allowance (ESA) in Great Britain. It provides information on the Work Capability Assessment (WCA) outcomes by showing outcomes, adjusted to account for outcomes after appeals, and where these differ from the recommendation provided by the Atos healthcare professional. The figures are derived from administrative data held by the Department for Work and Pensions and assessment data provided by Atos Healthcare. This analysis presents information on new claims for ESA only. It does not contain incapacity benefits reassessments to determine eligibility for ESA.

# Background

A key part of the ESA regime is the WCA process, which is used to assess capability for work and eligibility for benefit. Within this the service contractor, Atos Healthcare, carries out any face to face assessment. They then make a recommendation for each claimant to a DWP decision maker who makes a decision on the claim. There are three possible outcomes:

**Claimants can be found fit for work.** In this case their claim:

- closes and the claimant can move to Jobseeker's Allowance (JSA); or
- remains open following receipt of a challenge against the decision (either a reconsideration by DWP, or an appeal to Her Majesty's Courts and Tribunal Service (HMCTS)). If redress is sought, the pre-assessment rates remain until closure;

**Claimants can be found to have limited capability for work.** In this instance they are allowed the benefit and placed in the Work Related Activity Group (WRAG). Those in this group are not expected to work, but are provided with help and support to prepare for work where possible. They receive a higher payment than those on JSA. Claimants can also appeal the decision to be put in the WRAG instead of the Support Group (SG); and

**Claimants can be found to have limited capability for work and in addition, limited capability for work related activity.** In this situation, claimants are allowed the benefit and placed in the SG. Claimants in this group have the most severe functional impairments and so are provided with unconditional support and receive a higher premium than those in the WRAG.

Both WRAG and SG claims run until the initial or latest 'prognosis period' ends, which is usually, but not always, a standard length of time such as 3, 6, 12, 18 or 24 months based on the individual claimant's health and then have a repeat assessment.

## Results

### Comparing outcomes of initial functional assessments (adjusted to account for appeal outcomes) with Atos recommendations

Table 1 shows the number and proportion of initial functional assessments, adjusted to account for outcomes after appeals where the decision on appeal has been made by HMCTS, where:

- the final outcome was the same as the original Atos recommendation;
- the final outcome differed from the original Atos recommendation; or
- information to allow a comparison is missing.

The majority of the assessments with missing information are clerical assessments. Final outcomes may differ from the Atos recommendation either because the Decision Maker made a different decision or the decision was overturned by HMCTS.

**Table 1: Outcome of initial functional assessment adjusted to account for the outcome of appeal in comparison to the Atos recommendation, ESA claims starting between October 2008 and November 2011, Great Britain**

	<b>Number of Outcomes</b>	<b>Proportion of Outcomes</b>
Final outcome (including appeals) same as Atos recommendation	1,035,500	85%
Final outcome (including appeals) different to Atos recommendation	158,100	13%
Information to make a comparison missing	29,900	2%
<b>Total</b>	<b>1,223,500</b>	<b>100%</b>

*Source: The figures are derived from administrative data held by the Department for Work and Pensions and assessment data provided by Atos Healthcare.*

Notes:

(1) The table covers ESA claims starting between October 2008 and November 2011, including actions on these claims up to May 2012. This analysis presents information on new claims for ESA only. It does not contain incapacity benefits reassessments to determine eligibility for ESA.

(2) The Department only holds information on appeals once they have been heard by HMCTS and the HMCTS decision on the appeal has been made. Hence all figures in the table include claims where the appeals process is still ongoing.

(3) All numbers are rounded to the nearest 100 and percentages are rounded to nearest whole number.

Table 2 shows the outcomes of initial functional assessments, adjusted to account for the outcomes of appeals, broken down by Atos recommendation. Final outcomes may differ from the Atos recommendation either because the decision maker made a different decision, or because the decision was overturned by HMCTS.

**Table 2: Final outcomes of initial functional assessments broken down by Atos recommendation, ESA claims starting between October 2008 and November 2011, Great Britain**

	Atos Recommendation					
	Fit for Work		Work Related Activity Group		Support Group	
Final Outcome (including appeals)	Caseload	Proportion	Caseload	Proportion	Caseload	Proportion
Fit for Work	620,600	80%	600	0%	100	0%
Work Related Activity Group	136,700	18%	256,800	97%	900	1%
Support Group	13,800	2%	6,000	2%	158,200	99%
<b>Total</b>	<b>771,100</b>	<b>100%</b>	<b>263,400</b>	<b>100%</b>	<b>159,100</b>	<b>100%</b>

Source: The figures are derived from administrative data held by the Department for Work and Pensions and assessment data provided by Atos Healthcare.

Notes:

(1) The table covers ESA claims starting between October 2008 and November 2011, including actions on these claims up to May 2012. This analysis presents information on new claims for ESA only. It does not contain incapacity benefits reassessments to determine eligibility for ESA.

(2) The Department only holds information on appeals once they have been heard by HMCTS. Therefore, all figures in the table include claims where the appeals process is still ongoing.

(3) All numbers are rounded to the nearest 100 and percentages are rounded to nearest whole number. Totals may not sum due to rounding.

# Annex

The analysis was produced in relation to the following Parliamentary Questions (PQ):

- **PQ/12/110696 - Stephen Timms (East Ham):** To ask the Secretary of State for Work and Pensions, how many applications for employment and support allowance have come to a final outcome inclusive of results of the appeals process; and how many of these outcomes were the same as the initial Atos decision at the work capability assessment.
- **PQ/12/113768 - Sheila Gilmore (Edinburgh East):** To ask the Secretary of State for Work and Pensions, how many and what proportion of Atos work capability assessment fit-for-work recommendations were overturned by decision makers to the (a) work-related activity group and (b) support group in the latest period for which figures are available.

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