

Prof. Malcolm Harrington
WCA Independent Review
2nd floor Caxton House
Tothill St
London, SW1H 9NA

Rt. Hon. Chris Grayling MP
Minister of State for Employment
Department for Work and Pensions
4th floor Caxton House
Tothill St
London, SW1H 9NA

31 May 2011

Dear Chris,

**RE: INDEPENDENT REVIEW OF THE WCA – INTERIM REPORT ON
IMPLEMENTATION OF YEAR 1 RECOMMENDATIONS**

Thank you for your letter of 10th May 2011 asking me to provide you with an Interim Report on the progress so far in implementing the recommendations I made in my Report of November 2010.

In carrying out this interim report I have visited the Incapacity Benefit reassessment trial site in Aberdeen and also the Jobcentre Plus (JCP) and Benefit Delivery Centre (BDC) in Plymouth (one of the first places I visited during my first review). I recognise that these are only two sites of a national organisation, but I have also spoken to policy officials in both the Department for Work and Pensions (DWP) and JCP about how the recommendations are being implemented at a national level; and I met with a group of some of the large national charities.

These are my personal observations and I have not shared this note with DWP or JCP prior to sending it to you. However, my Scrutiny Group has had advance notice of it.

My Review listed 25 recommendations, 17 of which related to the Year 1 review and 8 concerned new work to be undertaken in 2011. In January 2011, I added a further piece of work about the wording of the descriptors used for claimants on chemotherapy. (Macmillan are due to report back on this and make initial recommendations by the end of June).

Year 1 recommendations 1-4 and 10-14 addressed how JCP/BDC staff should handle the claimants in a more empathetic and less mechanistic way and how the Decision Makers (DM) should be put back at the heart of the decision making process. Recommendations 5-9 were aimed at improving the Atos assessment, whilst 15-17

looked at the ways in which the Tribunal Service (TS) could add value to the overall Work Capability Assessment (WCA).

I am pleased to say that the DWP/JCP have gone a long way towards implementing all the recommendations related to their areas of activity. New learning and development packages have been produced to retrain the DM's and additional training is to be provided for the line managers. New scripts and letters have been designed to improve the telephonic and written communications with the claimants. These new initiatives to assist the claimants in their 'journey' are in place or planned.

Has this worked in practice? From what I've seen and heard, yes it has. In Aberdeen, I saw the new system in place and working. In other areas of the country – such as Plymouth – the staff are aware of what is planned, and the DMs are already beginning to feel empowered to make decisions that do not simply 'rubber stamp' Atos recommendations. The managers are providing greater scope for the staff to be innovative and self motivated, with fewer 'boxes to tick' and more opportunity to take control of smoothing the claimant's progress through the WCA by information, advice and support. The emphasis, at present, is on Incapacity Benefit reassessment but this is already being extended to new Employment and Support Allowance claimants.

One area of potential concern in the JCP is the 'silo' mentality in some quarters where some staff do not have an understanding of the whole WCA process, but only their section. I have discussed this with senior managers and they assure me that work will start soon to improve inter-sectional communication. On a more positive note, Aberdeen had been training DMs to be Appeals Officers and vice-versa and this appears to have led to a real enrichment of job experience. Similarly, DMs in Aberdeen reported that enhanced communications with Atos had improved their understanding of the reports provided by the face-to-face assessment.

Whilst real progress is being made at the Centres, there is a danger that middle and upper ranking managers will see targets for 'throughput' slipping or impose new targets. I hope this attitude can be countered by emphasising that a little time spent at this stage should save much more time later by reducing appeals and subsequent angst and worry for claimants. The overall cost of a claim should consequently fall as well. In addition, a greater use of the reconsideration procedure is already underway and this should ensure that DM's have *all* the additional information about their client's condition before recourse to the TS in cases of dispute.

Atos Healthcare have nearly completed work on all the recommendations related to them. The free text paragraph is not yet provided to claimants but the issues related to the timing of JCP sharing this, and the claimants who should receive it, are matters I am actively discussing with the DWP. The Mental Function Champions are either in place or will be soon – but at a *regional* level. Logistically this probably makes more sense than my original proposal for a Mental Function champion in every Assessment Centre given the small size and geographical spread of some of the Centres. I hope to be kept updated with evidence that the proposed approach is having the desired impact.

The Atos Customer Charter is now in place and being displayed at all Assessment Centres. A pilot of the audio recording of face-to-face assessments has also been completed in Newcastle, and I look forward to hearing more about the evaluation of this in due course.

I have had some useful discussions with the First Tier and the Upper Tier Tribunal judges. I know that they want my recommendations to work and they are actively engaged in improving communications between the judges and the DMs. Training programmes for both the medical members and the judges will be discussed with me in the coming months but my initial impressions are that these training programmes look good.

Unfortunately the charities did not report back the types of positive changes I had seen in Aberdeen and Plymouth. Whilst they were broadly supportive of the customer journeys used for IB reassessment in Aberdeen and Burnley I hope they will begin to report more positive changes as the year progresses and the changes become nationwide, and I will ask about this in my call for evidence later this year.

Year 2 recommendations relate to new work. Mind, Mencap and the National Autistic Society have worked on the mental, intellectual and cognitive descriptors and their proposals have been scrutinised by an expert group of my choosing. They have developed – in an iterative way – agreed descriptors that have been put before the DWP. Similar work (carried out in a similar way) has started on the Fluctuating Conditions descriptors. Initial proposals from a group of charities, led by the Multiple Sclerosis Society, are now with another expert group for further iteration. I expect an agreed set of recommendations by mid July.

The Citizens Advice Bureau are working on the validity of a ‘real world’ test and a seminar in the autumn will bring together interested parties – including the TUC and the CBI – to see if such a test is a viable proposition.

Research protocols to look at the fate of people who apply for ESA but drop out of the WCA process before their face-to-face assessment and those who are deemed borderline between the three categories (Fit for Work, Work Related Activity, and Support group) have been drafted and agreed by me. Work will start soon on the actual research.

Finally, a review of the LiMA system (does it drive the assessors behaviour or can the assessor drive the IT?) is underway. Seminars to demonstrate the software to interested groups are planned for June and views on the LiMA system will be sought as part of this year’s Call for Evidence.

I will, of course, provide further details on all of these in my final review at the end of the year.

In short, I am pleased and gratified to see the progress that has been made to implement my recommendations. I detect a real enthusiasm for change at the JCP/BDC local level and real commitment from senior officials in Caxton House to

convert these recommendations into real and lasting policy changes. Some cultural inertia exists in middle management but I am speaking to DWP/JCP about this and understand they are working to change the ethos and attitudes here as well. This change will be critical in supporting my recommendations and their success.

As a result of all this, I believe that the WCA can become less mechanistic, more empathetic and more evidence-based. The result would be a fairer system.

Best wishes,

A handwritten signature in black ink, reading "Malcolm Harrington". The signature is written in a cursive style. Below the signature is a horizontal line.

Professor Malcolm Harrington CBE