

Employment and Support Allowance: Work Capability Assessments, Mandatory Reconsiderations and Appeals





Quarterly

ESA-WCA outcomes to December 2018 (MRs to April 2019)

Published: 13th June 2019

Great Britain

National Statistics

Employment and Support Allowance (ESA) replaced incapacity benefits in October 2008 and offers support for ill or disabled people. Claimants must participate in a Work Capability Assessment (WCA) to check eligibility. Those found eligible for ESA are either placed in the Work Related Activity Group (WRAG), which offers support in preparing for work, or the Support Group (SG) if unable to work or complete work-related activity. Those not eligible are found Fit for Work (FFW). Since October 2013, if claimants disagree with assessment outcomes they can request a Mandatory Reconsideration (MR). If they disagree with the MR outcome they can appeal to Her Majesty's Courts & Tribunal Service (HMCTS).

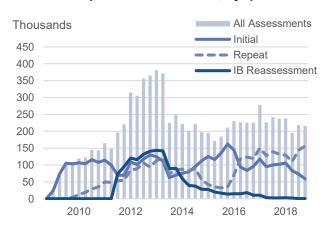
Main stories

- Completed initial assessments decreased in the quarter to December 2018 from 73,000 to 59,000. Completed repeat assessments have increased from 140,000 to 160,000.
- Outcomes for initial claims completed in the quarter to December 2018 were 48% SG, 22% WRAG and 31% FFW.
- ESA-WCA MRs registered in April 2019 decreased to 6,800 from 9,700 in January 2019, after peaking at 22,000 in March 2017. 74% of completed MRs were not revised in April 2019. MR median clearance times have been 11 or 12 days since January 2019, falling from 15 days in December 2018.
- For initial WCAs completed, the median end-to-end clearance time fell from 16 weeks in September 2018 to 15 weeks in December 2018

Work Capability Assessment

Completed initial volumes have decreased since last quarter

All Completed Assessments, by quarter



Mandatory Reconsiderations

MR registrations generally followed a downward trend since peaking in March 2017

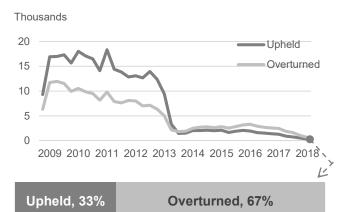
MRs registered, by month



Appeals

Appeals completed on initial FFW outcomes have decreased, 33% decisions were upheld

Appeals completed (for initial FFW assessments)



At a glance

WCA Process Flow 3 Sankey Diagram WCA clearances and outcomes 5 MR registrations, clearances and outcomes 7 9 Appeals clearances and outcomes Health Conditions and ESA group allocation 10 Customer journey clearance times 11 12 About these statistics

Lead Statistician: Robert Miller ROBERT.MILLER3@DWP.GSI.GOV.UK

DWP Press Office: 0203 267 5144 Comments? We welcome feedback

Published: 13th June 2019

Next edition: September 2019

ISBN: 978-1-78659-158-6

© Crown copyright

What you need to know

These statistics are released quarterly and cover information on ESA-WCA outcomes, MRs, appeals and clearance times for initial claims sourced from:

- DWP's benefit administration datasets including MR data
- Healthcare provider assessment data
- HMCTS appeals data for completed appeals

Additional experimental ESA-WCA cohort statistics are available which allow us to view claimants through the stages of their ESA-WCA journey – see page 3.

What time periods are covered in this release?

Robust data for both the regular and experimental cohort information is available for claims that began at least 6 months following assessment date or, for initial assessments, nine months following the date of claim. This is due to time required to complete and process assessments. Hence, only claims made before the end of September 2018, assessments completed up to end of December 2018, including clearance times and completed appeal outcomes for initial FFW decisions for claims started up to March 2018. Throughout the release, figures are presented by assessment date, unless otherwise stated.

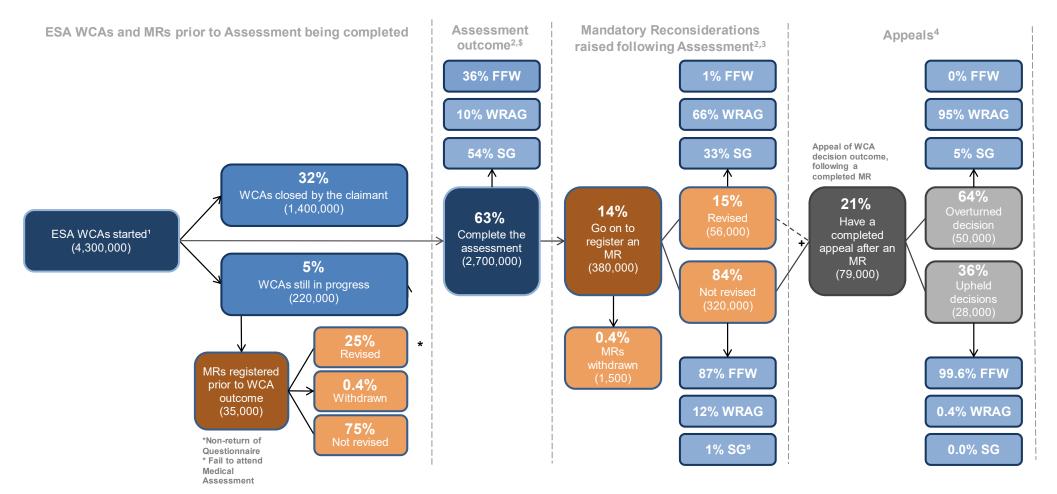
ESA Work Capability Assessment, Mandatory Reconsiderations and Appeals process

The following flow chart, containing experimental data, shows the claim process to assess ESA entitlement. If claimants disagree with their assessment outcome they can ask DWP to review it by registering an MR. Following the MR outcome if the claimant still disagrees with the decision, they can appeal to HMCTS.

There are 3 types of Work Capability Assessments:

- Initial assessment for new ESA claims
- Repeat assessment existing claimants must undergo regular reviews; timescales depend on medical condition
- Incapacity Benefit (IB) reassessment; all IB claimants will eventually be reassessed for ESA or Universal Credit

Overview of the Work Capability Assessment, Mandatory Reconsideration (MR) and Appeals process for initial and repeat ESA WCAs starting October 2013 – September 2018 - (Experimental)



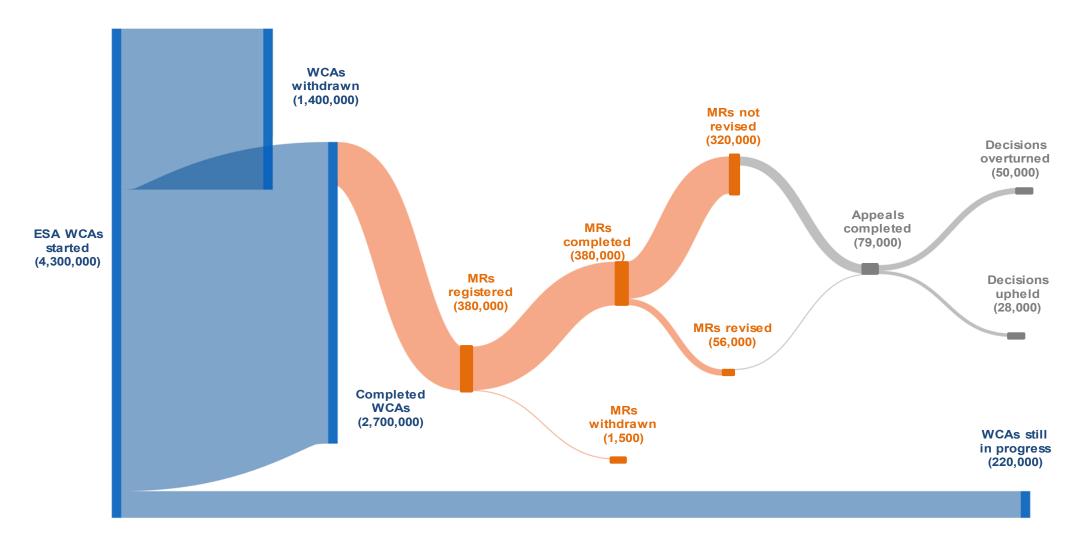
Footnotes:

- 1) All ESA initial and repeat WCAs between October 2013 and September 2018* (the latest period that allows sufficient time for final outcomes to have been recorded). FFW=Fit for Work, WRAG=Work Related Activity Group, SG=Support Group.
- 2) Statistics show the outcome based on healthcare provider recommendation in some cases this may not always be the final outcome as outcomes are sometimes changed due to reconsideration. Due to data source recording limitations, this is the best proxy available. A proxy is also used to determine a small proportion of revised MR outcome results where the final result is not captured.
- 3) A number of FFW cases have their case outcomes revised but still fall within FFW group as they still aren't awarded enough points to move to a different group.
- 4) Appeals include all ESA WCA completed appeals by the claim start date.
- 5) A small number of cases are 'Not Revised' and appear in SG. We are currently unaware of the exact reasoning for this. Therefore please treat these cases with caution.
- 6) Numbers of claimants are rounded therefore totals may not sum and percentages may not be fully representative of figures shown.
- * A small number (around 10%) of pre-assessment MR registrations may go onto appeal their MR decision. Percentages may not sum to 100% due to a small proportion of MRs still in progress.
- + Some claimants may still not agree with the group they have been placed in and go on to appeal the MR decision. Less than 1% of all post ESA WCA appeals come from the revised grouping.
- \$ Some cases may not yet have an outcome, or may have been withdrawn, cancelled, clerical cases so WCA outcome percentages are derived using those with an actual FFW, WRAG or SG outcome. We only get information for completed appeals so we don't know how many appeals are in progress.

Overview of the Work Capability Assessment, Mandatory Reconsideration (MR) and Appeals process for initial and repeat ESA WCAs starting October 2013 – September 2018 - (Experimental)

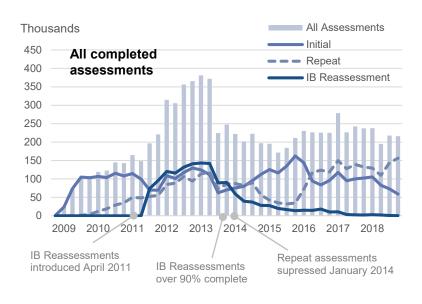
The following diagram gives a visual representation of proportions at each stage of the ESA Work Capability Assessment (WCA) process. The relative thickness of each segment represents the volume of cases flowing through each stage. For initial and repeat ESA WCAs which started between October 2013 and September 2018:

- > 63% have had a completed assessment. WCAs relating to the remaining claims are either still in progress or have been closed by the claimant.
- > 380,000 MRs have been registered in relation to the 2,700,000 completed WCAs.
- > More than 99% of these MRs have been completed, with the decision maker's original decision revised 15% of the time.
- > 21% of assessments with a completed MR also complete an appeal. Of this group (79,000 cases), the latest case decision was upheld 36% of the time.

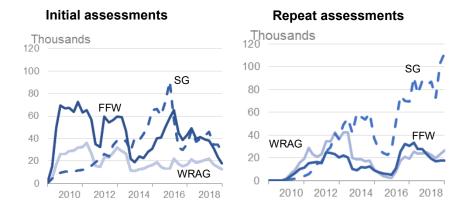


ESA initial and repeat assessment outcomes, IB reassessments

72% of all assessments completed in the latest quarter were for ESA repeat assessments



Initial assessment volumes have decreased and repeat assessment volumes have increased this quarter



Note: Assessments completed and outcomes are shown in quarters by completed assessment date.

Overall, the number of initial and repeat assessments completed in the latest quarter has remained consistent falling only 1% from the previous quarter to stand at 220,000. In the latest quarter to December 2018 the majority (72%) of completed ESA-WCA assessments were for repeat assessments.

At the end of 2013, IB reassessment and repeat assessment volumes dropped substantially. The majority of IB reassessments were completed by that point and the focus was moved from assessing existing claims (including repeat assessments) to clearing new claims. IB reassessments are now 99.8%¹ complete.

ESA repeat assessment volumes increased substantially at the start of 2016 as processing was re-introduced in December 2015, after almost two years of focussing on initial assessments. During this period, claimants could still request a repeat assessment, for example if they developed a new condition or their condition deteriorated. Since processing of repeat assessments was re-introduced, the number of repeat assessments has increased from 35,000 in the quarter to December 2015 to 160,000 in the latest quarter.

See accompanying tables and **Stat-Xplore** for further breakdowns.

There has been a decrease in completed initial volumes and an increase in completed repeat volumes this quarter compared to the previous quarter.

Since the re-introduction of repeat assessments, their numbers increased substantially and there has been an increasing trend particularly for Support Group outcomes. This may be expected as these assessments are being carried out on claimants who have previously been assessed as having limited capability for work

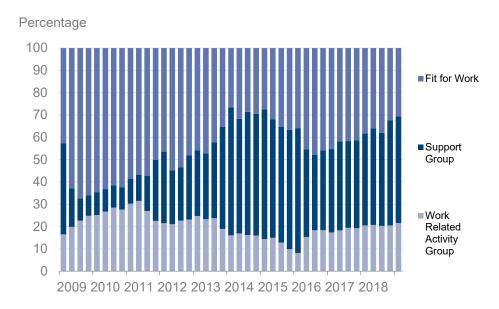
Initial assessment volumes for all outcomes have fallen slightly this quarter.

See accompanying tables and <u>Stat-Xplore</u> for further breakdowns.

¹ The percentage shown excludes all IB cases closed before assessment

Assessment outcomes for ESA initial assessments

The proportion of outcomes assigned for ESA initial assessments have only shown slight changes since the last quarter



Note: Assessment outcomes are shown in quarters by completed assessment date. Percentages may not sum to 100 due to rounding.

For the 59,000 ESA initial assessments completed in the latest quarter to December 2018:

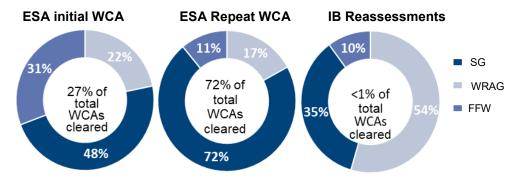


Outcomes of initial assessments entitled to ESA (assigned to SG or WRAG) decreased by 8,300 in the latest quarter to December 2018 to stand at 41,000.

Historically, there have been substantial changes in the volumes of initial assessment assigned to each outcome. In the most recent quarters, the proportion of initial outcomes resulting in an award has increased slightly, as shown in the chart, with an increase of 1 percentage point for SG, 1 percentage point for WRAG and a decrease of 1 percentage point for FFW outcomes from the previous quarter to the latest quarter.

See accompanying tables and **Stat-Xplore** for further breakdown

ESA assessments and IB reassessments: Completed outcomes for the latest quarter show sizable differences across claim types



Note: Assessment type percentages may not sum to 100 due to rounding.

For assessments completed in the latest quarter to December 2018, 27% were initial ESA claims, 72% were ESA repeat assessments and less than 1% were IB reassessments.

In the latest quarter to December 2018, 72% of WCA clearances were ESA repeat assessments. This is in comparison to 16% in the quarter to December 2015. This is due to the re-introduction of repeat assessments in December 2015 after almost two years of focusing on initial assessments.

ESA repeat assessments have a Support Group outcome at 72% in contrast to 48% for ESA initial assessments. The proportion of IB reassessment outcomes assigned to the support group has fallen from 45% last quarter to 35% this quarter, however this may be due to the small number of IB reassessments taking place

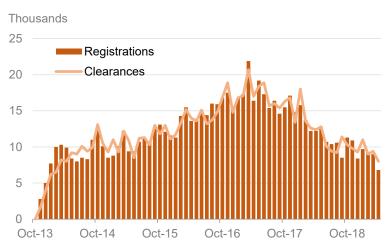
Initial ESA assessments have the highest FFW rate at 31%. This is expected as, unlike IB reassessments and repeat ESA assessments, these claimants don't have a previously known functionally limiting condition.

ESA-WCA Mandatory Reconsideration registrations, clearances and clearance times

If a customer disagrees with their assessment decision they have the opportunity to raise a **Mandatory Reconsideration** and ask DWP to formally review the decision. The aim of a MR is to resolve disputes as early as possible without the need for an appeal hearing. MR figures require less retrospection than the cohort data and are therefore reported monthly, allowing the most recent figures to be included.

See methodology note for a more detailed explanation.

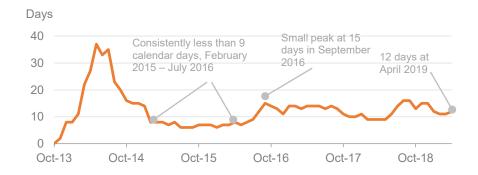
Mandatory Reconsideration registrations have generally followed a downward trend since peaking in March 2017



The MR process was introduced in October 2013. From its introduction up to March 2017, numbers of registrations generally increased over time. Since a peak of 22,000 in March 2017, registrations have fluctuated but gradually fallen to 6,800 in April 2019.

When the MR process was first introduced, the number of MR clearances was lower than the number of MRs registered. However, since May 2014, clearance volumes have increased, as the MR process became established. Since then, clearance volumes have been similar to registration volumes.

Mandatory Reconsideration median clearance times have remained stable



In April 2019, the median monthly clearance time was 12 calendar days, following 11 days in both February and March.

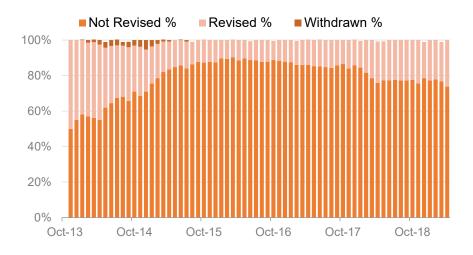
Since January 2015, after the MR process was established, the median MR clearance time has usually not exceeded 15 days. However in August and September 2018, MR clearance times rose to 16 days before dropping again in October 2018

See methodology note for how median clearance times have been derived.

See accompanying tables for full data.

ESA-WCA Mandatory Reconsiderations outcomes

74% of assessment outcomes were not revised at Mandatory Reconsideration in the latest month, April 2019



Note: MR outcomes are shown by month of decision. Revised % includes allowed and disallowed revisions. Percentages may not sum to 100 due to rounding.

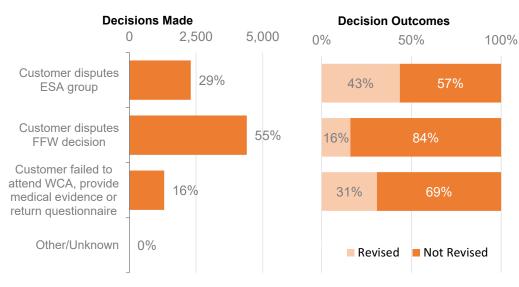
During the MR process, the DWP Decision Maker will review the evidence for the decision under dispute to either revise or not revise the decision.

When MRs were first introduced, much higher proportions of decisions were revised than in later years. Between March 2015 and January 2018, the proportion of revised decisions remained below 17%. In the latest month, April 2019, 26% of decisions were revised at the MR stage.

In April 2018, the proportion of MR decisions not revised was 76%, in comparison to 74% in April 2019. Overall numbers of MR decisions made has fallen from April 2018 by 35% to stand at 8,000 in April 2019.

See accompanying tables for further detail.

Fit for Work disputes are the main cause of ESA-WCA Mandatory Reconsideration decisions in April 2019



The vast majority of MRs raised during the ESA-WCA process in April 2019 were due to FFW decisions. These types of MRs are less likely to be revised than the other categories.

In April 2019, 4,400 MR decisions (55%) were made on disputes about Fit for Work assessment outcomes. Only 16% of FFW disputes resulted in a revision.

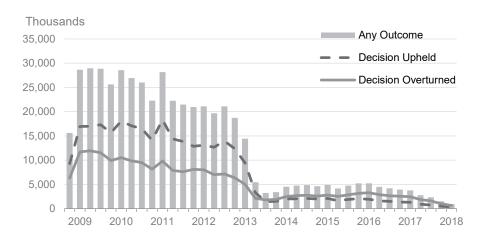
In April 2019, 16% of MR decisions were made on disputes where the claimant had not followed the claim procedures correctly. These reasons include failing to return the initial questionnaire, failing to provide medical evidence or not attending their assessment. 31% of these disputes were revised in the latest month.

The breakdown of revised/not revised decisions per MR category for April 2019 is shown in the chart.

Appeals clearances and outcomes

Following an MR decision, the claimant can dispute the decision further by appealing to Her Majesty's Courts & Tribunal Service where an official appeal hearing will take place to consider the decision evidence. At appeal, the decision under dispute will either be upheld or overturned.

The number of appeals heard on initial FFW decisions has fallen



Note: Appeals outcomes are shown in quarters by claim start date.

Approximately one in three initial FFW decisions were upheld at appeal this quarter

Upheld 33% Overturned 67%

Being found FFW at assessment is the primary reason for claimants disputing a decision and also the main reason for appeal hearings. These figures focus on FFW appeals for initial assessments.

The total number of appeals heard on FFW decisions for initial assessments is very low compared to figures pre-2013 when mandatory reconsiderations were introduced. Figures have remained lower than pre-2013 levels over the last 4 reporting years after a steep drop of 9,000 in the quarter to June 2013.

The chart shows that in the latest quarter to March 2018, the number of appeals heard on FFW decisions for initial assessments has remained low, but with a decrease from 1,500 to 1,000. Please note that as these figures are grouped by claim start date, numbers could increase as more appeals are completed for claims started in the most recent months.

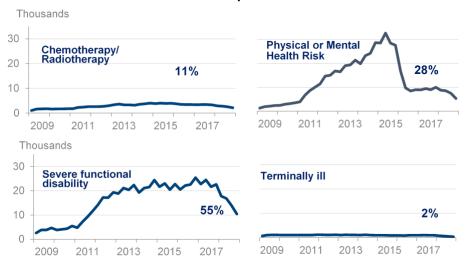
The low numbers of appeals over recent years may be partly due to the introduction of the MR process, although there could be other factors which have also contributed. The purpose of MRs is to give the customer an opportunity to present evidence against a decision for review without the need for formal appeal processes, therefore when the new system was introduced fewer appeals were expected.

This quarter, the proportion of decisions under dispute that were upheld at appeal has remained stable at 33% from last quarter, after remaining between 32% and 37% in the previous 8 quarters. The proportion of decisions under dispute that were upheld at appeal resulted from 1,000 initial FFW decisions with a claim start date in the guarter to March 2018.

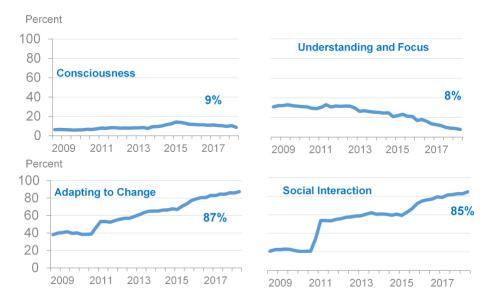
See accompanying tables and **Stat-Xplore** for further details.

Health Conditions and ESA group allocation for initial assessments

'Physical or mental health risk' and 'severe functional disability' remain the main reasons for SG allocation this quarter



'Adapting to change' and 'Social interaction' remain the main reasons for WRAG allocation (with 15 points or more) this quarter



There has been a notable decrease in allocations to the 'physical or mental health' risk group for claims started from October 2015 onwards. Volumes in this group fell from 28,000 in the quarter to September 2015 to 17,000 in the quarter to December 2015. This could partly be due to updated guidance on the application of risk introduced at the start of 2016 to restate the policy intent and place the question of risk in the context of work-related activity. Volumes in this group have decreased this quarter to 5,300.

Most claimants assigned to the SG, who started their initial ESA assessment in the quarter to September 2018, were placed there due to health conditions linked to 'physical or mental health risk' or 'severe functional disability'. These two leading categories make up 83% of all SG allocations this quarter.

'Chemotherapy/radiotherapy' and 'terminally ill' numbers have remained relatively low, accounting for 11% and 2% of all SG assignment reasons respectively for claims started this quarter.

Since 29th September 2017, claimants in the ESA Support Group no longer need to go for reassessment if they meet the severe condition criteria. Information on this can be found on **Stat-Xplore**

The charts show the four main functional impairment categories in which claimants have scored points when assigned to the WRAG, scoring 15 points or more at initial assessment. Receiving 15 points or more is the main reason for assignment to the WRAG at initial assessment, however claimants can also be assigned to the WRAG at reconsideration or after appeal.

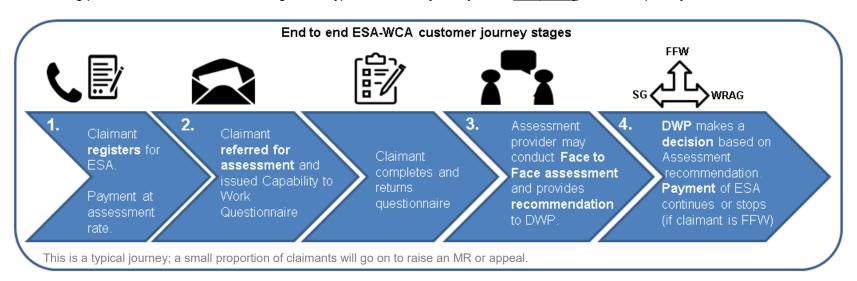
For claims resulting in a WRAG allocation (with 15 points or more) the most common categories where claimants scored points this quarter were 'adapting to change' and 'social interaction'. 87% of claimants having an 'adapting to change' condition and 85% scored points in the 'social interaction' group. **Note** that claimants can have multiple functional impairments therefore appear in more than one category.

8% of WRAG claimants (with 15 points or more) scored points for 'Understanding and focus' this quarter. Other reasons for being assigned to the WRAG (with 15 points or more) which aren't shown (Upper Limb, Sensory, Continence, and Lower Limb) are less common.

See accompanying tables and <u>Stat-Xplore</u> for statistics on all reasons and health conditions assigned to the WRAG.

ESA-WCA customer journey clearance times for initial claims (experimental)

The following process flow shows the main stages of a typical customer journey when completing a Work Capability Assessment for ESA:



Clearance times for individual stages of the ESA WCA process

Monthly median clearance time (weeks) for completed initial claims by month of completion

Start Stage	End Stage	Clearance Type	Oct-18	Nov-18	Dec-18
1	2	Claim Registration to WCA Referral	1	1	1
2	3	WCA Referral to Assessment Provider (AP) Recommendation	10	9	9
3	4	AP recommendation to DWP decision	2	2	2
1	4	End-to-end ESA claim (Claimant registration to final decision)	15	15	15

^{1.} Individual stage medians may not sum to end to end median. Medians at each stage are calculated independently.

Note: All charts are shown in quarters by claim start date.

For initial WCAs completed in December 2018, the median end-to-end clearance time decreased to 15 weeks from 16 weeks in September 2018.

Within this, the median time spent with the Assessment Provider (WCA Referral to AP recommendation) was 9 weeks in December 2018. This stage will usually involve an assessment and includes the waiting time for the customer to complete and return the questionnaire. Multiple referrals are sometimes required before an assessment is completed and a recommendation received as customers may not attend appointments or return questionnaires.

Note: The end-to-end clearance times recorded refer to time taken from claim registration to date of DWP decision. This decision will include MRs where there is a completed decision.

See accompanying tables for further breakdowns by region.

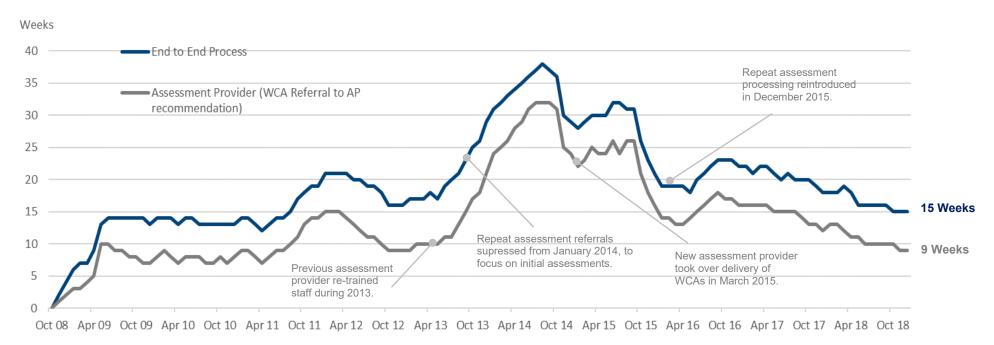
^{2.} Mandatory Reconsideration clearance times will be included in the end-to-end clearance time if they have been completed by the statistics extract date.

^{3.} Weeks are for weekdays and rounded to the nearest week.

ESA-WCA clearance times for initial assessments (experimental)

Clearance times have fluctuated since ESA was introduced in October 2008 and are now showing a decreasing trend.

Median clearance times (weeks) for completed initial claims up to December 2018



Note: Clearance times are shown by month of clearance. Median weeks are calculated in weekdays and rounded to the nearest week.

The chart shows end-to-end median clearance times from claim registration to final DWP award decision for initial claims from October 2008 to December 2018. Included in the end-to-end process is the time taken from when the customer is referred to the health assessment provider to the provider's recommendation. The median clearance time for the assessment provider is also shown in the chart.

In December 2018, the median end-to-end clearance time was 15 weeks. The median clearance time for the assessment provider (referral to recommendation) took 9 weeks.

See accompanying tables for further breakdowns by region.

About these statistics

This product has been assessed by the UK Statistics Authority for National Statistics status and has been awarded National Statistics. National Statistics designation is awarded to the subset of official statistics that are judged to be of good quality, value and trustworthiness. This badge does not currently apply to the experimental cohort figures or ESA clearance times.

Key uses of the statistics include:

- Providing the evidence base for assessing the potential effect of changes, monitoring and evaluation of DWP policy
- Answering Parliamentary Questions and Freedom of Information requests and Forecasting benefit expenditure (in conjunction with expenditure statistics)
- Policy development and evaluation by local authorities and other welfare to work and pensions stakeholders and providers.

Terminology:

- Registration Claimant registers an application for a WCA, MR or appeal.
- Clearance DWP decision maker has determined whether the claimant should or should not be entitled to claim ESA.
- Mandatory reconsideration Claimant wishes to dispute a decision made on their claim and requests DWP to reconsider the decision.
- MR clearance time The clearance time begins from the point the MR is raised on the DWP administrative system by the Benefit Centre as a valid MR, having considered whether they can initially change the decision in the light of any new information. The total clearance time therefore includes the time taken to transfer the case to the Dispute Resolution Team and the time taken for the decision maker to make a decision.
- Repeat assessment An existing claim that has been reassessed for ESA, as opposed to a new claim. A repeat assessment is the second or subsequent WCA undertaken on an existing, continuous ESA claim, usually between 3 and 24 months after the previous assessment. These claimants will have already been assessed as having a limited capability for work at their initial WCA and the repeat assessment will assess if their capability for work has changed.

Experimental cohort statistics:

MR statistics have been added to the regular cohort data to build on the story of the end to end customer journey. The cohort MR statistics are less timely than the stand alone MR statistics due to time lags in the benefits data and assessment data they are linked to in the cohort process. Time lags are present to allow stages within the process sufficient time to complete. These statistics give a feel for the volumes flowing through each stage of the ESA WCA process. For robust figures on individual stages, please use the stand-alone figures within the published tables (not table 17).

ESA Clearance Times (experimental):

- This release includes recently developed ESA clearance times. The statistics are labelled as experimental as there is scope to develop them further.
- Clearance times for initial claims only are included in these statistics.
- Clearance times are calculated as median weeks where a week is derived from the number of working days then rounded to the nearest week. The median is presented here instead of the mean as the mean measure can be unduly affected by outlying cases.
- These figures are derived for cases where a final award decision has been recorded.
- MR decision dates are included in the final DWP decision date where available.

UC-WCA:

This release only includes ESA and IB WCAs and does not capture UC WCAs, UC MRs or UC appeals. Recent trends in these ESA WCA statistics will be impacted by roll out of UC

Development of UC-WCA official statistics:

DWP statisticians are currently looking to develop official statistics on numbers of UC claimants who go through a Work Capability Assessment (WCA) and outcomes.
 When we have decided the information is robust and accurate to publish as official statistics we will preannounce via the gov.uk release calendar:
 https://www.gov.uk/government/statistics/announcements

Where to find out more:

- See <u>Stat-Xplore</u> for more detailed breakdowns of the data covering Region, Local Authority and Westminster Parliamentary Constituency breakdowns available for WCA outcomes by claim start date and completed assessment date.
- See methodology note for more detailed information on these statistics.



NATIONAL STATISTICS STATUS

National Statistics status means that our statistics meet the highest standards of trustworthiness, quality and public value, and it is our responsibility to maintain compliance with these standards.

The continued designation of these statistics as National Statistics was confirmed in February 2017 following a compliance check by the Office for Statistics Regulation.

Since the latest review by the Office for Statistics Regulation, we have continued to comply with the Code of Practice for Statistics, and have made the following improvements:

- Added more value by providing more detailed breakdowns and publishing statistics via Stat-Xplore, enabling users to create customised tabulations.
- Introduced more robust quality assurance methods to better assure ourselves of the quality of the statistics.
- Enhanced trustworthiness by reducing pre-release access.