## Employment and Support Allowance: Work Capability Department for Work & Pensions Employment and Support Allowance: Work Capability Assessments, Mandatory Reconsiderations and Appeals

Quarterly ESA-WCA outcomes to March 2019 (MRs to July 2019) Published: 12<sup>th</sup> September 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 March 2019 from 59,000 to 41,000. Completed repeat assessments have increased from 160,000 to 190,000.
- Outcomes for initial claims completed in the quarter to March 2019 were 53% SG, 21% WRAG and 26% FFW.
- ESA-WCA MRs registered in July 2019 decreased to 4,700 from 6,900 in April 2019, after peaking at 22,000 in March 2017. 65% of completed MRs were not revised in July 2019. MR median clearance times have decreased to 8 days since June 2019, falling from 15 days in December 2018.
- For initial WCAs completed, the median end-to-end clearance time increased from 15 weeks in December 2018 to 20 weeks in March 2019.

## **Work Capability Assessment**

Completed initial volumes have continued to decrease



## Appeals

Appeals completed on initial FFW outcomes have decreased, 32% decisions were upheld

### All Completed Assessments, by quarter





### Appeals completed (for initial FFW assessments)



month Appeals completed

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Lead Statistician: Robert Miller	
ROBERT.MILLER3@DWP.GOV.UK	
DWP Press Office: 0203 267 5144	
Comments? We welcome feedback	
Published: 12 <sup>th</sup> September 2019 Next edition: December 2019 ISBN: 978-1-78659-174-6	
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## 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 December 2018, assessments completed up to end of March 2019, including clearance times and completed appeal outcomes for initial FFW decisions for claims started up to June 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 – December 2018 - (Experimental)

This data, in which MR data is matched with ESA administrative data, are labelled as experimental as there is scope to develop them further. MR data on Stat-Xplore and in tables 12 to 16 of the data tables are sourced directly from the MR dataset and are not matched with ESA administrative data and are therefore not labelled as experimental.



#### Footnotes:

1) All ESA initial and repeat WCAs between October 2013 and December 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 – December 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 December 2018:

- > 64% have had a completed assessment. WCAs relating to the remaining claims are either still in progress or have been closed by the claimant.
- > 390,000 MRs have been registered in relation to the 2,800,000 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 (81,000 cases), the latest case decision was upheld 36% of the time.



# ESA initial and repeat assessment outcomes, IB reassessments



## 82% 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

Initial assessments

#### **Repeat assessments**





**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 increased 8% from the previous quarter to stand at 230,000. In the latest quarter to March 2019 the majority (82%) of completed ESA-WCA assessments were for repeat assessments.

ESA initial assessments have been falling as Universal Credit has rolled out. As assessments take place some time after the initial claim, we continue to see a decline in ESA initial assessments in early 2019.

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%<sup>1</sup> 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 190,000 in the latest quarter.

See accompanying tables and <u>Stat-Xplore</u> 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. Where a person's condition has improved, they may be assessed as being fit for work, but the repeat WCA will also account for cases where the condition has remained the same or got worse - and ensure they continue to get the support they need on ESA.

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

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

<sup>1</sup> 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



For the 41,000 ESA initial assessments completed in the latest quarter to March 2019:



Outcomes of initial assessments entitled to ESA (assigned to SG or WRAG) decreased by 11,000 in the latest quarter to March 2019 to stand at 30,000.

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, as shown in the chart, with an increase of 5 percentage points for SG, a 1 percentage point decrease for WRAG and a decrease of 5 percentage points for FFW outcomes from the previous quarter to the latest quarter.

See accompanying tables and <u>Stat-Xplore</u> 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 March 2019, 18% were initial ESA claims, 82% were ESA repeat assessments and less than 1% were IB reassessments.

In the latest quarter to March 2019, 82% 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 focussing on initial assessments.

The proportion of ESA repeat assessments with a Support Group outcome has increased from 72% last quarter to 75% this quarter, while the proportion with a Fit for work outcome has decreased from 11% last quarter to 9% this quarter.

ESA repeat assessments have a Support Group outcome at 75% in contrast to 53% for ESA initial assessments. The proportion of IB reassessment outcomes assigned to the support group has increased from 36% last quarter to 74% 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 26%. 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





# Mandatory Reconsideration median clearance times have remained stable



**Note:** MR Registrations and Clearances are shown by month. MR median clearance times are shown by month of decision.

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 4,700 in July 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.

The number of ESA-WCA MR registrations may be affected by the rollout of UC.

In June and July 2019, the median monthly clearance time was 8 calendar days, following 9 days in May 2019.

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 <u>methodology</u> note for how median clearance times have been derived.

See accompanying tables for full data.

# **ESA-WCA Mandatory Reconsiderations outcomes**

## 65% of assessment outcomes were not revised at Mandatory Reconsideration in the latest month, July 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, July 2019, 35% of decisions were revised at the MR stage.

In July 2018, the proportion of MR decisions not revised was 77%, in comparison to 65% in July 2019. Overall numbers of MR decisions made has fallen from July 2018 by 42% to stand at 5,500 in July 2019.

See accompanying tables for further detail.

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



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

In July 2019, 2,500 MR decisions (46%) were made on disputes about Fit for Work assessment outcomes. Only 21% of FFW disputes resulted in a revision.

In July 2019, 21% 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. 41% of these disputes were revised in the latest month.

The breakdown of revised/not revised decisions per MR category for July 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



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 June 2018, the number of appeals heard on FFW decisions for initial assessments has remained low, but with a decrease from 1,400 to 740. 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 32% from last quarter, after remaining between 32% and 37% in the previous 9 quarters. The proportion of decisions under dispute that were upheld at appeal resulted from 740 initial FFW decisions with a claim start date in the quarter to June 2018.

See accompanying tables and <u>Stat-Xplore</u> 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 2,700.

Most claimants assigned to the SG, who started their initial ESA assessment in the quarter to December 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 78% of all SG allocations this quarter.

'Chemotherapy/radiotherapy' and 'terminally ill' numbers have remained relatively low, accounting for 15% 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 <u>Stat-Xplore</u>

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'. 86% of claimants having an 'adapting to change' condition and 83% scored points in the 'social interaction' group. **Note** that claimants can have multiple functional impairments therefore appear in more than one category.

9% 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	Jan-19	Feb-19	Mar-19
1	2	Claim Registration to WCA Referral	1	2	2
2	3	WCA Referral to Assessment Provider (AP) Recommendation	10	10	10
3	4	AP recommendation to DWP decision	3	2	2
1	4	End-to-end ESA claim (Claimant registration to final decision)	17	18	20

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

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.

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

For initial WCAs completed in March 2019, the median end-to-end clearance time increased to 20 weeks from 15 weeks in December 2018.

Within this, the median time spent with the Assessment Provider (WCA Referral to AP recommendation) was 10 weeks in March 2019. 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.

**Note:** ESA clearance times are labelled as experimental as there is scope to develop them further.

# **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 March 2019. 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 March 2019, the median end-to-end clearance time was 20 weeks. The median clearance time for the assessment provider (referral to recommendation) took 10 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.

#### 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: <a href="https://www.gov.uk/government/statistics/announcements">https://www.gov.uk/government/statistics/announcements</a>

#### 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 <u>methodology note</u> for more detailed information on these statistics.

### Notification of future changes to this series:

• We are looking to improve the methodology of matching the HMCTS appeals data with ESA administrative data in time for the next release of these statistics. It is possible that the improved methodology may result in slight changes to the number of appeals for ESA-WCA outcomes in subsequent publications.



### 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.