



Department  
for Work &  
Pensions

# **Fourth Independent Review of the Work Capability Assessment**

Call for evidence

July 2013

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## **About this call for evidence**

### **Who this call for evidence is aimed at**

This call for evidence is aimed at individuals and organisations who have information that is relevant to how the WCA is operating and further changes that may be needed to improve the process.

### **Purpose of the call for evidence**

The Department for Work and Pensions has appointed Dr Paul Litchfield to carry out the fourth Independent Review of the Work Capability Assessment (WCA), as required by section 10 of the Welfare Reform Act 2007.

This call for evidence will be one of several methods used to gather information during the review. Evidence submitted will be used to inform Dr Litchfield's report to the Secretary of State for Work and Pensions, which will be laid before Parliament before the end of 2013.

As this is an Independent Review, the Secretary of State is not required to accept any or all of the recommendations, and any recommendations may be subject to further assessment by DWP.

### **Scope of the call for evidence**

This call for evidence applies to England, Wales and Scotland.

### **Duration of the call for evidence**

The call for evidence period begins on 1 July 2013 and runs until 27 August 2013.

### **How to respond to this call for evidence**

Please complete the [Online form](#). The online form is the preferred method of response.

If you are unable to use the Online form, please use one of the following methods:

Email [wca.evidence@dwp.gsi.gov.uk](mailto:wca.evidence@dwp.gsi.gov.uk) or

Post: WCA Independent Review Team, 2<sup>nd</sup> Floor, Caxton House, Tothill Street, London, SW1H 9NA.

Please ensure your response reaches us by **27 August 2013**.

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled. We will acknowledge all responses.

## **Alternative formats**

This information contained here is available in a range of formats. Large print, audio, BSL, and Easy Read documents will be made available online. In addition, Braille, large print, audio cassettes, CDs and Easy Read can also be provided in hard copy. Please be aware that these alternative formats may take some time to prepare, so please let us know as soon as possible if they are required.

To request these formats, please contact:

Email: [wca.evidence@dwp.gsi.gov.uk](mailto:wca.evidence@dwp.gsi.gov.uk)

Post: WCA Independent Review Team, 2<sup>nd</sup> Floor, Caxton House, Tothill Street, London, SW1H 9NA.

## **Queries about the call for evidence**

Please direct any queries about this call for evidence to:

WCA Independent Review Team, 2<sup>nd</sup> floor, Caxton House, Tothill Street, London, SW1H 9NA

Phone: 0207 449 5119

Email: [wca.evidence@dwp.gsi.gov.uk](mailto:wca.evidence@dwp.gsi.gov.uk)

## **How we consult**

### **Freedom of information**

All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information provided, or remove it completely. If you want the information in your response to the call for evidence to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this.

To find out more about the general principles of Freedom of Information and how it is applied within DWP, please contact:

Central Freedom of Information Team

4<sup>th</sup> Floor

Caxton House

Tothill Street

London

SW1H 9DA

[Freedom-of-information-request@dwp.gsi.gov.uk](mailto:Freedom-of-information-request@dwp.gsi.gov.uk)

The Central Freedom of Information team cannot advise on specific consultation or call for evidence exercises, only on Freedom of Information issues. More information about the Freedom of Information Act can be found at:

[www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act](https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act).

## **Foreword from Dr Paul Litchfield**

I have been asked by the Secretary of State for Work and Pensions to carry out an Independent Review of the Work Capability Assessment (WCA). This is the fourth of five independent reviews and builds on the valuable work of Professor Malcolm Harrington. I hope to continue the process of improving the Work Capability Assessment.

This call for evidence has been designed to help me gather further information about those issues which I consider most pertinent at this time:

- the overall effectiveness of the WCA as a discriminator;
- the impact of earlier independent reviews;
- the way that mental health conditions are considered in the WCA; and
- the biopsychosocial factors that influence capability for work.

I am looking in particular for objective data that underpins any views expressed.

This year we are using a web-based survey as the primary vehicle for gathering evidence and I hope that makes it easier to respond. I look forward to receiving your input as a contribution to the continuing development of this important assessment.

**Dr Paul Litchfield OBE OStJ FRCP FFOM**

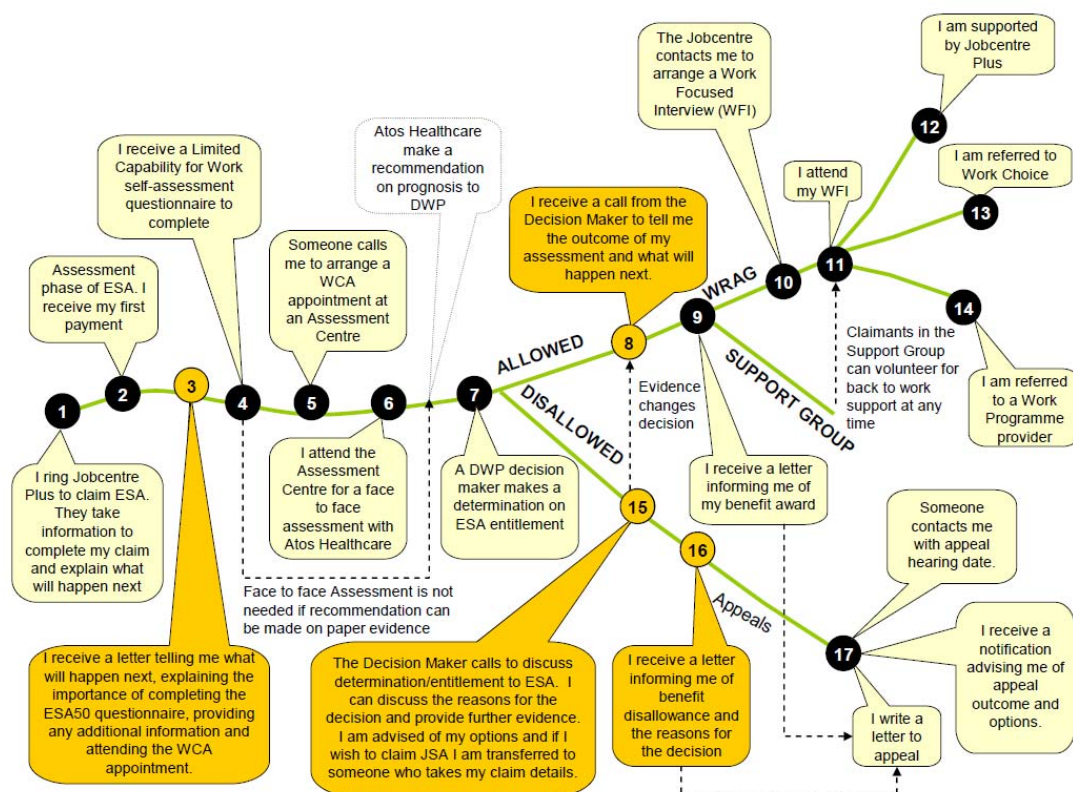
## **Context**

### **Employment and Support Allowance and the Work Capability Assessment**

1. Employment and Support Allowance (ESA) was introduced in October 2008. It replaced Incapacity Benefit, Income Support by virtue of a disability and Severe Disablement Allowance - for claimants making a new claim for financial support on the grounds of illness or incapacity. ESA is intended for people who have limited capability for work (who are placed in the Work Related Activity Group), and people who have limited capability for work related activity (who are placed in the Support Group).
2. The WCA determines whether the claimant falls into one of these groups, or is fit for work. People who are found fit for work may be eligible for Jobseeker's Allowance, which is the benefit paid to people who are available for and actively seeking work.
3. The WCA replaced the Personal Capability Assessment that was used to assess people claiming incapacity benefits. It is intended as a functional health assessment rather than as a diagnostic medical assessment, which will already have taken place through the claimant's General Practitioner or specialist healthcare professional. The focus of the WCA is on what people can do rather than what they cannot, and is based on a growing body of evidence linking good health and well-being to work.
4. The Welfare Reform Act 2007 legislated for the introduction of the WCA. This law provides the basis for the Independent Review which this call for evidence forms a key part of. Section 10 states that:

“The Secretary of State for Work and Pensions shall lay before Parliament an independent report on the operation of the assessment annually for the first five years after those sections come into force.”
5. In April 2011, the Government began reassessing people entitled to Incapacity Benefits (IB), Severe Disablement Allowance and Income Support on incapacity grounds to determine their eligibility for ESA using the WCA.

## The WCA process



6. Claimants contact DWP to make a claim for ESA. They are asked to fill in an initial questionnaire - the ESA50 - which asks for further information about their condition or disability. Around 13 weeks after their initial claim most claimants will attend a face to face assessment with Atos Healthcare. The information gathered at the face to face assessment, along with any other additional evidence provided by the claimant, is then passed to the DWP Decision Maker who will score the claimant against the descriptors and decide in which group they should be placed.
7. More information about how the WCA works and the steps in the WCA process is available at: <http://www.dwp.gov.uk/docs/esa-stakeholder-information-pack.pdf>.

## Earlier Independent Reviews

8. The first three Independent Reviews of the WCA were carried out by Professor Malcolm Harrington.
9. The [first review](#) published on 23 November 2010 found that, whilst the system was not broken or beyond repair, it was not working as well as it should. The review made a number of recommendations to improve the fairness and effectiveness of the system. The [Government's response](#) accepted the majority of the review's recommendations.



10. The [second review](#) published on 24 November 2011 confirmed that the WCA remains the right process, and that the Department had adopted or was adopting all of the recommendations from the first review. Prof Harrington stressed that positive progress had been made and that he expected this to be consolidated over the next year. The second review made a series of further recommendations. The [Government's response](#) accepted the majority of these.
11. The [third review](#) published on 20 November 2012 found that real progress had been made, and that despite many people calling for the WCA to be scrapped, the Review had seen no evidence to suggest this should happen. Again the [Government's response](#) accepted the majority of Prof Harrington's recommendations

## Questions

12. This is the fourth of five independent reviews. This year's call for evidence focuses therefore on the impact of previous independent reviews, seeks new evidence and establishes where further improvements are needed.
13. We now invite individuals and organisations to submit evidence to help us assess how the Work Capability Assessment is operating by answering the following questions. There are two different sets of questions depending on whether individuals or organisations are responding.

### Questions for people responding as individuals

1. If you have undertaken a WCA yourself or represented somebody who has, what has been your/their experience of the face-to-face assessment and follow up contact with the DWP?
2. On the basis of your experiences, can you suggest any changes to improve the face-to-face part of the WCA? Please give details of why you think these changes would help.
3. Thinking about the overall WCA process from when you make a claim for ESA to when you receive a notification of a decision from the DWP, what changes do you think are needed? Please give details of why you think these changes would help.
4. Please give us any further information and evidence about the effectiveness of the WCA, particularly thinking about the effect on claimants, that you consider to be helpful.

**Questions for people responding on behalf of a charity, advocacy group, representative body or other organisation**

1. The WCA seeks to identify and differentiate between claimants whose condition(s) means they are:

- a) unable to undertake any form of work related activity (Support Group);
- b) currently unable to work due to illness or disability (Work Related Activity Group); and
- c) fit for work.

What evidence and examples can you provide as to the effectiveness of the WCA in doing this? In your opinion, what are the strengths and weaknesses of the WCA identification process?

2. A number of changes have been made to the WCA since its introduction in 2008. Do you think these changes have made a difference to the effectiveness of the identification process and, if so, how?

3. There have been three Independent Reviews of the WCA since 2010. Do you have evidence that the WCA as a whole has changed as a result of the reviews? If so, please detail.

4. A significant proportion of people applying for ESA have mental health conditions. What evidence do you have that mental health conditions are or are not given appropriate consideration during the WCA process?

5. There is a perception that the WCA is too heavily weighted towards a medical model. Do you believe this is the case? Do you think that the WCA takes suitable and sufficient account of the psycho-social factors that influence capability for work (this is not about the likelihood of finding work) - if not how do you think this should change?

6. Changes have already been made to the WCA face-to-face assessment since its introduction. Do you believe that further changes would improve the face-to-face part of the WCA? If so, please detail what changes you would suggest and provide supporting evidence that they would be effective.

7. Assessment processes can be criterion-based, points-based or (as in the case of the WCA) a combination of these. What evidence do you have of the effectiveness of these different approaches in identifying the capability of claimants consistently?

8. Thinking about the overall WCA process, do you think the system needs further improvement, and if so what changes do you think are required? Please provide supporting evidence that the changes would be effective.

9. Please give us any further information and evidence about the effectiveness of the WCA, particularly thinking about the effect on claimants, that you consider to be helpful.