

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





Quarterly

ESA-WCA outcomes to June 2017 (MRs to October 2017)

Published: 14th December 2017

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 assessments decreased in the quarter to June 2017; initial assessments from 120,000 to 96,000 and repeat assessments from 150,000 to 130,000.
- Outcomes for initial claims completed in the quarter to June 2017 were 39% SG, 19% WRAG and 42% FFW.
- ESA-WCA MRs registered in October 2017 fell to 16,000 after peaking at 22,000 in March 2017.
- The majority of MRs cleared in October 2017 were not revised, at 87%. MR median clearance times fell from 13 to 11 days in October 2017.
- For initial WCAs completed in June 2017, the median end-to-end clearance time was 20 weeks.

Work Capability Assessment

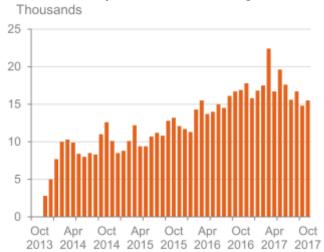
Completed initial and repeat assessments volumes have decreased

All Completed Assessments Thousands All assessments Initial Repeat IB reassessments IB reassessments 200 200 201 201 201 201 2012 2013 2014 2015 2016 2017

Mandatory Reconsiderations

MR registrations started to fall in recent months

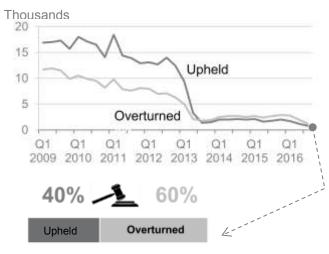
Mandatory Reconsiderations registered



Appeals

Appeals on initial FFW outcomes have fallen slightly. 40% of decisions were upheld

Appeals completed (for initial assessments)



At a glance Page 3 WCA Process Flow 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 About these statistics 12 Lead Statistician: Judith Correia judith.correia@dwp.gsi.gov.uk **DWP Press Office:** 0203 267 5144 Comments? We welcome feedback Published: 14th December 2017 Next edition: March 2018 ISBN 978-1-78425-990-7

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What you need to know

These statistics are released quarterly and cover ESA-WCA outcomes, MRs and appeals information sourced from:

- DWP's benefit administration datasets including MR data
- Healthcare provider assessment data
- HMCTS appeals data for completed appeals
- Clearance times for initial claims broken down into process stages

In addition to the ESA-WCA national statistics contained in this release, we have developed extra experimental ESA-WCA cohort figures by merging MR data with benefit, assessment and HMCTS data to allow us to track claimants through the stages of their ESA-WCA journey – see <u>page 3</u>.

Experimental statistics on ESA clearance times have recently been included. They are for initial claims and give a breakdown of clearance times across various stages of the ESA claim process – see <u>page 11</u>.

The label 'experimental' means these sections are not National Statistics until they have been assessed by the UK Statistics Authority's Office for Statistics Regulation as fully meeting the Code of Practice for Official Statistics. They are included here as they are undergoing evaluation and to allow a fuller analysis of the statistics. *Users should be aware of possible methodology issues and data limitations whilst using them.* See methodology note for more information.

Note: 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 assessments, record and process data accurately and align with other publications. Hence, only claims made before the end of March 2017, assessments completed up to end of June 2017, appeal outcomes for claims started up to September 2016 and clearance times for initial ESA WCAs completed up to the end of June 2017 are included in these statistics. Throughout the release, figures are presented by assessment date, unless otherwise stated.

ESA Work Capability Assessment, Mandatory Reconsiderations and Appeals process

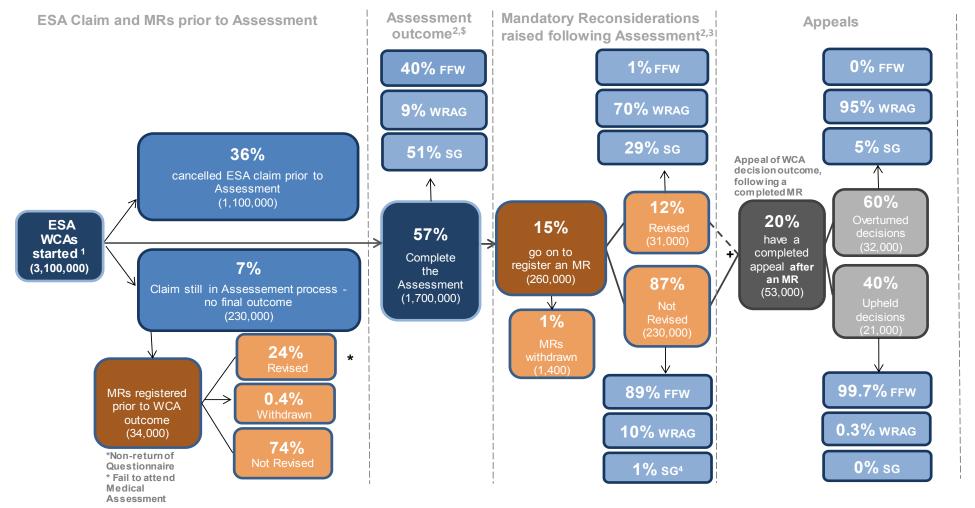
The following flow chart, containing experimental data, shows the claim process to assess ESA entitlement. If claimants disagree with their assessment outcome they can ask DWP to review it by registering an MR. Following the MR outcome if the claimant still disagrees with the decision, they can appeal 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 reassessment (IBR); all IB claimants will eventually be reassessed for ESA or Universal Credit

The figures presented in both the flow chart (page 3) and sankey diagram (page 4) cover all parts of the ESA-WCA process for claimants starting their ESA claim between October 2013 and March 2017 for **initial and repeat assessments only**.

Overview of the Work Capability Assessment, Mandatory Reconsideration (MR) and Appeals process for initial and repeat ESA WCAs starting October 2013 – March 2017 - (Experimental)



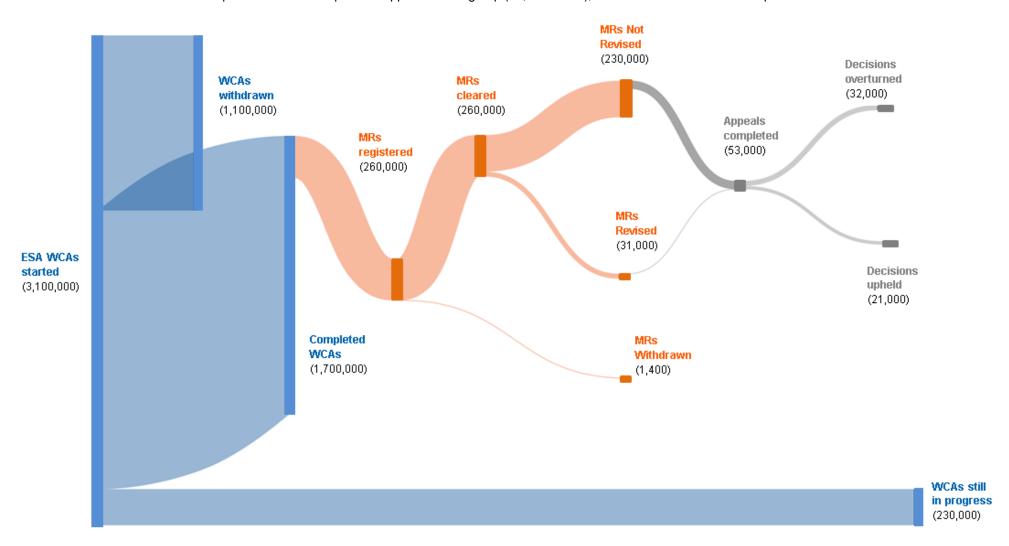
Footnotes:

- 1) All ESA initial and repeat WCAs between October 2013 and March 2017* (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) 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.
- 5) 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 – March 2017 - (Experimental)

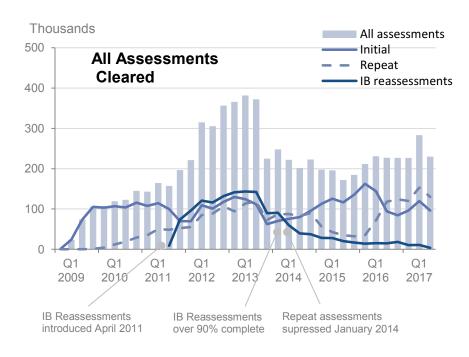
The following diagram gives a visual representation of proportions at each stage of the ESA Work Capability Assessment (WCA) process. The relative thickness of each segment represents the volume of cases flowing through each stage. For initial and repeat ESA WCAs which started between October 2013 and March 2017:

- > 57% have had a completed WCA (1,700,000 assessments). WCAs relating to the remaining claims are either still in progress or have been withdrawn/cancelled.
- > 260,000 MRs have been registered in relation to the 1,700,000 completed WCAs.
- > The diagram shows that 99% of these MRs have been cleared, with the decision maker's original decision revised 12% of the time.
- > 20% of assessments with a completed MR also complete an appeal. Of this group (53,000 cases), the latest case decision was upheld 40% of the time.



ESA initial and repeat assessment outcomes, IB reassessments

57% of all assessments cleared in the latest quarter were for ESA repeat assessments



Repeat and initial assessment volumes have decreased this quarter



Main Findings

In the latest quarter to June 2017 the majority of cleared ESA-WCA assessments were for repeat assessments.

At the end of 2013, IB reassessment and repeat assessment volumes dropped significantly. 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 96%¹ complete.

ESA repeat assessment volumes have increased in recent quarters as processing was re-introduced in December 2015, after almost two years of focusing on initial assessments.

The effects of this can be seen in recent quarters. In the latest quarter to June 2017, 130,000 repeat assessments were cleared compared with 35,000 for the quarter to December 2015.

See accompanying **tables** for full data.

There has been a slight drop in completed initial and repeat volumes this quarter due to higher volumes at the start of 2017. As a result, all outcome categories (SG, WRAG and FFW) have seen smaller numbers compared with last quarter.

Since the reintroduction of repeat assessments, their numbers have increased significantly, meaning greater numbers allocated across all outcomes (SG, WRAG and FFW). Decisions on repeat assessments have fallen slightly since the previous quarter as a result of fluctuating referral volumes in prior months.

Repeat assessments accounted for 57% of all assessments in the latest quarter.

In the quarter to June 2017, SG, WRAG and FFW numbers decreased for initial assessments due to fewer initial assessments completed than in the previous quarter.

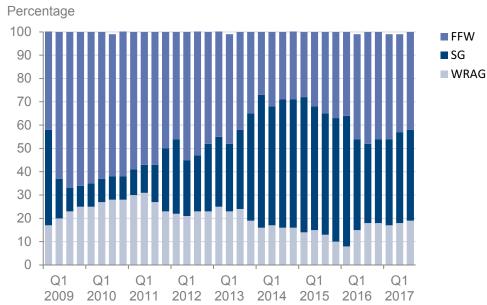
See accompanying tables for full data.

¹ The percentage shown excludes all IB cases still in progress

Assessment outcomes for ESA initial assessments

The proportion of Support Group outcomes has gradually increased for ESA initial assessments in recent quarters

Main Findings



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

For the 96,000 ESA initial assessments cleared in the latest quarter, to June 2017:



Outcomes of initial assessments entitled to ESA (assigned to SG or WRAG) decreased by 13,000 in the latest quarter to June 2017 to stand at 56,000.

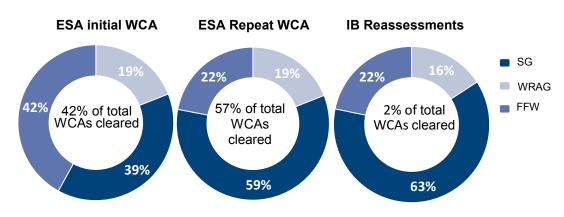
Historically, the proportion assigned to the SG for initial assessment shows a generally increasing trend up to December 2015. The proportion of SG outcomes fell over the first half of 2016, since when it has gradually increased. The volume of initial assessments being assigned to SG has decreased to 37,000 due to higher initial assessment volumes last quarter.

Although the proportion assigned to WRAG in the quarter to June 2017 increased, overall volumes fell by 3,000 to 19,000.

FFW outcomes also decreased, by 10,000 to 41,000 since last quarter. These falls are due to a decrease in initial assessments completed.

See accompanying **tables** for full data.

ESA and IBR assessments: Cleared outcomes for the latest quarter show big differences across claim types



For assessments cleared in the latest quarter to June 2017, 42% were initial ESA claims, 57% were ESA repeat assessments and 2% were IB reassessments.

In the latest quarter, to June 2017, most WCA clearances (57%) were repeat assessments. This is an increase from 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 majority of IB reassessments and ESA repeat assessments have Support Group outcomes, at 63% and 59% respectively, in contrast to 39% for ESA initial assessments. This is due to IB claimants and existing ESA claimants already receiving benefit for an existing medical condition.

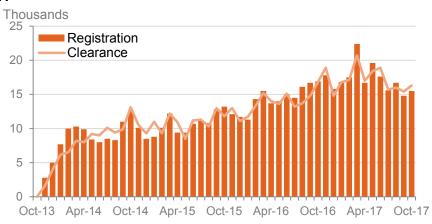
Initial ESA assessments have the highest FFW rate at 42%. This is expected as, unlike IB reassessments and repeat claims, these claimants don't have a previously known medical condition.

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 to allow the most recent figures to be included.

See methodology note for a more detailed explanation.

Mandatory Reconsideration registrations have fallen since March 2017



Main Findings

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 fallen to 16,000 in October 2017.

MR registrations increased rapidly in the first few months after their introduction. Thereafter, monthly numbers increased gradually, fluctuating slightly each month. In recent months, registration numbers have started to fall gradually.

When the MR process was first introduced, clearance numbers were low in comparison to registrations. However, since May 2014, clearance volumes have improved, as the process became established.

Mandatory Reconsideration median clearance times have been broadly stable since August 2016



In October 2017, the median monthly clearance time was 11 calendar days.

Initially, the median ESA-WCA MR clearance time increased steeply until May 2014, standing at 37 days, then decreased rapidly as the process became embedded. Between February 2015 and July 2016 the median clearance settled and didn't exceed 9 calendar days.

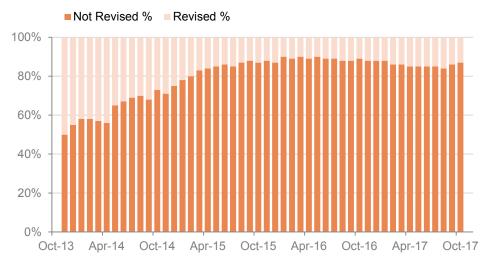
The median MR clearance time fell to 11 days in October 2017 after a year staying stable at 13 or 14 days. This could partly be due to the fall in MR registrations over recent months.

See <u>methodology</u> note and page 9 for how median clearance times have been derived.

See accompanying tables for full data.

ESA-WCA Mandatory Reconsiderations outcomes

87% of assessment outcomes were not revised at Mandatory Reconsideration in the latest month, October 2017



Note: Revised % includes allowed and disallowed revisions.

Main Findings

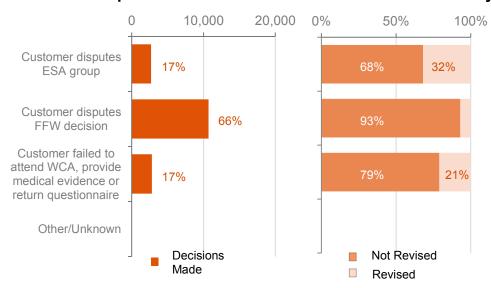
During the MR process, the DWP Decision Maker will review the evidence for the decision under dispute to either revise or not revise the decision.

When MRs were first introduced, much higher proportions of decisions were revised than in later years. The proportion of revised decisions fell gradually to May 2015, since when it has been consistently below 16%. Throughout 2016, it settled between 10% and 12%. It increased to take values between 13% and 16% in 2017 so far, with a value of 13% in the latest month, October 2017.

Since May 2015, monthly proportions of MRs not revised have been consistently between 84% and 90%. This trend continued in October 2017 where 87% of MRs were not revised; 14,000 decisions were not revised compared with 2,200 decisions revised.

See accompanying <u>tables</u> for further detail.

Fit for Work disputes are the main cause of ESA-WCA Mandatory Reconsideration decisions in October 2017



The vast majority of MRs raised during the ESA-WCA process in October 2017 were due to FFW decisions. These types of MRs are less likely to be revised than the other categories.

In October 2017, 11,000 MR decisions (66%) were made on disputes about Fit for Work assessment outcomes. Only 7% of FFW disputes resulted in a revision in October.

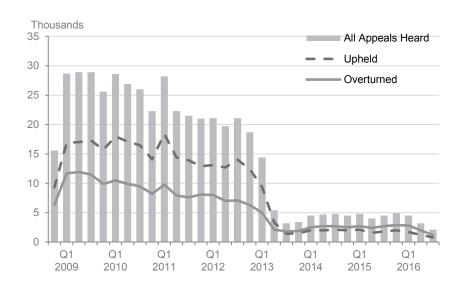
In October 2017, 17% of MR decisions were made on disputes where the claimant had not followed the claim procedures correctly. These reasons include failing to return the initial questionnaire, failing to provide medical evidence or not attending their assessment. 21% of these disputes were revised this guarter.

The breakdown of revised/not revised decisions per MR category for October 2017 is shown in the chart.

Appeals clearances and outcomes

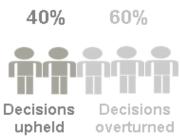
Following an MR decision, the claimant can dispute the decision further by appealing to Her Majesty's Courts & Tribunal Service where an official appeal hearing will take place to consider the decision evidence. At appeal, the decision under dispute will either be upheld or overturned.

The number of appeals heard on initial FFW decisions has fallen



Note: appeals outcomes are shown by claim start date.

Two in five initial FFW decisions were upheld at appeal this quarter



Main Findings

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 over the last 3 reporting years after a steep drop of 9,000 in the quarter to June 2013.

The chart shows that in the latest quarter, to September 2016, the number of appeals heard on FFW decisions for initial assessments has remained low, with a decrease from 3,200 to 2,100. Please note that as these figures are grouped by claim start date, numbers could increase as more appeals are completed for claims started between July and September 2016.

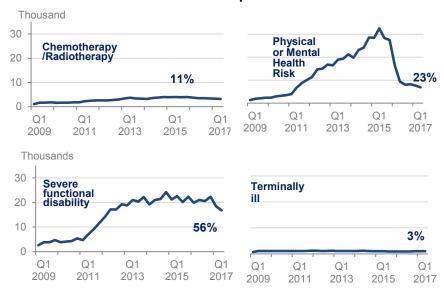
The low numbers of appeals over recent quarters may be partly due to the introduction of the MR process, although there could be other factors which have also contributed. The purpose of MRs is to give the customer an opportunity to present evidence against a decision for review without the need for 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 increased slightly, from 38% to 40%. This proportion must be taken in context alongside the lower numbers of appeals heard so far in the latest quarter.

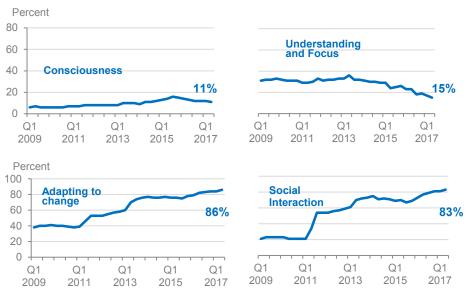
See accompanying **tables** for further details.

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



Main Findings

Most claimants assigned to the SG, who started their ESA claim in the quarter to March 2017, were placed there due to health conditions linked to 'physical or mental health risk' or 'severe functional disability'. These two leading categories make up 79% of all SG allocations this quarter.

There has been a significant 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 continue to fall this quarter to 6,900.

'Chemotherapy/radiotherapy' and 'terminally ill' numbers have fluctuated very slightly but have remained relatively low, accounting for 11% and 3% of all SG assignment reasons respectively for claims started this guarter.

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.

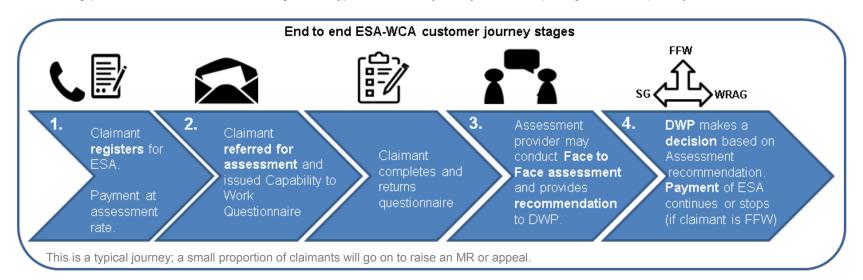
'Adapting to change' and 'social interaction' remain the most common reasons for WRAG allocations (with 15 points or more) this quarter, with 86% of claimants having an 'adapting to change' condition and 83% present in the 'social interaction' group. **Note** that claimants can have multiple functional impairments therefore appear in more than one category.

'Understanding and focus' affects 15% of WRAG claimants (with 15 points or more) 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 <u>tables</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 | Apr-17 | May-17 | Jun-17 |
|----------------|--------------|--|--------|--------|--------|
| 1 | 2 | Claim Registration to Referral | 1 | 1 | 1 |
| 2 | 3 | Assessment Provider (Referral to recommendation) | 16 | 16 | 16 |
| 3 | 4 | WCA recommendation to DWP decision | 2 | 1 | - |
| 1 | 4 | End-to-end ESA claim (Claimant registration to final decision) | 21 | 21 | 20 |

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

Main Findings

For initial WCAs completed in June 2017, the median end-to-end clearance time stood at 20 weeks, dropping slightly over the month.

Within this, the median time spent with the Assessment Provider was 16 weeks in June 2017. This stage will usually involve an assessment and includes the waiting time for the customer to complete and return the questionnaire.

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.

The accompanying tables show additional monthly breakdowns.

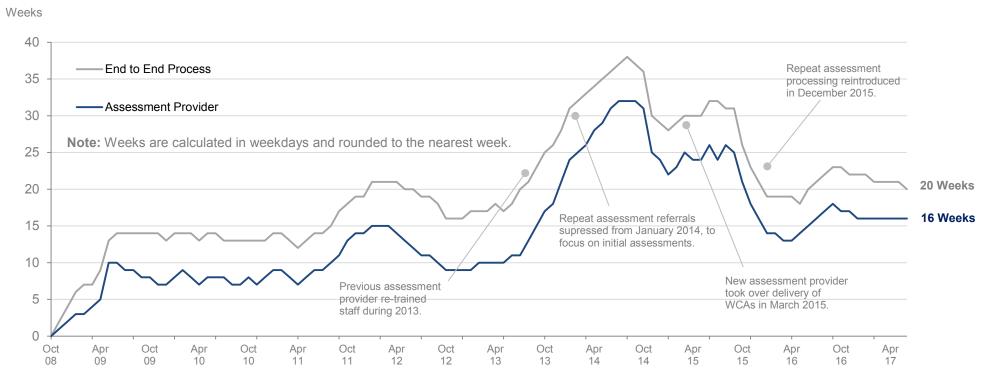
^{2.} Mandatory Reconsideration clearance times will be included in the end-to-end clearance time if they have been completed by the statistics extract date.

^{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 June 2017



Main Findings

The chart shows end-to-end median clearance times from claim registration to final DWP award decision for initial claims from October 2008 to June 2017. 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 June 2017, the median end-to-end clearance time was 20 weeks. The median clearance time for the assessment provider (referral to recommendation) took 16 weeks.

The median end-to-end clearance time has reduced by nearly half in the latest month, June 2017, (20 weeks) since reaching a peak of 38 weeks in August 2014. The chart shows the assessment provider clearance times median follow a similar pattern, reaching their peak in July 2014 at 32 weeks and then falling to stand at 16 weeks in June 2017.

See accompanying <u>tables</u> for additional breakdowns.

About these statistics

This product has recently 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.
- These figures are derived for cases where a final award decision has been recorded.
- MR and appeal decision dates are included in the final DWP decision date where available.

See **methodology note** for more detailed information on these statistics.