

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





Quarterly

ESA-WCA outcomes to September 2018 (MRs to January 2019)

Published: 14th March 2019

Great Britain

National Statistics

Employment and Support Allowance (ESA) replaced incapacity benefits (IB) 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).

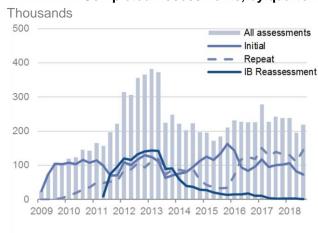
Main stories

- Completed initial assessments decreased in the quarter to September 2018 from 83,000 to 73,000. Completed repeat assessments have increased from 110,000 to 140,000.
- Outcomes for initial claims completed in the quarter to September 2018 were 47% SG, 21% WRAG and 32% FFW.
- ESA-WCA MRs registered in January 2019 decreased to 9,700 from 11,000 in October 2018, after peaking at 22,000 in March 2017. 77% of cleared MRs were not revised in January 2019. MR median clearance times increased from 13 days in October 2018 to 15 days in November and December but decreased to 12 days in January 2019.
- For initial WCAs completed, the median end-to-end clearance time fell from 15 weeks in June 2018 to 14 weeks in July and August increasing to 15 weeks in September 2018.

Work Capability Assessment

Completed initial volumes have decreased since last quarter

All Completed Assessments, by quarter



Mandatory Reconsiderations

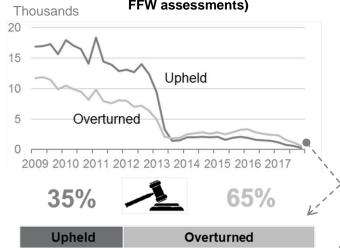
MR registrations generally followed a downward trend since peaking in March 2017

Thousands 25 20 15 Oct Apr Note Apr Oct Apr Oct Apr Note Apr Oct Apr Oct Apr Note Apr Oct Apr Oct

Appeals

Appeals completed on initial FFW outcomes have decreased, 35% of decisions were upheld

Appeals completed to December 2017 (for initial FFW assessments)



At a glance Page 3 WCA Process Flow Sankey Diagram WCA clearances and outcomes MR registrations, clearances and outcomes 7 Appeals clearances and outcomes 9 Health Conditions and ESA group allocation 10 Customer journey clearance times 12 About these statistics 14

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Comments? We welcome feedback

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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 June 2018, assessments completed up to end of September 2018, including clearance times and completed appeal outcomes for initial FFW decisions for claims started up to December 2017. Throughout the release, figures are presented by assessment date, unless otherwise stated.

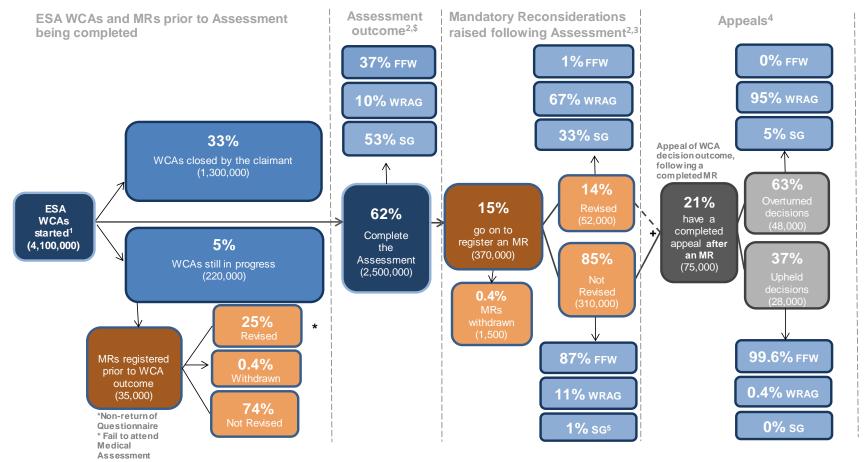
ESA Work Capability Assessment, Mandatory Reconsiderations and Appeals process

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 Cred

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



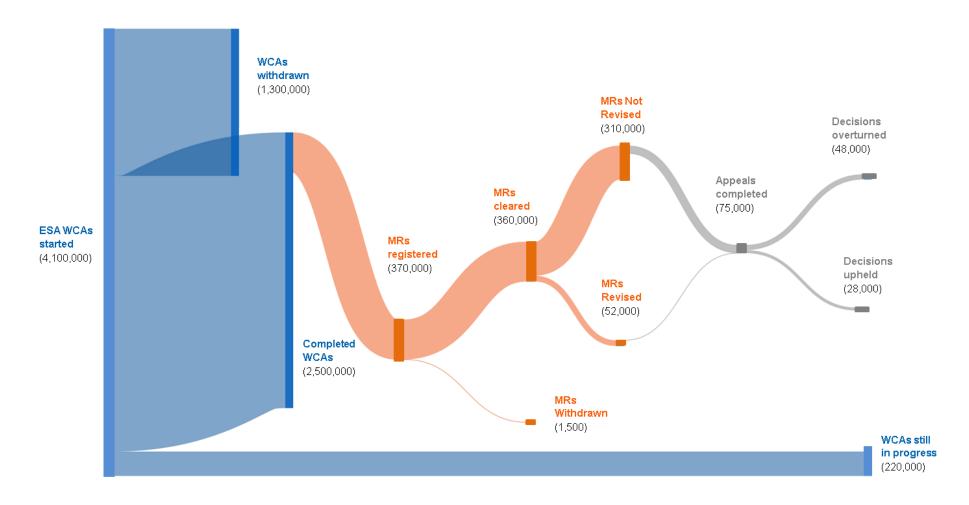
- 1) All ESA initial and repeat WCAs between October 2013 and June 2018* (the latest period that allows sufficient time for final outcomes to have been recorded). FFW=Fit for Work, WRAG=Work Related Activity Group, SG=Support Group.
- 2) Statistics show the outcome based on healthcare provider recommendation 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.

Numbers and outcomes of MRs and appeals from the 'experimental' data will not match exactly with numbers in other sections. This is due to data matching methodology used to create the experimental data' 3

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

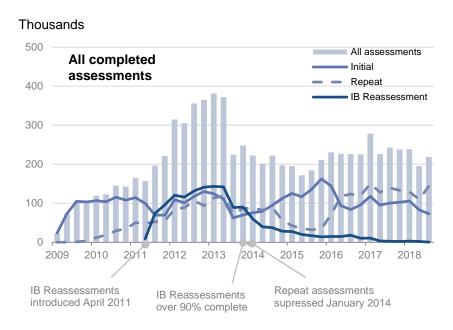
The following diagram gives a visual representation of proportions at each stage of the ESA Work Capability Assessment (WCA) process. The relative thickness of each segment represents the volume of cases flowing through each stage. For initial and repeat ESA WCAs which started between October 2013 and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

- > 62% have had a completed assessment. WCAs relating to the remaining claims are either still in progress or have been closed by the claimant.
- > 370,000 MRs have been registered in relation to the 2,500,000 completed WCAs.
- More than 99% of these MRs have been cleared, with the decision maker's original decision revised 14% of the time.
- > 21% of assessments with a completed MR also complete an appeal. Of this group (75,000 cases), the latest case decision was upheld 37% of the time.

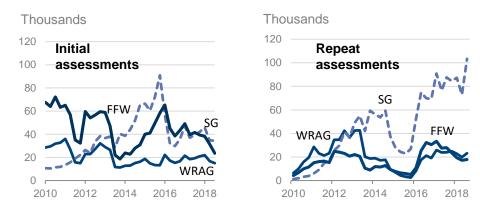


ESA initial and repeat assessment outcomes, IB reassessments

66% of all assessments cleared in the latest quarter were for ESA repeat assessments



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



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

Main Findings

In the latest quarter to September 2018 the majority (66%) of cleared 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 140,000 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, there has been a generally increasing trend of numbers assigned to the support group, with lower numbers assigned to WRAG or found FFW. This is to be expected as these assessments are being carried out on claimants who have previously been assessed as having limited capability for work.

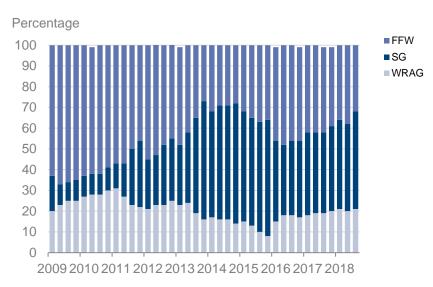
Initial assessment volumes for all outcomes have fallen slightly this quarter.

See accompanying <u>tables</u> 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

68% of initial assessments were assigned to either the WRAG or SG in the latest quarter to September 2018



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

Main Findings

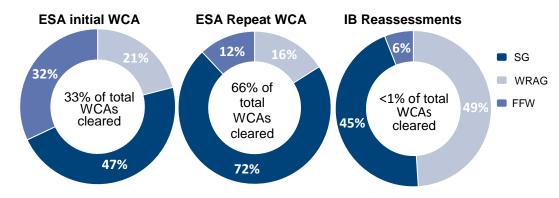
For the 73,000 ESA initial assessments cleared in the latest quarter to September 2018:



Outcomes of initial assessments entitled to ESA (assigned to SG or WRAG) decreased by 2,100 in the latest quarter to September 2018 to stand at 50,000.

Historically, there have been substantial changes in the volumes of initial assessment assigned to each outcome. In recent quarters, the proportion of initial outcomes resulting in an award has increased slightly, as shown in the chart, with an increase of 5 percentage points for SG, 1 percentage point for WRAG and a decrease of 6 percentage points for FFW outcomes from the previous quarter to the latest quarter. See accompanying tables and Stat-Xplore for further breakdowns.

ESA assessments and IB reassessments: Outcomes for the latest quarter show sizable differences across assessment types



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

For assessments cleared in the latest quarter to September 2018, 33% were initial ESA claims, 66% were ESA repeat assessments and less than 1% were IB reassessments.

In the latest quarter, to September 2018, most WCA clearances (66%) were ESA 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 focusing on initial assessments.

ESA repeat assessments have a Support Group outcome at 72% in contrast to 47% for ESA initial assessments. The proportion of IB reassessment outcomes assigned to the Support Group has fallen from 80% last quarter to 45% 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 32%. 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 has generally followed a downward trend since peaking in March 2017

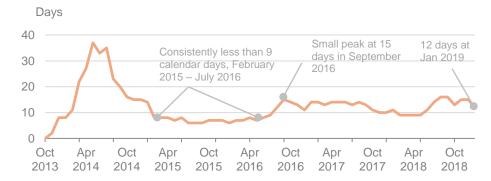


Main Findings

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 fluctuated but gradually fallen to 9,700 in January 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 stayed stable



In January 2019, the median monthly clearance time was 12 calendar days.

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.

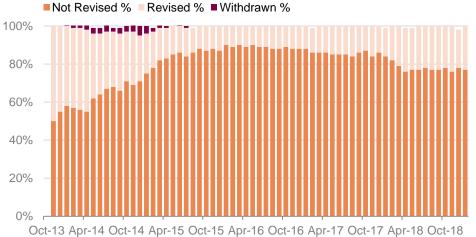
See <u>methodology</u> note for how median clearance times have been derived.

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

See accompanying tables for full data.

ESA-WCA Mandatory Reconsiderations outcomes

77% of assessment outcomes were not revised at Mandatory Reconsideration in the latest month, January 2019 Not Revised % Revised % Withdrawn % Main Findings



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

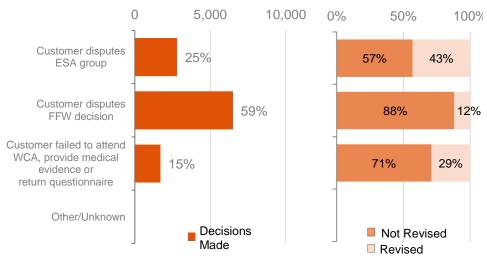
During the MR process, the DWP Decision Maker will review the evidence for the decision under dispute to either revise or not revise the decision.

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, January 2019, 23% of decisions were revised at the MR stage.

In January 2018, the proportion of MR decisions not revised was 85%, in comparison to 77% in January 2019. Overall numbers of MR decisions made have fallen from January 2018 by 39% to stand at 11,000 in January 2019.

See accompanying tables for further detail.

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



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

In January 2019, 6,500 MR decisions (59%) were made on disputes about Fit for Work assessment outcomes. Only 12% of FFW disputes resulted in a revision in January.

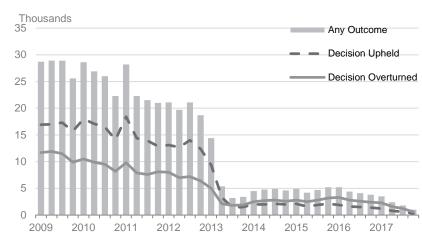
In January 2019, 15% of MR decisions were made on disputes where the claimant had not followed the claim procedures correctly. These reasons include failing to return the initial questionnaire, failing to provide medical evidence or not attending their assessment. 29% of these disputes were revised in the latest month.

The breakdown of revised/not revised decisions per MR category for January 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.

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 December 2017, the number of appeals heard on FFW decisions for initial assessments has remained low, but with a decrease from 1,800 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.

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



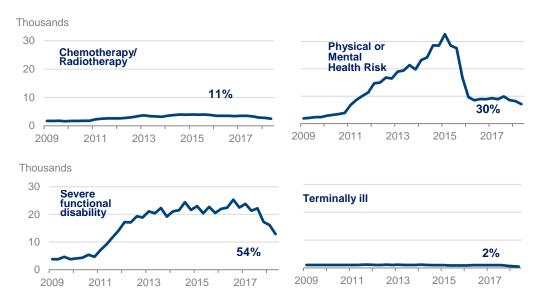
Main Findings

This quarter, the proportion of decisions under dispute that were upheld at appeal has remained stable at 35%, after remaining between 32% and 37% in the previous 7 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 quarter to December 2017.

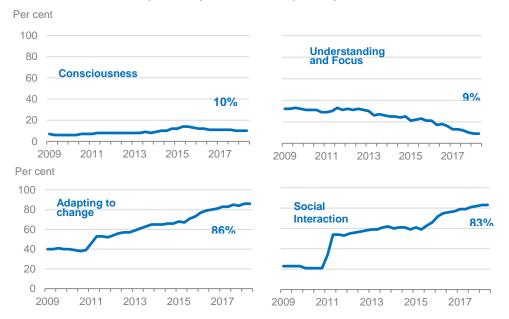
See accompanying tables and Stat-Xplore for further details.

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



Main Findings

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 slightly this quarter to 7,100.

Most claimants assigned to the SG, who started their initial ESA assessment in the quarter to June 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 84% 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.

From 29th September a new criteria was introduced for assignment to the support group. Information on this can be found on page 11.

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.

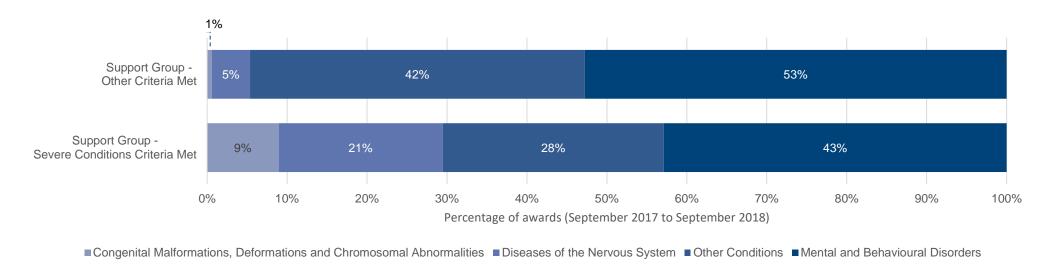
9% of WRAG claimants (with 15 points or more) scored points for 'Understanding and focus' this quarter. Other reasons for being assigned to the WRAG (with 15 points or more) which aren't shown (Upper Limb, Sensory, Continence, and Lower Limb) are less common.

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

Special rules for claimants with severe functional limitations

From 29th September 2017 the WCA criteria changed for some ESA claimants. Claimants in the Support Group no longer need to go for reassessment if they meet the severe condition criteria. Information on whether the severe condition criteria was met for assignment to the support group was published for the first time in the December 2018 release. From this release information is now available via Stat-Xplore and it is possible to produce breakdowns by high level medical conditions and geography.

Between September 2017 and September 2018, 21% of claimants meeting the severe conditions criteria have diseases of the nervous system, compared to just 5% of other claimants awarded Support Group



Note: Percentages may not sum to 100 due to rounding

Main Findings

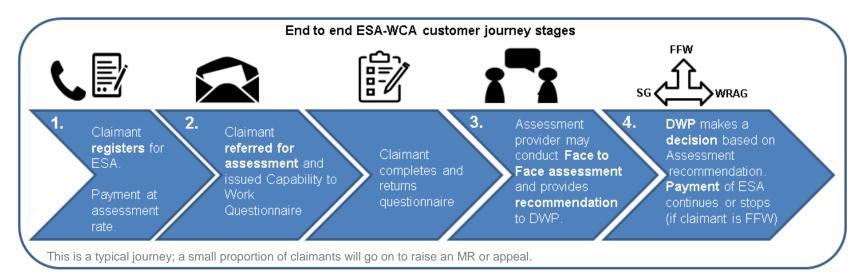
The chart shows that claimants with a disease of the nervous system reported as their primary health condition are the second largest group (21%) among those assessed as meeting the severe conditions criteria (The category 'Other Conditions' is comprised of a large number of conditions which only a small proportion of claimants have recorded as their primary condition. More information can be found on Stat-Xplore). This proportion is more than four times higher than the equivalent proportion for claimants placed in the support group when meeting other criteria (5%).

The largest proportion (43%) of claimants who meet the severe conditions criteria have a mental and behavioural disorder as their primary recorded health condition. This proportion is lower than the proportion of claimants who are assigned to the support group when meeting other criteria that have a mental and behavioural disorder as their primary recorded health condition (53%).

Breakdowns available from Stat-Xplore show that 17% of all claimants reporting diseases of the nervous system as their primary health condition were assessed as meeting the severe conditions criteria in the period September 2017 to September 2018, while the remainder had other WCA outcomes. The proportion of claimants meeting the severe conditions criteria with a primary health condition reported as Congenital Malformations, Deformations and Chromosomal Abnormalities is 9% in comparison to 1% of claimants assigned to the support group when meeting other criteria.

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	Jul-18	Aug-18	Sep-18
1	2	Claim Registration to WCA Referral	1	1	1
2	3	WCA Referral to Assessment Provider (AP) Recommendation	10	10	10
3	4	AP recommendation to DWP decision	-	-	-
1	4	End-to-end ESA claim (Claimant registration to final decision)	14	14	15

- 1. Individual stage medians may not summed 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.

Main Findings

For initial WCAs completed in September 2018, the median end-to-end clearance time increased to 15 weeks from 14 weeks in the previous month.

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

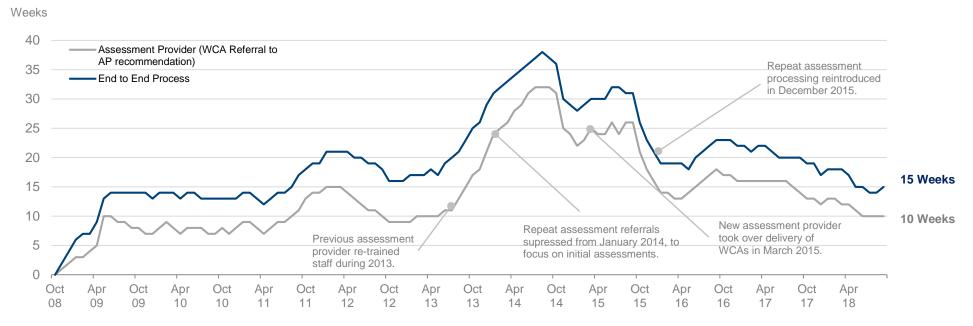
Note: The end-to-end clearance times recorded refer to time taken from claim registration to date of DWP decision. This decision will include MRs where there is a completed decision.

See accompanying tables for further breakdowns by region.

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 September 2018



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

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 September 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 September 2018, the median end-to-end clearance time was 15 weeks. The median clearance time for the assessment provider (referral to recommendation) took 10 weeks.

The median end-to-end clearance time has reduced by more than half in the latest month, September 2018, (15 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 10 weeks in September 2018.

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.

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.