



Department
for Work &
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Dr. Stephen Brien
Social Security Advisory Committee
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Work Capability Assessment – Descriptor Changes

Dear Stephen,

As you will no doubt be aware, the judgment in the judicial review into the lawfulness of the consultation on the WCA descriptors changes was handed down on the 16 January 2025. The judgment found the consultation to be unlawful. The judgment specifically found against the department on the following grounds:

- The consultation did not adequately explain the proposals in the consultation document (i.e. that people would lose approx. £400 per month and that work related activity would be compulsory);
- It did not explain one of the drivers of the proposals was to deliver fiscal savings (rather than the policy rationale simply being to manage down inactivity); and
- We did not give people enough time to respond, particularly given the audience for these proposals were likely to be vulnerable.

Given the judgment, the draft regulations which would have delivered the WCA descriptor changes will be withdrawn by the Department. Therefore, following your discussion with Bill Thorpe (Director, Disability and Health Support – DWP), we consider this to be the conclusion of SSAC's scrutiny of the draft regulations.

We are committed to reconsulting on the WCA descriptor changes, and plan to do so alongside the Green Paper on wider health and disability reforms which we expect to be published in the Spring. We will work closely with disabled people and organisations as we bring forward those proposals to reform the health and disability benefits system. Following the conclusion of the consultation, we will return to SSAC if any measures are subsequently taken forward which require secondary legislation.

I would like to take this opportunity to thank the Committee, and you as Chair, for the considerable work undertaken as part of its scrutiny function of these draft

regulations. I will keep you apprised as we develop our proposals for wider health and disability reforms for publication in the spring.

With best wishes,

A handwritten signature in black ink, appearing to read 'L. Peri', is centered within a light gray rectangular box.

LORENZO PERI

**DEPUTY DIRECTOR, EMPLOYMENT-RELATED HEALTH BENEFITS,
DEPARTMENT FOR WORK AND PENSIONS**