



Department
for Work &
Pensions

Minister for Disabled People,
Health and Work
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Caxton House
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www.dwp.gov.uk

24th August 2022

Dear Sir Stephen,

Thank you for the opportunity to discuss with the Work and Pensions Committee DWP's approach to assessments. I remain committed to listening to users of health and disability services and making improvements to the service we deliver. Our plans for the future of health and disability services will be set out in a White Paper in the Autumn.

During the session I offered to provide the Committee with additional information on areas of interest.

Waiting times by geographical location

The Committee expressed an interest in the impact on waiting times following the department's response to the Covid-19 pandemic which included suspending all face-to-face assessments and introducing telephone-based assessments and a small number of video assessments, alongside paper-based assessments.

For Personal Independence Payment (PIP), as I explained to the Committee, the opportunity to undertake assessments via telephone has enabled a more responsive and effective use of assessor resource by reducing geographical restrictions, and therefore positively impacting on waiting times. For WCAs there is still some geographic variation because the facility for digital distribution and storage is currently under development.

Clearance times for Personal Independence Payment (PIP) new, normal rules claims, April 2022 (weeks)

	Other waiting times	Referral to Assessment Provider (AP) to return from AP	End-to-end clearance time
East Midlands	8	11	19
East of England	8	12	20
London	9	13	22

North East	8	12	20
North West	7	13	20
Scotland	8	13	21
South East	7	13	20
South West	7	13	20
Wales	8	10	18
West Midlands	8	10	18
Yorkshire and The Humber	8	13	21
GB	8	12	20

Source: PIP data tables accompanying the stats release on 14 June 2022:

www.gov.uk/government/personal-independence-payment-statistics-to-april-2022

Note: We do not provide data below regional level

Waiting times for Employment and Support Allowance (ESA)

Measures		Median of Claim Registration to WCA referral (weeks)	Median of WCA referral to Assessment Provider (AP) recommendation (weeks)	Median of AP recommendation to DWP decision (weeks)	Median of End-to-end Process (weeks)
Completed Assessment Date	National - Regional - LAs				
	North East	5	12.2	3.6	24.6
Dec-21	North West	5.4	17.2	3.4	29.6
	Yorkshire and The Humber	7	21.6	3.2	37.2
	East Midlands	7.2	16.6	3.2	32.2
	West Midlands	6.6	22.6	3	36.8
	East of England	5.8	13.6	3.4	25.2
	London	7.2	9.6	3.2	22.4
	South East	6	11	3.4	25.6
	South West	6	12.6	3.4	24.8
	Scotland	5	12	3.6	25.2
	Wales	5	18.4	3	32
	Total	6	14.2	3.4	28.2

Source: Stat-Xplore at [Stat-Xplore - Log in \(dwp.gov.uk\)](https://www.dwp.gov.uk/stat-xplore)

Note: The Work Capability Assessment (WCA) is not due until 13 weeks into the claim and the referral happens prior to that.

Stakeholders we work with

Committee members requested further details about the stakeholders DWP engaged with.

During the Health & Disability Green Paper consultation we organised a series of events with charities and organisations who arranged for their users and staff to attend and share their views on the Green Paper. These were:

- Adult Cerebral Palsy Hub
- Ambitious About Autism
- British Legion
- Downs Syndrome Association
- Disability Rights UK Disabled Apprentice Network
- Expert Link
- Headway
- Macmillan
- Marie Curie
- Mind
- Multiple Sclerosis Society
- National Network of Parent Carer Forums
- Royal National Institute of Blind People
- Scope
- Sense
- Youth Employment Group

In addition, officials are working with the following stakeholders on the Health Transformation Programme – there is some crossover with the above list:

- British Limbless Ex-Service Men's Association
- Child Poverty Action Group
- Citizen's Advice
- Disability Rights UK
- Equal Lives
- Leonard Cheshire
- Macmillan
- Mencap
- Mind
- Money and Mental Health
- Money and Pension Service
- Motor Neurone Disease Association
- MS Society
- National Association of Welfare Rights Advisers
- National Deaf Children's Society
- Parkinson's UK
- Rethink
- RNIB
- RNID
- Scope
- Stroke Association

Working with the Scottish Government

The Committee expressed its interest in how DWP was working with the Scottish Government. As I explained, we have a close and collaborative working relationship with the Scottish Government to ensure the safe and secure transition to new Scottish Government benefits which will replace 10 DWP ones. Many of these benefits are already devolved but are being delivered temporarily by DWP on behalf of the Scottish Ministers under Agency Agreements while the Scottish Government develops its capacity to introduce the replacement benefits.

The Department works closely with the Scottish Government to bring about the safe and secure transition to a new devolved social security system. There are dedicated Scottish Devolution Programmes in both organisations and Ministerial oversight is provided by the Joint Ministerial Working Group on Welfare. This is supplemented as necessary by ad hoc Ministerial discussions.

At senior official level, each Government has observer status on the other's monthly Devolution Programme Board. At working level, both Governments have teams dedicated to the transition to the new system and contact at official level is constant.

The Department of course looks at how the Devolved Administrations deliver services akin to its own to see if there are any lessons to be learned and is willing to share its own experience in return.

Assessment of people with visual impairments

Committee members asked for further information about the use of visual tests during assessment of customers with visual impairments. We do take into account evidence of visual impairment, for example the Certificate of Vision Impairment, when considering whether the tests, described below, are required.

Health professionals conducting the WCA may apply the following tests to claimants who are sight impaired (partially sighted).

Activity 7 (understanding communication) of the WCA requires health professionals to assess the ability of claimants to read 16-point print. HCPs use near vision testing charts for this purpose in face-to-face assessments. Snellen charts are used to assess distance vision in the WCA for Activity 8 (navigation and maintaining safety) which provides useful information to support the health professional's choice of descriptor for this activity.

In PIP, health professionals may assess vision using near vision or Snellen charts to support their advice where relevant e.g., for activity 8 (reading and understanding signs, symbols and words).

Allegations of 'covert surveillance'

Dr Ben Spencer MP mentioned his concerns about 'covert surveillance' and lack of accessibility in assessment centres as alleged by some of his constituents. I want to stress strongly that the department has no policy permitting providers to engage in

the 'covert surveillance' practices he described, and we aim to make assessment centres fully accessible for disabled people.

In addition, Independent Assessment Services (IAS), Capita and Centre for Health and Disability Assessments (CHDA), are committed to delivering a fair and respectful service in line with the Department's guidance. However, if Dr Spencer could provide more details of the assessment centres where the alleged activity occurred, I will instruct my officials to investigate this matter.

Our guidance does allow for informal observations as part of the suite of evidence considered by health professionals. This is set out in the PIP Assessment Guide Part 1, paragraphs 1.6.32-36 and in the Work Capability Assessment Handbook, paragraph 3.1.11 - Behaviour observed during the assessment, both available on gov.uk.

Potential Health Risk Criteria and application to PIP

Committee members asked the Department for its views on the proposal by Disability Rights UK (DRUK) that we introduce substantial risk criteria to PIP as exists in WCA. Both WCA and PIP Assessments already consider the risk relating to safety of the claimant or another person.

The WCA determines eligibility for ESA and the additional health-related amount of Universal Credit (UC). It assesses individuals against a set of functional descriptors to determine how their health condition or disability affects their ability to work. The Substantial Risk criteria allow for a claimant who does not satisfy Limited Capability for Work (LCW) or Limited Capability for Work and Work-Related Activity (LCWRA) by having enough points, to be treated as having LCW or LCWRA if they are found to be suffering from a specific illness, disease or disablement which presents substantial risk to the physical or mental health of the claimant, or any other person, were the claimant found not to have limited capability for work and work-related activity.

Personal Independence Payment (PIP) is a benefit for people with a long-term health condition or impairment which is expected to last at least 12 months. Entitlement to PIP is assessed on the basis of the needs arising from a health condition or disability, rather than the health condition or disability itself. Claimants are assessed against activities relating to their daily living or mobility. Central to the application of all the activities within the PIP assessment is a consideration of whether the claimant is able to reliably complete the activity as described in the descriptor. This includes considering whether then claimant can complete the activity as described safely – in a manner unlikely to cause harm to themselves or to another person, either during or after completion of the activity. Therefore, whilst PIP doesn't have a specific risk criteria, it does consider risks and whether an activity can be completed reliably, which includes whether it can be completed safely.

Lapsing process

The Committee was interested in the Department's approach on appeal lapsing and I offered to provide further detailed information.

Where new evidence or information becomes available after an appeal has been lodged, but before it is heard at a tribunal, DWP is able to revise a decision and increase the award where appropriate - this is known as 'appeal lapsing'. Appeal lapsing helps us ensure claimants get the right decision as early as possible, without the need to proceed to a tribunal hearing.

In circumstances where the decision can be revised but not to the level the claimant is seeking on appeal, we contact claimants to give them the option to continue with their appeal or to have the decision revised. In such cases the appeal will not lapse without the agreement of the claimant. Claimants are also informed that should they choose to accept the revised decision and have their appeal lapsed, they can still appeal the new decision.


Following feedback from stakeholders, we have made improvements to the process to help ensure claimants do not feel pressured to have their decision revised in circumstances where we are able to revise the decision but not to the level the claimant was seeking on appeal. For example, Decision Makers have been issued with a Best Practice Memorandum reminding them that they must contact formal representatives in the first instance and that they must inform claimants of their appeal rights at the start of the phone call. Further, to avoid placing the claimant under undue time pressure close to the hearing date, Presenting Officers are no longer contacting claimants where they can revise the decision but not to the level that the claimant is seeking at appeal. In these cases the Presenting Officer instead allows the appeal to continue and informs the First-tier Tribunal of the Department's revised decision.

Decision letters have also been revised to make clearer the further appeal rights against revised decisions. Where a decision is revised before a tribunal hearing, claimants are notified of the revised decision, as well as further appeal rights against that decision, in writing. A notification is also sent to HMCTS to inform them that the appeal has lapsed. It should not be the case that claimants become aware of a lapsed appeal on the day of the hearing, save in circumstances where DWP was able to revise the decision to the level the claimant was seeking on appeal but has been unable to reach the individual to inform them of this. Officials would be happy to take away any examples and investigate instances where the Committee has concerns that due process has not been complied with.

I also wanted to clarify to the Committee that the tribunal overturn rate statistics quoted in the hearing session reflect appeals that were heard; they do not include appeals lodged which were lapsed before they reach a hearing.

I hope my letter clarifies any outstanding issues and look forward to receiving your report with great interest.

Yours ever,

A handwritten signature in black ink, appearing to read 'Chloe Smith', with a horizontal line drawn underneath it.

Chloe Smith MP
Minister of State for Disabled People, Health & Work