



Department
for Work &
Pensions

Minister for Disabled People,
Health and Work
4th Floor
Caxton House
Tothill Street
LONDON
SW1H 9DA

www.dwp.gov.uk

24 March 2021

Dear Stephen,

I am writing in response to your letter of 3 March in which you provide examples of claimants who have waited more than a year for a Work Capability Assessment (WCA).

You may have noted that the quarterly statistical publication on Employment and Support Allowance (ESA) released on Thursday 11 March explained that the median end-to-end clearance time for claimants completing their initial WCA increased from 74 days in June 2020 to 107 days in September 2020. This directly reflects the impact of the Covid-19 pandemic.

Wherever possible we continue to assess claimants using paper evidence and we are undertaking some video assessments where appropriate. I do, however, understand there are some claimants who do not meet the suitability criteria for undertaking a WCA telephone assessment due to their health conditions. We are currently developing ways in which we can support these individuals. Guidance produced by the Department on those identified as inappropriate for a WCA telephone assessment has evolved since it was written. In addition, further case reviews, changes of circumstance or further medical information for example, may lead to a change in advice over whether a WCA telephone assessment is appropriate. As a result, some claimants initially identified as not appropriate for a WCA telephone assessment may have a WCA telephone assessment at a later date. Should you be able to provide more detail of the two individuals referred to in your letter, my officials will check, as a matter of urgency, whether they can be assessed over the phone or by video.

I should emphasise that any claimant who we are unable to assess by telephone or video because of their health condition will be prioritised when we are able to safely resume face-to-face assessments and, should they be entitled to a higher rate of award, it will be fully backdated.

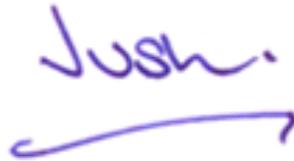
As you are aware, PIP and ESA have different purposes. The assessment criteria for PIP are very different to those for the WCA, which assesses whether claimants to Employment and Support Allowance and Universal Credit have limited capability for work. Additionally, UC and ESA claimants are in receipt of the assessment rate while awaiting their WCA unlike PIP customers who do not receive any money until they have been assessed.

Since introducing WCA telephone assessments at scale in June 2020, the Department and its supplier, the Centre for Health and Disability Assessments (CHDA) have increased capacity and capability for delivering WCA telephony assessments and I am pleased to inform you that since the Permanent Secretary updated you on 3 February, we are now providing the full range of outcomes, including Fit for Work, across all WCA telephone assessments. I am sure you agree that, given the implications of a Fit for Work decision for a claimant, it was important to make sure these decisions could be made accurately before rolling them out at scale. As the

Department is now able to do this, we will offer a second WCA telephone assessment to claimants who have undertaken one previously which didn't result in an outcome.

Our approach has been the right thing to do by our customers and staff. I anticipate the availability of all outcomes in WCA telephone assessments will have a positive impact on average waiting times once all second WCA telephone assessments have been concluded and our MI has stabilised.

Kind Regards,

A handwritten signature in purple ink that reads "Justin" with a flourish underneath.

Justin Tomlinson MP
Minister for Disabled People, Health & Work



Work and Pensions Committee

House of Commons, London, SW1A 0AA
Tel 020 7219 8976 Email workpencom@parliament.uk

From the Chair

Justin Tomlinson MP
Minister for Disabled People

3 March 2021

Dear Justin,

When the Secretary of State gave evidence to the Committee on 3 February, I asked her about the impact of the suspension of face-to-face health assessments for benefits.

We have heard from the charity Z2K about people who have applied for Universal Credit and need to have a Work Capability Assessment. Under the Department's rules, they cannot have a telephone assessment—but face-to-face assessments have not been taking place since March 2020. That means that, in some cases, people have been waiting more than a year for their assessment, and potentially not receiving their full benefit entitlement in the meantime.

Z2K have shared with us two anonymised case studies of people who have found themselves in this situation.

Lilly

Lilly receives PIP and UC and is the sole carer for her teenage daughter. She applied for UC in January 2020 and completed a capability for work questionnaire (UC50) in March 2020, and again in February 2021 after her adviser had sent a pre-PAP prompting the Jobcentre to tell Lilly that she would need to submit a new UC50. Due to the coronavirus outbreak, no face-to-face Work Capability Assessments (WCA) were taking place. In May 2020, the department approved the use of telephone assessments for claimants claiming UC who met stringent criteria approved by the department (outlined in the CHDA COVID-19 Filework process document of 15 May 2020). Lilly didn't meet this criteria. Instead, she needs to wait for a face-to-face assessment when they resume. By contrast, Lilly applied for PIP in early March 2020, and was remotely assessed at the beginning of August 2020, and received a decision dated a week later. Lilly, as a disabled person who is a single parent, has faced many additional costs during the pandemic. Being stuck in limbo on the standard rate of UC, has meant she has struggled financially and found it difficult to budget for herself and her daughter.



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Paul

Paul has a mental health condition. He completed a capability for work questionnaire (UC50) at the beginning of 2020. The HCP deemed his level of disability was unclear from the available body of evidence and that a face-to-face assessment was needed. He was invited to a Work Capability Assessment (WCA) on 18 March 2020. However, due to the coronavirus outbreak, the appointment was cancelled. In May 2020, the department approved the use of telephone assessments for claimants claiming UC who met stringent criteria approved by the department (outlined in the CHDA COVID-19 Filework process document of 15 May 2020). Paul didn't meet this criteria. Instead, a telephone call took place on the 4 September 2020 between the HCP and the department, in which the HCP was unable to advise that the available evidence suggested that Paul was likely to have limited capability for work or work related activity (LCWRA). This meant the referral has remained open, and Paul needs to wait for a face to face assessment when they resume. Paul's refusal of a paper-based decision and a telephone assessment means he must wait indefinitely until face to face assessments resume, all the while being subject the benefit cap limiting the amount he receives for himself and his children.

As Lilly's case shows, it has proved possible for PIP assessments to be carried out during this period. The Permanent Secretary told us on 3 February that:

"We are talking to CHDA, who are the assessors of work capability assessments, to see what could be done. For various reasons, it is more difficult in the case of fit-for-work assessments compared with assessments for PIP, but we are looking at that."

We would be grateful if you could answer the following questions:

- 1. What assessment has the Department made of the number of people in these circumstances who are waiting for an assessment?**
 - a. What is the average time that people have been waiting?**
 - b. What is the longest wait?**

- 2. Why is it not possible to do assessments for these people on paper, by telephone or by video call?**
 - a. Why are fit-for-work assessments more difficult in these circumstances than assessments for PIP?**



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- 3. Why, nearly a year since face-to-face assessments were suspended, has no resolution to this problem been found?**
 - a. When do you expect to find a solution?**

- 4. Will people whose assessments have been delayed be entitled to backdated payments?**

Yours sincerely,

A handwritten signature in black ink that reads "Stephen Timms".

Rt Hon Stephen Timms MP

Chair, Work and Pensions Committee