



## Work and Pensions Committee

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Justin Tomlinson MP  
Minister for Disabled People, Health and Work  
Department for Work and Pensions

28 April 2021

Dear Justin

Thank you for your response to my letter about ESA claimants experiencing exceptionally long waits for assessments during the coronavirus pandemic. I would be grateful if you would provide some further detail on some of the points raised, and on some of the questions asked in my initial letter, dated 3 March.

You provided data from the most recent statistics on Work Capability Assessments (WCA). This shows that the median wait time for an assessment increased to 107 days in September 2020. Your letter explained that this “directly reflects the impact of the pandemic”. It does not, however, answer our specific questions—set out in my letter—about the numbers of people waiting for an assessment because they cannot be assessed remotely, what their average wait is, and what the longest waits are. You will be aware that I have tabled written questions on this topic.

Your letter said that the Department is aiming to assess claimants by telephone wherever possible, but that remote assessment is not appropriate for some claimants. As such, the Department is “developing ways in which we can support these individuals”. You also noted that the Department’s guidance on conducting assessments for people identified as inappropriate for a telephone assessment has “evolved” since it was written.

It has now been over a year since the first national lockdown was announced, and face-to-face assessments were suspended. I am concerned about the apparent slow progress, and lack of detail—not least for claimants themselves, who may be experiencing significant financial stress and uncertainty—on this important work.

- 1. Please could you outline the work that has taken place so far on developing this process, and what changes have been put in place as a result?**
  - a. When do you expect the new processes to be in place? For example, will they be in place by the time DWP resumes face-to-face WCA assessments in May?**
- 2. Is the revised guidance publicly available? If not, please could the Committee see a copy of it?**
  - a. How is the revised guidance being communicated to claimants, DWP staff and assessment providers, and how is the Department monitoring its effect?**

We asked why it was more difficult to conduct WCA assessments remotely than PIP assessments. Your letter explained that “PIP and ESA have different purposes”, and that “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”. It is not entirely clear from this response why different assessment criteria make conducting remote assessments more challenging.

**3. Could you please explain in some more detail the challenges of conducting WCAs remotely, as opposed to PIP assessments?**

You also told us that ESA applicants are eligible for an “assessment rate” of payment while they are waiting for their WCA, but PIP claimants are not. This implies that moving PIP to a largely remote system was a greater priority for the Department. The steps that the Department has taken to build capacity and continue processing PIP claims are, of course, very welcome.

The assessment rate for ESA is currently £74.35 per week for people aged 25 or over; the same rate as Jobseeker’s Allowance, which is paid to people who are available for and looking for work. These are very different circumstances to those experienced by people who will be applying for ESA. People applying for incapacity benefits under Universal Credit receive the standard allowance of £411 while they are awaiting their WCA.

The current delays in assessment for people who cannot be assessed remotely mean that they are spending much longer on the “assessment rate” than is usual.

**4. What assessment has the Department made of whether the assessment rate for ESA is adequate to cover the essential living costs of the people who are applying for it?**

You also told us that claimants who cannot be assessed via telephone or video consultations will be prioritised when face-to-face assessments resume. The Department currently expects this to happen in May.

**5. How many outstanding assessments does the Department expect to carry out from May, and how long do you expect it to take to clear the backlog?**

**a. What impact does the Department expect this to have on waits for WCA assessments as the country moves out of lockdown?**

**6. How much does the Department expect to pay out in backdated claims, and what do you expect the average award to be per claimant?**

On a related issue, Scope has drawn our attention to the fact that claimants can only receive New Style or contribution-based ESA for 365 days, unless they are placed in the Support Group. This time limit applies to those who are in the assessment phase—that is, they are waiting for a Work Capability Assessment or for the outcome of a WCA.

Scope has heard from claimants who are reaching that time limit without having had a WCA. They have identified several reasons for this: delays in the scheduling of WCAs; claimants being told that they need to wait for a face-to-face assessment in order for a decision to be made (even after your announcement that, from February 2021, all outcomes would be available in telephone assessments); and processes not being adapted for claimants who cannot access a standard telephone-based assessment.

In a written answer in January 2021, you indicated that you had “no plans to extend the time limit for people claiming contributory Employment and Support Allowance (ESA) who reach their 365-day limit and have not had a Work Capability Assessment (WCA).”

**7. What discussions have you had with Scope, and other organisations representing disabled people, about this issue?**

**8. Why does the Department have no plans to extend the 365 day limit, given the exceptional circumstances of the coronavirus pandemic and the significant delays to WCAs?**

We were grateful for your clarification that people will receive backdated payments if they are found to be eligible for them when they are assessed.

**9. Please can you explain to us what happens for people whose claim is closed after 365 days without them being offered an assessment?**

Scope has also heard from disabled people who have reached the 365 day limit and have been wrongly advised to claim Universal Credit, for which they were not eligible. They were not advised that they had the option to keep their ESA claim open by continuing to submit medical evidence.

**10. What steps are you taking to ensure that claimants are given accurate advice?  
a. What recourse is available to people who have been wrongly advised by DWP and been left worse off as a result?**

I appreciate your offer to look into the two individual cases identified in my initial letter. As you will have noted from my letter, these were brought to the Committee's attention by Z2K, a Westminster-based support organisation. The Committee staff would be happy to arrange an introduction, if needed. Similarly, if you would like to see details of the cases raised by Scope, I am sure that they would be happy to discuss them with you.

Yours sincerely,



**Rt Hon Stephen Timms MP**  
Chair, Work and Pensions Committee