



Work and Pensions Committee

House of Commons, London, SW1A 0AA
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Justin Tomlinson MP
Minister for Disabled People, Health and Work
Department for Work and Pensions

9 June 2021

Dear Justin,

Thank you for giving evidence to the Committee on 19 May.

You will recall that there were a number of issues in the session that we agreed to follow up in correspondence, to help inform our upcoming report on the *Disability employment gap*. I also have some additional follow-up questions related to your evidence.

I would be grateful if you would provide a response to each of the following questions.

Access to Work

During the oral evidence session, we asked about the budget for Access to Work and how this compares to how much was actually spent.

- 1. Please could you set out a) the total budget for Access to Work and b) the actual amount spent for each of the past five years?**

Work and Health Programme

We also asked you if you thought that commissioning employment support locally would provide better employment outcomes for disabled people than nationally commissioned programs. You told us that data from the devolved Work and Health Programmes in London and Manchester showed that the programmes had not yet produced better employment outcomes than the national programme.

- 2. Please could you share your data on the number of disabled people who have achieved job outcomes on the London and Manchester Work and Health Programmes compared to disabled people participating on the wider national Programme?**

Disability Confident

We asked what actions the Department takes to ensure that Disability Confident accredited employers are acting in line with the commitments they have made.¹ You said that, at the higher levels (two and three) “where the real prestige is, we will have to make sure people are following the actions we expect of them, as we have done on the voluntary framework reporting”.

You will be aware of BBC *Panorama*’s investigation on disability employment tribunals, broadcast in March 2020.² Since 2016, DWP has both been taken to court more times, and lost more disability discrimination employment tribunals than any other employer. Comparing DWP with five other employers with the largest numbers of discrimination cases also showed that DWP had more cases, and more losses, in proportion to its total number of employees. DWP is a level three Disability Confident employer.

3. What actions has the Department subsequently taken to ensure that it is not discriminating against disabled employees?
4. Are there any circumstances in which you would consider removing or downgrading accreditation levels in Disability Confident? If so, what are they?
5. Are employee perspectives taken into account when considering whether to award Disability Confident accreditation: for example, on whether disabled employees feel that they receive the support that they need?
 - a. If not, is this something the Department would consider?

Work Capability Assessments and ESA claims during the pandemic

The Committee wrote to you on 28 April about claimants who have experienced exceptionally long waits for a Work Capability Assessment during the pandemic. We are still waiting for a response to that letter. There seems to be some confusion over whether the Department knows how many claimants are in this position, which will affect the time and cost of clearing any backlog.

In response to a separate PQ on this topic on 29 April, the Department said:

We have interpreted your question to mean how many claimants have been identified as not suitable for a telephone Work Capability Assessment (WCA) in each month since the 16 March 2020; and how many of those claimants have now been assessed. The information requested is not available.³

You told the Committee, however:

Those for whom we are unable to do, as it stands today, a paper-based review, a telephone assessment or a video assessment will be the priority as we start to build

¹ Q234

² <https://www.bbc.com/news/business-51756783>

³ <https://questions-statements.parliament.uk/written-questions/detail/2021-04-27/188048>

capacity back up on the face-to-face assessment. We have identified what is a relatively small cohort of people and we will do that.⁴

- 6. Your answer suggests the Department has identified how many people are still awaiting a WCA because they were unable to have one via the channels available during the pandemic. If this is the case, please could you share that data with the Committee?**
 - a. If not, could you explain why, and what work the Department is doing to find this out?**

ESA claims: 365-day limit

Claimants can only receive New-Style or contributory Employment and Support Allowance (ESA) for up to 365 days, unless they are placed in the Support Group. This time limit applies to people who are waiting for a Work Capability Assessment (WCA) or the outcome of a WCA.

Scope has highlighted that some claimants have reached the end of the 365 day period without having undergone a WCA: this could be because of delays in scheduling a WCA, or because they had been told that they need to undergo a face-to-face assessment. Scope says that these problems disadvantage people who should be placed in the Support Group following the WCA:

As a result, claimants who should be in the Support Group are significantly financially penalised. Instead of receiving the Support Group rate of £114.10 a week, they remain in receipt of the assessment rate for the entirety of their claim, leaving them £54.90/£39.40 worse off each week (dependent on age).

In a written answer of January 2021, you said that the Department has “no plans” to extend the 365-day limit.⁵ In our letter of 28 April, and in the oral evidence session, we asked why this was the case.

- 7. Can you update us on how the Department is addressing this problem?**
 - a. In the light of the exceptional circumstances of the past year, will you consider lifting the 365-day limit on the length of claims, especially in cases where the claimant has been waiting for an assessment?**

PIP reviews during the pandemic

Having been briefly suspended, the Department resumed reviews of PIP awards in July 2020. In a recent response to a PQ from Chris Stephens MP, you said that new decisions made since then have not had their awards extended, and that the Department is aware that some people on fixed-term awards have stopped being paid before it has been able to make a decision on whether to renew them.⁶

⁴ [Q274](#)

⁵ PQ [138435](#)

⁶ PQ [180553](#)

8. Some PIP claimants have stopped being paid while waiting for a decision on the renewal of their claim. During the pandemic, many PIP claimants had their awards extended, but this has now stopped. What are you doing to rectify this?
- a. How many claimants have been affected by this problem?

I would be grateful if you would reply by **Monday 21 June**, so that we can progress with our Report.

Yours sincerely,

A handwritten signature in black ink, reading "Stephen Timms". The signature is written in a cursive style with a horizontal line above the name.

Rt Hon Stephen Timms MP
Chair, Work and Pensions Committee