



Department
for Work &
Pensions

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

www.dwp.gov.uk

Rt Hon Stephen Timms MP
Chair
Work and Pensions Select Committee
House of Commons
London
SW1A 0AA

30th June 2021

Dear Stephen,

Thank you for your letter dated 9th June requesting additional information following my evidence session on the Disability Employment Gap on 19th May. I hope the information provided was helpful for your inquiry. Please find your questions answered in turn below.

Access to Work

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?

The table below sets out Access to Work budget and expenditure for the last 5 years. Please note the figures for 20/21 will be published in Autumn 2021.

Access to Work grant expenditure forms part of the overall DEL budget allocated to DWP. At Departmental level, DEL must be managed in accordance with Government Accounting rules and HMT requirements. The Department is expected to live within its overall allocated budget to deliver the business of the Department.

As Access to Work expenditure is led by customer demand, it is not capped. To date, this demand has always been met within the totality of the DWP budget.

<i>Excluding TESSG from 19/20</i>	Budget £	Expenditure £	Variance
19/20	138.4	141.7	- 3.3
18/19	121.7	129.1	- 7.4
17/18	109.0	110.8	- 1.8
16/17	103.0	103.8	- 0.8
15/16	100.0	96.5	3.5

Work and Health 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?

Table 1 shows the number and proportion of disabled people who started on the programme between Nov 17- Sept 2019 who gained a job within 18 months. Simple comparisons of Job Outcome volumes and/or percentages need to be treated extremely cautiously. Claimant composition, labour market and differing Job Outcome definitions may all lead to different results and therefore should not be interpreted as a proxy for overall effectiveness.

The best way of establishing effectiveness is to examine impacts against the Randomised Control Group (a counterfactual group) – this has the potential to demonstrate that a contract with relatively lower levels of performance may well be more effective than one with a higher volume/percentage of outcomes as they are relatively more difficult to achieve in that area. Although we paused the trial design due to the Covid-19 pandemic, we will be tracking outcomes for the cohorts who were part of the trial to explore employment impacts from the WHP.

Further insight into what has been delivered regionally through the WHP will be available following the completion of its commissioned evaluation in 2022.

Table 1: WHP disabled participant starts and outcomes to February 2021

	Starts (Contract to date (Feb21))	Nov17-Sep19 Starts with a Job Outcome	Nov17-Sep19 Starts (% with a Job Outcome after 18mths)
National 1-6	77,000	10,000	22%
London LGPs (4x contracts)	25,000	2,000	17%
Greater Manchester Combined Authority	11,000	1,000	21%

Source: DWP Work and Health Programme Official Statistics

<https://www.gov.uk/government/collections/work-and-health-programme-statistics>

To note:

- Outcome rates are calculated as a proportion of starts from Nov 17-Sept 19 in order to allow 18 months to elapse for job outcomes to materialise (later cohorts will not have had sufficient time).
- Individuals can receive up to 21 months of support whilst in the WHP.
- Rounded to the nearest 500.

Disability Confident

3. What actions has the Department subsequently taken to ensure that it is not discriminating against disabled employees?

The Department has a Disability Action Plan endorsed by the Executive Team for the year 2021, which is reviewed quarterly, monitoring and evaluating progress, also reporting to the Disability, Mental health and Wellbeing Steering Group and Executive Team. This is part of a wider Diversity and Inclusion Strategy. This plan was formulated with experts (largely DWP behavioural scientists and analysts and in consultation with disabled colleagues and is subject to regular review. We also consult the Business Disability Forum regularly on all our action planning.

The plan commits to removing the engagement gap between disabled and non-disabled colleagues and ensuring a diverse talent pipeline from Higher Executive Officer to Grade 6 through the following priorities:

1. Attraction, recruitment, and career pathways; unlocking barriers to progression and development;
2. Developing disability-confident leadership at all levels;
3. Implementing our Department for Work and Pensions Mental Health at Work
4. Commitments;
5. Providing best in class workplace adjustments and accessibility practices; and
6. Enhancing insight and evidence to inform decision making.

These priorities also align with the broader Civil Service Diversity and Inclusion Standards for Disability and Mental Health.

DWP also received validation as a Disability Confident leader following an independent assessment carried out in December 2020 by the Business Disability Forum.

4. Are there any circumstances in which you would consider removing or downgrading accreditation levels in Disability Confident? If so, what are they?

There is a Disability Confident complaints process in place that sets out the steps that should be taken to address and resolve any concerns that an employer is failing to comply with Disability Confident criteria. More information is available here: [Disability Confident complaints process](#).

In the event that an employer has failed to take adequate steps to resolve an issue, and there is clear evidence the employer is not applying the policies and practices of the Disability Confident scheme, DWP has the right to suspend the Disability Confident status of the employer until they have taken necessary action, and ultimately remove or downgrade Disability Confident status. Disability Confident is a learning journey and to date the Department has not had to remove the status or downgrade any employer. We follow the complaints process if a situation arises before considering removing or downgrading employers from Disability Confident status.

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?

The Disability Confident scheme was developed in collaboration with disabled people, employers and organisations representing disabled people. The scheme aims to challenge perceptions of what it means to employ disabled people. It provides employers with the knowledge skills, and confidence they need to attract, recruit, retain and develop disabled people in the workplace. The scheme was designed as a journey, and all employers start at level 1 and progress through the scheme at their own pace.

From signing up to Disability Confident, employers are encouraged to involve their disabled employees as part of the learning journey. Employers are encouraged to ensure all staff are included as part of the team that undertake the self-assessment at Disability Confident (Level 2). Having staff involved provides a wealth of information and feedback to the employer. Below are just two examples of the areas where employers seek the perspective of their employees. At Disability Confident Leader status (Level 3), employers must additionally seek external validation; the validator will test the evidence and ask for examples of how staff have been involved.

1. Promoting a culture of being Disability Confident - building a culture in your business where your employees feel safe to share any disability or long-term health condition, feeling confident they will be supported, as necessary.
2. Supporting employees to manage their disabilities or health conditions:
 - Encouraging employees to be open and to discuss their access and support needs.
 - Making sure that employees know that, should they acquire a disability, or should an existing disability or health condition worsen, every effort will be made to enable them to continue in their current job or an alternative one.
 - Providing support for existing employees who become disabled or experience health problems, for example, through occupational health sessions, offering flexible working patterns, offering home working.
 - Providing workplace adjustments as necessary to support staff. This includes supporting applications to Access to Work for advice and financial support.

Further information is included in the Disability Confident Employer pack which can be downloaded at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830641/disability-confident-employer-level-2-pack.pdf

We would like more employers to progress through the scheme and raise their level of ambition at levels 2 and 3. We continue to review, adapt, and develop the requirements on levels 2 and 3 of Disability Confident.

Work Capability Assessments and ESA claims during the pandemic

- 6. It appears that 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?**

There are currently around 14,000 initial claimants who are being prioritised for face-to-face assessment appointments. Please note that this is an assessment based on provider-based Management Information and has not been quality assured to Official Statistics Publication Standards.

ESA claims: 365-day limit

- 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?**

As mentioned in my previous response, payment of contributory ESA stops after 365 days, unless the claimant has been placed in the Support Group as set out in the Welfare Reform Act 2012. This is in line with our commitment to support and protect the most vulnerable and disabled people in our society and is double the length of time that people can receive contribution based JSA.

During the pandemic and until recently we adopted a triaging approach, using paper evidence to prioritise claimants more likely to be placed in the Support Group for a telephone assessment. This helped to minimise processing times for the most vulnerable claimants more likely to get the higher benefit award as well as minimising the number of telephone assessments that did not result in an outcome. As Healthcare Professionals can now advise all recommendations following a telephone WCA, we are reverting to prioritising initial claims by date order. This means claimants whose ESA is time-limited and have been waiting for a decision are among those who will be prioritised.

PIP reviews during the pandemic

- 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?**

We always aim to make an award decision on Personal Independence Payment (PIP) claims as quickly as possible. Claimants given a fixed-term award without review are reminded to make an advance claim to PIP, if needed, before an existing award ends. Once an advance claim has been received, we aim to process prior to the end of the

current fixed award to ensure we avoid or minimise any disruption to the payment of PIP.

We are currently prioritising advance claims where a person's previous fixed term award has ended before a new decision has been made. Where it is possible to assess the new claim based on the written evidence we are doing so. Following their assessment, if a person is found to still be eligible for PIP their award is backdated to the point they claimed or when their previous award ended.

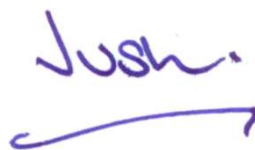
We are unable to provide information in relation to the number of people who have seen a break in payment awaiting a decision on a new claim as this information held on this is not of sufficient quality.

During the pandemic, we have made a number of changes to ensure that PIP claims have continued to be processed. Face to face PIP assessments were temporarily suspended in March 2020 to ensure we did not place people at unnecessary risk. During this time, assessments were progressed based on paper-based evidence alone, or that evidence together with a telephone assessment, to ensure decisions on PIP could be made without delay. We also introduced a trial of video assessments, participation in which will initially be limited and by invitation only.

Face to face assessments resumed from 17 May 2021, with paper-based, telephone and video assessments continuing to take place where appropriate. We are working closely with providers to reduce waiting times whilst maintaining a high level of customer satisfaction.

More generally, the PIP journey time with the assessment provider has improved significantly through the lifetime of the contract. In April 2021, the average clearance time for new claims from the assessment provider referral to the DWP decision was 13 weeks, down from 34 weeks in July 2014. Contractual remedies are in place if the provider fails to deliver against the agreed service standards, and service credits are being applied, where appropriate, to recover estimated financial loss to the department.

Kind Regards,



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

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, appearing to read "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