

EMPLOYMENT SUPPORT ALLOWANCE: WORK CAPABILITY ASSESSMENT STATISTICAL RELEASE (January 2010)

1. Introduction

- 1.1. Employment and Support Allowance (ESA) replaced Incapacity Benefit and Income Support paid on the grounds of incapacity for new claims from 27th October 2008. The introduction of ESA for new claimants in October 2008 was accompanied by a new assessment, the Work Capability Assessment (WCA). The WCA is based on medical advice delivered by the Department for Work and Pension's (DWP) medical services contractor, ATOS Healthcare.
- 1.2. This publication reports on latest available data on ESA claims in England, Scotland and Wales that are assessed by the WCA. This is an update to the first publication released in October 2009

2. Background on the Data

- 2.1. The data presented in this publication combines three main data sources:
 - benefit claims data held by the Department for Work and Pensions (DWP) covering new ESA claims that started between October 2008 to May 2009;
 - medical assessment data sourced from ATOS Healthcare covering assessments completed up to November 2009; and
 - appeals data sourced from Tribunals Service covering appeals heard up to November 2009 (and which link to ESA claims up to the end of December 2008).
- 2.2. This report presents monthly data on ESA claims and their subsequent WCA outcomes. ESA claimants begin the medical assessment process shortly after starting their claim. ATOS Healthcare undertake an assessment and the outcomes of these assessments are passed on to DWP to make a final decision on the claimant's ESA status¹. This will be one of the following:
 - Support group (for those with severe disabilities) – they receive a higher rate of benefit entitlement overall and exemption from mandatory involvement with pathways,
 - Work related activity group – They receive higher rate of benefit than those on JSA and are mandated to engage with pathways to work,
 - Fit for work – Individuals can ask for a reconsideration or appeal if they disagree with the decision.

If someone is found Fit for Work by DWP they are no longer entitled to claim ESA. However they may ask for a reconsideration and then may appeal against the DWP decision. A large proportion of people claiming ESA cease their claim before medical assessment is complete and this is reflected in the figures presented in this paper.

¹ Note that this publication reflects ATOS advice, not the JCP Decision, see paragraph 2.4

2.3. Around 3 per cent of assessments are made clerically. These figures are not included in this publication.

2.4. This data is based on recorded advice from ATOS, rather than the Decision Maker's final determination. The final outcomes of cases may change. This will be further compounded by reconsiderations following additional medical evidence and the outcomes of appeals.

3. Main Findings

WCA Destinations expressed as a proportion of ESA on-flows

Table 1: Monthly ESA on-flows by Claim Start and result of medical assessment²

	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Total
Support Group	600	2,500	2,300	2,700	2,400	2,700	2,500	2,500	18,100
Work related Activity Group	1,000	4,900	4,600	6,200	5,600	6,400	6,200	6,000	41,100
Fit for Work	3,400	16,600	14,400	19,900	18,700	21,900	20,100	19,600	134,600
Claim closed before assessment complete	3,600	18,000	16,300	20,400	18,600	20,100	17,800	17,800	132,700
Assessment still in progress	400	1,800	1,800	3,000	3,300	4,500	5,000	6,400	26,000
Total	9,000	43,800	39,500	52,200	48,600	55,600	51,600	52,200	352,500

Table 2: Monthly ESA on-flows by Claim Start and result of medical assessment - percentages

	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Overall
Support Group	7%	6%	6%	5%	5%	5%	5%	5%	5%
Work related Activity Group	11%	11%	12%	12%	12%	12%	12%	12%	12%
Fit for Work	38%	38%	37%	38%	38%	39%	39%	37%	38%
Claim closed before assessment complete	40%	41%	41%	39%	38%	36%	34%	34%	38%
Assessment still in progress	4%	4%	5%	6%	7%	8%	10%	12%	7%

3.1. Table 1 and Table 2 present initial assessment results³ by breaking down cohorts of ESA benefit claims. This is presented for claim starts to May 2009. Beyond this date the results are not reliable as many claims are still within the process. Note that monthly cohorts up to the end of Feb-09 were included in the previous publication. These figures are updated in Table 1 and 2 with any assessments or claim closures that have occurred since.

3.2. National Statistics on ESA on-flows and caseload are published on the DWP Tabulation Tool. Latest data available shows there were 360,000 new ESA claims between 27th Oct 2008 and 31st May 2009. Note that rounding and exclusion of clerical claims means the figures in Table 1 won't match the Tabulation Tool figures exactly.

3.3. 55 per cent of these ESA claims were assessed resulting in the following outcomes:

- 5 per cent were assessed as suitable for the Support Group;
- 12 per cent were assessed as suitable for the Work Related Activity group; and
- 38 per cent were assessed as being fit for work.

² Figures are round to the nearest 100

³ Initial assessment – the initial assessment associated with the claim, repeat assessments are excluded from the figures

The remaining 45 per cent of claims either left ESA before completing assessment or assessment is still in progress.

- 3.4. It is expected that the Decision Maker’s decision (see paragraph 2.4) will reduce the number of people deemed as ‘Fit for Work’ and increase numbers in the ‘Support Group’ and the ‘Work Related Activity Group’ (presented in Tables 1 to 3) although it is anticipated that the impact will be small.

WCA breakdown showing people assessed by month of assessment

Table 3: Medical Assessments by Month of Assessment and result – Initial Assessments Only

	Sep-09	Oct-09	Nov-09	Total
Support Group	3,000	3,300	3,200	9,500
Work Related Activity Group	7,500	8,100	8,200	23,800
Fit for Work	23,700	23,800	21,700	69,200
Total Assessed	34,200	35,200	33,200	102,500

- 3.5. Table 3 presents cases by month of assessment where assessment has been completed⁴ up to the end of November 2009, the latest data available. A small number of ESA claims have been assessed more than once (the initial assessment near the start of their claim followed by a repeat assessment later in the claim), repeat assessments are excluded from these figures. Note that these figures are not intended to match the figures in Tables 1 and 2 above. Table 3 only records people completing assessment and also includes assessments relating to claims that started after May 2009. Similar data for October 2008 to August 2009 is presented in the October 2009 publication.

- 3.6. There have been 102,500 WCA assessments from September 2009 to November 2009. Of these assessments:

- 9 per cent have been assessed as Support Group
- 23 per cent have been assessed as Work Related Activity
- 68 per cent have been deemed Fit for Work

Note that these percentages differ to the figures in Table 2 and para 3.3 as they are based on volumes of complete assessments rather than volumes of ESA claims.

⁴ Excluding clerical assessments. Subtotals and overall totals are rounded from source data so tables may not add up exactly

4. Appeals

Table 4: WCA Appeals heard on 'Fit for Work' Decision –ESA claims to December 2008/Appeals heard by end of November 2009

ESA Claim start month	Fit for work	Appeals heard (to date)	Decision in favour of appellant	DWP decision upheld	% of Fit for work with an appeal heard (to date)	% DWP decision upheld
Oct-08	3,400	1,000	400	600	28%	61%
Nov-08	16,600	4,500	1,700	2,800	27%	63%
Dec-08	14,400	3,300	1,300	2,100	23%	62%
Total	34,500	8,800	3,300	5,500	26%	62%

4.1. Table 4 presents data on ESA claims up to the end of December 2008 found fit for work who subsequently appeal the Department's decision and have been heard by Tribunals Service by the end of November 2009. This data shows that to date 62 per cent of DWP decisions have been upheld.

4.2. More appeals have been heard since the figures included in the October 2009 publication. However, due to the time it takes for appeals to be submitted to Tribunals Service and heard, we still expect there are more appeals that have not yet been heard for these initial cohorts of ESA claims. These figures should still be treated as emerging findings and not final at this stage.

5. Future publications

5.1. This publication will continue to be updated quarterly.

5.2. The data in this publication will be updated for further ESA claims and assessments.

5.3. Comparable information on the Personal Capability Assessment (PCA) for Incapacity Benefit (IB) claims is not held centrally. We are currently developing data which should allow comparison of WCA and PCA results.

5.4. A number of other items of information relating to the WCA are not currently included which we hope to include as the data becomes available and checked for robustness. These include:

- the impact of the Department's decision on ESA entitlement (see paragraph 2.4);
- information on movement to other benefits; and
- information relating to the medical condition of the ESA claimant.