Minister for Disabled People confirms ESA backlog of more than 700,000

Minister for Disabled People Mike Penning has confirmed that there is an employment and support (ESA) backlog of more than 700,000.

Giving evidence to the Work and Pensions Committee inquiry into employment and support allowance and work capability assessments (WCAs) on 11 June 2014, Mr Penning also confirmed that he had missed the April 2014 target for the completion of the incapacity benefits (IB) migration to ESA since just under 100,000 of the 700,000 were IB claimants waiting to be reassessed for ESA.

Asked about the causes of the backlog, Mr Penning said that there were a ‘myriad different reasons’, including DWP delays in getting referrals to Atos and making a decision at the end of the process. However, he added that –

‘I would say this, wouldn’t I, but I think we have very much tightened up the two ends of the journey that we are in…. I just do not think Atos had the capacity to do the numbers that they were asking to do.’

In addition, Mr Penning said that the DWP will reveal, as soon as it can, the bidders to take over the contract for the provision of the WCA after the contract with Atos is terminated in February 2015. He added that the new contractor will work for six months alongside Atos before a three year contract, and that –

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Implementation of PIP ‘nothing short of a fiasco’, says Public Accounts Committee

The implementation of personal independence payment (PIP) has been ‘nothing short of a fiasco’, according to Margaret Hodge MP, Chair of the Public Accounts Committee (PAC).

In a report, Personal Independence Payments, published on 20 June 2014, the PAC says that a failure to pilot the scheme properly meant that critical assumptions about the process were not fully tested and proved to be incorrect, resulting in significant delays to benefit decisions and a backlog of claims. In particular, the PAC highlights that –

• the DWP had estimated that 75 per cent of assessments would be face-to-face (as opposed to paper) and would take 75 minutes to conduct, whereas in practice the figure has been over 97 per cent and they take around 120 minutes – as a result contractors’ planned staff numbers have been inadequate;

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Call for evidence on work capability assessment

As part of the fifth independent review of the work capability assessment (WCA), Dr Paul Litchfield launched a call for evidence on 10 June 2014.

Aimed at individuals and organisations who have information relevant to how the WCA is operating and what further changes, if any, are needed to improve the process, the call for evidence will be one of several methods used to gather information during the review, with evidence submitted used to create Dr Litchfield’s final report, which will be laid before parliament before the end of 2014.

In his foreword to the call for evidence, Dr Litchfield says –

‘Following the publication of my previous review of the WCA, I have been asked by the Secretary of State and the Minister of State for Disabled People to conduct the fifth Independent Review of the WCA. This is the final statutory Independent Review and builds not only on my own work in the fourth review, but on the valuable work of Professor Malcolm Harrington in the first three reviews. I hope in this review to

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New statistics show 89 per cent fall in ESA appeals

There was an 89 per cent fall in employment and support allowance (ESA) appeals in the first quarter of 2014 compared to the same period last year, according to new tribunals statistics.

In Tribunals Statistics Quarterly January to March 2014, the Ministry of Justice (MoJ) says that there were 32,546 social security and child support (SSCS) receipts in the period January to March 2014 – a decrease of 79 per cent when compared with the same period of 2013 – and that, in particular, there were decreases of 89 per cent in receipts of ESA (the largest jurisdiction) and 72 per cent in jobseeker’s allowance (JSA) since January to March 2013.

The MoJ goes on to say that the decrease could be due to a number of reasons including the introduction of mandatory reconsideration across DWP benefits. However, it adds that ‘robust data’ is not yet available to assess the impact of these changes on tribunal receipts, and that the DWP is looking to publish mandatory reconsiderations data ‘when they judge it is of suitable quality to be published as Official Statistics’.

The figures also show that, of the 545,843 SSCS cases disposed of in 2013/2014, 65 per cent were for ESA, 12 per cent for JSA and 12 per cent for disability living allowance.

In addition, of those cases cleared at a hearing in 2013/2014, 40 per cent had the initial decision revised in favour of the claimant, an increase from 38 per cent in 2012/2013.


DWP launches call for evidence on PIP

The DWP has launched a call for evidence on personal independence payment (PIP).

In a foreword to the call for evidence, published on 23 June 2014, Paul Gray (who is the chair of the Social Security Advisory Committee) says –

‘The Minister of State for Disabled People has asked me to undertake this first independent review of the operation of the PIP assessment in line with the timescale specified in the Welfare Reform Act 2012.

I am very conscious that this legislative requirement means the review is taking place at a relatively early stage in PIP’s history. While that inevitably implies that much of the evidence about its operation will be at a preliminary stage, it also offers the opportunity to make observations and recommendations at a formative stage in the rollout of the system. For that reason I intend using my Terms of Reference [set out in Annex A of the consultation document] as a framework to allow me to take a broad look at all aspects of the PIP process.’

Mr Gray goes on to say that the stated aim of the DWP in its development of the PIP assessment was to assess an individual’s requirement for support more accurately, objectively and consistently, and that –

‘Disabled people face very differing circumstances, so the assessment is intended to measure the impact of a person’s health condition or impairment on their ability to carry out daily living or mobility activities, not to focus solely on the health condition or impairment itself. How effectively that challenging aim is being met, and being perceived to be met, will be a central part of this review.’

However, Mr Gray says that he also plans to look at other stages of the PIP process –

‘For example, how people claim and receive decisions is just as important as ensuring they have been treated fairly and effectively, and the operation of the assessment also needs to be seen in that broader context. Any review can of course only be as good as the quality of the evidence on which it is based. In launching this important first stage of the review, I therefore hope that everyone who is in a position to provide me with relevant and robustly based evidence will do so. I will use this to make recommendations, where I see that they are needed, on the future development and effectiveness of PIP.’

NB – the deadline for responses to the call for evidence is 5 September 2014.


Call for evidence on work capability assessment

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continue the process of improving the WCA.

This call for evidence will enable me to gather further information to support the work being undertaken in the fifth Independent Review of the WCA. The questions asked of those answering as individuals focus on experiences of the WCA process. The questions asked of those responding on behalf of an organisation have been grouped under the following headings:

— the impact of previous Independent Reviews;
— the experience of the WCA process;
— the work-related activity group or support group; and
— mental health conditions and learning difficulties.

As with last year, I am particularly interested in objective data that underpins any views expressed. I look forward to receiving your input as a contribution to the continuing review and development of the work capability assessment, which impacts so many lives.’

NB – the deadline for responses to the call for evidence is 15 August 2014.

Minister acknowledges mandatory reconsideration delays

Minister for Disabled People Mike Penning has acknowledged that there are delays in the mandatory reconsideration process.

Responding to the concern that mandatory reconsiderations are taking between seven and ten weeks in a House of Commons debate on work capability assessments on 16 June 2014, Mr Penning said that statistics on the number of claimants waiting for a decision and the average time to make a decision were not yet ready. However he went on to say –

‘Have delays been caused as we brought in the process? I have been open and honest about that before, and the answer is yes, but I would rather have slightly more delays than have decisions incorrectly taken and then turned over at tribunal.’

In addition, in response to the concern that employment and support allowance claimants who have requested a mandatory reconsideration of a decision that they are fit for work are being told that they do not meet the requirements for jobseeker’s allowance, Mr Penning confirmed that, under DWP guidance, claimants with longer term physical or mental conditions can have their availability for work restricted as long as the adviser thinks it is reasonable to do so.

Mr Penning also said –

‘Without a shadow of a doubt, we will work very hard to put in place the right training and guidance to ensure that the decision makers get things right. It is a big job, and I have only been here a short time, but we are getting there. As a Minister in the DWP, I am absolutely determined that we will ensure that taxpayers’ money is spent wisely; that it goes to the people who need it; that we put in place training for the right people; that any delays that are taking place – and they are taking place – are brought to a minimum; that we get out statistics; and that we are open and honest with the public, which I will be if there is a debate again next week or the week after, and that will remain the case for as long as I am a Minister in the DWP.’

The House of Commons debate on work capability assessments is available from Hansard.

Minister for Disabled People confirms ESA backlog of more than 700,000

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‘The three years will then inform what we wanted to do in the first place in 2015, which is to have a multiple provider as we go forward.’

Mr Penning also said –

‘The new contract that is issued will be much more rigorous from the start, in that we will set out exactly what it is. It will cost more money. There is no argument that it is going to cost more money than what it was before, but we will have the confidence – I hope, otherwise we will not issue the contract – that they will deliver the service to everybody.’

The Work and Pensions Committee evidence session of 11 June 2014 is available from the parliament website.

For more information on all these changes see –

www.rightsnet.org.uk

the welfare rights website for advice workers

Wi-fi and web access installed in jobcentres

The DWP is installing wi-fi and web access devices in all jobcentres between now and the end of October 2014.

Responding to written questions in parliament on 16 June 2014, Employment Minister Esther McVey said –

‘The Digital Jobcentres project will modernise the jobcentre digital infrastructure. From now until the end of October, we will be installing wi-fi and new web access devices (WADs) across the jobcentre network.

These WADs will enable claimants to access universal jobmatch and other job sites, as well as allowing them to apply directly for vacancies that they find. The purpose of this new equipment is to help those who have no access to digital technology elsewhere.

Wi-fi will be available across the entire jobcentre network by the end of October.

We will also be replacing around 2,300 customer access phones with a new assisted service for claimants who attend the jobcentre and are unable to access DWP services without our help. The assisted service is face-to-face and includes controlled use of a telephone. Support is tailored to the individual’s needs.’

Ms McVey’s written answers are available from Hansard.
New residence rules for tax credits and child benefit

New regulations have been published in relation to the introduction of a three month residence requirement for tax credits and child benefit. In force from 1 July 2014, the Child Benefit (General) and the Tax Credits (Residence) (Amendment) Regulations 2014 (SI.No.1511/2014) amend the Child Benefit (General) Regulations 2006 and the Tax Credits (Residence) Regulations 2003 so that a claimant must have been living in the UK for three months before becoming entitled to child benefit or tax credits.

The regulations also set out exceptions to the three month residence requirement including for those who most recently entered the UK before 1 July 2014, workers, the self-employed and people who have been absent for less than 52 weeks.

SI.No.1511/2014 is available from legislation.gov.uk

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- encouraging claimants to apply by phone has deterred and delayed some people from making a claim and obtaining a paper-based form is difficult and time-consuming;
- in most cases assessment providers do not receive extra evidence requested from third parties such as GPs, physiotherapists and social workers;
- many claimants have had to wait over six months for a decision and have had to resort to discretionary housing payments, food banks, loans and charitable donations to support the extra costs of living associated with their disability;
- the DWP and its contractors have failed to provide an acceptable standard of service with claimants experiencing difficulties in arranging appointments, excessive travel times to appointments, assessors cancelling home visits at the last minute, or failing to turn up when claimants have travelled to assessment centres; and
- Atos appeared to have included incorrect and potentially misleading information in its bid about the number of ‘contractual agreements’ it had in place with NHS and private hospitals and physiotherapy practices – in addition, in awarding the bid to Atos, the DWP had ignored its previous poor performance on work capability assessments.

Commenting on the report, Ms Hodge said –

‘The implementation of PIP has been nothing short of a fiasco. The DWP has let down some of the most vulnerable people in our society, many of whom have had to wait more than 6 months for their claims to be decided… What we’ve witnessed is a rushed, wholly unacceptable job, and the Department should take a long hard look at what went wrong.’

NB – the first official PIP statistics, published on 5 June 2014, showed that, in the period from the introduction of the new benefit on 8 April 2013 to 28 March 2014, the DWP made a decision on 83,900 out of the 349,000 claims registered.

The PAC report Personal Independence Payments is available from parliament.uk and the PIP statistics are available from gov.uk

Homeless jobseekers to be treated as available for work

New regulations have been issued in relation to treating homeless jobseeker’s allowance claimants as available for work.

In force from 21 July 2014, the Jobseeker’s Allowance (Homeless Claimants) Amendment Regulations 2014 (SI.No.1623/2014), amend the Jobseeker’s Allowance Regulations 1996 to provide that claimants who have recently become homeless are to be treated as available for employment where they are taking reasonable steps to find living accommodation.

In addition, the regulations allow for those claimants to be treated as available for employment for periods of longer than one week and on more than four occasions.

NB – the explanatory memorandum to the regulations says that the DWP will be providing guidance on the timescales associated with ‘recently’ homeless and the duration and frequency of people being treated as available for work. The memorandum also says that what steps are reasonable to find accommodation will depend on each claimant’s circumstances and capabilities and will be determined on a case-by-case basis.

SI.No.1623/2014 is available from legislation.gov.uk

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