



Sheila Gilmore MP  
Edinburgh East Constituency

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20 December 2013

Mr Andrew Dilnot  
UK Statistics Authority  
1 Drummond Gate  
London  
SW1V 2QQ

Our Ref: MB/GILM02002/02131962

Your Ref:

Dear Mr Dilnot

Since my election I have been concerned about the apparently high number of applicants for Employment and Support Allowance who have been wrongly declared Fit for Work and I regularly make the case for reform of the assessment process to Ministers.

In doing so I regularly cite the Department for Work and Pensions quarterly statistical bulletin 'ESA: outcomes of Work Capability Assessments'. In particular I make reference to Table 1a – which I assumed set out the number of people declared Fit for Work and awarded ESA **immediately after the completion of the initial Work Capability Assessment** – and 3 – which sets out the number of people who appeal Fit for Work decisions and, of those, how many decisions are upheld and overturned.

For example Table 1a in the July 2013 bulletin shows that 1,472,300 new applicants have been either declared Fit for Work or awarded ESA between October 2008 and May 2012 and 846,800 of those have been declared Fit for Work. Table 3 in the same bulletin shows that 332,400 people appealed their Fit for Work decision and 123,900 of those had this overturned and were awarded ESA. This allows me to make the following statements:

1. Nearly 4 in 10 Fit for Work decisions have been appealed
2. Nearly 4 in 10 appeals have been successful
3. Nearly 15% of Fit for Work decisions are eventually overturned on appeal
4. A minimum of 8% of all decisions are eventually overturned on appeal

(4. is likely to be higher as there are no specific figures for applicants who are awarded ESA and placed in the Work Related Activity Group and who successfully appeal to be in the Support Group)

I have made these and similar statements many times since May 2010 and at no point has any Minister or DWP official disputed these particular points. By implication this suggests that they were similarly of the view that Table 1a was a barometer of the effectiveness of the initial WCA process **and that alone**.

However it was recently suggested to me that Table 1a does not set out the number of people declared Fit for Work and awarded ESA **immediately after the completion of the initial Work Capability Assessment**. Instead this table also



takes into account the outcomes of applicants' requests for reconsideration – in other words informal appeals to DWP Decision Makers. This was confirmed in a letter dated 2 November 2013 I received from Esther McVey MP, the Minister of State for Employment at DWP. I have enclosed a copy for your benefit.

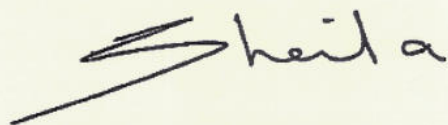
This has the effect of increasing the number of people awarded ESA and reducing the number of people declared Fit for Work. Table 1a thus underplays the extent of the failings of the initial Work Capability Assessment.

I believe that the DWP should revise the format of this bulletin in future so that Table 1a does not take account of reconsiderations and simply sets out the number of people declared Fit for Work and awarded ESA immediately after the completion of the initial Work Capability Assessment. I believe the DWP should also include:

- A separate table for reconsiderations modelled on Table 3 for appeals.
- A combined table for reconsiderations and appeals modelled on Table 3.

The combination of these new tables would allow a more accurate picture of the effectiveness or failings of the initial WCA process. I would be grateful for your thoughts on this matter.

Yours sincerely

A handwritten signature in black ink that reads "Sheila". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

**Sheila Gilmore MP**  
**Edinburgh East**



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Sheila Gilmore MP

Your ref:  
MB/GILM02002/02130983

Our ref: POS(2)11195/74

2/11/13

Thank you for your letter of 27 September to my predecessor regarding Employment and Support Allowance (ESA). I apologise for the delay that has occurred in replying.

The column labelled 'at reconsideration' in table 6 details cases that will have been revised following reconsideration and where the Department for Work and Pensions decision differs from the Atos recommendation.

From your correspondence, it is evident that this is not clear in the publication. We welcome feedback on how we can improve our statistical publications, and we will ensure greater clarity in future publications.

Data on all ESA decisions that are revised following reconsideration, which would be required in order to update the tables in the publications, is not available at an individual level.

The number of people who have been placed in the Work Related Activity Group (WRAG) after appeal is 114,900, for the period October 2008 to May 2012, as shown in table 6 of the latest (July 2013) Work Capability Assessment statistical release which can be found on the Government's website at:

<https://www.gov.uk/government/publications/employment-and-support-allowance-statistics-on-reassessments-of-incapacity-benefits-july-2013>.

Please note that this figure is not the same as the figure produced by looking at the difference in the WRAG population between Tables 1a and 4 (113,200), as this fails to take into account the number of people placed in the WRAG, at initial assessment and who are subsequently moved into the Support Group at appeal. In other words, the WRAG population changes post appeal not only because people move from Fit for Work to the WRAG, but also because people move out of WRAG into the Support Group.

I hope this explains the situation and I would like to thank you for taking the time to write to me.

A handwritten signature in black ink, appearing to read 'Esther McVey', written in a cursive style.

**Esther McVey MP**  
**Minister for Employment**



**Sheila Gilmore MP**  
**Edinburgh East Constituency**

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27 September 2013

Mark Hoban  
Minister of State  
Department for Work and Pensions  
Caxton House  
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London  
SW1A 9DA

Our Ref: MB/GILM02002/02130983  
Your Ref:

Dear Mr Hoban

I have recently been examining the statistics published in July on new claims for Employment and Support Allowance. I have a number of questions that I would be grateful if you would respond to.

All my remarks focus on the period from October 2008 – when ESA was launched – to May 2012 – the last available month with data on appeals.

Table 1a states that 378,700 people were initially placed in the Work Related Activity Group and 247,000 were initially placed in the Support Group. Table 4 states that 491,900 were placed in the WRAG after appeals and 257,700 were placed in the Support Group after appeals. This represents an increase of 113,200 and 10,700 respectively.

However Table 6 states that 114,900 people were placed in the WRAG after appeals, and 67,300 were placed in the WRAG after reconsideration.

My questions are:

1. Why does Table 4 suggest that 113,200 people were placed in the WRAG after appeals while Table 6 suggests this number is 114,900?
2. Does Table 1a cover reconsiderations?
3. Does Tables 3 cover both appeals and reconsiderations?
4. Does Table 4 cover both appeals and reconsiderations?
5. Why does Table 5 not include a breakdown of those placed in the Support Group based on appeals and reconsiderations?

I would be very grateful if you could provide direct answers to these questions in this order and format.

If Table 1a already includes reconsiderations then I would argue you should publish additional data that sets out how many people are found Fit for Work or placed in the WRAG or Support Group prior to reconsiderations. This would allow a far clearer picture of how the initial Work Capability Assessment process is working in isolation, something I fear we may not be getting at present.

More broadly I would also be grateful if you could consider publishing data on appeals for repeat assessments and the migration of Incapacity Benefit claimants, in addition to that which you already publish on new claims.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Sheila". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

**Sheila Gilmore MP**  
**Edinburgh East**