



Department
for Work &
Pensions

Employment and Support Allowance Work Capability Assessments:

Mandatory Reconsideration registrations, decisions and outcomes

October 2013 – April 2016

June 2016

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Purpose of this publication

These new Mandatory Reconsideration statistics were due to be released as part of the routine quarterly Employment and Support Allowance (ESA) Work Capability Assessment (WCA) outcomes publication on 9th June 2016.

However, the above publication has been delayed due to a problem with the ESA WCA source data.

MR data comes from a separate source system and we are fully satisfied that these statistics are of sufficient quality to publish.

Therefore to make these new statistics available to users at the first opportunity, we are publishing the MR statistics as a separate publication. The ESA WCA outcome statistics will be published in due course, once we are satisfied that they meet the appropriate quality standards.

Going forward, the MR statistics contained in this release will be incorporated into the routine ESA WCA outcomes publication.

Background

Once an ESA claimant has entered the claim process, various decisions are made on their claim by a DWP Decision Maker (DM).

Since October 2013, ESA claimants wishing to dispute a decision made on their claim are required to ask DWP to reconsider the decision before lodging an appeal with Her Majesty's Courts and Tribunals Service (HMCTS).

This is called a 'Mandatory Reconsideration' (MR). The purpose of a MR is to consider the grounds for the dispute and complete a full review of the initial decision.

The reasons for MR include claimants:

- not agreeing with scoring of their WCA and the associated medical assessment outcome
- having not provided good reason for not attending their WCA, then providing additional evidence
- having failed to return their questionnaire - ESA50, then doing so

The onus is on the customer to contact the DWP to dispute their decision.

During a MR all evidence will be fully reviewed by the DM including any new evidence supplied to support the MR. The Decision Maker will use the evidence to decide whether or not to revise the original decision. The customer will then

be informed as to the MR outcome. Whatever the outcome of the MR, the claimant will be given the right of appeal.

This document focuses on MRs made within the ESA Work Capability Assessment process in Great Britain - it provides the number of MR registrations, decisions made and the type of decision – i.e. revised or not revised. Statistics on MRs made under Personal Independence Payments (PIP) are also [available](#).

The time period covered in these ESA WCA statistics is between October 2013 and April 2016. This covers the period from when the MR process was first introduced to the point where the latest data is available.

Further statistics on ESA WCA MR clearance times will be included in the ESA WCA official statistics release from September 2016.

Results

1. Mandatory Reconsideration - Registrations

Following the introduction of MRs in October 2013, the first few quarters saw a sharp increase in the number of MR registrations made whilst the new process became established. Since then there has been a slight overall upward trend.

By the end of April 2016, 308,400 MRs had been raised by claimants to dispute ESA WCA decisions (this figure does not include IB reassessment claims).

In the latest year to April 2016, there has been 12 thousand MRs registered each month on average. Across the year to April 2016, the number of MRs registered each month has been increasing steadily from 9,400 in May 2015 to 13,600 in April 2016.

The number of MR registrations and decisions continues to rise
MR registrations and decisions by month



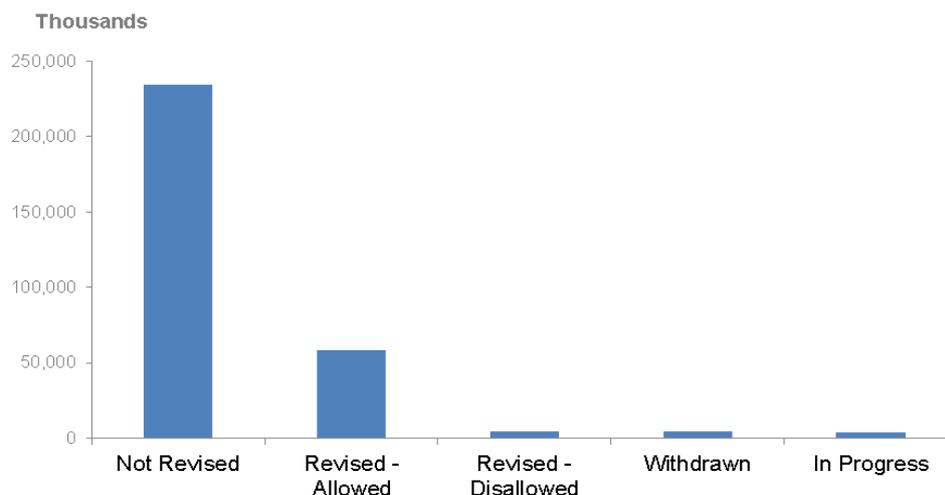
2. Mandatory Reconsideration – Decision outcomes

In total, 306,500 MRs had a decision made by the end of April 2016.

The majority of MR decisions were not revised by the DWP Decision Maker, with only 20% (58,700) being revised and allowed since their introduction in October 2013.

The majority of MR decisions are not revised

MR decisions by decision type (October to April 2016)

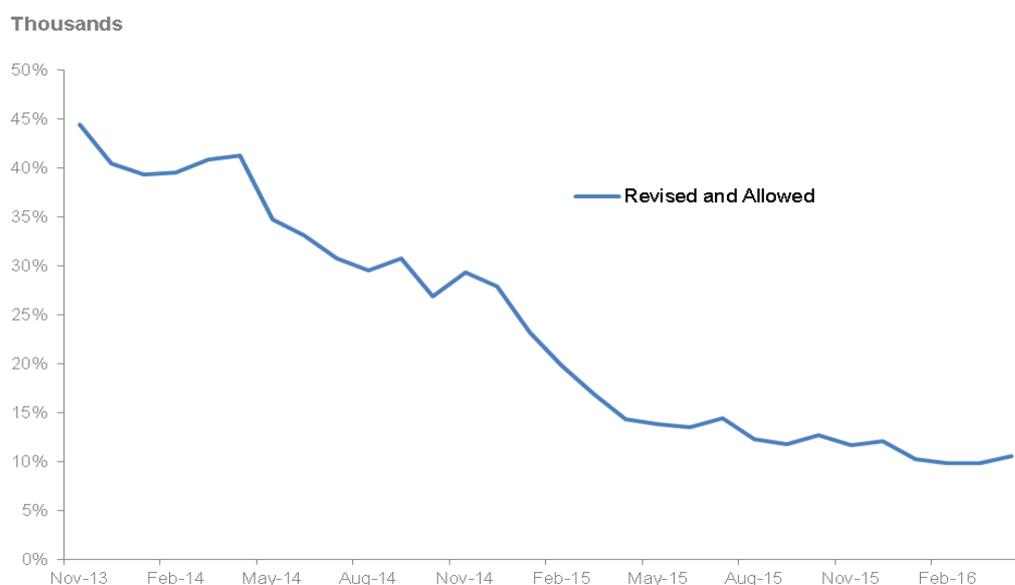


Due to a combination of low numbers of registrations and time needed for new operational practices to settle down, the proportion of MR decisions which were initially revised and allowed (see Methodology section for full list of [decision outcomes](#)) was quite high (e.g. 44% in November 2013).

However, now that these practices are established, the average number of decisions which have been revised and allowed (for the most recent year up to April 2016) is 11%.

The proportion of revised and allowed MR decisions is falling

Proportion of MR decisions in 'Revised and Allowed' category by month

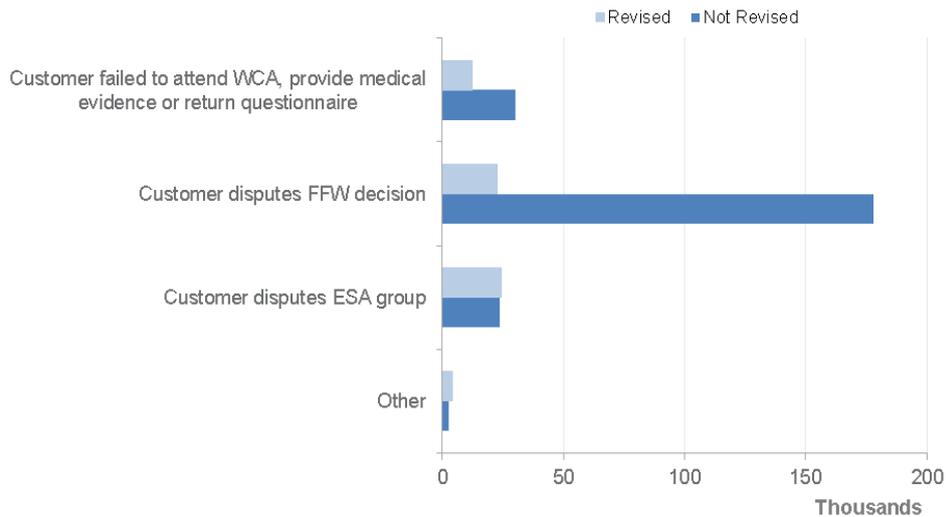


3. Mandatory Reconsideration – Decision categories

The most common reason for raising a Mandatory Reconsideration is when the customer disputes a Fit for Work (FFW) decision. 11% of these Mandatory Reconsiderations are subsequently revised (either revised and allowed, or revised and disallowed).

The four main reasons for people raising an MR and the resulting outcomes

All people raising an MR between October 2013 and April 2016



More detailed information on all the above statistics can be found in the [Excel tables](#) that accompany this document.

Methodology

Source Data

These statistics are derived from data sourced from the Decision Maker and Case Recorder (DMACR) computer system used by DWP Decision Makers and Jobcentre staff to record decisions within the ESA claim process.

The term 'Mandatory Reconsideration' refers to the process where a claimant approaches DWP to dispute a decision on their claim.

Sometimes an earlier error is found or a claimant provides additional evidence following a decision on their ESA claim before an MR is raised. In such cases, the DWP Decision Maker (DM) will consider whether this additional evidence changes the original decision. The DM will then choose to revise or not revise the decision accordingly. This is known as 'reconsideration'. If the claimant still disagrees with the resulting decision, they can then raise a MR.

These 'reconsiderations' mimic MRs, but because they are easier to resolve, they are 'revised' at the earliest opportunity by the Benefit Centre instead of being sent to an independent Dispute Resolution team (DRT).

Therefore due to operational practices performed within the DMACR system, some MRs are recorded on the source data as 'reconsiderations'.

Following investigation and analysis, we found it is not possible to differentiate which of these system actions is a true MR or 'reconsideration'. Therefore, for the purpose of these statistics, all 'reconsiderations' occurring after the WCA (for reasons typically associated with MRs) have been included within the total number of MRs. This typically increases the total number of MRs by around 12%.

Decision outcomes

MR decisions can have various outcomes referring to whether or not the DM chooses to revise the decision under dispute;

- If a decision is categorised as '**Not Revised**' this means that the decision the claimant is questioning has not been changed.
- If the decision under dispute is classed as '**Revised – Allowed**' then the DM has changed the decision in the claimant's favour. So someone found FFW would be awarded ESA or someone put in the Work Related Activity Group (WRAG) claimant would be put in the Support Group (SG).
- If the decision is categorised as '**Revised – Disallowed**', the DM, having reconsidered the decision, decides that the claimant is not entitled to ESA at all. This would apply where someone put in the WRAG seeks a

revision to go into the SG but is then found FFW. Also, a FFW dispute could result in extra points being awarded upon review, but still not enough to award ESA. These decisions are not at all common – less than 2% to date.

- If the decision is categorised as '**Withdrawn**', the claimant has chosen to remove their MR request.

Decision categories

There are many reasons that result in an ESA claimant raising a MR. For these statistics only those reasons relating to the WCA process have been included.

The main reasons have been categorised and shown in the accompanying tables as follows;

- The primary reason for a claimant raising a MR is when they are found FFW following a medical assessment. All MRs relating to this topic are categorised as 'Customer disputes FFW decision'.
- The second category 'Customer failed to attend WCA, provide medical evidence or return questionnaire' incorporates reasons where the claimant has failed to follow the required claim procedures. The MR gives them an opportunity to explain why they didn't comply.
- The third category is 'Customer disputes ESA group' and contains MRs where the claimant is already assigned to an ESA group.
- The final category is 'Other/Unknown' which encompasses all MR reasons that don't fit in with the three main categories above and cases where the reason is not recorded. Only 2% of cases currently fall into this category.

Contact Points for Further Information

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If you have any comments or requests regarding this publication, please contact DWP via stats-consultation@dwpgsi.gov.uk, or join the “Welfare and Benefit Statistics” community at <http://www.statsusernet.org.uk>.