

Freedom of Information request 2014-1200

Date received 14 March 2014

Date of response 13 August 2014

Information request

On 08.02.12 the BBC reported that Chris Grayling (the then minister) had acknowledged that 35,000 people were currently awaiting an assessment (and so presumably a decision) for ESA after more than 13 weeks. CG went on to say that the backlog had been caused by the "transitional impact" of implementing changes from the Harrington Report, he said they (DWP) were probably about 4 months behind but were in the process of clearing the backlog.

A)

In order to establish what has actually happened in the intervening 2 years could you please supply monthly statistics starting in Feb 2012 up to the most recent month you have statistics for showing average

- 1) Time from initial telephone contact to a completed ESA1 being received back at DWP (I'm hoping this average will be low as many ESA1's are completed over the phone at initial contact)
- 2) Time from DWP having a completed ESA1 to the issue of ESA50
- 3) Time from issue of ESA50 to DWP receiving it back
- 4) Time from DWP receipt of ESA50 to file being passed to Atos
- 5) Time from Atos receiving file to face to face assessment (where a f2f is deemed necessary)
- 6) Time from f2f assessment to DWP receiving report from Atos
- 7) Time from DWP receiving Atos report to a decision being made and notified to applicant [if you do not hold data specific to any of the sections of the process listed above please supply the ones you do have stating which you do not have - I wouldn't want to overly burden you with creating data]

B)

Please also supply for 2012 and 2013 (separately, if you don't have data for all 2013 then please supply up to the month you have stating the time scale i.e. Jan to xxx) the numbers and percentage of total of applicants who have had an end to end claim process (initial claim contact to notification of award, no need to include reconsideration I am interested only in initial award notification of

- a) 0 to 13 weeks
- b) 14 to 39 weeks
- c) 40 to 52 weeks
- d) over 1 year

If possible could you also supply data relating to outcomes of claims crossed with end to end time i.e. I am trying to ascertain if someone having to wait for example 40 to 52 weeks is more or less likely to be found FFW or WRAG or SG (I'm imagining that unless someone has a chronic long term condition there is a higher likelihood of them being found FFW 9 months after their claim than if they had the assessment within 13 weeks, although without the data this is merely conjecture on my part)

C)

When assessing someone outside of the 13 week period does the Atos HCP or the DWP DM have any guidance or indeed any discretion to make estimation on how long a person (for example) has been FFW if they find them to be so.

[I ask this as I am personally aware of a number of individuals who have been found FFW more than 9 months after initial claim (one of them 16 months) and so were not entitled to any backdate of WRAC or SG component despite the fact that there was evidence from their GPs that their condition had gradually become better over this period i.e. they were not FFW when claiming or indeed at 13 week mark but a year later when assessed they were FFW - this is background to my question and I wouldn't expect you to comment on individual cases]

D)

Could you also let me know if DWP are doing anything to assist applicants waiting longer than 13 weeks to get back into employment (one of the key stated goals of ESA) in either the short or long term, as far as I am aware applicants have to supply a current "fit note" but unlike JSA claimants or ESA claimants in WRAG there is no support in finding work or the kind of assistance allegedly provided in WRAG

E)

Finally a rhetorical question which you may choose to answer in conversational or general manner but is not a specific request for information - I would like to know if things have got better or worse since Mr Grayling announced that DWP was working to clear the ESA backlog in Feb 2012.

DWP response

In response to query A, I can confirm that the Department does hold some information falling within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £600.

The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department

holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

However, information that is available within cost is shown in the table 1 below and includes the average length of time between (i) a new claim to Employment and Support Allowance (ESA) and the issue of an ESA50 form, (ii) the issue of an ESA50 form to new ESA claimants and the assessment date, and (iii) the assessment date and the Decision Maker's final decision on the ESA claim by month of claim start from February 2012 to June 2013, which is the latest data available.

Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or Official Statistics publication standard. They should therefore be treated with caution.

Table 1: Average number of days between a new claim to Employment and Support Allowance (ESA) and the issue of the ESA50 form, the issue of the ESA50 form and the assessment date and the assessment date and the Jobcentre Plus Decision Maker's final Decision on the claim for new ESA claimants: February 2012 - June 2013

| Month of claim start: | Median number of days between: | | |
|-----------------------|---|---|---|
| | <i>The claimant making a new claim for ESA and the issue of an ESA50 form</i> | <i>The issue of an ESA50 form and the assessment date</i> | <i>The assessment date and the Decision Maker's final decision on the claim</i> |
| Feb-12 | 19 | 78 | 24 |
| Mar-12 | 22 | 74 | 23 |
| Apr-12 | 20 | 71 | 23 |
| May-12 | 20 | 69 | 23 |
| Jun-12 | 19 | 66 | 22 |
| Jul-12 | 19 | 63 | 20 |
| Aug-12 | 20 | 60 | 20 |
| Sep-12 | 18 | 61 | 20 |
| Oct-12 | 18 | 67 | 21 |
| Nov-12 | 15 | 70 | 20 |
| Dec-12 | 20 | 66 | 20 |
| Jan-13 | 14 | 68 | 21 |
| Feb-13 | 14 | 69 | 19 |
| Mar-13 | 17 | 70 | 17 |
| Apr-13 | 14 | 81 | 14 |

| | | | |
|---------------|----|-----|----|
| May-13 | 14 | 99 | 13 |
| Jun-13 | 12 | 102 | 13 |
| Feb-12–Jun-13 | 18 | 69 | 20 |

Source: Department for Work and Pensions and ATOS Healthcare.

Notes:

1. Average number of days is the median number of calendar days.
2. For around 10% of all new claims, the duration cannot be determined due to data not being available, so these have been excluded from the analysis above. These are mainly claims with one or more of the dates missing so the time from the claim start to the notification of the WCA output cannot be calculated. Those still waiting for an assessment are also excluded.
3. The analysis above only includes those where an initial functional assessment has been completed. Those still waiting for an assessment are excluded as they are still awaiting a decision.
4. The claim date is the date when the claim is received and following referral to ATOS Healthcare the ESA50 form is usually issued.
5. The assessment date is the date on which ATOS make their recommendation, which is usually the date of the face-to-face assessment, if there is one, or the date on which they make their paper-based recommendation if there is no face-to-face assessment.
6. The data presented above comes from benefit claims data held by the Department for Work and Pensions. It relates to new ESA claims; Incapacity Benefits (IB) claims reassessments are not included. In October 2008, ESA replaced IB for new claims. Starting with a trial in October 2010, and reaching a full scale national roll-out in April 2011, existing IB claims began to be phased out, with claimants reassessed to see if they qualify for ESA instead.
7. Data is for new ESA claims that started from February 2012 up to and including June 2013, which is the latest data available at the time of the request.
8. As the Official Statistics on ESA and the WCA do not focus on benefit durations, the underlying data used to provide the information has not been quality assured to the same level, and should be treated with caution.

In response to part B of your query, the number and proportion of initial ESA claims from the start of the process (the claimant making a new claim for ESA) to the date of the Decision Maker's final decision on the claim, by duration of process and the result of the final decision from February 2012 to June 2013 is shown in table 2 below:

Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or

Official Statistics publication standard. They should therefore be treated with caution.

Table 2: Number and proportion of initial ESA claims from the start of the process to the date of the Decision Maker's final decision on the claim, by duration of process and the result of the final decision: February 2012 - June 2013

| Duration of claim | Volume: Outcomes of claims where a functional assessment has been completed | | | Percentage: Outcomes of claims where a functional assessment has been completed | | |
|-------------------------|---|-----------------------------|----------------|---|-----------------------------|--------------|
| | Support Group | Work Related Activity Group | Fit for Work | Support Group | Work Related Activity Group | Fit for Work |
| 13 weeks or less | 63,600 | 33,700 | 28,200 | 34 | 26 | 16 |
| Over 13 to 39 weeks | 95,300 | 73,800 | 129,600 | 50 | 57 | 75 |
| Over 39 weeks to 1 year | 14,600 | 11,000 | 10,100 | 8 | 9 | 6 |
| Over 1 year | 16,200 | 10,400 | 4,200 | 9 | 8 | 2 |
| Total | 189,700 | 129,000 | 172,100 | 100 | 100 | 100 |

Source: Department for Work and Pensions and ATOS Healthcare.

Notes:

1. All values are rounded; therefore addition of all volumes or proportions for outcomes may not sum to total cases. Caseload volumes have been rounded to the nearest 100 and proportions to the nearest 1 percent.
2. For around 10% of all new claims, the duration cannot be determined due to data not being available, so these have been excluded from the analysis above. These are mainly claims with the one or other of the dates missing so the time from the claim start to the notification of the WCA output cannot be calculated.
3. The analysis above only includes those where an initial functional assessment has been completed. Those still waiting for an assessment are excluded as they are still awaiting a decision.
4. The data presented above comes from benefit claims data held by the Department for Work and Pensions. It relates to initial ESA claims; repeat assessments and Incapacity Benefits (IB) claims reassessments are not included. In October 2008, ESA replaced IB for new claims.

Starting with a trial in October 2010, and reaching a full scale national roll-out in April 2011, existing IB claims began to be phased out, with claimants reassessed to see if they qualify for ESA instead.

5. As the Official Statistics on ESA and the WCA do not focus on benefit durations, the underlying data used to provide the information has not been quality assured to the same level, and should be treated with caution.

In response to part C of your query, there is no guidance for Atos Healthcare Professionals or DWP Decision Makers; neither makes an estimate on how long an individual may or may not have been fit for work and neither have the discretion to do so.

Until a determination has been made on an individual's application for ESA, they remain in the assessment phase and as such do not receive the support they would do if found eligible and then placed in either the Work Related Activity Group or Support Group.

In response to part D of your query, Jobcentre Plus delivers back to work support, known as the Jobcentre Plus offer, to claimants through a flexible model that focuses on outcomes and personalised support. Work Coaches work with each claimant to determine which interventions will help them move into employment, at the most appropriate point in a claim, tailoring this to individual need.

Back to Work Support includes; access to the Flexible Support Fund including Support Contract provision, support for drug or alcohol dependency, Health related support, Skills Provision, ESF Provision, New Enterprise Allowance (NEA), Work Trials and Work Experience. The level and type of support will vary from District to District. Not all support is available to every customer group and some provision has set eligibility criteria.

Finally, with regards to your final comments in part E, we should point out that the Freedom of Information Act allows requests for the supply of recorded information and is not intended for debate or discussion on any issues. We are therefore under no obligation to respond to this query.