



DEBATE PACK

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Work Capability Assessments

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Summary

This House of Commons Library debate pack briefing has been prepared in anticipation of a Westminster Hall debate entitled "Work Capability Assessments". This will take place at 2.30pm on Wednesday 13th December 2017 and will be led by David Linden MP. This debate pack contains background information, parliamentary material, press articles, and further reading suggestions which Members may find useful in preparation for this debate.

The Work Capability Assessment (WCA) was introduced when Employment and Support Allowance (ESA) replaced incapacity benefits for new claims from October 2008. It initially applied to new claims only, but from late 2010 the Department for Work and Pensions began reassessing the remaining incapacity benefit claimants for ESA using the WCA. The WCA also now determines whether people on Universal Credit get an additional amount for ill health or disability, and what requirements are placed on them as regards looking for or preparing for work.

The Work Capability Assessment is based on the principle that a health condition or disability should not automatically be regarded as a barrier to work, and that for such people work can itself have benefits. It has however been controversial from the outset. Welfare rights and disability organisations have voiced concerns about the WCA and about the way it has been applied. There has been particular concern about how the test takes account of mental health problems and fluctuating conditions, and about the conduct of face to face examinations by Health Professionals employed by the DWP's contracted assessment provider (originally Atos, now MAXIMUS). There is also concern about the problems people when seeking to challenge WCA determinations, and about the relatively high success rate for appeals against decisions.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Overview of the WCA

When a person first claims [Employment and Support Allowance](#), they can receive ESA provided they submit "[fit notes](#)" from their GP indicating that they are unfit to work. To continue to receive ESA, the claimant must however undergo a Work Capability Assessment (WCA). This determines whether the claimant satisfies the conditions for ESA and, if so, which ESA group they are placed in. This should take place in the first 13 weeks of the claim, but can take much longer.

An outline of the WCA process is given below. More detailed information can be found in Commons Library briefing CBP-7182, [The Work Capability Assessment for Employment and Support Allowance](#); and Disability Rights UK's Factsheet F71, [The Work Capability Assessment](#).

1.1 Making a claim

Unless they are terminally-ill – in which case their claim may be fast-tracked – claimants are sent a [capability for work questionnaire \(ESA50\)](#) by the [Health Assessment Advisory Service](#). This is operated by MAXIMUS, which holds the contract to undertake assessments for the Department for Work and Pensions. The ESA50 asks about the claimant's disabilities and health conditions, and how they affect what they can do. The completed form must be returned within a specified time.

The ESA50 is considered by a Healthcare Professional (HCP) employed by MAXIMUS. The HCP can decide at this stage that they have enough information to recommend an award of ESA in the Support Group, but most claimants will be asked to attend a face to face meeting. Failure to attend may result in the person being deemed "Fit for Work." MAXIMUS may agree to an assessment in the claimant's home, if they can't travel to an assessment centre because of their medical condition.

[The assessment process](#) is explained in more detail at the Health Assessment Advisory Service website.

1.2 Assessment criteria

The [Work Capability Assessment](#) doesn't focus on the individual's health condition, but instead on how it affects their ability to undertake a range of activities related to physical, mental, cognitive and intellectual functions. The WCA determines whether a claimant has "limited capability for work" and, if so, whether they also have "limited capability for work related-activity." The specific tests are set out in [regulations](#). DWP also produces a [WCA Handbook for Healthcare Professionals](#), and a shorter [Guide to the WCA](#) for claimants.

To WCA aims to determine the extent to which the individual can undertake various activities. The activities for the physical assessment cover things such as getting around unaided, standing and sitting,

reaching, manual dexterity, making yourself understood, understanding communication, continence, and consciousness. The activities relevant to the mental, cognitive and intellectual function assessment include things such as learning tasks, awareness of everyday hazards, coping with change, coping with social engagement, and appropriateness of behaviour with other people.

For each activity (there are 17 in total) there is a list of “descriptors” which describe the extent to which the person can undertake the activity, each with an associated points score (ranging from 0 to 15, where 15 reflects the greatest difficulty). The highest scoring descriptor which applies to the individual determines how many points they score for that activity.

A person with a top score of 15 in any one activity automatically meets the threshold for “limited capability for work.” People scoring less than 15 in any activity can add up the score they have for other activities (physical, or mental, cognitive and intellectual) to reach the threshold of 15 points needed to pass the test. If claimants cannot carry out the activity reliably, repeated and safely, they are awarded the appropriate points.

Where a person meets the threshold for “limited capability for work”, the assessment looks at whether the person’s functional capabilities are so limited that they should not be expected to undertake “work-related activity.” Again, this is done by looking at the individual’s ability to undertake different activities (16 in total). A person scoring under **any** of the activities automatically meets the criteria for “limited capability for work-related activity.”

A person can in certain circumstances be **treated** as satisfying the criteria for ESA without having to undergo an assessment, e.g. if they are terminally ill, or undergoing certain cancer treatments.

There are also provisions under which people not scoring sufficient points can nevertheless be treated as having a limited capability for work, or for work-related activity, as appropriate, if “**exceptional circumstances**” apply. This includes where the person has a severe uncontrolled or uncontrollable life-threatening disease which cannot be controlled by a therapeutic procedure, or where there would be a “substantial risk” to the mental or physical health of any person were they found not to have limited capability for work or limited capability for work-related activity.

1.3 WCA outcomes

There are three possible outcomes following a WCA:

- **Fit For Work** – the claimant doesn't meet the threshold for ESA
- **Work-Related Activity Group (WRAG)** - the claimant is found to have a "limited capability for work"
- **Support Group (SG)** - the claimant is found to have **both** a "limited capability for work" **and** a "limited capability for work-related activity."

The MAXIMUS HCP produces a report for the DWP recommending whether the claimant meets the conditions for ESA and, if so, whether they should be assigned to the WRAG or to the SG.

The decision on whether to award ESA, and in which group, is however made by a [DWP Decision Maker](#). The Decision Maker should consider all the available evidence, including the ESA50 form, any accompanying evidence provided by the claimant, and any additional evidence provided by their doctor, in addition to the HCP's report. The Decision Maker doesn't have to follow the HCP's recommendation.

1.4 Future assessments

If the HCP recommends an award of ESA, their report will also state when it might be appropriate to reassess the claimant. In October 2016 the Government announced that it intended to exempt some ESA claimants with the most severe health conditions and disabilities from future reassessments. On 29 September 2017, the Department for Work and Pensions announced the criteria for "switching off" ESA reassessments. Further information can be found in Commons Library briefing CBP-7820, [ESA and PIP reassessments](#).

1.5 Challenging ESA decisions

People unhappy with an ESA decision claim can challenge the decision in the usual way – by Mandatory Reconsideration (MR) and appeal. An appeal to an independent First-Tier Tribunal cannot be made unless the person has first requested that DWP undertake a Mandatory Reconsideration.

Strict time limits apply to both MRs and appeals. There is no time limit for DWP to undertake ESA Mandatory Reconsiderations, but "straightforward" cases should take around 14 days.

1.6 Universal Credit

With the introduction of Universal Credit, the Coalition Government said that it intended to rationalise means-tested support for disabled people and would abolish the existing disability premiums and additions. It proposed replacing the current system of multiple, overlapping disability additions for benefit and tax credit claimants with a simpler system, where means-tested additions for disabled people would be payable at two rates only. For adults, eligibility would be determined by the Work Capability Assessment.

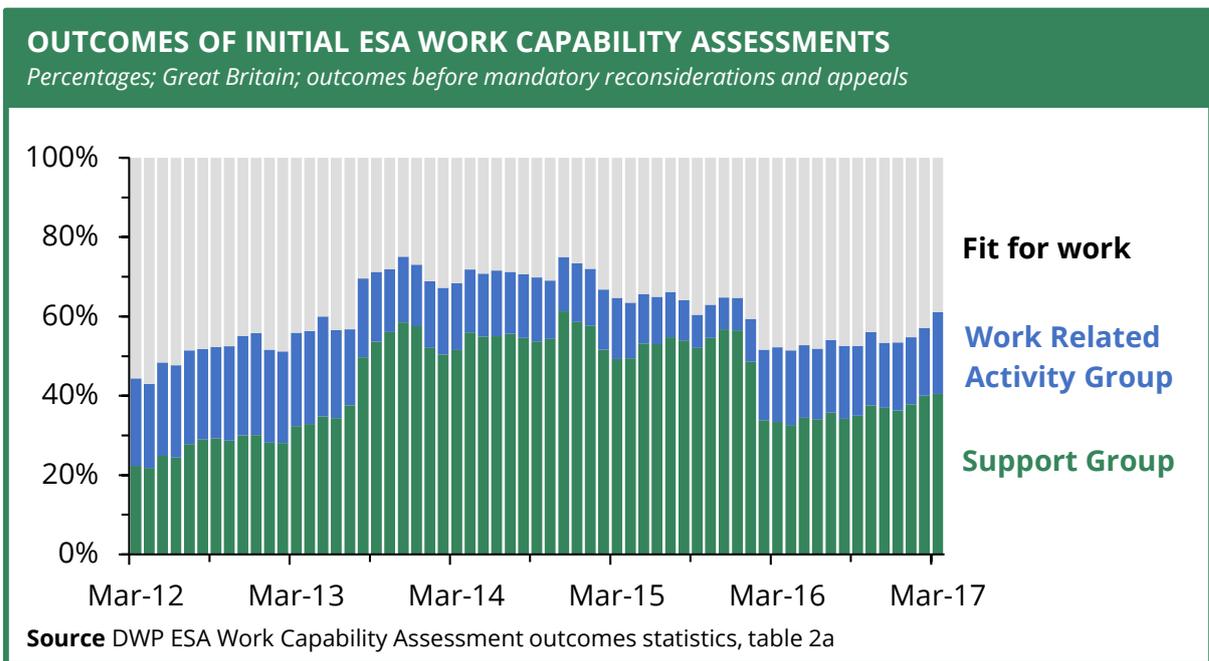
However, abolition of the UC limited capability for work element for new claims from April 2017 (and the equivalent Work-Related Activity Component in ESA) means that only those found to have a "limited capability for work-related activity" – i.e. those who would previously been placed in the ESA Support Group – will receive an additional amount in their Universal Credit. For further information see Commons Library briefing CBP-7649, [Abolition of the ESA Work-Related Activity Component](#).

As is the case with ESA, the WCA also determines the level of “conditionality” the claimant is subject to. UC claimants found to have both a limited capability for work **and** a limited capability for work-related activity are expected to do anything in return for their benefit. UC claimants found to have a “limited capability for work” only are not expected to look for work, but may be required to attend Work Focused Interviews and undertake activities to help them prepare for work in the future – such as having a skills assessment, or doing training.

2. Statistics

There were around 39,000 initial ESA Work Capability Assessments with an outcome in March 2017, compared to around 40,000 in March 2016. The number of initial ESA Work Capability Assessments completed in any given month peaked in November 2015 at around 57,000.¹

The chart below shows the outcomes of initial ESA Work Capability Assessments. In March 2017 around 8,000 people (around 21% of total outcomes) were placed in the Work Related Activity Group, around 15,700 (33%) were placed in the Support Group and around 15,100 people (39%) were found fit for work.²

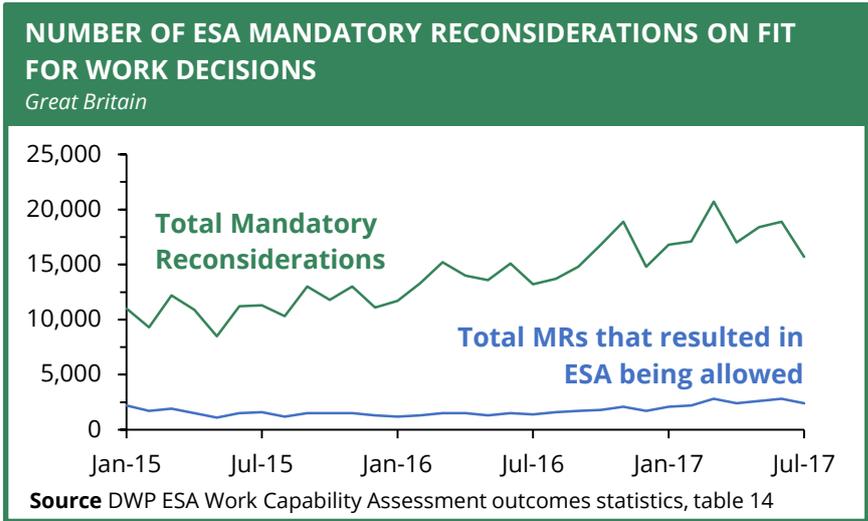


The proportion of people being placed in either the Support Group or Work Capability Assessment peaked at 75% in November 2014. 60% or more of initial ESA Work Capability Assessments resulted in the claimant being awarded ESA in all months between August 2013 and December 2015. This total fell to 51% in April 2016 due to a fall in the number of claimants placed in the ESA Support Group but, by March 2017, had again risen to 61%.

The chart below shows the number of ESA Mandatory Reconsiderations on initial fit for work decisions between January 2015 and July 2017. Around 15,700 mandatory reconsiderations were completed in July 2017, of which around 2,400 (15%) resulted in an original fit for work decision being overturned and the claimants being awarded ESA.

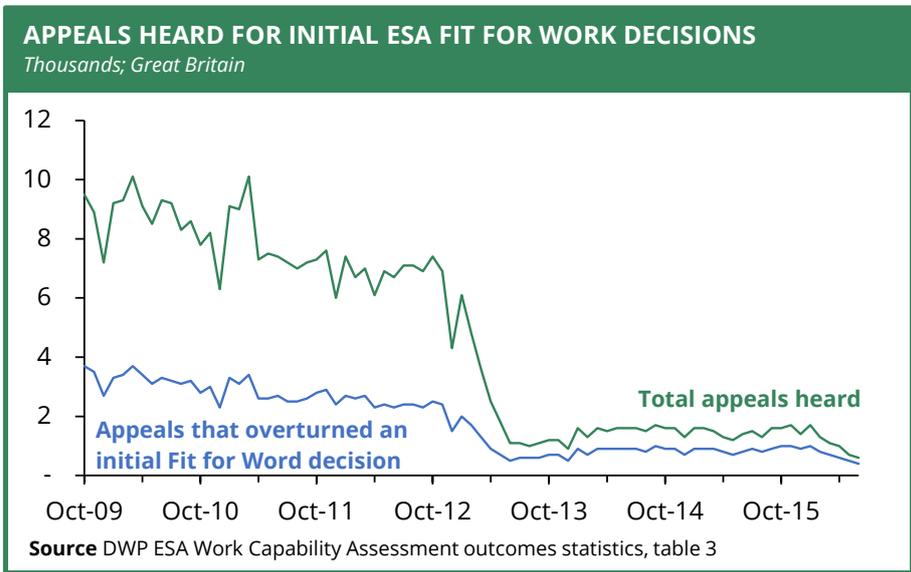
¹ All data in this section is from DWP's [ESA: outcomes of Work Capability Assessments including mandatory reconsiderations and appeals: September 2017](#)

² Figures are before mandatory reconsiderations and appeals



The chart below shows the number of appeals heard in respect of initial ESA fit for work decisions. The number of appeals heard fell considerably in early 2013 from, for example, 7,400 in October 2012 to 1,100 in June 2013. This fall coincided in-part with the introduction of the mandatory reconsideration process.

In general, since introduction of the mandatory reconsideration process successful appeals have made up a greater proportion of total appeals than before 2012-13. In June 2016 there were around 600 Mandatory Reconsiderations with an outcome, of which around 400 (just over 50%) resulted in an initial fit for work decision being overturned.



3. Controversies

The WCA is based on the principle that a health condition or disability should not automatically be regarded as a barrier to work and work itself can have benefits. It has been controversial from the outset.

Welfare rights and disability organisations have voiced concerns about aspects of the test and about the way it has been applied. There has been particular concern about how the test takes account of mental health problems and fluctuating conditions, and about the conduct of medical examinations undertaken by Atos (who have been subsequently replaced by MAXIMUS) Health Care Professionals (HCPs) on behalf of the DWP.

Changes have been made to the WCA following internal reviews, and the Government has also accepted most of the recommendations made by the five annual independent reviews (the first three by Professor Malcolm Harrington, and the last two by Dr Paul Litchfield). However, despite changes made to the WCA since its introduction, it still attracts strong criticism. Problems highlighted by disability and welfare rights organisations include, amongst other things:

- The number of claimants with serious health conditions or disabilities who are found 'fit for work' or placed in the wrong ESA group, due to deficiencies with the WCA descriptors or in the assessment process.
- The difficulties faced by certain groups, and in particular people with mental health conditions or learning disabilities, in navigating the WCA process.
- The lack of information about outcomes for individuals following fit for work determinations, and concerns about the risk of poverty and destitution as a result of incorrect decisions.
- The relatively high success rate for appeals against ESA decisions.
- Difficulties experienced by claimants seeking to challenge fit for work decisions, including the fact that ESA is not payable pending a 'Mandatory Reconsideration' of the decision by the DWP, meaning that the only option in the meantime is to claim Jobseeker's Allowance, potentially exposing the individual to inappropriate conditionality.
- The impact of assessments, frequent reassessments, and poor decision making on the physical and mental health of claimants.

In its July 2014 report on [Employment and Support Allowance and Work Capability Assessments](#), the Work and Pensions Committee concluded:

- ESA was not working as well as it should, particularly in terms of achieving the intended employment objectives for claimants.
- Outcome groups were too simplistic, with the WRAG becoming a catch-all group for those who failed to meet the conditions for the Support Group, but were not seen as fit for work.
- The focus on returning to work within a relatively short period of time was not appropriate for many of these claimants.

- The WCA failed to provide an accurate assessment of a claimant's individual health-related employment barriers, or their distance from the labour market.

The Committee recommended a fundamental redesign of the ESA process, including a reassessment of the application and effectiveness of the WCA descriptors to make them more responsive, particularly for claimants with progressive and fluctuating conditions, and those with mental, cognitive and behavioural difficulties. It also recommended that DWP should reintroduce an assessment of health-related employment barriers into the redesigned ESA process.

In its [response to the Committee in November 2014](#), the Coalition Government said that while it recognised that there was scope for improvements to the WCA and accompanying processes, in light of the reviews already taken and changes already agreed, it did not agree that the WCA was a, "flawed mechanism" for assessing a person's functional capacity.

However, in a [speech given on 24 August 2015](#), the then Secretary of State for Work and Pensions, Iain Duncan Smith, signalled possible future reforms to both ESA and the Work Capability Assessment, suggesting that the WCA should be reformed to focus, "on what a claimant can do and the support they'll need - and not just on what they can't do."

Some commentators have suggested reforming the Work Capability Assessment to take account of how a person's functional impairments affect their ability to work, given who they are. They argue that a broader "real world assessment", taking into account factors such as skills and qualifications, experience, and age, is possible and would better reflect everyday realities than the existing WCA (see for example Ben Baumberg et al, [Rethinking the Work Capability Assessment](#), Demos, March 2015). Ministers have however questioned whether such a test could be applied fairly.

3.1 Mental health conditions

At May 2017, of the 2.36 million claimants of Employment and Support Allowance, 1.17 million – 50% – were recorded as having a mental or behavioural disorder as their main disabling condition.³

In response to a parliamentary question on what adjustments are made to ensure that people with a history of suicide, self-harm or other mental health conditions are treated with appropriate care and caution during benefits assessments, the then DWP Minister Penny Mordaunt said on 27 June 2017:

If an individual has a mental health condition or there is any indication that a claimant has suicidal thoughts or intentions, assessors are trained to explore the person's circumstances carefully. Assessors approach this issue with sensitivity and ask questions in a structured way that is appropriate to the individual,

³ Source: [DWP Stat-Xplore](#)

based on their knowledge of the claimant's clinical history and their judgement on the claimant's current mental state

If the assessor has concerns that a claimant is at substantial and imminent risk with regard to self-harm or suicide, they have a professional responsibility to act quickly in order to safeguard the claimant's welfare; this might include speaking to the claimant's GP, and/or calling an ambulance.

Companions are encouraged to accompany the claimant to a face to face consultation and can play an active role. This is helpful for claimants with mental, cognitive or intellectual impairments, who cannot provide an accurate account of their condition due to a lack of understanding, or unrealistic expectations of their ability.⁴

Evidence presented to the Work and Pensions Committee's inquiry into PIP and ESA assessments (see below) suggests however that assessments are not working well for some people with mental health conditions. Common themes emerging from the complaints from claimants included:

- People being asked "medically inappropriate questions";
- A mismatch between what the claimants had told assessors about their conditions and what the written reports said about them; and
- Assessors overlooking disabilities or illnesses that are not immediately visible.

Other observations, comments and criticisms made in evidence received from organisations concerned with mental health issues include:⁵

- The current activities and descriptors used in the assessments for ESA, and particularly for PIP, are not "fit for purpose", being weighted towards physical health conditions and disabilities and discriminating against those with mental health conditions.
- The structure and content of ESA and PIP assessments (both written and face to face) are not designed in a way that allows claimants affected by mental health problems to accurately express the impact their condition has on them.
- Neither assessment appropriately captures fluctuations in conditions.
- Claimants regularly report that their concerns are not taken seriously by assessors and that their statements are routinely ignored.
- Assessors often do not have the necessary knowledge or expertise to assess the impact of mental health problems.
- The nature of face to face assessments leading claimants to break down due to the distress it causes them, only for the written report to state that the claimant coped well.

⁴ PQ 193 [on Social Security Benefits: Mental Illness], 27 June 2017

⁵ See the written submissions from [Rethink Mental Illness](#) (PEA0405), the [Royal College of Psychiatrists](#) (PEA0389), and [Mind with the Scottish Association for Mental Health](#) (PEA0421), November 2017

- People finding the whole claims, assessment and appeals process confusing and threatening, with detrimental effects in their mental health.
- Instances where the assessment process has led to people being hospitalised, had their medication increased, or attempt to take their own lives.
- Dissatisfaction with the Mandatory Reconsideration process for challenging decisions, which many claimants viewed as a tool to dissuade people going to appeal.
- Claimants or those supporting them not taking their claim to appeal because of the distress the process had caused them up to that point, and/or being overwhelmed at the thought of going through the appeals process.
- Although some people expressed dissatisfaction with the appeals process, the most common view was that the appeals stage was the first time when the full range of information presented as part of the assessment process had been properly considered.

In December 2017, Rethink Mental Illness published a report, [‘It’s broken her’: Assessments for disability benefits and mental health](#).

Drawing on findings from a series of interviews and a focus group-style discussion with people with personal experience of the WCA and of mental illness which took place in January 2017, and an online survey conducted in April 2017 which had over 650 respondents, the report finds that assessments can be “traumatising and anxiety-inducing” for the following reasons:⁶

- There are numerous issues with the paper forms that claimants must submit, including their complexity, length and the inflexible nature of the questions they ask.
- Claimants must collect their own medical evidence, which is extremely burdensome, often expensive, and time-consuming.
- Staff who perform face-to-face assessments frequently have a poor understanding of mental illnesses.
- Delays in Mandatory Reconsideration and appeals to the tribunal mean that claimants may have to wait many months for the correct result.

The report concludes that the current PIP and ESA assessment procedures “inherently discriminate against people with mental illnesses.” It sets out a number of policy recommendations to “dramatically improve the benefits system for people with mental illnesses, as well as saving the Government the vast costs that are currently incurred due to persistent incorrect decisions made early in the process.” These include (original emphasis):⁷

- **A major reform of the PIP assessment and the WCA is needed.** This should result in both assessments reducing the distress caused to people affected by mental illness and that better reflect the realities of living with a condition of

⁶ p7

⁷ p18

this type. Such reform would reduce the need for appeals and the associated costs to the DWP and HM Courts & Tribunals Service (HMCTS).

- **The Government should review the way in which people with mental illness are assessed.** Where clear medical evidence exists that claimants have severe forms of mental illness, they should be exempt from face-to-face assessments. Where face-to-face assessments are necessary, claimants should be encouraged to seek support from carers, friends or family members.
- **All assessors and DWP decision makers should be appropriately trained in mental health.** The scandal of inappropriately trained and experienced assessors making critical decisions about the lives of people affected by mental illness must end.

4. Work and Pensions Committee inquiry

On 29 September 2017 the current [Work and Pensions Committee launched a new inquiry](#) on how the assessment processes for both Employment Support Allowance and Personal Independence Payments are handled by Department for Work and Pensions contractors (ATOS, Capita and Maximus), and how the application, assessment and appeals processes for these two benefits are working.

The Committee welcomed written submissions by 10 November 2017 on a series of questions including:

Assessors and assessments

- Do contractor assessors possess sufficient expertise to carry out assessments for people with a wide range of health conditions?
- Is Department of Work and Pensions quality control for contractors sufficient and effective?
- Should the options for reforming the Work Capability Assessment mooted in the Government's Improving Lives green paper be taken forward?
- What examples of best practice in assessing eligibility for benefits are available internationally, and how transferrable are they to ESA and/or PIP?

Mandatory Reconsideration and appeal

- Why do claimants seek to overturn initial assessment outcomes for ESA and/or PIP?
- Why are levels of disputed decisions higher for PIP than for ESA?
- Is the Mandatory Reconsideration (MR) process working well for claimants of ESA and/or PIP?
- What accounts for the rate of overturned decisions at appeal for PIP and/or ESA?
- Are there lessons that could be learned from the ESA MR and appeal process for PIP and vice-versa?
- What changes could be made earlier in the process to ensure fewer claimants feel they need to appeal?

Claimant experiences

- Do prospective claimants currently understand the purpose of the assessment?
- How could claimants be helped to better understand the assessment process?
- Are some groups of claimants particularly likely to encounter problems with their assessments – and if so, how can this be addressed?
- Should the assessment processes for PIP and ESA be more closely integrated? How else might the processes be streamlined for claimants?

On 21 November the Committee said that the [public response to its call for evidence had been “overwhelming”](#), with over 2,800 individual submissions to the web forum (the usual number being 50-100) and a further 450 pieces of written evidence. The [written submissions](#) can be viewed on the Committee’s web pages.

On 22 November the Committee held an [evidence session](#) at which they heard evidence from claimants and from representatives of frontline advisors and advocacy groups.

A [further evidence session took place on 6 December](#) at which the Committee heard evidence from representatives of the assessment providers, including Maximus.

Transcripts of both evidence sessions are now available:

- [22 Nov 2017 - PIP and ESA assessments - oral evidence | PDF version \(296 KB\)](#)
- [06 Dec 2017 - PIP and ESA assessments - oral evidence | PDF version \(304 KB\)](#)

An [additional session is scheduled for 11 December](#), at which the Committee will hear evidence from disability charities.

4.1 Written submissions

The Committee has received a large number of submissions. Of those from leading disability and welfare rights bodies, the following make more detailed comment on the WCA specifically:

- [Disability Benefits Consortium - written evidence | PDF version \(194 KB\)](#)
- [Scope - written evidence | PDF version \(138 KB\)](#)
- [Citizens Advice - written evidence | PDF version \(538 KB\)](#)

In its submission, **Citizens Advice** states that while evidence from their clients suggests timeliness and some administrative aspects have improved, high appeal success rates support claims made by advisers that reports and decisions are regularly inaccurate. In addition, it states that the design and administration of the assessments, evidence collection and decision making process are “not consistently effective.” As a result, the system is costly to the taxpayer and stressful, time consuming and drawn out for claimants, leaving them without security of income and unable to focus on work where that is relevant. It adds:

Assessments - Assessment reports are often contentious. 92% and 81% of advisors report seeing inaccuracies in PIP assessments and Work Capability Assessments (WCAs) respectively. [Citizens Advice Network Panel Survey, November 2017] Many advisors cite inaccurate assessment report conclusions ranging from unjustified extrapolations from assessors’ observations to wholly contested versions of events. Clients often tell our advisors that these inaccuracies tend to overstate their capabilities.

Many find the process of evidence collection poor. While applicants broadly understand the purpose of assessments, they are not always sufficiently assisted to navigate the process or understand what evidence they need to provide. Supporting evidence from GPs can be inconsistent; occasionally refused, often

expensive and rarely tailored to the assessment descriptors. *'The continuing widespread misperception that PIP [and WCA] is a medical test rather than an assessment of functional impact'* identified in the Second Independent Review [of the PIP Assessment] is consistently reported by our clients and advisors.

Advisors tell us that assessments are consistently failing on mental health, as well as less visible and fluctuating conditions. Assessments can be too formulaic to capture the full extent to which a claimant's condition affects their day-to-day living or capacity for work. They tell us that applicants and even GPs tend to believe that the primary challenge is proving their diagnosis and exploring the consequences that has for their lives and capabilities. Advisors tell us that assessors tend to approach things differently, applying the same questions and exercises for each of 12 or 17 descriptors to every applicant regardless of condition, often without explanation or asking people to describe their conditions and capabilities.

Citizens Advice believes that both PIP assessments and the Work Capability Assessment for ESA are "in need of significant reform." It sets out a series of short term and longer term recommendations (**original emphasis**):

Short term recommendations

- **Clear up-front guidance on what evidence is most appropriate** at each stage of the application, including real-world examples showing clearly how assessments test functional impact rather than diagnose conditions.
- **Improving communication channels** not limited to post: email, text, post across both assessment processes.
- Assessments and Decision Makers should place greater weight on **applicants' descriptions of their conditions and medical evidence**.
- **The creation of a discretionary fund for GPs** to cover costs of producing evidence for assessments and therefore prevent cost to claimants, together with improved guidance and examples of how GPs should present evidence.
- **Video records of assessments** should be available to both parties upon request.
- **More tailored assessments for conditions** by matching assessor expertise to the dominant condition outlined in assessment forms.
- **Some level of ESA payment should be made during MR** without claimants having to claim Jobseekers Allowance (JSA), or Universal Credit (UC) in a full service area, both of which can be subject to similar work requirements.
- Clear rules for **claw back and fines for proven inaccuracies** should be built into future contracts.

Long term recommendations

- Review the evidence collection process with a view to the **government directly collecting or commissioning the collection of appropriate medical evidence**. We disagree with the Second Independent Review on this as claimants often do not have the resources and relationships to ensure the right evidence, including on functional impact, is collected.

- **Review how the process is working for mental health conditions** and consider different assessment processes for applicants with mental health conditions.
- **Review the Mandatory Reconsideration process for ESA and PIP** to bring them closer in line with the the practice and acceptance of additional evidence seen at tribunals.
- Consider **bringing assessments in-house** utilising expertise and skills Government already hold in the health service or occupational health and occupational therapy provision.
- Over the longer term, the government should consider integrating assessments for these disability and sickness benefits into a larger system of occupational health and **occupational therapy services accessible to all**. Progress towards this could begin with the upcoming response to the Work, health and disability green paper consultation.

The **Disability Benefits Consortium (DBC)** submission includes findings from its annual “Big Benefits Survey”, which had 3,841 responses as of 23 October 2017. DBC does not agree that contracted assessors have sufficient expertise to conduct assessments for disabled people or those with long-term conditions:

6. When asked about their experience of undergoing the Work Capability Assessment (WCA) for Employment and Support Allowance, 62% of respondents to the DBC’s Big Benefits Survey either disagreed or strongly disagreed when asked whether assessors *‘understood my disability or health condition’*. A further 62% of respondents disagreed or strongly disagreed that assessors *‘took into account how my symptoms/aspects of my disability or health condition change/fluctuate’*.

Nor does DBC believe that DWP’s quality control of assessment providers is sufficient and effective. It comments:

DBC members regularly receive examples of assessors that inaccurately report claimants’ responses in their assessments. Of those respondents that had seen a copy of their ESA85 or PIP form, 43% felt it ‘badly’ or ‘very badly’ reflected the answers they gave.

DBC argues that DWP “must establish direct responsibility for assessment quality and publish an urgent quality improvement plan to ensure assessment companies are conducting assessments consistently and to a high standard.”⁸

However, DBC believes that what is needed is a “root and branch reform of the WCA”:⁹

The WCA is continuing to fail to adequately capture the barriers many disabled people face to employment and is too often leaving them without support. The continuing high rate of successful appeals highlights that the assessment is struggling to make the right decision first time around. According to the latest tribunal statistics, 68% of appeals are successful [Ministry of Justice, Quarterly Tribunals Statistics, September 2017]. The findings from our survey also indicate significant on-going

⁸ para 21

⁹ paras 23-30

problems with the assessment's accuracy and its ability to judge work capability.

We were disappointed that the Green Paper [Improving Lives] offered no suggestions for the reform of the assessment itself but instead focused on structural changes to the benefit – specifically separating eligibility for financial and employment support. The impact of this proposal may be felt differently across the disabled people represented by our members. For some, this could help to improve employment support for those with more complex needs whilst ensuring they still receive required financial support. However, a number of other organisations are concerned that this could further complicate and prolong the process of receiving support and open up disabled people to inappropriate conditionality.

To address the ongoing issues with the WCA, we feel the priority must be fundamental reform of the content of the assessment. Any assessment for support must be able to capture an accurate picture of the barriers disabled people face. This should include understanding not just the physical or mental conditions that make it difficult for someone to work, but also other barriers to work such as housing issues, debt, relationship breakdown, lack of access to treatment and employer stigma. The current content and descriptors of the WCA focus on assessing functional restriction through a narrow focus on specific activities, such as 'picking up a £1 coin or equivalent' or 'picking up and moving a 0.5 litre carton of liquid' [DWP, Evidence Based Review of the WCA, p54] which may not accurately reflect evidence in relation to barriers for people with certain types of common disabling conditions [Centres for Disease Control and Prevention (2013). Prevalance of doctor-diagnosed arthritis and arthritis-attributable activity limitation-United States, 2010-2012. MMWR Morb Mortal Wkly Rep 62(44): 869-873]. Currently, factors such as whether or not someone can get themselves to work are not considered.

Another issue that was consistently highlighted by respondents to our survey was that supporting evidence from healthcare professionals or specialists, was not taken into consideration. If assessors and DWP decision-makers took into account the evidence provided alongside the assessment, it is likely that more accurate decisions would be made about individuals' needs and readiness for work.

'Supporting evidence that stated my daughter's ASD diagnosis, GAD diagnosis and her complex communications issues were repeatedly ignored. Basically they had to lie to say that they had read it to deny that she has significant communication issues. My daughter scored zero out of twelve. The CAMHS (Healthy Young Minds) doctor could not believe the result. I cannot believe the result.' – Respondent who is the parent of an autistic daughter

We hope a review would help to ensure that the content and underpinning principles of any assessment accurately capture the barriers disabled people face and are based on a robust evidence base and understanding of their experiences. The DBC has never seen any of the evidence underpinning the current WCA and weaknesses in its design have been highlighted, including by the Year 4 Independent Review. [Dr Litchfield, Independent Review of the WCA – year 4, December 2013, p. 37]

Recommendation: The Government should undertake fundamental root and branch reform of the WCA, including the content of descriptors and underlying principles. Design of a new

assessment should be carried out with the involvement of disabled people's organisations and disability charities.

Recommendation: The criteria and descriptors of any new assessment must be based on robust evidence and data and supporting evidence from healthcare professionals/specialists must be taken into consideration by DWP decision-makers.

Scope also believes that the Work Capability Assessment is in need of thoroughgoing reform. Its submission states (**original emphasis**):¹⁰

...Scope firmly believes the WCA is not fit for purpose as a gateway to this essential financial support. It takes a binary approach which doesn't capture the nuances and fluctuations of many disabled people's lived experiences. Its focus on function fails to consider the full range of barriers that disabled people are confronted with in the real world.

Recent Scope research has found that on average, disabled applicants apply for 60 per cent more jobs than non-disabled people in their job search [Scope and Virgin Media poll of 2,000 disabled adults and 2,002 non-disabled adults, September 2017]. However, by limiting focus to functional capacity, the WCA does not take account of the range of structural factors which could contribute towards this. For example, labour market conditions, such as prevalence of part time or flexible work, or societal barriers, such as local availability of reliable and accessible public transport could have a significant impact on the length of time someone spends looking for work.

With the introduction of Universal Credit, the role of the Work Capability Assessment is changing. As UC plays a dual role of both replacing and topping up income, working disabled people will need to go through a WCA to secure a higher rate of UC. It is essential that any new assessment for financial support better captures the barriers disabled people face both in and out of work to reflect the dual role of UC.

The Department for Work and Pensions should develop new gateways to financial support and employment support which are truly reflective of the barriers that disabled people face in the world of work.

It should be replaced with a new assessment for financial support and a conversation about employment support needs. These should be separate, recognising that an assessment to determine immediate need for financial support should take place at a different stage and in a different context to a discussion around person-centred support in to work.

Recommendations:

- **The DWP should reform the WCA to ensure it is truly reflective of the real-world barriers that disabled people face in entering and staying in employment.**
- **The DWP should introduce a new assessment for financial support based on a real-world approach. This should take place within four weeks of a claim.**
- **The DWP should develop a new user-led voluntary conversation about employment support. This should**

¹⁰ paras 22-26

explore the challenges, goals and needs personal to individuals.

5. Parliamentary material

5.1 Parliamentary Select Committees

See Section 4 for the current Work and Pensions Select Committee inquiry on how the assessment processes for both Employment Support Allowance and Personal Independence Payments are handled by Department for Work and Pensions contractors (ATOS, Capita and Maximus), and how the application, assessment and appeals processes for these two benefits are working.

- Work and Pensions Select Committee, [Disability employment gap](#), HC 6 2016-17, 23 January 2017
[[The Government's response](#), HC652 2017-19, 6 December 2017]
- Public Accounts Committee, [Contracted out health and disability assessments](#), HC 727 2015-16, 17 March 2016
- Work and Pensions Select Committee, [Benefit delivery](#), HC 372 2015-16, 16 December 2015
[[The Government's response](#), HC 522 2016-17, 4 July 2016]
- Work and Pensions Select Committee, [Employment and Support Allowance and Work Capability Assessments](#), HC 302 2014-15, 16 Jul 2014
[[The Government's response](#), Cm 8967, 27 November 2014]

5.2 Written Parliamentary Questions

- [Employment and Support Allowance](#)

Asked by: Field, Frank | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many Maximus CHDA assessment centres have recording equipment available for use by employment support allowance claimants undergoing assessments; what the average number of recording units available is in each assessment centre; and what the cost per unit is of those recording units.

Answering member: Sarah Newton | **Party:** Conservative Party |

Department: Department for Work and Pensions

Centre for Health and Disability Assessments currently have 135 recording devices available to Assessment Centres as required. Not all Assessment Centres currently hold recording equipment permanently on site as the demand to record assessments is currently low. In October 2017 less than 1% of claimants asked to have their assessment recorded. Despite the very low number of requests, DWP is still making this service available.

Claimants are required to notify Centre for Health and Disability Assessments in advance if they want their assessment recorded and Centre for Health and Disability Assessments will ensure that recording equipment is made available at the assessment centre, including transferring the equipment to sites if required. Since Centre for Health and Disability Assessments took over the contract to deliver Work Capability Assessments there has not been a need to purchase new recording units so an up-to-date cost estimate cannot be provided.

01 Dec 2017 | Written questions | Answered | House of Commons | 115569

Date tabled: 23 Nov 2017 | **Date for answer:** 27 Nov 2017 | **Date answered:** 01 Dec 2017

- [Employment and Support Allowance: Appeals](#)

Asked by: Timms, Stephen | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what was the average waiting time is for mandatory reconsideration decisions to be processed for claimants of Employment and Support Allowance in the most recent year for which data is available in (a) the UK, (b) Greater London and (c) the London Borough of Newham.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

This information is not readily available and could only be provided at disproportionate cost.

The latest available information on Employment and Support Allowance (ESA) mandatory reconsiderations clearance times in Great Britain can be found in Table 16 of the ESA Outcomes of Work Capability Assessments quarterly statistics published here:

<https://www.gov.uk/government/collections/employment-and-support-allowance-outcomes-of-work-capability-assessment>

27 Nov 2017 | Written questions | Answered | House of Commons | 114966

Date tabled: 21 Nov 2017 | **Date for answer:** 27 Nov 2017 | **Date answered:** 27 Nov 2017

- [Work Capability Assessment](#)

Asked by: Haigh, Louise | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, who is approved to carry out assessments for complex neurological conditions in work capability assessments.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

All Healthcare Professionals undertaking Work Capability Assessments are highly-trained practitioners in their own field. They must be registered practitioners who have at least two years post-registration experience.

Doctors and Physiotherapists are approved by DWP to undertake complex neurological Work Capability Assessments. Neurological training is already a core component of their professional education; this ensures that they have the relevant skills and knowledge to be able to undertake these assessments.

23 Nov 2017 | Written questions | Answered | House of Commons | 113580

Date tabled: 16 Nov 2017 | **Date for answer:** 20 Nov 2017 | **Date answered:** 23 Nov 2017

- [Employment and Support Allowance](#)

Asked by: Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how his Department monitors waiting times for employment and support allowance claimants from their initial submission to the decision on whether they require a work capability assessment or will be placed in the support group.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

From a client statistics point of view, DWP does not produce regular official statistics to monitor the time taken to decide whether an individual will have a face-to-face Work Capability Assessment (WCA), or a paper-based WCA that may lead to them being assigned to the Support Group without a face-to-face WCA. However, information on the volume of paper-based versus face-to-face WCAs between October 2008 and May 2015 was previously published and can be found here

<https://www.gov.uk/government/publications/esa-wca-by-decision-outcome-and-paper-based-assessment-oct-2008-to-mar-2015>

DWP monitors performance and times in the HCP supplier place by measuring the time it takes from submission to the supplier, to recommendation. This is published data, and was 16 weeks in March 2017. DWP works closely with the supplier to improve the time taken.

We follow each element of the journey our customers experience, to inform the setting of appropriate and robust measures to monitor performance and waiting times. We continually review our processes in order to make them as efficient as possible, while maintaining a high quality service. Latest published statistics show that the median end to end clearance time has reduced by nearly half and now stands at 21 weeks, since reaching a peak of 38 weeks in August 2014.

22 Nov 2017 | Written questions | Answered | House of Commons | 114502

Date tabled: 17 Nov 2017 | **Date for answer:** 22 Nov 2017 | **Date answered:** 22 Nov 2017

- [Employment and Support Allowance](#)

Asked by: Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many people have been waiting over (a) 3 months, (b) 6 months, (c) 9 months and (d) 12 months from the date of submission for an employment support allowance claim for a decision on whether they will receive a Work Capability Assessment or are placed in the Support Group in the most recent period for which figures are available.

Answering member: Sarah Newton | **Party:** Conservative Party |
Department: Department for Work and Pensions

The information requested is not readily available and could only be provided at disproportionate cost.

22 Nov 2017 | Written questions | Answered | House of Commons | 114501

Date tabled: 17 Nov 2017 | **Date for answer:** 22 Nov 2017 | **Date answered:** 22 Nov 2017

- [Work Capability Assessment](#)

Asked by: Cameron, Dr Lisa | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, pursuant to the Answer of 6 November 2017 to Question 110670, on work capability assessment, when he plans to publish the document setting out his Department's recent work, its response to the consultation and its next steps.

Answering member: Sarah Newton | **Party:** Conservative Party |
Department: Department for Work and Pensions

In October 2016 we published Improving Lives: the Work, Health and Disability Green Paper, setting out the Government's approach to work and health and inviting views on a ten-year strategy for reform.

We engaged with a wide range of stakeholders and others with an interest during the Green Paper consultation period and received around 6,000 responses. We are working towards a publication later this year, which will provide an update on the work we have been doing since the Green Paper, respond to the consultation, and set out our next steps.

21 Nov 2017 | Written questions | Answered | House of Commons | 112820

Date tabled: 14 Nov 2017 | **Date for answer:** 16 Nov 2017 | **Date answered:** 21 Nov 2017

- [Work Capability Assessment: Autism](#)

Asked by: Debbonaire, Thangam | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what steps his Department has taken to ensure that training offered to those carrying out work capability assessments complies with statutory obligations under the Autism Act 2009.

Answering member: Sarah Newton | **Party:** Conservative Party |
Department: Department for Work and Pensions

The Autism Act 2009 does not impose any specific statutory obligations on DWP or its Providers. The Department is, however, fully committed to improving the services it provides for people with autism. Part of the Department's Autism Strategy Action Plan focuses on key areas for improvement, including promotion of the autism agenda to our Assessment Provider, Centre for Health and Disability Assessments. In order to improve the skills and knowledge of Healthcare Professionals that undertake Work Capability Assessments, the Department supported the Centre for Health and Disability Assessments in the development of condition specific training on autism which is quality assured by external reviewers.

20 Nov 2017 | Written questions | Answered | House of Commons | 112979

Date tabled: 14 Nov 2017 | **Date for answer:** 20 Nov 2017 | **Date answered:** 20 Nov 2017

- [Work Capability Assessment: Autism](#)

Asked by: Debbonaire, Thangam | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, whether people administering work capability assessments are required to undertake training on autism and autistic spectrum disorders; and if he will make a statement.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

All Healthcare Professionals conducting Work Capability Assessments receive extensive training regarding autism spectrum disorders as part of their initial new entrant training. This training programme includes simulated assessments covering claimants with autism and learning disabilities to allow Healthcare Professionals to develop appropriate consultation skills. All Healthcare Professionals have access to condition specific information on autism which is quality assured by external reviewers. Healthcare Professionals are further supported by Functional Champions who are available to provide advice to Healthcare Professionals on particular conditions including autism before, during or after an assessment.

20 Nov 2017 | Written questions | Answered | House of Commons | 112878

Date tabled: 14 Nov 2017 | **Date for answer:** 20 Nov 2017 | **Date answered:** 20 Nov 2017

- [Employment and Support Allowance](#)

Asked by: Sheppard, Tommy | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what proportion of decisions on whether employment and support allowance claimants will not have to undergo further work capability assessments as a result of a lifelong, progressive, degenerative or incurable condition will be made as a result of a paper-based assessment.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

This information is not available.

Only Employment and Support Allowance and Universal Credit equivalent claimants, with the most severe and lifelong health condition or disabilities, who are unlikely to ever be able to move in to work, will fall within this criteria. We expect the majority of these claimants will be assessed on paper, and will not need a face to face assessment

30 Oct 2017 | Written questions | Answered | House of Commons | 109515

Date tabled: 25 Oct 2017 | **Date for answer:** 30 Oct 2017 | **Date answered:** 30 Oct 2017

- [Social Security Benefits: Appeals](#)

Asked by: Morris, Grahame | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what guidance his Department has issued to decision-makers on the process for receiving employment and support allowance and personal independence payment cases pending tribunal where concerns are highlighted about a decision.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

The guidance issued to decision makers when considering an ESA or PIP appeal to the First-tier Tribunal reflects the law. It explains (in summary) that

ESA can continue to be paid pending the tribunal hearing, provided the appealed decision is not based on a second consecutive failed Work Capability Assessment determination. It further explains that if payment pending appeal is not available, then a further claim for ESA can be made anyway but payment would only be made where the claimant's condition has deteriorated or they present with a new condition.

There is no entitlement to PIP pending the tribunal hearing. A further claim can be made before the appeal is decided – the same decision making process applies to this claim as it did to the previous claim.

26 Oct 2017 | Written questions | Answered | House of Commons | 108686

Date tabled: 19 Oct 2017 | **Date for answer:** 23 Oct 2017 | **Date answered:** 26 Oct 2017

- [Employment and Support Allowance: Mental Illness](#)

Asked by: Debbonaire, Thangam | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, if he will review the employment and support allowance assessment criteria to tackle the difficulties faced by applicants suffering with mental health problems including anxiety and depression.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

We are committed to ensuring that the WCA assesses people fairly and accurately, which is why we keep our processes under review. Since ESA was introduced, we have made a number of changes to strengthen the assessment process for people with mental health conditions. We took forward a number of recommendations from Professor Harrington and Dr Litchfield who independently reviewed the WCA, including redesigning the ESA50 claimant questionnaire to make it clear that evidence from healthcare professionals and advocates is particularly valuable in mental health cases.

More information regarding these independent reviews can be found at:

<https://www.gov.uk/government/publications/work-capability-assessment-independent-review-year-1>

23 Oct 2017 | Written questions | Answered | House of Commons | 107866

Date tabled: 16 Oct 2017 | **Date for answer:** 18 Oct 2017 | **Date answered:** 23 Oct 2017

- [Work Capability Assessment: Exemptions](#)

Asked by: De Cordova, Marsha | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, which disabilities and health conditions are now exempt from work capability re-assessments for (a) employment and support allowance and (b) universal credit.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

Rather than setting out a list of specific medical conditions, the criteria for stopping routine assessments in Employment Support Allowance and Universal Credit is based on a set of functional descriptors to determine how an illness or disability affects an individual's ability to work.

19 Oct 2017 | Written questions | Answered | House of Commons | 107389

Date tabled: 12 Oct 2017 | **Date for answer:** 16 Oct 2017 | **Date answered:** 19 Oct 2017

- [Employment and Support Allowance](#)

Asked by: Ruane, Chris | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many people have been put in the employment and support allowance support group after completing a work capability assessment by (a) region, (b) parliamentary constituency and (c) local authority area in each of the last three years for which figures are available.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

The available information on the outcomes of Employment and Support Allowance (ESA) Work Capability Assessments by phase can be found in the ESA Outcomes of Work Capability Assessments quarterly statistics published here:

<https://www.gov.uk/government/collections/employment-and-support-allowance-outcomes-of-work-capability-assessment>

From these statistics Table 1a provides outcomes of ESA initial assessments by region and Table 11 provides outcomes of Incapacity Benefit reassessment, adjusted for appeal outcome, by region and local authority.

Information on all ESA outcomes by parliamentary constituency and initial and repeat claims to ESA by local authority is not readily available and could only be provided at disproportionate cost.

11 Oct 2017 | Written questions | Answered | House of Commons | 106300

Date tabled: 06 Oct 2017 | **Date for answer:** 10 Oct 2017 | **Date answered:** 11 Oct 2017

- [Employment and Support Allowance](#)

Asked by: Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, which organisations his Department consulted when drawing up the criteria for exemption from employment and support allowance reassessments for people with long-term health conditions.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

This change will come into effect in autumn 2017 and will apply to those with the most severe health conditions and disabilities who are placed in Employment and Support Allowance's Support Group and the Universal Credit equivalent.

We are working with stakeholders to finalise the criteria, once completed, the amended guidance will be incorporated into the Work Capability Assessment Handbook published annually on GOV.UK. This change will be reflected in the summer 2018 update.

Through the development of the criteria we have consulted with a range of organisations, including representatives from some of the major health and disability charities through a stakeholder representative group.

14 Sep 2017 | Written questions | Answered | House of Commons | 9977

Date tabled: 11 Sep 2017 | **Date for answer:** 14 Sep 2017 | **Date answered:** 14 Sep 2017

- [Social Security Benefits: Appeals](#)

Asked by: Smith, Cat | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, whether he plans to undertake an assessment of reasons for the increase in the number of employment and support allowance and personal independence payment appeals in the year ending March 2017.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

The increase in appeals for these benefits was for the following reasons:

ESA. There has been a significant change over 2016/17 in the makeup of Work Capability Assessments. As capacity with the provider has increased, this has enabled us to undertake assessments on a greater range of cases, including more reassessment cases and more cases which require a face-to-face assessment. This has changed the case mix and we are seeing more fit-for-work and work-related activity group decisions. Fit-for-work decisions are more likely to be appealed. But it should be noted that between April 2014-December 2016, 2.1m ESA WCA decisions have been made, of these just 8% have been appealed and only 4% have been overturned.

PIP. The increase is consequent on the upscaling of the roll-out of the DLA to PIP migration programme. Those who either were not awarded PIP or were given a reduced award were likely to dispute those decisions. In the majority of successful appeals, decisions are overturned because people have submitted more oral or written evidence.

12 Sep 2017 | Written questions | Answered | House of Commons | 7480

Date tabled: 04 Sep 2017 | **Date for answer:** 06 Sep 2017 | **Date answered:** 12 Sep 2017

- [Employment and Support Allowance: Parkinson's Disease](#)

Asked by: Moon, Mrs Madeleine | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many people with Parkinson's disease have had employment and support allowance cancelled after 12 months without undergoing a work capability assessment; and if he will make a statement.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

Between October 2008 and September 2015 there were fewer than 50 individuals, whose main disabling condition was recorded as Parkinson's disease, who stopped receiving Employment and Support Allowance (ESA) after twelve months and did not have a completed Work Capability Assessment.

Notes

- An individual may have made more than one ESA claim and had more than one assessment in the time period shown. These individuals will only be counted once.

- The primary medical condition recorded on the claim form does not itself confer entitlement to ESA. So, for example, a decision on entitlement for a customer claiming ESA on the basis of Parkinson's disease would be based on their ability to carry out the range of activities assessed by the work capability assessment.

12 Sep 2017 | Written questions | Answered | House of Commons | 7147

Date tabled: 04 Sep 2017 | **Date for answer:** 06 Sep 2017 | **Date answered:** 12 Sep 2017

- [Work Capability Assessment](#)

Asked by: Trickett, Jon | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how much his Department has spent on contracts for delivering work capability assessments in the last year.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

In 2016/17 the Department spent £177.5m on ESA and related Work Capability Assessments. This figure covers the direct cost of delivering work capability assessments, the medical assessments undertaken for other benefits, costs relating to written and verbal medical advice, fixed overheads, administrative costs, investment in new technology and other service improvements.

12 Sep 2017 | Written questions | Answered | House of Commons | 7027

Date tabled: 04 Sep 2017 | **Date for answer:** 06 Sep 2017 | **Date answered:** 12 Sep 2017

- [Work Capability Assessment](#)

Asked by: Timms, Stephen | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what recent assessment he has made of the effectiveness of the work capability assessment in supporting disabled people into work; and if he will make a statement.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

We have responded to a range of recommendations from five Independent Reviews.

In addition, we have consulted through the Work and Health Green Paper how we might improve the assessment process, and how we can use information more effectively to support this group in the future.

11 Sep 2017 | Written questions | Answered | House of Commons | 8607

Date tabled: 05 Sep 2017 | **Date for answer:** 11 Sep 2017 | **Date answered:** 11 Sep 2017

- [Work Capability Assessment: Chronic Illnesses](#)

Asked by: Debbonaire, Thangam | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what guidance is given to work capability assessors who deal with claimants who suffer from chronic fluctuating conditions.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

It is recognised that over time most conditions fluctuate to some degree and that it is therefore essential that the assessment works for people with fluctuating conditions. The Health Professional carrying out the assessment is directed not to focus on an individual's 'best day' or take a 'snapshot' of their condition on the day of their face-to-face consultation but to take a view of the claimant's ability over a longer period of time. This presents a more coherent picture of the disabling effects of the claimant's health condition.

The Centre for Health and Disability Assessments (CHDA) engages with relevant stakeholders in developing their training for Health Professionals, who receive comprehensive training in disability analysis. This includes a functional evaluation as to how medical conditions and the long-term medical treatment of those conditions affect an individual over time.

07 Sep 2017 | Written questions | Answered | House of Commons | 8407

Date tabled: 04 Sep 2017 | **Date for answer:** 07 Sep 2017 | **Date answered:** 07 Sep 2017

- [Social Security Benefits: Medical Examinations](#)

Asked by: Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, if he will publish (a) the value and duration of all contracts his Department holds with contractors for the delivery of work capability assessments and personal independence payment assessments and (b) the amount spent on each contract including (i) underspends and (ii) overspends in each year for which data is available.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

The Department holds one contract for the delivery of Work Capability Assessments (and other smaller assessments) which commenced in March 2015 for the period of 3 years, with an option to extend for up to two further years. The estimated contract value at the point of contract award for the original 3 year term (1 March 2015 – 28 February 2018) was:

Supplier	Centre for Health and Disability Assessments (CHDA - a MAXIMUS company)
Original contract price	£595m

Contract Year 1 (to 28 February 2016) = £126.8m (excluding £13.9m set up costs which are spread over the life of the contract).

Contract Year 2 (to 28 February 2017) = £150.6m.

Overall, the Department's spend against this contract is lower than anticipated at contract award due to a number of factors including service credits, efficiency savings delivered and changes in the target cost agreed following small changes in requirements.

The Department holds 3 contracts for Personal Independence Payments (PIP) assessments, which commenced in July 2012 for a period of 5 years with the option to extend for a period of up to a further 2 years (which the Department exercised its rights to). The contract value for the original 5 year term (1 July 2012 to 31 July 2017) was:

Contract	Lot 1	Lot 2	Lot 3
Supplier	Atos	Capita	Atos
Region	NW England, NE England, Scotland, Isle of Man	Central England, Wales	London, Southern England
Original contract price	£206.7m	£121.6m	£183.9m

Total spend against these contracts is as follows:

Contract Year 1 (to 31st July 2013) = £0.8m

Contract Year 2 (to 31st July 2014) = £54.8m

Contract Year 3 (to 31st July 2015) = £211.4m

Contract Year 4 (to 31st July 2016) = £236.5m

PIP contracts are paid on the basis of outcomes, primarily the number of assessment reports produced, with service credits related to performance. There is not therefore a single overspend / underspend figure recognised for these contracts over the referenced contract period.

20 Jul 2017 | Written questions | Answered | House of Commons | 5466

Date tabled: 17 Jul 2017 | **Date for answer:** 20 Jul 2017 | **Date answered:** 20 Jul 2017

- [Social Security Benefits: Medical Examinations](#)

Asked by: Abrahams, Debbie | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, if he will list (a) the qualification levels of assessors who undertake work capability assessments or personal independence payment health assessments and (b) the proportion of assessors who are members of professional bodies.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The Department has set clear requirements on the professions, skills, experience and training of Health Professionals (HPs) employed by Assessment Providers to carry out health assessments.

All HPs undertaking Personal Independence Payment (PIP) assessments must be an occupational therapist, level 1 nurse, physiotherapist, paramedic or doctor.

Work Capability Assessments are carried out by HPs who are an occupational therapist, nurse, physiotherapist or doctor.

All HPs undertaking assessments on behalf of the Department must be fully registered with the relevant licensing body (i.e. doctors must have a license to practise): have no sanctions attached to registration unless they relate to disability; have at least 2 years post full registration experience or less than 2 years post full registration experience by individual agreement with the Authority and have also met requirements around training, experience and competence.

Approval for an HP must be conferred by the Department's Chief Medical Officer (CMO) on behalf of the Secretary of State for Work and Pensions.

20 Jul 2017 | Written questions | Answered | House of Commons | 5368

Date tabled: 17 Jul 2017 | **Date for answer:** 19 Jul 2017 | **Date answered:** 20 Jul 2017

- [Employment and Support Allowance: Scotland](#)

Asked by: Crawley, Angela | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, how many people applying for employment and support allowance in Scotland had to wait more than six weeks to receive their benefit in the last three months.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The information requested is not readily available.

The management information system used to report Employment and Support Allowance (ESA) clearance times only shows data on the average time or the number cleared within 5, 10, 16 or 21 days. The system cannot produce data on cases which had to wait more than 6 weeks to receive their benefit.

However ESA claimants are paid an assessment rate of benefit based on a preliminary decision prior to going through the work capability assessment. This means that the majority of claimants receive a decision on their claim with the first 10 working days.

From April 17 – June 17 85.2% of claimants have received a decision on their claim within 10 working days.

18 Jul 2017 | Written questions | Answered | House of Commons | 4794

Date tabled: 13 Jul 2017 | **Date for answer:** 18 Jul 2017 | **Date answered:** 18 Jul 2017

- [Employment and Support Allowance: Medical Examinations](#)

Asked by: Morris, Grahame | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what steps he is taking to (a) ensure that the outcome of assessments conducted by his Department on people seeking to claim employment and support allowance are correct and (b) reduce the number of decisions based on such assessments which are overturned on appeal.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

a) To ensure that the outcome of assessments conducted by his Department on people seeking to claim employment and support allowance are correct

With regard to the actual Work Capability Assessment (WCA), the Department robustly monitors the performance of the Centre for Health and Disability Assessments (CHDA). They are independently audited to ensure that the advice provided to the Department's decision makers is of suitable quality, fully explained, and justified. Assessment reports deemed unacceptable are returned to CHDA for reworking. The Department continues to work extensively with the assessment provider to make improvements to guidance, training and audit procedures in order to ensure that a quality service is maintained. All healthcare professionals delivering assessments for CHDA complete rigorous training before they are allowed to undertake WCAs. The healthcare professionals employed by CHDA are required to complete the agreed elements of Continuing Medical Education, as set out in the contract each year. CHDA undertake continuous review and audit of all healthcare professionals, with clinical mentoring available as required.

b) To reduce the number of decisions based on such assessments which are overturned on appeal.

Any claimant wishing to dispute a decision made based on their assessment is entitled to do so.

The first stage of which is for the Department to conduct a Mandatory Reconsideration (MR) whereby a different decision maker undertakes a full review of the case and considers any additional evidence provided. The Department undertakes this review in an attempt to ensure before appeal that our decision is as robust and accurate as possible.

However, should the decision remain the same and the claimant still disagree, they can submit an appeal directly with Her Majesty's Court and Tribunal Service (HMCTS).

The Department now has Presenting Officers attending 50% of all ESA Appeals at HMCTS ensuring that where the Department believes the decision to be robust and accurate, we are adequately represented. This also enables us to gather significant feedback that will inform the quality of our decision making going forward.

18 Jul 2017 | Written questions | Answered | House of Commons | 3772

Date tabled: 10 Jul 2017 | **Date for answer:** 12 Jul 2017 | **Date answered:** 18 Jul 2017

- [Work Capability Assessment](#)

Asked by: Field, Frank | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what steps he is taking to reduce the time taken to obtain an assessment for employment and support allowance.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

Since the Centre for Health and Disability Assessments took over the contract to carry out assessments in March 2015, they have made a number of improvements to claimants' experience of assessments, including:

Increasing the number of Healthcare Professionals by around 70% since the start of the contract, thereby ensuring that claimants go through the assessment process more quickly; and,

Increasing the number of assessment rooms used so that they can see more people at more locations.

As a result of these improvements, the time taken from referral to the supplier to the claimant receiving a face-to-face Work Capability Assessment has more than halved since the start of the contract.

17 Jul 2017 | Written questions | Answered | House of Commons | 4312

Date tabled: 11 Jul 2017 | **Date for answer:** 17 Jul 2017 | **Date answered:** 17 Jul 2017

- [Employment and Support Allowance: Medical Examinations](#)

Asked by: Madders, Justin | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many complaints have been made by employment and support allowance claimants after medical examinations.

Answering member: Penny Mordaunt | **Party:** Conservative Party | **Department:** Department for Work and Pensions

Just over 0.6% of all face-to-face Work Capability Assessments carried out in the last twelve months generated a complaint to the Centre for Health and Disability Assessments (CHDA).

29 Jun 2017 | Written questions | Answered | House of Commons | 1069

Date tabled: 26 Jun 2017 | **Date for answer:** 28 Jun 2017 | **Date answered:** 29 Jun 2017

- [Social Security Benefits: Mental Illness](#)

Asked by: Reeves, Rachel | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what adjustments his Department makes to ensure that people with (a) a history of suicide

or self-harm and (b) other mental health conditions are treated with appropriate care and caution during benefits assessments.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

If an individual has a mental health condition or there is any indication that a claimant has suicidal thoughts or intentions, assessors are trained to explore the person's circumstances carefully. Assessors approach this issue with sensitivity and ask questions in a structured way that is appropriate to the individual, based on their knowledge of the claimant's clinical history and their judgement on the claimant's current mental state

If the assessor has concerns that a claimant is at substantial and imminent risk with regard to self-harm or suicide, they have a professional responsibility to act quickly in order to safeguard the claimant's welfare; this might include speaking to the claimant's GP, and/or calling an ambulance.

Companions are encouraged to accompany the claimant to a face to face consultation and can play an active role. This is helpful for claimants with mental, cognitive or intellectual impairments, who cannot provide an accurate account of their condition due to a lack of understanding, or unrealistic expectations of their ability.

Further information on Work Capability Assessments can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535065/wca-handbook-july-2016.pdf.

Further information on Personal Independence Payment Assessments can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210722/pip-assessment-guide.pdf

27 Jun 2017 | Written questions | Answered | House of Commons | 193

Date tabled: 21 Jun 2017 | **Date for answer:** 26 Jun 2017 | **Date answered:** 27 Jun 2017

- [Work Capability Assessments](#)

Asked by: Morris, Grahame | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many assessments Maximus completed within the first year of that company's employment and support allowance contract.

Answering member: Penny Mordaunt | **Party:** Conservative Party |
Department: Department for Work and Pensions

In Year 1 (1 March 2015 – 29 February 2016) of their contract, Centre for Health Disability Assessments (CHDA) delivered a total of 792,302 Work Capability Assessments and 111,720 other assessments. For Year 2, the number of assessments completed overall by CHDA increased to 945,343 and 108,943 respectively. CHDA is a MAXIMUS Company.

05 Apr 2017 | Written questions | Answered | House of Commons | 69499

Date tabled: 28 Mar 2017 | **Date for answer:** 30 Mar 2017 | **Date answered:** 05 Apr 2017

5.3 Oral Parliamentary Questions

- [Contracted-out Health Assessments](#)

Asked by: Luke Graham (Ochil and South Perthshire) (Con) | **Party:** Conservative Party

Last week I was able to spend a day at the Alloa jobcentre in my constituency and observe what is going well and what is going not so well with some of our welfare reforms, including universal credit and PIP. One issue that arose was the length of time that people are waiting for health and work capability assessments. What penalties are being levied against some of the third-party companies that are involved in the assessments, and what could be done to close the gap for our constituents?

Answered by: Mr Gauke | **Party:** Conservative Party | **Department:** Work and Pensions

The timing of both ESA or PIP assessments has improved in recent months: the waiting time has been reduced. I welcome that, but we continue to work closely with the providers of the assessments to ensure that their performance is adequate.

13 Nov 2017 | Oral questions - Supplementary | Answered | House of Commons | House of Commons chamber | 631 c6

Date answered: 13 Nov 2017

- [Work Capability Assessment](#)

Asked by: Lord Low of Dalston (CB) | **Party:** Crossbench

My Lords, to ensure that the work capability assessment is fit for purpose, will the Government undertake to carry out a thorough inquiry into the alarming reports that assessors are disregarding evidence of unfitnes to work put before them by claimants; and that claimants are even taking their own lives as a result of the stress to which they are subjected by work capability assessments, something which has been confirmed by coroners' findings?

Answered by: Baroness Buscombe | **Party:** Conservative Party

My Lords, it is important to point out that we are talking about approximately 2.4 million claimants who make up the employment support allowance caseload. Obviously the references made by the noble Lord to particular individuals are of concern, but the nominal expenditure forecast for 2017-18 is £15.3 billion. In that case, we have to proceed with care in the changes we make, to ensure that the delivery of assessments works for everyone. Since the Centre for Health and Disability Assessments took over the contract to carry out assessments in 2015, a number of improvements have been made to

claimants' experience of them. The number of HCPs has been increased by 68%—

Answered by: Baroness Buscombe | **Party:** Conservative Party

I am sorry, but I think that noble Lords would like a clear explanation. Since August 2017, the centre has ensured that claimants go through the assessment process more quickly and increased the number of mental health champions it employs, as well as appointed a head of customer experience.

09 Oct 2017 | Oral questions - Supplementary | Answered | House of Lords | House of Lords chamber | 785 c8

Date answered: 09 Oct 2017

- [Work Capability Assessment](#)

Asked by: Baroness Thomas of Winchester (LD) | **Party:** Liberal Democrats

I am grateful for that Answer and am glad that there is some progress. However, does the Minister agree that the WCA is particularly bad at assessing whether people with more than one impairment—constant pain, for example—are capable of doing jobs in the real world of work and not just theoretical jobs? Will she undertake to ensure that the assessment will be underpinned by rigorous research into the kinds of jobs that people with limited capability for work could do? Also, will she ensure that any new legislation in this area is piloted first?

Answered by: Baroness Buscombe | **Party:** Conservative Party

The noble Baroness will know that this is the fifth review of the work capability assessment since it was introduced in 2008. It is important to continually reassess and review the way the assessment is carried out. That is why since April, when we rolled out the new PSP—the personal support package for people with health conditions, which may include having one or more conditions—we have recruited 300 new disability employment advisers and 200 community partners, as well as introducing peer support job clubs in 71 jobcentres. We have allocated £15 million to the flexible support fund, made changes to the permitted work rules and have almost completed the rollout of the health and work conversation. This is in line with our ambition to provide a support system that can be tailored to individuals' needs.

09 Oct 2017 | Oral questions - 1st Supplementary | Answered | House of Lords | House of Lords chamber | 785 c7

Date answered: 09 Oct 2017

5.4 Parliamentary Debates

- [Work Capability Assessment](#) (HL Deb 9 October 2017 cc7-9)
- [ESA and Personal Independence Payments](#) (HC 30 November 2016 cc587-611WH)
- [Work Capability Assessments](#) (HC 9 February 2016 cc537-563WH)
- [Employment and Support Allowance and Work Capability Assessments](#) (HC 5 February 2015 cc168-192WH)

- [Work Capability Assessments](#) (HC 16 June 2014 cc929-938)

5.5 Early Day Motion

[TRANSITIONING FROM ESA TO JSA](#)

That this House commends the People's Assembly Fife on its report on transition from ESA to JSA; understands that volunteers from the People's Assembly Fife undertook a project over the course of 2016 aimed at advising people who faced benefit sanctions and that this involved speaking to claimants at Kirkcaldy Jobcentre Plus who were transitioning to jobseeker's allowance (JSA) after failing the work capability assessment (WCA); further understands that, according to the report, volunteers spoke to approximately 400 people, of whom 25 per cent were transitioning from employment and support allowance (ESA) to JSA after failing the WCA; notes that the report found very significant gaps in time between claimants receiving their last ESA payment and their first JSA payment and that most were still waiting for their claim to be processed; further notes, from the report, that claimants said they had been waiting for as long as 12 weeks to receive a JSA payment, that most claimants had no other source of income, and that some said that they were begging or relying on family members or the local foodbank for food, and that none of the claimants spoken to by volunteers were aware that they could request an advance payment; and considers it imperative that the Government should ensure that the transition from ESA to JSA is seamless and that claimants should not be left without any source of income while transitioning between the two benefits.

23 Mar 2017 | Early day motions | Open | House of Commons | 1108
(session 2016-17)

Primary sponsor: Mullin, Roger | **Party:** Scottish National Party

Other sponsors: Durkan, Mark · McDonald, Stewart · McGarry, Natalie · O'Hara, Brendan · Thewliss, Alison

Number of signatures: 26

6. Press articles

[Work and pensions minister David Gauke invited to Glasgow's east end to see the misery caused by work capability assessments](#)

Glasgow Evening Times, 4 December 2017

[Reporting that Mr Gauke has been invited by Mr David Linden to the east end of Glasgow to observe a DWP work capability assessment]

[Pledge To Get One Million Disabled People Into Work Needs Swift Action To Make This A Reality](#)

The Huffington Post, 2 December 2017

[Blog by the Chief Executive of Scope, a disability charity, responding to the announcement of the Government's Strategy aimed at getting disabled people into work]

[Heidi Allen: Ministers must make a priority of closing the disability employment gap](#)

Conservative Home, 14 September 2017

[Government accused of wasting taxpayers' money to 'suppress' Work Capability Assessment results](#)

The Independent, 8 August 2017

[UK judges rule DWP wrong to deny appeals over refused benefits](#)

The Guardian, 4 August, 2017

[Theresa May confronted with harsh reality of work assessments by woman on verge of tears](#)

The Independent, 3 June 2017

[Report of an incident on the television during the General Election campaign, where an audience member confronted the Prime Minister with her experiences of WCA]

['Cruel and humiliating': why fit-for-work tests are failing people with disabilities](#)

The Guardian, 22 May 2017

[DWP's fit-to-work tests 'cause permanent damage to mental health', study finds](#)

The Independent 13 March 2017

[Reports on a study conducted by academics at Edinburgh Heriot-Watt and Napier universities on the effects of the Work Capability Assessment on people's mental health]

[Government 'withheld' disabled death reports from watchdog](#)

The Independent, 29 December 2016

[Work capability assessment overhaul for disabled](#)

BBC News, 31 October 2016

[Report on the announcement of the consultation on reforming WCA]

7. Press notices

[Psychologists' concern at new strategy for getting people with disabilities into work](#)

The British Psychological Society, 30 November 2017

[Outlines concerns among some in the BPS about the Government's new strategy aimed at getting more disabled people into work in the next decade]

['Psychology at work' - BPS report launched today](#)

The British Psychological Society, 14 November 2017

[Announcing the launch of a [report](#) which examines issues around work, health, and disability]

[Inquiry probes widespread dishonesty claims by DWP assessors](#)

Third Force News, 11 October 2017

[Scottish Government won't halt hated disability assessments](#)

Third Force News, 11 October 2017

[Plans to reform Work Capability Assessments welcomed](#)

The British Psychological Society, 1 November 2016

8. Further reading

- Rethink Mental Illness, [‘It’s broken her’: Assessments for disability benefits and mental health](#), December 2017
- Commons Library briefing CBP-7820, [ESA and PIP reassessments](#), 27 October 2017
- Commons Library briefing CBP-7649, [Abolition of the ESA Work-Related Activity Component](#), 7 March 2017
- Commons Library briefing CBP-7182, [The Work Capability Assessment for Employment and Support Allowance](#), 18 September 2015
- Department for Work and Pensions, [ESA: outcomes of Work Capability Assessments including mandatory reconsiderations and appeals](#), 14 September 2017
- Department for Work and Pensions, [Work Capability Assessment handbook: for healthcare professionals](#), 19 March 2013 (updated 1 August 2017)
- Citizens Advice Scotland, [Burden of Proof: The role of medical evidence in the benefits system](#), June 2017
- Department for Work and Pensions, [Employment and Support Allowance: the Work Capability Assessment detailed guide](#), 1 January 2013 (updated 7 July 2016)
- Full Fact, [Appealing a ‘Fit for Work’ decision](#), 8 November 2016
- Demos, [Rethinking the Work Capability Assessment](#), March 2015

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