



1939-2009: 70 years  
of Scottish CAB advice

**Members' Business Debate:**

**Citizens Advice Scotland's evidence report on the  
Employment and Support Allowance, titled 'Unfit for Purpose'  
Thursday May 27<sup>th</sup> 2010**

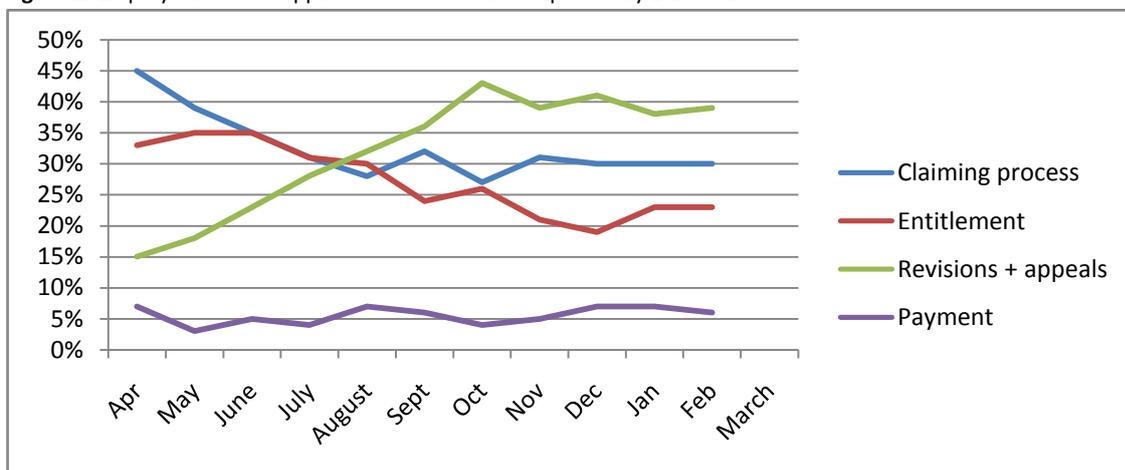
**Summary:**

Citizens Advice Scotland will launch on Wednesday the 26<sup>th</sup> of May their most recent evidence report on the Employment and Support Allowance (ESA). The report has also informed BBC Scotland's Investigative Program, 'Benefits – Who's Cheating Who?' which will air on Wednesday the 26<sup>th</sup> at 10:45pm on BBC 1. The report is based on evidence from citizens advice bureaux across Scotland, depicting the gravity of the issues faced by both applicants and claimants, many of whom have severe illnesses and/or disabilities. ESA is now the second highest enquiry about benefits in bureaux and the fifth most enquired about issue overall. The report focuses on three main types of problem for CAB clients: the poor administration of the benefit, issues with the Work Capability Assessment and concerns around incorrectly being found fit for work

**Background:**

ESA was introduced on October 27<sup>th</sup>, 2008 as the new benefit to replace Incapacity Benefit and Income Support for those who are sick or disabled. All new applicants have to apply for ESA or Job Seeker's Allowance (JSA) while those currently on Incapacity Benefit will be rolled onto the new programme by 2015. Since its inception, ESA has proved to be problematic for CAB clients, many of whom are seriously ill and/or disabled and are being found fit for work under the new benefit's points based Work Capability Assessment (WCA). Currently four in 10 client enquiries relating to ESA are on the appeal process. The following shows the increase in the number of clients seeking help in appealing ESA assessment decisions:

**Figure 1:** Employment and Support Allowance Issues Reported by Bureaux:



## **Research Findings:**

### **Administration of ESA**

A number of clients have received inaccurate advice from some Job Centre Plus staff resulting in them claiming the wrong benefit and placing them in a more financially vulnerable position when their claim is rejected. Clients have also experienced problems in filling out application forms, or have seen their documents lost by the DWP causing further delay. Some have also experienced delays generally in having their claims processed, forcing them to request financial assistance from family, friends or through the social fund just to meet essential costs. Clients who are on ESA have also reported problems in *receiving* their benefit payments, and subsequent problems in getting the appropriate benefit department to resolve the issue.

### **Work Capability Assessment (WCA)**

The WCA is based on medical advice delivered by health professionals employed by ATOS Healthcare. The WCA is a points based assessment and the DWP makes a final decision on a claimant's ESA status based on the outcome. The work capability assessor uses a range of activities and descriptors to assess the effects of the claimant's health condition or disability on their ability to carry out a number of everyday tasks. Clients and advisers report a number of problems with the assessment descriptors and poor communication from WCA health professionals. They have also reported a perception that decision makers are disregarding supporting medical evidence from GPs and health specialists. Bureau evidence shows that a number of clients found fit for work are actually severely ill (such as terminally ill cancer patients) and should have been exempt from undergoing a work capability assessment in the first place. According to our assessment of the DWP's statistical release on ESA, 68% of ESA claimants have been found fit for work. This is 18% more than what the Works and Pensions secretary had estimated when he first announced the new assessment system in November 2007. Our evidence has found that seven in every ten bureau clients who have appealed against their ESA decision and represented by a bureau adviser has had their appeal upheld.

## **Recommendations for change:**

- The WCA needs to be reviewed to ensure that claimants with serious illnesses or disabilities are not made to go through the assessment process, that claimants taking part in the WCA are allowed to fully describe their condition rather than having to provide yes/no answers, and that greater emphasis is placed on medical evidence provided by their own GPs
- The DWP needs to urgently review why WCA is finding significantly more claimants fit for work than they themselves had intended
- The accuracy of WCA should be reviewed, particularly in its assessment of clients with mental health problems

- The DWP urgently needs to examine what happens to clients found fit for work and who do not appeal their decisions or lose their appeals. Are clients finding employment, claiming JSA, or are they falling out of the benefits system altogether?
- The DWP needs to ensure that the problems in the ESA system are addressed before existing IB claimants are moved on to the new benefit.

**For further information please refer to CAS's ESA evidence report 'Unfit for Purpose' or please contact Alizeh Hussain at [alizeh.hussain@cas.org.uk](mailto:alizeh.hussain@cas.org.uk) or by calling 0131 550 1014**