

## CAS briefing for the WCA Debate



**Briefing for Westminster Hall Debate 1<sup>st</sup> February 2011**

Employment and Support Allowance (ESA) is one of the most significant issues that clients seek advice upon at citizens advice bureaux in Scotland. In 2010/11, CAB in Scotland helped clients with almost 20,000 new ESA issues – a 33% increase on the previous year. These issues are causing stress and confusion for clients and are putting huge pressure on advisers to help all those requiring advice.

### ***Clients experience a range of problems in the WCA***

The Work Capability Assessment (WCA) is the most problematic part of this dysfunctional benefit. Clients and advisers have reported a range of issues with the WCA, including problems with the assessment descriptors and healthcare professionals who do not appear to be listening to the claimant or who distort their answers. Based upon the experiences of their clients, welfare adviser concerns about the WCA include:

- **The WCA is often rushed**, and can last just 20 minutes, leaving claimants with the impression that they have not been properly assessed
- **The yes/no format of the assessment is too narrow**, leaving little opportunity for the client to explain their condition
- **The health care professionals often fail to listen or interact with the client**, which can lead to mistakes and a failure to properly assess conditions
- **The descriptors often do not cover a client's condition**, especially mental health conditions, and are not based on 'real world' capabilities.

A number of welfare advisers detailed the problems that clients had reported to them regarding the inadequacies of the assessment and the conduct of the health care professionals:

*"I can tell them [clients] word for word exactly what they are going to say to me, 'I was only in for 20 to 25 minutes, they just asked me questions, they never looked at me or examined me...' I myself have attended two of these medicals so I know what people tell me is the truth."*

*"I have had many comments from clients about the Health Care Professionals who carry out medicals. They do not appear to listen to their answers, they do not look up from the computer screen, everything is rushed with clients given no opportunity to try and explain their situation. Also there are many comments about the medical report stating things that had never been said."*

### ***Poor assessments are causing a huge number of appeals***

As a result of poor assessments in the WCA, the Tribunals Service and citizens advice bureaux have been overloaded by a massive caseload of ESA appeals. During 2010/11, 176,600 ESA appeals were disposed by the Tribunals Service in the UK – nearly 500 every day. The DWP had originally estimated that an additional 21,000 appeals a year would reach a hearing.

DWP figures show that almost 40% of ESA appeals are found in favour of the claimant. More than 31,000 assessments were overturned at appeal in the first half of 2010/11 – more than 170 each day.

### ***The WCA is putting significant pressure on advice services***

CAB advised on almost 20,000 new ESA issues and provided representation to clients at around 1,550 ESA tribunals in 2010/11. This represented an increase of 33% on the number of issues advised upon and an 82% in representation at tribunals. The claimant was successful in 69% of the appeals where bureaux provided representation.

We estimate that the tribunals would have taken over 1,100 working days of adviser time, which does not include the thousands of clients that needed help completing forms and understanding letters. There is no additional funding to deal with this extra demand on already strained resources.

### ***Hundreds of thousands of long-term claimants are being re-assessed***

Between April 2011 and 2014, over 170,000 existing Incapacity Benefit claimants in Scotland will undergo a reassessment for ESA at a rate of nearly 1,000 per week. Researchers at Sheffield Hallam University estimate that around 115,000 IB claimants will lose their entitlement over the next three years, with 65,000 moving out of the benefit system altogether. We estimate that these individuals will lose a total of £390 million annually in income replacement benefits, impacting on individuals, families, communities, and the national economy.

These claimants will be re-assessed using the Work Capability Assessment. Whilst the WCA has been improved by Professor Harrington's proposed changes, we believe that it remains a blunt method of assessing a claimant's capacity for work. This is borne out by the huge pressure placed on advice services and the Tribunals Service by inaccurate assessments. With more than 1,000 long-term claimants being re-assessed each week in Scotland, we have serious concerns about the ability of the WCA to accurately assess many of the most vulnerable people in society.