



Sir Vince Cable MP
BY EMAIL

92-104 High Street
Hampton Hill
HAMPTON
TW12 1NY

Tel: 020 8891 2145

simon.lawson@citizensadvice-richmond.org
www.citizensadvice-richmond.org

24 June 2019

Dear Vince

We would be grateful for your help to raise with the Secretary of State for Work and Pensions, Amber Rudd, and Lord Chancellor and Secretary of State for Justice, David Gauke, our concerns about the unacceptable delays in processing the claims of your constituents for Employment and Support Allowance (ESA), Personal Independence Payment (PIP) and the limited work capability element of Universal Credit (UC).

In the last five years there has been growing pressure, to which we have contributed with regular reports on our disabled clients' experience, for the government to improve substantially the current system for the assessment of eligibility and payment of ESA, PIP and more recently for the limited work capability element of UC. Despite this pressure there have been few changes to the current system, and it is not working as it should be.

Delays in Maximus' and Atos' assessments and DWP decisions

At the beginning of the claiming process there is sometimes a significant delay before Maximus conducts its initial assessment of your constituents' claims for ESA or the limited capability for work element of UC or Atos conducts its assessments for PIP. In particular there are still cases where claimants have to wait much longer than the waiting period of three months for their work capability assessment. In a recent case one of our clients had not even received the UC50 questionnaire to fill in prior to Maximus' work capability assessment 5 months after she had received her first UC payment.

Secondly when a request has been made for rejected claims to be reviewed by a second DWP decision maker under Mandatory Reconsideration(MR) there is a long delay before this decision is provided. Currently for example claimants are being advised that it will take 10 weeks for MR decisions to be provided for rejected PIP claims.

We believe that it is unreasonable, and possibly discriminatory, to make those of your constituents who have substantial disabilities or long term health conditions wait several months for DWP to reach a final decision on their claims for ESA, PIP or the limited work capability element of UC. We

Citizens Advice Richmond is the operating name of Richmond Citizens Advice Bureaux Service

Registered Office: 94-102 High Street, Hampton Hill, Hampton, TW12 1NY

Registered as a company limited by guarantee in England and Wales no: 4140012; charity registration no: 1085878

Authorised and regulated by the Financial Conduct Authority FRN no: 617709

would be grateful therefore if you would raise our concerns with the Secretary of State for Work and Pensions, Amber Rudd, and ask her what action she is taking to reduce these delays for your constituents.

Delays in the Social Security Tribunal hearings at Hatton Cross

Few claims rejected as a result of the original assessments are granted when a second DWP decision maker has reviewed the evidence under MR. So claimants resident in your constituency who have already faced several months' uncertainty waiting for DWP to reach a final decision on their claims then have to consider whether to embark on a further stage in their claiming process by appealing against the DWP's decision to the Social Security Tribunal at Hatton Cross.

In the period between October and December 2018 (the latest period for which statistics are available) the national success rate of appeals against DWP's refusal of benefits was 74% for ESA appeals, and 73% for PIP, in both cases an increase in the success rate from the same period in 2017. (In the same period in 2018 the success rate for UC was 58%, but only a proportion of these appeals will have been against refusal of the limited work capability of UC).

These statistics illustrate the fact that many people whose claim for ESA or PIP has been rejected after the original assessment of their eligibility and again after MR will have a strong case for appealing to their local Social Security Tribunal; but they will have to wait at least 5 months for their appeal to be heard at Hatton Cross. When we asked for the waiting times at the Hatton Cross Tribunal (where appeals from residents in Twickenham, Hampton Hill, Hampton and Whitton are heard) we were told that in April 2019 the average waiting time for appeals to be heard was:

for ESA	20 weeks
for PIP	22 weeks
for UC	20 weeks

It should be noted that these are average times. Some of our clients have had to wait much longer.

We believe that it is unacceptable for your constituents to have to wait so long for their appeals to be heard, having already endured two stages of the DWP rejecting their claims. We would be grateful therefore if you would raise our concerns with the Secretary of State for Justice, David Gauke. He will already be familiar with many of the problems with the assessment and payment of ESA and PIP from his period as Secretary of State for Work and Pensions; but we would like to know what action he is taking in his current capacity as Secretary of State for Justice to increase substantially the resources available to Social Security Tribunals, and particularly for the Tribunal at Hatton Cross, to enable them to hear ESA, PIP and UC appeals much more promptly.

Yours sincerely,

Simon Lawson
Chief Executive