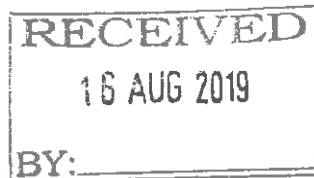




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Rt Hon Sir Vince Cable MP
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Our ref: MC2019/24458

14th August 2019

Dear Vince,

Thank you for your letter of 28 June on behalf of Mr Simon Lawson, Chief Executive of Citizens Advice Richmond, 92-104 High Street, Hampton Hill, Hampton regarding Work Capability Assessments and assessments for Personal Independence Payment. I understand you also wrote to the Secretary of State for the Ministry of Justice. I hope you will accept this as a response to both letters.

The Centre for Health and Disability Assessments (CHDA) service contract is centrally managed by the Department for Work and Pensions. The quality of assessments is central to the way the contract has been drawn up. There is a comprehensive performance regime, including Service Credits, which will drive the Assessment Provider to meet stringent quality standards. Individuals' experience of the service was a key part of the procurement and CHDA's proposals to improve the experience are written into the contract.

Over the course of the contract, improved operational processes have allowed CHDA to see more individuals per healthcare professional per day, moving them through the process more quickly, for example:

- the median customer journey time for new Employment and Support Allowance claims, from the Department's referral to the assessment provider to provider recommendation has reduced, from 14 weeks in September 2017 to 10 weeks in September 2018 (latest published data). In July 2014, this was 32 weeks; this part of the customer journey has reduced by two-thirds since then;
- introducing a telephone support service to help claimants complete their ESA50 questionnaire, including advising about the types of evidence that are useful;
- implemented 'Disability Champions' to assist claimants on the day of their assessment, helping to handle any difficult or distressing situations; and
- implementing SMS text appointment reminders to claimants, reducing non-attendance at assessment centres.

We are also committed to ensuring Personal Independence Payment claimants receive high quality, objective and accurate assessments. Since its introduction, the Department has been closely monitoring all aspects of the process including the performance of the assessment providers, Independent Assessment Services and Capita. Personal Independence Payment has also been introduced in stages for existing Disability Living Allowance claimants so that, if necessary, the Department can slow down the rollout to enable further improvements to be made and be assured that the assessment providers are able to deliver, both in terms of quality and time taken.

The average claimant wait for an assessment has reduced by around two-thirds since July 2014 and is currently at 7 weeks for new claimants. The average end-to-end claim journey for new claimants is taking around 15 weeks, down from 42 weeks. The Personal Independence Payment process is, therefore, working effectively for the majority of claimants and is currently operating within expected levels.

There will always be some cases which naturally take longer to determine due to complicating factors (e.g. the claimant repeatedly cancels their face-to-face appointment). However, we work closely with providers to identify such cases and ensure they are dealt with as a priority. Furthermore, any delays experienced in the new claims process will not affect the date from which most successful claimants are paid, usually from the date the claim was initially made. It should also be noted that, while people are waiting for their claim to be processed, Personal Independence Payment is not the only means of financial support from the benefits system. There are a range of other benefits including Universal Credit, Employment and Support Allowance and Housing Benefit.

Turning to the process for mandatory reconsiderations, although there are no targets set in law for processing mandatory reconsideration applications, decisions are of course made without delay. However, the focus is on making sure that the decision under dispute is thoroughly reviewed.

We have engaged with stakeholders to explore how we can improve the mandatory reconsideration process. Based on trials held earlier this year, we have recently implemented a new approach in Personal Independence Payment, which is also being adopted in Employment and Support Allowance and Universal Credit, which includes contacting claimants, where appropriate, to see if there is information that would enable us to change the decision ourselves at an earlier stage.

To support this, we are investing additional time for communication, evidence gather and review, which does mean that some cases can take longer. However, this approach supports our aim - to make the right decision as early as possible - so claimants do not need to progress to the appeal stage. Of course we accept that we do need to get the balance right between speed and quality and we are addressing this directly. Measures to reduce the number of outstanding mandatory reconsiderations include:

- age profiles of outstanding work which are managed at a national level to ensure that cases which have been outstanding for longest are actioned first; and

- resource levels dedicated to the clearance of mandatory reconsiderations are regularly reviewed with significant recruitment, training and redeployment undertaken to support reduced clearance times.

We agree without qualification that it is incumbent on the Department's Decision Makers to ensure that 'wrong' decisions do not reach the tribunal stage. We want claimants to have confidence in the decisions made and that can only come about if they believe that, at the claim stage or then at mandatory reconsideration, they have been given every opportunity to present their case for entitlement and that they have been listened to. All our current work is geared to achieving that.

This approach supports our aim - to make the right decision as early as possible - so claimants do not need to progress to the appeal stage. It is about decision makers considering all the evidence, including any new evidence provided by the claimant at the disputes stage although a decision will, of course, only be revised if there are grounds for so doing. That is why claimants are encouraged at mandatory reconsideration to submit further evidence since the chances of the original decision being changed are indeed slim if nothing more is provided.

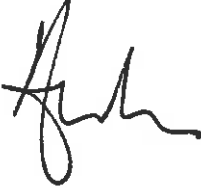
Turning to delays in appeal hearings, I should explain that the appeals process comes under the remit of HM Courts and Tribunals Service (HMCTS), an agency of the Ministry of Justice. However, I can comment generally and I hope the following will be helpful.

We know that waiting for an appeal to be heard can be a stressful experience. That is why the Department for Work and Pensions and the Tribunals Service are working together to both reduce the volume of cases going to appeal, and reduce the length of time it takes for appeals to be heard. The Ministry of Justice is in the process of recruiting extra fee-paid judicial office holders. In the Social Security and Child Support jurisdiction, 226 new medical members have already been appointed and up to 125 disability-qualified members are currently being recruited. The jurisdiction will also benefit from the fact that 250 judges are being recruited across tribunals more widely. For its part, this Department has recruited over 150 presenting officers to provide feedback to Decision Makers and assessment providers. It is also reviewing - in conjunction with external stakeholders - the end-to-end decision making process with a particular focus on evidential requirements both at the claim stage and at mandatory reconsideration.

The work I refer to above, particularly the feedback of the presenting officers, aims to learn from the interaction of the claimant with the tribunal so that it can, as necessary, be brought into the decision making process both at the initial claim and mandatory reconsideration stages.

Whilst the Tribunals Service does feed into the initiatives referred to above, there is one area where it and this Department are working in conjunction to effect improvements - on the Tribunals Service's digital reform initiatives. These will enable speedier processing of appeals and provide a better service for all parties to the proceedings. The Social Security and Child Support jurisdiction is the first to go through such digital reform, which will allow claimants and this Department to interact with the tribunal and share evidence electronically. These measures will increase the capacity of the tribunal, with the aim of reducing waiting times for the claimants.

Like you, and others who have raised this issue, I acknowledge that the delays in hearing appeals are unacceptable. I know the Ministry of Justice sees reducing these delays as a priority issue, as do I. We are both, in our different ways and also together, taking steps to improve the situation, and I am confident that we will see the quality of decisions improve, leading to fewer appeals and reduced waiting times.

Best wishes, 

Rt Hon Amber Rudd MP

SECRETARY OF STATE FOR WORK AND PENSIONS
AND
MINISTER FOR WOMEN AND EQUALITIES