

# Reassessment of Incapacity Benefit (Income Support) Project

Equality Impact Assessment

Revised June 2011

**jobcentreplus**

Department for  
Work and Pensions

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# Purpose and aim(s) of Incapacity Benefit (Income Support) reassessment

1. Between October 2010 and Spring 2014 working age claimants who receive Incapacity Benefit, Severe Disablement Allowance and Income Support paid on the grounds of illness or disability will be assessed for Employment and Support Allowance. Jobcentre Plus will reassess people on these benefits using the Work Capability Assessment, to assess their capability for work.
2. Those found not to have limited capability for work will be invited to make a claim to Jobseeker's Allowance, may be able to claim Income Support (if they are entitled under a different condition of entitlement) or Pension Credit, or will move off benefit. Those assessed to have limited capability to work will move to Employment and Support Allowance.
3. Overall, around 1.5 million people will be reassessed over a three year period, equating to over 10,000 claimants nationally a week.
4. The Incapacity Benefit (Income Support) Reassessment Project has been established to deliver the necessary changes within Jobcentre Plus to implement this reassessment.
5. This is a policy driven change. The overarching policy objective is to ensure that people with a disability or health condition are supported and enabled by the benefit system rather than 'written off'. Reassessment will move people to a more modern, more active benefit with all claimants treated fairly over time with the most financial help for the most severely disabled people. The greater participation by disabled people in the labour market is likely, over time, to reduce inequality between disabled and non-disabled people.
6. Part of the process of assessing entitlement to Employment and Support Allowance is the Work Capability Assessment. The Work Capability Assessment is a positive functional assessment that focuses on what a person is capable of. This will ensure existing Incapacity Benefit claimants will receive the appropriate benefit and support to help them return to work.
7. The Work Capability Assessment has been designed to take account of fluctuating conditions, assessing a claimants capability over time. Unless an individual is capable of an activity that is carried out reliably, repeatedly and safely over a sustained period of time, they are considered unable to carry it out at all.
8. Moving to just one benefit for those out of work due to illness or disability is a major simplification to the benefit system and, over time, ensures people with similar circumstances are treated fairly.
9. Those with the most severe disabilities or health conditions will not be expected to undertake any work related activity and will get the extra support they need as part of the Support Group of Employment and Support Allowance. People who are found capable of work will be invited to claim Jobseeker's Allowance if they satisfy the conditions of entitlement for that benefit. People who need more

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support to prepare for work will get that help on Employment and Support Allowance in the Work Related Activity Group.

10. At the end of reassessment the intention is to have no Incapacity Benefit claimants, no Income Support claimants claiming on the grounds of incapacity, and no-one on Severe Disablement Allowance. However, there will be a very small number of Severe Disablement Allowance claimants over state pension age that won't be reassessed.
11. This equality impact assessment is a revision of one previously published in October 2010. It has been updated to reflect learning from the trial of reassessment that took place in and around Aberdeen and Burnley.

## How the change will be implemented

12. Jobcentre Plus will write to claimants when their benefit becomes due for reassessment to tell them about the changes. Jobcentre Plus will also telephone the claimant shortly after this to check they have received the letter and understand what action they need to take, and to find out if they need any extra help.
13. Claimants will then be sent a medical questionnaire (ESA50) by our medical services contractor to complete and return. The contents of the ESA50 and any other evidence supplied will be used to decide if the claimant needs to attend a face to face Work Capability Assessment with a healthcare professional. If they need to attend an assessment, our health services contractor will telephone them to arrange an appointment. The Work Capability Assessment is the assessment used to assess eligibility for Employment and Support Allowance. It looks at what someone can do, as well as what they can't.
14. Using the information from the questionnaire, the Work Capability Assessment and any other evidence provided, a Jobcentre Plus decision maker will decide if the person is entitled to Employment and Support Allowance. The decision as to whether the award of Incapacity Benefit/Severe Disablement Allowance qualifies for conversion to ESA is made using the evidence from the Work Capability Assessment as well as any other evidence that helps the decision-maker determine whether or not the claimant has limited capability for work. People will continue to receive their current benefit, as long as they meet the conditions of entitlement, until Jobcentre Plus have completed the reassessment of their claim.
15. If the Jobcentre Plus decision maker believes the claimant is likely to be disallowed Employment and Support Allowance they will call them and explain why they think they may not be entitled. They will ask the claimant if there is any additional information that they feel has not been taken into account in making the decision.
16. If the claimant provides additional information which could lead to a different decision being made from the one previously anticipated, the decision maker will ask them to provide evidence to support this. The claimant will need to send the evidence to Jobcentre Plus. Once this information has been received and considered, the decision maker will make a final decision, and the claimant will be called and informed of the decision.
17. If the claimant does not provide information that could change the decision the decision maker will inform them that they have been disallowed Employment and Support Allowance.
18. When a claimant is informed that, under the re-assessment exercise, they have not qualified for Employment and Support Allowance, Jobcentre Plus will discuss their options with them. Based on experience gained during the trial, the staff making this call will offer to call the claimant back at a later time if they feel they need time to absorb the decision, before discussing their options.

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19. The claimant may be entitled to Jobseeker's Allowance, Income Support for other reasons or Pension Credit. They may also move off benefit or appeal. They will be sent a letter to confirm the decision.
20. In some cases Jobcentre Plus may need extra information before they can make a final decision on whether to award Employment and Support Allowance – they will contact the claimant to collect this information.
21. If a claimant is allowed Employment and Support Allowance Jobcentre Plus will telephone them and inform them of the decision and what they will need to do. They will also inform them if they have been placed in the Work Related Activity Group or the Support Group. A notification letter will be sent to them confirming the decision.
22. For those who transfer to Employment and Support Allowance Jobcentre Plus will ensure that benefit payments are not disrupted. No one moving from their existing benefits to Employment and Support Allowance will see a reduction in the level of their benefit entitlement at the point of change.
23. Claimants in the Work Related Activity Group will be expected to undertake work related activity to receive the full rate of benefit. Claimants will be expected to take part in Work Focused Interviews with a personal adviser and will get support to help them prepare for suitable work. In return, they will receive a work related activity component in addition to their basic rate of benefit. If claimants refuse to go to the Work Focused Interviews, or to take part fully in the Work Focused Interviews, it may affect their entitlement to Employment and Support Allowance.
24. Claimants will be placed in the Support Group if their illness or disability has a severe effect on their ability to work. Claimants in the Support Group will not need to undertake any work related activity to receive their benefit, but can choose to access work related support if they want to. They will receive a Support Component in addition to their basic rate.
25. Income Support claimants, claiming on the grounds of incapacity and in receipt of Income-related Child Dependency Allowances will have the Child Dependency Allowance element of their benefit transferred to the HM Revenue and Customs Child Tax Credits system before they are reassessed. The Child Tax Credit claim form will normally be completed by Jobcentre Plus. The claims will be sent to a special unit at HM Revenue and Customs which will fast-track them. This will ensure claimants are not disadvantaged, the movement of support is seamless and there is no gap in the assistance required to support their children.
26. When Jobcentre Plus telephone or write to a claimant to tell them about the decision they have made regarding their claim they will also tell them what to do if they think the decision is wrong and how they can appeal.
27. Jobcentre Plus is committed to making its services accessible to claimants. Further details of accessibility solutions are contained within this document. During the initial telephone call to the claimant, Jobcentre Plus will ask if the claimant has any additional needs and will endeavour to meet any reasonable adjustment request. To meet these requests the customer journey described

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above may be altered, for example by replacing a phone call with a face to face appointment.

28. Claimants are reminded in the letters sent to them about the reassessment of their incapacity benefits that it is their responsibility to inform their council of any changes in circumstance that could affect their ongoing entitlement to Housing Benefit/Council Tax Benefit. However, for the purposes of the Reassessment exercise, Jobcentre Plus will also inform local authorities of the changes to claimants benefit entitlement.

# Consultation and involvement

External and internal stakeholders have been involved in both the development of the reassessment policy and the reassessment process. An independent review of the Work Capability Assessment was also completed by Professor Malcolm Harrington.

## Legislation

29. Initial consultation on the plans to reassess existing claimants of Incapacity Benefit for entitlement to Employment and Support Allowance took place in the formal twelve-week consultation on welfare reform from July 2008 and was contained in the July 2008 consultation Green Paper 'No one written off: reforming welfare to reward responsibility'(Cm7363) <sup>1</sup>
30. In the Government's response to the consultation<sup>2</sup>, published in December 2008, it was noted that most people welcomed welfare reform and recognised that changes needed to be made. The responses to the specific proposal to convert current Incapacity Benefit claimants to Employment and Support Allowance centred largely on plans for Incapacity Benefit claimants with an age addition to have their benefit frozen until they were migrated to Employment and Support Allowance. Following consultation, the Government published its response in the December 2008 White Paper<sup>3</sup>. As a result of the consultation the Government decided to align the rates more slowly by continuing to increase Incapacity Benefit by half of the normal uprating from April 2009. The additions will therefore be phased out more gradually than previously planned.
31. There has been proactive engagement with key stakeholder groups on the detail of the regulations that enable reassessment, The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) Regulations 2010 and The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) (Amendment) Regulations 2010. This has included meeting with the Disability Benefits Consortium in January 2010. The Disability Benefits Consortium is a national coalition of over 30 different charities and other organisations committed to working towards a fair benefits system. Details of its membership are included in Annex A. There was also engagement with stakeholders through regular events such as:
  - the Department for Work and Pensions Scottish Annual Stakeholder Forum held on 25 November 2009.
  - the JCP Customer Representative Group Forum held on 9 December 2009. For details of membership see Annex B.
  - the Department for Work and Pensions Policy Strategy Forum held on 17 December 2009 and 22 September 2010. For details of membership see Annex C.

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<sup>1</sup> <http://www.official-documents.gov.uk/document/cm73/7363/7363.pdf>

<sup>2</sup> 'The Green Paper Consultation: No one written off – reforming welfare to reward responsibility' – <http://www.dwp.gov.uk/docs/consultationreport.pdf>

<sup>3</sup> 'Raising expectations and increasing support' (Cm 7506), – <http://www.officialdocuments.gov.uk/document/cm75/7506/7506.pdf>

- the Welsh Annual Forum held on 25th January 2010.
32. The overall response to the proposals welcomed the Department's plans to protect claimants' incomes on migration to Employment and Support Allowance but expressed concern about a number of other areas. The areas of concern, including subsequent actions to address these concerns, are listed below.

### **The ability of Jobcentre Plus and Her Majesty's Courts and Tribunals Service to deal with the increased volumes of appeals**

Joint work is underway across the Department for Work and Pensions and Her Majesty's Courts and Tribunals Service to mitigate any increased volumes of appeals and to improve decisions on benefit entitlement to reduce the number of decisions that are overturned on appeal. This has included changes to the reassessment process so that before a claimant is disallowed benefit they are called by Jobcentre Plus and asked if they have any additional evidence which they feel we should be aware of before we make a final decision on their claim.

### **Support available to claimants going through the reassessment process**

Feedback from current Employment and Support Allowance claimants and stakeholders was used to inform development of the reassessment customer journey. Further details of improvements made to support claimants is included below in paragraph 33.

### **The performance of the Work Capability Assessment**

The Government was already committed to both a departmental review of the Work Capability Assessment, which reported in March 2010 and whose recommendations are being implemented, and an independent review of the Work Capability Assessment which reported in November 2010. The independent review was undertaken by Professor Harrington, a highly respected occupational physician. Over 400 responses were received to a Call for Evidence and the review met with around 100 key organisations including disability organisations, providers, representative groups, unions and employers. Data was also gathered from DWP/Jobcentre Plus, Atos Healthcare and the First-tier Tribunal to assist with the review. In its response to the review the Government fully endorsed Professor Harrington's recommendations and agreed to implement the recommended changes as quickly as possible.<sup>4</sup> A project has subsequently been established within Jobcentre Plus to deliver these changes.

33. As required by legislation, The Local Authority Associations were consulted on the proposed changes to Housing Benefit (HB) and Council Tax Benefit (CTB) Regulations to take account of the Reassessment exercise. They made no comments on the proposed HB/CTB changes included in the draft Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council

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<sup>4</sup> <http://www.dwp.gov.uk/policy/welfare-reform/employment-and-support/wca-independent-review/?=231110>

Tax Benefit) (Existing Awards) (No2) Regulations 2010. They fully supported the one amendment to HB/CTB in the draft Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) (Amendment) Regulations 2010 because it was made to secure the policy intention; it did not change HB/CTB policy..

34. The Social Security Advisory Committee examined the draft Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) Regulations 2010 and asked that they be formally referred to it. After its public consultation the Committee produced a report that made a number of recommendations. These recommendations and steps taken in response are detailed below. The Social Security Advisory Committee did not ask for the draft the draft Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) (Amendment) Regulations 2010 to be formally referred to it..

### **Extend the early reassessment trial to six months**

Whilst the trial went ahead to the original planned time table of 4 months, in-depth qualitative research with claimants and staff working on reassessment was commissioned. The findings have been used to refine the national reassessment process. We also met with external stakeholders – including Disability Alliance, Citizens Advice Bureau and MIND – to share details of this research, to ensure our respective plans to examine the reassessment trial are complementary. Previously undertaken research with claimants is also being used to inform communication strategies ensuring that we are able to provide claimants with the right information and support.

### **Exempt from taxation all those claimants who claimed incapacity benefits before April 1995**

It has now been agreed that all the claimants who, under the reassessment exercise, move from an incapacity benefit to Employment and Support Allowance - this includes those who claimed incapacity benefits before April 1995 - will be subject to same taxation arrangements as new claimants on Employment and Support Allowance.

### **Make improvements to the Work Capability Assessment and appeals processes**

On 29 June 2010 it was announced that recommendations from the internal review of the Work Capability Assessment will be implemented. As well as this the Department commissioned an independent review of the Work Capability Assessment, carried out by Professor Malcolm Harrington.<sup>5</sup> In its response to the review the Government fully endorsed Professor Harrington's recommendations and agreed to implement the recommended changes as quickly as possible.

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<sup>5</sup> <http://www.dwp.gov.uk/policy/welfare-reform/employment-and-support/wca-independent-review/?=231110>

In order to improve the situation on appeals, joint work is currently underway across the Department and Her Majesty's Courts and Tribunals Service to mitigate the effects of the increased number of appeals on both Jobcentre Plus and Her Majesty's Courts and Tribunals Service.

### **Develop a comprehensive customer information strategy informed by the introduction of Employment and Support Allowance**

A number of measures have been put in place to ensure that all claimants are provided with appropriate support and information during the reassessment process. The Department is working closely with external stakeholders from a wide range of disability support groups. Customer insight research has allowed us to develop a detailed understanding of our claimants' likely needs, attitudes and support requirements, which we are using to inform communication strategies and Jobcentre Plus staff training. A Communications Assurance Group has been established within Jobcentre Plus to integrate and assure communications about the reassessment of incapacity benefit claimants. The reassessment trial also provided valuable information about the effectiveness of our communication strategy, which has been used to inform communication during the full reassessment.

### **Ensure the capacity of Jobcentre Plus to complete the reassessment of 1.5 million cases in three years**

Detailed modelling of the resources required for reassessment and the associated workforce planning is complete in Jobcentre Plus and Medical Services. The local planning has been completed and the deployment of resources against those local plans is being monitored. Further analysis of the trial and introductory phase cases will allow us to further test the underpinning assumptions on resourcing.

### **Provide enhanced employment support for claimants with a health condition or disability across all benefit regimes**

The Government is radically simplifying the current welfare to work arrangements, by replacing current schemes with a new Work Programme. The Work Programme will be an integrated package of support providing personalised help for participants. The Government has also announced its clear commitment to disabled people by introducing a new programme called Work Choice, from October 2010. It will sit alongside the Work Programme and will help into work disabled people who face the most complex barriers to finding and staying in employment. Further details of the Work Programme can be found in the Work Programme prospectus at:

<http://www.dwp.gov.uk/docs/work-prog-prospectus-v2.pdf>

## **Effectively deploy Jobcentre Plus resources to target mandatory support on those closest to the labour market and not those close to State Pension Age**

Detailed modelling of the resources required for reassessment and the associated workforce planning is complete in Jobcentre Plus and Medical Services. The local planning has been completed and the deployment of resources against those local plans is being monitored. Further analysis of the trial and introductory phase cases will allow us to further test the underpinning assumptions on resourcing. We have a robust understanding of the total number of cases involved in reassessment, and tested models of the numbers likely to move onto Employment and Support Allowance, Jobseeker's Allowance or move out of the benefits system – these in turn assist with the detailed resource deployment. The reassessment trial is also helping us to test our case outcome and resource assumptions.

## **Automatically treat those Incapacity Benefit claimants currently exempt from the Personal Capability Assessment as meeting the conditions for the Employment and Support Allowance Support Group**

Employment and Support Allowance entitlement is based not on an individual's condition but on their functional capability. Employment and Support Allowance is premised on the idea of appropriate support into or towards employment being made available to all claimants, on the basis of their individual capabilities and needs. It is therefore important that we use the reassessment process to correctly identify the most appropriate benefit and support for each individual claimant.

We know that a health condition or disability will affect people in different ways, which is why it is important to assess each claimant individually. However, claimants for whom it is possible to make a decision based on the paper evidence available may not be asked to attend a face-to-face assessment.

## **Put in place a full evaluation to include claimants found fit for work**

We have commissioned a programme of research to evaluate Employment and Support Allowance. This will include qualitative research on the post-Employment and Support Allowance claim experiences of new Employment and Support Allowance claimants found fit for work – who will either claim Jobseeker's Allowance or move out of the benefits system. We are committed to publishing the findings of this research this year. We also have plans to undertake an evaluation of the reassessment later this year.

35. The Social Security Advisory Committee did not refer The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No2) (Amendment) Regulations 2010 for formal consultation.
36. A briefing pack for MPs and Peers was produced and copies were distributed to

the Welsh Assembly, Scottish Parliament and the vote office at Westminster.

## The reassessment process and communications

37. In designing the process that claimants being reassessed will follow, the Reassessment Project held development and review workshops with key internal stakeholders, along with one-to-one sessions where appropriate. Stakeholders consulted included Jobcentre Plus operations, Employment and Support Allowance policy, Department for Work and Pensions Legal Group, and HM Revenue and Customs.
38. The reassessment process was also based on learning from the implementation of Employment and Support Allowance. Feedback from Employment and Support Allowance revealed that some claimants found it difficult to understand the end-to-end claim process because they were unsure of where they were in the journey and what to expect next. In response Jobcentre Plus have added additional points of contact between the claimant and Jobcentre Plus. Specifically a telephone call is made to the claimant after they have been notified that they are having their benefit reassessed and an additional telephone call is made to them after a decision has been made on their benefit entitlement. Simplifying the journey in this way will enable Jobcentre Plus to:
- identify any additional needs a claimant may have, such as the need for an interpreter
  - provide further information to the claimant at each step
  - provide the claimant with more opportunities to ask questions
  - explain what will happen next so that the claimant knows exactly where they are in the journey
39. Jobcentre Plus officials have also undertaken national engagement meetings to make sure that external stakeholders and customer representative groups are aware of the forthcoming changes and have an opportunity to comment, to seek their views on how best to communicate with external stakeholders and how to access locally based customer representative groups. These meetings have included:
- The Department for Work and Pensions Annual Forum held on the 7 July 2010. Over 140 front line advisers attended three workshops focusing on Incapacity Benefit (Income Support) Reassessment.
  - A meeting of 26 key national stakeholders held on 20 July 2010. A full list of organisations represented at this event is included at Annex D.
  - A meeting on the 16 March 2011 with key national stakeholders to share early trial findings. A full list of organisations represented at this event is included at Annex E.
  - Regular attendance at the Jobcentre Plus Customer Representative Group Forum since August 2010.
  - DWP Scottish Annual Forum, held on 4 November 2010. Sessions on Incapacity Benefits reassessment were attended by around 60 delegates.
  - DWP Welsh Annual Forum, held on 17 March 2011.

- A session on Incapacity Benefits reassessment at the Disability Alliance conference held on 11 November 2010

Stakeholders suggested a range of ways of accessing local customer representative groups and the types of information they would like to see provided. These included using local authority stakeholder meetings and national umbrella bodies to cascade information. They also expressed the need to make it clear that claimants could be accompanied by a representative and to communicate with claimants and representative groups that additional evidence can be provided by third parties in support of a claim, and how this should be done. In response to these comments our communications have been designed to highlight a claimants right to be accompanied by a representative. The ESA50 medical questionnaire has been amended to encourage claimants to send any relevant medical evidence when they return the form. The phone call made by Jobcentre Plus to claimants who are likely to be disallowed also provides a new opportunity for them to submit any additional evidence in support of their claim.

40. Through this engagement stakeholders also provided us with details of the information they would like us to produce to support them and their customers. Details of some of their requests and how we have met them are detailed below. We have also sought feedback on some of these products during their development from organisations sitting on the JCP Customer Representative Group Forum, and from customer representative groups in the Aberdeen and Burnley trial areas, to ensure that they are useful for their intended audience:

**Advocates/representatives:** Customer Representative Groups wanted to know what rights claimants had to be accompanied by representatives at the various stages of the process and what those representatives were allowed to do (e.g. are they allowed to take notes during the Limited Capability for Work assessment). They also wanted to know what information people needed if they wanted to make a telephone call/enquire on a claimants behalf. In response to this we have made sure that staff guidance for both Jobcentre Plus and Medical Services reiterates a claimants right to be accompanied by a representative. We have highlighted the right of claimants to be accompanied by representatives in a fact sheet for claimants with additional support needs. The guidance Jobcentre Plus uses when making a decision on whether someone claiming to be calling on a claimants behalf is also available online.

**Letters, forms and handouts:** Customer Representative Groups wanted access to the letters, forms and handouts that we will send to claimants and the call scripts that will be used when contacting them. It was suggested a tool to understand the letters would also be helpful. Copies of our notifications are being made available to local stakeholders through Jobcentre Plus' external relations teams.

**Support:** People wanted to know about the support available to claimants to help them through reassessment and where they should go for extra information. E.g. how do we support vulnerable claimants, what rights do people have to ask for a face to face appointment? We have produced a fact sheet detailing what support is available for claimants with additional needs.

**Handouts for claimants:** Products that can be handed out to the claimants

were felt to be useful. It was also suggested that this could be information that can be printed off the internet. We have produced fact sheets and an information pack to be published on the Department for Work and Pensions Adviser website at [www.dwp.gov.uk/adviser](http://www.dwp.gov.uk/adviser). These have been produced in PDF format so they can be printed if this is required.

**Questions and Answers:** Stakeholders raised a number of questions during the events and a Questions and Answers brief has been developed answering specific questions and information needs raised at these events. This information is available on the Department for Work and Pensions Adviser website at [www.dwp.gov.uk/adviser](http://www.dwp.gov.uk/adviser).

41. The notifications and forms for reassessment claimants were developed with involvement from the Social Security Advisory Committee, Customer Representative Groups and Legal Group. They were asked to comment on the initial notification sent to inform claimants they are being reassessed and the notifications informing claimants they have been allowed or disallowed Employment and Support Allowance. We have taken into account their feedback along with the Department for Work and Pensions stakeholders. For example, at the request of the Citizen's Advice Bureau, the initial notification and disallowance notifications highlight to claimants that they can seek additional support from welfare rights organisations.
42. In Burnley and Aberdeen, where the reassessment process was trialled from October 2010, Jobcentre Plus external relations teams have held meetings with local external stakeholders to ensure that they are aware of the changes. We evaluated this approach to engagement and, drawing on the learning from the trial sites we developed plans for local engagement which have been delivered nationwide.

## Customer research

43. The Department for Work and Pensions commissioned research with claimants currently receiving Incapacity Benefits before reassessment started. This research examined, amongst other things, claimants' attitudes towards work, their levels of skills and their preferred methods of communication. This research was used to inform communications and learning and development for staff to increase their awareness of the claimants they will be dealing with during the reassessment process.
44. Four learning and development modules have been developed for staff focusing on working with vulnerable claimants and disabled claimants. All these products focus on how claimants may react, how staff can manage those reactions and how to support the claimant. The customer research informed these products and was used to provide detail and insight into how claimants may react and the sorts of support they may need. The specific training modules are:
  - Customer Service for Incapacity Benefit (Income Support) Reassessment claimants
  - Working Successfully with Incapacity Benefit Claimants
  - Incapacity Benefit (Income Support) Reassessment and Mental Health

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### Conditions

- Supporting Claimants Through Change.
45. In addition a line manager's briefing pack has been designed and is aimed at operational staff. This is designed to improve staff awareness of this claimant group. Again the findings from the research were used to improve our staff understanding and awareness of the reassessment claimant group so they can better support them through the process. The pack consists of a series of six conversation topics covering:
- Background and context
  - Work Capability Assessment Awareness
  - Mental Health Awareness
  - Disability Awareness
  - A specific topic outlining the findings from the Customer research.
  - Claimant case studies, examining real experiences of reassessment.

# Impact of the Incapacity Benefit (Income Support) Reassessment Project

## Disability

### Impact on claimants

46. Most Incapacity Benefit claimants are likely to be considered disabled under the Equalities Act 2010 and so these reforms have considerable significance for disabled people. The table below shows the distribution of Incapacity Benefit claimants by initial medical condition, with mental and behavioural conditions being the most common.

**Table One: Incapacity Benefit claimants by medical condition**

Medical Condition	Share of the Incapacity Benefit caseload
Mental and Behavioural Disorders	44%
Diseases of the Nervous System	7%
Diseases of the Circulatory or Respiratory System	7%
Diseases of the Musculoskeletal system and Connective Tissue	17%
Injury, Poisoning and certain other consequences of external causes	5%
Other	21%
<b>Total</b>	<b>100%</b>

*Source: Department for Work and Pensions Longitudinal Study August 2010*

47. The reforms to incapacity benefits are designed to help disabled people and people with health conditions move into work, with improved financial support for those for whom preparation to return to work would be unreasonable. As such the policy aims to promote equality of opportunity.

### Accessibility

48. Incapacity benefits claimants will need to be contacted by both Jobcentre Plus and our providers at several points during their reassessment. This will include

telephone calls made by Jobcentre Plus and Medical Services Staff, formal notification letters and face to face attendance at the assessment centre. There is a risk that a disabled claimants impairment may make it difficult or impossible for them to engage through these channels, leading to discrimination against disabled people.

49. To ensure that our services are fully accessible to our disabled claimants Jobcentre Plus and Medical Services have in place a range of services and procedures to ensure that our services are accessible and reasonable adjustments are made to accommodate disabled claimants.
50. Where a claimant has told Jobcentre Plus they have a specific communication need, this is held on the system and we will ensure claimants are contacted via their preferred contact method.
51. Letters and leaflets can be requested in Braille, large print and audio format. Forms are also available in large print. Staff can read information to the claimant and offer help filling in forms. Claimants can have assistance completing the medical questionnaire either over the telephone or face to face with a Jobcentre Plus adviser. Receptionists in assessment centres will help claimants to fill in travel claim forms where applicable.
52. Claimants unable to use the telephone can contact Jobcentre Plus via a textphone/texbox and the RNID typetalk service. All Jobcentre Plus offices have an induction loop which claimants can use. A private room or a quieter part of the office can be used to eliminate background noise. We can also provide an interpreter for interviews, such as British Sign Language, Lipspeakers, Deafblind interpreters. Claimants are also allowed to bring their own interpreter. Medical Services offer a textphone service and also use BT Text Direct. BT Text Direct is a relay service between Medical Services and the claimant, transferring spoken word into text and similarly text into spoken word. Medical Services will provide a sign language interpreter upon request. All assessments are carried out in private rooms, eliminating background noise. Most assessment centres have an induction loop.
53. Claimants can nominate a representative to act on their behalf. They can also bring a representative with them when they attend appointments. Jobcentre Plus cannot arrange representatives but will support a claimants right to have representation. Representatives may include: advice or welfare rights organisations; professionals such as social workers, community nurses or doctors; family members or friends; carers; MPs; appointees and people with Power of Attorney.
54. Most Jobcentre Plus offices are equipped with ramps and lifts for accessibility. Where Jobcentres are not accessible to a claimant alternative arrangements will be made. For example if a particular service is offered from the first floor of a building but there is not a lift, the same service could be offered to claimants who cannot use stairs on the ground floor.
55. If a claimant feels they are unable to attend an examination centre for a Work Capability Assessment, and provided sufficient medical evidence is presented supporting the case, a home visit or taxi to the examination centre may be appropriate. The majority of assessment centres are accessible for disabled

claimants. Where the site "local" to the claimant is not, Medical Services will ensure that alternative arrangements are made. The claimant will be offered a home visit, when the claimants GP indicates they are unable to travel on health grounds or at the claimants request, if supported by a suitable medical condition as determined by Medical Services.

56. Claimants are able to request face to face interviews during any stage in the process should they need extra assistance, they can also ask to see a Disability Employment Adviser. Home visits can be arranged for those who are unable to attend the Jobcentre Plus office. These visits are undertaken by Pension, Disability and Carers Services. Learning and development to support these visits has been put in place and we have engaged with external stakeholders to inform them of this change.

### **Incapacity Benefit (Income Support) Reassessment Customer Journey**

57. The needs of claimants with different disabilities have also been taken into account in the design of the reassessment process. For example, claimants being reassessed will receive telephone calls from Jobcentre Plus staff. There is a risk that claimants with communication and learning difficulties may not be able to effectively engage with these calls. However, the customer journey has been designed so that not receiving these telephone calls does not stop the journey moving forwards. Where a claimant is unable to use the phone they can request that these contacts are delivered face-to-face. Similarly, if someone who is known to have a mental health condition or a learning disability fails to return the ESA50, their case will not be closed immediately – the Department will make every effort to gather the information necessary to process it, by home visit if necessary.
58. The order in which claimants will be selected for reassessment will normally be based on the date that they would otherwise be due to have their incapacity benefit claim reassessed. This will ensure that claimants will normally be asked to attend a Work Capability Assessment in the same order as they would have been asked to attend a Personal Capability Assessment (the assessment used to help assess entitlement to incapacity benefits). This will help remove discrimination in the order in which cases are reassessed.
59. Some disabled claimants are treated differently. Claimants currently claiming Severe Disablement Allowance will be reassessed at the end of the reassessment process. Whilst some of these claimants could benefit from the additional support available on Employment and Support Allowance, these are likely to be some of our most vulnerable claimants and we have limited evidence of the likely outcomes for this group. Therefore, by reassessing them at the end of the time period, we will have learnt the lessons of a considerable period of live running. This will help ensure we are best placed to support these claimants.
60. To mitigate the risk that sanctions may have a disproportionate effect, especially on those with mental health conditions and learning difficulties, there are facilities which allow good cause to be applied by the decision maker in cases of failure to attend a Work Capability Assessment and failure to return the ESA50.

## Equality Impact Assessment

61. Claimants moving into the Employment and Support Allowance Work Related Activity Group will be subject to new conditionality requirements and there are risks that people with certain impairments may be more likely to be sanctioned than other people. This was discussed in the Equality Impact Assessment for the white paper 'Raising expectations and increasing support – reforming welfare for the future'<sup>6</sup>; details of the steps taken to mitigate risks of people being inappropriately sanctioned were also included.
62. Claimants on Jobseeker's Allowance with a health condition may restrict their availability for work provided those restrictions are "reasonable" given their condition. They may also receive specialist disability services from the disability employment adviser network.
63. The learning and development provided for staff who will be involved in delivering the Incapacity Benefit (Income Support) Reassessment process also provides learning for staff to assist them in supporting our disabled claimants. Within the Incapacity Benefit (Income Support) Reassessment products there are four modules that focus on working with vulnerable claimants and disabled claimants these are Customer Service for Incapacity Benefit (Income Support) Reassessment claimants, Working Successfully with Incapacity Benefit Claimants, Incapacity Benefit (Income Support) Reassessment and Mental Health Conditions and Supporting Claimants Through Change. All these products focus on how claimants may react, how staff can manage those reactions and how to support the claimant. The learning and development provided for Medical Services staff includes learning to assist them in supporting disabled claimants.

## Work Capability Assessment

64. By using the Work Capability Assessment to assess eligibility to Employment and Support Allowance for existing claimants, all disabled people and those with health conditions who are out of work will be treated equally. The medical assessment is based on the severity of functional limitation caused by a condition; not on the basis of the condition itself, because different people may be affected in different ways by the same condition. However previous consultation has highlighted concern that those with fluctuating conditions or mental health problems may face undue barriers in receiving their entitlement, representing a potential risk. To mitigate these risks, the Work Capability Assessment has been designed to take account of fluctuating conditions, assessing a claimants capability over time. Unless an individual is capable of an activity that is carried out reliably and repeatedly over a sustained period of time, they are considered unable to carry it out at all. The healthcare professionals carrying out the assessments also receive specific training on assessing those with mental health conditions. They must also adhere to all requests for the presence of a third party during assessments. As with all claimants, the legal right of appeal remains if an individual feels that they have been unfairly assessed.
65. In his first independent review of the WCA, Professor Harrington recognised the difficulty of accurately assessing the effects of mental health conditions and

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<sup>6</sup> <http://www.dwp.gov.uk/docs/impact-assessment.pdf>

recommended that mental, intellectual and cognitive champions be employed to improve the assessment of mental, intellectual and cognitive function. These healthcare professionals will undergo further specific training in these conditions and will be able to spread best practice and knowledge, help other healthcare professionals with difficult assessments or take on some of the most difficult assessments involving mental, intellectual or cognitive disabilities.

66. In addition, Professor Harrington identified the assessment of mental, intellectual and cognitive function and of fluctuating conditions as areas to focus on in particular in his second independent review. Professor Harrington is now working with Mind, Mencap and the National Autistic Society to review and recommend improvements to the assessment of mental, intellectual and cognitive function. He will also work with a number of disability organisations to review and recommend improvements to the assessment of fluctuating conditions.

### Benefit rates

67. The rate of benefit claimants are entitled to differs between Incapacity Benefit and Employment and Support Allowance. In some cases a claimant will be eligible for a higher rate of benefit on Incapacity Benefit than they would be on Employment and Support Allowance; in other cases someone receiving Incapacity Benefit may become entitled to a higher level of benefit when they move to Employment and Support Allowance. Because rates between the two benefits vary there is a potential for a negative equality impact; if disabled claimants receive less money than previously then income inequality between disabled and non-disabled people may grow. The impact of this was discussed in detail in the Equality Impact Assessment for the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010.<sup>7</sup>
68. To prevent claimants from being negatively impacted by the transition from Incapacity Benefit to Employment and Support Allowance those claimants whose current benefit rates are higher than the Employment and Support Allowance rate will have their existing level of benefit entitlement transitionally protected (until 2020). This will ensure no one moving from their existing benefit to Employment and Support Allowance will see a reduction in the level of their benefit entitlement at the point of change. Once they have moved, their benefit will be frozen until normal rate of their Employment and Support Allowance catches up with the amount of the transitional addition, so that, over time, all claimants on Employment and Support Allowance are treated equally.
69. Where claimants who move onto Employment and Support Allowance will receive a higher rate of benefit than they would be entitled to if they were still on incapacity benefits, their benefit will immediately be increased to the Employment and Support Allowance rate. This will ensure increased financial support is available for the poorest and the most severely disabled people.
70. Some claimants will be found fit for work after attending the Work Capability Assessment. Many of these claimants will make a claim to Jobseeker's Allowance, some may be entitled to Income Support on other grounds, and

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<sup>7</sup> <http://www.legislation.gov.uk/uksi/2010/875/notes/contents?type=em>, pp.15-22

others may move off benefit. Because Jobseekers and Income Support are paid at a lower level than Incapacity Benefit and Employment and Support Allowance there is a risk that income inequality may grow between disabled and non-disabled people.

71. However, people moving to Jobseeker's Allowance may qualify for the Disability Premium. This will provide extra support for some claimants who move to Jobseeker's Allowance, mitigating the impact of the change in benefit. If eligible, claimants will also still be able to receive payments to offset the additional costs of disability, such as Disability Living Allowance. Furthermore the reassessment, by more accurately identifying the benefit most appropriate to a claimants circumstances, will help them get the correct help and support. For those claiming Jobseeker's Allowance this will involve support to move them into work. The greater participation by disabled people in the labour market is likely, over time, to reduce overall inequality between disabled and non-disabled people.

### **Impact on staff**

72. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using the existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any disability equality impact as a result of Incapacity Benefit (Income Support) Reassessment. The Department has a commitment to provide staff with reasonable adjustments to carry out their job and the introduction of this new process has no impact on this. Whenever staff are redeployed to another office an individual assessment would be carried out with the member of staff in consultation with human resources experts. The IT systems staff will need to use have been developed and tested to ensure that they comply with Department for Work and Pensions Accessibility Standards and staff who use assistive technology are consulted to ensure there are no negative impacts.

## Gender

### **Impact on claimants**

73. Currently there are 1.35 million men claiming existing incapacity benefits and just under 1 million women. Currently men make up around 58 per cent of the caseload. However this varies by type of incapacity benefit received as shown in Table Three. For example, 62% of contributory Incapacity Benefit claimants are male, compared to 50% of Severe Disablement Allowance claimants.

<b>Table Two: Incapacity Benefit claimants by Gender</b>				
<b>Benefit</b>	<b>Men</b>	<b>Women</b>	<b>%Women</b>	<b>% Men</b>
Incapacity Benefit	659,000	410,000	38%	62%
Income Support	420,000	362,000	46%	54%
Severe Disablement Allowance	96,000	96,000	50%	50%
<b>Total</b>	<b>1,175,000</b>	<b>868,000</b>	<b>42%</b>	<b>58%</b>

Source: Department for Work and Pensions Longitudinal Study August 2010

### **Incapacity Benefit (Income Support) Reassessment Customer Journey**

74. The reassessment process is not applied differently to claimants on the basis of their gender. We therefore do not expect there to be any equality impacts as a result of claimant going through the reassessment process.
75. The order in which claimants will be selected for reassessment will normally be based on the date that they would otherwise be due to have their incapacity benefit claim reassessed. This will ensure that claimants will normally be asked to attend a Work Capability Assessment in the same order as they would have been asked to attend a Personal Capability Assessment. A claimants personal characteristics are therefore not used to decide when their claim will be reassessed. This will ensure there is no risk of discrimination in the order in which cases are reassessed.
76. Diversity and equality learning for Jobcentre plus includes gender. This learning helps ensure our staff can support, and do not discriminate against claimants on the grounds of their gender. Medical Services staff also receive learning on gender.

### **Work Capability Assessment**

77. Administration of the Work Capability Assessment does entail some risk that claimants may be treated differently because of their gender. Individuals may feel vulnerable or uncomfortable if required to participate in an assessment carried out by a healthcare professional of the opposite gender, or that their gender makes them exposed to discrimination. In mitigation of the risk healthcare professionals are contractually required to meet all requests for medical assessments to be carried out by healthcare professionals of the same gender. They must also adhere to all requests for the presence of a third party during assessments. Random samples of claimants are provided with feedback forms in which they are able to comment on their assessment and raise any issue of concern. The complaints procedure also provides a mechanism to identify and monitor discrimination. Whilst in general it is anticipated that there will be no discrimination in the Work Capability Assessment process, all healthcare professionals will receive training on the gender equality duty, which offers an opportunity to raise awareness about gender issues amongst those

administering the Work Capability Assessment.

### Benefit rates

78. As men make up the majority of people on contributory Incapacity Benefit they are more likely to be in receipt of an age addition and adult dependency increase than women. Indeed a higher proportion of all men on Incapacity Benefit receive more than £150 per week compared to women.

<b>Table Three: Incapacity Benefit claimants by benefit amount and gender</b>				
<b>Incapacity Benefit rate</b>	<b>Women</b>	<b>Men</b>	<b>Women %</b>	<b>Men %</b>
<b>under £80.00</b>	800	1,700	<1%	<1%
<b>£80.00 to under £100.00</b>	228,700	364,200	56%	55%
<b>£100.00 to under £150.00</b>	178,800	268,500	44%	41%
<b>£150.00 and over</b>	1,300	24,700	0%	4%
<b>Total</b>	409,600	659,100	100%	100%

Source: Department for Work and Pensions Longitudinal Study August 2010

79. This represents a risk that rate alignment proposals could disproportionately affect men. However the provision of transitional protection will help mitigate this risk. As men and women represent an equal share of Severe Disablement Allowance claimants, they are equally likely to benefit from the higher benefit rates in Employment and Support Allowance for those not receiving an income-related top up.

80. The differing proportions can in part be explained by the unequal state pension ages as, other than Severe Disablement Allowance, incapacity benefits are working age benefits. However state pension ages are being aligned between 2010 and 2020, and this may help to address the gender imbalance.

### Impact on staff

81. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any gender equality impact as a result of Incapacity Benefit (Income Support) Reassessment.

# Race

## Impact on claimants

82. People from ethnic minorities are less likely to receive Incapacity Benefit than the rest of the working age population (see table four). However, race has no bearing on whether a claimant is entitled to either incapacity benefits or Employment and Support Allowance or the level of benefit they receive. We therefore do not expect changes to incapacity benefits to have a marked impact on race equality or discrimination.

<b>Table Four: Proportion of Incapacity Benefit claimants by race</b>		
<b>Ethnicity</b>	<b>Incapacity benefits</b>	<b>Working Age Population</b>
White	94%	88%
Ethnic minorities	6%	12%

Source: Based on the Family Resources survey 2007/08

## Accessibility

- 83. Incapacity benefits claimants will need to be contacted by both the Department and our providers at several points during their reassessment. This will include telephone calls made by Jobcentre Plus and Medical Services staff, formal notification letters and face to face attendance at the assessment centre. There is a risk that some claimants, for whom English is not their first language (or Welsh for claimants living in Wales), may not be able to understand our communications making it difficult or impossible for them to engage through these channels, leading to discrimination. Jobcentre Plus offers a range of services to prevent discrimination against claimants for whom English (or Welsh for claimants living in Wales) is not their first language and to prevent discrimination occurring during the reassessment claimants will have access to these services.
- 84. Jobcentre Plus and Medical Services provide written correspondence in a range of different languages and formats.
- 85. An interpreting service is available should claimants require this. Jobcentre Plus can arrange for an interpreter to be present during interviews, alternatively claimants are able to be accompanied by their own interpreter. A language interpreter can be provided for claimants attending an examination upon request to Medical Services, alternatively claimants can provide their own interpreter. The Big Word is an interpreting service offered over the telephone by the Department. The claimant can request an interpreter in the desired language. The customer service agent will then telephone the Big Word and get an interpreter of the required language on the line. A conference call will then be conducted with the Big Word agent translating between the claimant and customer service agent. Medical Services provide a telephone translation

service through Language Line.

### **Incapacity Benefit (Income Support) Reassessment Customer Journey**

86. The reassessment process is not applied differently to claimants on the basis of their race. We therefore do not expect there to be any equality impacts as a result of claimant going through the reassessment process.
87. The order in which claimants will be selected for reassessment will normally be based on the date that they would otherwise be due to have their incapacity benefit claim reassessed. This will ensure that claimants will normally be asked to attend a Work Capability Assessment in the same order as they would have been asked to attend a Personal Capability Assessment. A claimants race will not be used to decide when their claim will be reassessed. This will help remove discrimination in the order in which cases are reassessed.
88. The learning and development products developed to prepare our staff to support Incapacity Benefit (Income Support) Reassessment include learning on race. Race learning begins in Foundation Level learning (for all Jobcentre Plus employees). All learners are told that this area of learning is constantly changing and that they need to visit the Department for Work and Pensions Diversity website on a regular basis. The new product 'Customer Awareness' also covers race issues. Learning and development for Medical Services staff includes learning on race.

### **Work Capability Assessment**

89. The Work Capability Assessment will not apply differently to people of different races or cultures. The healthcare professionals carrying out the assessment will neither be provided with, nor ask the claimants their ethnicity, thus facilitating uniformity in the application of the assessment to all applicants for Employment and Support Allowance irrespective of their ethnicity. However there is a potential risk of racial discrimination on a case by case basis in the course of the assessment itself. The presence of a language barrier may also make it difficult for applicants to convey their health problems and challenges to entering work. In order to mitigate these risks, healthcare professionals will ensure that an interpreter is always available if requested when the appointment is made. They must also adhere to all requests for the presence of a third party during assessments. Those involved in all stages of the process will receive training on the race equality duty, while a specific training course on multi-cultural awareness is also provided for all new and existing healthcare professionals undertaking work for the Department for Work and Pensions.

### **Benefit rates**

90. The rate of benefit paid to people on incapacity benefits or Employment and Support Allowance does not vary because of race or culture. We do not expect ethnic minorities to be disproportionately affected by benefit alignment measures.

### **Impact on staff**

91. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff who will be selected using existing Department for Work and Pensions

selection procedures, within existing premises. We therefore do not expect that there will be any race equality impact as a result of Incapacity Benefit (Income Support) Reassessment.

## Age

### Impact on claimants

92. Nearly half of claimants claiming Incapacity Benefit are over the age of 50. This is because older people are more likely to have a disability or health condition and may also reflect labour market factors such as the decline of traditional manufacturing industry. However, this does not mean that they do not want or are unable to work.

<b>Table Five: Incapacity Benefit claimants by Age</b>	
<b>Age</b>	<b>Percentage of Incapacity Benefit claimants</b>
<b>16-17</b>	0%
<b>18-24</b>	4%
<b>25-34</b>	12%
<b>35-44</b>	21%
<b>45-49</b>	15%
<b>50-54</b>	16%
<b>55-59</b>	19%
<b>60-64</b>	13%
<b>Total</b>	100%

Source *Department for Work and Pensions Longitudinal Study August 2010*

<b>Table Five: Incapacity Benefit claimants by Age</b>	
<b>Age</b>	<b>Percentage of Incapacity Benefit claimants</b>
<b>16-17</b>	0%
<b>18-24</b>	4%
<b>25-34</b>	12%
<b>35-44</b>	21%
<b>45-49</b>	15%
<b>50-54</b>	16%
<b>55-59</b>	19%
<b>60-64</b>	13%
<b>Total</b>	100%

Source *Department for Work and Pensions Longitudinal Study August 2010*

### Incapacity Benefit (Income Support) Reassessment Customer Journey

## **Equality Impact Assessment**

93. The Government will not reassess people who will reach state pension age during the reassessment period (before Spring 2014). This will ensure that they do not have to change benefits twice in potentially a short period of time. An estimated 160,000 Incapacity Benefit claimants will reach state pension age over the period (11%).
94. Apart from claimants approaching state pension age the reassessment process is not applied differently to claimants on the basis of their age. We therefore do not expect there to be any equality impacts as a result of claimants going through the reassessment process.
95. The order in which most claimants will be selected for reassessment will be based on the date that they would otherwise be due to have their incapacity benefit claim reassessed. This will ensure that claimants will be asked to attend a Work Capability Assessment in the same order as they would have been asked to attend a Personal Capability Assessment (the assessment used to help assess entitlement to incapacity benefits). In general, therefore, a claimants personal characteristics are not used to decide when their claim will be reassessed. This will help remove discrimination in the order in which cases are reassessed.
96. Some claimants will be treated differently because of their age. Specifically, those who are already over state pension age or, who reach state pension age during the reassessment window, will not have their benefit reassessed. This avoids any potential disruption to their entitlement or services.
97. Diversity and equality learning for Jobcentre plus includes age. This learning helps ensure our staff can fully support, and do not discriminate against claimants on the grounds of their age. Medical Services staff also receive learning on age.

## **Work Capability Assessment**

98. The Work Capability Assessment will be applied uniformly to individuals to be reassessed from all age groups and we do not envisage any discrimination on these grounds. Any potential risk stems from the possibility of discrimination on a case by case basis in the course of the assessment itself. To mitigate this risk, robust complaints and quality-assurance procedures enable healthcare professionals to be monitored to ensure that age discrimination is not taking place. Decisions on entitlement to benefit are taken by separate decision makers and claimants have a right of appeal to an independent appeal tribunal if they do not agree with the decision.

## **Benefit rates**

99. The amount of Incapacity Benefit received for existing claimants can vary by age as age additions are payable. Under Incapacity Benefit age additions are payable after a year of incapacity. There are two rates; £15.60 for those whose incapacity began before the age of 35 and £6.55 for those whose incapacity began between 35 and 45. These additions were originally intended to compensate those whose incapacity began at an early stage in life (for example, the young man very badly injured in a workplace accident) for the potentially high loss of possible future earnings, due to the assumption that they

<b>Table Six: Incapacity Benefit claimants by benefit amount and age</b>			
<b>Incapacity Benefit rate</b>	<b>Aged Under 50</b>	<b>Aged 50+</b>	<b>Total</b>
under £80.00	0%	0%	0%
£80.00 to under £100.00	32%	72%	55%
£100.00 to under £150.00	66%	25%	42%
£150.00 and over	2%	3%	2%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source *Department for Work and Pensions Longitudinal Study August 2010*

100. Table Six shows that claimants aged 50 or over are more likely to have a rate of benefit below £100 per week than those aged under 50. There is a risk then that claimants aged under 50 may be disproportionately affected by rate alignment. However transitional protection will ensure those moving to Employment and Support Allowance will not see a change in their benefit entitlement at the point of change.

**Impact on staff**

101. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any age equality impact as a result of Incapacity Benefit (Income Support) reassessment.

**Transgender**

**Impact on claimants**

102. Jobcentre Plus does not hold accurate data on whether their claimants are transgender. Whether a claimant is transgender has no bearing on whether they are entitled to either Incapacity Benefit or Employment and Support Allowance, or the level of benefit they are entitled to. Transgender claimants will also undergo the same customer journey as others. Transgender claimants will, like all other claimants, be able to request additional support or submit additional needs requests which will endeavour to be met by the Department. We therefore do not expect changes to Incapacity Benefit to have an impact on equality or discrimination on the grounds transgender.
103. All gender recognition claimants will be marked as a Special Customer Record to protect their privacy and ensure the confidentiality of their information, unless they request not to be. A message will be displayed if an attempt is made to access a claimant record containing this marking. A Jobcentre Plus member of staff will need to request Special Customer Record access. They will need to demonstrate a valid business need to their line manager for accessing the information. A form is completed and authorisation for temporary access is granted.
104. Diversity and equality learning for Jobcentre plus includes transgender. This learning helps ensure our staff can support, and do not discriminate against, transgender claimants. Medical Services staff also receive training on transgender.

### Impact on staff

105. Jobcentre Plus does not hold data on whether their staff are transgender. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any transgender equality impact as a result of Incapacity Benefit (Income Support) reassessment.

## Sexual orientation

### Impact on claimants

106. Jobcentre Plus does not hold data on the sexual orientation of its claimants. A claimants sexual orientation has no bearing on whether they are entitled to either incapacity benefits or Employment and Support Allowance, or the level of benefit they are entitled to. Claimants will also undergo the same customer journey regardless of their sexual orientation. We therefore do not expect changes to incapacity benefits to have a marked impact on equality or discrimination on the grounds of their sexual orientation.
107. Diversity and equality learning for Jobcentre plus includes sexual orientation. This learning helps ensure our staff can support, and do not discriminate against claimants on the grounds of their sexual orientation. Medical Services staff also receive learning on sexual orientation.

### Impact on staff

108. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any sexual orientation equality impact as a result of Incapacity Benefit (Income Support) reassessment.

## Religion and belief

### Impact on claimants

109. A claimants religion or belief has no bearing on whether they are entitled to either Incapacity Benefit or Employment and Support Allowance, or the level of benefit they are entitled to. Claimants will also undergo the same customer journey regardless of their religion or belief. Both Jobcentre Plus and our Medical Services provider will aim to accommodate any reasonable request for adjustments on the basis of religion and belief. We therefore do not expect changes to Incapacity Benefit to have a marked impact on equality or discrimination on the grounds of religion or belief.

110. Diversity and equality learning for Jobcentre plus includes religion and belief. This learning helps ensure our staff can support, and do not discriminate against, claimants on the grounds of religion or belief. Medical Services staff also receive learning on religion and belief.

### Impact on staff

111. Incapacity Benefit (Income Support) Reassessment will be delivered by existing staff, who will be selected using existing Department for Work and Pensions selection procedures within existing premises. We therefore do not expect that there will be any religion and belief equality impact as a result of Incapacity Benefit (Income Support) reassessment.

## Impact on staff policies, procedures and job roles

112. Incapacity Benefit (Income Support) Reassessment will not require any changes to existing Human Resource policies and procedures. The detailed people impact assessment for the Reassessment project concluded that there will be no significant change to the duties/responsibilities for current Jobcentre Plus Contact Centre Directorate roles and therefore no potential impact on the grade. It also concluded that there will be no significant changes impacting on Jobcentre job roles. New job roles will be required for Benefit Centre Directorate. However the skills/duties required for these new roles within the Teams delivering reassessment will not change significantly from current roles. There will be no significant change to International Pension Centre job roles as a result of reassessment.

# Monitoring and evaluation

## Evaluation to date

113. The Incapacity Benefit (Income Support) Reassessment process was rolled out nationwide in April 2011. In advance of this a trial was undertaken. This trial activity started in October 2010. It involved 1700 claimants in the Jobcentre Plus-led Pathways Districts supported by Burnley and Aberdeen Benefit Delivery Centres. The linked Contact Centres were Bangor, Bridgend and Coventry. These areas were selected because they:

- have sufficient number of incapacity benefits claimants in order to make this a viable trial
- provide both rural and urban locations to give a good cross section of claimants.

114. The Department published interim results from the reassessment trial on 1 April 2011. These show that, as of the 22 March, 1,626 decisions on whether a claimants claim qualifies for conversion to Employment and Support Allowance had been made. Of these:

- 526 individuals (32%) were not entitled to Employment and Support Allowance;
- 484 individuals (30%) were placed in the Support Group; and
- 616 individuals (38%) were placed in the Work Related Activity Group.

115. The trial demonstrated that the customer journey and communications worked well. The customer journey has been shown to be viable, with staff and claimants reacting positively to the additional interventions. There was little adverse claimant reaction and low levels of active non-compliance. Enquiries by telephone and in person were much lower than expected, suggesting that the communications provided to claimants have effectively provided for their needs.

116. Management information gathered during the trial suggests that the additional contact has improved compliance with the assessment process. 13% of claimants contacted the Department after receiving their initial notification to correct their contact details. 68% of initial outbound phone calls were successful. Finally, only 14% of claimants failed to return their ESA50 medical questionnaire and 9% failed to attend their WCA. This compares favourably with the experience of new claims to ESA.

117. Staff guidance, learning and development and supporting IT have been evaluated through model office testing, which replicated the conditions in a real, live office environment. Jobcentre Plus operational staff have also been involved throughout the development and testing of supporting IT and business processes. This has taken many forms, including the embedding of operational staff within the project development teams to add technical expertise and

assurance at source. These arrangements have identified improvements and confirmed that all products are fit for purpose for national reassessment.

118. An independent research company was commissioned to evaluate the trial from a staff and customer perspective. Full details of this research are available at: <http://research.dwp.gov.uk/asd/asd5/rports2011-2012/rrep741.pdf>

119. The trial evaluation identified some specific recommendations to improve the customer journey and communications. Some of the improvements being implemented include:

- The language used when claimants are informed they have been placed in the WRAG has been clarified as some claimants were unsure about what was expected of them.
- Decision makers have been given the flexibility to arrange a break of up to 72 hours in the outbound call to disallowed claimants, if necessary. This was introduced because the research showed that claimants were sometimes unable to engage with this phone call because they needed time to take in the fact they were being disallowed ESA before considering their next steps.
- Atos Healthcare is addressing feedback by some claimants that the face-to-face WCA felt impersonal through its soft skills training which is already taking account of feedback from the customer satisfaction survey, analysis of complaints trends and the Harrington Review.

## Future Monitoring and Evaluation

120. The Department is committed to continually monitoring and reviewing the reassessment process. A range of data sources are available which can be used to monitor reassessment as it rolls out.

121. An information centre has been established by the project which provides a forum at which Jobcentre Directorate, Benefit Centre Directorate and Contact Centre Directorate regularly feed information back to the project. Management information is reviewed at a senior level, supported by regular and close liaison between the project and operational working teams. Further improvements will be incorporated into the reassessment process going forward as they are identified.

122. The Work Capability Assessment process is also subject to ongoing evaluation. Random samples of claimants are provided with feedback forms in which they are able to comment on their assessment and raise any issue of concern. The complaints procedure also provides a mechanism to identify and monitor discrimination. The Department receives regular reports broken down by category. In addition, the Government has a statutory commitment to commission an independent review of the WCA annually for the first five years. The second independent review is currently underway and is expected to report

## Equality Impact Assessment

by the end of 2011.

123. Jobcentre Plus operates a robust customer complaints procedure at a district level which can be used to raise issues of concern or discrimination.
124. The Annual Jobcentre Plus Customer Satisfaction Survey will provide information on Incapacity Benefit reassessment claimants which can be analysed by equality strand. The survey will provide feedback on whether Jobcentre Plus are providing a high quality and efficient service to all claimants, according to the standards set out in the DWP Customer Charter. Analysis will mainly be at a national level by main claimant type, using a transactional based approach to examine how the customer journey across Jobcentre Plus contact channels (telephone, face to face, written and online) is operating.
125. For three months following the national rollout of reassessment an ongoing process of evaluation of the learning and development will take place. This involves:
- A dedicated e mail address for staff to provide informal feedback on the learning and development products
  - Monitoring of queries received through the help desk queries
  - Go Look See visits to enable the product designers to directly observe various modules being delivered
126. The material in this Equality Impact Assessment covers the equality groups currently covered by the equality legislation. DWP is committed to monitoring the impacts of its policies and can use evidence from a number of sources on the experiences and outcomes of the protected groups.
- a) We will use administrative datasets, including the Department for Work and Pension's Work and Pensions Longitudinal Study (WPLS), to monitor trends in the benefit caseloads for the protected groups and in the level and distribution of benefit entitlements. The administrative data will provide robust material for age and gender although not, as a rule, for the other protected groups. Where it is practical we will endeavour to incorporate information for the other protected groups.
- b) We will use survey data, such as the Family Resources Survey (FRS), to assess trends in the incomes of the protected groups and in their employment outcomes. The FRS will collect information on age, disability, gender, ethnicity, sexual orientation, religion, marriage and civil partnerships.
- c) We will use qualitative research and feedback from stakeholder groups to assess whether there are unintended consequences for the protected groups, and whether the policy is likely to result in adverse consequences for particular groups.
- d) We will utilise feedback from Departmental employee networks and internal management information. For example we will monitor the level of complaints

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in order to assess the broader impact of the policy.

e) We will draw on broader DWP research where appropriate, as well as any research commissioned specifically as part of the evaluation of the measure.

127. As part of our actions in the context of the data requirements under the Equality Act, we are looking across DWP activities to identify and address further gaps in data provision wherever reasonable.
128. We intend to commission a piece of independent research to evaluate customer experiences of the reassessment later this year. Whilst this is still in the development stage, it will provide an opportunity to examine how effectively the process is operating.

## Next steps

129. We will continue to monitor the reassessment as it rolls out nationally.

### Contact details

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# Annex A:

## Members of the Disability Benefits Consortium

- Action for Blind People
- Action for M.E.
- Age UK
- Breast Cancer Care
- Carers UK
- Child Poverty Action Group
- Citizens Advice
- CLIC Sargent
- Crohn's and Colitis UK (NACC)
- Deafblind UK
- Disability Alliance
- Disability Wales
- London Advice Services Alliance (LASA)
- Leonard Cheshire Disability
- Macmillan Cancer Support
- Mencap
- Mind
- Motor Neurone Disease (MND) Association
- MS Society
- Muscular Dystrophy Campaign
- National Aids Trust
- National Autistic Society (NAS)
- National Deaf Children's Society
- Parkinson's UK
- Royal Association for Disability Rights (RADAR)
- Rethink
- Royal National Institute of Blind People (RNIB)
- Royal National Institute for the Deaf (RNID)
- RSI Action
- Scope
- Sense
- Skill
- The Trades Union Congress (TUC)

# Annex B: Members of the JCP Customer Representative Group Forum

- Disability Alliance
- Royal National Institute for Deaf People (RNID)
- Royal National Institute for Blind People (RNIB)
- MIND
- The Trades Union Congress (TUC)
- Citizens Advice
- Child Poverty Action Group
- Local Government Association
- National Association of Welfare Rights Advisers
- One Parent Families
- RETHINK
- Social Security Advisory Committee
- Legal Services Commission
- Low Incomes Tax Reform Group

# Annex C: Members of the Department for Work and Pensions Policy Strategy Forum

- Advice Services Alliance
- Advice UK
- Age Concern England
- Association of Directors of Adult Social Services
- Barnardos
- British Epilepsy Association
- Carers UK
- Child Poverty Action Group
- Citizens Advice
- Citizens Advice Scotland
- Disability Alliance
- Help the Aged
- Local Government Association
- Low Income Tax Reform Group
- Macmillan Cancer Care
- Making Space
- MENCAP
- MIND The Mental Health Charity
- NACRO
- National Association of Welfare Rights Advisers
- National Deaf Children's Society
- National Pensioners Convention
- One Parent Families / Gingerbread
- Princess Royal Trust for Carers
- RADAR
- Refugee Council
- RETHINK
- Royal National Institute for Blind People (RNIB)
- Royal National Institute for Deaf People (RNID)
- SHELTER
- The Trades Union Congress (TUC)

# Annex D: Organisations invited to the Employment and Support Allowance / Incapacity Benefit Reassessment Stakeholder Event held on the 20 July 2010

- National Association of Welfare Rights Advisers;
- Action for Blind People;
- Citizen's Advice Bureau;
- Crisis;
- Disability Alliance;
- Leonard Cheshire Disability;
- Local Government Association;
- Macmillan Cancer Support;
- Mencap;
- Mind;
- MS Society;
- National Aids Trust;
- National Pulmonary Hypertension Service;
- Parkinsons UK;
- Rethink;
- Richmond Aid;
- Royal National Institute for Blind people;
- RSI Action;
- Sense;
- SSAC;
- St Mungo's;
- Terrence Higgins Trust.

# Annex E: Organisations invited to the Employment and Support Allowance / Incapacity Benefit Reassessment Stakeholder Event held on the 16 March 2011

- Suffolk County Council
- RADAR
- Scottish Government
- Community Links
- Dept of Learning, Northern Ireland
- Child Poverty Action Group
- Crisis UK
- Disability Alliance
- Low Income Tax Reform Group
- MIND
- Re-Think
- Social Security Advisory Committee
- Terence Higgins Trust
- Local Government Association/Association of Directors of Adult Social Services
- Croydon MIND
- Turn 2 Us
- Islington Council
- Citizens Advice
- Dept for Social Development, Northern Ireland
- Lambeth Council
- Richmond Aid
- MS Society
- Papworth Trust
- Welsh Assembly
- RNIB
- Samaritans