Thank you for your letter, dated 9 September 2019, with further questions on Work Capability Assessment (WCA) decision notices, following my initial response of 22 August 2019. The issues you have raised fall within my portfolio area as well as the Minister for Employments. Please find below my response on behalf of the Department to each of the points you have raised.

1. Might you please explain how you reached this conclusion? In particular, what discussions did you have with claimants themselves, and with stakeholders, about what information the notice should usefully contain?

In response to question 1 above, when developing any significant new products, the Universal Credit (UC) Programme will engage with stakeholders, including our policy and legal colleagues who are also involved in the assurance of any products. User research was conducted with a number of claimants to get their views on the ‘Decision Notification’. Our findings concluded that the claimants interviewed did understand the decision and claimants found the new notification simpler and easy to understand.

Additionally, our research confirmed that the new notification was clear that their claim to UC would continue, as opposed to ESA where the claim ends. We also ensured that the claimants understood their right to appeal and the necessary process to follow. Further analysis was conducted to consider the impact on the number of Mandatory Reconsideration requests and, from the sample conducted, there was a small reduction in the number of requests. It
would be extremely helpful if you could share any evidence you may have on this area so as to better inform any further developments.

2. Might you please explain, in laymen’s terms what this means?
3. How will the Department test whether the new notices are achieving their aim of making it easier for claimants to understand their WCA decision?
4. Have you sought any feedback or approval from claimants or stakeholders on the new notice?

In responding to questions 2 to 4 listed above, UC works to develop and test new processes and products and where evidence suggests improvements are required, we consider making those changes. This comes from a range of sources including feedback from third parties, user experience research, incidents and queries. Prior to beginning work on the new notifications, the content of a large sample of the existing notifications was examined. To ensure the new notification is working as expected, we will continue to use existing mechanisms to obtain feedback. The Department takes your concerns on this very seriously and aims to provide a streamlined and accessible notification system for claimants.

One of the fundamental differences in UC and ESA is that UC does not cease based on the outcome of a ‘capable for work’ decision - the claimant will continue to have interaction and support from our agents, through their journal, face to face and over the telephone. It is therefore important that our processes acknowledge the different context of UC and also the fact we operate an account based service where individuals have a dedicated case manager and often also a work coach who they can communicate with via their account.

5. What proportion of requests for a further breakdown are fulfilled within one month of the claimant or their adviser making a request?
   a. What are the mean and median times from request to receiving a breakdown?

At present we do not hold data on the time a further breakdown is fulfilled. However, UC is currently iterating this process and we will be able to provide this in the future.

6. Might you please outline the process that Department staff should follow when a claimant contacts them to request further information on the basis for their WCA decision?
Where an explanation of the decision is required, agents explain the decision and provide this in writing where requested. This is currently completed on a template and uploaded to the journal or posted to the claimant. The previous notification advised claimants to contact the Department for Work and Pensions (DWP) for a copy of their health assessment report. This is not intended to replace the explanation of a decision and is purely offered as additional information to the claimant should they request it. Decision makers use all evidence available to them, including the recommendations of the health care provider when making their decision.

7. Are you aware that claimants are being told they must get additional information via the assessment provider? Is that the correct process?
   a. If so, what service standards has the Department set for providers to respond to and provide further information, and what checks does the Department carry out on whether these are being met?
   b. If not, what steps will you take to ensure that this stops happening, and that claimants are able to access information quickly and easily?

DWP staff should not be advising claimants to obtain additional information from the assessment provider. We are reviewing our current guidance to determine whether we need to strengthen the message around this to our staff. Once the review is completed, and if change is needed, we will issue communications and further guidance to address this issue.

8. Might you explain in more detail the specific security concerns the Department has about posting decision notices on claimant’s UC journals?
   a. Have you considered any other means of ensuring that claimants receive the full basis of their WCA decision, in light of these concerns? For example, posting a hard copy with a full breakdown?

Decision notices must take account of sensitive information. Where a joint claim is made to UC, currently both parties have access to the claim journal. This is why we do not place personal information about an individual’s health condition on the journal where it can be accessed by their partner.

Regardless of this, we still believe for all the reasons previously set out that the new notification provides the claimant with concise and consistent information about their decision. As above, claimants who wish to have further information on the WCA decision are able to request this from the
Department who will send a written explanation to the claimant's journal or by post.

The Department takes the welfare and engagement of vulnerable claimants very seriously and this is an area we will continue to monitor. I hope the above responses are helpful and, as always, I welcome any further questions or observations you may have.

Kind Regards,

Justin Tomlinson MP
Minister for Disabled People, Health & Work