



## The Employment and Support Allowance (ESA) and the Work Capability Assessment (WCA) myth-buster

### About the Disability Benefits Consortium

The Disability Benefits Consortium (DBC) is a coalition of over 50 disability charities and other organisations who have come together to work towards a fairer benefits system.

### Myth 1: Most people claiming incapacity benefits are faking it

*“Only 7% of people on sickness benefit are unable to work”* **Mirror**

*“Just one in 14 of those claiming the new incapacity benefit are too ill to work, according to newly released government figures.”* **Metro**

*“TOUGH new checks on Incapacity Benefit show more than nine in ten trying to claim it CAN work.”* **Sun**

#### The reality:

The statistics are being misrepresented. They are ignoring the numbers being found eligible for the work-related activity group of ESA and only looking at those being placed in the support group (where there is no attached work conditionality). Eligibility for **both** ESA groups means that claimants are found to have ‘limited capability for work’, with the work-related activity group (WRAG) aimed at those who **are not ‘fit for work’**, but rather need additional support and who may take considerable time to move into employment. Claimants need to be shown to have a significant functional impairment that creates serious barriers to work to be eligible for the WRAG. Further, the high level of successful appeals against ‘fit for work’ decisions is not acknowledged.

It is absolutely right that the Government tackle benefit fraud, ensuring those who have genuine need are supported. However, a recent DWP statistical report suggested a figure of only about 0.3% overpayment of Incapacity Benefit due to fraud<sup>1</sup>.

### Myth 2: People get sickness benefits just by visiting their GP

It is often assumed that it is easy for people to make a claim for incapacity benefits and be found eligible.

#### The reality:

According to a report by the organisation for economic co-operation and development (OECD) on 2003 procedures in the UK around reviewing entitlements for disability benefits are described as “much more rigorous or have been made much more

<sup>1</sup> *Fraud and Error in the Benefit System: Preliminary 2010/11 estimates*, DWP, 2011

stringent in recent years”<sup>2</sup>. This was prior to the implementation of the Work Capability Assessment (WCA) which has further tightened the criteria for eligibility. Its predecessor, the personal capability assessment (PCA) was described by the DWP as being one of the toughest in the world.<sup>3</sup>

Rather than a claimant simply going to their GP and getting a medical certificate, the process for making a claim (beginning with the introduction of the Personal Capability Assessment in the early 1990s) is much more complex than that. The process includes completing in a detailed self-assessment questionnaire and attending a face-to-face assessment with a medical professional - not an individual’s GP. A DWP decision maker considers the evidence before making a decision on an individual’s claim.

**Myth 3: Contributory Jobseekers Allowance is time-limited to six months. It is right therefore that contributory ESA should also be time limited**

The Government is proposing that receipt of contributory ESA should be time limited for 12 months to be more in line with JSA. They have stated that this will encourage people to move off benefits and into work.

**The reality:**

This proposal completely misses the point of the work related activity group of ESA which is supposed to be about supporting those people who are **not** ‘work ready’, and require additional help and support to move towards and gain employment. It is inappropriate and unfair to penalise those people who may take longer than one year to move into work and does not reflect the original policy purpose of the work related activity group of ESA.

Additionally, the Government has stated that 94% of the people in the WRAG group will not be ready to return to work after one year.<sup>4</sup> While the Government has stated that the change will help to encourage people to come off benefits, they have also stated that the proposal is aimed at making savings and not based on an estimate of what is a reasonable length of time to expect people with a disability or illness to be able to return to work<sup>5</sup>.

**Myth 4: Only people with other means of support will be affected by the time-limit to ESA**

The time-limit will apply to those who are on contributory ESA by virtue of having paid their National Insurance contributions before having to leave work due to a disability or illness. Following one year their ESA will be means-tested and become dependent on their household income – those with low incomes will be eligible for income-related ESA and will continue to receive support.

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<sup>2</sup> *Transforming disability into ability: policies to promote work and income security for disabled people*, OECD, 2003

<sup>3</sup> *A new deal for welfare: empowering people to work*, DWP, January 2006

<sup>4</sup> Parliamentary Question 55206, 16th May 2011

[www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110516/text/110516w0004.htm#11051628000780](http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110516/text/110516w0004.htm#11051628000780)

<sup>5</sup> Welfare Reform Bill Committee, 3 May 2011, column 650

**The reality:**

Because the means-testing thresholds are so low the result will be that thousands of people will lose all their ESA if they have savings of more than £16,000 or their partner earns as little as £150 a week. The thresholds for income based ESA mean that you can be ineligible for this benefit despite already living below the poverty line.

The Government's own estimates predict that 700,000 people will be affected by time-limiting by 2015/16, and the DWP are currently writing to 170,000 people who will begin to lose their benefit as early as April next year. Of those people who will actually lose out 51% are in the lowest three income deciles. For those who experience a loss the average drop in income is £52 per week. For those in the lowest income deciles this figure is £35 per week. This is a significant amount of money for people who are struggling to make ends meet.

**Myth 5: Most people in the WRAG should be able to find a job within a year**

The Disability Minister, Maria Miller, stated: "The period of 12 months was chosen because it strikes the best balance between allowing people with longer-term conditions to adjust to their health condition and providing a level of access that is appropriate for contributory benefits."

**The reality:**

This gives people on cESA in the WRAG, who face significant barriers due to their condition, impairment or disability, just six months more than those on Jobseeker's Allowance to find a job. This ignores the reality that due to factors including discrimination and access, many disabled people can take significantly longer to move into work than non disabled people.

The Department for Work and Pensions has estimated that of those on cESA and in the work related activity group **94%** will take longer than a year to find work.<sup>6</sup>

In addition, the 12 month period will include the total time spent in the Work Related Activity Group, regardless of whether or not this is continuous. This means that someone who moves in and out of the Support Group because their condition fluctuates risks being presented with a very short period of time in which to move into work or face the possibility of having their benefit cut.

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<sup>6</sup> Parliamentary Question 55206, 16<sup>th</sup> May 2011

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