

Citizens Advice response to the consultation on proposed changes to the activities and descriptors of the Work Capability Assessment

About Citizens Advice

Citizens Advice provides free, confidential and independent advice to help people overcome their problems. In 2022-23, we helped a total of 2.66 million people with one-to-one advice: 1.87 million people over the phone, 729,000 by email, and 166,000 through web chat. 47% of the people we help are disabled, have a long term health condition or both.¹

We are the largest provider of advice on disability benefits in the UK. In 2022-23, we helped almost 330,000 people with issues related to disability benefits.²

The geographic range of this response covers England and Wales.

Introduction

Applying for disability benefits is too often complicated, distressing and can be a drain on people's time and health. And while many people receiving disability benefits would like to work in the future with the right support, they aren't receiving it.³

The Government has recognised some of these challenges and has committed to reforming the disability benefits system in the recent Transforming Support White Paper, including removing the Work Capability Assessment (WCA) altogether by the end of the decade.

Against this backdrop, the proposals set out in this consultation to reform an assessment shortly due to be phased out were surprising. The WCA is the source

¹ Citizens Advice service data from financial year 2022-23.

² In 2022-23, we helped 329,088 people with issues related to Disability Living Allowance, Attendance Allowance, Employment Support Allowance, Personal Independence Payment, and the Limited Capability for Work elements of Universal Credit.

³ Research commissioned by the Department for Work and Pensions suggests that one in five people in the Support Group of ESA or the Limited Capability for Work and Work-Related Activity group of UC have a desire to work in the future with the right support. But just 8% of claimants in either group were receiving any employment-related support, mainly from friends, family and carers. Just 8% of those receiving support were getting it from DWP / JCP. See Department for Work and Pensions (2020) [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#)

of many issues for the people we support,⁴ but we have serious concerns that almost all options under consideration would do more harm than good if implemented, and risk undermining the longer term aims of the White Paper.

Our response to this consultation is informed by:

- A survey of 144 advisers across the network of our local offices in England and Wales.
- A review of 88 evidence forms⁵ submitted by advisers about issues that disabled people and those with long term health conditions face with conditionality in Universal Credit (UC) and Employment and Support Allowance (ESA).
- Three discussion groups with 14 advisers, exploring their thoughts on who might be affected by the proposed changes and the potential impacts, based on their experiences supporting people with the WCA.

Our response begins with overarching points that cut across the options being consulted on, before moving on to respond to questions about the specific reform options.

Key Terms

- *Work Capability Assessment (WCA)* – The WCA is a health assessment used by the Department for Work and Pensions to determine the extent to which someone’s health or disability affects their ability to work.
- *Employment and Support Allowance Support Group (SG)* – The Support Group is for people claiming ESA who are not expected to complete any work-related activity as a condition of receiving their benefit or meet with a work coach, following a WCA.
- *Universal Credit Limited Capability for Work and Work-Related Activity (LCWRA) group* – The LCWRA group is for people claiming UC who are not expected to complete any work-related activity as a condition of receiving their benefit or meet with a work coach, following a WCA.
- *Employment and Support Allowance Work-Related Activity Group (WRAG)* – The Work-Related Activity Group is for people claiming ESA who are not expected to work right away but take steps to prepare to work at some

⁴ See [Citizens Advice response to the House of Commons Work and Pensions Select Committee inquiry on health assessments for benefits](#), November 2021.

⁵ Evidence forms are submitted by frontline advisers to highlight various problems the people we support have when interacting with the benefits system and how it impacts them.

time in the future, following a WCA. They are not expected to look for work but must meet with their work coach regularly and agree which activities they will undertake to prepare for work. This could include writing a CV or undertaking training.

- *Universal Credit Limited Capability for Work (LCW) group* – The LCW group is for people claiming UC who are not expected to work right away but take steps to prepare to work at some time in the future, following a WCA. They have the same expectations and requirements as the Work-Related Activity Group of ESA.

The proposed reforms risk doing more harm than good

The Department for Work and Pensions' (DWP) research shows that 1 in 5 people in the Support Group of ESA and the LCWRA group of UC would like to work in the future if the right job and support were available.⁶ The stated aim of the proposed reforms are to help this group into work. However, these reforms put no additional employment-related support in place. Instead they would reduce the level of financial support available and increase the work-related requirements of affected claimants by tightening the eligibility criteria of the WCA.

The options being considered would move people from the LCWRA group of UC to the LCW group, and from the Support Group of ESA to the Work-Related Activity Group. People could also be moved out of the health-related groups of UC or off of ESA entirely. Affected claimants would lose up to £390 a month,⁷ which is equivalent to over 2 months worth of gas and electricity bills for those who come to us for support.⁸ Advisers feel strongly that the additional stress and financial hardship caused by such a drastic reduction in income would worsen people's health and set back people who were thinking about returning to work.

After years of underinvestment,⁹ many people receiving disability benefits are already struggling, and these changes would compound that. People who come to us for support with debt in the Support Group of ESA have £35, on average, left over at the end of the month after their essential costs with which to pay back their debts. Those moved into the Work-Related Activity Group as a result

⁶ Department for Work and Pensions (2020), [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#)

⁷ The additional payments (worth £146) for the LCW group of UC and ESA WRAG were abolished in April 2017. People whose claim began before April 2017 will therefore lose less income than post-2017 claimants, and people receiving ESA may lose less than £390 because of the additional disability premiums in the legacy system that don't exist in Universal Credit.

⁸ In Q2 2023-24, we helped 10,642 people receiving Universal Credit with debt issues. On average (20% trimmed mean), they spent £160.05 a month on gas and electricity.

⁹ Working age benefits are usually uprated with CPI, but were subject to a four year freeze ending in 2020, and the additional payment of the LCW group was abolished for new claimants after April 2017. While the UC LCWRA and ESA SG payments were not subject to the same freeze, the reduction in basic levels of benefits have added financial pressure to all households receiving UC and ESA.

of these changes would find themselves with an ongoing monthly shortfall of £70.¹⁰

Almost all (93%) of our advisers thought people will be forced to go without essentials as a result of seeing their income fall.¹¹ And almost all of our advisers thought the financial loss resulting from these changes would worsen people's mental health (92%) and physical health (83%).¹²

"If you're scrimping and saving to make ends meet, if you're not eating properly, that's going to be affecting your health, that's going to affect your ability to feel strong, to go for job interviews, to go for the training that you need - it comes down to the sort of basic maths really. It's not enough for people to live on let alone people with health conditions"

Citizens Advice Adviser

The rationale for the proposed changes is at odds with the experience of working claimants and the evidence base on remote working

The Government says these changes will update the WCA to ensure it reflects the changing world of work, and the opportunities afforded by hybrid or remote working. But the proposals ignore the evidence base on the availability of these jobs across the labour market, and the additional requirements of engaging in remote working.

The world of work is changing, but not in the same way for everyone. While some jobs offer flexibility or the option of working entirely from home, that is not the reality for the vast majority of working Universal Credit claimants. Around 1 in 10 (11%) working people receiving Universal Credit do so mainly from home, compared to just over 2 in 10 (23%) of all workers.¹³ This significant discrepancy exists because people receiving Universal Credit are much more likely to move into jobs in sectors that require them to work from a physical

¹⁰ Many receiving Universal Credit will likely be harder hit because a lower proportion of UC claims began before April 2017, and would therefore see a greater fall in their income without the additional LCW payment. See the appendix for more detail on the methodology.

¹¹ By essentials we mean food, rent / mortgage payments, energy (e.g. heating and electricity, bills such as, water, broadband, mobile and council tax, childcare, transport, insurance (e.g. car insurance), medication and toiletries. In September 2023, we surveyed 144 advisers with experience of supporting people with the WCA. 132 answered this question.

¹² Ibid.

¹³ Author's analysis of the Labour Force Survey, April - June 2023 wave. The survey asks respondents whether they work mainly from their home or elsewhere.

location outside of their home.¹⁴ In addition, the extent to which current vacancies in the labour market are for hybrid or remote working is unclear. Just 5% of over 150,000 jobs listed on the DWP's Find a Job service offer home working.¹⁵

There are additional requirements of working from home that aren't accounted for in the consultation. This includes having access to the internet and a computer, and the digital skills to work remotely using a computer. While many are comfortable and confident using technology, some of the people we support are digitally excluded either because they lack access to a computer or the internet, or have low digital skills.¹⁶

Any attempt to update the WCA to ensure it reflects the modern labour market must begin from a review of the realities of working life for claimants - many of the reforms under consideration are at odds with that reality. For example, the Government is considering removing the activity which assesses someone's ability to engage socially, but almost all work requires some form of social engagement and interaction, whether in person or virtually. This way of working changes the way people interact, it doesn't remove the need for social interaction altogether. Equally, many hybrid jobs require workers to travel to an office or other location periodically - yet proposals to remove the mobility and getting around activities do not account for this.

The Government needs to focus on putting the right support in place to deliver the right employment outcomes for disabled people

Many people we support are motivated to start or return to work but face barriers to doing so. Any reforms that seek to reduce the disability employment

¹⁴ Working UC recipients are twice as likely (55% compared to 24% of all workers) to work in the following occupational groups; caring, leisure and other service occupations; sales and customer service occupations, and; elementary occupations. (Author's analysis of the Labour Force Survey, April - June 2023 wave). These are occupations where people are much less likely to be able to work from home. See Parliamentary Office of Science and Technology (2022) [The impact of remote and hybrid working on workers and organisations](#)

¹⁵ As of 25/10/2023. We followed the ONS methodology and searched for ads containing the following key phrases: "hybrid working", "remote working", "home-based", "work from home", and "telework". We were unable to remove duplicates between searches, so there may be duplicates which are artificially inflating the total number of returned ads.

¹⁶ The Department for Work and Pensions' own research into why people make a telephone claim (a non-digital claim) or manage their claim over the phone, found the same barriers (confidence, access, and skills) that prevent people from using technology. See DWP (2023) [Qualitative research with UC telephone claimants](#)

gap will need to identify and remove these barriers to deliver the right employment outcomes for disabled people who want to work.

The Department has conducted research into the motivations and support needs of the UC LCWRA group and the Support Group of ESA. Yet instead of putting in place additional employment-related support, the effect of these proposals would just be to mandate engagement with the existing offer.¹⁷ Quoting this research, the Government makes repeated references to the 1 in 5 people claiming these benefits who say they “would like to work in the future if the right job and support were available”.¹⁸ This suggests there is a sizable cohort who are already motivated to engage with the right employment-related support. Focus should therefore be placed on interventions that ensure the right job and support is available, instead of reducing incomes and increasing the stress placed on people.

Our advisers strongly feel that jobcentres, work coaches and employers are not providing the right support to remove the barriers to work faced by disabled people. Over half (59%) of our advisers disagree (33%) or strongly disagree (26%) that work coaches are well placed to help disabled people and people with long term health conditions into work.¹⁹ A lack of training, expertise, understanding of health issues, and significant workloads that reduce the length of time spent with claimants and the degree to which support can be tailored are some of the key issues they highlight. Our advisers highlight that a greater focus on incentivising and encouraging employers to adopt good practices is needed to remove people’s barriers to entering and staying in work. This mirrors the findings of the Department’s research into the motivations and support needs of people in the Support Group of ESA or the LCWRA group of UC. It found that people wanted greater assurances in dealing with the risks they associated with

¹⁷ People in the LCWRA group of UC and the Support Group of ESA are able to access a work coach, but only a very small minority are receiving it. People are much more likely to be receiving employment-related support from friends and family, than DWP/JCP. Research suggests this is due to a low level of awareness of the offer among claimants and low levels of communication with DWP/JCP. See Department for Work and Pensions (2020), [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#)

¹⁸ Quoted from the consultation document with reference to: Department for Work and Pensions (2020), [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#) .

¹⁹ 16% agreed that work coaches were well placed to help disabled people and people with long term health conditions move closer to work. Just 2% strongly agreed. In September 2023, we surveyed 144 advisers with experience of supporting people with the WCA. 125 answered this question (excluding 13 who responded with ‘don’t know’).

moving into work, and more wrap-around support to help broker their relationship with employers. This includes help with informing potential employers about their health condition, securing the necessary reasonable adjustments to enable them to start and stay in work, and help with returning to benefits if work becomes unsustainable.²⁰

Julie's Story

Julie has a learning disability and ADD. She would like to start work, but needs extra support and adjustments to make this possible.

She's currently receiving Universal Credit and is expected to attend regular face to face meetings with her work coach. This could be a useful resource, but Julie finds it overwhelming and stressful to go into the Jobcentre. However, when she asked to do telephone appointments instead, her work coach refused.

Julie asked her work coach if she should disclose her disability to potential employers but she was encouraged not to because this was thought to make employers less likely to hire her. While she wants to work, she doesn't feel well supported to do so.

In addition to the need to improve the existing Jobcentre Plus offer, our data shows that work coaches often don't adequately tailor work-related activity or apply the easements that exist in the system for disabled people and people with long term health conditions.²¹ This can lead to people being asked to undertake actions that actively harm their health and set people back in their efforts to engage with work. Without addressing these issues in the first instance, exposing more disabled people and people with long term health conditions to stricter conditionality would put even more people at risk.

The length and depth of the consultation for such major changes are a cause for concern

Previous changes to the disability benefits system of this potential scale have been made after a substantial period of evidence gathering and consultation, involving experts and representative groups in development and testing of proposals. In contrast, this consultation is just under 8 weeks, with no time

²⁰ See Department for Work and Pensions (2020), [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#)

²¹ See Citizens Advice (2023) [Is in-work conditionality working?](#)

allocated to review the current system or test and iterate proposals with experts, representative groups, and those with lived experience of the system.

The DWP has previously recognised the importance of involving stakeholder groups in other areas of policy development, such as the Health Transformation Programme, but this consultation stands in contrast. The need for a robust evidence base and proper consultation is even greater where changes could result in harm – and the scale of harm from these proposals could be significant.

Further eroding claimants' trust risks undermining the Government's longer terms ambitions

People's thinking and motivations around preparing for work involve complex calculations about their lives. Whether they will be financially better off in work is just one factor. Our advisers see how these wider factors, such as the risk of disrupting a stable income and people's attitudes toward the DWP, influence people's decision making on a daily basis.

The additional payments provided to ESA SG and UC LCWRA claimants are paid partly in recognition that people are likely to be out of work for longer periods of time than those with no barriers to work. Reducing people's payments who are not ready to work puts people at risk of financial hardship and worsening health without the prospect of increasing their income through employment. It also removes that recognition and makes people feel they aren't believed, eroding their trust that the DWP and Jobcentre Plus is there to help them.

"A lot of people just want to be listened to, number 1, and number 2, believed. Because if those 2 things do not happen they will have absolutely no trust or faith in the process and then that's the starting point for them wanting to give up, not wanting to engage, and then they get into a problem. For me, those are 2 fairly fundamental things. We're human beings, if we're not believed and listened to, we disengage"

Citizens Advice Adviser

The DWP's own research mirrors this frontline insight from our advisers. It found that distrust would be a key barrier to people in the ESA SG and UC LCWRA claimants engaging with employment-related support from the DWP, which stemmed from the perception of a "hidden agenda" of cutting benefits and

costs”.²² The Health Transformation Programme - which is testing and delivering longer term reforms to disability benefits, including the removal of the WCA - recognises the importance of building trust from its current low level as a necessary condition of delivering employment outcomes. But these WCA proposals being consulted on are widely perceived by our advisers and others as an exercise in reducing costs rather than putting the right support in place.²³ This risks undermining those longer-term ambitions and pushing people away from engaging with employment-related support.

“If they’re really serious about empowering people to work this is not the way to go about it, it’s to actually put in some support but also look at the needs of employers”
Citizens Advice Adviser

²² Department for Work and Pensions (2020), [The Work Aspirations and Support Needs of Claimants in the ESA Support Group and Universal Credit equivalent](#) (page 5)

²³ See Resolution Foundation (2023) [Reassessing the Work Capability Assessment](#)

Response to specific questions

Question 1: What are your views on the three Mobilising options?

The Government should not remove the Mobilising activity from the WCA or reduce the points awarded for the LCW Mobilising descriptors. The implicit rationale given for these changes is that people who can't or would struggle to leave their house should now be expected to work from home. But as discussed above, just 1 in 10 (11%) Universal Credit claimants enter a job where they work from home for the majority of time.²⁴ The Labour Force Survey doesn't provide detail on how this splits between hybrid and fully remote working, but remote working will be available to even fewer people.

Our advisers working in rural communities highlight the added importance of this activity where employers are geographically dispersed and workers are required to rely more heavily on public transport, which adds effort and complexity to journeys.

Tightening the criteria for the Mobilising activity could also have an impact on those with multiple health conditions, as securing medical evidence for activities relating to physical health is often easier than for mental health.²⁵ Advisers find that obtaining medical evidence for the Mobilising activity is often easier than the other activities. While a GP may not know a patient well enough to provide evidence on how their health affects their ability to carry out certain activities such as planning and completing a journey, they are often more confident in giving their medical opinion on a patient's ability to mobilise. Our advisers therefore find that some people with multiple health conditions find it easier to evidence how they meet the LCW or LCWRA criteria against the Mobilising activity, even where they would potentially qualify under multiple activities.²⁶ This is potentially an even greater concern for people who don't receive advice or support with completing an application, as advisers find they tend to focus only on the physical impact of their health.

²⁴ Author's analysis of the Labour Force Survey, April - June 2023 wave. The survey asks respondents whether they work mainly from their home or elsewhere. Disabled workers are no more likely to work from home, compared to non-disabled workers.

²⁵ Our advisers find the WCA activities and descriptors are not always appropriate for people with mental health conditions, and people find it more difficult to relate how their experiences measure against them.

²⁶ We also have concerns about people who don't receive support when completing the UC50 form. Advisers note they often just focus on the impact of their physical health conditions and de-emphasise the impact of mental health conditions.

“When people are completing the form and the process, they tend to focus on the physical side of things, maybe because it’s easier to evidence. And that’s where many people focus who don’t get support to fill out the UC50”

Citizens Advice Adviser

There is a case for bringing the Mobilising criteria in line with the PIP criteria by reducing the distance from 50 to 20 metres. Just under half (45%) of the advisers we surveyed with experience of supporting people with the WCA thought the LCWRA Mobilising descriptor should be brought in line with the equivalent descriptor for PIP.²⁷ This would help with consistency between the two assessments.

Question 2: What are your views on the three Absence or loss of bowel/bladder control (Continence) options?

Almost all of our advisers believe the Continence activity and descriptors are an essential part of the WCA. Over three quarters (77%) thought no change should be made to the descriptors. Just 3% thought the activity should be removed, and 2% thought the points awarded for the Continence LCW descriptor should be reduced.²⁸

Incontinence can pose a major barrier to work and daily life for those affected, and the unpredictability of incontinent episodes was a source of concern raised by advisers. A hybrid role usually requires workers to go into an office or another work site outside of the home, even if people spend the majority of time at home. Advisers highlighted that forcing people to engage in activities they weren’t ready for could result in people not eating or drinking the day before in an attempt to avoid an incontinent episode. For people in recovery, from prostate cancer or a prolapsed bladder, for example, this kind of behavioural response to being required to engage in work-related activity could pose a significant risk to their recovery.

Advisers also emphasised the potential impact on people’s wellbeing and mental health of being required to do things they weren’t ready for, and the knock on effect of increasing levels of stress and anxiety on their condition.

²⁷ In September 2023, we surveyed 144 advisers with experience of supporting people with the WCA. 114 answered this question (excluding 29 who responded with ‘don’t know’).

²⁸ In September 2023, we surveyed 144 advisers with experience of supporting people with the WCA. 116 answered this question (excluding 25 who responded with ‘don’t know’).

"We have clients who struggle with a 2 hour appointment, and that is really difficult for anyone. That increases anxiety which exacerbates the condition"

Citizens Advice Adviser

Question 3: What are your views on the two Coping with Social Engagement options?

The Government should not remove the Coping with Social Engagement activity or reduce the points awarded for the descriptors.

The criteria for being assessed as having LCWRA under this criteria is already set at a high bar. A claimant only qualifies when "engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant".²⁹ As we explore above, engaging with hybrid and remote working does not remove the need for social interaction during work, rather it changes the way in which people interact - over the telephone and on video calls, instead of face to face.

Many of the people we support who qualify under the current Coping with Social Engagement criteria would have difficulty with social interaction whether it takes place face to face, over the phone, or on a video call.³⁰ Some may find video or telephone calls more difficult than interacting face to face. The options for changing this criteria therefore risk putting claimants under unnecessary distress, to the detriment of their health and wellbeing.

"Some of our clients have severe challenges with talking to and engaging with people and that includes talking to people over the phone. So if the Government's assuming that you can sit at home and do a job because you can't go out and see people but you could take phone calls, for a lot of our clients that isn't the case."

Citizens Advice Adviser

Question 4: What are your views on the two Getting About options?

The Government should not remove the Getting About activity or reduce the points awarded for the descriptor.

²⁹ Universal Credit Regulations 2013, Schedule 7, Regulation 40(2) and (3)

³⁰ Our advisers highlight that people with a range of mental health conditions - including anxiety disorders, depression, and post traumatic stress disorder - or a developmental disability, such as autism, could be affected by changes to this activity.

The getting about activity recognises the challenges that people can face when getting to places they may be familiar or unfamiliar with, whether they are accompanied by someone or not. As we outline above, the overwhelming majority of jobs that people receiving Universal Credit enter require people to work from outside their home for the majority of their working hours. It's vital this is recognised within the WCA.

The Getting About activity contributes to determining whether someone has LCW but doesn't feature as an activity for determining LCWRA. Reducing the points awarded for the descriptors could therefore move people out of the LCW group and into the fit for work conditionality group. We have serious concerns about the ability of work coaches to appropriately tailor work-preparation activities for disabled people and people with long-term health conditions. Our advisers find that disabled people and people with long-term conditions often aren't given appropriate work-related commitments or easements that exist in the system outside of the LCW groups.

Question 6: What are your views on how the LCWRA Substantial Risk regulations could be amended with the emphasis on what work preparation activity an individual is able to safely undertake?

Question 7: What do you think would be the impact of these changes?

Question 9: What are your views on whether we should remove the LCWRA risk group and place the people in this group in LCW risk instead?

The substantial risk rules are a vital safety net for an assessment that is too rigid, and doesn't account for mental health conditions in the same way as physical health conditions. The rules were included in the WCA to mitigate a situation where someone not meeting the criteria to qualify as having LCWRA would pose a substantial risk to their or another persons' physical or mental health.³¹

These rules should not be amended with the aim of restricting access to the LCWRA group. Doing so would, by the Government's own definition, put people at substantial risk of harm. Almost all (93%) of our advisers thought the criteria

³¹ The regulations state the substantial risk rules apply when "the claimant is suffering from a specific illness, disease or disablement by reason of which there would be a substantial risk to the physical or mental health of any person were the claimant found not to have limited capability for work and work-related activity". Universal Credit Regulations 2013, Schedule 9, Regulation 40(5)

should not be amended or removed (57%), or thought that the criteria was too strict and should be made easier to meet (37%).³²

The substantial risk rules are an essential mechanism in a points based system that doesn't adequately account for the complexity of people's lives. For example, they provide vital protections for people who don't hit one of the LCWRA criteria but where a combination of barriers under different activities would mean work-preparation activity poses a substantial risk to their health. An adviser gave the example of a claimant who required support from their parents to take them to the jobcentre, and who also required help to interact with their work coach. Under a purely points based system they may score points under both the Getting Around and Social Engagement activities but they wouldn't be found to have LCWRA, even though they would face a substantial risk to their health if they were required to complete similar activities without support being available.

The rules are also an essential part of preventing harm to people with mental health conditions, where being found not to have limited capability for work and work related activity would trigger a mental health crisis, or undertaking work-related activities would put themselves or others at risk of harm.

When introducing the proposed reform options for the substantial risk rules, the Government states that "with the right support, good work can be beneficial to someone's health and act as an enabler to recovery". This is certainly true for some, but won't be for others. The substantial risk regulations recognise this and provide vital protections for people like Chris for whom work or work-related activity would not aid in their recovery but instead would pose a serious risk of mental or physical harm.

³² The two percentages appear to sum to 94% due to rounding. Just 5% of advisers thought the criteria should be made stricter (harder for people to be classed as LCWRA under the rules), and 2% thought the criteria should be removed. In September 2023, we surveyed 144 advisers with experience of supporting people with the WCA. 122 answered this question (excluding 16 who responded with 'don't know').

Chris' Story

Chris and his parents came to Citizens Advice in 2022 to get help challenging a WCA decision that put him in the Work-Related Activity Group of ESA.

Chris is learning disabled and has severe anxiety. He attends a day centre with the support of his parents, but finds any kind of change, or interacting with unfamiliar people extremely distressing. He previously worked at the charity but was unable to continue because of his anxiety. He now attends the day centre as a client, though he is sometimes unable to enter the building when he is experiencing a period of high anxiety.

Initially, Chris scored 9 points under the Getting About activity, and 9 points under the Coping with Social Engagement activity - putting him in the Work-Related Activity Group of ESA. His parents were extremely worried about the impact of any work-related activities he would be required to carry out and came to Citizens Advice for support.

Chris' care and support worker was able to provide supporting evidence of the panic attacks that he suffers in unfamiliar situations, and the significant distress that some daily tasks cause. While Chris didn't meet the LCWRA functional descriptors, he was placed in the LCWRA group under the substantial risk rules after challenging the initial decision.

The Government has not put forward any evidence that would suggest the risk of harm to individuals currently protected under the regulations has changed since their introduction, or given any other reason that would warrant them being reviewed. Any change must therefore be understood as exposing people to the substantial risk of harm to their or others' physical and mental health. The Work and Pensions Committee recently noted that the number of Internal Process Reviews – investigations into allegations of DWP case handling which have a severe negative impact on a claimant – has more than doubled over the last three years.³³ Many of these high-profile cases involved claimants who were found fit to work following a Work Capability Assessment.

³³ See the UK Parliament news article (July 2023), [Safeguarding vulnerable claimants: Work and Pensions Committee launches new inquiry](#)

Appendix

Modelling the impact of reforms on the budgets of people we support

To assess the financial impact of the reform options, we looked at the budgets of people coming to us for support with debt in the Support Group of ESA. We compared how much they currently have left over each month after paying their essential costs, against a situation where they were moved from the Support Group of ESA to the Work-Related Activity Group.

Firstly, we looked at the income from ESA of our debt clients to identify 916 people receiving payments at the Support Group level for single people between Q2 and Q3 of 2023. That includes a group of people in the Support Group who receive the Severe Disability Premium.³⁴

The income loss of moving from the Support Group to the Work-Related Activity Group will depend on the duration of claim (the additional payment for the Work-Related Activity Group was abolished after April 2017), and the receipt of additional disability premiums.

Official data on the duration of ESA claims are grouped into those in payment for 5 years or more, and claims in payment for under 5 years. To give a conservative estimate, we assume that claims with a duration of 5 years or longer will be eligible for the additional WRAG payment and claims with a duration of under 5 years won't be eligible. The latest data shows that in February 2023, 84.57% of current ESA claims have been in payment for 5 years or longer, and 15.43% for less than 5 years.³⁵ We randomly assigned our sample a claim duration in line with these proportions.

We then modelled the impact of reducing incomes from ESA among our sample, applying the following income loss interventions:

³⁴ To account for slight differences in data input when debt advisers converted weekly ESA income into monthly figures for the Standard Financial Statement, we applied a £5 band either side of the central value. £648 to identify those in the Support Group without a Severe Disability Premium, and £979 for those in the Support Group who receive a Severe Disability Premium.

³⁵ See Department for Work and Pensions (February 2023) Employment and Support Allowance - data from May 2018, Stat-Xplore.

- A loss of £132 for Support Group claimants (without an SDP) who move to the Work-Related Activity Group and have been assumed to have a pre-2017 claim.
- A loss of £279 for Support Group claimants (without an SDP) who move to the Work-Related Activity Group and have been assumed to have a post-2017 claim.
- A loss of £48 for Support Group claimants (with an SDP) who move to the Work-Related Activity Group and have been assumed to have a pre-2017 claim and qualify for the Enhanced Disability Premium.³⁶
- A loss of £194 for Support Group claimants (with an SDP) who move to the Work-Related Activity Group and have been assumed to have a post-2017 claim and qualify for the Enhanced Disability Premium.

Because of the payment structure of Universal Credit, it's not possible to apply the same methodology to look at the impact on UC claimants. But those receiving Universal Credit will likely see much greater losses as a larger proportion will have post-2017 claims and won't receive the disability premiums of the legacy system.

³⁶ The PIP / DLA group of our sample is unknown, so to give a conservative estimate of the impact, we assume everyone in the Support Group with an SDP will get the Enhanced Disability Premium when moved to the Work-Related Activity Group. In reality, not all claimants will - our estimate is likely to therefore underestimate the negative impact of the reforms.