

The cost of a second opinion



fit for work campaign summary

The policy called 'mandatory reconsideration' means that before you can appeal a decision on whether you are fit for work you must first go through the additional stage of asking for the decision to be reconsidered. Citizens Advice currently helps around 1,600 people with problems relating to mandatory reconsideration every month, with almost a third of claimants saying they had been left with no money because of it.

To get a better understanding of the issues around mandatory reconsideration, Citizens Advice carried out some in-depth research. This study, 'The cost of a second opinion' involved interviews with twenty of our clients to examine the impact mandatory reconsideration has had on their lives.

Our research shows that reforms designed to improve how Employment and Support Allowance (ESA) decisions are reconsidered has led to an increase in delays and stress among claimants leaving some with no money while they wait for the Department for Work and Pensions (DWP) to make a decision.

From the evidence gathered as part of the research we recommend the DWP should:

- 1 contact claimants by their preferred method throughout the mandatory reconsideration process
- 2 ensure that telephone calls made to claimants come from an identifiable number, providing an option to call back or seek support to do so
- 3 ensure that the process of mandatory reconsideration is communicated in a consistent and straightforward way
- 4 ensure that frequent customer surveys are introduced to assess levels of understanding of the process and overall satisfaction with communication levels
- 5 reinstate payment of the assessment rate of ESA during the mandatory reconsideration process. Our research shows that claiming JSA has been problematic and delays are causing financial and emotional hardship



People left confused and anxious by unclear and inconsistent communications

Negotiating the complex web of claiming a benefit can be stressful and confusing at the best of times but our research found that many of our clients were left confused by the letters and calls they got from the DWP. If people do not know that they can ask for a reconsideration they may end up accepting an incorrect decision.

- Those participants who received a call or letter did not feel that they received clear information about options when challenging a DWP decision and decisions were not fully explained.
- Many didn't know they could ask for the initial decision to be reconsidered.
- Most people didn't know they could support their claim by providing medical evidence.

Clients being left with no money

While the DWP reconsider someone's application for ESA, they cut off their benefits and tell them to sign on for JSA. This has caused significant hardship for many of the people in the study with some racking up debts or relying on food parcels.

- Claiming JSA was not possible for some participants. Jobcentre Plus staff considered them ineligible for JSA due to having a fit note from their GP or because they were viewed as unfit for JSA due to their health condition or disability.
- When some of our clients' ESA was stopped, their housing and other benefits were also stopped leaving them penniless.
- Those who were unable to claim JSA experienced substantial financial pressure and reported high levels of worry, anxiety and feelings of being abandoned.
- Those who were able to claim JSA were apprehensive about saying they were fit for work when they considered themselves unfit for work.

One good bit of news is that most of the people in the research said that most of the people who they did talk to in their Jobcentre were helpful and accommodating.

Eric, 57, had a brain injury as a result of an industrial accident at work and has severe mobility issues and poor coordination. He was refused ESA and told to attend Jobcentre Plus to sign on for JSA. When he got there, however, his job coach told him that, because he had a fit note, he couldn't claim JSA. The job coach was extremely sympathetic and Eric noted that the staff were very apologetic. They encouraged him to request a reconsideration of his ESA decision.

Because he was not entitled to either JSA or ESA, Eric was living on £50 per week from his Disability living allowance (DLA) award. He couldn't pay household bills and was struggling to put money on the electric meter. He was referred for a food parcel but because the food bank was four miles away and because he uses crutches, he didn't think he could carry the goods back, so didn't take it.

Eric felt angry and abandoned. He said "Sometimes I think I would be better off dead."

On the day of her Atos medical, Jill was too ill to attend so called ahead to let them know. Despite this she was later called by the DWP to tell her that her ESA was going to be stopped.

The DWP decision maker made an appointment at the local Jobcentre for the following week and told Jill to attend and sign on for JSA.

She didn't know anything about mandatory reconsideration until she attended the Jobcentre and the job coach made her aware of it.

Claimants face long delays before receiving a decision

When mandatory reconsideration was introduced it was stated that most cases would take around two weeks to process. This would have made coping with having their benefit cut more bearable. Our research, however, found that not a single person received their decision in this time.

- The most common waiting time for a decision following mandatory reconsideration was eight to ten weeks. The quickest decision arrived after five weeks, the longest after twelve.
- Delays to decisions caused significant emotional and financial pressure and, in some cases, resulted in referrals to a food banks, borrowing money from family and friends and selling possessions to raise money.
- Most clients reported a decline in their mental health as a result of the uncertainty brought about by delays.

One participant who had to wait over six weeks for a decision said:

“It has affected me badly. Financially I am struggling – when I pay gas/ electricity and bedroom tax I have nothing left. I sometimes don’t have enough money to buy food. Sometimes I go hungry. Sometimes I just have toast as it’s cheaper.”

The cost of wasted administration

Of the twenty cases we looked at, two of them had their decision overruled. It is hard to know how this differs to the previous system of reconsiderations as those statistics were never published.

For the other eighteen cases, every single one went on to appeal. When this happens it means that the DWP has to go through the administrative costs of closing an ESA claim, opening a JSA claim, interviewing a client for JSA, closing the JSA claim and re-opening the ESA claim.

From previous research looking at the DWP figures on the cost of opening a JSA claim, we have estimated that it will cost over £160 in additional wasted administration for every JSA claim started and then stopped again.

One of the participants involved in this research actually lost the chance to get a job because of mandatory reconsideration.

He was getting extra support because he was on ESA and close to securing a supported 16 hour per week job. As the job was only available to those on ESA, when he signed on for JSA, his eligibility for the job was removed.

He said:

“I was close to work and then they moved me on to JSA and I couldn’t take the job. I just don’t see the sense in that.”

This research is supporting our campaign to make ESA fit for work. So far in the campaign over 150 people have shared their stories via our fit for work blog and over 10,000 people have signed our petition to pay people ESA during mandatory reconsideration.

You can find out more on our website www.citizensadvice.org.uk/fitforwork

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