

YOU COULDN'T MAKE IT UP – OR COULD YOU?

MISLEADING OFFICIAL 'FIT FOR WORK' PRESS RELEASES FAN THE FLAMES OF PREJUDICE

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This briefing anticipates the forthcoming DWP quarterly statistical bulletin about the Work Capability Assessment and casts a sceptical eye on what it will say. It routinely misrepresents the numbers found fit for work, fanning the flames of misinformed media vilification of people who are sick or disabled and unable to work

The DWP's quarterly statistics on outcomes of the Work Capability Assessment, spun by departmental press releases and backed by ministerial innuendo, are built on fallacies and sleights of hand.¹ The next one is due shortly: forewarned is forearmed. The releases fan the flames of synthetic indignation across the media, among the politest of which is the inaccurate BBC claim that only 7% of people claiming sickness benefits were unable to do any sort of work.² New figures have shown³ For an example of the kind of journalism these DWP press releases feed, see Macer Hall's '75% On Sick Are Skiving':

In a shocking indictment of the sick note culture endemic across the country, the number of invalid claims is estimated to cost taxpayers £9 billion a year. Officials who carried out fitness tests on people claiming incapacity-related benefits found that 39 per cent were well enough to get a job. And a further 36 per cent simply abandoned their claims as soon as they were told to undergo new work capability assessments introduced to weed out scroungers.

Daily Express, Wednesday January 26, 2011

This briefing does not address the widely documented shortcomings and injustices of the Work Capability Assessment, which continues to deepen a long, unfolding social policy tragedy which the entire media-political complex has bought into. This has seen

¹ The last release was 26 July 2011. Work Programme provides tailored support as latest figures show people are being found fit for work <http://www.dwp.gov.uk/newsroom/press-releases/2011/jul-2011/dwp086-11.shtml>

² 26 July 2011. <http://www.bbc.co.uk/news/business-14280849>

³ <http://www.express.co.uk/posts/view/225311>

more than half a million sick or disabled people who are unable to work wrongly found fit for work⁴, and publicly, repeatedly, vilified by the full might of the media.

Here, we look at how the DWP reaches its conclusions each quarter: how it distorts the welfare reform agenda by misinterpreting some of its own data, and ignoring its own research. At worst, it is quite crude: it is about how the DWP adds incompatible figures up to 100% to make its 7% figure for ESA claimants assessed and found to be incapable of work look as small, and as scandalous, as possible.

1. The Work Related Activity Group ‘can do some work with the right help and support’

The DWP press release opens with a mis-statement of the legislation: the figures also show that a further 17 per cent can do some work with the right help and support. This only adds up if the 25% of those assessed as belonging to the ESA Work Related Activity Group are interpreted as having been found fit for work.

The legislation states clearly that people qualify for ESA, including the Work Related Activity Group, because it is unreasonable to expect them to work because of their physical or mental condition. They are found fit for work-related activity but the distinction between that and being found unable to work, which they are, has never been made clear. Not least because Labour are still unable to challenge their own flawed concept. Indeed, there is no test that identifies a distinction between fit for work and fit for work-related activity and no definition that makes the distinction. This should make the whole edifice vulnerable to judicial review. The quarterly press release, and ministerial glosses and newspaper coverage, routinely misrepresent the legislation.

2. Claim closed before assessment complete – 36%

It has always been puzzling that the denominator of these DWP figures for people assessed as fit for work includes more than a third who were not assessed at all. In suggesting that only 7% of people claiming sickness benefits were unable to do any sort of work, the 36% whose claim was supposedly closed before their assessment was complete have to be included as found fit for work. This is untrue at face value, even before we begin to dig beneath the surface. And to look at the DWP's own research.

The insinuation is that these 36% saw which way the wind was blowing, as the Daily Express and others wielding the simple sword of truth picked up. That they were about to be found out by the new and rigorous Work Capability Assessment, and withdrew their claim before the assessment.

⁴ <http://www.informedcompassion.com/more%20than%20half%20a%20million.pdf> .
<http://www.guardian.co.uk/politics/2011/jan/03/incapacity-benefit-compass-survey-dwp?INTCMP=SRCH>

New research by the DWP itself, unreported in the national press, examined ESA claims closed by Jobcentre Plus, or withdrawn by the customer . exactly the group this 36% refers to. It found (my emphases):

Most of the interviewees in this research whose claim had been closed or withdrawn before it was fully assessed said they had ended their ESA claim **as their health condition had improved**. Examples of the types of conditions that had improved included diabetes, mental health problems, including stress and depression, and conditions alleviated by routine operations. These people tended to be working or looking for work, often in the same type of work as they had done before, though not commonly with the same employer.

Some had proactively withdrawn their claim, informing Jobcentre Plus of this, while others simply stopped submitting medical certificates or did not return their ESA50, in the knowledge this would prompt Jobcentre Plus to close their claim. **Nobody interviewed consciously ignored an invite to a WCA (Work Capability Assessment) as a means of closing their claim.**

A smaller number of customers had their claim closed by Jobcentre Plus because they had difficulty completing and returning the ESA50, submitting medical certificates, or attending a WCA, even though they did not really want to end their claim. In some cases, this was because the customer's condition made co-operating with the assessment process difficult, while in others, other life events, such as bereavement, made it difficult for them to progress their claim.⁵

This hardly accords with the official narrative. The only thing that is sinister about the finding reflects badly on the scheme itself: that people are too ill to conform with an assessment process which makes no allowances for their condition, and are abandoned by the system. But because it does not fit the prevailing narrative – and raises questions about the ethos and execution of welfare reform - it is ignored by Government, media and Opposition.

3. CONCLUSION

The next quarterly figures for ESA assessments are due at the end of October 2011. This briefing is intended to forearm journalists and campaigners to deal with any continuing misrepresentation. In the DWP's July Press Release, the correct proportion of assessments finding that the claimant was not capable of work should have been 38%, not 7%, once those closing their claims early are removed.

A high proportion of the remaining 62% are being wrongly found capable of work, as the 40% appeal success rate, along with many other sources of evidence of flawed assessment and decision-making, adduce. This is the latest in a series of briefings

⁵ Department for Work and Pensions Research Report No 762, 2011. **Unsuccessful Employment and Support Allowance claims – qualitative research**, Helen Barnes, Joy Oakley, Helen Stevens and Paul Sissons. A report of research carried out by the Institute for Employment Studies on behalf of the Department for Work and Pensions.

that suggest that a significant proportion of the entire project of welfare reform is built on misrepresentations of the circumstances of people who are genuinely unable to work through sickness or disability. For other briefings on this topic, see <http://www.informedcompassion.com>