

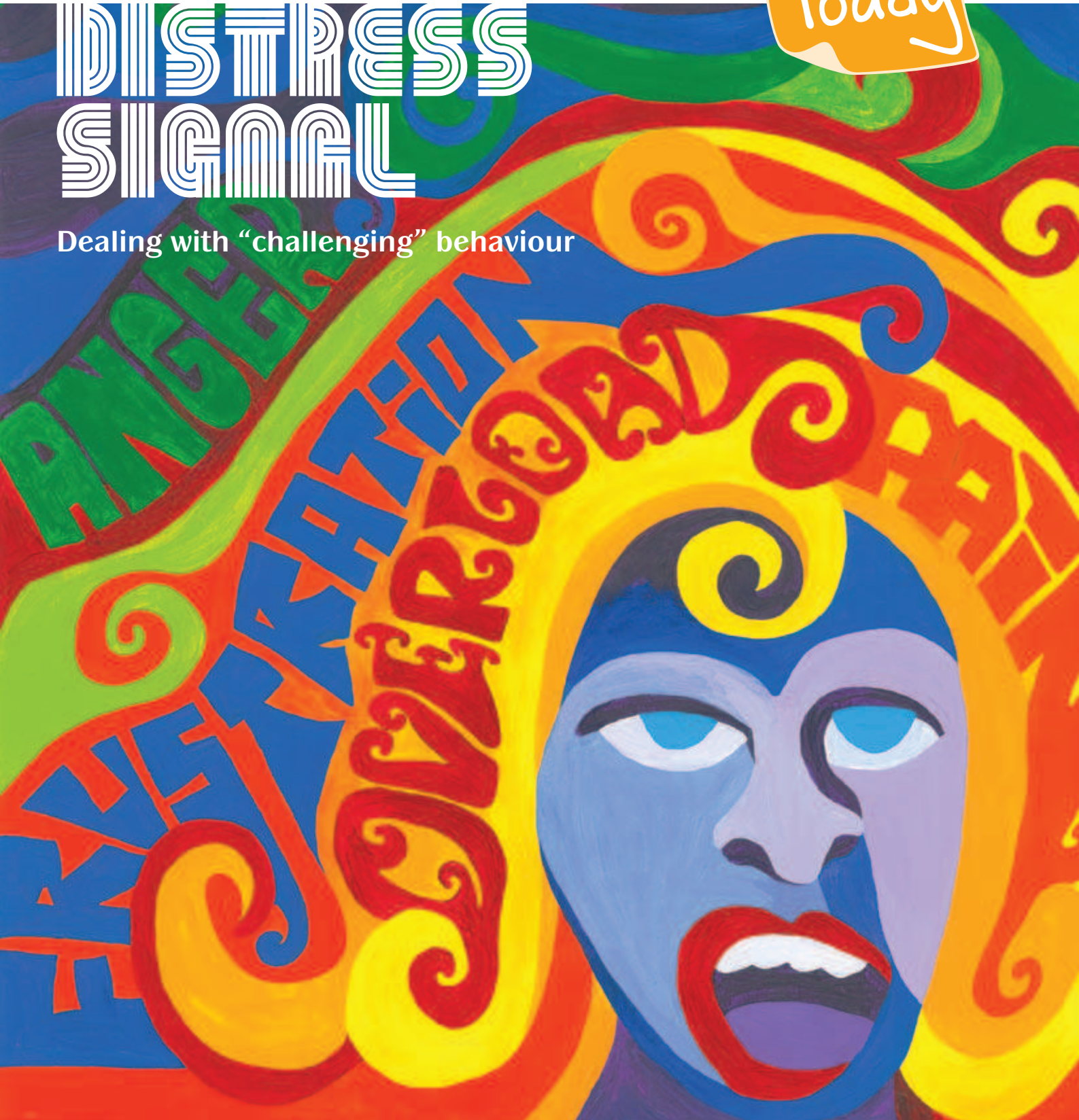
Learning Disability

April 2010

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Working it out

The government is trying to get more people with disabilities into employment, but there are concerns that some may be losing their benefits unfairly. Robert Mair reports

An increasing number of people with a learning disability could find themselves wrongly deemed fit for work under the government's employment and support allowance assessment, Mencap is warning.

The employment and support allowance (ESA) benefit was introduced in 2008 to replace incapacity benefit and income support.

Mencap is among those calling for an urgent review of the system to ensure that people with learning

disabilities receive the benefits they are entitled to.

The crux of the problem lies with the work capability assessment (WCA). This was introduced to determine whether people would receive ESA or not. Although set up with the support and

assistance of a

number of disability charities, it is not working correctly for disabled people, several charities have since claimed.

This is despite many of the major disability charities initially welcoming ESA and the WCA, due to its positive focus on improving outcomes and looking at what people can do – rather than abandoning them to a life on benefits.

Jane Alltimes, Mencap's senior campaigns and policy officer, believes that ESA represents a real effort by the government to get disabled people working – but still has misgivings about how

it is being implemented. "The work capability assessment is not an exact science and there are some challenges to getting it right. It needs to have very careful monitoring."

"One of the things that concerned us is that, when the WCA first came out, it was announced shortly afterwards that they were going to further review it."

As well as expressing concerns about the ad hoc way in which the WCA is being monitored, Alltimes is also keen to see government drill down into the figures to see why people are failing. The WCA works on a points scoring system, set against various descriptors. If people score more than 15 points, they 'fail' the assessment and would be placed in a support group (indicating that they have little opportunity for paid employment). Those who score less than 15 points are placed in the work related activity group and receive support and guidance to find employment.

For example, an answer of 'cannot walk at all' on the walking descriptor would automatically receive 15 points, whereas an answer

There is too much emphasis on getting people through the system with a generic skill set

Illustration: Katherine Jones



of 'cannot walk more than 100 meters on level ground without stopping or severe discomfort' would receive nine points. This can then be added to answers in other descriptors.

Alltimes says there are fears that people from the same disability background may fail at the same descriptors – due to either the assessment itself or against the terms used in the assessment.

"If people with a learning disability are failing on the same

descriptor all of the time then obviously there is an issue with that descriptor and it needs nailing down a bit more. But it's rather difficult without having a breakdown of where people are failing against certain descriptors. It's quite difficult to know which bit of it is not working – so it needs careful examination," she explains.

Similarly, the medical assessments, which are carried out by a contracted organisation called Atos Healthcare, could be falling down in a similar way, according to Mencap.

"People with learning disabilities could potentially be tripping up or failing at a particular descriptor that they shouldn't be – and it could actually be to do with how whoever is carrying out the assessment is understanding the person's response and interpreting what they're saying," adds Alltimes.

"So it is really important people understand what learning disability is and what people's communication barriers might be so they can talk easily with people and make sure they understand what they say."

But there is another side to the issue. The aim of the WCA is to ensure people who can work

do – and those who can work with help and support are given what they need to do this.

Nick Bason, from the Employers Forum on Disability, believes that there is too much emphasis on getting people through the system with a generic skill set, rather than tailoring help and support to the person's aspirations and abilities.

"If candidates are just given generic training through work-based activity – which really doesn't brighten up the CV – and get

pushed out to lots and lots of different jobs, I don't think that's of benefit to anyone," he says.

"That's what's happened in the past – and if that's not addressed then it's hard to see how the employment rate of people with disabilities will increase in the future."

Bason is another firm supporter of the idea behind ESA and the WCA, but feels that they are not, in their current format, working in the best interests of either employers or people with disabilities.

"I think that the intention was to try and better assess what types of work an individual could potentially undertake, or where there might be support in the workplace, what types of support people would need to move themselves closer to the job market. In principal that is a sound idea," says Bason.

"The problem is that, as we understand it, people are being assessed and put onto programmes that aren't giving them the support that they need.

"So from an employer's point of view, it is not whether an individual is on this benefit or that benefit – that is essentially a technical assessment of an individual's life or situation – what the

The figures

Of 193,800 applicants between October 2008 and February 2009, 36% failed the assessment and were considered 'fit for work'.

On appeal a third of these rulings were found to be wrong. Initially, only five per cent of applicants were found to be unfit for work. Source: Department for Work and Pensions

What is employment and support allowance (ESA)?

It was introduced in October 2008 as a replacement for incapacity benefit and income support (for those people with a disability). New people coming into the system automatically apply for ESA, while the government plans to transfer those currently claiming incapacity benefit and income support over to ESA by 2013.

ESA is meant to make it easier for people to claim benefits, and to help disabled people with health problems come off benefits and get into paid employment.

To qualify for the benefit claimants will, in most cases, have to fill in two forms – ESA1 and ESA50 – which look at what people can and cannot do, and also undergo a 13-week assessment and a medical examination.

While the assessment is carried out, people receive only the basic benefit level of ESA.

Depending on the outcome of the assessment, the individual will be put into one of two groups: the support group, or the work-related activity group.

The support group is for those who would find it very difficult to get into paid employment.

Those who, with a bit of help, could get into paid employment are put into the work-related activity group. They then see a doctor for a 'work-focused health-related assessment', and attend six interviews with an adviser to gain interview skills and experience.

The benefits received will depend on the group the person is placed in. Benefits may go up at this point if the person stays on ESA.

If there is a disagreement about the ruling, there is an appeals process, initially through Jobcentre Plus. If the person is still not happy, they can lodge a further appeal within one month of the new decision.

If the person fails the assessment, they can register for jobseeker's allowance instead.

employer is interested in is that the system in place moves a person who is far away from the job market closer to it.

"And clearly, that's harder for a lot of people with fluctuating or moderate mental health issues and people with learning disabilities. So it is essential that the support is there for them."

To address these issues, the Department for Work and Pensions has been conducting an ongoing review of the WCA.

"The work capability assessment looks at what people can do, rather than what

they can't, to give them the support they need to get back to work and avoid ending up on long-term sickness benefits," a spokesperson explained.

"This is a relatively new process, but we were very grateful to have disability organisations and charities involved in the consultation process and the development of the programme from the very start.

"We are currently reviewing it to see where improvements and changes need to be made to ensure that it is working as it should be." ■