



Department
for Work &
Pensions

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Our Ref: FOI2023/91987

15 December 2023

Dear Barry Boyle,

Thank you for your Freedom of Information (Fol) request received on 28 November. You wrote:

"In the "Government Response to Work Capability Assessment: Activities and Descriptors Consultation" dated the 22nd November 2023, after highlighting the changes proposed to come into effect for Universal Credit claimants from 2025, the Secretary of State made the following statements:

"9. These changes will mean that almost all people who are currently assessed as having LCWRA will never face a WCA reassessment again."

"10. For the overwhelming majority of existing UC claimants, this is a guarantee that they will not be reassessed if they try work, and it does not work out."

"82... We have committed to ensuring no one currently assessed as having LCWRA will face a WCA reassessment, save in some exceptional circumstances. This will in effect abolish the WCA for this group..."

"86... The commitment that no one with an existing LCWRA decision today will be reassessed, except in a few limited circumstances, means that they can try work without fear of losing their LCWRA financial support."

The use of phrases such as "currently assessed as having LCWRA", "existing UC claimants", and "an existing LCWRA decision today" makes the inference that any Universal Credit claimant with an LCWRA decision TODAY will not be reassessed before 2025 at the earliest.

However, in an edition of the DWP's Touchbase newsletter, dated the 22nd September 2023, the DWP stated:

"Although we continue to prioritise new claims for a Work Capability Assessment, we plan to conduct more Department-led reassessments as we recover capacity post-Covid..."

The understanding has been that all LCW and LCWRA reassessments have been suspended since March 2020 (with the exception of a handful of reassessments in

Summer 2023) to allow DWP to focus on New WCAs. Reassessments had been rumoured to be resuming in full from January 2024; however, the Government's recent statements have cast doubt on this.

Therefore, could you please:

- 1) Provide copies/details of the current DWP policy or guidelines regarding the resumption of WCA reassessments for UC claimants with an existing LCWRA or LCW decision, including any internal training or guidelines provided to the CHDA/HAAS regarding resuming these reassessments.
- 2) Clarify whether, under current DWP policy, reassessments of UC claimants with an existing LCWRA decision TODAY will resume before 2025 and, if so, when.
- 3) Clarify whether, under current DWP policy, reassessments of UC claimants with an existing LCW decision TODAY will resume before 2025 and, if so, when.

Redact information where applicable in accordance with law"

DWP Response

Q1: Could you please provide copies/details of the current DWP policy or guidelines regarding the resumption of WCA reassessments for UC claimants with an existing LCWRA or LCW decision, including any internal training or guidelines provided to the CHDA/HAAS regarding resuming these reassessments.

We can confirm that the Department holds the information you are seeking.

However, we are engaging an exemption from disclosure under Section 31(1)(a) of the FoI Act, which seeks to exempt information for the Prevention and Detection of Crime.

We are concerned that giving out information on internal training or guidelines could be used to allow people to know how to potentially make fraudulent claims against the Department. The Department needs to protect its systems and operating processes to ensure it has robust systems in place that offer support to those that need it whilst maintaining value for money for the taxpayers. Any release of information that could enable and facilitate fraudulent activity would weaken this position.

As required by the FoI Act the use of this qualified exemption requires the public interest for and against disclosure to be assessed.

We recognise that there is a public interest in the Work Capability Assessments (WCA) reassessments, and the changes announced as a result of the WCA Consultation and that release of the information would allow further transparency with the general public and those potentially affected by the announcements. We further acknowledge this would help the public have confidence that the Department is considering all eventualities in relation to the WCA consultation announcements. However, release of the materials requested could increase the risk to the Department of fraudulent activity, as it provides specific examples that could be used by claimants to falsely tailor and present how their condition(s) affect them.

On balance DWP is satisfied that in this instance the public interest in maintaining the exemption outweighs the public interest in disclosure. Therefore, the information you seek from question 1 will not be released.

Q: 2 Could you please clarify whether, under current DWP policy, reassessments of UC claimants with an existing LCWRA decision TODAY will resume before 2025 and, if so, when.

Q: 3 Could you please clarify whether, under current DWP policy, reassessments of UC claimants with an existing LCW decision TODAY will resume before 2025 and, if so, when.

We can confirm that the Department holds the information you are seeking.

We have already resumed WCA reassessments on a limited basis for existing LCW and LCWRA claimants, now that we have recovered some capacity following Covid response measures that focused on processing initial claims to ensure eligible claimants were brought into payment.

Up until 2025 when the new WCA changes announced at Autumn Statement in November 2023 are introduced, WCA reassessments will continue as normal for both the LCW and LCWRA groups depending on circumstances, including prognosis period and subject to available capacity in the system.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gov.uk or by writing to: DWP Central Fol Team, Caxton House, 6-12 Tothill Street, London, SW1H 9NA.

Any request for an internal review must be received by us within 40 working days of the date of this letter. Please note we are not obliged to provide a review if it is requested after more than 40 working days.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Website: [ICO FOI and EIR complaints](#) or telephone 0303 123 1113