

## **APPENDIX 1: EMPLOYMENT AND SUPPORT ALLOWANCE (LIMITED CAPABILITY FOR WORK AND LIMITED CAPABILITY FOR WORK-RELATED ACTIVITY) (AMENDMENT) REGULATIONS 2011(SI 2011/228): SUBMISSIONS**

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### **Submission from the Disability Benefits Consortium**

The grounds for drawing this regulation to the attention of the merits committee is that we believe it imperfectly achieves its policy objectives, and should be annulled.

The primary legislation (Welfare Reform Act 2007 Part 1 section 1) clearly provides for ESA benefit where the claimant has limited capability for work due to his physical or mental condition making it unreasonable to expect the claimant to work. The ESA regulations 2008 (No. 794) Part 5 define the descriptors in schedules 2 and 3 as the tests for limited capability for work-related activity and limited capability for work. This new regulation will make significant changes to these descriptors resulting in a marked increase in the number of claimants with significant health conditions and impairments being classified as "fit for work" and denied ESA.

Prior to ESA being introduced the government predicted<sup>[11]</sup> that 49% of people being assessed would be in the 'fit for work' group, 46% in the 'work related group', and 5% in the 'support group'. DWP state<sup>[12]</sup> actual figures to be 66%, 24% and 10%. This indicates that 17% more claimants (i.e. 89,000 people) have been found fit for work by the current WCA than expected by the original legislation. DWP predictions<sup>[13]</sup> show the proposed changes will increase the 'fit for work' group by a further 5% of claims (which represents 74% of those assessed, i.e. 25% more than expected by the legislation).

The primary legislation requires the impact of the claimants' physical or mental condition to be assessed for the purpose of undertaking work. However the descriptors in the proposed regulation have little direct relationship to workplace activities and the real world implications of being able to undertake work. The DWP have no research or evidence to show that the descriptors or the proxy indicators in the proposed descriptors measure capacity for work. The DBC and the SSAC have recommended that these descriptor changes are not introduced. However the government are proposing descriptor changes to make the WCA more difficult. The Harrington Independent WCA Review report<sup>[14]</sup> found that the current descriptors already fail to adequately and fairly measure the claimants capability for work, and is undertaking a detailed review of the descriptors in the second year of the review.

The DWP's internal review recommended these changes, however the disability representative charities involved in this review (all members of the DBC) strongly opposed many of the changes and do not support the DWP review and its findings, which will result in making the test even tougher. These charities wrote to government ministers both prior to and after the general election, making clear our opposition. The DBC recommends that these descriptor changes are not introduced.

Both the SSAC and the Harrington review found that the present WCA does not work properly and fails to adequately and fairly measure claimant's capability for work. The SSAC had an unprecedented level of response to its consultation (164 responses, usually about 20) and recommended that the proposed descriptor changes are deferred awaiting Harrington's report. The Harrington review received over 400 submissions, and found consistent failures to adequately and fairly measure the claimants' fitness for work. Harrington proposed his second year review should examine the descriptors in particularly how they account for mental, intellectual, cognitive, fluctuating conditions and generalised pain, provide any recommendations necessary, and to also consider real world or work focused elements.

*Impact of proposed descriptors.*

- Both the SSAC and Professor Harrington reports state that the present WCA does not work properly and fails to adequately and fairly measure claimants' capability for work, and does not adequately consider real work or work focused elements.
- The government accepts the new descriptors will make the WCA tougher and a significant increase the disallowance rate, which would result in an increase in unfair assessments of claimants' capability for work reported by the SSAC and Harrington.
- Removes some complete categories of functional assessment (e.g. 'bending and kneeling' and 'completing tasks') which are significant in many working environments.
- Removes all lower-level descriptors in some categories (e.g. there are now no six point descriptors within manual dexterity) making it more difficult for people with multiple impairments to qualify.
- Under the proposed descriptors RNIB predict that many blind and partially sighted people will only get nine points and are therefore be classified as fit for work, even though 92% of employers describe blind or partially sighted people as difficult or impossible to employ[15].
- A person who can communicate with difficulty and only through the written word would be classed as 'fit for work'. Not a very realistic assessment of the modern workplace.
- The descriptor for being able to write (9 points) has been reduced to "cannot make a meaningful mark". This is not consistent with the ability to work, employers expect employees to be able to write legibly at a reasonable pace. It is unlikely to find employers looking for workers who can only make a meaningful mark.
- The descriptors for turning star headed sink tap have been removed, consequently there is no functional assessment for the ability to turn or rotate the hand. Such an activity is frequently found in working environments (doorknobs, instrument and machinery controls, cleaning and maintenance).
- The descriptor "cannot transfer a light but bulky object such as a empty cardboard box" is not consistent with the real world of work. The DWP definition of "transfer" is to move from left to right or right to left without a change of height. It is difficult to imagine a real world job with any significant content requiring this activity.
- An individual who "cannot mount or descend two steps even with the support of a handrail" could be classed "fit for work".
- Someone unable to stand at a workstation for more than ten minutes could now be deemed "fit for work".
- Someone "unable to get to a specified place with which the claimant is familiar, without being accompanied by another person" could be deemed "fit for work"
- Rising to standing from sitting has been removed.
- Someone who cannot use a keyboard (even one adapted) could be classed "fit for work".
- Reduced from 9 to 6 points: "At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration" (11b under the existing WCA, 10b under the proposed new WCA).
- Consideration of "repeatedly" has been included in descriptor 1 only, whereas previously it had been confined to guidance (along with "reliability" and "safety"). This is likely to result in repeatability not being considered by decision-makers and tribunal judges in other relevant descriptors, since a judgement may conclude that if "repeatedly" was to be considered in other descriptors, it would also

be included in those descriptors. This will result in a significant disadvantage to some claimants with other impairments and limitations (e.g. manual dexterity).

February 2011

## **Submission from MIND**

### *Background*

Mind is a member of the Disability Benefits Consortium (DBC), and supports the DBC's submission to the Committee. We are providing this further submission to highlight some particular problems with the regulations as they relate to the assessment of people with mental health problems.

Mind has long-standing concerns about the Work Capability Assessment (WCA). It became clear very quickly after its introduction that the assessment does not work fairly or accurately for people with mental health problems. As with other DBC organizations, we were heavily involved in the internal review of the WCA but dissented from its findings. Last year Mind's Chief Executive, Paul Farmer, was asked to sit on the Scrutiny Group overseeing Professor Harrington's Independent Review of the WCA.

Professor Harrington has asked Mind, Mencap and the National Autistic Society to design an amended assessment for mental and cognitive impairments. This will be finalised in March 2011 but will need time to be piloted before being presented to the Minister in June 2011.

We draw these regulations to the attention of the merits committee because they will imperfectly achieve their policy objectives, and because the regulations move away from the direction of travel set out in the Independent Review's findings. At the very least, the Department should wait until Mind, Mencap and the National Autistic Society have reported to Professor Harrington.

### *Key concerns*

Many organisations, including Mind, have been heavily critical of the consultation that led to these regulations, and particularly how they will affect applicants with mental health issues. We have argued that the simplification of the assessment - eg, reducing the mental function descriptors by a third, from ten to seven questions - is at the expense of comprehensiveness, rather than in unison with it.

There are already deep concerns about the how well WCA descriptors record the impact of mental health issues, and the simplification of the descriptors will exacerbate the problem. We have particular concerns about the following changes:

- Assessment of an individual's awareness of hazards will now simply focus on the need for supervision, rather than the significance and frequency of the risk posed.
- Three different categories of descriptors looking at motivation, concentration and reasonable time to complete an action have been collapsed into one single descriptor, meaning significant areas of function are excluded from the new assessment. A mental health problem such as depression may affect a person's motivation (and therefore their ability to initiate or complete set tasks at work), and/or the length of time they take to perform certain duties, in particular their daily routine (execution of tasks). Although depression is just one impairment, it may affect functioning in two separate areas of a person's life, and this should not be seen as double scoring to be eradicated.
- Abilities to get about and cope with change will no longer be assessed in terms of frequency, which will impact negatively on people with variable or fluctuating conditions.
- The loss of the propriety behaviour descriptor means that the assessment fails to capture the significant distress caused to people with depression, anxiety and paranoia by misinterpreting or overreacting to the behaviour of others.

Mind believes that the regulations will lead to significantly fewer people with mental health problems qualifying for ESA, meaning that they will receive a smaller income, be denied the support they need, and be subject to a tougher conditionality regime. People must take steps towards employment at the right time and pace for them. Those who are inappropriately placed on Jobseeker's Allowance will be pushed into unsuitable and potentially harmful situations.

### Case study

Michelle has a diagnosis of paranoid schizophrenia and lives in the South East. She was called for a Work Capability Assessment. She no longer hears voices, but experiences severe anxiety and depression. She has very poor short-term memory and writes a list of tasks to perform each day. Her brother visits daily to help with simple tasks such as managing her correspondence. Daily tasks such as washing, dressing, shopping and cooking take her far longer than it would take someone without her condition, and without prompting from her family she does not always get washed and dressed.

Michelle becomes seriously anxious about appointments, and will spend the days beforehand worrying about leaving the house, arriving on time, and whether her clothes will match. Should that appointment be rearranged, it is likely to be very upsetting for her, not least because she will experience the same anxieties the second time round.

Michelle finds social situations very difficult and tends to avoid social contact. She has severe panic attacks when she visits new places and has a fear of using the telephone. She gets upset when other people try to cajole her to do things she can't do, and feels distressed when she feels she is misinterpreting people's intentions or is overreacting to things.

At her WCA Michelle said yes to each question but was awarded no points. On appeal, the judge awarded Michelle the following:

- Coping with change: 6 points
- Social situations: 9 points
- Dealing with other people: 9 points.

The judge then stopped counting, as Michelle had scored enough points to be awarded ESA.

Under the new descriptors, Michelle would score the following:

Proposed descriptor	Reasoning	Score
11. Learning tasks	Michelle has no impairment of her ability to learn	0
12. Awareness of hazards	Michelle does not have a reduced awareness of tasks	0
13. Initiating and completing personal action:	Michelle uses a pre-planned list rather than verbal prompting by someone in her presence, so she may not score on this descriptor at all, despite impairments to her functioning on completing tasks within a reasonable time and difficulties in initiating action including daily routine tasks.	0
14. Coping with change	Michelle experiences significant distress for a number of days when an appointment is changed without prior warning. However, she would still manage to attend the re-arranged appointment. Depending on the interpretation of day to day life being made significantly more difficult (would her attending the re-arranged appointment negate the distress she experiences?), Michelle is likely to score 6 points	6
15. Getting about	Michelle does not need accompaniment to get to new or familiar places	0
16. Coping with social engagement	Because Michelle's ability to engage socially with either familiar or unfamiliar people is not always precluded because her anxiety fluctuates, she would not score on the new descriptor.	0

17. Appropriateness of behaviour	The loss of the propriety descriptor, which looks at how the person interprets other people's behaviour and how that behaviour impacts on them, means that significant impairments experienced by Michelle are not captured by the assessment.	0
	Total	6 points

Michelle would not be awarded ESA, yet Michelle is not "fit for work". Her care workers and the appeal judge are clear that she would not at present be able to engage in full-time work and would not be able to handle the tougher regime imposed by JSA.

February 2011

### Submission from the MS Society

The MS Society is a member of the Disability Benefits Consortium, and supports the DBC's submission to the Committee. We are providing this further submission to highlight some particular problems with the regulations as they relate to the assessment of people with complex and fluctuating conditions like MS.

This submission is supported by Parkinson's UK, Arthritis Care, ME Association and the National AIDS Trust.

We draw these regulations to the attention of the merits committee, as we believe that they:

1. give rise to issues of public policy likely to be of interest to the House;
2. will imperfectly achieve their policy objectives; and
3. should therefore be annulled.

#### *1. Issues of public policy likely to be of interest to the House*

The primary legislation (the Welfare Reform Act 2007) provides that claimants are entitled to ESA where they have limited capability for work due to their physical or mental condition, such that it is not reasonable to expect the claimant to work. The policy objective of these regulations is to amend the Employment and Support Allowance Regulations 2008, which set the criteria to determine whether someone has a 'limited capability for work'.

The regulations make significant changes to these criteria, which could impact on millions of current claimants of Incapacity Benefit due to be reassessed through the WCA from April this year, as well as any new claimants of ESA. The Disability Benefits Consortium (DBC) and the Social Security Advisory Committee (SSAC) have both recommended that these descriptor changes are not introduced.

#### *2 Imperfect achievement of their policy objectives*

We believe that these regulations will imperfectly achieve their policy objective, of identifying those with a 'limited capability for work', for the following reasons:

- Flaws in the process of the review: The review which gave rise to the proposals for change to the WCA was carried out based on very limited evidence of how the assessment was working in practice. The DWP has failed to consult widely on the proposals, despite the enormous impact that these could have on disabled people, and they have been subjected to a far lower level of external consultation and scrutiny than both the Harrington review and SSAC's review. The DWP roundly rejected the recommendations of SSAC, which showed a very clear lack of support for the regulations, despite SSAC's recommendations being based on a much wider consultation (with over 160 responses to their call for evidence).

In addition, although the DWP state repeatedly in their response to the SSAC report that the 'a number of external stakeholders including specialist disability groups were closely involved in the department-led review', it is well documented that the disability groups involved (many of whom are members of the DBC) unanimously rejected the Government's proposals, and highlighted that they did not feel that their input had been adequately considered.[16]

- Regulations are premature: Work is already ongoing as part of Professor Harrington's second year of the review: Mencap, Mind and the National Autistic Society have already presented recommendations to Harrington's team on how the descriptors for mental health, learning difficulty and cognitive impairments could be improved. The MS Society is currently chairing a working group[17] to develop recommendations to improve the descriptors in relation to fluctuating conditions, and symptoms such as pain and fatigue. The implementation of these regulations now risks diminishing the positive impact of Harrington's previous and forthcoming recommendations, and diverting limited resources from addressing the Harrington reforms.

Conversely, if the work done as part of the Harrington second year review is fully taken into consideration and implemented, this could mean the descriptors would be radically changed twice within the space of just one year. This would clearly be extremely unfair on those people being assessed in the interim, and risks a very high level of appeals, and potential judicial review cases, not to mention confusion, anxiety and frustration amongst claimants, professionals carrying out the WCA, and those supporting claimants through ESA applications.

- Shift in focus of descriptors: The descriptors proposed in these regulations seem not to be assessing '*limited* capability for work', but rather assessing only 'capability for work', blurring the distinction between the 'Limited Capability for Work', and 'Limited Capability for Work Related Activity', and therefore undermining the Welfare Reform Act's intention to separate claimants into two distinct groups with different levels of need. There are a number of specific examples within the descriptors themselves which highlight this:

- o The original descriptor 15 (Execution of tasks) accounted for the barriers stemming from time taken to complete tasks, rather than someone's ability to complete tasks at all. This is an extremely important factor in an individual's employability, particularly for those who suffer from multiple impairments, and symptoms such as fatigue, pain and cognitive problems, all of which are experienced by many people with MS. Someone who takes more than twice the amount of time to complete activities is highly unlikely to be considered 'fit to work' by any employer and will thus certainly have a limited (but not no capacity) for work. Yet under the new descriptors, this issue is no longer accounted for.

- o The DWP state as justification for their changes to the continence descriptors: 'an individual whose problems with continence can be managed if they are able to reach a toilet quickly should not be considered unable to do any work'. Once again, this statement neglects that the purpose of the assessment is to identify limited capability and not inability to do any work.

- Improper purpose of the regulations: We are concerned that the DWP are proposing the descriptor changes in order to further reduce access to ESA by making the WCA more stringent, despite the Harrington review's findings that the current descriptors are flawed and that the system is '*lacking in empathy*', meaning that in many cases this results in people being wrongly classified as fit to work.

- Failure to address problems with fluctuating conditions: The DWP recognises that the current WCA struggles to accurately assess people with fluctuating conditions, yet it is clear that the proposed descriptors do not adequately address this problem, and in some cases may even exacerbate it. For example:

- o In response to the SSAC report, the DWP accepts the rationale that whether an activity is performed 'reliably, repeatedly and safely' is a crucial factor in assessing someone's functional capability. However, they go on to reject the Committee's recommendation to add in more qualifications like this into the descriptors themselves without giving any explanation as to their reasoning for this.

o The regulations remove all lower-level descriptors in some categories (e.g. removal of the six point descriptors within manual dexterity, and 'navigating safely' - which replaces any other reference to sight problems) making it more difficult for people with multiple or fluctuating impairments to qualify. For example, a person with MS could: be unable to write legibly; experience pain using a keyboard for more than a few minutes at a time; intermittently have to use a wheelchair due to fatigue and mobility problems; take twice as long as someone with no cognitive impairment to complete workplace activities due to problems with memory and concentration; manage bowel function through self-catheterisation (which can mean very regular and lengthy toilet breaks); experience slurring of speech such that they feel unable to hold a conversation over telephone; and experience significantly reduced vision (or even temporary blindness) for short periods during relapses. Such an individual clearly has a significantly reduced capacity for work - but could score no points whatsoever under the new regulations, and thus be classed 'fit to work'.

The DWP state that healthcare professionals conducting WCAs receive training in assessing fluctuating conditions. However, the MS Society is concerned that few disability organisations have been consulted in developing this training, and that our concerns regarding this have not been taken into account. Furthermore, this training would need to be significantly revised to reflect any new assessment, and carried out prior to any new assessment being brought in, to ensure that healthcare professionals carrying out assessments interpret the descriptors appropriately.

#### *Impact of the proposed descriptors*

This new regulation will make considerable changes to these descriptors resulting in a significant increase in the number of claimants with high levels of impairment and disability being classified as "fit for work" and denied ESA benefit. People with complex and fluctuating conditions, those who suffer from mental health conditions, cognitive impairments, and multiple changeable or lower-level impairments (such as MS) are particularly likely to be improperly assessed under these new descriptors. Many of these people, who should be eligible for at least the Work Related Activity Group of ESA, would be forced by these new descriptors onto Job Seekers Allowance, which is not the appropriate benefit for people with limited capability for work.

Yet the ongoing work of the Harrington review, supported by the DWP, is developing recommendations that could take important steps towards resolving these problems, and is likely to involve yet more wide-reaching changes to the WCA in just a matter of months.

These regulations should therefore be annulled in favour of more timely, better researched, reviewed and consulted upon, evidence-based regulations for changes to the WCA based on Harrington's recommendations later in the year.

February 2011

#### **Submission from the Royal National Institute of Blind People (RNIB) and Action for Blind People**

RNIB and Action for Blind People are members of the Disability Benefits Consortium, and support the DBC's submission to the Committee. We have chosen to provide an additional memorandum to the Committee in order to highlight our deep concerns about the impact the above regulations will have on blind and partially sighted people in particular.

We welcome the Committee's Inquiry, as the regulations, in our opinion:

- 1) Give rise to issues of public policy likely to be of interest to the House;
- 2) Are inappropriate in view of changed circumstances since the enactment of the parent Act; and
- 3) Imperfectly achieve policy objectives.

## **1) Issues of public policy likely to be of interest to the House**

### *Undermining of the current ESA structure*

We believe that the regulations fundamentally undermine the structure of Employment and Support Allowance (ESA), where claimants with a limited capability for work are put into either the Work Related Activity Group or the Support Group. The regulations do this through putting in place new descriptors, which make the 'Limited Capability for Work' test, the gateway to the benefit, unreasonably tough to pass for blind and partially sighted people, against the spirit of the 2007 Act and the intention of Parliament.

The regulations, we would argue, set such a high threshold for eligibility for ESA that they effectively transform the 'Limited Capability for Work' test into a 'Limited Capability for Work Related Activity' test, losing distinction between the two tests. This undermines the intention within the 2007 Welfare Reform Act, that there should be two distinct groups of claimants; one moving towards work (Work Related Activity Group), the other with no conditionality (Support Group). Under the regulations, we believe that the numbers of disabled people able to qualify for the Work Related Activity Group would drop dramatically, as whole groups of people are largely excluded by the eligibility threshold.

### *Impact on blind and partially sighted people*

Blind and partially sighted people will in all likelihood fail to qualify for ESA if these regulations come into force. We find this deeply concerning, considering that many blind and partially sighted people have limited capability for work, and so should qualify for ESA where limited capability for work can be demonstrated.

A person of working age who loses their sight will need to learn new skills for independent mobility (e.g. use of a long cane or Guide Dog), how to use a computer using screen magnification or speech output software, as well as new everyday living skills around cooking, dressing, cleaning etc. We do not believe that it is appropriate to require someone in this position to end up claiming Job Seekers Allowance, yet that will be the impact of the regulations.

Under the proposed Limited Capability for Work test a blind person's difficulties in performing most work-related activities would be ignored and only extreme difficulties in 'navigation and maintaining safety' would be assessed. A visually impaired person would only be considered to have a limited capability for work if they were "unable to navigate around unfamiliar surroundings without being accompanied by another person" (see appendix 1 for comparison of current descriptors on sight loss and those proposed in the regulations).

The department's internal review stated: "It is our intention to continue to work with experts and specialist disability organisations to refine the descriptors related to sight loss." [18] However, this has not taken place, despite our requests to meet with Officials. We, like many other disability organisations, did not support the conclusions of the Department's internal review and made Ministers and Officials aware of this.

Whilst we have concerns around the operation of the WCA, and the quality of assessments by Atos, the currently operating set of descriptors around sight loss are in our view satisfactory, and do not require fundamental change.

## **2) Changed circumstances since the enactment of the parent Act**

We are deeply concerned by the confused landscape around review of the Work Capability Assessment's descriptors, and implementation of changes.

Professor Harrington and the Department's internal review reached completely different conclusions about the effectiveness of the Work Capability Assessment. The internal review concluded "...the current assessment was found to be working well..."[19], Prof. Harrington that "I have found that the

WCA is not working as well as it should. There are clear and consistent criticisms of the whole system and much negativity surrounding the process."<sup>[20]</sup>

We are also concerned that Professor Harrington has just announced the second phase of his review, which will be considering the WCA and specific Limited Capability for Work activities and descriptors. However, this will be after the regulations are passed, calling into question why the Government is rushing through the regulations based on the internal review, before Professor Harrington can begin phase two of his work.

#### *Social Security Advisory Committee*

We submitted evidence to the Committee's inquiry into the regulations. We welcome and support their recommendation that the Government should proceed with positive changes around treatment of people undergoing chemotherapy and of people with mental health problems, but delay the rest of the changes until lessons can be learned from the migration pilots, and Professor Harrington's recommendations.

### **3) Imperfectly achieve policy objectives**

Setting aside our deep concerns about the descriptors, we do not believe that Atos have the specialist knowledge and expertise, in a medical test centre environment, to carry out functional assessments of the mobility of people with sight loss. For example, we are unclear how they would determine whether or not a person is unable, due to sight loss, to navigate a familiar route without support, when they will be assessed in an unfamiliar environment at the test centre, under conditions of limited time for the assessment to be completed.

### **Conclusion**

For many blind and partially sighted people, the regulations, if brought into force, could see them denied ESA. This is due to the high qualifying threshold being put in place around Limited Capability for Work and the failure to properly assess the effects of sight loss. We do not believe that this is appropriate, or indeed within the intentions of the Welfare Reform Act, 2007. The regulations will, in our view, seriously undermine the Work Related Activity Group/Support Group distinction, and force people who should be eligible for ESA onto Jobseekers Allowance, which is not the appropriate benefit for people with a limited capability for work.

### **Appendix 1**

#### ***Current and proposed new WCA descriptors on sight loss***

##### *Current activities and descriptors*

The LCW test looks at specified "functional areas", for both physical and mental health, such as seeing, hearing, walking, memory and concentration. For each functional area there are a series of statements called "descriptors" describing the difficulties that a person may have in that functional area. If an individual scores 15 points or more on either one, or across a range of activities, they qualify for ESA. Activity 9 contains the following subsets around sight loss:

- (a) cannot see at all - **15 points**
- (b) cannot see well enough to read 16 point print at a distance greater than 20 cm - **15 points**
- (c) has 50% or greater reduction of visual fields - **15 points**
- (d) cannot see well enough to recognise a friend at a distance of at least 5 metres - **9 points**
- (e) has 25% or more but less than 50% reduction of visual fields - **6 points**

(f) cannot see well enough to recognise a friend at a distance of at least 15 metres - **6 points**

none of the above apply - **zero points**

These 'vision' descriptors are clear and objectively measurable. They explicitly take account of visual acuity and field loss, so often evidence can be gained from existing Certificates of Visual Impairment of people registered as blind or partially sighted.

*The proposed new descriptors in the regulations*

In the new assessment the focus of the sensory activities has moved away from objective medical assessment of impairment towards an attempt to ascertain the extent to which an individual has adjusted to their circumstances, taking account of certain aids or adaptations.

The Vision activity has been replaced by one that assesses only 'navigation and maintaining safety'. This is not a comprehensive assessment of the work-related limitations that a visually impaired person would face, and takes no account of many other practical difficulties.

8 (a) unable to navigate around familiar surroundings without being accompanied by another person due to sensory impairment - **15 points**

8 (b) cannot safely complete a potentially hazardous task such as crossing the road without being accompanied by another person due to sensory impairment - **15 points**

8 (c) unable to navigate around unfamiliar surroundings without being accompanied by another person - **9 points**

None of the above apply - **0 points**

February 2011

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11 [www.citizensadvice.org.uk/not\\_working\\_march\\_2010\\_final.pdf](http://www.citizensadvice.org.uk/not_working_march_2010_final.pdf) Not Working, CAB, March 2010. See also DWP Transformation of the Personal Capability Assessment, Nov 2007. [Back](#)

12 Act Paper (S.I.2011 No.228), page 41/42. [Back](#)

13 Impact Assessment - ESA Regulations 2011, 7 Dec 2010. [www.dwp.gov.uk/docs/wca-ia-eia.pdf](http://www.dwp.gov.uk/docs/wca-ia-eia.pdf) [Back](#)

14 [www.dwp.gov.uk/docs/wca-review-2010.pdf](http://www.dwp.gov.uk/docs/wca-review-2010.pdf) Nov 2010 [Back](#)

15 Guardian 16<sup>th</sup> Feb 2011, Blind people will lose £30 per week under new benefit regime, says RNIB [Back](#)

16 These charities wrote to government ministers on 22 March 2010 and 12 July 2010, and large groups of charities, including many of those originally involved, have written again in 2011. [Back](#)

17 Including Forward ME, Parkinson's UK, National Aids Trust and Arthritis Care. [Back](#)

18 Page 6, **Addendum: Work Capability Assessment Internal Review** (DWP, March 2010). [www.dwp.gov.uk/docs/work-capability-assessment-review-addendum.pdf](http://www.dwp.gov.uk/docs/work-capability-assessment-review-addendum.pdf) [Back](#)

19 Page 64, **Work Capability Assessment Internal Review**, (DWP, October 2009) [www.dwp.gov.uk/docs/work-capability-assessment-review.pdf](http://www.dwp.gov.uk/docs/work-capability-assessment-review.pdf) [Back](#)

20 Page 8, 'An Independent Review of the Work Capability Assessment', (Professor Harrington, November 2010) [Back](#)