

## **ISSUING UC50S AN INVESTIGATION INTO SYSTEMIC PROBLEMS: SUMMARY**

### **AS UPDATED 01/09/2021**

Please note that this is an update to the original summary report dated 05/08/2021. We have since received further information from the Department for Work and Pensions following our request for a review of their initial response to the freedom of information enquiries that we submitted. This has not changed our main recommendation, but an update is necessary for the sake of accuracy and completeness.

### **BACKGROUND**

In 2020, the Welfare Benefits Team at Central England Law Centre noticed a trend in the 'UC50' form not being issued to claimants in circumstances where that would have been expected. They suspected it might not just be a local problem, and they were concerned about the consequences for claimants.

We decided to look into the issue within our [Strategic Public Law Clinic](#), a collaboration between Warwick Law School and Central England Law Centre.

Our investigation has been led by four main questions:

- Is this a local or more widespread problem? If widespread, this would suggest a problem in the system.
- When did the problem start? We were particularly concerned to understand whether the problem was linked to the impact of the pandemic on DWP systems.
- What is the step-by-step process for issuing a UC50 and how did it change, if at all, during the pandemic? A detailed understanding of the process would assist in pinpointing what might be going wrong.
- What safeguards, if any, have been built into the system to guard against things going wrong or to ensure errors are corrected if they occur?

We have undertaken internet research to find publicly available information, submitted Freedom of Information Act requests to the DWP and surveyed members of the National Association of Welfare Rights Advisers (NAWRA).

This briefing note sets out our main findings. We hope that they may be helpful in trying to secure improvements to the UC50 system. We have also produced a more detailed report to support these findings. This was also updated on 01/09/2021. If you would like a copy, please contact us at the email address below.

## **WHY IS IT IMPORTANT?**

People who are unable to work due to ill-health or disability but who do not receive a UC50 are unlikely to know they should have received one. This means they are unlikely to contact the DWP to pursue the matter unless they have a benefits adviser who has explained the system to them. Many people do not have access to specialist advice. The consequences for those affected could be serious. They may not receive all the benefits to which they are entitled. In particular, they may lose access to exemption from the benefit cap.

## **A SUMMARY OF OUR FINDINGS**

1. Our research suggests that the problem in issuing UC50s is a significant national problem. 60% of NAWRA members who responded to our April/July 2021 survey with a percentage figure reported that the percentage of their relevant caseload that had been affected was 50% or more. The respondents worked in locations across the country.
2. There seems to have been an increase in the problem since the pandemic began. We believe there was already a problem which the pandemic may have exacerbated.
3. While we found several different accounts of the DWP's process for issuing UC50s, our conclusions about the key steps and weaknesses in the process are as follows:
  - The UC50 form is supposed to be generated 'automatically' by a computer system (Medical Services Referral System - MSRS) once the claimant has been referred for a work capability assessment (WCA). However, there is some inconsistency in the information available as to whether the DWP or the medical assessment service is responsible for posting the form out.
  - The referral for a WCA should be made on day 1 (for certain medical conditions) or day 29 (for all others) following someone reporting their unfitness for work. If the referral for a WCA is not made, no UC50 will be issued.
  - Once the claimant has entered the initial fit note dates in their journal this triggers the setting of an automated 29-day reminder to DWP staff on the UC computer system to consider a WCA referral. The MSRS and the UC computer systems appear to be independent of one another. This suggests that DWP staff must be able to switch the reminder off manually, given that it cannot be switched off automatically by the MSRS system when this is used to make the WCA referral. If so, there is a risk that staff may do so even if they have not made the WCA referral at that point. The risk of this occurring is likely to increase when workload pressures are high.

- The referral is usually subject to evidence being provided, usually in the form of GP fit notes, but the process set out in the DWP's own documents does not clearly allocate responsibility for checking and logging fit note information. If this is not done correctly, it could mean the WCA referral is not made.
- It is also possible that the UC50 will not be sent out if information is not properly entered when setting up the case on the MSRS system, and we understand that this may still have to be done manually.
- We believe that Case Managers were responsible for making the WCA referrals, but that this was transferred to Work Coaches, at least in some local offices in some areas, in early/mid-2020. Although the DWP has told us that there has been no transfer of responsibility for the sending out of UC50s to local Work Coaches, we believe that the evidence is consistent with there being a transfer of responsibility for making the WCA referral. This referral is an essential first step in the process which leads to the UC50 being sent out. We do not know whether this transfer has yet been implemented nationwide. We have reason to believe that there has been no other change to the system.
- The DWP training materials sent to us in response to our FOIA request lack detailed information about the WCA referral process. We know that new staff have been employed and some existing staff redeployed since the pandemic began, in addition to what we understand to have been the transfer of responsibility for WCA referrals to local offices. New staff undertaking quite complex processes, such as the ones we have researched, increases the risk of things going wrong, and this makes effective training very important.

## **CONCLUSION AND RECOMMENDATIONS**

There is always a risk that administrative systems will go wrong. We have found several factors which increase that risk when it comes to sending out the UC50 form. When this goes wrong, it is likely to cause significant hardship.

The ideal solution would be for the DWP to reduce these risks by addressing the weaknesses in the system for making WCA referrals and sending out UC50s. A performance monitoring system focused on this issue would identify problems and check whether solutions were working.

However, the system also needs safeguards which will correct errors when they occur. We think the most effective safeguard is to ensure that claimants are given sufficient information about their claim and the WCA process so that they know to expect a UC50. They would then know to contact the DWP if they did not receive it.

Our research suggests that the system does incorporate some safeguards. For example, once a WCA referral is made a standard letter is posted on the claimant's journal which tells them to expect a UC50. However, there does not appear to be anything that would alert a claimant to a

systems failure which resulted in the WCA referral not being made and the UC50 not being sent out for that reason.

The claimant is required to enter dates of their fit notes in their UC journal. If the system were to generate a standard letter at that point which explained the 'unfit for work' process, including the referral for a WCA and the issuing of a UC50, the claimant would know to expect receive the UC50 and when, if they remained unfit for work. If they did not receive the form, they would know that something had gone wrong, and they could take steps to make sure it was put right. This would make for a much fairer system.

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