

Claiming Employment and Support Allowance 1

Employment and Support Allowance (ESA) is a benefit for people who have a health condition or disability that limits their ability to work. It applies to people aged between 16 and pensionable age.

As of 27 October 2008, new claimants have needed to apply for ESA instead of Incapacity Benefit (IB) or Income Support (IS) on the grounds of incapacity. Between October 2013 and April 2014, new claimants will receive Universal Credit in place of Jobseekers Allowance, Employment Support Allowance, Housing Benefit, Working Tax Credit and Child Tax Credit. Further changes may be made to benefits. For the latest information go to your local JobCentre or equivalent, or visit www.direct.gov.uk (www.nidirect.gov.uk in Northern Ireland).

Overview – How ESA works

ESA is designed to help as many people as possible get into work. The scheme offers practical support in getting into work, as well as a financial benefit.

To claim ESA, you will need to provide medical evidence of your limited capability for work. In most cases you will have to answer a detailed questionnaire and attend an assessment meeting to determine your ability to work and any support you may need to enter work. There is plenty of help available to assist you in doing this from organisations such as Citizens Advice.

Most ESA claimants will receive a basic level of ESA for the first 13 weeks of their claim (the 'assessment phase'). If you are then judged to have a limited capability for work, you will receive a higher level of ESA ('main phase') until your circumstances change. When you have the main phase there are also two further components that you may be able to get.

If you are terminally ill or severely ill or severely disabled, you should be able to receive 'main phase' ESA on the basis of medical evidence from your doctor, without having to fill in a questionnaire or attend a meeting.

The majority of claimants are likely to be judged able to make steps towards entering work, and will need to participate in a series of work-focused interviews to continue receiving full ESA. If you do not comply with this requirement, your benefit will be reduced.

Changes for current IB/IS claimants

If you currently receive IB or incapacity-based IS, your benefits will carry on as normal in the short term, as long as your circumstances do not change.

Between 2010 and 2014, the Government plans to phase out IS altogether, and introduce ESA work capability assessments for IB claimants.

Claiming Employment and Support Allowance 2

Eligibility criteria

To make a successful claim for ESA, you will need to be:

- at least 16 years old, and under state pension age
- live in the UK
- have 'limited capability for work' for at least four days in a row.

In almost all cases, you will need to be off work or out of work in order to claim ESA, though permitted work and work placements should not affect your entitlement. If you are entitled to other benefits, such as Jobseekers Allowance, IS or IB, you are unlikely to be eligible for ESA.

There is a single claims process for ESA, but the type of ESA you are entitled to depends on your national insurance (NI) contributions and your financial circumstances.

To be eligible for contributory ESA you need to have made sufficient NI contributions. You may also be eligible if you are under 25 and have recently been in education, training or been unable to work because of disability or illness.

If you have not made enough NI contributions, you may be entitled to income-based ESA. To claim income-based ESA you must have a low income or no income, and less than £16,000 capital (for example, in savings). Your partner must also not work more than 24 hours a week. Any capital above £6,000 will affect the level of your benefit.

Rates of ESA

During the assessment phase (usually 13 weeks) you will receive a basic rate of ESA. If you are terminally ill, you will go straight on to the main phase ESA, with no assessment period.

The main phase of ESA starts on week 14 of your claim, so long as you are deemed to have a limited ability to work. In most cases, this will be determined by a work capability assessment (see below).

During the main phase, you will receive one of two 'additional components' on top of the basic main phase rate. If you are judged to have some capacity for work you will receive the 'work-related activity' component. If it has been decided that you have no capacity for work you will receive the 'support' component.

To receive the work-related activity component you need to attend and participate in a series of work-focused interviews. If you do not do this your top-up payment will be

Claiming Employment and Support Allowance 3

reduced or suspended until you comply.

This does not apply to the support component, although you can volunteer for work-related activity if you wish. Assessment phase rates depend on whether you are over 25. Main phase rates and the additional components are not age-related.

The table below shows the basic rates. Depending on your circumstances, including whether you are in a couple or have children, you may be eligible for additional payments.

WEEKLY RATE DURING THE ASSESSMENT PHASE

Type of group	Weekly amount
Single person, aged under 25	Up to £53.45
Single person, aged 25 and over	Up to £67.50

WEEKLY RATE DURING THE MAIN PHASE

Type of group	Weekly amount
Single person in the work-related activity group	Up to £94.25
Single person in the support group	Up to £99.85

Other benefits

Depending on your circumstances you may be entitled to pensioner, severe disability, carer or enhanced disability premiums on top of income-based ESA.

How to apply for ESA

Initial claim

If you are claiming ESA for a period of more than seven days, you will need a medical certificate stating that you are unable to work. If you do not already have a medical certificate, you can request one from your GP.

The most straightforward way to start your claim is by telephone. If you live in England, Scotland or Wales, call 0800 055 6688 or textphone 0800 023 48 88. For the Wales language line call 0800 012 1888. In Northern Ireland call 0800 085 6318 (or textphone 0800 328 3419).

You will be asked questions about your circumstances, including your health, working situation, income, financial assets, any benefits you have claimed recently and whether you live as part of a couple. You will need to supply your contact details, your doctor's contact details and prove your identity (for example, by quoting your NI number). It is worth getting in touch even if you don't have all of this information to hand. So long as you supply the information (make your claim) within one month, your ESA should be backdated to when you stated your intention to claim. If you take longer than a month to claim, your ESA will be dated from the day

Claiming Employment and Support Allowance 4

your claim is received.

If you prefer, you can start your claim in person or pick up form ESA 1 at most Jobcentres (Jobs and Benefits Offices in Northern Ireland). You may find it helpful to ask someone else to fill in the form with all of your details. Claim forms can also be downloaded from www.directgov.uk or in Northern Ireland www.dsdni.gov.uk

You will receive a letter outlining the details of your application. Check this letter carefully and flag up any changes that need to be made. You may be asked to send documents to support your claim. Once you have supplied all the requested information, you will be told if your claim has succeeded and you will then go on to the 'assessment phase' of ESA payments.

Time limits

ESA claims can be backdated for up to three months, so long as you have suitable medical evidence. In rare cases ESA claims may be lodged up to three months in advance, for example if you have a scheduled operation and it is clear you will have a limited ability to work for a defined period.

If you experience more than one period of limited capability for work less than 12 weeks apart, they are treated as a continuous period. You should not have to go through the assessment phase more than once, but you may have to go through more than one work capability assessment.

Questionnaire

If your illness or disability is extremely severe, the initial application and your medical certificate may be enough to process your whole claim for ESA and you will be clearly told this.

Otherwise, you will receive a questionnaire (form ESA 50 or ESA 50a depending on the nature of your disability or illness) soon after your initial claim has been confirmed. This form is designed to provide additional information about the way your illness or disability affects your day-to-day life, and your potential to work.

For more severe illness or disabilities you will receive an ESA 50a form and if any of the descriptors apply to you, then you will be eligible for the higher 'support' component from week 14 of your claim. You will not have to attend work-focused interviews, although you can choose to do so.

You need to complete and return the form within four weeks, or your ESA payments may stop. The form is long, and it may take some time to fill in. It is a good idea to read through the whole form and make notes or have a practice run before filling in the final form. Remember to pace yourself – it also may help to talk things over with a friend or family member – the important thing is not to panic as there is help available.

Claiming Employment and Support Allowance 5

If you need help or advice answering any of the questions, contact a welfare rights organisation such as Citizens Advice, the Benefit Enquiry Line or Jobcentre Plus (your local Jobs and Benefits office in Northern Ireland). It is important to complete this form correctly, so think through your answers carefully and seek help with anything you do not understand or if filling in forms is difficult for you.

The first section of the form asks a number of questions about your medical treatment and your illness or disability, with space for quite long answers. This part of the form is for factual information, such as details of any medical diagnoses, a list of your medication and any side effects, and details of any recent accidents or relapses. It is fine to list points – there is no need to write everything in full sentences so long as the meaning is clear.

The rest of the form asks more detailed questions about your physical and mental abilities as well as your ability to process thoughts on a day-to-day basis. Part 1 covers physical functions, including your ability to:

- walk and negotiate steps
- stand and sit
- bend and kneel
- reach
- move and carry things
- use your hands.

The questions become increasingly specific, so it is important to read them carefully. When answering the physical activity questions, mention any special aids or equipment you use on a day-to-day basis and base your answers on your abilities when using them.

For example, if you use a stick to walk, mention this and state how far you can walk with the stick rather than without it. If you can walk quite a long way but need to stop and rest frequently because of pain or fatigue, give details. If you can walk but regularly fall or stumble, perhaps because of joint stiffness, mention this.

Most questions have an 'it varies' tick box, with space to explain how your abilities vary if your arthritis fluctuates. Rather than stating what you are capable of on the day you fill in the form, you need to give a realistic picture of the problems you face on a regular basis. Focus on what you can do on an average day (not a good day), and state how this differs on bad days. For example, you could indicate roughly how many days a week you might struggle with the activities described. If mornings are bad or if winter is worse than summer, give details.

Claiming Employment and Support Allowance 6

It is worth spelling out some of the difficulties you face even if they seem obvious to you. If you can sit for 20 minutes but only on an especially-adapted chair, or if you can physically stay seated for 30 minutes but it causes you pain, say so. If you can manage one of the stated activities but doing so would make you exhausted that day or the following day, make this clear. Emphasise the fluctuating nature of your arthritis, and be clear if your symptoms are made worse by work related issues like stress or fatigue.

Part 2 asks questions about your mental abilities. You may consider your arthritis to be a purely physical problem, but it is important to read and answer all of the questions. For example, there is a question about how confident you feel going out to places you know. You should think about a wide variety of situations when answering it.

You may be fairly confident travelling during quiet times, but worry about being jostled or not being able to get a seat in busy places. You may be confident driving short distances, but fearful of seizing up on longer drives or if you get stuck in traffic. You might manage a short walk most days, but can't risk slipping in wet or icy weather.

If you need more space to explain, attach continuation sheets to the form, clearly marked with your name and the relevant question number. You should keep a copy of your completed form and any continuation sheets as a record.

If you have been turned down for ESA but make a new claim because your condition has deteriorated, clearly state that the date the deterioration began was after the date of your previous claim.

Work Capability Assessment

You will probably be asked to attend a Work Capability Assessment in a local medical centre in around week five of your claim. The meeting will last around 30-90 minutes, during which a Government-appointed health professional (not your GP) will discuss how your illness or disability affects what you can and cannot do.

The assessment is considered by some people to be more complex and strict than the IB personal capacity assessment. Your eligibility for ESA is decided by a Government appointed decision maker, not the person who conducts your assessment. You can take a friend, relative or carer with you to the assessment if you feel that it would help you.

You may be able to reschedule your Work Capability Assessment if you are extremely ill, or if it clashes with an important medical, personal or work-related appointment. However, this may prolong the assessment phase of ESA, during which you receive lower level benefit. If the assessment phase is extended with good reason and you are eventually awarded full ESA, the main rate should be backdated to week 14 of your claim.

Claiming Employment and Support Allowance 7

The assessment has three parts:

- the 'assessment of limited capability for work' – to determine whether ESA is right for you.
- the 'assessment of limited capability for work-related activity' – to identify whether you have severe limitations arising from your illness or disability.
- the 'work-focused health-related assessment' – to discuss your views about moving into work, and identify any necessary health-related support.

The assessment, guided by your responses to the ESA 50 questionnaire, involves asking detailed questions about your ability to carry out a number of physical and mental activities. Your ability to perform each activity most of the time (or on most attempts) will be scored from 0-15, with points awarded for the level of difficulty you experience.

If you score 15 on a single activity, or a total of 15 across several activities, you will be considered to have 'limited capability for work' and will be eligible to remain on ESA and receive the 'work-related activity' component. If you score less than 15 you will not be eligible for ESA. You can start to sign-on at your nearest Jobcentre Plus office or equivalent and receive Jobseekers Allowance. You will be expected to attend a series of work-focused interviews and prepare for work.

The 'work-focused health-related assessment' focuses on what you can do rather than what you cannot do, and is designed to help identify any equipment, aids or support that might help you to enter work. It may involve a medical examination.

Work-focused interviews

If you are in the 'work-related' group, you will be asked to attend a work-focused interview in around week eight of your claim. You may be required to attend more interviews at later dates.

Interviews are conducted with a personal adviser, either from your local Jobcentre or equivalent, or from an organisation contracted by the Government. It may be possible to conduct the interview at your home if it is very difficult or dangerous for you to travel elsewhere.

Your personal adviser will discuss your work prospects, based on your education, skills, experience and any caring responsibilities you have. Based on the report from your work-focused health-related assessment, your personal adviser will help to identify the steps you can take to prepare for work, perhaps including training opportunities, work experience, help with job seeking or support in managing your health condition.

Claiming Employment and Support Allowance 8

Your personal adviser will draw up an 'action plan' detailing the work-related activities you have discussed. This will be updated after each interview. The specific activities outlined in your action plan are for guidance, but the Government has plans to make specified work-related activity compulsory at some point in the future.

You must attend and participate in work-focused interviews, otherwise your benefit could be reduced or stopped. Any loss in benefits as a result of these sanctions cannot be reclaimed at a later date. Your basic ESA will remain the same, whether you attend interviews or not.

In rare cases you may be able to reschedule or cancel your work-focused interviews, for example if you are severely sick or about to return to work. This needs to be discussed and arranged in advance to avoid risking a reduction in your benefit.

Appeals

The ESA appeal process is similar to the process for IB appeals. If you are unhappy with a decision relating to your ESA claim, you have one month to ask the office that dealt with your claim to reconsider their decision. If you are still unhappy with the outcome, you have one month to appeal to an independent tribunal. If you appeal against the outcomes of your work capability assessment, your ESA will be paid at the assessment phase rate until the appeal tribunal makes a decision.

For more information on appeals, see Arthritis Care's factsheet *If you are unhappy with the decision regarding your benefit*.

Further help

If you need further information about what you might be entitled to and how to fill in a claim form, you can call the free Benefit Enquiry Line. The person you speak to will not have your personal papers but will be able to give you some general advice which must not be taken as a decision. Local disability or Age UK groups often have a benefits adviser.

Sources of information

- Arthritis Care factsheets – www.arthritiscare.org.uk/Factsheets
- Benefits Enquiry Line – 0800 882 200 or 0800 220 674 (Northern Ireland)
- Citizens Advice – www.adviceguide.org.uk
- Directgov (England, Wales and Scotland) – www.direct.gov.uk
- Disability Alliance factsheets – www.disabilityalliance.org/fact.htm
- NIdirect (Northern Ireland) – www.nidirect.gov.uk

Claiming Employment and Support Allowance 9

Where can I get more information and support?

Arthritis Care is the UK's largest charity working with and for all people who have arthritis.

- Talk to someone in confidence about your arthritis by contacting our free helplines:

**0808 800 4050 (10am-4pm weekdays)
or Helplines@arthritiscare.org.uk**

- Our website has information and discussion forums where you can find support from others with arthritis:

www.arthritiscare.org.uk

- Make a contribution to our work by donating:

020 7380 6540 or online

Our information is regularly reviewed.

This factsheet was last reviewed in 2011. It will be next reviewed in 2012.

Note

This information sheet may be photocopied and distributed freely on the condition that it is reproduced in its entirety and that it is not quoted without acknowledgement.

Arthritis Care is a certified member of The Information Standard. This means that you can be confident that Arthritis Care is a reliable and trustworthy source of health and social care information. Please check our website for up-to-date information and reference sources or call 020 7380 6577.



Arthritis Care across the UK

Arthritis Care UK office and England regional services:

Tel: 020 7380 6500, or email: info@arthritiscare.org.uk

Arthritis Care in Central England

Tel: 0115 952 5522

CentralEngland@arthritiscare.org.uk

Arthritis Care in North England

Tel: 01924 882 150

NorthEngland@arthritiscare.org.uk

Arthritis Care in South England

Tel: 0844 888 2111

SouthEngland@arthritiscare.org.uk

Arthritis Care in Northern Ireland

Tel: 028 9078 2940

NIreland@arthritiscare.org.uk

Arthritis Care in Scotland

Tel: 0141 954 7776

Scotland@arthritiscare.org.uk

Arthritis Care in Wales

Tel: 029 2044 4155

Wales@arthritiscare.org.uk