



Employment and Support Allowance (ESA) Factsheet

What is Employment and Support Allowance?

Employment and Support Allowance (ESA) is a benefit paid to people whose ability to work is limited by ill health or disability.

ESA is a single benefit, replacing both Incapacity Benefit and Income Support for those who are restricted in their ability to work.

To get ESA you must:

- Be at least 16 years old
- Be under pensionable age. Check your State Pension age using the State Pension Calculator at www.gov.uk
- Undergo a 13 week assessment phase (see page 2)
- Have 'limited capability for work'
- Be resident in Great Britain
- Not be entitled to Statutory Sick Pay

AND satisfy one or both of the following conditions:

- 1) You must have paid enough National Insurance contributions in the last two full tax years. However, there are exceptions to this, so check with your local Jobcentre Plus Office on 0345 604 3719 as to your particular circumstances.
- 2) You must satisfy the low income test i.e. your income must be below the ESA benefit levels and have savings below £16,000.

How to claim ESA

To start a claim for ESA, you need to ring the Jobcentre Plus claims line on 0800 055 6688 (text phone 0800 023 4888).

You will be asked to provide information to complete your claim over the phone.

A customer statement will then be sent to you confirming the details you have provided so you can check they are correct.

Alternatively, you can download and complete the paper form (ESA1) hand it in or post it to your local Jobcentre Plus office. You can obtain this form from www.gov.uk

You will need to forward a medical certificate from your doctor to the office dealing with your claim.

What happens after you claim: The Assessment Phase

The assessment phase applies to all new ESA claimants, with some exceptions including those who are terminally ill. The assessment phase is intended to last 13 weeks; however it may take longer than this.

During the assessment phase a work capability assessment (WCA) is carried out. This assessment has two parts with the intention to:

- Firstly find out whether you have a 'limited capability for work' and
- Secondly, to find out whether you have a 'limited capability for work-related activity'.

Limited capability for work test

The limited capability for work test decides whether you are entitled to ESA. If you do not pass the test, because you are not considered to have a 'limited capability for work' you have the right to challenge this by asking for a mandatory reconsideration (see page 4).

There are two stages to the test:

Firstly an ESA50 form will be sent to you to complete. This is a medical questionnaire which asks about your ability to carry out physical and mental activities. It also asks about any medical history and treatment you may be having.

Secondly, most claimants will be asked to attend a medical assessment where a health professional will discuss your ESA50 form with you. Medical assessments are predominantly carried out at an assessment centre. If you require a home visit you will need to request this and provide medical evidence to demonstrate why you require this.

The test assesses your ability to carry out 17 physical and/or mental activities. Within each activity there are a list of 'descriptors' with scores ranging from 0 -15. The descriptors describe the activity at varying degrees of difficulty. You score points based on your limitations for carrying out that activity.

It is possible however, that more than one descriptor will apply to you. Where this is the case, the highest scoring descriptor is the one that will be applied. You can download these descriptors from the Employment and Support Allowance pages at www.nottinghamshire.gov.uk

At the end of the assessment your total score will be added up. To be assessed as having 'limited capability for work' you need to score a total of 15 points across the 17 activities. If you score 15 points you will continue to receive ESA. Not all 17 of the activities will necessarily apply to you. It is possible to score 15 points in just one single activity. The assessment will take into account your abilities when using any aid or appliance you would normally use.

The physical activities

The physical functions in the limited capability for work test are grouped into 10 different types of activity.

Examples include:

- Standing and sitting
- Reaching
- Making yourself understood through speaking, writing, typing or other means, unaided by another person

The mental, cognitive and intellectual activities

These functions in the limited capability for work test are grouped into 7 different types of activity. Examples include:

- Learning tasks
- Awareness of everyday hazards (such as boiling water or sharp objects)
- Coping with change
- Coping with social engagement due to cognitive impairment or mental disorder

The full list of the physical and mental activities can be viewed online or downloaded at www.nottinghamshire.gov.uk on the Employment and Support Allowance pages.

Some people are automatically treated as having 'limited capability for work', for example if you are terminally ill, have recently given birth, are a hospital inpatient or have severe problems with eating and swallowing (see page 3)

Limited capability for work-related activity

This is the second part of the test within the WCA. Once you have been assessed as having 'limited capability for work' (i.e. you have scored 15 points or more) you are then assessed to see if you also have a 'limited capability for work-related activity'.

This is used to determine whether you are placed in the 'Support Group' or the 'work-related activity group'. The group you are placed in determines both the amount of ESA you will be paid and the responsibilities you will need to meet in order to continue getting the benefit.

This part of the test has a separate set of 16 activities, relating to physical and mental functions. The activities include:

- Transferring from one seated position to another
- Reaching
- Appropriateness of behaviour with other people, due to cognitive or mental disorder

The test looks at whether any **one** of the 16 activities applies to you. If so, you will be treated as having 'limited capability for work related activity' and you will be placed into the support group.

The assessment usually takes into account your abilities when using any aid or appliance you would normally use.

Who is automatically treated as having limited capability for work related activity?

Some people can be automatically treated as having 'limited capability for work related activity' and placed in the support group. This occurs in the following circumstances:

- You are terminally ill
- You are due to receive, are receiving, or recovering from specific forms of chemotherapy
- You suffer from a specific disease or bodily or mental disablement and consequently there would be a substantial risk to the mental or physical health of any person
- You are pregnant and there would be a serious risk to you or your child's health

If you are not found to have a 'limited capability for work related activity', either by passing the test or on automatic grounds, you will be placed in the work-related activity group.

If you are placed in the work-related activity group you will be required to attend a 'work focused interview' following the assessment. You will then be expected to take part in a series of these interviews throughout your claim.

During the interviews you and a personal advisor will discuss work related activities and complete an action plan listing the steps you are willing to take to enhance your job prospects. You may be asked to undertake some work related activity, however you will not be asked to apply for a job or undertake any work.

Sanctions

You must attend both the initial work focused interview and the follow up interviews. If you fail to attend without good reason your ESA may be sanctioned and paid at a reduced rate or even stopped. Once you comply with the requirement your benefit will be paid in full.

Sanctions are applied only when you have been placed in the work related activity group and are not applied during the 13 week assessment phase.

However, if you fail to take part in the assessment phase (i.e. you fail to return the ESA50 form) your ESA can be stopped. You can challenge a sanction by asking for a 'mandatory reconsideration' of the decision (see page 4).

How much ESA do you get?

ESA is paid at different rates depending on your circumstances. You may be entitled to contributory ESA (based on your National Insurance contributions) or income related ESA (based on your income or your household's income if you live with a partner). In principle, during the 13 assessment phase you will be paid a basic weekly rate of ESA. This will then increase if you pass the assessment phase and the group you are placed in is decided.

See below for the rates of pay:

Weeks 1-13 (assessment phase)

Single

Under 25 £57.90

25+ £73.10

Couple

Both aged under 18 £57.90

Both aged 18+ £114.85

After week 13 (main phase)

Single

Under 25 £73.10

25+ £73.10

Couple

Both aged under 18 £114.85

Both aged 18+ £114.85

Once you have passed the assessment phase and are in the main phase of your ESA claim, you are paid the rates shown above plus the additional amount for the group you are placed into. The group amounts (often called components) are as follows:

Work related activity group £29.05

Support group £37.65

Please note: the work related activity Group component no longer exists for new claims made on or after 3rd April 2017.

If entitled to income related ESA, you may qualify for extra premiums as well as the rates shown above. Premiums include severe disability, enhanced disability, carers or pensioner premiums plus any housing cost to which you are entitled.

Can I work whilst claiming ESA?

You can undertake voluntary work for a charity or voluntary organisation and still be entitled to ESA. You must not however, receive payment for any work done. You will be treated as not entitled to ESA during any week in which you are in paid work unless it is treated as 'permitted work'.

You are allowed to try some work within limits without it affecting your ESA, providing any earnings are within ESA permitted work rules. Permitted work earnings are not treated as income and so will not affect the amount of ESA you get.

There 3 types of permitted work:

The lower limit - This allows you to earn no more than £20 per week (work has to be paid at national minimum wage or above).

The higher limit - This allows you to earn up to £120 per week and you must be working

under 16 hours (work has to be paid at national working wage or above)

Supported permitted work - This is work which is supervised by someone from an organisation which provides or arranges work for people with disabilities. You can earn up to £125.50 per week for an indefinite period.

Get advice if you are considering any form of work or training whilst claiming ESA to determine how it will affect your benefit.

How do I challenge a decision about my ESA?

You can challenge almost all ESA decisions including the imposing of a sanction. You can do this by asking ESA to reconsider a decision they have made either verbally, over the phone or in writing. This is called a 'mandatory reconsideration' and must be requested within 1 calendar month of receiving the decision notice. See our factsheet 'Challenging your ESA Decision' which is available on our benefit web pages at www.nottinghamshire.gov.uk

You will not be paid any ESA whilst the 'mandatory reconsideration' is processed. You may wish to consider claiming other benefits such as Jobseekers Allowance during this time.

If you need further advice on challenging a decision, you can contact Nottinghamshire County Council for more information using the details provided below.

Contact information:

Phone: 0300 500 80 80
Monday to Friday: 8am to 6pm
(Calls cost 3p a minute from a BT landline.
Mobile costs may vary).

Email: enquiries@nottsc.gov.uk
Website: www.nottinghamshire.gov.uk

Minicom: 01623 434993
Phone 0300 500 80 80 if you need the information in a different language or format.