

Employment Support Allowance

A Guide to Applying for
Employment and Support
Allowance



dish
benefits you

We have received support from the
 CambridgeShire
Community
Foundation

Disability Huntingdonshire

This booklet is designed to help you claim for Employment and Support Allowance (ESA).

It was produced by Disability Huntingdonshire (DISH). DISH provides information, advice and support for disabled people in Huntingdonshire and South Cambridgeshire. We also support you filling in forms, support you with benefit information and appeals.

This booklet will explain how to fill in each question. If you need help, you can contact us at:

0330 3553 256

info@dish.org.uk

We have received support from the Cambridgeshire Community Foundation.

Disability Huntingdonshire

Pendrill Court

Papworth Everard

Cambridgeshire

CB23 3UY

Contents

About this Guide - Page 4

Information about ESA - Page 5

The Application Process - Page 7

Outcomes of the Process - Page 8

Starting Your Application - Page 9

Help when Calling - Page 13

Assessment Process Basics - Page 14

'Activities', 'Descriptors', and Scores - Page 18

17 Activities - Page 19

The Total Score - Page 24

Placement in Groups - Page 26

Key Things to Think About - Page 27

How Your Condition Affects you - Page 30

Completing the ESA50 - Page 36

The Face to Face Assessment - Page 42

Your Rights - Page 48

The Decision - Page 55

Groups and Work Related Activity - Page 57

Sanctions - Page 59

Reassessment - Page 63

Unhappy with the Decision? - Page 64

Your Responsibilities - Page 67



About this Guide

Welcome to this Guide to applying for **Employment and Support Allowance**, ESA for short.

We've brought together all the information you need to get you through the application process, whether it's you going through it, or a relative or someone else that you are supporting or care for.

We've included some basic information in the guide on ESA itself, but our main focus is on the **Work Capability Assessment**, WCA, that everyone who applies for ESA must pass through.





**Basic
Information
about
ESA**





Basic Information

Who is ESA For?



ESA is for people who:

- Can't work because of illness or disability.
- Aren't getting Statutory Sick Pay.

ESA is for people of working age, which means it is for people between 16 and their retirement age.

Different Forms of ESA

ESA comes in two forms:

Income related, which is means tested.

Contribution based, which is based on you having paid enough National Insurance contributions.

The type of ESA you get will depend on a range of factors that we cover at the end of this guide.

The Application Process

Your application will involve the following two stages:

1. An **initial application** over the phone or by post.
2. An assessment of your capability to work, (the **Work Capability Assessment**), which will involve you:
 - Completing a **medical questionnaire**, the ESA50 form.
 - For most people, attending a **face to face interview**.
 - The DWP **making a decision** on your claim.

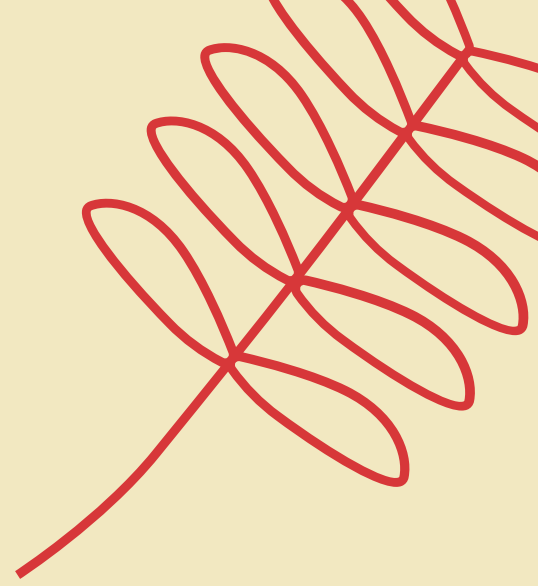
Outcomes of the Application Process

There are three possible outcomes at the end of the application and assessment process.

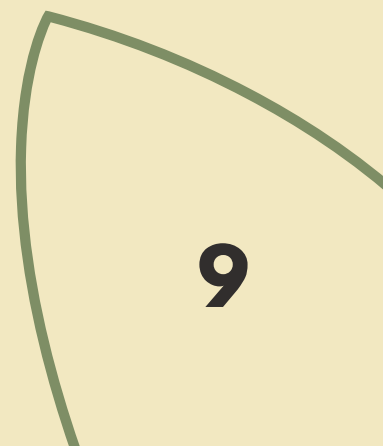
The first outcome is that you are found **fit for work** and fit to look for and apply for work. This means that you will not be claiming ESA but another benefit instead.

If you are found to be **not fit for work**, you will be claiming ESA. There are then two possible further outcomes:

- You are found fit to take part in work related activity, this means being placed in the **'Work Related Activity Group'** and being required to undertake some activities in preparation for being able to work at some point in the future.
- You are found not to be able to undertake work related activity, and are placed in the **Support Group**.



Starting Your Application

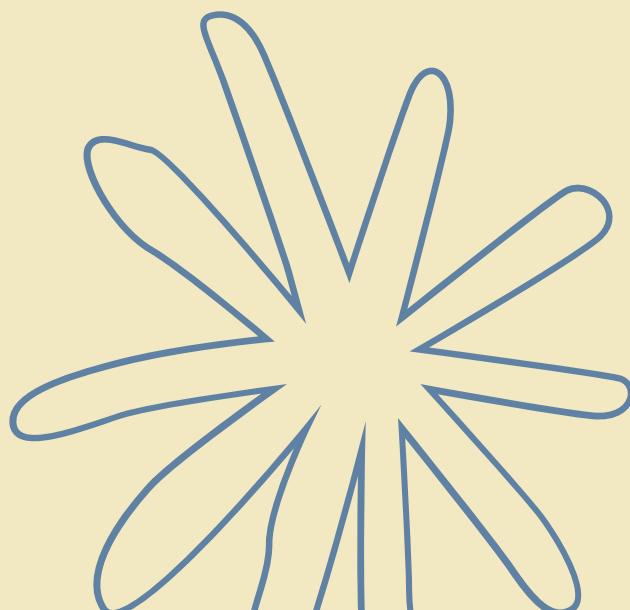


Starting Your Application

You can start your application for ESA in one of two ways:


1. By calling the DWP **by telephone** on 0800 055 6688 (Welsh language line 0800 012 1888), or by textphone on 0800 023 4888.
2. By printing out the ESA1 form from **your computer**, completing it and sending it to the address on the form, or taking it to your local job centre.

The DWP say that the **quickest way** that you can make a claim is by phone.




Whether you apply over the phone, or via the form, you will be asked a **number of questions** relating to:

- Details about you and your partner.
- Basic information about your illness and or/ disability.
- Your previous employment.
- Other benefits or statutory support that you claim or have recently claimed.
- Whether you have spent time abroad.
- Pensions or health insurance payouts that you are receiving.
- Your recent educational experience.
- What savings and other financial assets you have.
- Whether you own or rent your home.
- The other people living in your house.
- Any other income that you have coming in.



You will need to **have the following ready** with you when starting a claim over the phone:

- Your own contact details.
 - National Insurance number.
 - Medical certificate.
 - GP's address and phone number.
 - Your council tax bill.
 - The contact details for your last employer, and your dates of employment, or the last date on which you worked.
 - Your bank account details.
 - Details of any other money that you are getting.
- 

Help When Calling

You can get someone to **call on your behalf**, but you should be with them when the call is made, so that the DWP know that they are genuinely helping you, unless you have completed and returned a mandate form to allow them to speak on your behalf.

You can also get someone to complete the written form on your behalf, though you must sign it.

Checking Details

If you make your claim by phone, the DWP will send you details of the information you provided to them. If any details are wrong you must contact DWP straight away.

Rate of Pay

Whilst your claim is being assessed, you will be paid at what is called the 'Basic Rate of ESA'.

Assessment Process Basics

The Work Capability Assessment (WCA) process involves three stages:

- Your completing of a medical questionnaire, the ESA50 form.
- For most people, attending a face to face assessment.
- A DWP decision maker deciding on the outcome of your claim, based on the recommendation of the assessor.

The ESA 50 Form

The WCA process starts when the DWP sends you the ESA50 form, which asks about the impact of your health/conditions on your ability to carry out a range of activities.


Face to Face Assessment

Not everyone has to go through a face to face assessment.

You will not be asked to attend a face to face assessment if the fact that you are not fit for work or work related activity can be clearly established from your medical questionnaire alone.


This may be because you have a particular condition or disability, or you are undergoing certain treatments whose impact the DWP understands will mean that you are neither fit for work or work related activity.

You will not be found to be fit for work without at least being offered a face to face assessment.



The whole Work Capability Assessment process should be completed within 13 weeks of you starting the claim. There have been delays in the time taken to carry out the face to face assessment for some people, but the DWP is working with its healthcare provider to speed up the process.

How Your Claim is Assessed



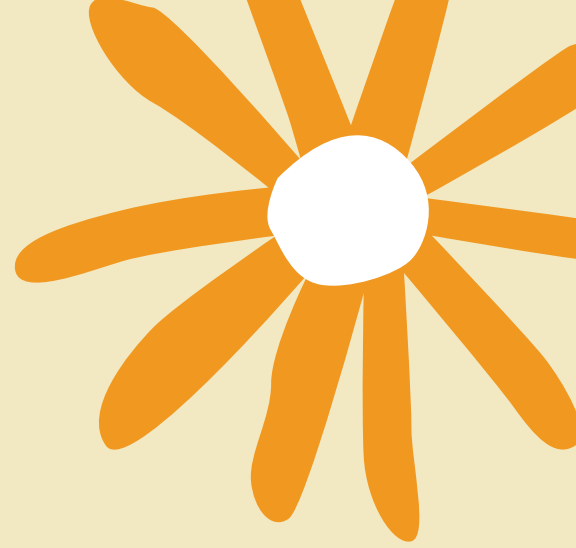
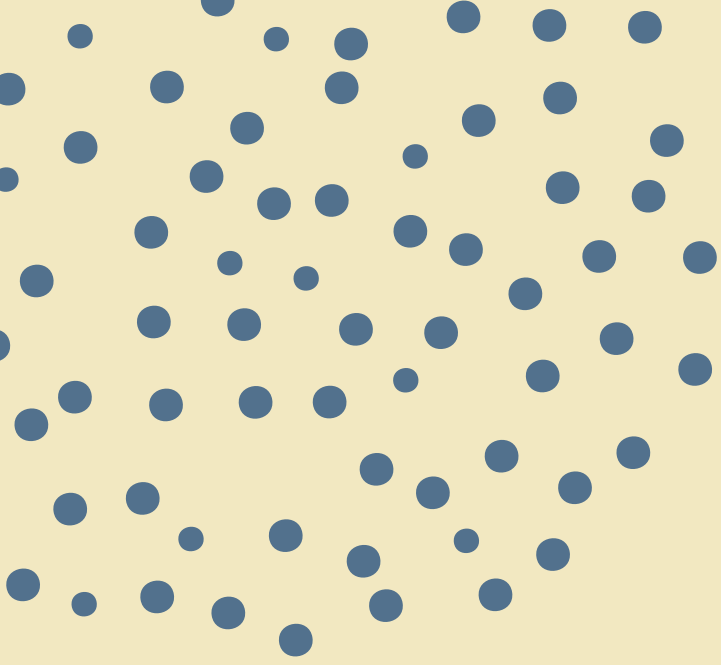
Before you start filling in your medical questionnaire, or thinking about your face to face assessment, it is important that you understand how your claim is assessed.

The assessment is carried out by a medical professional employed by Maximus, a company that has been contracted by the Government to do so.

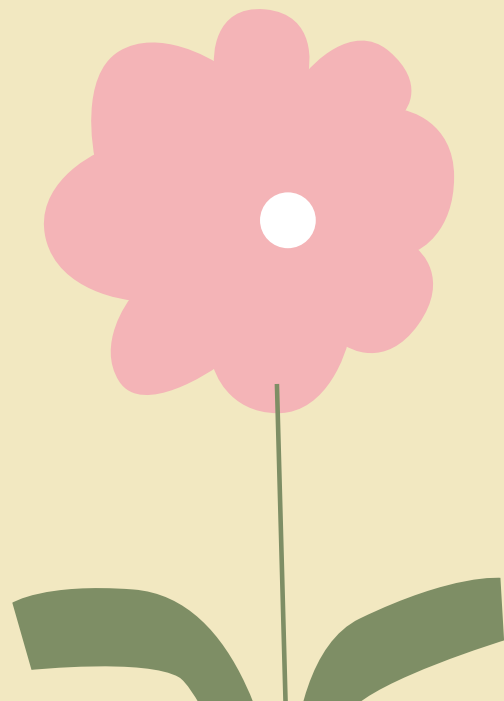
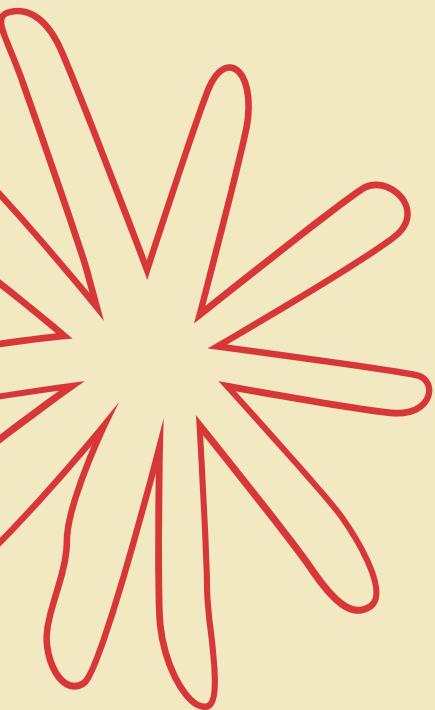
He or she does not make the final decision on your claim, but makes recommendations to a decision maker employed directly by the DWP.

Each bit of the process is important to the final result. When making their recommendation, the assessor will consider:

- Everything that you write on the medical questionnaire.
- All the evidence that you send with the questionnaire or provide at the assessment.
- The answers you give at your assessment.
- Any other evidence they may have from other sources.



‘Activities’, ‘Descriptors’ and Scores



17 Activities

When making their assessment, the assessor looks at 17 different activities that you might be asked to carry out, or issues that you might face, if you were in a job or undertaking work related activity. These look at physical issues connected with your disability or condition, and mental, cognitive and intellectual function.

In plain language, the physical activities are:

- Moving around and using steps.
- Your comfort sitting and standing.
- Reaching.
- Picking up and moving things.
- Using your hands.
- Making yourself understood, by speaking, writing or typing.
- Understanding verbal communication.
- Navigating safely.
- Managing continence.
- Staying conscious whilst awake.

The mental, cognitive and intellectual activities are:

- Learning tasks.
- Awareness of hazards or danger.
- Starting or finishing tasks.
- Coping with change.
- Getting about.
- Coping with social engagement.
- Behaving appropriately.


The assessor will also look at whether you are capable of feeding yourself, and any difficulties you experience in chewing or swallowing.

Descriptors and Scores



For each of these activities, the assessor looks at which of a number of 'descriptors' best describes your situation. Each of these descriptors has a score attached, between 0 and 15.

You can see what this means in more detail by looking at the descriptors which relate to the physical activity 'using your hands', and to the mental, cognitive and intellectual activity, 'coping with change'.



Using Your Hands (Manual Dexterity):

- You cannot **press a button**, such as a telephone keypad or cannot turn the pages of a book with either hand- you score 15 points.
- You cannot **pick up a £1 coin** or equivalent with either hand- you score 15 points.
- You cannot **use a pen or a pencil** to make a meaningful mark- you score 9 points.
- You cannot **use a suitable keyboard** or mouse- you score 9 points.
- **None of the above apply**- you score 0 points.

Coping with Change

- You cannot **cope with any change** to the extent that day to day life cannot be managed- you score 15 points.
- You cannot cope **with minor planned change** (such as pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall, day to day life is made significantly more difficult- you score 9 points.
- You cannot **cope with minor unplanned change** (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult- you score 6 points.
- **None of the above apply** - you score 0 points.

The Total Score

At the conclusion of the assessment, the assessor will have a score, on which they base their recommendation to award you ESA or not.

- If you score a total of **15 points or more**, you are found to have limited capability for work. This means that you will be paid ESA.
- If you score **less than 15 points**, you will not be paid ESA.

The score is worked out by adding together the highest score under each of the activities.

You can get to a score of 15 points by having a disability or health condition which has **a significant impact on lots of aspects** of your life, or by having a disability or health condition which has **a very limiting impact** on one aspect of your life.

Once you've been found to have limited capability for work, the assessor considers whether you have limited capability for work related activity, in which case you are placed in the Support Group.

This is done by considering whether any of a particular set of the 15 point descriptors apply to you. For example:

- In relation to the 'using your hands' activity, you would be found unfit for work related activity if **you cannot press a button**, such as a telephone keypad or cannot turn the pages of a book with either hand.
- In relation to the 'coping with change' activity, you would be found unfit for work related activity if **you cannot cope with any change** to the extent that day to day life cannot be managed.

The amount of ESA you will receive depends on whether you are placed in the Work Related Activity Group, or the Support Group.

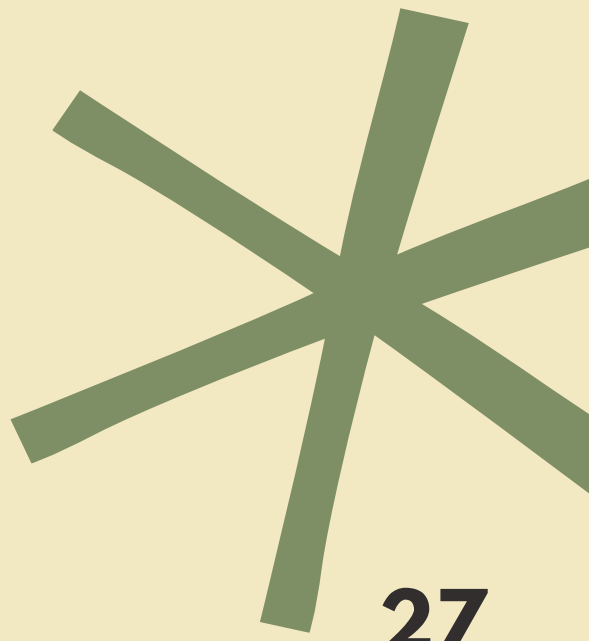
Extra Questions for Placement in the Support Group

The assessment process also looks at three further areas relating to your daily life; maintaining personal hygiene, eating and drinking, and communicating. People who face severe difficulties in respect of any of these activities are placed in the support group, examples of such severe difficulties are given below:

- **Maintaining personal hygiene.** Example: you cannot clean your torso (excluding back) without physical assistance.
- **Eating and drinking.** Example: you cannot convey food or drink to mouth without physical assistance.
- **Communicating.** Example: you cannot make yourself understood to others due to disassociation from reality due to severe disorder of mood or behaviour.



Key Things to Think about Throughout the Assessment



Understand The Meaning of the Questions Asked

Whether on the medical questionnaire, or in the face to face assessment, never answer a question before thinking carefully about what it actually means.

In a face to face assessment, **if you don't understand the question**, ask the assessor to repeat or explain it.

Think About How It Feels When You Carry Out an Activity

When someone asks you if you can do something, giving an answer isn't always easy. You may say that you can, because at one level that's true, and you will get the task/activity done if you have to.

However, you might find the task **painful, stressful, or exhausting**.

The assessor has to look at **how you carry out a specific task**, not just if you can do it. If you can't do it without considerable pain, stress, or if doing it tires you out, you need to **make that clear**. To be assessed as being capable of doing something, you need to be able to carry out it out safely, to a reasonable standard, repeatedly and within a reasonable length of time.

The **Work Capability Assessment** is about work. It assesses whether you are capable of holding down a job, essentially whether you are capable of working a 24 hour week. You need to think about whether you could manage to carry out certain activities across the whole of a working week, or whether carrying out an activity repeatedly on one or two days might leave you too exhausted to do it again later in the week.



Think About How Your Condition Affects You

You may find that your **condition varies over time**, even during a single day. On some days, perhaps for days on end, you may find yourself able to carry out certain tasks. When your condition is at its worst, you may find those tasks impossible. Those difficult times may last a day, or for days on end.

Because your condition varies, more than one descriptor attached to an activity might apply to you over time. The assessor must take into account how your condition affects you for **the majority** of the time.

That means that the good or bad luck of how you feel on the day of the assessment should not determine the result that you get.

In practical terms:

- You need to make clear on your form, during your face to face assessment, and through the supporting information you submit, how the impact of your health condition/disability **varies day to day**.
- In particular, you need to be clear how your condition/disability **affects you on your worst day**.
- You should make sure that anyone providing written evidence to support your claim includes information about how your condition varies and affects what you can do.



You may find it useful to **keep a diary** of the way your condition/disability affects you. This help you identify the impact on you of carrying out a task, for example if you do a lot of an activity one day, does that leave you exhausted the next or next few days? It may also help you identify the impact of treatment on one day over the days that follow. This could include being left exhausted by the effort of being engaged in counselling.

Think About How Your Treatment Affects You

You may be receiving a variety of different treatments for your health condition/taking a variety of different medication to help you cope with it. Treatment programmes and medication may have side effects. You should be clear at all times in the assessment process about how any side effects impact on you.

Think About How Your Mental Health Affects You

At first sight, some of the ‘mental, cognitive and intellectual’ activities on which people are assessed might seem most relevant to people who have learning disabilities, neurological conditions or brain injuries.

However, the **impact of mental health problems** may be relevant to all these activities on which you will be assessed. Depression, for example, can affect the way you remember things, your concentration, and your motivation to complete tasks.

Mental health problems may vary in their impact over time. You need to describe that variation and what it means in concrete terms on your good days and bad days.

Give Enough Detail and Use Real Life Examples

You should **give enough detail and use examples from real life** in all your answers on the medical questionnaire and at the assessment. For example:

- If an activity causes you pain, make sure you explain where it affects you, what type of pain it is, and how severe it is.
- When thinking about any difficulties standing up, use an example of how you feel in a specific situation, for example boiling a kettle.

When talking about communication and understanding, be clear about the barriers that you face to being understood.

There are also specific things that you should make clear, for example:

- If you can only swing on crutches rather than walk with the help of crutches you are assessed as if you can't walk.
- If you struggle with balance when you are walking or standing, make that clear.

Answer Honestly and Accurately

You may be used to **hiding the full impact of your disability** and health conditions from other people. When people ask you how you are, you may often say 'Not so bad'. You might find it **difficult to admit** to yourself and others that things are as difficult as they actually are.

When you apply for ESA you should not put on a brave face, but should **be honest about the impact of your disability** and health conditions on your life. The information that you provide is confidential and will only be used to assess your entitlement to ESA.

Keep Copies



You should keep copies of:

- Your medical questionnaire/ESA50 form.
- All written evidence that you send in with the form, or give to the assessor at the face to face assessment.

Completing the Medical Questionnaire - the ESA50

Getting the ESA50 form completed properly is the first step to being able to claim Employment and Support Allowance.


The form is quite long, 27 pages, but you should not be intimidated by it. The questions in the form are simple, but you must think carefully about how you answer them. Your answers are the starting point for the assessor if you have a face to face assessment. If you do end up appealing against a decision on your claim, the ESA50 will be a key part of that appeal.

You must complete the form and return it to the DWP by the date on the letter. If you do not return the form on time, your ESA payments will stop.

The first sections of the form ask you some basic questions about your contact details. Later on you are asked for contact details for your GP and anyone else who is giving your treatment.

The form also allows you to:


- Make sure that someone else is told about your assessment date instead of you. You might find this helpful if you have trouble making sure that you remember or attend appointments.
- Tell the DWP about **any particular help you may need** when getting to face to face assessment or once you are in the assessment. This might relate to access issues, for example getting up and down steps, or whether you might need a sign language or other interpreter.



You are also asked to give **basic information** about the condition(s) that affect you. If you have suffered an event that has damaged your health, such as a stroke or heart attack, the form asks you to indicate the date on which it occurred. The form asks you to:

- List any **medication** that you are taking,
- List any **treatment** that you are receiving, including clinical or hospital treatment, have recently received, or expect to receive in the future.
- Indicate if you are currently receiving any treatment for **drug or alcohol issues**.

The form then goes on to ask you a set of questions about how your health condition or disability affects your ability to **carry out different activities**. The list of activities about which you will be asked is very similar, though not identical, to the seventeen activities set out above.



Most of the questions ask you to answer Yes, No, or 'It Varies' to a statement about what you are able to do. You also get the opportunity to provide more information about how your condition affects you in respect of specific activities. You should use this opportunity to **give as much detailed and accurate information** as you can about the impact of your health condition.

There is also a section in the end in which you can provide further information.

If you aren't sure about how to complete the form, it is a good idea to seek help.

You may be able to get help from your local CAB, another local advice centre, or from your local council.

Information about where to get help is available from **the CAB** and **Advice UK**.

If you don't want face to face advice, but could do with a steer about what to say in your form, nawra.org.uk has some specific tips relating to each question on the form.

Please remember that you cannot delay completing and submitting the ESA form simply because you need advice to do so.

Collecting Evidence

You are encouraged to submit any **medical reports** that you may have along with your ESA50. Bear in mind that:

- You may be charged by your GP to get a medical report from them.
- You should make reference to the supporting evidence that you have on the form itself.
- You should take a copy of the form and any supporting evidence that you submit.

What Happens Next

The medical questionnaire and your supporting information will be reviewed by the assessor, who will decide whether or not they have enough information to place you in the Support Group without you having to undergo a face to face assessment. Most people are in fact called for a face to face assessment.

A few weeks after you have sent the medical questionnaire back, you will be informed by letter that you are being called to a face to face assessment. You will then be called and offered a date, which you can change if it isn't suitable for you. The date and venue will be confirmed by letter.

It is important to realise that the face to face assessment is **a standard part of the process**. Being called for a face to face assessment does not mean that the information that you have submitted has not been believed, nor that you are unlikely to get ESA.



The Face to Face Assessment

The face to face assessment is not like a normal appointment with a GP, a physio or another health professional.

The assessor is not trying to diagnose your condition, or work out how best to treat it. He or she is simply interested in **the impact that your condition has on you**. This means that they will ask you a **different type of questions** than you would expect if you were seeing your GP or other health worker.

Sometimes the face to face assessment will involve a physical examination. Often, however, the assessor will just want to ask you questions. The assessor **cannot ask you to complete a task** as part of a physical assessment that will cause you pain.

You also have the chance to give your assessor **any further supporting information** at this point, for example reports from health professionals, which he or she will take into consideration.

It is important to realise that the assessor also uses **observations of your behaviour** from the time at which you arrive in the assessment centre in making his/ her recommendation.

For example, they will observe if you respond when your name is called to go to the assessment room, whether you have help getting up from the chair in the waiting room, and how you walk to the room where the assessment is held.

Some of the questions may focus on how you have **prepared for coming to the assessment**, and how you have got here. Travel to the assessment is particularly important, because the assessor will be interested in how well you can get around. If you have walked some distance from a bus stop or car park to the place where the assessment is taking place, it is unlikely that you will score highly on the mobility activity.

Practicalities

Venue

The face to face assessment will usually take place in a one of Maximus' assessment centres, which are situated in most major towns and cities across the country. **You can request a home visit**, rather than to attend an assessment centre, if:

- You live more than 90 minutes travel by public transport from the assessment centre.
- You are not fit for travel. In practice this means thinking about whether the GP would usually visit you, rather than you visit his surgery, and you will need a doctors letter to back this up.

Travel and Expenses

You will be able to claim back **reasonable expenses** in relation to attending the face to face assessment. These can include:

- Travel costs.
- Taxi fares where other options are not appropriate and you discuss this in advance with the DWP, and have a doctor's letter to back this up.
- Other travel related costs, including parking, tolls and congestion charges.
- Child care costs for young children, if someone has to look after your child or children whilst you are at the assessment.

If you need someone with you, you can claim for their travelling costs. **No other costs can be claimed back**, for example for meals or loss of earnings.

You should ask for a **travel reimbursement claim form** at the assessment if you do not have one, and make sure you keep bus/train tickets/receipts or parking tickets/receipts for both yourself and anyone who accompanies you.

Planning your Travel

Plan your journey to the place where the assessment is being held in advance. Your appointment letter should contain a map.

- If you are using public transport, be clear about the times, numbers and destinations of the buses or trains you will be using.
- If you are travelling by car, be clear where you will park.
- Have a street plan with you that shows where the assessment will take place, so that you know how to get from your bus stop/train station to where the assessment is being held.
- Know how long it will take you to get from the bus stop/train station to where the assessment is being held.

It is very important that you do not arrive late for your assessment.

If you can't make it to the appointment you **must let the DWP know**. If you do not, and you do not go, your benefit will be affected and may be stopped until you do attend an assessment. You will not usually be able to cancel more than one appointment without it affecting your benefit.

Your Rights

Your Right to Be Accompanied

You have the right to be accompanied at your assessment. You can ask a relative, friend, carer or a paid advocate or other professional working with you to attend.

They can simply be present to give you reassurance, or can speak on your behalf in the assessment, or take part in some other way, if you wish them to do so.

Your Right to Interpretation Support

You have the right to interpretation support if:

- You struggle to communicate in English.
- You are deaf, and wish to communicate in BSL.
- You prefer that the assessment is carried out in Welsh.

You should contact the assessment company's customer service centre on the number given on the appointment letter if you wish to have interpretation support.

Your Right to Record the Assessment

The assessment isn't recorded by the assessor. You can audio record the assessment, but **you must inform the assessor** before you attend the appointment that you will be doing this. If you try to record the assessment secretly, you may have your claim turned down automatically.

Unless you are able to provide a full and accurate copy of the recording to the health professional at the end of the session, either on CD or audio cassette, your request to record it will be refused. You cannot video record the assessment.

Your Right to Complain about the Assessment

Maximus have strict customer service standards that they must stick to under their contract with the DWP.

If you are unhappy about the way in which your assessment has been carried out, **you have the right to make a complaint.** Details of how to make a complaint are found on the letter confirming your appointment.

Preparing for the Face to Face Assessment

Documents

It is a good idea to have taken a **photocopy** of the initial application form that you submitted, and of any written evidence that you have from your doctor or other health or support worker.

You should reread these before the assessment. They are the background information that the assessor will be using.

It is possible that your **condition has changed** since you submitted your application, in particular, it may have worsened. If you can, ask your doctor, or other health worker to write a letter about that change, which you should then bring with you to the assessment.

If you feel that there was **more supporting evidence** that you could have provided in your application, bring the relevant documents with you. The assessor will take a copy of these, and consider them as part of the process.

This information might include:

- Information about repeat prescriptions.
- A medical records summary from your GP who should be able to print it there and then.
- Any letters that show that you are getting support from an organisation in relation to your disability or health condition.

Being Ready for the Questions

So that you don't forget to mention them, make a list of:

- Your health conditions and your disabilities.
- The ways in which these conditions and disabilities impact on the activities looked at by the assessment.

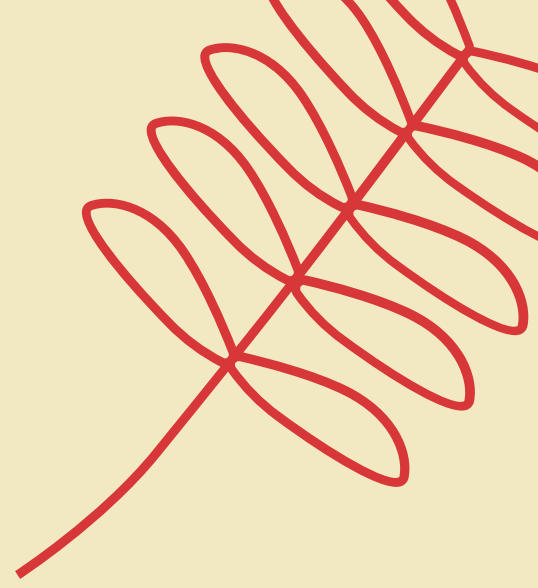
You might find it helpful to use an online ESA tool to help you think through the things that you want to communicate to the assessor. You can save the key points that you want to get across and print them off, or take them with you on your mobile phone or tablet.

The assessor will ask you a number of questions about the **impact of your condition/ disabilities on your life**. The questions you are asked won't generally be straightforward repeats of the descriptors and activities.

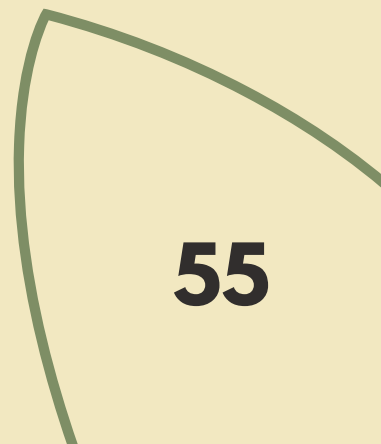
They are more likely to be **open questions about how you cope with undertaking activities**. You may be asked something simple such as whether you can make a cup of tea, this would be asked to see if you are able to pick up things like a carton of milk. These are not trick questions, the assessor is just trying to find out how your condition affects you.

Some activities are often **not well covered in questions**. Questions on appropriate behaviour often focus on aggression, but appropriate behaviour is also about control over emotions, levels of friendliness and inhibition, or issues such as panic attacks. If you are not sure what a question means, ask the assessor to explain, and take your time answering.





The Decision



Once you have been assessed, the assessor will look at your application, all the additional information submitted, and review the answers you have given in the assessment.

They will then write a report, which will be sent to a decision maker at the DWP, who will check that everything has been done correctly.

The decision maker will then decide your application in **one of three ways**:

- You will be found **fit for work** (and be required to look for work). You may then be entitled to another benefit such as Job Seekers Allowance, Income Support or Universal Credit.
- You will be found **fit to take part in 'work related activity'**. This means being placed in the 'Work Related Activity Group'.
- You will be found **unfit to take up work** or take part in work related activity. This means being placed in the 'Support

The DWP will write to you to tell you what decision they have made on your application, and the amount that you will be paid.

They will give you an explanation of why they have come to that decision. This will include setting out the points that you received in the assessment as a whole and under each activity.

Work Related Activity Group v Support Group

There are three areas in which the difference between being placed in the Work Related Activity and the Support Group is particularly important:

- Being required to carry out work focused interviews and work related activity.
- Sanctions.
- Claiming contribution based and income related ESA.
- The amount of ESA that you will be paid.

Work Focused Interviews/ Work Related Activity

If you are placed in the Work Related Activity Group, you will be called to attend a work focused interview.

The aim of this interview is to **identify the steps** you could take to prepare yourself to apply for or take up a job in the future. You may be asked to take part in a number of work focused interviews over the time that you are claiming ESA. Based on the work focused interview, you may be asked to take part in a variety of work related activities. These may include taking part in voluntary work, work trials or a training programme. You will not have to apply for jobs, or undergo any type of treatment.

If you are placed in the Support Group, you do not have to take part in work focused interviews, or any work related activity.

Sanctions

Benefit sanctions are intended to make sure that you undertake any work focused/work related activity that is required of you as a condition of claiming ESA. A **sanctions stops or reduces the amount of benefit** that you receive.

If you are placed in the Support Group, **you cannot be sanctioned** as no such work related activity is required of you.

If you are placed in the Work Related Activity Group, failure to attend a work focused interview, or to undertake a work related activity that you have been asked to do will mean that you will be sanctioned.

You **may have good cause** for not attending/ not undertaking an activity, you must make the Job Centre aware of that as soon as possible to avoid having a sanction applied.

Sanctions are applied until you attend another work focused interview, plus a period of 1,2, or 4 weeks, dependent on whether this is the first, second, third or more time that you have been sanctioned.

You can **appeal against a sanction**, see below for more information about appeals.

Contribution Based and Income-related ESA

Contribution based ESA is paid to ESA claimants who have paid enough National Insurance contributions.

If you are placed in the Work Related Activity Group, your claim for contribution based ESA is limited to 365 days. If you are placed in the Support Group, that time limit does not apply.

Income-related ESA is paid to people whose income (looking at their income plus their partners), and level of savings is low enough. What you receive is decided by the Government working out how much you need to live on, and paying you ESA to make up your income to that amount. In some circumstances income-related ESA may also be used to top up your contribution based ESA.

You cannot claim income-related ESA if you have **savings of over 16,000**, or your partner **works more than 24 hours** per week.

You can claim income-related ESA without time limit, although you may of course have your entitlement to ESA reassessed at some point.

Payment Rates

Working out how much ESA you are entitled to claim can be complicated, particularly if you are claiming income based ESA. What follows is the most basic information that we can provide.

Whilst you are in the assessment process you will be claiming **the assessment or basic rate of ESA**.

This is usually paid at £57.90 per week if you are under 25, £73.90 per week if you are over 25.

Once you have your decision, if you are being paid contribution based ESA, you will be paid an additional £29.05 on top of the assessment rate if you are in the work related activity group, and £36.20 if you are in the Support Group.

If you're in the support group and on income-related ESA, you're also entitled to the Enhanced Disability Premium at £15.75 a week.

The calculation of how much income-related ESA you should receive is more complex, and depends on your household income, whether you live with a partner, how old you (and your partner are), and whether you are a single parent.

Reassessment

The assessor will include within their report a recommendation about when they think it is possible that you will be **once more fit for work**/to apply for a job, or when you may be able to engage in work related activity.

You may be called for reassessment in the future based on this recommendation, or if the decision maker believes that your circumstances may have changed.


Unhappy with the Decision?

First Steps

You may be **unhappy with the decision** that you get from the DWP. Your next step is to request what is called a **'mandatory reconsideration'**.

This means **formally asking the DWP to look again at their decision**. The quickest way to do this is by phoning the DWP. If you do not want to call them, you must write to the address on your decision notice. You need to explain to them why you do not agree with the decision, you can also include further supporting information.

If you are unhappy with the decision that you have received, **you need to take action quite quickly**. You only have one month from the date of the decision letter to ask for a mandatory reconsideration.




During the reconsideration process, the DWP will attempt to phone you to ask about your request. They may ask for further information and they will explain their decision. If they can't get hold of you by phone, the DWP will then review its decision, and write to you to tell you what that decision is, and to explain why they have reached it. They will send you **two copies of their decision in a mandatory reconsideration notice.**

Appeal


If you are still unhappy with the decision you have received, you can appeal against it.

Again, you need to act quickly. You must make your appeal in writing or on form SSCS1 within one month of the date of the letter telling you the result of your mandatory reconsideration.



You send the appeal to **HM Courts and Tribunal Service** not the DWP. You must include a copy of the DWP's mandatory reconsideration notice with your appeal form/letter.

We recommend that you get support from CAB or another advice agency when asking for a mandatory reconsideration. We even more strongly recommend that you seek such support if you are appealing against a decision.



Details of how to find advice services are available from **the CAB** and **Advice UK**. Your support worker, health worker or social worker may be able to refer or point you to local support.

Appealing Sanctions

The process for appealing sanctions involves the same mandatory reconsideration and appeal stages.

Your Responsibilities

- You have the responsibility to report to the DWP if something changes in your circumstances that affects your entitlement to ESA. That includes things like your condition changing, for better or worse. You should also inform the DWP if you move house.

You can report changes by contacting the DWP ESA helpline:

- By telephone on 0345 608 8545 (Welsh language line 0345 600 3018).
- By textphone on 0345 608 8551.

If you do not report changes to the DWP which cause your ESA to be overpaid, you will have to repay the benefit overpaid, and may be liable to a civil penalty.

Deliberately concealing changes from the DWP, or deliberately submitting false information at any point in the assessment process is benefit fraud, a criminal offence, with criminal penalties attached.