

## **Employment and Support Allowance ESA**

### **Contributions Based (CB)**

ESA(CB) is a benefit paid if your ability to work is limited by ill health or disability and you have made enough National Insurance contributions.

### **Contributory ESA**

Contributory Employment and Support Allowance ESA is linked to your National Insurance Contribution record. It replaces Incapacity Benefit, which was also a National Insurance benefit. To be entitled to Contributory ESA, you must have paid National Insurance contributions over a number of years, from before the age of 20 (or 25 if you have been in education or training). It may not be necessary for you to satisfy these contributory conditions. A time limit of one year now applies to certain Contributory ESA claimants.

### **Income- Related ESA**

Income-related ESA no longer exists and has been replaced by Universal Credit(Sickness Based).

### **What are the rules for ESA(CB)**

The following rules apply to all ESA claims:

- Be at least 16 years or over.
- Be under pensionable age.
- Undergo a 13 week assessment phase.
- And satisfy one of the following:
- A contributory test.

### **Residence and presence tests for ESA**

Contributory ESA – you must be present in the UK

### **How to apply for ESA(CB)?**

You will be expected to provide medical certificates (fit notes) to make your claim. If you don't already have one, contact your GP. The next step is to call the DWP National Contact Centre on **0800 055 6688** to start your claim. If you are unable to use a telephone you can make a claim by completing a printed form available from your local Jobcentre (**ESA1**).

## What happens after the initial application?

When someone applies for Employment and Support Allowance they will enter a 13 week assessment phase. This applies to all new ESA claimants with the exception of those who are terminally ill. The assessment period usually takes place over a 13 week period but can be longer. During this assessment period claimants undergo a work capability assessment and a work focused interview.

## The Work Capability Assessment

The Employment and Support Allowance Work Capability Assessment will determine whether you are eligible for ESA and the amount you will receive. The assessment will be carried out by a health care professional working on behalf of the Department for Work and Pensions. It is intended to:

- Find out whether you have a 'limited capability for work'
- Find out whether you have a 'limited capability for work-related activity'

**There are two parts to the Work Capability Assessment:**

### Limited Capability for Work Test

The test for limited capability for work has some similarities to the incapacity benefit personal capability assessment. Points are scored on your ability to carry out a range of physical or mental health activities as appropriate. You score points according to your inability to carry out these tasks. **If you score 15 points you are deemed to have limited capability for work and can remain on ESA and will be placed in the Work Related Activity Group.**

### Limited Capability for Work-Related Activity Test

This is the test to establish whether a claimant's capability for work related activity is limited by their physical or mental condition and if so whether the limitation means that it is not reasonable to require them to undertake such an activity. The test has a list of descriptors relating to both physical and mental functions. If at least one of them fits, you will be placed in the support group of claimants. **This means that you will be entitled to the additional support component when you go into the main phase of ESA at week 14 and will not be obliged to participate in work related activity and you will be placed in the Support Group.**

As such, it may be viewed as an assessment of what a claimant may be able to do in terms of employment now or in the foreseeable future. The information collected at this assessment is put into a 'capability report' which is used in the work-focused interview.

Some people may not have to attend the full Work Capability Assessment, this will include individuals with a terminal illness and those that can be identified as having limited capability for work or limited capability for work related activity without the need for them to take part in the full assessment. Clients who are terminally ill will be fast-tracked into the support group of

Employment and Support Allowance so that they can receive all entitlements as quickly as possible. They will not be required to participate in a work focused health related assessment or any other work related activity.

### **Repeat Claims for ESA**

Claimants who have been found not to have limited capability for work (sometimes known as being fit for work) following a Work Capability Assessment (WCA), will not be paid the ESA assessment rate for a repeat claim unless they have developed a new condition or an existing condition has significantly worsened. Where someone makes a repeat claim for ESA and there is no change in their health condition, the DWP decision maker will be able to use evidence from their previous WCA when considering whether to disallow the claim immediately, or to refer them for another WCA. Claimants will not receive ESA payments for the assessment phase in these circumstances. This does not prevent someone from making another claim to ESA. It also does not prevent someone whose condition has significantly worsened or who has developed a new condition, from being entitled to ESA during the assessment phase.

### **How much will I get?**

#### **Assessment Phase**

|  |                  |
|--|------------------|
| Single aged under 25 or lone parent under 18 | £57.90 per week  |
| Single aged 25+ or lone parent aged 18+      | £73.10 per week  |
| Couple both over 18                          | £114.85 per week |

#### **Main Phase**

|                                   |                  |
|-----------------------------------|------------------|
| Single/lone parent (all ages)     | £73.10 per week  |
| Couple                            | £114.85 per week |
| Work-related Activity component # | £29.05 per week  |
| Support Group component           | £38.55 per week  |

**# Pre April 2017 claims only**

Link to Employment and Support allowance on DWP website:

<https://www.gov.uk/employment-support-allowance/overview>