

The Employment and Support Allowance

Focus on the benefit system

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The Employment and Support Allowance (ESA)

replaces

- Incapacity Benefit,
- Severe Disablement Allowance
- Income Support for incapacity

for new claims
from October 27th 2008

Permitted Work rules changed
Linking rules slightly different

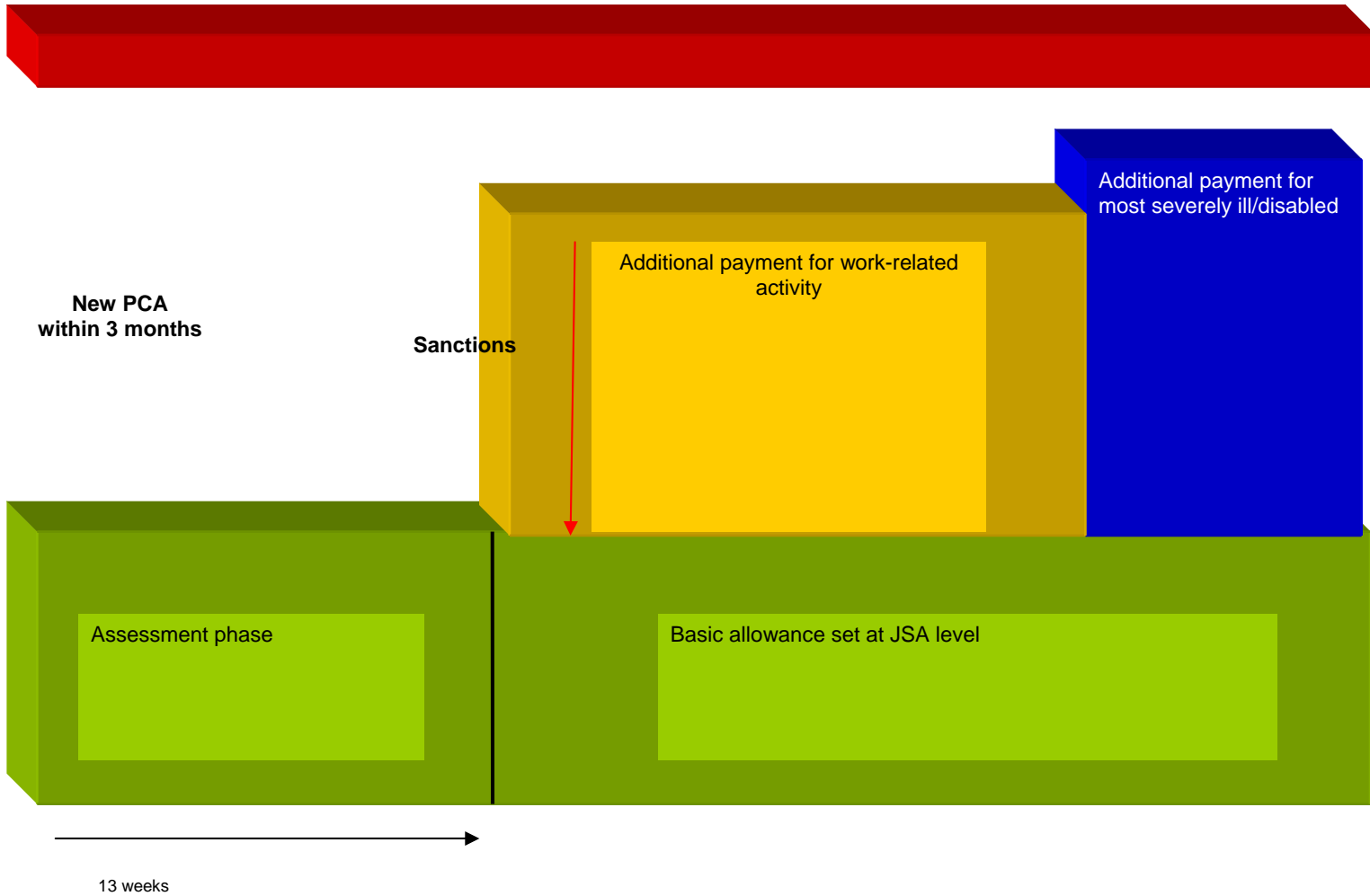
Part of Government Welfare
Reform plans :

- Introduction of ESA

Review of:

- Personal Capability Assessment, criteria and points for entitlement
 - Self assessment form
 - Form for medical evidence
- Pathways to Work programme

Extra premiums (EDP/SDP) where appropriate



June 2008

Employment and Support Allowance paid according to four criteria

**Pass the assessment for ESA
(most people) =**

Work-related Group

**Then qualify for contribution based ESA if have sufficient NI contributions (like IB)
or first claim under 25 years of age**

**OR if not
Qualify for
Income based ESA if income below minimum level (like Income Support)**

Pass the assessment for severely disabled (small number) =

Support Group

**Then qualify for contribution based ESA if have sufficient NI contributions (like IB)
or first claim under 25 years of age**

**OR if not
Qualify for
Income based ESA if income below minimum level (like Income Support)**

Assessment criteria and points changed

- Work capability assessment (WCA)

Asks:

- whether a person's capability for work is limited by her/his physical or mental condition; *and if so*,
- whether the limitation is such that it is not reasonable to require her/him to work.

Fewer exemptions for severe conditions

Score 15 points

Mental health descriptors list expanded and similar to physical descriptors

Descriptors for learning difficulty now included

Descriptors for autistic spectrum disorders now included

Physical descriptor list amended and lower points removed

DWP have not evaluated new descriptors and test – 'evaluation' only compared results from old test with new test.

GPs evidence form asks more questions than before

The process of applying for Employment and Support Allowance (ESA)

Person gets GP certificate
Fills in form – improved
13 week Assessment phase

ESA paid at same rate as
Jobseeker's Allowance

8th week 1st work focussed
interview with Personal Advisor
about steps to return to work
(can be deferred if too sick)

Work Capability Assessment and
Work Focussed Health Related
Assessment within 13 weeks

Work Focussed Health Related
Assessment copy given to person
and to Personal Advisor about
what can and cannot do and form
Action Plan

Referred to Pathways to Work
contractor for help to go back to
work.

5 monthly work focussed interviews
Compulsory – benefit cut if do not
attend without good reason

Government now say no-one forced
to do work related activity

Afterwards stay on books of PtW
contractor who will try and get
person into work

What about people who are on Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity?

DWP say existing claimants will be transferred to ESA

Recent claimants and those with children will be transferred first

ESA will be paid at rate of previous benefit for people transferred

People transferred will have their entitlement assessed using the new

Work Capability Assessment as and when due.

More will not qualify and will be transferred to

Jobseeker's Allowance (51% - 38%)

Work-focused interviews will be compulsory

Work related activity will not be compulsory

ESA permitted Work rules will apply

People doing Permitted Work without time limit under 'exempt' rule will lose option (if not very severely ill)

Government time table on transferring people is unclear.

Linking rules for people on Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity?

Protects benefit rates if come off
benefits to start work or training

See leaflet for details

People whose benefit is protected by
the 8 week or 104 week linking
rule

will be returned to their original
benefit

(not ESA)

This is what DWP say now.

If people start to be transferred over
to ESA in the future this may
change

Linking rules for people on the Employment and Support Allowance (ESA)

There are two linking rules for ESA

- **12 weeks (from start of claim)**
- **104 weeks (after 13 weeks)**

Benefits that are protected are:

- **Full rate of ESA (no 13 week assessment at lower rate)**
- **Disability premiums**
- **Housing Benefit**
- **Local Housing Benefit**
- **Council Tax Benefit**
- **Mortgage interest reinstated in full (no waiting period)**

As before

- doctors certificate required to get benefits
- no further assessment allowed for 91 days
- after first 13 weeks can use the 104 week linking rule again (no further 13 weeks)
- Must start work or training within one month of stopping benefits
- Must let Jobcentre Plus know

Does not protect if you are disallowed benefits

Permitted Work rules for people on the Employment and Support Allowance

Same general rules:

Must keep to earning limits and conditions or else ESA is stopped

- **Either £20 a week, or**
- **£88.50 a week (limited to 52 weeks for some)**
- **Must work less than 16 hours a week**
- **Must inform Jobcentre Plus**

BUT other rules are different according to ESA type claimed

Everyone can earn up to £20 a week

**If get income based ESA and in work-related or support group
Can earn and KEEP up to £88.50 for up to one year - ESA is not reduced**

If get Housing Benefit and Council Tax Benefit these are NOT reduced!!!

If get contribution based ESA and in work related or support group can earn and keep up to £88.50 a week BUT

If get Housing Benefit and Council Tax Benefit these are reduced for earnings over £20 a week

June 2008 **(£ - 44.52 and £13.70)**

Supported Permitted Work for people on the Employment and Support Allowance

Supported Permitted Work is not time limited – it allows earning up to £88.50 a week for as long as you want.

People in work-related group must follow conditions and:

- **have a nominated support worker, or**
- **work within a sheltered employment scheme, or**
- **work under medical supervision as part of hospital treatment.**

Same as now

People in support group: are automatically allowed to do Supported Permitted Work without having a support worker etc*

As yet is unclear what happens to ESA for people on income based ESA who do supported Permitted Work, or to their housing benefits.

People on contributory ESA will not have the ESA affected but will be likely to have housing benefits reduced.

Further information

[Welfare Reform Bill Regulations for
ESA](#)

http://www.opsi.gov.uk/si/si2008/uksi_20080794_en_1

Train to Gain

<http://publications.dius.gov.uk/workskills/>

Employment and Support Allowance guide
(not yet out) from

www.disabilityalliance.org.uk