

Factsheet 31

Employment Support Allowance (ESA)

Introduction

The government has announced plans to replace Incapacity Benefits (IB) and Income support (IS) for all new and repeat claimants with Employment and Support Allowance (ESA) from October 27th 2008.

ESA is a benefit for people of working age and can only be received up to State Pension Age.

The government wants to move people who are capable of working away from the benefit system to a more positive assessment, around ability to work (rather than inability to work) and into sustainable mainstream employment through work programs such as Pathways to Work. There is no specific disability grouping so people will be assessed on their individual capability.

The government will be offering more financial support to those disabled people who are assessed as incapable of working. However, you will be able to volunteer for support if you do want to return to work.

The aim of this factsheet is to give you up to date information on how these changes will affect you, and where you can find additional information.

What is Pathways to Work?

Pathways to Work has been introduced to provide support and opportunities to people with health problems or disabilities to get back to work if you are receiving Incapacity benefit, Income support related to disability or severe disability allowance. They offer you the support of a personal adviser, arranged through your local Jobcentre Plus, who will discuss work opportunities with you. Depending on what area you live in this may be delivered by an external provider such as Shaw Trust or RBLI Employment Solutions, therefore the support may differ slightly from that delivered by your Jobcentre Plus.

A personal adviser (PA) will be allocated to you to deliver Pathways throughout the process, taking your disability into consideration; they can help you in many ways to identify the type of career you may like to consider. Your personal adviser can arrange work experience for you, which can often be a stepping stone to a career; it can give you a chance to develop work-related skills and a strong attitude to working life. This effective route back into employment will give you the opportunity to develop or refresh your skills, as well as helping you find out whether a particular career is right for you.

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It isn't unusual for people not to have a CV or to find the one they have is out of date. Having an up to date CV is essential, and therefore needs to represent the best you have to offer. They can provide you with professional advice on this skill, as a well written CV can help you find the right career for you.

Many companies now advertise jobs online and through their own website. If you are "Job ready", there are opportunities for you to start applying for work immediately. In conjunction with local employers, solid relationships have been formed so they can advise you on how to access to the right vacancies that are best suited to you.

Your personal adviser will explain the support that may be available to you; this could be extra money when you start work. Depending on your starting salary you may qualify for Working Tax Credits, which will take into consideration your income and other benefits; it is a tax free payment of £40 a week paid direct to you on top of your salary for 52 weeks if you work for 16 hours or more a week. In addition to this, after securing a position, your adviser will keep in touch with you to make any recommendations that will assist with your transition back to work, for up to a period of six months.

If you choose to volunteer for the Pathways programme through a provider in your area such as RBLI Employment Solutions or The Shaw Trust, and working with your personal adviser you become unsuccessful in finding you suitable sustainable employment you will be referred back to your Disability Employment Adviser (DEA) at you Jobcentre Plus.

Assessment Phase - Work Capability Assessment (WCA)

When an individual applies for ESA they will be asked to undergo a 13 week assessment on their disability and their ability to work, this is known as a Work Capability Assessment (WCA). This consists of a face to face meeting, which will explore how your disability affects your ability to work and carry out day to day activities. This is in three parts, and will assess what you are able to do, rather than simply what you cannot do.

The three parts of the Work Capability Assessment are:

- 1.** The assessment of limited capability for work. This part seeks to understand the affect your disability has, and how it will affect you ability to work. It will determine whether ESA is appropriate for your needs. You will be requested to attend a medical assessment close to your home; this will be carried out by an independent healthcare professional appointed by the secretary of state, either a doctor or a nurse. This will not be carried out by your own GP.

- 2.** The new work-focused health related assessment. This part provides you with access to a healthcare professional. This will be a GP, nurse or occupational therapist, who will specifically to discuss you views and options about moving into work

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3. The assessment of limited capability for work related activity. This part identifies, through a series of “descriptors”, people with the most severe limitations arising from your illness or disability. They will become members of the “Support Group” of ESA and will not be expected to look for work. From your ESA assessment, even if you are put in the “Support Group”, you can volunteer to be entered into the Pathways to work programme. It can help those who want to get back to work but assume they are unable to do so as a result of their disability.

The test of whether or not you have a limited capability to work determines whether or not you remain on ESA. If you reach or surpass the require points, you would have passed the test and will stay on ESA. If you do not reach the required points, you have failed the test and will move onto Job Seekers Allowance.

What are the descriptors?

This is a points related test where a number of physical mobility and mental health capabilities are considered, these are called ‘descriptors’ and points are awarded on your ability to carry out the related tasks.

These address the following functions:

- Walking
- Standing and sitting
- Bending or kneeling
- Reaching
- Picking up and moving things
- Manual dexterity
- Speech
- Hearing
- Vision
- Continence

Within each type of activity there is a list of descriptors with associated scores ranging from 0 to 15. The descriptors describe related tasks of varying degrees of difficulty. A score is allocated when you are not able or part able to perform the activity described. Though more than one descriptor may apply to you, you can only pick up one score from each type of activity; in each case whichever scores the highest.

If you score 15 in any one activity, you automatically pass the test, for example.

- Cannot walk up or down two steps even with the support of a handrail. 15 points
- Cannot put either arm behind back as if to put on a coat or jacket. 15 points
- Cannot pick up and move a one litre carton full of liquid with either hand. 9 points
- Cannot raise either arm above head height as if to reach for something. 6 points

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If your score is less than 15 in a group of questions, it can be added to the scores you pick up from any of the other types of activity (in both the physical and the mental parts of the test). If your total score reaches 15, you pass the test, and therefore qualify for ESA.

Though the list of types of physical activity for this new test is not dissimilar to the list in the current incapacity benefit, there are a number of significant differences. The new test is, generally speaking, much tighter.

All the lower score descriptors within each activity listed have been removed in the new test. These would normally score you 3 points each. They would allow someone with a range of relatively minor disabilities to reach the required 15 points to pass the WCA. It is believed that the removal of the lower score descriptors from the WCA will lead to a substantial increase in the number of claimants with physical and mental health conditions who do not qualify for ESA. The continence descriptors have had been expanded to address a wide range of continence issues faced by individuals.

The “Work-related activity group”

If you pass the assessment and are identified as capable of taking part in some form of work-related activity you will be entitled to claim ESA. You will be required to attend work-focused interviews on the Pathways to Work scheme, to help you overcome any barriers to work and support you into long-term sustainable employment. Those who do not fulfil these conditions without a good reason could have their ESA partially cut.

The “Support Group”

If you are identified as not able to take part in any work-related activity (the most severely disabled group) you will not be expected to take part in work-focused activities unless you want to, and will not face any sanctions. However, if you are placed in this category but would still like to volunteer for Pathways to work, you can do so if you want to. Your initial contact is the Disability Employment Adviser at your local Jobcentre Plus.

Anyone claiming ESA may also continue to be eligible for other benefits, such as Disability Living Allowance, Housing and Council Tax Benefit.

Those who do not qualify for ESA can instead apply for Jobseeker’s Allowance and will be expected to take part in the work-focused interviews and programmes to help them get back to work.

What is Job Seekers Allowance?

It is a benefit for people who are currently not working. However, to be eligible for JSA you must be “actively seeking employment”. To receive the benefit, you will need to meet with a personal adviser at the Job Centre on their request at least once every 2 weeks.

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You will be expected to show evidence to them of what efforts you are making to find employment; such as application that you have made and interviews you have attended. Your personal adviser is there to explain what other support is available to you and advice you on interview skills and techniques you can use to give you the best chance of successfully finding employment.

The Benefits and Work website have an on-line ESA self assessment test that you can go through which will ascertain which group you will fit into. www.benefitsandwork.co.uk
Or, you can ring 01297 442549 for a copy.

When does ESA start?

The process for this hasn't changed from the IB and IS claimants. If you are on statutory sick pay (SSP) while in hospital you will stay on this until your sickness period is completed. If you are then unable to return to work you will automatically go on to ESA assessment. If you are unemployed or self-employed ESA will start from immediate effect, although your assessment is unlikely to start until you have been discharged from hospital.

What about those who are already getting SDA IB or IS

If you are already receiving incapacity benefit (IB) or income support (IS) or severe disablement allowance (SDA) paid on the grounds of incapacity when ESA is introduced, you will continue to receive those benefits, rather than ESA, for the time being.

You will also continue to come under the rules and conditions which apply to SDA, IB or IS. Your incapacity will be tested under the old IB personal capability assessment rather than the new ESA work capability assessment.

From April 2010 / 2011 at the earliest you will be required to take the work capability assessment test. If you continue to be entitled to one of these benefits you cannot claim ESA instead.

What is Permitted Work?

You can't usually work while claiming Incapacity benefit. However, you may be able to do some types of work – within limits. This is called Permitted work, but you would be advised to check with your local Jobcentre Plus office before you start, to confirm it applies to you.

It is purely a benefit arrangement; employers can not offer 'permitted work' it is to help people move closer to the labour market, and test your own capacity for doing some work and perhaps gain new skills.

Permitted work is work you can do up to 16 hours per week while you are getting one of the following because of illness or disability.

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- Incapacity Benefit
- Income Support
- Severe Disablement Allowance
- Housing and Council Tax Benefit (with a disability premium)
- National Insurance credits

From October 2008 permitted work will become more flexible for people to use, by increasing the type of work that can be carried out under this scheme. You can work for up to 16 hours a week on average, and earn up to £92.00 a week, for a 52 week period. At the end of 52 weeks if you do not start employment; you must wait another 52 weeks before applying for permitted work again.

People with a disability who do not need a medical examination can work up to 16 hours for no more than £92.00.

What is Supported Permitted Work (unlimited period)?

This is work that can be done by people whose condition means that it is unlikely that they will be able to work more than 16 hours a week. If you are supervised by a voluntary organisation, public or local authority or voluntary group; you can work for an unlimited period as long as you earn no more than £92.00. This could be work done in the community or in a sheltered workshop. It also includes work done as part of a hospital treatment programme.

Permitted work lower rate

To encourage social inclusion, you can earn up to £20.00 a week. This rule operates for an unlimited period of time and an unlimited period of hours as long as you are receiving the benefits above.

If your circumstances change in any way, it is always advisable to contact your personal adviser or Disability Employment Adviser at your local Jobcentre Plus for advice.

Further information

To find out more contact your local Disability Employment Advisor at Jobcentre Plus.

Additional information is available from the following websites.

www.dwp.gov.uk/esa
www.disabilityalliance.org
www.direct.gov.uk
www.rightsnet.org.uk
www.jobcentreplus.gov.uk
www.benefitsandwork.co.uk

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**Shop 21, Second Floor, Bouverie Place Shopping Centre, Alexandra Gardens,
Folkestone, Kent CT20 1AU.
Telephone 01303 226500
www.wheelchairusers.org.uk**

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