

WRU INFORMATION SHEET

EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)

From April 2022

{For New style 'contributions based' ESA claims only}
For income based claims will need to apply for Universal Credit instead

ESA is an integrated benefit consisting of two parts, a Contributory benefit paid on the basis of National Insurance Contributions and a means-tested part which is affected by income and savings in the same way as Income Support.

Claimants will receive a basic allowance for the first 13 weeks – called the 'assessment phase' – during this time they should be assessed to see if they have limited capability for work. If it is decided that the person has limited capability for work they will enter the 'main phase' from week 14. At the assessment they will be assessed for one of two groups, the support group or the work-related activity group.

During the first 13 weeks, single claimants will receive a basic amount of £77.00 week (age 25 or over), £61.05 week (age under 25) plus means-tested premiums of Pensioner Premium, Enhanced Disability Premium, Severe Disability Premium and Carers Premium if applicable. Couples will receive £121.05 week if both partners are over 18. In the main phase, if the claimant is in the *work-related activity group they will receive £77.00 week, regardless of age, and if they are in the Support group, they will receive £77.00 pw, regardless of age, plus an extra £40.60 week. Couples will receive £121.05 pw plus one of the components. Both main phase groups will receive means-tested premiums if applicable.

*Please note the extra premium of £30.60 week does not apply to new claimants, who make a claim on or after 3 April 2017.

People who are terminally ill should go straight into the support group and will not be subject to the assessment phase.

A Work Capability Assessment form has to be completed by the claimant. They have to score 15 points to be accepted as having limited capability for work.

The Work Capability Assessment will assess three things:

- limited capability for work (i.e. for entitlement to ESA)
- limited capability for work-related activity (i.e. for membership of the support group or work-related activity group)
- the health-related support that a person needs to improve their capacity for work (via a 'work-focused health-related assessment').

Some claimants may be exempt from the limited capability for work assessment. They are:

- (for contributory ESA only) those entitled to universal credit and have already been found to have limited capability for work under that benefit
- (income-related ESA only) those in full-time education and get DLA/PIP (and not a Qualifying Young Person).
- those who are terminally ill
- those who are receiving, or recovering from, treatment for cancer, by way of chemotherapy or radiotherapy and the DWP are satisfied that you should be treated as having limited capability for work
- those who are excluded from work due to having been in contact with a notifiable disease
- those who are hospital in-patients
- those who are pregnant and either:
 - entitled to maternity allowance
 - in the period between the date 6 weeks before the due date and 2 weeks after the actual birth, and not entitled to maternity allowance or Statutory Maternity Pay for that period, or
 - there is a serious risk to the mother or the unborn child if the mother does not refrain from work
- those who are receiving one of the following treatments:
 - haemodialysis for chronic renal failure
 - plasmapheresis or radio therapy
 - total parenteral nutrition for gross impairment of energetic function

The limited capability for work-related activity assessment will determine who is placed in the support group or the work-related activity group.

Those claimants placed in the work-related activity group will have to undertake a work-focused health-related assessment, this is intended to assess the extent to which the claimant:

- still has capability for work, and
- the extent to which this can be improved, through discussion, of how physical or mental problems can be overcome
- what difficulties they are likely to experience as a result of their physical or mental condition in relation to obtaining or remaining in work and how these might be managed or alleviated; and
- their views on the impact of their physical or mental condition in relation to work and any work aspirations in the light of that condition.

The work-focused health-related assessment will follow on from the limited capability for work assessment and be carried out by a health care professional in a medical centre.

Claimants will also have to attend at least one work-focused interview, to assess and identify their:

- prospects of gaining work or remaining in work
- ways to encourage them back into work or remain in work
- activities that may increase their chances of getting work
- training, rehabilitation or educational opportunities that will increase their chances of finding work or remaining in work
- current or future work opportunities (including self-employment) that are relevant to them

If the claimant fails to attend a work-focused interview whilst in the work-related activity group they may be sanctioned.

Claimants placed in the work-related activity group will not be able to claim contributory ESA after one year of being in that group and the assessment phase. Periods in the support group will not count towards the year. However, they may be entitled to income-related ESA.

Claimants who start work will not normally be treated as entitled to ESA; however some types of work do not exclude claimants from entitlement e.g. work as a Councillor, or caring for a relative, exempt work. Exempt work is:

- work done while receiving assistance as self-employed
- work as a volunteer
- work placement authorised by the DWP before it began
- permitted work
 - work earning up to £20 week
 - work earning up to £152.00 week which
 - is part of their treatment programme and done under medical supervision; or
 - supervised by someone from an organisation which provides or arranges work for people with disabilities
- work for less than 16 hours a week, earning up to £152.00 per week.

Two periods of limited capability for work will be linked together if they fall within the linking rules, which are:

- they are separated by a gap of 12 weeks or less;

There is a right to a mandatory review and then an appeal (if the decision remains the same) if the decision made attracts a financial sanction.

Apply Online –

<https://www.gov.uk/employment-support-allowance/how-to-claim>

If unable to apply online call the [Universal Credit helpline](#) and ask to apply for ESA:

- Universal Credit helpline
Telephone: 0800 328 5644 (choose option 3)
Textphone: 0800 328 1344 (choose option 3)

ADVICE & HELP

London Borough of Havering

Welfare Rights Unit Advice Line

Leave your name and phone number. We'll then call you to discuss your benefit issue.

01708 434444

Email WelfareRightsUnit@haverling.gov.uk

Citizen's Advice Havering

Telephone Advice

Local Number - 0300 330 2179

Monday, Wednesday, and Friday: 10 am - 12:30 pm

Tuesday 10 am - 4 pm

Thursday 1 pm - 3:30 pm

Email Advice

On the website, click on the Email Advice button and selecting the area you would like advice on

www.haverlingcab.org

Face-to-face (appointment only)

You can book 30 minute appointments at the local hubs at Harold Hill and Rainham - with the following links;

https://bit.ly/Book_CitizensAdvice_HaroldHill

https://bit.ly/Book_CitizensAdvice_RainhamLibrary

All benefits have complex rules and exclusions. Information provided here is as a guide only rather than a full statement of the rules and regulations. Information provided by Welfare Rights Unit, London Borough of Havering, at April 2022.