

CARE ADVISER NETWORK

ESA – AN INTRODUCTION

Led by Nicola Taylor

nicola@careadvisernetwork.co.uk

0800 999 25 27



ESA – AN INTRODUCTION

The AIMS of today's WebEx are to;

- Provide an overview of Employment Support Allowance
- Raise awareness of potential entitlement
- Know where to signpost clients for help and support
- Provide an opportunity of Q and A



WHAT IS ESA?

ESA is an "income replacement" benefit for people who have a health condition or disability which limits their ability to work.



ESA – IN THE BEGINNING

On 27 October 2008, Incapacity Benefit (IB) and Income Support were replaced, for new claimants, by a single benefit: Employment and Support Allowance (ESA).



ESA – AN OVERVIEW

You satisfy the basic rules for ESA if you:

- Have 'limited capability for work'
- Are aged 16 or over but under pension age
- Are in Great Britain
- Are not entitled in your own right to statutory sick pay, income support (IS) or jobseeker's allowance (JSA), and are not in a couple entitled to joint-claim JSA
- Are not doing any work (except permitted or supported permitted work)

ESA – TWO TYPES

Contribution-Based ESA

To get *contribution-based* ESA you have to have paid enough national insurance contributions or be a young person.

From April 2012 CB ESA is limited to 12 months unless you have moved from IB or are in the Support Group. Known as 'new style' ESA if you are entitled to claim Universal Credit.

Income - Based ESA

To get *income-based* ESA you don't need to have paid any contributions, but eligibility is means-tested, by your household.

CLAIMING ESA

Contribution Based/Income Based ESA

Telephone: 0345 608 8545

[ESA1 form](#)



New Style ESA

Single person or in a 'live service area' for Universal Credit

Telephone: 0345 600 0723

Living with a partner or family or in a 'full service area'

Telephone: 0345 600 4272

You're in a full service area if it has an asterisk (*) in the list;

[Jobcentre areas where couples and families can claim Universal Credit](#)

ESA – PHASES

Assessment phase

The assessment phase is 13 weeks, although decision making may be longer. You will need to provide a Medical Certificate.

After the 'assessment phase' Employment and Support Allowance is only payable if you meet the 'Work Capability Assessment' rules or are placed into the Support group



ESA

THE

PROCESS

- Make an initial claim for ESA
- Customer Statement - check, sign and return.
- ESA50 capability for work questionnaire.
- Work capability assessment- If you are not allocated to the support group or work-related activity group on the basis of the evidence already received
- Attend a work-focused interview (if you haven't yet been allocated to the support group)
- Outcome letter for the work capability assessment and a copy of your work-focused health related activity report.

ESA – TESTS

There are two key tests considered during the work capability assessment which determines which group a claimant is placed;

- Limited capability for work assessment
- Limited capability for work-related activity assessment

From 3 April 2017, new ESA claimants who are placed into the work-related activity group (WRAG) following a Work Capability Assessment (WCA) will not get the work-related activity component

[DWP Guide to Work capability assessment](#)

ESA – TESTS

Limited capability for work assessment (LCWA)

This is a points based test, similar to the medical test for Incapacity Benefit. You get points for having difficulties with different physical and mental activities, such as walking, sitting, remembering things and dealing with other people.

If you score 15 points or more you pass the test. Passing this test gets you into the work-related activity group. Fail and you won't get awarded ESA, though you can appeal. Instead, you may need to claim jobseeker's allowance.

ESA – TESTS

Limited capability for work-related activity assessment (LCWRA)

This will apply only after you have passed the first test. There are no points. Instead, there are a series of 'descriptors'. If any single one of them applies to you then you have passed.

Changes apply from April 2017 (JSA rates WRAG)

From 3 April 2017, new ESA claimants who are placed into the work-related activity group (WRAG) following a Work Capability Assessment (WCA) will not get the work-related activity component

ESA – APPEAL

You can appeal to the Social Security and Child Support Tribunal if you disagree with a decision. You must usually ask for 'mandatory reconsideration' before you appeal.

ESA – BENEFIT CAP

The benefit cap limits the amount of benefit that most people aged 16 to 64 can get. Some individual benefits aren't affected, but it may affect the total amount of benefit you get.

The cap won't apply if you're in the support group.

ESA AND WORK

Your ESA isn't usually affected if you:

- earn up to £20 a week
- work for less than 16 hours a week and earn up to £120 a week, for 52 weeks or less (or for any length of time if you're in the support group)

The 52 week time limit for permitted work that applies to ESA WRAG claimants and claimants who get the assessment rate will be removed.

This is called 'permitted work'. You can also do 'supported permitted work'

'NEW STYLE' ESA

You can apply for 'new style' ESA if you're entitled to apply for Universal Credit.

You're entitled if you're either:

- a single person anywhere in England, Wales and Scotland
- a couple or family living in a Universal Credit area

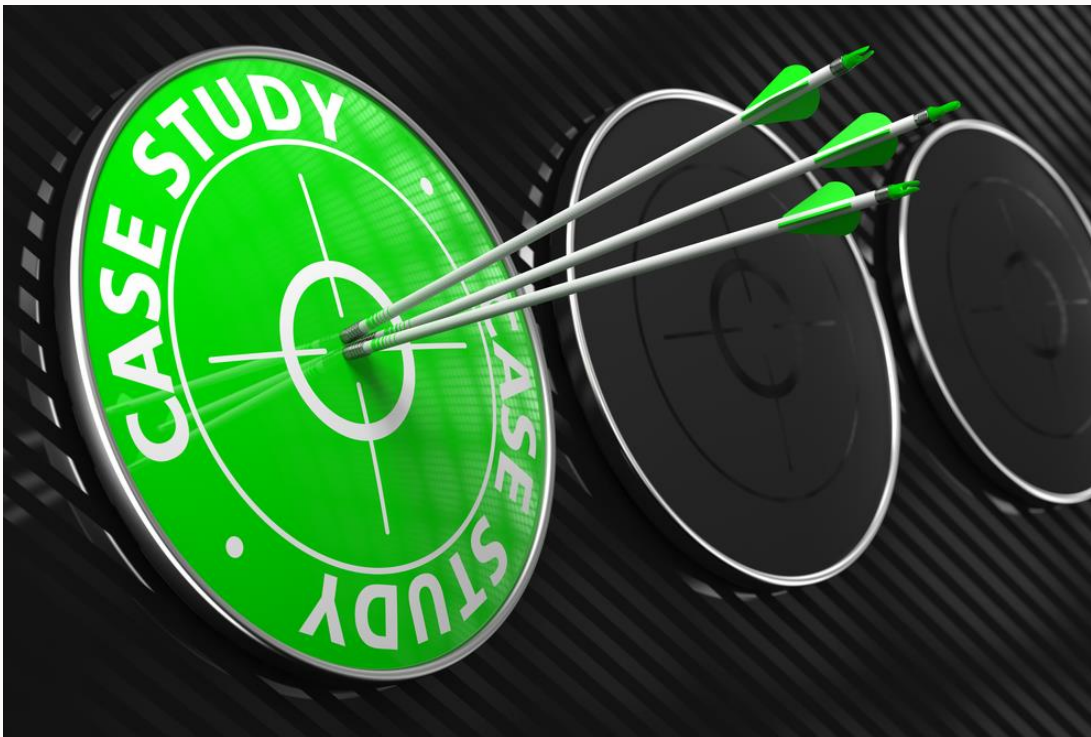
New style ESA works in the same way as contribution-based ESA.

UNIVERSAL CREDIT

End 2014	New universal credit claims from single people and couples extended across north west England.
2015 to 2016	New universal credit claims from single claimants without children introduced.
2016 to Sept 2018	Universal credit fully introduced for new claims via the expansion of the full service areas.
2019-to 2022	Current claims of means-tested benefits and tax credits transferred to claims for universal credit.

You're in a full service area if it has an asterisk (*) in the list;
[Jobcentre areas where couples and families can claim Universal Credit](#)

CASE STUDIES



CASE STUDIES

A young Autistic man is the beneficiary of his father's will trust. He receives Employment and Support Allowance (ESA) And Personal Independence Payment (PIP), totalling (Attorney advised) £600 pm approx. His capital is currently £16,000.

Q. What will happen if he receives an income from his Father or work, how will this affect his benefit entitlement?

CASE STUDIES

Male client aged 59, married, with early onset Alzheimer's in the first 13 weeks of his ESA claim. Same age wife has no pension. £240,000 cash assets, part his and part joint plus £400,000 pension assets in his name.

1. Can he claim Contributory ESA and use savings for day to day living?
2. Is he able to fund both their day to day living expenses from savings?
3. Are there any deliberate deprivation issues with preserving Contributory ESA by depleting savings to make up the shortfall in day to day living expenses?
4. What are the options re utilising pension pot while considering possible effects on other benefit entitlement?

THANK YOU



Nicola Taylor

nicola@careadvisernetwork.co.uk

0800 999 25 27

