

**Guide to Employment and Support Allowance**

**Grapevine Disability Information and Advice**

**Introduction to this guide:**

This guide has been produced by Grapevine Disability Information and Advice, part of the Lothian Centre for Inclusive Living (LCiL), to assist people who are claiming Employment Support Allowance (ESA).

It does not form legal advice but more a reference point for people to help them prepare and know what to expect with the claims process and assessment for ESA. Although Grapevine, don’t have the resources to assist people complete the claims forms, at present, there is a list of agencies who can help at the end of this publication.

Information and advice is available over the advice line and via email enquiry for those to get in touch with Grapevine, based in Edinburgh on 0131 475 2370 or email: grapevine@lothiancil.org.uk

1. **What is Employment and Support Allowance?**

Employment Support Allowance (ESA) is a benefit for people whose ability to work is limited by an ill health or an impairment. Eligibility for ESA is decided using what is called a **‘work capability assessment’** (more later in this document).

ESA has two elements:

* Contributory ESA (based on national insurance contributions) and
* Income-related ESA (means tested based to provide for basic living expenses).

You can be paid either of these elements on their own, or both together, depending on your circumstances.

1. **How to claim ESA**

Before you make your claim, make sure that you have the following information ready:

* Your national insurance number (and your partner’s, if applicable).
* Your medical certificate (not needed for the first seven days of any period of limited capability for work, but after seven days you must forward a fit note from your doctor to the office which is dealing with your ESA claim).
* Your GP’s address and phone number.
* Your bank or building society account details.
* Your mortgage or landlord details (if applicable).
* Your council tax bill.
* Details of any income, savings or capital which you have (and those of your partner, if applicable).
* Details of any current or recent employer, their address, phone number and the dates of your employment with them.
* Details of your earnings (and your partner’s, if applicable).
* Details of any other benefits you receive (and any your partner receives, if applicable).

However, you should not delay making your claim if you are unable to find all of this information.

**Universal Credit:** From the 28th of November 2018 Universal Credit is being introduced for anyone making a new claim for means-tested benefits in Edinburgh. This includes income related ESA. It is advisable to contact the Universal Credit helpline number to determine whether a claim should be made for Universal Credit also: 0800 328 9344 Monday to Friday, 9am to 4pm. Independent sources of information/advice are also available at the end of this factsheet.

If a person isn’t making a claim for income related ESA but wants to find out about claiming contributions based ESA they can contact the ESA centre on 0800 055 6688 (textphone: 0800 023 4888). It is open Monday to Friday, 8am to 6pm.

1. **The Work Capability Assessment**

Irrespective of whether a person is claiming contribution based ESA or income-based ESA they have to have a [Work Capability Assessment](https://www.gov.uk/employment-support-allowance/eligibility) to help DWP understand how your illness or impairment affects your ability to work. After you have started the claim, you may have to attend a ‘health and work conversation’ within the first four weeks. This is a ‘work-focussed interview’, however, any agreed actions are voluntary and you cannot be sanctioned if you do not agree to take them. If you are asked to attend one, it is mandatory to attend. If you fail to attend without a good reason, your benefit can be sanctioned.

1. **What the assessment looks at:**

The work capability assessment (WCA) looks at how your impairment or health condition affects your ability to work and forms the basis for deciding whether or not you can remain on the benefit. This entails completing the Work Capability Form which is available online and in print form. It assesses which of two groups you are placed in, either: **(a) the ‘work-related activity group’** or **(b) the ‘support group’.**

Which group you are placed in determines the level of ESA which you are paid, the responsibilities you must meet to continue to be paid ESA, and whether or not the ESA award limit may be time-limited.

There are two parts to the WCA – the ‘limited capability for work assessment’ and the ‘limited capability for work-related activity assessment’.

**Limited capability for work assessment**

This is the first part of the WCA. It looks at whether you have a ‘limited capability for work’. You are not entitled to ESA unless you have a limited capability for work and will have to claim Job Seekers Allowance (JSA) instead.

This is decided using a points-based assessment of your ability to carry out a list of activities. Points are awarded for the limitations you have in carrying out each activity, and are then added up.

If you get a total of 15 points or more, then you are considered to have a limited capability for work.

The limited capability for work assessment is discussed in more detail by Disability Rights UK here - <https://www.disabilityrightsuk.org/wca-limited-capability-work-assessment>

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

This is the second part of the WCA. It considers whether you have a ‘limited capability for work-related activity’.

This assessment decides whether or not you are placed in the work-related activity group or the support group. The group you are placed in determines how much ESA you will be paid, what your responsibilities are and whether your award will be time-limited.

The assessment works by assessing you against a list of ‘descriptors’. These relate to your ability to carry out certain tasks. If you meet at least one of the descriptors, then you will be placed in the support group which can be paid a higher rate of ESA.

The limited capability for work-related activity assessment is discussed in more detail by Disability Rights UK here - <https://www.disabilityrightsuk.org/wca-limited-capability-work-related-activity-assessment>

**The detail of the assessment:**

17 different work related activities are looked at, including physical issues connected with your impairment or condition, and mental, cognitive and intellectual function.

**The physical activities are:**

* Moving around and using steps.
* Your comfort sitting and standing
* Reaching
* Picking up and moving things
* Using your hands
* Making yourself understood, by speaking, writing or typing
* Understanding verbal communication
* Navigating safely
* Managing continence
* Staying conscious while awake

**The mental, cognitive and intellectual activities are:**

* Learning tasks
* Awareness of hazards or danger
* Starting and finishing tasks
* Coping with change
* Getting about
* Coping with social engagement
* Behaving appropriately
* Conveying food or drink to the mouth

**Descriptors and Scores:**

For each activity, the assessor looks at which of a number of ‘descriptors’ best describes your situation. Each of these descriptors has a score attached, between 0 and 15.

For example:

**Using Your Hands (Manual Dexterity)**

* You cannot press a button, such as a telephone keypad or cannot turn the pages of a book with either hand- you score 15 points.
* You cannot pick up a £1 coins or a pencil to make a meaningful mark- you score 9 points.
* You cannot use a suitable keyboard or mouse- you score 9 points.
* None of the above apply- you score 0 points.

**Coping with change**

* You cannot cope with any change to the extent that day to day life cannot be managed - you score 15 points.
* You cannot cope with minor planned change (such as pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall, day to day life is made significantly more difficult - you score 9 points
* You cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult - you score 6 points.

More information about the descriptors can be found here: <https://www.disabilityrightsuk.org/wca-limited-capability-work-related-activity-assessment>

The amount of ESA you will receive depends on whether you are placed in the Work Related Activity Group or the Support Group. When being assessed for placement in the Support Group, three further areas relating to your daily life are considered: maintaining personal hygiene, eating and drinking and communicating. Grapevine has a factsheet on the criteria for the support group. (Please contact us on the details below if you need a copy).

1. **The face to face assessment introduction**

You must be given at least 7 days’ notice of the face-to-face assessment day, time and place – unless you have agreed to accept a shorter notice period.

The face-to-face assessment will take place at an assessment centre. It will be carried out by a professional working for the Health Assessment Advisory Service.

You should inform the office arranging your assessment as soon as possible if you are unable to attend.

**Things to prepare before your face to face assessment:**

We recommend having someone with you for support. This could be your partner, a friend or an independent advocate. Although the Grapevine does not offer advocacy services, we can signpost you to services in your area.

Take a copy of your completed form to your appointment. Try to be consistent with what you wrote on your form when you are asked questions.

If you require adjustments to your appointment or have specific access needs, request these in advance and double check before you attend that these have been made. Typical adjustments can vary from requiring a home-visit, an interpreter present or if you would like to make an audio recording of your assessment.

There are particular rules about the type of recording equipment that can be used during an assessment (laptops and mobiles are not permitted) and the assessment centre has to agree to the technology being used before the assessment takes place, with signed consent. They also have to be provided with a copy of the audio recording.

**During your face-to-face assessment**

During the assessment, a healthcare professional will identify the descriptors that they consider apply to you in respect of both the limited capability for work assessment and the limited capability for work-related activity assessment. They will ask questions about your daily activities such as your hobbies and may give you a physical examination.

**Top-tips for the face to face assessment:**

* Talk about how your condition affects you, don’t assume they will know everything there is to know about your condition/s.
* Mention good and bad days and whether your condition fluctuates.
* Don't play down the effects an activity has on you, for example, any pain, breathlessness, discomfort or fatigue that you experience), as well as any cognitive or emotional impacts (e.g. memory, recalling or processing information, anxiety, etc.).
* Consider whether you would be able to carry out any activity they ask you about to a reasonable standard. Consider also whether it would be safe for you to carry out a particular activity.
* You may be asked to undertake an activity, such as walking the length of a corridor or climbing a flight of stairs. Do not feel pressured into undertaking any activity which would cause pain, distress or risk injury. Explain to the assessor why you are unable to carry out the activity.
* Don't let the assessor rush you when carrying out any activities; your safety comes first.
* If anything isn't clear during a consultation, ask for information to be repeated or explained again.
* Give enough details and Use Real Life Examples in all your answers on the medical questionnaire and at the assessment.
* You should take a copy of the form and any supporting evidence that you submit.
1. **Where to go for further help and assistance**

**Universal Credit** helpline number: 0800 328 9344 Monday to Friday, 9am to 4pm.

**ESA Contact Centre**:

Telephone: 0800 055 6688

Textphone: 0800 023 4888

Monday to Friday, 8am to 6pm

[**The Advice Shop Edinburgh**](http://www.edinburgh.gov.uk/info/20127/benefits_and_grants/662/the_advice_shop/1)**:**

249 High Street

Edinburgh

EH1 1YJ

Phone number: 0131 200 2360

Opening times

* Monday, Wednesday, Thursday 8.30am to 4.30pm
* Tuesday 9.30am to 4.30pm
* Friday 8.30am to 3.40pm

Telephone operating times

* Monday, Wednesday and Thursday 8.30am to 4.30pm
* Tuesday 10 to 4.30pm
* Friday 8.30am to 3.40pm

Drop in times for Welfare Rights enquiries only

* Monday, Thursday and Friday 9am
* Tuesday 1.30pm

**Citizens Advice Bureaux Edinburgh:**

Find your local bureau here - <https://www.cas.org.uk/bureaux>

Citizens Advice Direct – Telephone Advice phone number - 0808 800 9060

**Grapevine Disability Information Service** for people living in Edinburgh requiring disability information and advice (see details below). Please note we cannot assist people in person with ESA claim forms but can give information and advice via our helpline and email.

**Last updated 20/11/2018**

**Contact details**

Grapevine Disability This Calendar is printable and fully editable. Courtesy of [**WinCalendar**](https://www.wincalendar.com/Calendar-and-Schedule-Templates) Information: 0131 475 2370 (Monday-Friday 10am-4pm)

Email: grapevine@lothiancil.org.uk

Website: www.lothiancil.org.uk

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