

Employment and Support Allowance

Employment and Support Allowance

- These notes give you more information about Employment and Support Allowance.
- Please keep these notes. The information may be useful at a later date.

What is Employment and Support Allowance?

Employment and Support Allowance is a new way of helping people with an illness or a disability to move into work if they are able. It replaces Incapacity Benefit and Income Support paid because of an illness or disability.

You may be able to get Employment and Support Allowance if you have an illness or disability that affects your ability to work, and you

- are unemployed, or
- are self-employed, or
- work for an employer but you cannot get Statutory Sick Pay, or
- have been getting Statutory Sick Pay but it has now stopped.

There are 2 types of Employment and Support Allowance:

Contribution-based if you have paid enough National Insurance contributions.

Income-related if you do not have enough money coming in, or you have not paid enough National Insurance contributions and you satisfy the entitlement conditions.

You may be able to get National Insurance credits for each full week you get Employment and Support Allowance. You need these credits to help you claim some benefits and a State Pension in the future.

What is Employment and Support Allowance? continued

For most people, there are 2 phases of Employment and Support Allowance.

The first 13 weeks are called the 'assessment phase'. During this time you will have a medical assessment which we call a 'work capability assessment'. This will determine your eligibility for Employment and Support Allowance. There is more information about this later in these notes. During the assessment phase you will get a basic rate of Employment and Support Allowance.

After the 8th week of your claim, you will have an initial work focused interview. This will help you think about your future work prospects. There is more about this on page 9 of these notes.

If your medical assessment shows you have an illness or disability which affects your capability for work, and you are still claiming Employment and Support Allowance after 13 weeks, you will move on to the main phase of Employment and Support Allowance and be placed into either the work related activity group or the support group. People in the main phase of Employment and Support Allowance get more money.

People in the work related activity group will take part in work focused interviews with a personal adviser, and have access to a range of support to help them prepare for suitable work. If you refuse to take part in work focused interviews, it may affect your benefit.

People in the support group do not have to take part in any work related activity, but they can if they want to. The support group is for people with illnesses or disabilities which have the most severe effect on their ability to work.

You can talk to your own doctor or specialist at any stage if you want to.

Work capability assessment

We need to find out how your illness or disability affects your ability to work and to do normal day to day things. We may be able to make the assessment based on your illness or disability, or we may need you to complete a questionnaire or go to a medical assessment.

As well as day to day activities, we might also carry out a work focused health related assessment. During this you will be asked about how you feel your illness or disability is stopping you working, and what help you need to start work.

Medical certificates

For the first 7 days of your illness you may only have to tell us why you are sick. After that you have to get a medical certificate from your doctor and send it to us. Medical certificates are also called sick notes or doctor's statements.

If you still have an illness or disability when the medical certificate runs out, see your doctor to get another certificate. If there is a gap between the end of one certificate and the start of the next you may lose money. If you cannot get a medical certificate for any reason, tell us straight away.

If you are going back to work, you must tell us straight away. There is more information about starting work or going back to work later in these notes.

What if I am terminally ill?

There are special rules for people who are not expected to live longer than 6 months because of an illness. But it is, of course, impossible to say exactly how long a person will live. Getting Employment and Support Allowance under these special rules means that you will get the main phase rate of Employment and Support Allowance from the start of your claim. You will not need the assessment phase, and you do not have to have a medical assessment or a work focused assessment unless you want to.

If you have a terminal illness, make sure you and your doctor tell us. The information you give us will not be given to anyone else.

If you think you qualify for Employment and Support Allowance under the special rules, you should also claim Disability Living Allowance if you have not already done so.

What if I have a severe medical condition or mental health problem?

Some medical conditions or mental health problems are so severe that we can decide straight away that they would affect your ability to work. If you have one of these conditions you will not need to have a medical assessment unless you want to.

Work capability assessment continued

What is the medical questionnaire?

Before we decide if you need to have a medical assessment, we will probably ask you to fill in a questionnaire. This lets you tell us how your illness or disability affects your ability to do a range of normal day to day activities.

You must fill in the questionnaire and return it. If you do not, it may affect your Employment and Support Allowance.

What is the medical assessment?

What will happen in the medical assessment?

A healthcare professional we have chosen will assess your ability to do things like walk, sit, stand, use your hands, see or hear. If you have a mental health problem they will assess how this affects things like your mood, the way you behave, the way you see the world around you and how you cope with things from day to day.

If you refuse to:

- go to the assessment, or
- take part fully in the assessment

it may affect your entitlement to Employment and Support Allowance.

You can take someone with you if you want to.

If you would prefer to be seen by someone of the same sex as you, we will try to arrange it, but this may not always be possible.

We can provide an interpreter if you want one.

You must tell us well before your appointment if you want us to make any special arrangements.

Work capability assessment continued

How long does it take?

The actual time with the healthcare professional will vary, but might be between 30 minutes and an hour and a half.

Where are the assessments held?

We have medical centres in most towns and cities and they are usually easy to get to. You will get an information pack with a map and details of how to get to the centre with the letter telling you about your medical assessment.

Can I get expenses?

We will pay travel costs for you to get to and from the medical centre. If you need someone to travel with you, we may be able to pay travel costs for them as well.

What if I cannot attend the medical assessment?

It is very important you make every effort to attend. It may delay your benefit if you do not tell us in advance that you cannot go.

If you need to change the date of your appointment, let the medical centre know straight away.

What is the work focused health related assessment?

After your medical assessment the healthcare professional may complete a work focused health related assessment. During this you will be asked about how you feel your illness or disability is stopping you working, and what help you need to start work.

The healthcare professional will send their report to your personal adviser. They will also send you a copy.

After the medical assessment

If you are entitled to Employment and Support Allowance

If we decide that your illness or disability limits your ability to work, but we might be able to improve this, you will receive Employment and Support Allowance as long as you take part in any work focused interviews we ask you to. You will not have to send us any more medical certificates. We will look at your case again at a later date.

If your illness or disability has a severe effect on your ability to work, we will not ask you to take part in any interviews. But you can do this if you want to.

If you are not entitled to Employment and Support Allowance

If we decide that your illness or disability does not limit your ability to work, we will send you a letter that explains why. We will also send a letter to your doctor.

If your illness or disability does not limit your ability to work we cannot pay you Employment and Support Allowance or credit your National Insurance record.

If this happens, you may be able to get a different benefit. You can find out more by:

- visiting **www.jobcentreplus.gov.uk**, or
- contacting Jobcentre Plus. Our address and number is in your phone book.

What happens if you ask us to look at the decision again?

If we can change the decision, we will send you a new decision. If we cannot change the decision we will send you a letter telling you why. You will have one month from the date of that letter to appeal if you still disagree with the decision. You can appeal against any decision to stop your benefit because of a medical assessment.

Work focused interviews

What is a work focused interview?

If you are in the work related activity group, you will regularly see your personal adviser to discuss your work prospects. They will give you help and advice with:

- your job goals
- your skills, strengths and abilities
- steps you can take to help find suitable work
- your ideas, problems and any other work related issues you want to talk about.

If you refuse to:

- go to the work focused interviews, or
- take part fully in the work focused interviews

it may affect your entitlement to Employment and Support Allowance.

If you are in the support group you do not have to go to interviews, but you can ask to talk to a personal adviser if you want to.

Helping you into work

While you are getting Employment and Support Allowance you will have access to a personal adviser and a wide range of services to help you move into suitable work if you can.

Your personal adviser will discuss what could improve your chances of being able to do suitable work. For example:

- programmes to help you manage your illness or disability
- training
- financial help.

While you are getting Employment and Support Allowance

Permitted work

Permitted work is work you can do while still getting Employment and Support Allowance. You do not need your doctor's approval or your personal adviser's approval to start permitted work. But you must tell us straight away if you want to do permitted work.

For more information about the permitted work rules contact Jobcentre Plus or visit our website at **www.jobcentreplus.gov.uk**

If you want to work under the permitted work rules, you must fill in form **PW1** and send it to the office that deals with your claim for Employment and Support Allowance. You can get this form from Jobcentre Plus or from our website at **www.jobcentreplus.gov.uk**

After you stop getting Employment and Support Allowance

Return to work credit

Return to work credit is a tax-free payment of £40 a week on top of any wages you may get. It can be paid for up to 52 weeks after you start work.

To get return to work credit you must:

- have been claiming a relevant benefit for 13 weeks or more
- be starting a job that you expect to last for more than 5 weeks
- be working 16 hours or more each week
- have a salary of up to £15,000 a year.

Other help

You may also be able to get tax credits. There is more information about tax credits on page 21 of these notes.

You may be able to get other help moving into work. Ask your personal adviser about this.

Rates of Employment and Support Allowance

Most people will get a basic rate of Employment and Support Allowance during the assessment phase of their claim.

The basic weekly rates are:

- up to £50.95 for a single person aged under 25
- up to £64.30 for a single person aged 25 and over.

After 13 weeks, as long as you are still getting Employment and Support Allowance, and you attend any work focused interviews we ask you to, this will go up to the main phase rate.

Weekly main phase rates are:

- up to £89.80 for a single person in the work related activity group
- up to £95.15 for a single person in the support group.

Depending on your circumstances you may be able to get more money if you get income-related Employment and Support Allowance.

Extra money for your family

You can only get extra money for your husband, wife or civil partner if you get income-related Employment and Support Allowance.

You cannot get extra Employment and Support Allowance for children, but you may be able to get Child Tax Credit. There is more information about Child Tax Credit on page 22 of these notes.

How we pay you

How you will be paid

We normally pay your money into an account.

Many banks and building societies will let you collect your money at the post office.

We will tell you when we will make the first payment and how much it will be for. We will tell you if the amount we pay into the account is going to change.

Finding out how much we have paid into the account

You can check your payments on account statements. The statements may show your National Insurance number next to any payments we have made. If you think a payment is wrong, get in touch with the office that pays you straight away.

If we pay you too much money

We have the right to take back any money we pay that you are not entitled to. This may be because of the way the system works for payments into an account.

For example, you may give us some information, which means you are entitled to less money. Sometimes we may not be able to change the amount we have already paid you. This means we will have paid you money that you are not entitled to.

We will contact you before we take back any money.

Income Tax

Income tax may be taken from contribution-based Employment and Support Allowance if you are getting either of the main phase rates. We will write and tell you how much tax you will have to pay if any. The amount of tax depends on your tax code.

Income tax will not be taken from income-related Employment and Support Allowance and in some other cases. For example if you are getting an occupational pension.

National Insurance

We will normally give you a National Insurance credit for each full week that you receive Employment and Support Allowance. A week starts on Sunday and ends on Saturday.

National Insurance credits may help in the future towards benefits that normally depend on National Insurance contributions.

If you are employed

If you are employed and your employer pays you while you are sick, your employer will still deduct National Insurance from your pay if your earnings are high enough.

If you are self-employed

You do not have to pay a self-employed contribution while you are getting Employment and Support Allowance. We will credit your National Insurance account every week.

Contact HM Revenue & Customs straight away if your National Insurance bill does not show credits for when you were getting Employment and Support Allowance.

Changes you must tell us about

While you are getting Employment and Support Allowance you must tell us straight away if any of your circumstances change. If you are not sure if we need to know something, tell us anyway. When you get in touch with us, tell us your full name and your National Insurance number.

You must tell us straight away if you change the account you are using for your Employment and Support Allowance payments.

If your medical condition changes

You must tell us straight away if your medical condition changes. Your condition may:

- get better
- get worse, or
- change to another condition.

This could be because of:

- surgery
- using aids or appliances, or
- a change in your medication.

You must tell us straight away if this happens, because we may have to look at your claim again. We may ask you to fill in a questionnaire and to have a medical assessment.

Working

Tell us straight away if:

- you or your partner are going back to work
- you work or want to start work under the permitted work rules, or
- you do any voluntary work.

We use 'partner' to mean

- a person you are married to or a person you live with as if you are married to them, or
- a civil partner or a person you live with as if you are civil partners.

Changes you must tell us about continued

Self-employment

Tell us about anything you do that is connected with your work, even if you only do a very small amount of work.

Other changes

Any changes to do with you or your partner

You must also tell us if you or your partner

- start any kind of work or training or course
- start claiming another benefit
- get a pension or your pension changes
- change the amount of your savings
- start living with someone
- have someone come to live in your house, or someone who was living in your house leaves
- get married or form a civil partnership
- get divorced, break up a civil partnership, or separate
- are involved in a trade dispute, or cannot work because of a trade dispute
- lose a job
- move house
- go into or leave hospital
- go into or leave prison or legal custody
- go away from home, even if it is for a day
- join or leave the household
- die
- go abroad or plan to go abroad.

Changes you must tell us about continued

Any changes to do with pension income, benefits and allowances

Some pension incomes, benefits, capital or savings can affect the amount of Employment and Support Allowance that you get.

By 'pension income' we mean:

- occupational pension
- personal pension
- public service pension
- stakeholder pension
- a pension from a self-employed pension scheme
- permanent health insurance payments arranged by an employer and the contract of employment has ended
- pension protection fund payments due to employer insolvency.

If you have not already told us about any pension income, benefits or allowances you or your partner get, please tell us straight away.

By 'benefits' we mean things like:

- Jobseeker's Allowance
- Income Support
- Incapacity Benefit
- Statutory Sick Pay
- State Pension
- money because you can't get work
- money for training.

Changes you must tell us about continued

Also tell us if you or your partner start or stop getting any pension income, benefits or allowances. Tell us if the amount of money you or your partner are getting changes.

Tell us if you or your partner start getting:

- Statutory Adoption Pay
- Statutory Maternity Pay
- Statutory Paternity Pay, or
- Statutory Sick Pay

from an employer or former employer. Tell us the name and address of the employer and the date that the payments started.

Extra help

Disability Living Allowance

This is a tax-free benefit for people who need help with personal care, with getting around, or with both of these. To get Disability Living Allowance you must normally have needed help for at least 3 months and be likely to need it for at least a further 6 months. Disability Living Allowance is normally paid on top of other benefits.

For more information contact Jobcentre Plus or visit our website at **www.jobcentreplus.gov.uk**

Industrial Injuries Disablement Benefit

This is a benefit for people who become disabled as a result of an accident at work, or as a result of an industrial disease. You can get this benefit even if you are working or are returning to work.

For a detailed list of industrial diseases contact Jobcentre Plus or visit our website at **www.jobcentreplus.gov.uk**

Pension Credit

You may be entitled to Pension Credit if you are aged 60 or over. You can apply by phoning The Pension Service on **0800 99 1234**. If you have speech or hearing difficulties you can contact The Pension Service using a textphone on **0800 16 90 133**. Lines are open 8.00am to 8.00pm Monday to Friday and 9.00am to 1.00pm on Saturday.

You can also apply on the internet. Visit the website at **www.thepensionsservice.gov.uk/pensioncredit**

For more information ask for a leaflet about Pension Credit from your pension centre.

Training allowances

These are available to people undergoing training or rehabilitation in a government approved scheme.

For more information about training allowances contact Jobcentre Plus.

Housing Benefit and Council Tax Benefit

Housing Benefit is help with paying rent for the place where you live.

Council Tax Benefit is help with paying your council tax.

The amount of benefit you get depends on the amount of money you have coming in.

If you get income-related Employment and Support Allowance and claim Housing Benefit or Council Tax Benefit, they will be paid at the full eligible rate, less any deduction for other adults living with you. If you get contribution-based Employment and Support Allowance, the amount of these other benefits may be reduced.

For more information about either of these benefits, get in touch with your local council.

Tax credits

Working Tax Credit

This is a tax credit to top up the earnings of working people. You can claim Working Tax Credit if

- you are aged 16 or over, **and**
- you work at least 16 hours a week, **and**
- you or your partner are responsible for a child or qualifying young person, **or**
- you have a disability which puts you at a disadvantage in getting a job, **or**
- you or your partner are aged 50 or more and are returning to work after a spell on qualifying out of work benefits.

If you do not have children or qualifying young persons, or a disability that puts you at a disadvantage in getting a job, you can also claim Working Tax Credit if

- you are aged 25 or over, **and**
- you work at least 30 hours a week.

Working Tax Credit is available to self-employed people and employees. If you want to find out more about Working Tax Credit visit **www.hmrc.gov.uk**

Child Tax Credit

Employment and Support Allowance does not include money for children or qualifying young persons. But you can claim Child Tax Credit instead.

We use 'child' to mean a person aged under 16 who you are getting Child Benefit for.

We use 'qualifying young person' to mean a person aged 16, 17, 18 or 19 who you are getting Child Benefit for.

To find out more about Child Tax Credit visit **www.hmrc.gov.uk**

You can also phone HM Revenue & Customs by calling the helpline on **0845 300 3900**.

If you have speech or hearing difficulties, you can contact the helpline using a textphone on **0845 300 3909**.

Lines open 8am–8pm seven days a week (except Christmas Day, Boxing Day, New Year's Day and Easter Sunday).

If you need help or a form in Welsh, please phone **0845 302 1489**. Lines are open 8.30am–5pm Monday to Friday.

Call charges

Calls to **0800** numbers are free from BT land lines, but you may have to pay if you:

- use another phone company
- use a mobile phone, or
- are calling from abroad.

Calls to **0845** numbers from BT landlines should cost no more than 4p a minute with a 6p call set up charge. You may have to pay more if you:

- use another phone company
- use a mobile phone, or
- are calling from abroad.

Calls from mobile phones can cost up to 40p a minute, so check the cost of the calls with your service provider.

Textphones

Textphones are for people who find it hard to speak or hear clearly. Our textphone numbers are only for people who use a textphone.

If you do not have a textphone of your own, some libraries or an advice centre like the Citizens Advice Bureau may have one.

Important information about these notes

These notes are only a guide and do not cover every circumstance. We have done our best to make sure that all the information in these notes is correct as of April 2009.

It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes in the law.

