Incapacity Benefit – Welfare Reform Review

Changes to disability benefits - for people claiming “sickness benefits”
As part of the Welfare Reform programme, 3 older “Sickness Benefits” are being phased out - Incapacity Benefit, Severe Disablement Allowance, Income Support granted on incapacity grounds. They are being replaced by a newer benefit - Employment and Support Allowance (ESA). Between April 2011 & March 2014, all claimants of these previous 3 benefits are being reviewed, under ESA rules. This will assess whether they are eligible for ESA and if so, what rate of benefit they will be entitled to. The review will not apply to people already receiving ESA.

Employment and Support Allowance (ESA):
Employment and Support Allowance (ESA) was introduced in Oct 2008, for all new claimants who were unable to work, replacing all other “Sickness Benefits.” As with Incapacity Benefit, there are 2 types of ESA, depending on your National Insurance contributions:

1. **Contributory ESA** – this depends on your National Insurance record and you must have paid enough contributions in the previous 2 tax years.
2. **Income-related ESA** - this is means tested so depends on your savings and other income (e.g. occupational pension). If you have a partner, their income will be counted.

**ESA – The Work Capability Assessment (WCA):**
This is the main test for ESA and it has 2 parts.

1. **Limited Capability for Work** - if you are accepted for ESA, the second test assesses your capacity for future work. This will determine the long-term rate of benefit that you are awarded, any conditions you must meet to keep getting ESA and the frequency of reviews.
2. **Limited Capability for Work-Related Activity** - if you are accepted for ESA, the second test assesses your capacity for future work. This will decide the long-term rate of benefit you are awarded, any conditions you must meet to keep getting ESA and the frequency of reviews.

**WCA test:** *read the guidelines about the WCA questions and points system before your review*

**Review purpose:**
The aim is to assess your health, to decide whether:
- you qualify for ESA instead OR
- you are capable of work OR
- you qualify for other benefits. This review won't apply to people already receiving ESA.

**Review process:**
Jobcentre Plus will get in touch you when they are ready to review your case, sometime before March 2014. In the meantime, you don’t need to contact anyone. You will still get your existing benefit, as long as you to meet the conditions and remain unfit for work. The process involves:

1. **Letter:** You will get a letter advising you when your benefit is to be reviewed.
2. **Phonecall:** Jobcentre Plus will ring you to check that you have received this letter so you get a chance to ask about the review process and what it involves.
3. **Questionnaire:** you will get a “Limited Capability for Work” form (ESA 50). It asks about your ability to manage 17 physical and mental activities. Answers are scored and you need at least 15 points to be assessed as unfit for work. Complete the form with as much detail as possible and return the form by the given date - if you don't, your benefit may be affected.

**Attach extra information to confirm your problems** (e.g. clinic letters/ support letter). At Heartlands, we find that this reduces the likelihood of being called to a medical assessment when your Incapacity Benefit is reviewed. If you need advice, ask to see our social worker.
Review decision

The healthcare professional sends your assessment details to the Department for Work and Pensions, (DWP) for review by a “Decision Maker.” Jobcentre Plus will send a letter to advise whether or not you qualify for ESA. You have a right to appeal against their decision.

The outcomes could be:

1. If you are found capable of work - you will be refused ESA. Your Incapacity Benefit (or other “Sickness Benefit”) will stop. Jobcentre Plus will ring you to discuss your benefit options (e.g. “signing on” for work, to claim Job Seekers Allowance). They will also write to you.

2. If you are found not capable of work - you will be entitled to ESA. Your Incapacity Benefit (or other “Sickness Benefit”) will be transferred automatically, with no break in payment. If your existing benefit is more than the current rate of ESA, you will get a top-up payment. Jobcentre Plus will ring you to let you know. They will also write to you.

Depending on the severity of your condition, you will be placed in one of the following 2 groups:

a. Work Related Activity Group - you have been assessed as having capacity to get back into work and will get support to help you prepare for suitable work. You must meet strict conditions to continue getting benefit. You must take part in the work-related support activities - if you don’t, your benefit may be affected. You must have:
   - 5 further work-focused interviews (monthly) with a personal adviser to help you make an “action plan” (activities to undertake to help you move towards work)
   - an annual work-focused follow-up interview
b. Support Group – If you are assessed as having no capacity to return to work you will be placed in the Support Group. There are no conditions to fulfil in order to remain on benefit.
   - you will not be expected to look for work nor have take up any work-related support
   - you can still volunteer for work-related activities and access support, if you wish

NB: Time limiting of contribution-related ESA for Work Related Activity (WRA) group

From April 2012, contribution-related ESA will be time-limited for people in the WRA Group and it will only be paid for I year, regardless of their National Insurance (NI) record.

- If you get Contributory ESA and are in the WRA Group - your ESA will stop after one year. You may be able to claim income-related ESA, depending on your circumstances (e.g. if you're living alone and have a low income  - if you have a partner, their income will count).

- If you get Contributory ESA and are in the Support Group - the time limit will not apply to you. You will still be able to get ESA, based on your National Insurance contributions.

If you have finished your job and cannot work again, due to your CF, it is important to challenge any decision to put you in the WRA group, to make sure you get put into the Support Group.

For more information:

1️⃣ Heartlands Adult CF Centre website - [http://www.heartlandscf.org/](http://www.heartlandscf.org/)
   a. Patients Stories section:
      - Read a patient’s account of his Incapacity Benefit review
      - Download his tips for a successful review
   b. Information Downloads section:
      - Work Capacity Assessment factsheet
      - Work Capacity Assessment - questions and scoring system

1️⃣ Government website (Carer & Disability Benefits section) [https://www.gov.uk/incapacity-benefit](https://www.gov.uk/incapacity-benefit)