

# EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)

Amounts stated are valid until end of April 2018

## WHAT IS ESA?

ESA is a benefit that helps people over 16 who aren't able to work because of illness, a health condition or disability. There are two types of ESA – you might be able to get one or both, depending on your circumstances.

- **Income-related ESA.** This is a means tested benefit, which means the amount you can claim depends on how much you earn and how much you have in savings. There isn't a set time period for how long you can get this payment for.
- **Contributory-based ESA.** This benefit isn't means tested – the amount you get will depend on different things, like your age or what level of support you are considered to need. You can only usually get the payment for up to 12 months, unless you are put into the support group (**What happens next?**).

To make a claim you will need to provide documents, including your National Insurance number, birth certificate, passport or driving licence. You will also need to provide any medical certificates, information about other benefits you are getting, employment history, address and phone number.

## CHANGES TO INCOME-BASED ESA

Universal Credit (UC) will eventually replace income-related ESA over the next few years. It is also included in the list of benefits that are capped (the benefit cap). This cap doesn't apply if you're put in the support group.

ESA replaced Incapacity Benefit and Income Support from October 2008. If you are still receiving either of these benefits, then you'll have a Work Capability Assessment at some point in the future.



## QUALIFYING FOR ESA

To qualify for ESA you must:

- not be getting Statutory Sick Pay (SSP) or Statutory Maternity Pay. However, you can apply for ESA up to three months before your SSP ends
- be living in the UK. If you live in the EEA or Switzerland you may get ESA if you have previously lived in the UK
- have paid enough National Insurance over a certain period of time
- not be getting Jobseeker's Allowance.

If you don't qualify for contribution-based ESA, the Department of Work and Pensions (DWP) will assess you for income-related ESA. If you are entitled to this then you may qualify for other benefits, like a Cold Weather Payment or the maximum Housing Benefit.

You can also still apply for ESA if you:

- are a student on Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
- have lived or worked abroad and have paid enough UK National Insurance.

## HOW DOES THE APPLICATION WORK?

Once you have given your basic details on the phone or by filling out the ESA1 form, you will be asked to fill out and return a 'Capability for Work' questionnaire (ESA50) within four weeks.

This will give you the opportunity to tell the DWP how your illness or disability affects your ability to work. If you're claiming in Northern Ireland you will not need to complete this form.

In most cases you will be asked to go to a face-to-face Work Capability Assessment to decide whether you have a 'limited capability for work' or 'work-related activity'. This assessment will be carried out by a healthcare professional and the results will be sent to the DWP.

The assessment should take place within 13 weeks of you making your claim, but it sometimes longer than this. If there are delays during the assessment stage you will be paid ESA at a reduced rate ('basic allowance'). Payments will be backdated to the 14th week of your claim.

## WHAT HAPPENS NEXT?

To be eligible to receive ESA you will need to have scored at least 15 points on the assessment. If you don't it means you'll be classed as capable to work. Once you've had your assessment you'll be put into one of two groups:

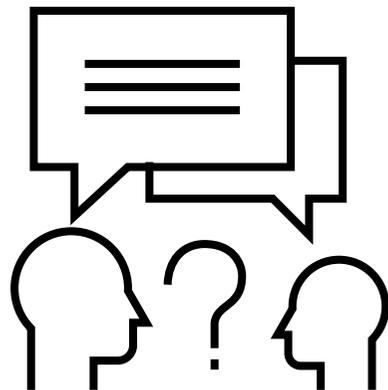
### 1. SUPPORT GROUP

If you're found to have what's called a limited capability for work-related activity, you'll be put in the support group. This means you will not have to take on any work-related activities while getting ESA, but you're allowed to volunteer if you want to. The payment is higher for claimants in this group than the work-related activity group and can be paid for an unlimited amount of time, as long as you continue to meet the conditions. You will not have to go to interviews, but you can ask to speak to an adviser if you want.

### 2. WORK-RELATED ACTIVITY GROUP

If you are found not to have a limited capability for work-related activity, you'll be put into the work-related activity group. This usually means you get a lower rate of ESA, and you'll also have to follow certain rules, like attending a series of interviews with an adviser to find out what you're doing to start working. If you don't go to these interviews then your payments may be reduced (called a sanction). If you are over 18 you can apply for a hardship fund if your income-related ESA has been reduced. There are some situations where you won't be expected to do work-related activity, for example if you're a single parent with a child under three, or you're a carer.

If you are a new ESA claimant and you are placed in the work-related group, you will get the same rate of benefit as people claiming Jobseeker's Allowance. There will also be extra support to help you take steps towards going back to work if you're able to.

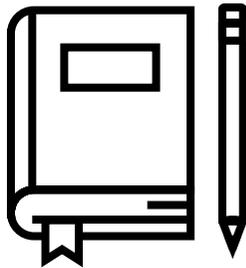


## STUDENTS APPLYING FOR ESA

**Full-time students:** You can claim what's called contributory-based ESA if you have paid enough National Insurance. You can only get income-related ESA if you are also receiving Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Armed Forces Independence Payment (AFIP).

**Part-time students:** You can claim contributory-based ESA as long as you have paid enough National Insurance. If you are on a low income you might also be eligible for income-related ESA, and you don't have to be getting DLA, PIP or AFIP.

If you've already had a loan for your course this will be looked on as income and will affect how much income-related ESA you can get for the amount of time your loan was meant to cover. However, if you've suspended your course because of your illness then your unclaimed student loan will not be counted as income.



## IF YOU'RE WORKING AND GETTING ESA

Permitted work means you can:

- 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
- earn up to £120 a week if you are in the support group, but there is no time limit on it.

You must tell the DWP if you start doing permitted or supported permitted work. You will be sent a PW1 form to fill in and send back, or you can download it from [gov.uk](https://www.gov.uk). Any volunteer work you do also needs to be reported, but this shouldn't affect your ESA.

## WHAT HAPPENS IF YOU HAVE A TERMINAL DIAGNOSIS?

If you have a terminal illness you will automatically get ESA from the start of your claim without having to be assessed. Special rules mean you can get ESA from the first day of your illness.

## HOW MUCH WILL I GET?

Payment is made straight into your bank account every two weeks. The amount you get will depend on a things such as your age, savings and income. You can use the benefits calculator at [gov.uk/benefits-calculators](https://www.gov.uk/benefits-calculators) to find out how much you might get. If you're a carer or you have a severe disability you may be entitled to an extra amount ('premium').

## REPEAT CLAIMS

If you've been found capable of doing some work after your Work Capability Assessment, it's unlikely you'll be eligible for ESA again. There are exceptions though – for example if your current condition has got worse or you are claiming for a new condition.



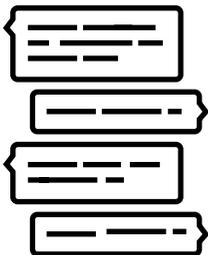
## CHALLENGING A DECISION ABOUT ESA

You can challenge an ESA decision about:

- the group you are put into
- because you've been given a sanction
- or you've been told you don't qualify.

First you need to ask the DWP to look at the decision again ('mandatory decision'). You can do this over the phone or by letter, but always follow up a phone call in writing so you have a record of it. You need to do this within a month from the date on the decision letter ('Mandatory Reconsideration Notice'). If you still don't agree with the decision you can appeal to an independent tribunal.

If you failed the assessment and are challenging the decision, you could still be classed as having limited capability for work and be entitled ESA while you appeal. This could be because it's the first time you have failed the Work Capability Assessment, your condition has got much worse or you have a new health condition. Get advice from a welfare adviser who can explain how you can challenge the decision and help you meet any deadlines.



## HOW DO I APPLY FOR ESA?

You can get a claim form (ESA1) from your local Jobcentre Plus office or download it at [gov.uk/employment-support-allowance/how-to-claim](http://gov.uk/employment-support-allowance/how-to-claim). You can also fill the form in over the phone.

For help filling out any of the forms you can speak to your local Jobcentre Plus Office or Citizens Advice. You can also contact the DWP directly on **0345 608 8545** to talk about a claim you've already made.

To claim ESA in **England, Scotland or Wales**, you can phone Jobcentre Plus Monday to Friday, 8am to 6pm on **0800 055 6688** or textphone **0800 023 4888**. For Welsh language, telephone **0800 012 1888**.

You can claim ESA in **Northern Ireland** by calling the ESA Centre on **0800 085 6318** or texting **0800 328 3419**, or by downloading a claim form from [nidirect.gov.uk](http://nidirect.gov.uk)

## For more information

Find out more about ESA by going to [citizensadvice.org.uk](http://citizensadvice.org.uk) and searching for 'ESA'. Since the information differs for different parts of the UK, make sure the page is set to provide information relevant to the country you're in.

## ABOUT CLIC SARGENT

CLIC Sargent is the UK's leading cancer charity for children, young people and their families. Our care teams have been providing expert support across the UK for years. CLIC Sargent provides information, advice and guidance to help young people and their families take control and make decisions about their treatment and future.

## NEED HELP?

Contact CLIC Sargent's free telephone welfare advice service by calling **0800 915 4439** or emailing [welfareadvice@clicsargent.org.uk](mailto:welfareadvice@clicsargent.org.uk)

Advisers can answer questions about the forms you need to fill in, or benefits in general. They can also let you know about other organisations that can help you.

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