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EMPLOYMENT SUPPORT ALLOWANCE

What is Employment Support Allowance?

Employment Support Allowance (ESA) is a new benefit which replaced Incapacity Benefit and Income Support paid on the grounds of ill health or disability. ESA was introduced on 27th October 2008 and initially only those making fresh claims on or after that date will receive ESA.

From April 2009 all those under 25 years of age and on Incapacity Benefit will be re-assessed for the new benefit, and all other claimants will be re-assessed from April 2010 – by April 2013 there will be only one benefit for those who have limited capability for work. There are no exempt conditions as there were with Incapacity Benefit.

How to Claim

To start the process of making a claim for ESA, most claimants will make a telephone call to Jobcentre Plus with no initial claim forms to complete. Keep a note of the date and the person you spoke to.

For those unable to make a telephone claim, they can make it face to face at a Jobcentre through an interpreter or representative using a printed claim form. This may apply to Myasthenics with speech difficulties.

Medical certificates from a GP will need to be sent to Jobcentre Plus at the start of any claim. We suggest that you also include copies of any relevant reports from speech therapists, GP, consultant etc. together with a copy of your medication list. Copies of the relevant MGA information publications may also be useful.

ESA is paid fortnightly in arrears following on from your 13 weeks of SSP. There are rules applying to applications regarding the number of national insurance contributions etc. and details can be given of these if required.

It is expected that only 10% of claimants will continue on benefit without having to seek work or re-train.

The Work Capability Assessment (WCA)

This process is more complex than the current test applied to find out if someone is capable of work. The test comprises three parts:

1. Assess if the claimant has 'limited capability for work'
2. Find out whether the claimant has a 'limited capability for work-related activity'
3. Carry out a 'work focused health-related assessment.'

The first test

This establishes whether the claimant meets the criteria for ESA and is similar to the test currently carried out for Incapacity Benefit.

Points are scored according to the claimant's inability to carry out certain tasks. If the score is 15 or more, then the person is treated as having 'limited capability for work' and is entitled to receive ESA. If the score is less than 15, then the claimant will be moved to Jobseekers Allowance. (*A list of the points is available*)

The Second Test

Having established that the claimant has limited capability for work and is eligible for ESA, a second test assesses whether the claimant is placed in the **support group** or the **work-related activity group**. The test will take place by week 8 of their claim, with payment being made from week 14.

If the person is placed in the **support group** it means that they do not have to undertake further work-related activities unless they want to. They are entitled to receive a support component of £29* per week and no conditions or sanctions are imposed. (* In addition to £60.50 basic allowance)

Terminally ill patients will be fast tracked and will not be required to take part in any further work-related activities.

**Payments will vary slightly according to NI contributions, single or couple status.*

The Third Test

The **work-related activity group** will receive the basic allowance but any additional amount will be conditional on meeting strict work-related conditions. A person placed in the **Work related activity group** will also have to take part in a **third test – the work-focused health-related assessment**. This part of the test looks at a person's functional capacity to carry out certain tasks. These three tests form the Work Capability Assessment and determine eligibility and entitlement to ESA.

Initial Work-Focused Interview

Most claimants will have to attend the initial work focused interview unless they are terminally ill. It is possible to have this interview deferred if it is considered inappropriate at this point either because of your condition, or for example, if you are in hospital.

The interview will usually take place during the 8th week of the claim. A personal advisor using the information gathered in the Capability Assessment, will discuss work prospects with the claimant, look at support available to help them move back into work, and what steps the person is prepared to take at this stage.

Follow-up Interviews

During the follow-up interviews an Action Plan will be agreed between the claimant and the personal advisor and discussions might include:

- Job goals
- Skills, strengths and abilities
- Factors preventing them from looking for and securing work, or limiting the work they could do – and then helping them to overcome these.
- Ideas for re-training.

A Schedule of the questions asked may be found below (Page4).

The Assessment

A decision maker will look at the information the claimant gave when making the initial claim for ESA - usually by telephone, so do make sure you describe problems very specifically; also any medical evidence provided. E.g. copies of all reports and medication lists.

If the assessors cannot decide whether a claim can be made, they may ask for a medical examination at this stage.

It will be possible to appeal against any decision. NB as this is a new benefit there, is no Case Law to back up appeals as there is with Incapacity benefit.

The main impact on Myasthenics will be that many will not reach the required 15 points to go onto ESA and will have to claim Jobseekers Allowance and therefore attend training and job interviews.

HELP AND INFORMATION

Assistance

It is strongly recommended that Myasthenics seeking to make a claim should seek the advice of their Local Citizens Advice Bureau, or similar organisation.

Useful Websites

Department for Work and Pensions (DWP) - DWP.gov.uk/esa

Disability Alliance (DA) - www.disabilityalliance.org

Other sources of information

There are a number of clear leaflets provided by the Department for Work and Pensions, working together with the Disability Alliance.

The DA Handbook, ESA supplement, is on the DWP site and will be a 'bible' for those applying and their family/ advisors.

The Department of Work and Pensions guide to ESA may be found on the internet at <http://www.dwp.gov.uk/esa/index.asp>.

By following the links you can access a series of fact sheets setting out the requirements for ESA.

Schedule 2 is reproduced from the DWP website

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The Employment and Support Regulations 2008

SCHEDULE 2

ASSESSMENT OF WHETHER A CLAIMANT HAS LIMITED CAPABILITY FOR WORK

PART 1

		Physical disabilities		Regulation 19(2) and (3)
<i>(1)</i>			<i>(2)</i>	<i>(3)</i>
<i>Activity</i>			<i>Descriptors</i>	<i>Points</i>
1. Walking with a walking stick or other aid if such aid is normally used.	1	(a)	Cannot walk at all.	15
		(b)	Cannot walk more than 50 metres on level ground without repeatedly stopping or severe discomfort.	15
		(c)	Cannot walk up or down two steps even with the support of a handrail.	15
		(d)	Cannot walk more than 100 metres on level ground without stopping or severe discomfort.	9
		(e)	Cannot walk more than 200 metres on level ground without stopping or severe discomfort.	6
		(f)	None of the above apply.	0
2. Standing and sitting.	2	(a)	Cannot stand for more than 10 minutes, unassisted by another person, even if free to move around, before needing to sit down.	15
		(b)	Cannot sit in a chair with a high back and no arms for more than 10 minutes before needing to move from the chair because the degree of discomfort experienced makes it impossible to continue sitting.	15
		(c)	Cannot rise to standing from sitting in an upright chair without physical assistance from another person.	15

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	(d) Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.	15
	(e) Cannot stand for more than 30 minutes, even if free to move around, before needing to sit down.	6
	(f) Cannot sit in a chair with a high back and no arms for more than 30 minutes without needing to move from the chair because the degree of discomfort experienced makes it impossible to continue sitting.	6
	(g) None of the above apply.	0
3. Bending or kneeling.	3 (a) Cannot bend to touch knees and straighten up again.	15
	(b) Cannot bend, kneel or squat, as if to pick a light object, such as a piece of paper, situated 15cm from the floor on a low shelf, and to move it and straighten up again without the help of another person.	9
	(c) Cannot bend, kneel or squat, as if to pick a light object off the floor and straighten up again without the help of another person.	6
	(d) None of the above apply.	0
4. Reaching.	4 (a) Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	15
	(b) Cannot put either arm behind back as if to put on a coat or jacket.	15
	(c) Cannot raise either arm to top of head as if to put on a hat.	9
	(d) Cannot raise either arm above head height as if to reach for something.	6
	(e) None of the above apply.	0

<i>(1)</i>		<i>(2)</i>	<i>(3)</i>
<i>Activity</i>		<i>Descriptors</i>	<i>Points</i>
5. Picking up and moving or transferring by the use of the upper body and arms (excluding all other activities specified in Part 1 of this Schedule).	5	(a) Cannot pick up and move a 0.5 litre carton full of liquid with either hand.	15
		(b) Cannot pick up and move a one litre carton full of liquid with either hand.	9
		(c) Cannot pick up and move a light but bulky object such as an empty cardboard box, requiring the use of both hands together.	6
		(d) None of the above apply.	0
6. Manual dexterity.	6	(a) Cannot turn a “star-headed” sink tap with either hand.	15
		(b) Cannot pick up a £1 coin or equivalent with either hand.	15
		(c) Cannot turn the pages of a book with either hand.	15
		(d) Cannot physically use a pen or pencil.	9
		(e) Cannot physically use a conventional keyboard or mouse.	9
		(f) Cannot do up/undo small buttons, such as shirt or blouse buttons.	9
		(g) Cannot turn a “star-headed” sink tap with one hand but can with the other.	6
		(h) Cannot pick up a £1 coin or equivalent with one hand but can with the other.	6
		(i) Cannot pour from an open 0.5 litre carton full of liquid.	6
		(j) None of the above apply.	0
7. Speech.	7	(a) Cannot speak at all.	15

(1)	(2)	(3)
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	(b) Speech cannot be understood by strangers.	15
	(c) Strangers have great difficulty understanding speech.	9
	(d) Strangers have some difficulty understanding speech.	6
	(e) None of the above apply.	0
8. Hearing with a hearing aid or other aid if normally worn.	8 (a) Cannot hear at all.	15
	(b) Cannot hear well enough to be able to hear someone talking in a loud voice in a quiet room, sufficiently clearly to distinguish the words being spoken.	15
	(c) Cannot hear someone talking in a normal voice in a quiet room, sufficiently clearly to distinguish the words being spoken.	9
	(d) Cannot hear someone talking in a loud voice in a busy street, sufficiently clearly to distinguish the words being spoken.	6
	(e) None of the above apply.	0
9. Vision including visual acuity and visual fields, in normal daylight or bright electric light, with glasses or other aid to vision if such aid is normally worn.	9 (a) Cannot see at all.	15
	(b) Cannot see well enough to read 16 point print at a distance of greater than 20cm.	15
	(c) Has 50% or greater reduction of visual fields.	15
	(d) Cannot see well enough to recognise a friend at a distance of a least 5 metres.	9
	(e) Has 25% or more but less than 50% reduction of visual fields.	6

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	(f) Cannot see well enough to recognise a friend at a distance of at least 15 metres.	6
	(g) None of the above apply.	0
10 (a) Continence other than enuresis (bed wetting) where the claimant does not have an artificial stoma or urinary collecting device.	10 (a) (i) Has no voluntary control over the evacuation of the bowel.	15
	10 (a) (ii) Has no voluntary control over the voiding of the bladder.	15
	10 (a) (iii) At least once a month loses control of bowels so that the claimant cannot control the full evacuation of the bowel.	15
	10 (a) (iv) At least once a week, loses control of bladder so that the claimant cannot control the full voiding of the bladder.	15
	10 (a) (v) Occasionally loses control of bowels so that the claimant cannot control the full evacuation of the bowel.	9
	10 (a) (vi) At least once a month loses control of bladder so that the claimant cannot control the full voiding of the bladder.	6
	10 (a) (vii) Risks losing control of bowels or bladder so that the claimant cannot control the full evacuation of the bowel or the full voiding of the bladder if not able to reach a toilet quickly.	6
	10 (a) (viii) None of the above apply.	0
10 (b) Continence where the claimant uses a urinary collecting device, worn for the majority of the time including an indwelling urethral or suprapubic	10 (b) (i) Is unable to affix, remove or empty the catheter bag or other collecting device without receiving physical assistance from another person.	15

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>	
catheter.	10 (b) (ii)	Is unable to affix, remove or empty the catheter bag or other collecting device without causing leakage of contents.	15
	10 (b) (iii)	Has no voluntary control over the evacuation of the bowel.	15
	10 (b) (iv)	At least once a month, loses control of bowels so that the claimant cannot control the full evacuation of the bowel.	15
	10 (b) (v)	Occasionally loses control of bowels so that the claimant cannot control the full evacuation of the bowel.	9
	10 (b) (vi)	Risks losing control of bowels so that the claimant cannot control the full evacuation of the bowel if not able to reach a toilet quickly.	6
	10 (b) (vii)	None of the above apply.	0
	10 (c) Continence other than enuresis (bed wetting) where the claimant has an artificial stoma.	10 (c) (i)	Is unable to affix, remove or empty stoma appliance without receiving physical assistance from another person.
10 (c) (ii)		Is unable to affix remove or empty stoma appliance without causing leakage of contents.	15
10 (c) (iii)		Where the claimant's artificial stoma relates solely to the evacuation of the bowel, at least once a week, loses control of bladder so that the claimant cannot control the full voiding of the bladder.	15
10 (c) (iv)		Where the claimant's artificial stoma relates solely to the evacuation of the bowel, at last once a month, loses control of bladder so that the claimant	9

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	cannot control the full voiding of the bladder.	
	Where the claimant's artificial stoma relates solely to the evacuation of the bowel, risks losing control of the bladder so that the claimant cannot control the full voiding of the bladder if not able to reach a toilet quickly.	6
	10 (c) (v)	
	10 (c) (vi) None of the above apply.	0
11. Remaining conscious during waking moments.	At least once a week, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	15
	11 (a)	
	At least once a month, has an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	9
	(b)	
	At least twice in the six months immediately preceding the assessment, has had an involuntary episode of lost or altered consciousness, resulting in significantly disrupted awareness or concentration.	6
	(c)	
	(d) None of the above apply.	0

SCHEDULE 2

ASSESSMENT OF WHETHER A CLAIMANT HAS LIMITED CAPABILITY FOR WORK

PART 2

Mental, cognitive and intellectual function assessment

(1)	(2)	(3)
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
12. Learning or comprehension in the completion of tasks.	12 (a) Cannot learn or understand how to successfully complete a simple task, such as setting an alarm clock, at all.	15
	(b) Needs to witness a demonstration, given more than once on the same occasion, of how to carry out a simple task before the claimant is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a further demonstration of how to complete it.	15
	(c) Needs to witness a demonstration of how to carry out a simple task, before the claimant is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a verbal prompt from another person.	9
	(d) Needs to witness a demonstration of how to carry out a moderately complex task, such as the steps involved in operating a washing machine to correctly clean clothes, before the claimant is able to learn or understand how to complete the task successfully, but would be unable to successfully complete the task the following day without receiving a verbal prompt from another person.	9
	(e) Needs verbal instructions as to how to carry out a simple task before the claimant is able to learn or understand how to complete the task successfully, but would be unable, within a period of less than one week, to successfully complete the task the following day without receiving a verbal prompt from another person.	6
	(f) None of the above apply.	0
13. Awareness of hazard.	13 (a) Reduced awareness of the risks of everyday hazards (such as boiling water or sharp objects) would lead to daily instances of or to near-avoidance of:	15

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	<p>(i) injury to self or others; or</p> <p>(ii) significant damage to property or possessions, to such an extent that overall day to day life cannot successfully be managed.</p>	
	<p>(b) Reduced awareness of the risks of everyday hazards would lead for the majority of the time to instances of or to near-avoidance of</p> <p>(i) injury to self or others; or</p> <p>(ii) significant damage to property or possessions, to such an extent that overall day to day life cannot successfully be managed without supervision from another person.</p>	9
	<p>(c) Reduced awareness of the risks of everyday hazards has led or would lead to frequent instances of or to near-avoidance of:</p> <p>(i) injury to self or others; or</p> <p>(ii) significant damage to property or possessions, but not to such an extent that overall day to day life cannot be managed when such incidents occur.</p>	6
	<p>(d) None of the above apply.</p>	0
14. Memory and concentration.	<p>14 (a) On a daily basis, forgets or loses concentration to such an extent that overall day to day life cannot be successfully managed without receiving verbal prompting, given by someone else in the claimant's presence.</p>	15
	<p>(b) For the majority of the time, forgets or loses concentration to such an extent that overall day to day life cannot be successfully managed without receiving verbal prompting, given by someone else in the claimant's presence.</p>	9
	<p>(c) Frequently forgets or loses concentration to such an extent that overall day to day life can only be successfully managed with pre-planning, such as making a daily written list of all tasks forming part of daily life that are to be completed.</p>	6

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	(d) None of the above apply.	0
15. Execution of tasks.	15 (a) Is unable to successfully complete any everyday task.	15
	(b) Takes more than twice the length of time it would take a person without any form of mental disablement, to successfully complete an everyday task with which the claimant is familiar.	15
	(c) Takes more than one and a half times but no more than twice the length of time it would take a person without any form of mental disablement to successfully complete an everyday task with which the claimant is familiar.	9
	(d) Takes one and a half times the length of time it would take a person without any form of mental disablement to successfully complete an everyday task with which the claimant is familiar.	6
	(e) None of the above apply.	0
16. Initiating and sustaining personal action. **	16 (a) Cannot, due to cognitive impairment or a severe disorder of mood or behaviour, initiate or sustain any personal action (which means planning, organisation, problem solving, prioritising or switching tasks).	15
	(b) Cannot, due to cognitive impairment or a severe disorder of mood or behaviour, initiate or sustain personal action without requiring daily verbal prompting given by another person in the claimant's presence for the majority of the time.	15
	(c) Cannot, due to cognitive impairment or a severe disorder of mood or behaviour, initiate or sustain personal action without requiring verbal prompting given by another person in the claimant's presence for the majority of the time.	9
	(d) Cannot, due to cognitive impairment or a severe disorder of mood or behaviour, initiate or sustain personal action without requiring frequent verbal prompting given by another person in the claimant's presence.	6
	(e) None of the above apply.	0
17. Coping with	17 (a) Cannot cope with very minor, expected changes in routine, to the	15

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
change.	extent that overall day to day life cannot be managed.	
	(b) Cannot cope with expected changes in routine (such as a pre-arranged permanent change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult.	9
	(c) Cannot cope with minor, unforeseen changes in routine (such as an unexpected change of 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.	6
	(d) None of the above apply.	0
18. Getting about.	18 (a) Cannot get to any specified place with which the claimant is, or would be, familiar.	15
	(b) Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person on each occasion.	15
	(c) For the majority of the time is unable to get to a specified place with which the claimant is familiar without being accompanied by another person.	9
	(d) Is frequently unable to get to a specified place with which the claimant is familiar without being accompanied by another person.	6
	(e) None of the above apply.	0
19. Coping with social situations.	19 (a) Normal activities, for example, visiting new places or engaging in social contact, are precluded because of overwhelming fear or anxiety.	15
	(b) Normal activities, for example, visiting new places or engaging in social contact, are precluded for the majority of the time due to overwhelming fear or anxiety.	9
	(c) Normal activities, for example, visiting new places or engaging in social contact, are frequently precluded, due to overwhelming fear or anxiety.	6
	(d) None of the above apply.	0

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
20. Propriety of behaviour with other people.	20 (a) Has unpredictable outbursts of aggressive, disinhibited, or bizarre behaviour, being either:	15
	(i) sufficient to cause disruption to others on a daily basis; or	
	(ii) of such severity that although occurring less frequently than on a daily basis, no reasonable person would be expected to tolerate them.	
	(b) Has a completely disproportionate reaction to minor events or to criticism to the extent that the claimant has an extreme violent outburst leading to threatening behaviour or actual physical violence.	15
	(c) Has unpredictable outbursts of aggressive, disinhibited or bizarre behaviour, sufficient in severity and frequency to cause disruption for the majority of the time.	9
	(d) Has a strongly disproportionate reaction to minor events or to criticism, to the extent that the claimant cannot manage overall day to day life when such events or criticism occur.	9
	(e) Has unpredictable outbursts of aggressive, disinhibited or bizarre behaviour, sufficient to cause frequent disruption.	6
21. Dealing with other people.	(f) Frequently demonstrates a moderately disproportionate reaction to minor events or to criticism but not to such an extent that the claimant cannot manage overall day to day life when such events or criticism occur.	6
	(g) None of the above apply.	0
	21 (a) Is unaware of impact of own behaviour to the extent that:	15
	(i) has difficulty relating to others even for brief periods, such as a few hours; or	
(ii) causes distress to others on a daily basis.		
	(b) The claimant misinterprets verbal or non-verbal communication to the extent of causing himself or herself significant distress on a daily basis.	15

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Activity</i>	<i>Descriptors</i>	<i>Points</i>
	(c) Is unaware of impact of own behaviour to the extent that:	9
	(i) has difficulty relating to others for longer periods, such as a day or two; or	
	(ii) causes distress to others for the majority of the time.	
	(d) The claimant misinterprets verbal or non-verbal communication to the extent of causing himself or herself significant distress to himself for the majority of the time.	9
	(e) Is unaware of impact of own behaviour to the extent that:	6
	(i) has difficulty relating to others for prolonged periods, such as a week; or	
	(ii) frequently causes distress to others.	
	(f) The claimant misinterprets verbal or non-verbal communication to the extent of causing himself or herself significant distress on a frequent basis.	6
	(g) None of the above apply.	0
