Moving from incapacity benefits to Employment and Support Allowance (ESA) via the Work Capability Assessment (WCA)

Introduction

Incapacity Benefit (IB), Income Support (claimed because of a disability) and Severe Disability Allowance are being replaced with a new benefit called Employment and Support Allowance (ESA). Everyone claiming these old benefits will be reassessed over the next 3 years. This is about 1.5 million people. From May 2011, the Government aims to be reassessing around 11,000 people per week. The only people excluded from this process will be people who are due to reach state pension age by March 2014.

What is ESA?

Employment and Support Allowance (ESA) replaced incapacity benefits for people making new claims from October 2008. Over the next 3 years all existing incapacity benefit claimants are being reassessed using the work capability assessment (WCA). The process will last until spring 2014.

What is the work capability assessment (WCA)?

To be eligible for ESA, a person will usually have to undergo a work capability assessment (WCA). That is a face to face assessment with a healthcare professional, usually a doctor, nurse or other qualified person. ATOS Healthcare is the company that currently has the contract with the DWP to reassess people. For incapacity benefits there was previously a test called the personal capability assessment (PCA). Some people, such as people with a learning disability, did not have to go through this test. They were known as ‘PCA exempt’. There is no exempt group for the WCA, but there will be some exceptions for the most severely disabled people. So it is likely that most people will be expected to have the face-to-face meeting with a healthcare professional.
The WCA is stricter than the old test for incapacity benefits so some people who have been receiving incapacity benefits will be found ineligible for ESA. They will be regarded as ‘fit for work’ and will probably be eligible for Jobseeker’s Allowance (JSA) instead. The WCA looks at two areas of ability; these are ‘limited capability for work’ and ‘limited capability for work-related activity’.

**Limited capability for work**

Firstly the WCA looks at whether someone has 'limited capability for work' which is about whether someone has a reduced ability to work but is able to do ‘work related activity’. This includes activities that could be done to help them move towards work, such as training or volunteering.

**Limited capability for work-related activity**

The WCA then looks at whether someone has 'limited capability for work-related activity'. This is whether someone who cannot work is able to take part in activities to help them prepare for work.

**What are the work-related activity and support components?**

There are two parts to ESA, the 'work-related activity' component and the 'support component'. People who receive the support component will receive a higher rate of ESA.

If someone is assessed as having ‘limited capability for work’ but is able to take part in ‘work-related activity’, they will receive the work-related activity component of ESA.

If someone is assessed as having a particularly severe health condition or disability that means they have both a ‘limited capability for work’ and also cannot engage in ‘work-related activity’, they will be placed in the support group.
Transitional protection

There will be transitional protection for anyone who moves from incapacity benefits to ESA. This means that if someone’s current entitlement is more than what they would receive under ESA, the amount of ESA will be added to to make it the same as what they currently receive.

What is the process for reassessment?

The DWP hold a review date for everyone who is on an incapacity benefits. Even those who are exempt from the personal capability assessment have a three-yearly review date. The assessment phase should last 13 weeks.

Starting the process

- Around your review date, you will first receive a letter asking you to update Jobcentre Plus with any changes in your contact details;
- You will then be contacted by Jobcentre Plus explaining in more detail the reassessment process. You do not need to make a claim for ESA and will receive their current benefit (as long as you meet the conditions of entitlement) until your reassessment is completed;

The ESA50 questionnaire

- Shortly after this you will receive an ESA50 limited capability for work medical questionnaire. The questionnaire is available in different formats such as large print and Braille as well as being online.
- Any relevant written medical evidence or evidence from others who know you well should be submitted with the questionnaire.
- You should include on the form the exact type of communication support you need so that the right support is booked for the face to face assessment.

The questionnaire asks general questions about you and is then split into two sections about physical and mental functions.
In relation to physical functions, the questions include:

- Communicating with and understanding other people;
- Getting around safely.

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In relation to mental functions, the questions include:

- Learning tasks;
- Awareness of hazards and danger;
- Coping with change;
- Going out;
- Behaving appropriately with other people.

**The face to face work capability assessment**

- Following receipt of the completed questionnaire, the majority of people will receive a call from ATOS Healthcare to arrange a face to face assessment. People can be supported at the assessment by a relative, friend, carer, support worker or representative.
- If you require communication support, ask ATOS to confirm what they have booked and ask them to clarify if it’s not clear who they have booked.
- Your benefit can be affected if you do not attend the WCA, unless you can show ‘good reason’ for not attending.
- It is possible for you to ask in advance for help with taxi fares to attend a WCA or for the assessment to take place at your home, but medical evidence from your doctor supporting this will usually be required;

**Limited capability for work assessment**

A series of questions are asked during the WCA, you will be given a number of points depending on how you respond. These questions relate to criteria set out for the assessment. If you get 15 points the assessor will state that you have limited capability for work and should be placed in the work-related activity group of ESA.

**Physical activities**

Ten questions are asked related to physical activities. These questions will cover the following criteria about communication and mobility:
Making self understood

a) Cannot convey a simple message, such as the presence of a hazard - 15 points;
b) Has significant difficulty conveying a simple message to strangers - 15 points;
c) Has some difficulty conveying a simple message to strangers - 6 points;
d) None of the above apply - 0 points.

Understanding communication

a) Cannot understand a simple message due to sensory impairment, such as the location of a fire escape - 15 points;
b) Has significant difficulty understanding a simple message from a stranger due to sensory impairment - 15 points;
c) Has some difficulty understanding a simple message from a stranger due to sensory impairment - 6 points;
d) None of the above apply - 0 points.

Navigation and maintaining safety, using a guide dog or other aid if normally used

a) Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment - 15 points;
b) Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment - 15 points;
c) Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment - 9 points;
d) None of the above apply - 0 points.

Mental, cognitive and intellectual functions

There are 7 questions related to mental, cognitive and intellectual functions. These aim to cover the needs of people with learning disability and mental health.
**Limited capability for work-related activities assessment**

There are sixteen criteria to assess if people have limited capability for work-related activity and should therefore be in the support group. These cover severe difficulties only in relation to mobilising, transferring from one seat to another, reaching, picking up, manual dexterity, understanding communication, control of bladder, learning tasks, awareness of hazards, initiating and completing personal action, coping with change, coping with social engagement, appropriateness of behaviour, eating, drinking, chewing or swallowing.

Sense has prepared an accessible version of the full list of the criteria for assessing capability for work and work-related activity. This is available from Sense as a separate document.

**The decision**

- The DWP decision maker will consider the ESA50, the report from the face to face assessment and any other evidence that you have submitted. They will then contact you to tell you the decision they are likely make.
- If you disagree with the report from the face to face assessment, you should have the chance to submit more evidence.
- A decision letter will be sent outlining the score given and stating if you are eligible for ESA or not.
- It is also possible to request a copy of the written report. This could be very useful if you don't agree with the decision.

**Your right to ask for a revision of the decision or appeal**

If you are unhappy with the decision you can first ask for a revision and the Decision Maker will look at your claim again. If you are still not happy, you can appeal against the decision. There is a one month deadline to ask for a revision and then a one month deadline to appeal. In special circumstances, you can appeal up to 13 months after the decision.

**What happens to people in the work related activity group?**

People who are found eligible for the work-related activity group of ESA will be expected to attend 6 work-focused interviews with a personal advisor. They will have to do this or risk a reduction in their benefit.
What happens to people in the support group?

Those in the support group of ESA will not be expected to do anything in exchange for their benefit.

What happens to people who are not eligible for ESA?

Claimants will have the opportunity to challenge a decision if they are not found eligible for ESA. Many people who are not found eligible for ESA will be eligible for Jobseeker's Allowance (JSA) instead.

You can download a copy of the ESA50 questionnaire from the [www.direct.gov.uk](http://www.direct.gov.uk) website. Type “ESA50” in the search box.

Where can I go for help?

If you:

- would like to find out more about deafblindness or the services for deafblind people in your area

- require information in alternative formats including Braille, large print, audio or disk - or would like this fact sheet to be translated into your first language, please contact Sense’s Information & Advice Service.

Telephone: 0845 127 0066  
Text phone: 0845 127 0066  
Fax: 0845 127 0061  
Email: info@sense.org.uk  
Website: [www.sense.org.uk](http://www.sense.org.uk)

If you have comments or suggestions about this information sheet, we’d love to hear from you.

This will help us ensure that we are providing as good a service as possible.

Please email publishing@sense.org.uk or telephone/textphone 0845 127 0066.
Let Sense know about your experiences

The Sense public policy team would like to hear about your experiences of moving off incapacity benefits, from the start of the process, through the Work Capability Assessment and up to the final decision. If you are happy to share your experiences, please contact the public policy team:

Telephone: 0845 127 0060

Textphone: 0845 127 0062

Email: campaigns.info@sense.org.uk