



Project supported by the PHA


Universal Credit & Employment and Support Allowance

East Belfast Independent Advice Centre in Partnership With Belfast Recovery College



  **Housekeeping**



- Breaks
- Microphones
- Internet connections
- Confidentiality




  **What This Course Will Cover**

- What is Employment and Support Allowance?
- Phases and groups
- Work-related activity of limited capability work-related activity
- What to do if you are unhappy with the outcome



  **What This Course Will Cover**

- Universal Credit
- How to apply and how your entitlement is calculated
- Work search requirement groups
- How to appeal decisions



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1 Employment and Support Allowance (ESA)

What is ESA?

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What Is Employment and Support Allowance (ESA)?

- Financial assistance for those who have an illness or disability which affects their ability to work
- Eligibility is tested by a “work capacity assessment” (except in certain circumstances)
- Two types
 - Contributory (CB)
 - Focus of this course: “new style” ESA for new claimants
 - Income related (IR)
 - No longer available for new claimants – replaced by Universal Credit (UC)

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What Is Employment and Support Allowance (ESA)?

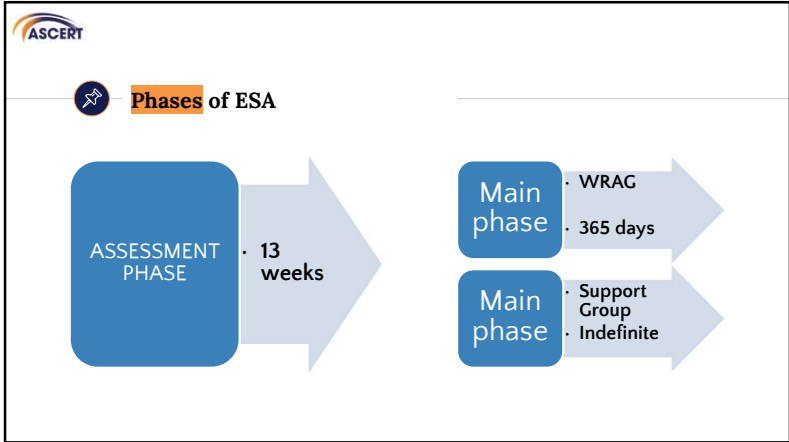
- Entitlement to CB ESA is dependent on your National Insurance record
 - Must have paid a certain amount of contributions over specific years
- Time limit of 365 days unless you are deemed to have limited capability for work-related activity (support group)




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Eligibility for “New Style ESA”

- Your Statutory Sick Pay has ended or you can’t get it
 - You must supply your SSP1 from employer to ESA
- You’re employed, self-employed, unemployed, or a student receiving disability benefits
- You have been receiving Statutory Maternity Pay (SMP) and can’t go back to work due to your illness or disability
- You’re under state pension age
- You’re not receiving Jobseekers Allowance




ESA Assessment Phase



- Lasts **13 weeks** from the date you initiate the claim
- In most cases, you won't be paid for the first 7 days of your claim ("waiting days")
- You'll receive the basic rate of ESA (£90.50) if over 25, and £71.70 if under 25
- You'll need to submit sickness or "fit notes" during this time


ESA Main Phase

- Work Related Activity Group (WRAG)
 - Begins week 14 of claim
 - You'll continue to receive the same rate as when in assessment phase
 - You'll no longer have to submit a "fit note" to be paid
 - You'll be assigned a Work Coach to help you prepare for work
 - 365 day time limit



ESA Main Phase


- Support Group
 - You'll be paid a "support component" (£47.70) in addition to the basic rate
 - Because your illness severely affects your ability to work, you'll not have to undertake any work-related activity
 - You'll not have to attend a WCA (medical assessment) in the near future
 - You'll not be subject to the 365 day time limit



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Starting a Claim


- Ways to claim (on your own or with help from a friend, relative, or organisation)
 - Online
 - Telephone (0800 085 6318)
 - Textphone if you have speech or hearing difficulties (0800 328 3419)
 - Posting a claim form (ESA1 form)
 - Available by phoning the ESA centre or downloading from www.nidirect.gov.uk



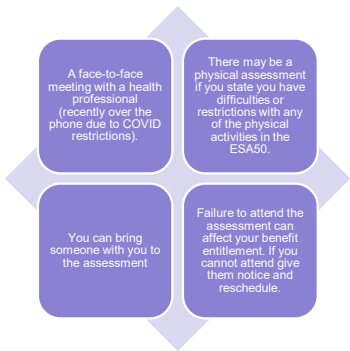
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Starting a Claim

- What you need to apply
 - National Insurance Number
 - GP details
 - Employment details
 - Bank details
 - Details of pensions
 - A "fit note" or your SSP1 from an employer
- If you're claiming because you've been affected by COVID19, you'll be contacted by phone and told where to send your evidence or proof of shielding, etc.



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A face-to-face meeting with a health professional (recently over the phone due to COVID restrictions).

There may be a physical assessment if you state you have difficulties or restrictions with any of the physical activities in the ESA50.

You can bring someone with you to the assessment.


Failure to attend the assessment can affect your benefit entitlement. If you cannot attend give them notice and reschedule.

Work Capability Assessment

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What to Expect from a WCA


- Questions about your illness or disability (onset, duration, cause)
- Medication, treatment, therapy, or referrals for specialist input
- Description of your typical day, from the minute you awake until bedtime
- Previous or current employment, education, skills



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What to Expect from a WCA

- Pastimes, hobbies, interests, clubs, or family gatherings
- If you have children or pets, the assessor will explore who takes care of them
- Self-care, housework, cooking, shopping, bills, managing GP appointments
- Questions about how you travelled to the assessment/how you'll get home



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What the Claimant Should Do During a WCA



- Bring someone with you if you can, as they may be able to provide information you can't remember or can't admit
- Describe how things are most of the time
- Don't assume the HCP knows anything about your condition or disability

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What the Claimant Should Do During a WCA



- Be aware they will make assumptions (that you go shopping alone or that you can move around without pain or discomfort), so give them as much info as you can about how you manage
- They will record how long you are sitting, how you are walking and your behaviour.
 - This is not the time to 'mask' your pain, anxiety or other symptoms
- State if you had to take extra medication to get through the assessment

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Descriptors

<p>Physical</p> <ul style="list-style-type: none"> ○ Mobilising ○ Standing and sitting ○ Reaching ○ Picking up and moving things ○ Manual dexterity ○ Making yourself understood ○ Understanding communication ○ Navigation and maintaining safety ○ Control of bowel or bladder ○ Loss of consciousness 	<p>Mental, Cognitive, and Intellectual Descriptors</p> <ul style="list-style-type: none"> ○ Learning tasks ○ Awareness of hazards ○ Initiating and completing tasks ○ Coping with change ○ Getting about ○ Coping with social engagement ○ Appropriateness of behaviour
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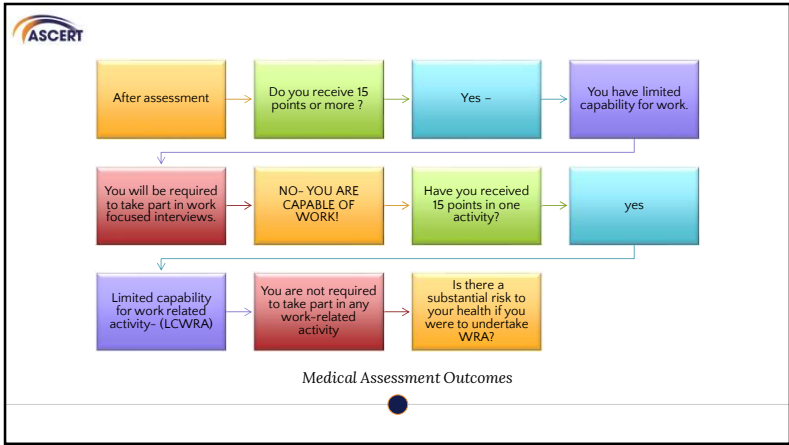
Example - Physical

Mobilising	Descriptor	Points
Cannot unaided by another person...	Mobilise more than 50 meters without stopping	15
	Mount or descend two steps (even with a handrail)	9
	Mobilise more than 100 meters without stopping	6
	Mobilise more than 200m meters on level ground	6
	None of the above apply	0

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Example - Mental/Cognitive


Learning Tasks	Descriptor	Points
A	Cannot learn how to complete a simple task, such as setting an alarm clock	15
B	Cannot learn anything beyond a simple task such as setting an alarm clock	9
C	Cannot learn anything beyond a moderately complex task such as steps involved in operation a washing machine	6
D	None of the above apply	0




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Reconsideration and Appeals


- You can appeal against most ESA decisions
 - Entitlement to ESA as a whole
 - Entitlement to support component
 - Whether a sanction should be imposed
- You can ask for a (Mandatory) Reconsideration if you have evidence to submit, but this may take weeks and you will receive no payments while you await the decision

 **Reconsideration and Appeals**


- You can lodge an appeal immediately against the decision and will receive payments at the basic rate until your appeal is heard
- Appeal against a sanction must ask for an MR




 **Appeals – Mandatory Reconsideration**




- Ask for the reconsideration within one month of receiving the original decision
 - Can be done over the phone or in writing
- Ask for a copy of the medical report to give you an idea of what might have gone wrong in the assessment
- If you state you'll be submitting evidence, they will give you time to submit it

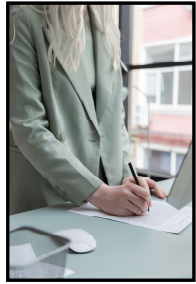
 **Appeals – Mandatory Reconsideration**



- If you don't have evidence to submit, lodging an appeal will be your best option as you will not receive any payments while the MR is in progress
- Be aware that they will look at the decision as a whole
 - Example - if you were placed in WRAG and felt you should be in the Support Group, a decisions maker could decide that you do have limited capability for work at all

 **Appeals – Tribunal**

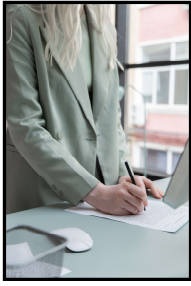
- If the MR doesn't find in your favour, you can appeal the decision
- If you haven't already gotten help from an advisor, you should do so at this point
- Download NOA1 (notice of appeal) from <https://www.nidirect.gov.uk/articles/appeal-benefits-decision> or contact The Appeals Service



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Appeals - Tribunal

- You can appeal in writing, stating your reasons/grounds for appealing
 - A copy of your MR decision should be submitted along with this if you have one
- A one month time limit is specified on the MR but this can be extended so it's best to get help and advice with this
- Keep your appeal notice brief and relevant
 - Complaints about assessors should be made separately



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Waiting for Appeal



- You will receive appeal papers from the department with their justification, evidence and legislation to support their decision
- If you have not already, find representation and forward the appeal papers to them
- Your representative can prepare for your appeal if they have these as soon as possible
 - They can see what evidence is needed and advise accordingly

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Waiting for Appeal





- You can choose to have your hearing dealt with face to face, via telephone link, video link or paper-based
 - Your representative can guide you on this
- You also have the option to withdraw at any time
- Its important you keep in touch with your representative about any matters or correspondence in relation to your appeal

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Attending Tribunal


- You will receive a date for hearing in the post and should get 3 or more weeks notice
- If you have chosen a face to face hearing, this could be in a number of chosen sites in the city centre
- Your representative will be attending, and you can bring someone with you
- You should consider travel arrangements if you have restrictions with this






Attending Tribunal

- If you chose telephone or video link, everyone will be at the hearing remotely and all evidence MUST be submitted in good time for all parties to consider
- There will be an independent panel made up of 2 members: a legally qualified member and a medically qualified person
- You will be asked questions in relation to your application form, your assessment and your medical history
- The panel will address any inconsistencies and give you an opportunity to explain in better detail how your illness affects you




Universal Credit


What is Universal Credit?




What Is Universal Credit?



- UC replaces a range of benefits and tax credits for people of working age, from 18 to pension age
- If you are a new claimant, you will not be able to claim income-related ESA – you must apply for UC
- UC is for anyone on a low to moderate income
 - It doesn't matter whether you are in work, how many hours you work, if you're a job seeker, carer, or too ill to work




What Is Universal Credit?



- Your UC will gradually reduce as you earn more
- You can claim it to cover just your needs if you're single, or those of your partner and/or your children if you have family
 - If you live with someone as a couple and you are both entitled to claim UC, you can have split payments so each of you will be paid into a single account
- UC is a single monthly or fortnightly payment into your bank

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What Is Universal Credit?



- UC claimants can be placed into the following groups
 - Unfit for work due to ill health
 - Carer
 - Lone parent
 - Job seeker
 - Worker
- UC is worked out by comparing your basic financial needs with your financial resources

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What Changes and What Remains

<p>Universal Credit Replaces...</p> <ul style="list-style-type: none"> ○ Employment and Support Allowance Income Related (ESA IR) ○ Income Support ○ Job Seekers Allowance Income Based (JSA IB) ○ Housing Benefit (Rate Rebate) ○ Child Tax Credits ○ Working Tax Credits 	<p>Benefits That Remain the Same</p> <ul style="list-style-type: none"> ○ Employment and Support Allowance Contribution Based (ESA CB) ○ Child Benefit ○ Job Seekers Allowance Contribution Based (JSA CB) ○ Industrial Injuries Benefits ○ Rate Relief ○ Bereavement Benefits ○ Carers Allowance ○ Statutory Sick Pay ○ Statutory Maternity and Maternity Allowance ○ Pension Credit
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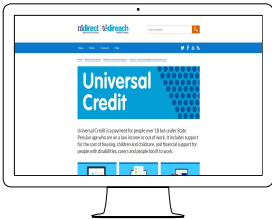
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How to Claim UC


- You need to claim online, and before you can claim you need to have the following in place:
 - Email address
 - Photographic identification for online verification
 - Verification can be done in person where no photographic ID exists
 - Bank or building society
- Applicants will receive the following so they can make a claim:
 - Username
 - Password
 - Personal Identification Number (PIN)
 - You have one hour to activate account once you receive your PIN

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How to Claim UC




- You must allow yourself about one hour to complete the application
 - Don't have to do it all in one go – you can save it and return to it later
 - Each page should save itself
- UC online website: <https://www.nidirect.gov.uk/campaigns/universal-credit>
- Northern Ireland-specific information: <https://www.nidirect.gov.uk/articles/how-you-make-claim-universal-credit>


 **Other Information You Need to Complete Your UC Form**


- Household, partner, and dependent children
- Address and postcode
- National Insurance number
- Bank, building society or Post Office card account
- Accommodation details e.g. private rent, social tenant or mortgage




 **Other Information You Need to Complete Your UC Form**


- Rent and rates amounts
- Details of any savings you have and any other 'capital' investments, e.g. shares or property that you don't live in
- Other benefit income e.g. DLA, PIP, Carers Allowance
- Employer details
- Self-employment details
- Registered childcare details



 **Other Information You Need to Complete Your UC Form**

- You'll need evidence for all these details for when you go to your interview
 - You'll need to gather all the documents together [e.g. landlord agreement (or a letter from them with your rent amount on it), payslips, bank statements etc.]
 - You **must** provide relevant information or complete questionnaires they ask (e.g. the one online) or they will dismiss your claim
 - You will be considered to have capability for work



 **Maximum Amount of Universal Credit**

Age Group	Single Person	Couple
(Both) Under 25	£311.68	£489.23
(Both) 25 and Over	£393.45	£617.60


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Universal Credit Elements

Element	Benefit	
Child Element – second child+	£333.33*	£287.92** (2 nd child)
Disabled Child Additions	£156.11 (Low)	£487.58 (High)
Childcare Element (85% covered)	£950.92 (One)	£1,014.63 (Two or more)
Carer Element ***	£198.31	
Limited Capability for Work Related Activity	£416.19	

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Work-Capability Assessment (WCA)



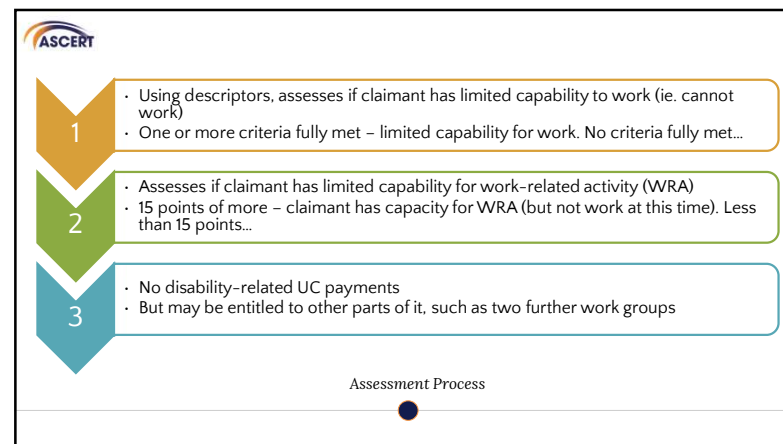
- You will probably be asked to undertake a WCA
 - Similar to ESA – see previous slides and handouts
- If you're moving over from ESA to UC, you may not have to undertake the WCA if you've already done it
 - This will depend and is **not** guaranteed
- Also based on descriptors – similar to ESA

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Work-Capability Assessment (WCA)



- Assessment takes place at the same time for limited capability for work, (limited) capability work-related activity etc.
 - Again, similar principles to ESA
- If you do not attend the WCA without good reason, they will dismiss your claim and class you as having capability for work (not just work-related activity)



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Main groups for people with disabilities

<p>No Work Related Requirements Group</p> <ul style="list-style-type: none"> No activities to prepare or look for work (similar to ESA Support Group) 	<p>Work-Focused Interview Group</p> <ul style="list-style-type: none"> Must attend regular interviews with a job coach Prepare for work in the future Do not have to look for work
<p>Work Preparation Group</p> <ul style="list-style-type: none"> Have to do activities to prepare for work now Attend training Gain work experience Write a CV Go to interviews with a work coach Steps for preparation for work 	<p>All Work-Related Requirements Group</p> <ul style="list-style-type: none"> Do all they can to find a job/higher paid Look for jobs Apply for jobs Go to interviews Ready and available

Four Work-Related Activity Groups

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UC is worked out on a calendar monthly basis and paid twice a month in arrears. It takes FIVE weeks after you make your claim to get your first payment. Hardship payments are available; however, they are loans.

EXAMPLE CLAIM

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Mandatory Reconsiderations and Appeals

- The main difference between challenging an ESA decision and a UC decision for LCW is that we cannot just phone up and ask them to reconsider
- You will not receive a letter like ESA; you will receive the note on your journal and then the decision afterwards (on your UC account)
- You can request a copy of the assessment at this point online and have a look at it to see what exactly you disagree with

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Mandatory Reconsiderations and Appeals

- You can go on to your journal and request the MR and submit further evidence
- Unlike ESA, you must request a MR before lodging an appeal
- You will be paid the basic rate of UC but you may have work search requirements in the meantime
- Please seek advice or assistance with this, as anything you submit at this time will affect your appeal later

 **Help With ESA and UC**



- Local independent advice centres
- Advice NI – signpost
- gov.uk
- Independent Welfare line
- Rethink Helpline
- MindWise
- EBIAC: 02890 735690

  **Thanks!**

Any questions?

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