



# Employment and Support Allowance (ESA)

Employment and Support Allowance (ESA) provides financial help to people who have a limited capability for work because of illness or disability. It was designed to replace Income Support (IS), Incapacity Benefit (IB) and Severe Disablement Allowance (SDA). Those who are still receiving these benefits will be reassessed to see if they qualify for ESA.

All new applicants go through a 13-week assessment phase during which the Department of Work and Pensions (DWP) assesses your health and your prospects of working or training for work.

ESA is broken up into two elements. These are contributory ESA and income-related ESA. You may receive either one of these, or perhaps both depending on your specific situation. To be entitled to income-related ESA, you must pass a low income test in addition to the Work Capability and Medical assessments (as described below). In order to be entitled to contributory ESA, you must also pass a contributory test as well as the Work Capability and Medical assessments (as described below).

## Qualifying for Employment and Support Allowance

You must:

- ▶ Have a limited capability for work (tested by the Work Capability Assessment as described below).
- ▶ Be at least 16 years of age.
- ▶ Be under state pension age (ESA stops when you reach this age).
- ▶ Satisfy residence and presences tests.

## How to apply for Employment and Support Allowance

The first step is to call your local Jobcentre Plus on 0800 055 6688. They will ask you questions about how your condition affects your ability to work. Following this, they will send you a letter summarising what you discussed over the phone. Check that this accurately sums up what you discussed.

## The low-income test income related ESA

Income related ESA is a means tested benefit. Because of this, your needs (and those of your partner, if you have one) are compared with the money you have, such as your income and savings. This type of ESA can be paid on its own (if you are not entitled to contributory ESA) or as a top-up to contributory ESA (if you are qualified for both). Income related ESA is not time limited



You cannot get income-related ESA if you and your partner's capital or savings are over £16,000.

## The contributory test- contributory ESA

You will need to have paid enough national insurance contributions in your specific tax years to satisfy this test. If you pass this test, you will receive a flat-rate benefit for yourself. The contributory ESA time limit is that of one year, unless you have been placed in the support group.

Contributory ESA does not have additions for your partner, additional premiums or allowances for housing costs. In order to qualify for such help, you would need to satisfy the low-income test for income related ESA, which can be paid on top of contributory ESA.

Your contributory ESA will be reduced if you have an occupational or personal pension of more than £85 a week.

## Permitted work

There are certain types of work you can do, and still be entitled to ESA. This is called 'permitted work' and should not affect your entitlements. There are three types of permitted work:

- ▶ the lower limit: you are able to earn no more than £20 a week
- ▶ supported permitted work: this is done under the supervision of a medical professional or an organisation that provides work opportunities for disabled people. This is usually completed with the aim of returning to work, and your earnings must not exceed £115.50 a week.
- ▶ the higher limit: this is also designed to test your capability for work before returning to work. You are able to work for 16 hours a week and earn up to £115.50 per week. If you are in the support group of ESA, you are able to do this for an indefinite length of time. If you are in the work-related activity group, you can do this for up to 52 weeks.

Before undertaking any of the 'permitted work', it is always best to contact the DWP to inform them of a change in your circumstances.

## Work Capability Assessment

When you make a claim for Employment and Support Allowance (ESA), you will take part in a Work Capability Assessment to assess how your condition affects your ability to work. Assessment includes answering questions about how your condition affects your ability to work, and a medical assessment which is carried out by a medical professional who then sends a report back to the DWP.

## Medical assessment

You will be invited to an assessment with a GP or nurse who will go through what you have said on your questionnaire and see how well you can perform work-related tasks.

These include your ability:

- ▶ to mobilise yourself unaided



- ▶ to move from a standing to a sitting position
- ▶ to pick up/move items
- ▶ to make yourself understood
- ▶ to use your hands/your manual dexterity
- ▶ to squat.

During your assessment make sure you let the medical professional know if you have any difficulties in performing these tasks, as the Jobcentre Plus will use this information to make a decision about which group you go into. Remember to give as much detail as possible, including your ability or inability to do the above tasks unaided, repeatedly and without severe discomfort. For most people with a muscular dystrophy or a related neuromuscular condition, they would not be able to squat without falling, so make sure the GP and nurse understand that you are not saying 'no', but you are advising them you will fall over if you try and squat and then you will be unable to get back up again.

After the assessment stage, if you are deemed to have a limited capability to work, you will be put into one of two categories:

1. 1. If it is deemed that you are not well enough to work right now but with support, you could work you will be placed in the **'work-related activity'** group. You will be required to attend meetings with a personal advisor to discuss and prepare for an eventual return to work. From April 2017, new claimants who are placed in the work-related activity group will receive £73.10 a week.
2. If your illness or disability is deemed to severely limit what you can do, you will be placed into the **'support' group**. You will not have to prepare for a return to work, but you can if you wish to. If you are placed in the 'support' group, you will receive up to up to £108.15 a week.

## Students and Employment Support and Allowance

If you are a student, you can claim contributory ESA if you satisfy the contribution conditions.

As a full time advanced or non-advanced student, you can only get income-related ESA if you are getting disability living allowance (DLA), personal independence payment (PIP) or armed forces independence payment (AFIP). With income related ESA, if you are receiving a student loan and are simultaneously receiving ESA, your ESA will be reduced.

**For more information on ESA and what support you might be entitled to please contact the Advocacy Team**



## **Disclaimer**

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## **Here for you**

The friendly staff in the care and support team at the Muscular Dystrophy UK's London office are available on **0800 652 6352** or **info@muscular dystrophyuk.org** from 8.30am to 6pm Monday to Friday to offer free information and emotional support.

If they can't help you, they are more than happy to signpost you to specialist services close to you, or to other people who can help.

**[www.muscular dystrophyuk.org](http://www.muscular dystrophyuk.org)**