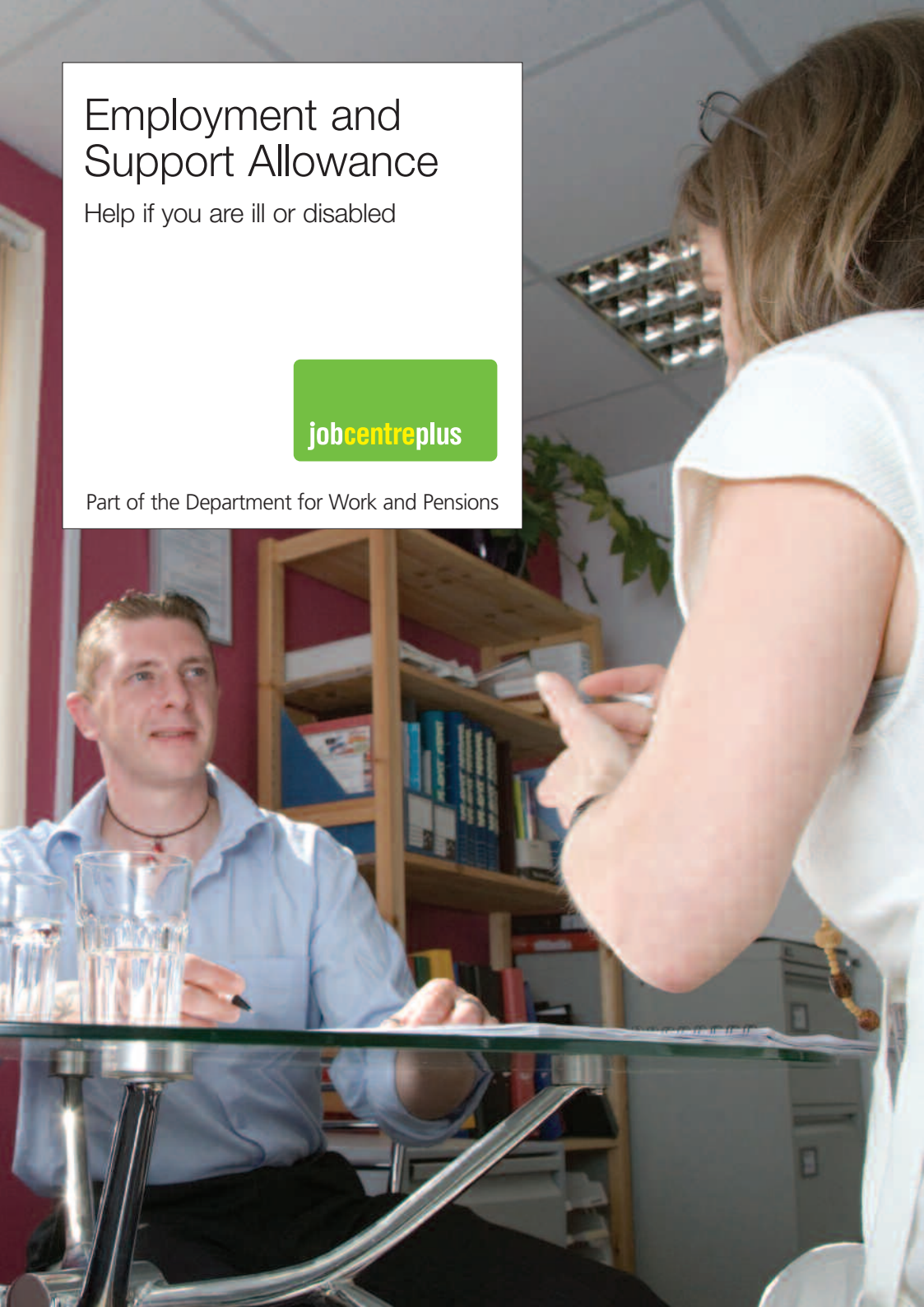


Employment and Support Allowance

Help if you are ill or disabled

jobcentreplus

Part of the Department for Work and Pensions



This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of February 2010.

It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.

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About Employment and Support Allowance

What is Employment and Support Allowance?

Employment and Support Allowance helps people with an illness or disability to move into work. For new customers, it has replaced Incapacity Benefit and Income Support paid because of an illness or disability.

While you are getting the allowance, we offer you personalised support and financial help. You will have access to a specially trained personal adviser. You will also have access to a wide range of other services designed to help you move into suitable work.

If your illness or disability severely affects your ability to work, the allowance can provide extra financial support.

Can I get Employment and Support Allowance?

You may be able to get Employment and Support Allowance if you have an illness or disability that affects your ability to work, and:

- you are off work or out of work
- you are self-employed
- you work for an employer but can't get Statutory Sick Pay, or

To make a claim

Phone:

0800 055 6688

Textphone:

0800 023 4888

Monday to Friday
8am to 6pm

- you have been getting Statutory Sick Pay but it has now stopped.

Employment and Support Allowance may be:

- **contribution-based** if you have paid enough National Insurance contributions, or
- **income-related** if you don't have enough money or savings, or you have not paid enough National Insurance contributions.

An adviser from Jobcentre Plus will be able to tell you about your National Insurance contributions.

For the first 7 days of your illness, you may only have to tell us why you are sick. After that, you will have to get a sick note from your doctor. You must then send us your sick note.

Can I get Employment and Support Allowance if I go abroad?

In some circumstances you may be able to continue getting Employment and Support Allowance for up to 4 weeks during temporary absences abroad. This may apply:

- for some short trips
- if you have to go abroad to get medical treatment, or

- if you live with a member of the armed forces and accompany them overseas.

If you think this may apply to you, contact Jobcentre Plus. Our address and numbers are in your phone book.

State Pension age

You can't get Employment and Support Allowance if you have reached State Pension age. This is currently 60 for women and 65 for men. For information about changes to State Pension age, see page 26.

Men aged 60 to 65 may be entitled to Pension Credit and receive contribution-based Employment and Support Allowance, but not income-related Employment and Support Allowance.

For more information and advice, contact The Pension Service or visit www.direct.gov.uk/pensions

How is my allowance worked out?

Most people will get a basic rate of Employment and Support Allowance during the first 13 weeks of their claim. We call this the 'assessment phase'. During this time, we decide whether you will continue to qualify for the allowance.

We may be able to assess this based on your illness or disability, or we may need you to complete a questionnaire or attend a medical assessment.

If you refuse to have the medical assessment, or if you don't take part fully, your entitlement to Employment and Support Allowance may be affected.

We also assess whether you will be able to take steps to find work or whether your illness or disability so severely affects your ability to work that taking these steps would not be reasonable.

After 13 weeks, as long as you still qualify for Employment and Support Allowance, you will move to the 'main phase' and get a higher rate of allowance.

How much will I get?

You won't get any money for the first 3 days of your claim. These are called 'waiting days'. In some cases, waiting days may not apply, for example if you have already had waiting days as part of an earlier benefit claim or a period of Statutory Sick Pay.

After this you will get a fixed rate for the first 13 weeks of your claim. A different rate may apply if you have a partner; we call this the 'couples rate'.

The amounts change in April each year. To find out more, visit

www.direct.gov.uk/benefits or contact Jobcentre Plus for this year's rates.

Partner

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

What if I can't get Employment and Support Allowance?

If you can't get Employment and Support Allowance, you may still be able to get National Insurance credits for each full week you are off work. The credits are important as they count towards future benefit claims, including State Pension.

Does my age affect how much I get?

During the assessment phase, the single person's rate of Employment and Support Allowance is higher if you are aged 25 or over.

During the main phase, the single person's rate is the same regardless of age.

What if I had previously claimed Incapacity Benefit?

If you stop getting Incapacity Benefit for a while, and then need to claim it again, there are some circumstances where you may get this benefit instead of Employment and Support Allowance. This depends on how long ago you last got Incapacity Benefit. Ask an adviser to explain this to you.

Will I have to pay tax on my Employment and Support Allowance?

Contribution-based Employment and Support Allowance counts towards your taxable income. You can find out more about tax from your local tax office or from a Jobcentre Plus adviser.

How is my Employment and Support Allowance paid?

We pay Employment and Support Allowance straight into your bank or building society account. This is the best way to receive your benefit because you can choose how and when to take your money out of your account.

What if I want someone to collect my Employment and Support Allowance for me?

You may be able to get someone to collect your benefit for you. For help with this, speak to the bank or building society where you have your account. If you need to appoint someone to deal with Jobcentre Plus for you, speak to a Jobcentre Plus adviser.

Must I have an interview about work?

Most people must have an interview with a personal adviser to consider future work prospects.

Also, if the medical assessment shows that you could start preparing for work while claiming Employment and Support Allowance, we'll arrange a series of work-focused interviews to help you find work.

Helping you back into work

Research shows that people are better off in work. Work has many advantages – financially, and for your health and well-being, your self-esteem and the future prospects of you and your family. For instance, people who are long-term unemployed or who have never worked are up to 3 times more likely to have poor health than those in work.

This part of the leaflet is about how we assess your illness or disability, and how this affects the work you may be able to do.

How do you assess what work I can do?

When you apply for Employment and Support Allowance, you will enter a 13-week assessment phase and get a basic rate of benefit. During this phase, you will need to send us sick notes. As part of this phase we may ask you to take part in a ‘work capability assessment’, which means filling in and returning a questionnaire and going to a medical assessment.

What happens in my medical assessment?

A healthcare professional, such as a doctor or registered nurse, will assess how well you can do things like walk, sit and stand up, use your hands, see and hear. If you have a mental-health condition, they will

assess how it affects things like your mood, the way you behave, the way you relate to the world around you, and how you cope with things from day to day.

They will complete a medical report. This will go to the office dealing with your claim. It will help us decide how your illness or disability limits the amount and type of work you can do, and whether you qualify for Employment and Support Allowance.

We'll pay your bus fare, train fare or petrol costs for attending the medical centre and returning home.

You must go to the assessment and take part fully, or your benefit will be affected. If you can't attend the appointment stated in the letter we send you, contact the medical centre immediately.

What happens after my medical assessment?

If we find that your illness or disability limits your ability to work beyond a certain level, you will move into the main phase of Employment and Support Allowance from week 14 of your claim.

In this main phase, you will get a higher rate of Employment and Support Allowance and go into one of 2 groups:

- For most people, where we think you may be able to return to work, you will get a higher rate of the allowance. But

you have to take part fully in any interviews we invite you to.

- If you have a condition that severely limits what you can do, we won't expect you to take part in any work-focused interviews to get the higher rate of the allowance. However, you can still take part in them if you want.

The medical assessment may find that you would have no difficulty working. If so, we won't pay you Employment and Support Allowance or give you National Insurance credits.

If this happens, you may be able to get a different benefit. You can find out more by:

- visiting www.direct.gov.uk/benefits or
- contacting Jobcentre Plus. Our address and numbers are in your phone book.

What if I don't agree with the decision?

If you think our decision is wrong, please get in touch with Jobcentre Plus within one month of the date of the decision letter. If you contact us later, we may not be able to help you.

You, or someone else who has the authority to act on your behalf, can:

- ask us to explain our decision
- ask us to write to you with the reasons for our decision

- ask us to look at our decision again (you may think we have overlooked some facts or you may have more information to give us which affects our decision), or
- appeal against our decision to an independent tribunal (but this must be in writing).

You can do any of the actions listed above, or you can do all of them.

To contact us visit www.direct.gov.uk or see our entry in the phone book.

Is a medical assessment always needed?

Some illnesses and disabilities are so severe that we can decide whether you can get Employment and Support Allowance without you having a medical assessment. If this applies to you, we'll tell you.

What if I am terminally ill?

There are special rules if your doctor does not think you will live for more than 6 months. These rules ensure you get the most money you can. If this applies to you, speak to an adviser.

What if I have a mental-health condition?

If you have a mental-health condition, we may ask you to fill in a questionnaire about

how this affects you. We'll want to know if you have other health problems as well. We may talk to your doctor, and you may have to see one of our healthcare professionals.

A mental-health condition could affect your mood, the way you behave, the way you relate to the world around you, or how you cope with things from day to day. These are the things we'll look at when we decide if you can get Employment and Support Allowance.

Ask an adviser for help with your claim if you have a mental-health condition.

What happens if I get better or worse?

You must tell Jobcentre Plus as soon as you start to get better and you:

- are able to do more, or
- start to feel a little better over a longer period of time.

You may start to feel better because you:

- have an operation
- use something to help you with your illness, or
- start taking new medicine.

You must also tell us as soon as your disability or illness changes or if it gets worse.

To look for work

If you are looking for work, you can search jobs online at www.direct.gov.uk

Or you can call us on **0845 6060 234** (textphone **0845 6055 255**) to find out what jobs are available. Open Monday to Friday 8am to 6pm, Saturday 9am to 1pm.

Making work pay

One of the aims of Employment and Support Allowance is to help you be better off in work than on benefit. Your personal adviser will help you work out how much you need to earn from a job so that you don't lose out.

There are also some schemes to help you get back to work and be better off than on benefit. Ask an adviser to tell you about:

- Job grant
- Return to work credit
- Housing Benefit and Council Tax Benefit extended payments
- training, and
- Working Tax Credit.

Can I work if I'm on Employment and Support Allowance?

There are some kinds of work you may be able to do while you are getting Employment and Support Allowance. These are:

- unpaid work such as for a charity (voluntary work), or
- 'permitted work' – work you are allowed to do while you are on the allowance that could help you get a job in the future. You can ask an adviser to tell you what

permitted work is, or you can read about it on our website at www.direct.gov.uk

What happens if I get ill again?

If you get ill again or you can't carry on working, you may be able to get Employment and Support Allowance as before, under the 'linking rules'.

The first 3 'waiting days' don't apply to claims made under the linking rules. This means you can get the allowance from the first day of your illness if you are claiming it again within 12 weeks of an earlier claim. But you must get a sick note from the first day of your illness. Otherwise, you could lose money.

Will I get the same amount of Employment and Support Allowance as last time?

You can get the same amount of Employment and Support Allowance as you did last time if you have been back at work for 12 weeks or less.

If you have been back at work for longer than 12 weeks, you may still be able to get the same amount of benefit again. Ask an adviser to explain this to you.

Your family and Employment and Support Allowance

If you are claiming Employment and Support Allowance, you may be able to get more money so that you can still support the people who depend on you.

I have children – can I get more Employment and Support Allowance?

You can't claim extra Employment and Support Allowance for children, but you may be able to get Child Tax Credit.

For more information about tax credits, visit www.hmrc.gov.uk

Can I get more for my husband, wife or civil partner?

If you qualify for income-related Employment and Support Allowance, we may pay it at the 'couples rate' to cover your husband, wife or civil partner.

Ask a Jobcentre Plus adviser to explain how you could get more allowance. We may ask you to show us certificates of birth, marriage or civil partnership.

Can I still get more allowance if my partner earns money?

If your partner is living with you and is working, how much they earn may affect your income-related Employment and Support Allowance.

Ask a Jobcentre Plus adviser to tell you how your partner's earnings will affect your Employment and Support Allowance.

What if I am pregnant?

If you are pregnant, you may be able to get Statutory Maternity Pay from your employer.

You can continue to get Employment and Support Allowance for as long as you can prove you are still too ill or disabled to work. When you get Statutory Maternity Pay you will get less Employment and Support Allowance each week. But, when you stop getting Statutory Maternity Pay, you will get the allowance again in full.

If you are pregnant and can't get Statutory Maternity Pay, you may be able to get Maternity Allowance. This will affect your Employment and Support Allowance. You can't get both in full at the same time, so you will get the mix of benefit that pays you the most. You must send us your sick note to make sure this happens.

If you still can't work because of an illness or disability when your Maternity Allowance ends, you can get Employment and Support Allowance. To make sure this happens, you must send us your sick note.

What if my husband, wife or civil partner dies?

You may still be able to get Employment and Support Allowance, but any bereavement benefit you get may affect the amount of Employment and Support Allowance you get, so ask an adviser to explain this.

Getting special credits if your husband, wife or civil partner dies

If you don't have enough National Insurance to get Employment and Support Allowance and your husband, wife or civil partner dies, you could get special credits that will enable you to get Employment and Support Allowance.

To get special credits, you must have an illness or disability and you must have stopped getting certain benefits for your husband, wife or civil partner on their death. You can't get special credits if your bereavement benefit stops because you:

- get married again
- form a new civil partnership, or
- start living with a new partner.

Employment and Support Allowance for young people

There are special rules for young people. If you are aged 16 to 19, or if you are under 25 and go to college or university, then you should read this section.

Can I get Employment and Support Allowance if I am aged 16 to 19?

You may be able to get contribution-based Employment and Support Allowance if you are 16 to 19. You must have been unable to work because of illness or disability for at least 28 weeks. It does not matter if you have not paid enough National Insurance contributions. These rules are called the 'youth provisions' of Employment and Support Allowance.

In some cases, you may be able to get income-related Employment and Support Allowance, even if you have not been ill for 28 weeks. For more information, contact Jobcentre Plus.

Can I get Employment and Support Allowance if I am aged 20 to 24?

If you are aged 20 to 24, you may be able to get Employment and Support Allowance if you were in education or training during the last 3 months before your 20th birthday and are now unable to work because of illness or disability.

What happens if I go abroad?

If you get Employment and Support Allowance and you are planning to go abroad, you must tell Jobcentre Plus immediately to check if your allowance will be affected.

If it is possible for you to get Employment and Support Allowance while you are abroad, you can arrange for someone else to get your payment for you while you are away. Alternatively, you can be paid on your return or, in some circumstances, have it paid abroad.

Other benefits

Will my other benefits affect my Employment and Support Allowance?

If you are getting Employment and Support Allowance, depending on whether this is contribution-based or income-related, you may still be able to get some benefits, for example:

- Attendance Allowance
- Disability Living Allowance
- Carer's Allowance
- Housing Benefit and Council Tax Benefit
- Basic War Pension
- Industrial Injuries Disablement Benefit or gratuity, or

- payments from your employer (this could include wages, company sick pay or a benefit from your union).

You can't get Employment and Support Allowance if you get one or more of the following:

- Jobseeker's Allowance
- State Pension
- money because you can't get work
- money for training
- Statutory Sick Pay
- Income Support, or
- Incapacity Benefit.

You should speak to an adviser if you were getting Incapacity Benefit within the last 2 years.

What happens when I reach State Pension age?

You can't get Employment and Support Allowance after you reach State Pension age.

State Pension age is the earliest age at which you can claim your State Pension. Currently, the age at which men and women can claim their State Pension is different. Women who reach State Pension age before 6 April 2010 can receive their State Pension at 60 and men at 65.

State Pension age for women will increase to 65 so that the State Pension age will be the same for both men and women by 2020. This change will be phased in from 2010. To find more information about pension reform visit www.direct.gov.uk/pensions

Do other pensions affect my Employment and Support Allowance?

Money from other pensions or health insurance schemes could affect the amount of Employment and Support Allowance you may get. This will depend on how much money your pension or scheme gives you. Ask an adviser if you think this may apply.

Can I get National Insurance credits while I am sick?

For each full week (Sunday to Saturday) of your Employment and Support Allowance, you may be able to get National Insurance credits. These credits can help you get other money in future, such as State Pension.

Help with health costs

You may be able to get help with some health costs including NHS prescriptions, NHS dental treatment and some travel costs if you are on a low income or are getting:

- income-related Employment and Support Allowance

- income-based Jobseeker's Allowance
- Income Support, or
- Pension Credit.

To find out more about help with health costs from the NHS, visit the website for the area where you live:

- England
www.dh.gov.uk/helpwithhealthcosts
- Wales
www.nhsdirect.wales.nhs.uk/healthinformation
- Scotland
www.scotland.gov.uk/publications

What if I have claimed compensation?

If you win compensation for your disability and also get Employment and Support Allowance, the allowance may be taken off your compensation.

To find out more about claiming compensation, you can contact the Compensation Recovery Unit.

Website: www.dwp.gov.uk/cru

Phone: 0191 225 2966

Open Monday to Thursday 8.30am to 4.30pm, Friday 8.30am to 4pm.

Call charges

Calls to **0800** numbers are free from BT land lines but you may have to pay if you use another phone company, a mobile phone, or if you are calling from abroad.

From February 2010, calls to **0845** numbers from BT land lines should cost no more than 4p per minute with a 9p call set up charge. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p per minute, so check the cost of calls with your service provider.

Textphones

The textphone numbers we provide are for people who find it hard to speak or hear clearly. If you do not have a textphone, some libraries or citizens advice bureaus may have one. Textphones do not receive text messages from mobile phones.

Directgov provides information from UK government departments on all sorts of topics. To find out about which benefits you may be entitled to, visit www.direct.gov.uk/benefitsadviser

Jobcentre Plus is committed to applying the principles of equal opportunities in its programmes and services.

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