

# A short guide to the benefit system for General Practitioners

This is a guide aimed at General Practitioners and provides a brief description of the main benefits that your patients may be eligible for.

[www.dwp.gov.uk/healthcare-professional](http://www.dwp.gov.uk/healthcare-professional)

[www.direct.gov.uk](http://www.direct.gov.uk)

## Introduction

This is a guide aimed at General Practitioners but will also be of use for other doctors and healthcare professionals in both primary and secondary care.

The guide provides a brief description of the main benefits that your patients may be eligible for. Key information for doctors is included for each benefit as are contact details for further information for both doctors and patients.

## Why GPs can benefit from an understanding of the benefit system

Research on GPs attitudes to health and work published in 2011 found that whilst 80% of GPs felt their knowledge of sickness certification was up-to-date, only 23% would say the same for the benefit system.

As many patients will raise benefit issues with their GP as a trusted source of information, GPs can benefit from a general understanding of the welfare system.

## Scope of this guide

This guide provides details on Jobseeker's Allowance, Employment and Support Allowance and Disability Living Allowance. There is also a brief description of Income Support, tax credits and sick pay.

Other benefits, such as Council Tax Benefit and Housing Benefit may also apply to your patients. Details can be found at [www.direct.gov.uk](http://www.direct.gov.uk).

## Advice available for GPs

### Guidance for medical and healthcare professionals on DWP forms and processes

Guidance on completing DWP forms and further information for healthcare professionals on a wider range of benefits is available at [www.dwp.gov.uk/healthcare-professional](http://www.dwp.gov.uk/healthcare-professional)

### Atos helpline

The Atos Healthcare helpline provides free advice to clinicians on medical matters linked to completing DWP certificates and reports and on disability benefits. This advice service is strictly for healthcare professionals. The regional contact numbers for this service are available at [www.dwp.gov.uk/healthcare-professional/guidance/atos-healthcare](http://www.dwp.gov.uk/healthcare-professional/guidance/atos-healthcare)

### Occupational Health Advice Service

GPs can access free professional occupational health support for individual patient cases or about occupational health matters in general through the following advice services:

England	<b>0800 022 42 33</b>
Scotland	<b>0800 019 22 11</b>
Wales	<b>0800 107 0900</b>

### Healthy Working UK

[www.healthyworkinguk.co.uk](http://www.healthyworkinguk.co.uk) is an online resource for GPs and other healthcare professionals and includes information, guidance and training on health and work.

## Jobseeker's Allowance

Jobseekers Allowance is a taxable benefit paid to unemployed people who are available for and actively looking for work. Claimants must attend a Jobcentre regularly – usually at least once every two weeks, and provide proof they are looking for work.

There are two types of Jobseeker's Allowance:

- **Contribution-based:** this can be paid for up to 182 days, if the claimant has paid enough National Insurance in the last two complete tax years. It is not affected by savings or the income of their partner. Generally, self-employed contributions don't qualify someone for this benefit.
- **Income-based:** this is based on the money and savings of the claimant and their partner (if they have one).

Money from an occupational or personal pension can affect the amount paid.

If a patient can't fully meet the conditions for Jobseeker's Allowance because of ill health, Jobcentre Plus may request a medical certificate for verification purposes. The patient will usually ask their GP to complete a Med3 (fit note) in these circumstances.

Patients who have been assessed as fit for work by DWP, and so can't get Employment and Support Allowance, will normally claim Jobseeker's Allowance if they can't find employment.

## Employment and Support Allowance

Employment and Support Allowance replaced new claims to Incapacity Benefit in 2008. Everyone who still gets Incapacity Benefit will be reassessed by 2014 (unless they reach State Pension age before this time)- information specifically for healthcare professionals on the reassessment process is available at [www.dwp.gov.uk/docs/ib-reassessment-questions-and-answers.pdf](http://www.dwp.gov.uk/docs/ib-reassessment-questions-and-answers.pdf).

Employment and Support Allowance helps people with an illness or disability to move into work. Again it can be based on either National Insurance (contribution-based, a taxable benefit) or money and savings (income-related, which is not a taxable benefit).

### The assessment phase

- After the first seven days of illness, patients normally need provide Med3s (fit notes) for the first 13 weeks of their claim to Employment and Support Allowance. This is separate to any period of getting Med3s while on sick pay). In the first 13 weeks they get same amount as Jobseeker's Allowance claimants. The patient will also, during this stage, complete a medical questionnaire (ESA50).
- You should provide a Med3 to patients only where your assessment is that their health condition impacts on their fitness for work. DWP will normally accept both Med3s which advise 'not fit' and 'may be fit' for this stage of Employment and Support Allowance.

## **The Work Capability Assessment**

- Some illnesses and disabilities are so severe DWP can decide to award benefit from the claim evidence. Otherwise patients must attend a face to face assessment. DWP will use this to decide if the patient can keep getting Employment and Support Allowance.
- As the patient's doctor:
  - DWP may ask you to provide a form DS1500 report for patients who tell DWP they are terminally ill (a life expectancy of no more than six months) under special rules. This form is a factual report, in which you provide details of your patient's condition and their current and planned future treatment.
  - DWP may ask you to complete a factual ESA113 report on your patient. You can complete this form from your medical records. There is no need to carry out a separate examination of your patient. DWP will only ask you to complete an ESA113 if it could result in us confirming your patient's benefit on claim evidence alone, without need for a face to face assessment.
  - A healthcare professional from Atos Healthcare may phone you for more information. When making a claim, individuals give consent for DWP to contact their doctor for more information. You do not need to seek additional consent from your patient – General Medical Council (GMC) guidance on confidentiality states 'you may accept an assurance from an officer of a government department or agency or a registered health professional acting on their behalf that the patient or a person properly authorised to act on their behalf has consented' (34 (b)).

## **Decision on entitlement and ongoing support**

- If assessed as fit for work after their assessment, the patient won't get Employment and Support Allowance, and may need to claim Jobseeker's Allowance if they can't return to work or find employment.
- If the patient is assessed as unfit for work, they will get Employment and Support Allowance and be placed in one of two groups:
  - The 'support group' - if their illness or disability has a severe effect on their ability to work. Claimants are not expected to work or regularly attend a Jobcentre, but can volunteer to attend work-focused interviews with a personal adviser.
  - The 'work-related activity group'. Claimants must take part in work-focused interviews with their personal adviser and will get support to help them prepare for suitable work.
- Med3s are no longer needed after DWP has decided to award benefit. Jobcentre Plus will write to you and the patient when this occurs.
- Claimants getting Employment and Support Allowance are reassessed at an interval decided on the basis of the medical assessment. In all cases, this is no longer than two years.
- Your patient may need Med3s if they are appealing a benefit decision and want to claim Employment and Support Allowance until their appeal is heard. As always you should only issue a Med3 if the patient has a health condition which impacts on their fitness for work. If you choose not to issue a Med3, your patient will in most cases be able to claim Jobseeker's Allowance during the appeal. If the appeal is

unsuccessful, you should only issue further Med3s if their condition worsens significantly or they have a new medical condition.

## **Disability Living Allowance and Attendance Allowance**

Disability Living Allowance (and Attendance Allowance for people over 65) is designed to support people who have a disability and so need extra help with personal care, getting around (mobility) or both.

The allowance is to help with the extra cost of personal care or for supervision or getting around. It does not include help with activities such as shopping or housework. Payment is not affected by income or whether a person works. To get Disability Living Allowance, the claimant must have needed help for three months and will be expected to continue to need help for at least a further six months (prospective test). To qualify for Attendance Allowance, the person must have needed help for six months and be aged over 65.

Disability Living Allowance is made up of a 'care component' which is paid at one of three levels (low, medium or high), and a 'mobility component' which has only a lower and higher rate. Attendance Allowance only has a 'care component' of two levels (equal to the medium and higher levels of Disability Living Allowance).

### **The role of healthcare professionals**

Healthcare professionals responsible for the clinical care of the person may be asked to complete the statement at the end of the claim form by their patient. If the decision maker (a specifically trained lay person) can't decide about benefit entitlement without further evidence, they may ask the healthcare professional to complete a medical report based on the medical records and their knowledge of the patient.

If the individual is claiming under the special rules (because they have a terminal condition), they or their representative may ask the healthcare professional to complete form DS1500.

## **Carer's Allowance**

A person aged 16 or over may get Carer's Allowance if they care at least 35 hours a week for someone who gets:

- Disability Living Allowance care component at the middle or highest rate, or
- Attendance Allowance.

## **Income Support**

Income Support is a taxable benefit for people on a low income who don't have to sign on as unemployed. This includes:

- lone parents whose youngest child is under seven
- people on parental or paternity leave
- carers
- young people not living with a parent or at serious risk of violence
- refugees learning English (who arrived less than a year ago), and

- pregnant women due to give birth within 11 weeks or whose baby was born less than 15 weeks ago.

Getting Income Support depends on earnings, number of hours worked and savings.

## Tax credits

There are two different types of tax credits available. Your patient may be eligible for one or both of these:

- Child Tax Credit - if they are responsible for at least one child or young person, and
- Working Tax Credit - which is paid to people on low incomes.

What tax credits individuals can access will depend on their individual circumstances such as their age, income, if they have a disability and the number of children they care for.

Unlike the other benefits and services outlined in this guide, tax credits are not administered by the Department for Work and Pensions or Jobcentre Plus. Direct patients to information online at [www.direct.gov.uk/taxcredits](http://www.direct.gov.uk/taxcredits) or to the tax credit hotline on **0845 300 3900** (textphone 0845 300 3909).

## Sick pay

If your patient is employed and off work due to their health, they will normally be paid one of two types of sick pay:

**Statutory Sick Pay** – this is the minimum level of sick pay paid by employers. For individuals who qualify, it is paid for absences over four days and up to 26 weeks at a set rate. In most cases the patient will be required to provide a Med3 (fit note) after the seventh calendar day of sickness.

**Occupational Sick Pay** – this is classed as any sick pay greater than Statutory Sick Pay. This differs from employer to employer, often the equivalent of full pay for a certain time.

Under certain circumstances employers are able to dismiss employees on ill health grounds where it is no longer feasible to the business. There is not a set time at which this is allowed, however employers do have to make certain considerations. Employees have a right to appeal and may have additional rights under the Equality Act 2010 if they are disabled.

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This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure the leaflet is correct as of the date below. Some of the information may be oversimplified or may become inaccurate over time, for example because of changes to the law. We recommend that people get independent advice before making financial decisions based on this leaflet.

## Contact details for patients

If the topic is not covered here try [www.dwp.gov.uk/healthcare-professional](http://www.dwp.gov.uk/healthcare-professional) or [www.direct.gov.uk/benefitsadviser](http://www.direct.gov.uk/benefitsadviser)

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### Contacting Jobcentre Plus

Patients wanting to claim Jobseeker's Allowance, Employment and Support Allowance or Income Support should call **0800 055 6688** (textphone 0800 023 4888). Open Monday to Friday 8am to 6pm.

### Contacting the Disability and Carers Service

People wanting to claim Disability Living Allowance, Attendance Allowance or Carer's Allowance should call **0800 882 200** (textphone 0800 243 355). Open Monday to Friday 8.30am to 6.30pm.

### Access to work

Access to Work provides support to individuals whose health or disability affects the way they do their job. It might pay towards a support worker or the equipment needed at work. It can also pay towards the cost of getting to work if the individual cannot use public transport. For more information on Access to Work go to [www.direct.gov.uk](http://www.direct.gov.uk)

### The Work Programme

The Work Programme provides back to work support to claimants on most out of work benefits, including Jobseeker's Allowance and Employment and Support Allowance. It is delivered by providers from the private, public, and voluntary sector who design their own support, enabling them to tailor it to the individual. Some claimants must take part in the Work Programme to keep getting benefit, while others can volunteer.

### Incapacity Benefit reassessment

Patients with questions about the Incapacity Benefit reassessment process can read a specific factsheet at [www.dwp.gov.uk/docs/ib-reassessment-customer-factsheet.pdf](http://www.dwp.gov.uk/docs/ib-reassessment-customer-factsheet.pdf)

### Occupational Health Advice Service for Small Businesses

This advice services provide small business owners, managers and their employees with access to high quality and professional occupational health advice, tailored to their needs. The focus for the advice services are physical and mental health issues at work, which affect individual employees.

England **0800 077 88 44**

Scotland **0800 019 22 11**

Wales **0800 107 0900**