

Reassessment of incapacity benefits

An introduction

August 2011

jobcentreplus

Department for
Work and Pensions

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Introduction – What is changing

Starting in October 2010 and ending in spring 2014, most claimants who receive Incapacity Benefit, Severe Disablement Allowance and Income Support paid on the grounds of illness or disability will be assessed to see if they qualify for Employment and Support Allowance (ESA).

This change will not affect claimants if:

- they claim Employment and Support Allowance already; or
- they are due to reach State Pension age before 6 April 2014. The State Pension age for women will be between 61 years and 11 months to 62 years. For men it is age 65.

More information about IB Reassessment is available at www.direct.gov.uk/ibchanges or www.direct.gov.uk/newidiadauba for Welsh speaking claimants

Background – The case for change

There are currently 2.6 million people on incapacity benefits¹, some 7 per cent of the working age population, at a cost to the taxpayer of around £13 billion a year. We know that many of these people, with the right support, could and indeed do want to work but the current system doesn't always give them that opportunity.

For example, whilst ESA helps people with an illness or disability move into work if they are able, it could be a considerable length of time before those on the old style incapacity benefits have to speak to anyone at the Department for Work and Pensions about their condition or their work options.

With certain exceptions, everyone on old-style incapacity benefits will be reassessed, between October 2010 and spring 2014, to see if they qualify for Employment and Support Allowance or if they are capable of work. This reassessment will use the Work Capability Assessment (WCA) and will focus on what an individual can do despite their health condition, rather than simply what they can't. It is based on the Government's firm belief that for most people appropriate work is good for their health and well-being.

Those with the most severe disabilities or health conditions will not be expected to undertake any work-related activity and will get the extra support they need as part of the Support Group. People who are found capable of work will be invited to claim Jobseeker's Allowance (JSA) if they satisfy the conditions of entitlement for that benefit. People who need more support to prepare for work will get that help on Employment and Support Allowance in the Work-Related Activity Group.

¹ Employment and Support Allowance, Incapacity Benefit, Income Support paid because of an illness or disability and Severe Disablement Allowance.

Reassessment of incapacity benefits

We are determined that the transition will run smoothly for all claimants. For those who transfer to Employment and Support Allowance we will ensure that benefit payments are not disrupted. No one moving from their existing benefits to Employment and Support Allowance will see a reduction in the level of their benefit entitlement at the point of change.

Overall, around 1.5 million people will be reassessed. Reassessment commenced on the 11 October 2010 with a trial in Aberdeen and Burnley. At the end of February, Jobcentre Plus started a limited introductory phase. Full national reassessment began in April 2011.

From the end of February 2011, letters were sent to 1,000 claimants a week nationally. In April, we increased the number of cases to around 7,000 a week and since May, we have been processing around 11,000 cases a week. This steady increase in activity has enabled many of the findings in Professor Harrington's review of the Work Capability Assessment to be put into practice.

We have re-deployed around 1,150 staff to handle the reassessment of these cases.

This is a challenging timescale, but we believe it is important that we provide claimants with employment support as quickly as possible and do not delay providing extra financial support for those placed in the Support Group.

[A questions and answers section at the end of this document contains more information](#)

The Reassessment Journey

Jobcentre Plus will write to claimants when their benefit becomes due for reassessment to tell them about the changes. Jobcentre Plus will also phone the claimant shortly after this to check they have received the letter, that they understand what action they need to take, and to find out if they need any extra help.

Claimants will then be sent a limited capability for work questionnaire (ESA50) by Atos Healthcare (our medical services contractor) to complete and return. The contents of the ESA50 and any other evidence supplied will be used to decide if the claimant needs to attend a face-to-face Work Capability Assessment. If they need to attend an assessment, Atos Healthcare will call them to arrange an appointment. The Work Capability Assessment is the main assessment for Employment and Support Allowance. The assessment will concentrate on what people can do rather than only focusing on what they can't. It is our intention that those claimants who are the most severely disabled or who are terminally ill will not need to attend a face-to-face appointment.

Using the information from the questionnaire, the face-to-face assessment and any other evidence provided, a Jobcentre Plus decision maker will decide if the person's existing award qualifies for conversion to ESA. People will continue to receive their current benefit, as long as they meet the conditions of entitlement, until Jobcentre Plus have completed the reassessment of their benefit.

Simplifying the journey for the claimant in this way will enable Jobcentre Plus to:

- provide further information to the claimant at each step;
- provide the claimant with more opportunities to ask questions; and
- explain what will happen next so that claimants understand exactly where they are in the journey.

Claimant qualifies for Employment and Support Allowance

If a claimant's existing award qualifies for conversion to ESA, Jobcentre Plus will phone them and inform them of the decision and what the claimant will need to do next. Jobcentre Plus will also inform the claimant whether they have been placed in the Work-Related Activity Group or the Support Group. They will be sent a letter to confirm the decision. This will inform them of the amount of ESA to which they are entitled, and of the date from which ESA will become payable. HM Revenue & Customs may then send them a new tax code depending on their circumstances.

Claimants in the Support Group will not need to undertake any work-related activity to receive their benefit, but can choose to access work-related support if they want to.

Income Support claimants in receipt of Child Dependency Allowances (CDAs) will be transferred to the HM Revenue and Customs, Child Tax Credit (CTC) system prior to their move to Employment and Support Allowance. The claims will be sent to a special unit at HMRC which fast-tracks them.

Reassessment of incapacity benefits

Under the reassessment exercise, contribution-based Employment and Support Allowance replaces both Severe Disablement Allowance, which is not taxable, and Incapacity Benefit, which normally is (the exception being where a claimant was receiving Invalidity Benefit before April 1995 and has been receiving Incapacity Benefit for the same illness ever since - in these circumstances, the benefit has not been taxed).

Under existing provisions, contributory earnings-replacement benefits like contribution-based Employment and Support Allowance are taxable, but income-related benefits, such as income-related ESA, are not. If, as a result of reassessment, claimants previously in receipt of a benefit that was exempt from tax become entitled to contribution-based Employment and Support Allowance, they may now be liable to pay income tax. How much tax, if any, they have to pay depends upon whether they receive any other income, for example, an occupational pension. In addition, those claimants who already receive tax credits need to notify HM Revenue & Customs of this change as contribution-based Employment and Support Allowance counts as income when working out their tax credits award. This may mean that a claimant's tax credits may be reduced.

Claimants should contact their HMRC Tax Office or visit www.hmrc.gov.uk if their circumstances change.

Claimant does not qualify for Employment and Support Allowance

A Jobcentre Plus decision maker will consider the outcome of the claimant's face-to-face Work Capability Assessment, Atos Healthcare's medical report, the contents of the limited capability for work medical questionnaire (ESA50) and any other available information. They will then reach a view as to whether or not the claimant has limited capability for work and whether or not, as a consequence, the claimant's existing award qualifies for conversion to Employment and Support Allowance.

Where, on the basis of the available evidence, the decision maker does not consider that the claimant's existing award qualifies for conversion to Employment and Support Allowance, they will, before making a final decision, phone the claimant and explain to them why they think their award does not qualify for conversion. They will also ask the claimant if they have any additional evidence which they feel the decision maker needs to be aware of.

If, following this discussion, the decision maker decides that the claimant does not qualify for Employment and Support Allowance they will inform them accordingly. They will then inform the claimant of their options. The claimant may be entitled to Jobseeker's Allowance, Income Support on grounds other than incapacity for work, or Pension Credit. If they wish to claim Jobseeker's Allowance, they will be transferred to someone who will take their claim details. They may also move off benefit.

The claimant will be sent a letter to confirm the decision and informing them, where appropriate, of the date from which their current award of benefit will terminate. HM

Reassessment of incapacity benefits

Revenue & Customs may then send them a new tax code depending on their circumstances.

If the claimant indicates that they have additional evidence which may affect the decision the decision maker will ask them to submit this evidence in writing before making a decision on their claim.

This call particularly encourages people to supply additional medical evidence, ensuring we address any incorrect decisions at the first opportunity.

If, after reviewing any additional evidence, the decision maker decides the claimant's award does not qualify for conversion to Employment and Support Allowance they will call them again to discuss their options. Decision makers have been given the flexibility to arrange a break of up to 72 hours in the outbound call to disallowed claimants, if necessary. This was introduced because the research showed that claimants were sometimes unable to engage with this phone call because they needed time to take in the fact they were being disallowed ESA.

If a claimant does not agree with the decision

Jobcentre Plus will telephone the claimant to advise them of the decision and to explain the options available to them, including their right to appeal and other benefits to which they may be entitled. If the claimant wishes to claim Jobseeker's Allowance, they will be passed straight away to a team who will take their claim.

When Jobcentre Plus call or write to a claimant to tell them about the decision they have made regarding the claimant's claim, Jobcentre Plus will also tell them what to do if the claimant thinks the decision is wrong. If the claimant thinks the decision is wrong they will need to get in touch with Jobcentre Plus within one month of the date of the decision letter. If contact is made later, then Jobcentre Plus may not be able to help.

The claimant, or someone else who has the authority to act on their behalf, can:

- ask for an explanation of the decision;
- ask for Jobcentre Plus to write to the claimant with the reasons for their decision;
- ask for the decision to be looked at again (the claimant may think that Jobcentre Plus have overlooked some facts, or the claimant may have more information which affects the decision), or
- appeal against the decision to an independent tribunal (this must be in writing).

When an appeal is received, the decision maker will look at the reason for the appeal and whether the claimant has provided any additional information that could lead the decision maker to revise their original decision.

The Jobcentre Plus decision maker will telephone the claimant to ask if there is any further information or evidence that should be considered. If the decision remains the same following receipt of any additional information, the appeals process will continue.

Reassessment of incapacity benefits

If a claimant appeals a decision based on the Work Capability Assessment, they will be entitled to the assessment phase rate of Employment and Support Allowance until Jobcentre Plus is advised, by the Her Majesty's Courts and Tribunals Service, of the outcome of the appeal. This will mean that they may see a reduction in their income. The claimant's award will start from the day after their existing award of incapacity benefit terminates. They will need to supply medical evidence throughout.

If someone's award qualifies for conversion to Employment and Support Allowance but they want to appeal against being placed in Work-Related Activity Group rather than the Support Group, they will receive Employment and Support Allowance inclusive of the work-related activity component (and any transitional addition) pending the outcome of the appeal. These claimants will not need to supply medical evidence.

Claimants will be sent letters advising them of the decisions made on their benefits, their rights to appeal and other benefits that may be available.

The journey for claimants who are having their incapacity benefits reassessed has been informed by feedback and lessons learnt from the implementation of ESA. In response to this feedback, Jobcentre Plus has added additional contact points to the ESA claimant journey for people having their benefit reassessed. Jobcentre Plus has also made improvements to the reassessment journey in response to Professor Harrington's review of the Work Capability Assessment and the findings from an independent evaluation of the reassessment process company.

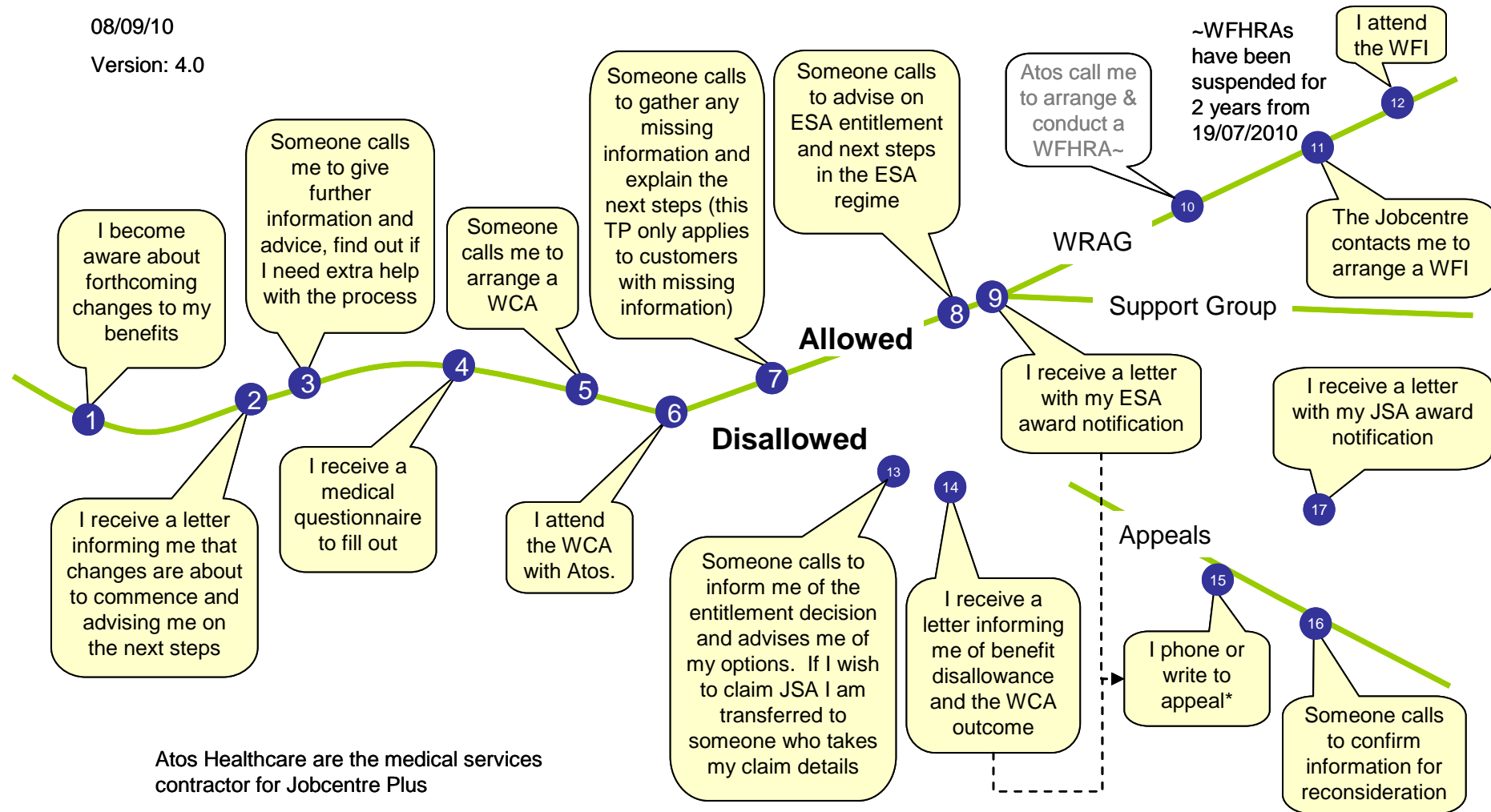
If a claimant lives abroad

Claimants overseas will have their claims reassessed following broadly the same process as that for UK residents. That is, the claimant will be sent a limited capability for work questionnaire to complete and return. A face-to-face assessment may also be undertaken to assess whether the claimant has limited capability for work and therefore qualifies for Employment and Support Allowance. However, there are some differences both in the process and in the options available to overseas claimants after a decision has been made. Further information on how the reassessment of incapacity benefit affects overseas claimants can be found in a factsheet, which is available on the DWP Adviser Pages.

The Reassessment Journey

08/09/10

Version: 4.0



Summary of key facts

- No new claim will be required for the move to ESA, the process will be triggered by a notice to the claimant;
- where possible, the date of a claimant's re-assessment will be based on the review date of their Personal Capability Assessment. Claimants exempt from undertaking a Personal Capability Assessment will have a review date set;
- people already over State Pension Age or who reach State Pension Age before 6 April 2014 will not be reassessed;
- where possible, we will use existing data held for IB/IS claims to determine entitlement to ESA;
- we will help claimants adapt to their new circumstances and ensure continuity of payment is maintained;
- existing awards of incapacity benefits will continue to be paid to the day before the conversion decision takes effect, whether or not those awards qualify for conversion to ESA
- where people who are eligible for ESA receive more on existing incapacity benefits than the appropriate ESA rate, their existing rate of benefit will be protected at the point of conversion;
- where people who are eligible for ESA receive less on incapacity benefits than the appropriate ESA rate, their benefit will immediately be increased to the ESA rate on conversion;
- on conversion to contribution-based ESA all claimants are liable to income tax on the rate payable, regardless of whether they were previously exempt;
- contribution-based ESA is a taxable income for Tax Credits purposes, so the rate of Tax Credits may be affected where the claimant previously received SDA or non taxable IB;
- all claims to incapacity benefits on or after 31 January 2011 will be treated as new ESA claims – there will be no link to earlier claims for incapacity benefits;
- where a person is appealing against a decision that their award does not qualify for conversion to ESA, and this decision was made on the basis that the person failed to meet the WCA threshold, ESA will be paid, pending the outcome of the appeal, at a rate equivalent to the rate that new ESA claimants receive in the thirteen week assessment phase at the beginning of their claim;
- the Housing Benefit / Council Tax Benefit Regulations have been amended to ensure that the majority of claimants moving onto ESA will see no reduction in their overall benefits income solely because of this change (however, some Child Dependency Allowance claimants may be affected by the change);
- the Work Focused Health Related Assessment (WFHRA)² element of the WCA has been suspended from 19 July 2010 for a period of 2 years.

² The WFHRA comprises an interview with a healthcare professional, to explore the claimant's views about moving into work, and any health-related interventions that would support this

Questions and answers

Incapacity benefits Reassessment

Q. When will national reassessment come to an end?

A. Reassessment remains on track to be completed by spring 2014.

Q: What action have you taken as a result of the reassessment trial in Burnley and Aberdeen?

A. The trial has provided very valuable feedback and will enable us to enhance a number of areas of the reassessment process. As a result of the trial, Jobcentre Plus and Atos Healthcare are enhancing their soft skills training for staff and Health Care Practitioners, and the content of scripts supporting claimant telephone calls has been strengthened reflecting the feedback.

Decision makers have also been given the flexibility to arrange a break of up to 72 hours in the outbound call to disallowed claimants, if necessary. This was introduced because the research showed that claimants were sometimes unable to engage with this phone call because they needed time to take in the fact they were being disallowed ESA.

Claimants and their payments

Q. How have you incorporated lessons learnt from Employment and Support Allowance implementation into your reassessment plans?

A. In response to feedback and lessons learnt from the implementation of Employment and Support Allowance, Jobcentre Plus have added additional touch points to the claimant journey for those who will be having their benefit reassessed.

Q. How will this change affect claimants?

A. Most current incapacity benefits claimants have a Personal Capability Assessment (PCA) on a regular basis to assess how their health condition or disability affects their ability to work. Once reassessment has started current incapacity benefits claimants will be referred to Atos Healthcare Medical Services for consideration of a Work Capability Assessment. Those who have limited capability of work will move to Employment and Support Allowance either into the Work-Related Activity Group or Support Group. Those assessed fully capable of work will either be invited to make a claim to Jobseeker's Allowance, or claim/remain on Income Support if they satisfy an alternative condition of entitlement, or move off benefits.

Q. How many claimants will be affected by reassessment?

A. There are currently 2.6 million people aged 16 to 64 on Employment and Support Allowance and Incapacity Benefit. Overall, around 1.5 million people will be reassessed.

Reassessment of incapacity benefits

Q. Will this affect payments to claimants?

- A.** We are determined that the transition will run smoothly for all claimants. For those who transfer to Employment and Support Allowance we will ensure that benefit payments are not disrupted.

No one who is reassessed and moves from their existing benefit to Employment and Support Allowance will see a reduction in the level of their benefit entitlement at the point of change.

Where appropriate, a transitional addition will be added to the claimant's normal Employment and Support Allowance entitlement to help ensure that their overall benefit entitlement is protected. The transitional addition will be an amount equivalent to the shortfall between the existing benefit entitlement and ESA entitlement

Q. How are you informing claimants about the reassessment exercise?

- A.** Claimants will receive an initial notification informing them their reassessment journey is about to begin followed by a phone call explaining the process. There are various interactions with the claimant during the course of the journey ensuring the claimant is kept fully informed about the various stages of the journey. Information about IB Reassessment is available at www.direct.gov.uk/ibchanges or www.direct.gov.uk/newidiadauba for Welsh speaking claimants.

HM Revenue & Customs may send the claimant a new tax code depending on their circumstances.

Claimants living abroad will undergo a slightly different reassessment journey. [Further information](#) on how the reassessment of incapacity benefit affects overseas claimants is available on the DWP Adviser website.

Q. When will claimants be reassessed?

- A.** We will write to claimants at the start of their reassessment journey and follow this with a telephone call to the claimant. The date claimants will begin reassessment is based on the date they would have participated in a Personal Capability Assessment. Where a claimant does not have a scheduled PCA, for example where they were exempted from having repeat assessments for their incapacity benefits, a PCA date will be set by Jobcentre Plus.

To ensure all cases are handled effectively and efficiently for claimants between now and 2014 dates may have to be adjusted (we call this 'smoothing'). This smoothing means that, whilst the PCA can be used as a guide for when a claimant may start reassessment, in some cases it may be before or after this date.

Q. Why have some claimants been selected for reassessment before their PCA is due?

Reassessment of incapacity benefits

- A.** Legislation allows us to select a claimant who is in receipt of an incapacity benefit (Incapacity Benefit, Severe Disablement Allowance or Income Support paid on the grounds of incapacity) to start reassessment - which includes the Work Capability Assessment - at any time on or after 1 October 2010.

To manage the reassessment as efficiently as possible, Jobcentre Plus intends to select claimants in the order they would otherwise have been called for a Personal Capability Assessment in connection with their incapacity benefit claim. However, the final date for selection is based on the information held on our systems and the capacity of Jobcentre Plus and their partners locally. This will mean that, for some claimants, the reassessment will start soon after they have attended a Personal Capability Assessment and others will be reassessed near or after the date of what would have been their next scheduled Personal Capability Assessment.

- Q:** **What will happen to claimants who are already undergoing a review of their incapacity benefits after the reassessment starts?**

- A:** Jobcentre Plus stopped Personal Capability Assessments for the old-style incapacity benefits in March 2011, including for claimants who had already completed a medical questionnaire. Claimants' existing benefits will continue in payment as normal, as long as they continue to meet the conditions of entitlement for that benefit, until they complete the separate reassessment process, which is expected to complete for all claimants by spring 2014.

- Q:** **How will claimants living overseas be affected by this change?**

- A.** Claimants overseas will have their awards of incapacity benefit reassessed following broadly the same process as that for UK residents. That is, the claimant will be sent a limited capability for work medical questionnaire to complete and return. A face-to-face assessment may also be undertaken to assess whether the claimant has limited capability for work and therefore qualifies for Employment and Support Allowance. However, there are some differences in the process and in the options available to a claimant after a decision has been made. [Further information](#) on how the reassessment of incapacity benefit affects overseas claimants is available on the [DWP Adviser website](#).

- Q:** **How many times will you try to phone a claimant?**

- A.** Jobcentre Plus will attempt to contact the claimant by telephone 3 times. If no contact is made the ESA50 questionnaire will be issued after the 3rd unsuccessful attempt.

Accessibility and claimants who require extra support

- Q:** **What are you doing to support vulnerable claimants?**

- A.** The claimant journey includes a number of telephone contact points throughout the claimant journey, not least our initial call to the claimant, which will help us to put the claimant at ease by talking them through the process,

Reassessment of incapacity benefits

answer any queries they may have and identify if they need extra support. People having their benefit reassessed will have access to our existing face-to-face services and provision for home visits where this is necessary.

We have developed a [range of information products](#) for customer representative groups, including a factsheet explaining the support Jobcentre Plus can offer to assist claimants with additional needs.

Q. What additional support measures have been introduced as part of reassessment?

- A.** At key points, Jobcentre Plus' staff telephone claimants to inform them about what is happening and to ensure they have received their notification letter, that they understand what action they need to take, and to find out if they need any extra help.

Where, on the basis of the available evidence, a decision maker does not consider that the claimant has limited capability for work, and that, as a consequence, the claimant's award will not qualify for conversion to Employment and Support Allowance, they will telephone the claimant, discuss their case with them and ask them whether they have any further information or evidence that they would like the decision maker to take into consideration before a final decision is made.

Simplifying the journey for the claimant in this way enables us to provide further information at each step and to explain what will happen next so that each claimant understands exactly where they are in their individual journey.

Q. How are you supporting claimants who have been disallowed Employment and Support Allowance?

- A.** For those disallowed Employment and Support Allowance, there is an opportunity to discuss the outcome of their case with a decision maker, including for disallowed claimants a discussion about alternative benefit options. Claimants are also given the option of a warm handover to claim Jobseekers Allowance on the disallowance telephone call, to prevent a break in benefit payments.

There will be a delay of one full payment cycle (at least two weeks) between a disallowance decision and a claimant's incapacity benefits being stopped, to allow claimants to claim another benefit.

Q. What support is available to claimants with specific communications needs?

- A.** Many of our services are delivered over the telephone. However, if a claimant cannot use the telephone we can make other arrangements to support them. People having their benefit reassessed will have access to our existing face-to-face services and provision for home visits where this is necessary.

Reassessment of incapacity benefits

Claimants who are blind or visually impaired can have letters and leaflets in braille, large print and audio format. Alternative formats for forms and guidance may be supplied upon request. The claimant needs to advise Jobcentre Plus if they require correspondence in any of these formats and this will be arranged.

Claimants may also ask Jobcentre Plus to provide help with filling in the limited capability for work questionnaire (ESA50). This can either be done over the phone or an appointment can be made to do this at the Jobcentre. When assisting claimants with the completion of an ESA50, we can only offer a 'transcribing' service, writing down exactly what the claimant replies to the questions asked.

Claimants unable to use the telephone can contact Jobcentre Plus via the Texbox or RNID typetalk service. The contact number for Texbox/Textphone will be provided when we write to the claimant. This information can also be found on www.direct.gov.uk. Information on how to access the RNID typetalk service can be found on www.rnid.org.uk.

Reasonable adjustments will be agreed and put in place to ensure that claimants can access our services.

Q. Can Jobcentre Plus staff provide help with completion of the limited capability for work medical questionnaire (ESA50)?

A. Yes. However, when assisting claimants with the completion of an ESA50, we can only offer a 'transcribing' service, writing down exactly what the claimant replies to the questions asked. Claimants can ask for help from a friend, relative or representative.

Claimants can ask Jobcentre Plus to provide help with filling in the ESA50. This can either be done over the phone or an appointment can be made to do this at the Jobcentre. The claimant will then be sent a copy of the form to sign and return. As an extra safeguard, where someone who is known to have a mental health condition or a learning disability fails to return the ESA50, they will automatically be considered for a face-to-face Work Capability Assessment.

Claimants can also request a large print version of the ESA50 from Jobcentre Plus.

Where appropriate, we will arrange safeguard visits to claimants' homes to ensure the claimant fully understands both what we are asking them to do and the requirements placed on them by us in satisfying the conditions of entitlement to benefit and the implications of either not returning their health questionnaire or attending their Work Capability Assessment. The ESA50 will not be completed with the claimant during this visit.

Reassessment of incapacity benefits

Q. What happens if the claimant does not return the limited capability for work medical questionnaire (ESA50) or Jobcentre Plus is unable to contact them?

A. At key points, Jobcentre Plus' staff telephone claimants to inform them about what is happening and to ensure they have received their notification letter, that they understand what action they need to take, and to find out if they need any extra help.

Where someone who is known to have a mental health condition or a learning disability fails to return the limited capability for work questionnaire (ESA50), they will automatically be considered for a face-to-face Work Capability Assessment. Where appropriate, we will arrange safeguard visits to claimants' homes to ensure the claimant fully understands both what we are asking them to do and the implications of either not returning their health questionnaire or attending their Work Capability Assessment. The ESA50 will not be completed with the claimant during this visit.

If we are unable to contact a claimant their entitlement to benefit may be affected. If, despite the additional contact from Jobcentre Plus, the claimant fails to comply fully with the reassessment process they may lose entitlement to benefit.

Q: Are key workers and appointees able to act on a claimant's behalf?

A: Support workers can be very valuable in helping us to assess claimants fairly and accurately and in putting claimants at their ease, and we encourage claimants to involve them where necessary.

A support worker, advocate, friend or relative can help a claimant to complete their ESA50 questionnaire, but the claimant must sign the declaration at the end to confirm that the information is true.

When dealing with Jobcentre Plus, claimants may wish to have help from a representative. Jobcentre Plus cannot arrange representatives but will support a claimant's right to have representation.

Claimants are encouraged to bring someone to a face-to-face assessment with them: this could be a key worker, friend, carer or someone else. This person can contribute to the assessment, helping the healthcare professional to understand the claimant's condition and the effect it has on them.

If a person has been legally made appointee or has power of attorney then they can act in full capacity on behalf of the claimant. They will be asked to confirm their identity before any information is shared.

Q. What have you done to engage with customer representative groups?

Reassessment of incapacity benefits

- A.** We recognise the importance of working with groups such as these and we are committed to proactively engaging with all third party organisations so they can support their claimants through the reassessment journey.

Since December 2010, Jobcentre Plus partnership teams have been engaging with customer representative and advisory groups at a local level.

We have also consulted with a broad range of stakeholders at various national forums and events. Our claimant communications have been developed in response to feedback given during our stakeholder engagement at these events. Focus groups with stakeholders have helped to ensure these products are properly evaluated and meet the needs of claimants.

Providing medical evidence

- Q.** Will you take other evidence into account in addition to the Work Capability Assessment when deciding entitlement to benefit?

- A.** Yes. DWP decision makers have to consider all the available information before making a decision on benefit entitlement. This may include evidence from a range of sources, not just GPs.

Any evidence provided by a claimant's GP or consultant is very important and fully considered. Processes are in place to ensure it can be requested when it will help provide evidence on benefit entitlement.

Using the information from the ESA50 questionnaire, the Work Capability Assessment and any other evidence provided, a DWP decision maker will decide if the person has limited capability for work.

Claimants are currently able to submit medical evidence in support of their claim to Employment and Support Allowance at any point during their claim including when they attend their WCA. In order to improve this part of the process, we have amended the ESA50 to encourage claimants to send any relevant medical evidence when they return the form.

A recent independent review of the Work Capability Assessment undertaken by Professor Malcolm Harrington made several recommendations. One of those review recommendations was for Jobcentre Plus Decision Makers to be put at the heart of the system empowering them to make independent and considered decisions. The Government fully supports the recommendations of the Harrington Review. Further details of these recommendations and the government's response can be found at www.dwp.gov.uk/wca-review.

- Q.** How has IB Reassessment been communicated to GPs and other healthcare professionals?

- A.** An updated Q&A briefing has been published on the [Healthcare Professional](#) section of the DWP website. Additionally, Dr Bill Gunnyeon, the DWP Chief Medical Adviser has written to the British Medical Association, the Royal

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College of GPs and GPs in the trial areas of Burnley and Aberdeen regarding IB (IS) Reassessment.

Once a claimant is reassessed and a decision has been made on a claim and the decision has been input onto our computer system a letter is sent directly to the GP advising them of the result and telling them about the need or not to supply medical certificates.

Benefit rules and taxation

Q. Is Employment and Support Allowance taxable?

A: Employment and Support Allowance has two elements: a contributory element (normally based on National Insurance contributions) and an income-related element. Contribution-based ESA is taxable; income-related ESA isn't. Where an award of ESA contains both elements, the contributory element alone is taxable.

Under the reassessment exercise, contribution-based ESA replaces both Severe Disablement Allowance, which is not taxable, and Incapacity Benefit (IB), which normally is (the exception being where a claimant was receiving Invalidity Benefit before April 1995 and has been receiving IB for the same illness ever since - in these circumstances, the benefit has not been taxed).

If, as a result of reassessment, claimants previously exempt from tax become entitled to contribution-based ESA, or to a combination of contribution-based and income-related ESA, they may now be liable to pay tax. How much tax, if any, they have to pay depends upon whether they receive any other income, for example, an occupational pension. In addition, a claimant's tax credits may be reduced as a result of receiving contribution-based Employment and Support Allowance instead of the non-taxable Incapacity Benefit or Severe Disablement Allowance.

This change means that, for the first time since 1995, everyone who gets a contribution-based benefit will, following reassessment, receive exactly the same tax treatment. This reduces the complexity of both the benefits and tax systems. This means that for a small number of claimants receiving contribution-based Employment and Support Allowance, their benefit entitlement will not reduce, however, their overall benefit income will. The Government recognises that this affects a small proportion of claimants but believes it is necessary in order to make the reassessment process as smooth as possible.

If, as a result of reassessment, a claimant becomes entitled to income-related Employment and Support Allowance, this is not taxable.

Where claimants move from a non-taxable to a taxable benefit, their tax credits may also need to be reviewed. Claimants receiving tax credits should contact HM Revenue & Customs to update them about any changes to their benefit.

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Any enquiries in relation to tax should be directed to HM Revenue & Customs contact details can be founds at <http://www.hmrc.gov.uk>

Q. What will happen to a claimant who leaves Incapacity Benefit before they are reassessed but then reclaim because of an illness or disability?

From 31 January 2011, the rules under which new claims to incapacity benefits could link back to previous claims were changed. From that date onwards, all claims for the old-style incapacity benefits are treated as a new claim for ESA. This will affect a small proportion of claimants but it is necessary in order to make the reassessment process as smooth as possible.

Provided the claimant has limited capability for work and satisfies the relevant contribution conditions, the claimant will be entitled to contribution-based ESA. Their previous entitlement to Incapacity Benefit will have no bearing on the issue.

People who already qualify for Incapacity Benefit, undergo reassessment and are found to have limited capability for work will be moved automatically on to contribution-based ESA without having to meet the ESA contribution conditions

Q. What will happen to claimants who do not qualify for Employment and Support Allowance?

We will call claimants to discuss what their benefit options are, including how to contest our decision if they think it is wrong. There are other benefits that claimants may be entitled to.

If a claimant is found capable of work they may be entitled to Jobseeker's Allowance. They will be invited to claim Jobseeker's Allowance when they are informed that their award has not qualified for conversion to Employment and Support Allowance. The level of Jobseeker's Allowance a claimant is entitled to will depend upon their individual circumstances and claimants moving from incapacity benefits to Jobseeker's Allowance may see a reduction in their weekly benefit. Where appropriate the decision maker can call disallowed claimants back in a few days to give them time to take in the fact they were being disallowed ESA, to consider their next steps and to seek advice or the support of a representative.

Q. What will happen to disabled people and those with a health condition who move to Jobseeker's Allowance?

A. We do not aim to reduce the levels of support for the most severely ill or disabled people - but it is clearly important that we ensure support is targeted at the right people. We are therefore reassessing everyone on incapacity benefits to see if they are fit for work.

Those who are capable of work will be moved onto Jobseeker's Allowance where eligible. We will ensure that claimants who, following reassessment, are

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moved to ESA or claim JSA receive support to get back to work which is tailored to their particular circumstances.

Claimants who move from IB on to JSA will access the Work Programme from 3 months into their claim, recognising the additional challenges that may be faced by people who have been away from the labour market for a long time. Reassessed claimants will now undertake Work Focused Interview (WFI) conditionality delivered through Jobcentre Plus Offer.

Q. How will the reassessment affect claimants who currently receive Child Dependency Allowance as part of their Income Support entitlement?

A. Income Support (IS) claimants, claiming on the grounds of incapacity and in receipt of income-related Child Dependency Allowances will be transferred to the HM Revenue and Customs, Child Tax Credit (CTC) system prior to their move to Employment and Support Allowance. This means that the existing financial support for their children will be transferred to CTC. If the claimants wishes, their claim will be sent to a special unit at HMRC which fast-tracks them.

Q. How will you manage increases in appeals volumes?

A. The Ministry of Justice and Department for Work and Pensions are working together, as part of a joint Task Force with Her Majesty's Courts and Tribunals Service, Jobcentre Plus and the Pensions, Disability and Carers Service to reduce the numbers of appeals that arise from the initial decision and to increase capacity within Her Majesty's Courts and Tribunals Service.

Q: What will happen to a claimant who is confirmed as fit for work following an appeal?

A: Claimants who are found capable of work will be invited to make a claim to Jobseeker's Allowance (JSA). They may also be able to claim Income Support (if they are entitled under a different condition of entitlement), claim pension credit or will move off benefit.

Q. Do claimants have to attend Work-Focused Interviews whilst they await the outcome of an appeal?

A. Since October 2010, claimants are no longer required to attend Work-Focused Interviews whilst appealing.

Q. Will claimants be entitled to any Employment and Support Allowance if they appeal?

A. If a claimant appeals a decision that their award of benefit does not qualify for conversion to Employment and Support Allowance, and that decision was based on the Work Capability Assessment, they will be entitled to the assessment phase rate of Employment and Support Allowance pending the outcome of the appeal - providing they supply medical evidence throughout.

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Their award will start from the day after their existing award of incapacity benefit terminates.

If someone's award qualifies for conversion to Employment and Support Allowance but they want to appeal against being placed in Work-Related Activity Group rather than the Support Group, they will receive Employment and Support Allowance inclusive of the work-related activity component (and any transitional addition) pending the outcome of the appeal. These claimants will not need to supply medical evidence.

The claimant can receive a disallowance for other reasons which carry the right to appeal but do not entitle the claimant to assessment rate while the appeal is ongoing.

Housing Benefit and Council Tax Benefit

- Q. What happens to Housing Benefit/Council Tax Benefit if the claimant moves from Income Support to income-related Employment and Support Allowance?**
- A. The maximum eligible help with rent and council tax provided by Housing Benefit and Council Tax Benefit will continue, without a break.
- Q. What happens to the Housing Benefit/Council Tax Benefit if the claimant moves to income-based Jobseeker's Allowance?**
- A. Claimants entitled to income-based Jobseeker's Allowance receive maximum eligible help with rent and council tax through Housing Benefit and Council Tax Benefit.
- Q. What happens to Housing Benefit/Council Tax Benefit if the claimant moves off benefits altogether?**
- A. The local authority will contact the claimant to ask for details of their new financial circumstances. Housing Benefit and/or Council Tax Benefit may continue once the incapacity benefit ends, but either may change as the amount of help with rent and council tax will depend on the new levels of income.
- Q. What happens to Housing Benefit/Council Tax Benefit where the claimant moves from Incapacity Benefit or Severe Disablement Allowance to contribution-based Employment and Support Allowance?**
- A. From the date the contribution-based Employment and Support Allowance becomes payable, the Housing Benefit and Council Tax Benefit calculation will be based on the structure of the Employment and Support Allowance. This will mean that the disability premium will be removed from the Housing Benefit/Council Tax Benefit calculation and will be replaced by the work-related activity component or the support component, depending on which of the components is awarded in Employment and Support Allowance.

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Where this means Housing Benefit/Council Tax Benefit increases, the higher amount will be awarded immediately. Where this means Housing Benefit/Council Tax Benefit decreases, a transitional addition will be awarded to protect the claimant's overall benefit income. Therefore, no one moving to contribution-based Employment and Support Allowance will lose overall benefit entitlement at the point of change.

Q. What happens to Housing Benefit/Council Tax Benefit if the claimant is awarded the assessment phase rate income-related Employment and Support Allowance pending the outcome of their appeal against a decision that their award does not qualify for conversion to Employment and Support Allowance?

A. As is the case for claimants who satisfy the Work Capability Assessment and move to income-related Employment and Support Allowance, claimants who appeal and are awarded assessment phase income-related Employment and Support pending the appeal hearing will receive maximum eligible help with their rent and council tax through Housing Benefit/Council Tax Benefit.

Q. What happens to Housing Benefit/Council Tax Benefit if the claimant is awarded the assessment phase rate contribution-based Employment and Support Allowance pending the outcome of their appeal against a decision that their award does not qualify for conversion to Employment and Support Allowance?

A. From the date the assessment phase rate contribution-based Employment and Support Allowance becomes payable, the Housing Benefit and Council Tax Benefit calculation will be based on the structure of the Employment and Support Allowance. This will mean that the disability premium will be removed from the Housing Benefit/Council Tax Benefit calculation.

Doing this would mean Housing Benefit/Council Tax Benefit decreases, however, a transitional addition will be awarded to protect the claimant's Housing Benefit/Council Tax Benefit.

Q. How will local authorities be informed of the changes occurring during the IB Reassessment exercise?

A. Claimants are reminded in the letters sent to them about the reassessment of their incapacity benefits that it is their responsibility to inform their council of any changes in circumstance that could affect their ongoing entitlement to Housing Benefit/Council Tax Benefit. However, for the purposes of the IB Reassessment exercise, Jobcentre Plus will also inform local authorities of the changes to claimant's benefit entitlement.

Q. How will you ensure people in receipt of Housing Benefit/Council Tax do not see a reduction in their benefit entitlement as a result of reassessment?

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- A:** The Housing Benefit/Council Tax Benefit Regulations have been amended to ensure no one sees a reduction in their overall benefit entitlement solely because of the reassessment process. The disability premium will be removed from the Housing Benefit/Council Tax Benefit calculation and will be replaced by the work-related activity component or the support component, depending on which of the components is awarded in Employment and Support Allowance.
- Where this means Housing Benefit/Council Tax Benefit increases, the higher amount will be awarded immediately.
 - Where this means Housing Benefit/Council Tax Benefit decreases, a transitional addition will be awarded to protect the claimant's overall income.

Support for claimants being reassessed and the Work Programme

Q: How will back to work support for claimants who have been reassessed be delivered?

A: We will ensure that claimants who, following reassessment, are moved to ESA or claim JSA receive support to get back to work which is tailored to their particular circumstances. And for the first time, we will require those who are able to prepare for a return to work to do so.

Through the Work Programme we are giving those in the private and voluntary sector with the best expertise the freedom to design tailor-made back to work support built around the needs of the individual – abandoning the overly prescriptive Whitehall knows best approach. In return for that freedom to innovate we will pay providers by results – they need to get people into work and keep them there. And we will incentivise them to focus their resources on our hardest to help claimants, including those claimants who claim JSA or ESA after reassessment.

Q: How will the needs of disabled people be specifically catered for?

A: We are modernising the way Jobcentre Plus delivers its services. We are handing responsibility back to the Jobcentre Plus advisers who work with our claimants' day in, day out, and trusting them to assess claimants' individual needs and offer the support they see fit.

Our mainstream provision will be complemented by **specialist disability employment programmes** including Work Choice, which will continue to provide support for those disabled people who face the most complex barriers to getting and keeping a job.

Q: When will claimants who, following reassessment, are placed in the Work-Related Activity Group or Support Group be able to access this provision?

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A: The vast majority of ESA claimants who want the more intensive support offered by the Work Programme will be able to access it as soon as they are placed in the Work-Related Activity Group or Support Group. Where a Health Care Professional assesses that a return to work in 6 months or less is likely, the claimant will be required to access the Work Programme if they receive income-related ESA. This will place these claimants in the best possible position to return to work once they are well enough to do so.

Contribution-based ESA claimants will be able to volunteer for the Work Programme, and if they wish, remain on the Programme after their benefit has come to an end, ensuring that they receive all the support they need to help them return to work.

Most ESA claimants in the Work-Related Activity Group who do not access the Work Programme will be expected to prepare for a return to work with support from Jobcentre Plus, undertaking work-related activity as required by their adviser. Alternatively those with the most severe disabilities may receive support through Work Choice.

Any IB claimant seeking support to return to work will be able to volunteer for the Work Programme or support from Jobcentre Plus prior to reassessment.

Q: When will claimants who are moved onto Jobseeker's Allowance be able to access this provision?

A: Claimants who move from IB on to JSA will access the Work Programme from 3 months into their claim, recognising the additional challenges that may be faced by people who have been away from the labour market for a long time.

Important information

This information pack is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this information pack is correct as of July 2011. It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.