

# Overseas customers and the reassessment of incapacity benefits

April 2011

**jobcentreplus**

Department for  
Work and Pensions

# Overseas Customer Factsheet

## Incapacity Benefit – what is changing?

Between October 2010 and April 2014 customers 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. This includes customers who live outside the UK and currently receive Incapacity Benefit or Severe Disablement Allowance.

This change will not affect customers if:

- they receive Employment and Support Allowance already; or
- they are already over State Pension age or 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.

People abroad will be assessed for Employment and Support Allowance using the same criteria as people living in the United Kingdom. However, there are some differences in the customer journey and, once a decision has been made as to whether or not they qualify for Employment and Support Allowance, there are some differences in the options which are available to overseas customers.

**We are determined that the transition will run smoothly for all customers.** 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.

More information about IB Reassessment is available at:

[www.direct.gov.uk/ibchanges](http://www.direct.gov.uk/ibchanges) or [www.direct.gov.uk/newidiadauba](http://www.direct.gov.uk/newidiadauba) for Welsh speaking customers

Further information is also included in a Q&A section at the end of this document.

## The Overseas Customer Journey

The International Pension Centre will write to customers when their benefit claim is due to be reviewed. This letter will also include a medical questionnaire.

The questionnaire will ask about how a customer's long term health condition or disability affects their ability to complete everyday tasks. This questionnaire should be completed with as much detail as possible. It should be returned by the date requested or a customer's entitlement to benefit may be affected.

The information provided in the questionnaire will be used to help decide if a customer needs to attend a face-to-face assessment with a health care professional.

If a customer needs a face-to-face assessment the International Pension Centre will arrange an appointment. Arrangements can be made for a customer to have an assessment in the country where they live. Customers can also choose to return to the UK for the assessment. **However they will need to pay travel costs to return to the UK themselves.**

The results from the assessment will be sent to the Department for Work and Pensions medical services contractor in the UK, who will use the assessment results to produce a report on how a customer's disability or health condition affects them.

Using the information provided by the Department's medical services contractor, and any other relevant evidence supplied, a decision maker will decide whether the customer is entitled to Employment and Support Allowance.

### **If an award qualifies for conversion to ESA**

If the award of an overseas customer qualifies for conversion to Employment and Support Allowance, the International Pension Centre will write to the customer to inform them of the decision and let them know whether they have been placed in the Work Related Activity Group or the Support Group.

Customers who are placed in the Work-Related Activity Group will be paid a work related activity component as part of their Employment and Support Allowance. Customers who live outside the United Kingdom and are placed in the Work Related Activity Group will not be able to benefit from any of the extra support being offered to help people move into work. But, unlike customers in the UK, they will not be required or expected to carry out any work-related activities as a condition of receiving Employment and Support Allowance.

Those customers who are more disabled or terminally ill and are not expected to move towards work will be allocated to the Support Group. These customers will be paid a support component as part of their Employment and Support Allowance. This is paid at a higher rate than the work related activity component.

### **If an award doesn't qualify for conversion to ESA**

If the award of an overseas customer doesn't qualify for conversion to Employment and Support Allowance, we will write to inform them of the decision. This notification letter will also tell customers what to do if they think the decision is wrong.

## Overseas Customers: Q&A

### **How many overseas customers will be affected by this change?**

About 5,800 customers living overseas are expected to be reassessed between February 2011 and April 2014.

## **How does the customer journey for customers living abroad differ from that for UK customers?**

People abroad are assessed for Employment and Support Allowance using the same criteria as people living in the United Kingdom.

Unlike customers living in the United Kingdom, Jobcentre Plus will not contact, by telephone, customers living overseas who are having their incapacity benefits reassessed. Instead, contact will be through notification letters. These letters include a contact phone number so customers who want to speak to an adviser are able to do so.

## **Can a customer whose award doesn't qualify for conversion to Employment and Support Allowance claim Jobseeker's Allowance or any other UK benefits?**

Customers living abroad cannot claim Jobseeker's Allowance or get income-related benefits.

Customers living in the EU may continue to have the right to some UK benefits, such as health cover, if they have a spouse who continues to receive a UK benefit such as State Pension or Employment and Support Allowance.

Customers living overseas have the same right of appeal against a conversion decision as customers resident in the UK.

## **Will overseas customers be paid benefit if they appeal?**

If a customer appeals against a decision which was made on the grounds that they do not have limited capability for work, they will be entitled to receive the basic (assessment) rate of Employment and Support Allowance from the day their incapacity benefit award ends until we are advised, by the Tribunals Service, of the result of their appeal.

If someone wants to appeal against being placed in Work-Related Activity Group (WRAG) rather than the Support Group, they will continue to receive WRAG rate of Employment and Support Allowance (not the assessment rate) during the appeal process.

Some customers living in the EEA or Switzerland are currently paid a pro-rata rate of IB. They will continue to receive benefit during the appeal process; however, if their pro-rata rate of benefit is higher than the WRAG rate of ESA, they will be paid the WRAG rate. This ensures that they are treated in the same way as UK residents who are appealing.

If a customer appeals against a decision which was made because they failed to return their medical questionnaire, or failed to attend or participate in a medical assessment, they will not be entitled to Employment and Support Allowance whilst their appeal is heard.

## **How does Reassessment affect health cover for customers living in the EEA/Switzerland?**

If a customer is transferred onto Employment and Support Allowance they will continue to have the right to health cover.

If a customer is not transferred onto ESA, the UK is no longer the state responsible for providing them with health cover. Their medical health cover from the UK will be cancelled and they will have to make their own arrangements for health cover.

There is an important exception to this rule. If the customer has a spouse still receiving UK benefits, such as State Pension or Employment and Support Allowance, they may continue to have the right to health cover. This is because they have rights as a member of the family of a person that the UK is responsible for.

## **How will a customer's Disability Living Allowance be paid if they move onto Employment and Support Allowance?**

Customers moving onto Employment and Support Allowance will be paid their Disability Living Allowance separately by the Disability and Carers' Service once their Incapacity Benefit claim has ceased. Their Disability Living Allowance will be paid into the same bank account their Incapacity Benefit is paid into, unless they inform us otherwise.

The Disability and Carers' Service no longer pays Disability Living Allowance in combination with other benefits. This is because of problems that some customers have had when paid this way.

## **What will happen to a customer's Disability Living Allowance if they are disallowed Employment and Support Allowance?**

If a customer living overseas is disallowed Employment and Support Allowance, they may also lose their entitlement to Disability Living Allowance. The Disability and Carers' Service will contact customers about any changes to their Disability Living Allowance.

## **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 April 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.