

Reassessment of incapacity benefits:

Feedback for Customer Representative Groups on questions raised at stakeholder engagement events

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Accessibility and claimants who require extra support

Will letters and forms be in plain English?

Yes – we are committed to making sure all of our publications, leaflets, web pages and documents are accessible and written in plain English. We have worked in conjunction with the Department’s transforming letters project to ensure the letters are in plain English.

What support is available to claimants with specific communications needs?

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.

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 Textbox or RNID typetalk service. The contact number for Textbox/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.

What support is available for claimants for whom English or Welsh is not their first language?

Claimants with limited or no ability to speak English or Welsh can request letters in different languages. Jobcentre Plus will help arrange this for the claimant.

If a claimant needs an interpreter during a telephone call, Jobcentre Plus will check if they can provide their own interpreter. If not, a Jobcentre Plus member of staff may be able to act as an interpreter or 'The Big Word' interpreting service will be used. Through the 'The Big Word' Jobcentre Plus staff can arrange for an interpreter to join the call.

Jobcentre Plus can also arrange for an interpreter to be present during face-to-face interviews, or the claimant can bring their own interpreter providing the interpreter is over 16 and fluent in both languages.

Will claimants who need extra help be signposted to local welfare rights services?

The initial notification letter and the disallowance letter both explain to the claimant that they can get further advice from their local welfare rights service, such as the Citizens Advice Bureau. These letters also signpost the claimant to the Directgov website for more information.

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

Completion of the limited capability for work medical questionnaire (ESA50)

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

When filling in the "Limited capability for work questionnaire", claimants can get help. When a Jobcentre Plus member of staff assists the claimant in filling in the form, they can only perform a 'transcribing' service, writing down exactly what the claimant replies to the questions asked. Claimants can ask a friend or relative to help, or they can get in touch with Jobcentre Plus. Jobcentre Plus staff can go through any questions that claimants have difficulty with over the telephone and sometimes they may be able to fill in the form on the claimant's behalf. If Jobcentre Plus staff do this,

they will send the completed form to the claimant, asking them to check, sign and return.

If required, Jobcentre Plus can send completed claim forms in braille or large print for the claimant to sign and return.

If the claimant needs help to fill in the form but can't use the telephone, the claimant will need to make an appointment to attend their local Jobcentre for a face-to-face meeting.

Can the ESA50 be made available in an accessible format?

Yes. Claimants can request a large print version of the ESA50 from Jobcentre Plus. Information about how to do this is printed on the front of the ESA50. Since March 2011, the ESA50 has been available to download from the Directgov website in English and Welsh. Claimants will be able to download it from the website and print off to post.

Is the ESA50 available in the Welsh language?

All claimants with a Welsh postcode will receive a limited capability for work questionnaire (ESA50) together with covering letters (ESA51 and ESA51W). If we know a claimant's language preference for written communication is Welsh, they will automatically receive a Welsh version of the ESA50 (ESA50W).

If a claimant living in Wales wishes to deal with the Department in Welsh and they haven't made it known to us previously, they can request a copy of the questionnaire in Welsh. If a claimant wishes to speak to Jobcentre Plus in Welsh or requires a Welsh version of the ESA50, they can do so by calling 0800 012 1888.

The Work Capability Assessment and Atos Healthcare

How has IB Reassessment been communicated to GPs and other healthcare professionals?

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 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.

What was the outcome of the Work Capability Assessment reviews and what will happen next?

We are committed to continuously improving the Work Capability Assessment to ensure that it is as fair and accurate as possible.

In November 2010, Professor Malcolm Harrington published his Independent Review of the Work Capability Assessment, the first of five annual Independent Reviews. He found that the Work Capability Assessment is the right assessment but it is not working as well as it should. As a result he made a series of practical recommendations, all of which the Government has accepted.

The Department for Work and Pensions is implementing these changes as quickly as possible. Many of them have already been put in place. .

View the [Harrington Review](#).

When will those people reassessed under the current Work Capability Assessment process be reassessed again following the review?

There will be no change to the review frequency of a claimant's Work Capability Assessment.

Will hospital in-patients be asked to attend Work Capability Assessments?

In-patients are automatically treated as having limited capability for work (unless they are a short-term patient) and so are eligible for Employment and Support Allowance. A decision regarding eligibility for the Support Group component of Employment and Support Allowance (which is based on having limited capability for work-related activity) is based on consideration of the available evidence. For almost all in-patients it should be possible to establish this using paper-based evidence, but if a face-to-face assessment is necessary then this can be carried out through a domiciliary visit.

How will you improve understanding of the Work Capability Assessment scoring system?

Following their participation in a Work Capability Assessment, claimants are advised of the result of their Assessment, which includes the score that they have been given if they have not reached the threshold for entitlement to Employment and Support Allowance. Additionally, claimants can request a copy of their Assessment report which outlines the score that they have been given and the information provided by the healthcare professional who carried out the Assessment. From July 2011, we also began a trial in Wrexham Benefit Centre to issue a Personalised Summary Statement to ESA claimants who have been found not to have Limited Capability for Work.

Will any claimants be exempt from participating in the Work Capability Assessment?

Incapacity benefits are being phased out, and all claimants on these benefits, apart from those who reach state pension age before April 2014, are being reassessed to see if their awards qualify for conversion to Employment and Support Allowance.

Not all claimants will be asked to attend a face-to-face assessment. A healthcare professional will first review the paper-based evidence, and if they are able to give advice on benefit entitlement based on this, they will not necessarily ask a claimant to attend a face-to-face assessment. Paper-based evidence means an ESA50 questionnaire and any other medical evidence supplied by the claimant. If necessary,

the healthcare professional can request further medical evidence from a claimant's GP or other professionals.

How will you support those who are unable to travel to their Work Capability Assessment?

Prior to making an appointment, a healthcare professional will consider, based on the claimant's questionnaire, whether they should attend an assessment centre and whether a home visit or taxi is appropriate. In cases where it is considered a claimant may fall into the Support Group for Employment and Support Allowance, then further medical evidence may be requested from the claimant's GP which contains a question about a claimant's capacity to attend an examination centre. If any other further medical evidence is received before the appointment, consideration is given again to the need for an assessment and whether a home visit or taxi is appropriate.

However, at the appointment stage, if the claimant feels they cannot travel to an examination centre because of how they are affected by their medical condition, they will need to provide medical evidence from a treating physician that supports this. This evidence is then considered by a healthcare professional who decides whether this supports a home visit or provision of a taxi.

Will claimants have access to medical information about them?

Claimants can request a copy of their Assessment report which outlines the score that they have been given and the information provided by the healthcare professional who carried out the Assessment.

How will you improve knowledge of mental health issues among GPs and healthcare professionals?

The National Education Programme is giving GPs a better understanding about the benefit work can bring to the health of their patients, and helping them to develop the knowledge and confidence to discuss the issue of work with patients during consultations. Workshops have included mental health issues such as how common mental health problems are, and the links between unemployment and mental health, so that GPs are prepared for discussing issues around mental health with their patients.

Atos healthcare professionals are recruited according to stringent requirements specified by the Department for Work and Pensions, including a requirement to have at least 3 years post-registration experience in roles relevant to the field of disability assessment medicine. In addition, healthcare professionals undergo a comprehensive training course, covering all aspects of disability analysis, before they begin conducting assessments, and they receive ongoing medical assessment in order to keep up-to-date with developments in the field of disability medicine. Atos healthcare professionals will receive appropriate training and guidance to help them deal with claimants who are being re-assessed.

How will the quality of Atos Healthcare assessments be maintained?

A decision on entitlement to benefits is made by a DWP decision-maker, based on advice from a healthcare professional from Atos Healthcare.

All Atos Healthcare professionals carrying out the assessments are trained in disability assessment medicine, including specific training in assessing individuals with Mental Health conditions, and receive ongoing medical education in order to remain up to speed with developments in the field of disability medicine.

The quality of Atos Healthcare's reports is subject to stringent quality checks and audit.

The work of all health care professionals is subjected to random quality audit by a system agreed with the DWP and which is conducted by experienced medical auditors within Atos Healthcare. Any reports found to be deficient in the audit are corrected prior to them being returned to the Departments' decision makers. The quality of Atos Healthcare's audit is validated by senior medical auditors from Atos Healthcare and doctors working for the Chief Medical Adviser to the DWP.

At what point does the claimant give consent for Atos healthcare professionals to discuss their health condition or to obtain additional medical information?

As part of making a claim for incapacity benefits, claimants would have given their consent for Atos to seek further medical evidence from their GP or other professionals.

Do Atos have enough resources to manage increases in the number of Work Capability Assessments undertaken?

Yes. DWP are working with ATOS to ensure that their recruitment plans will deliver sufficient numbers of healthcare professionals to enable the reassessment exercise to be completed by Spring 2014.

Supplementary evidence

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

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 and thereby qualifies for Employment and Support Allowance.

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

An independent review of the Work Capability Assessment undertaken by Professor Malcolm Harrington made several recommendations. The review recommends that Jobcentre Plus Decision Makers are put back at the heart of the system and empowered to make an independent and considered decision. The Government fully supports the recommendations of the Harrington Review and is currently implementing them.. Further details of these recommendations and the government's response can be found at www.dwp.gov.uk/wca-review.

Benefit rules and appeals

Under Incapacity Benefit people in receipt of the high rate care component of Disability Living Allowance (HR) Care are exempt from undergoing medical assessments, will this be the same for Employment and Support Allowance?

No, under Employment and Support Allowance there is no such exemption. The claimant will have to follow the Work Capability Assessment process, although, dependent upon the evidence available, possibly not a face-to-face assessment.

Is Employment and Support Allowance taxable?

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 is not taxable).

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, a pension, tax credits or child dependency additions. 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 on the main contributory incapacity benefit will, following reassessment, be treated in exactly the same way for tax purposes. 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 without any contributory element, 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 on any changes to their benefit.

Any enquiries in relation to tax should be directed to HM Revenue & Customs at <http://www.hmrc.gov.uk> or a claimant's HM Revenue & Customs Tax Office.

What will happen to claimants whose awards do not qualify for conversion to 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.

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

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 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.

How will students who studying full-time be affected if their awards qualify for conversion to Employment and Support Allowance?

People who are awarded Employment and Support Allowance are, in certain circumstances, able to study full time. Students are generally entitled to income-related Employment and Support Allowance only if they are also receiving Disability Living Allowance. Undertaking education or training can count as engaging in work-related activity for the purposes of the Employment and Support Allowance conditionality regime.

We have made special provision for disabled and deaf students who are currently entitled to Income Support but do not receive Disability Living Allowance, to make sure that, whilst they would not normally be entitled to income-related Employment and Support Allowance, this rule will not apply where, following reassessment, their award qualifies for conversion.

Will people entitled to Incapacity Benefit be entitled to contribution-based Employment and Support Allowance if they move off benefit and then decide to reclaim because of the same illness or disability?

Yes, provided they have limited capability for work and satisfy the Employment and Support Allowance contribution conditions. Their previous entitlement to Incapacity Benefit has no bearing on the issue.

However, after 31 January 2011, we are not providing a link between previous awards of Incapacity Benefit and Employment and Support Allowance, other than in respect of waiting days

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 Employment and Support Allowance without having to meet the relevant contribution conditions.

Will claimants have to make a claim to Employment and Support Allowance?

For the purposes of the reassessment exercise, no claim for Employment and Support Allowance is required.

Claimants who undergo reassessment and are found to have limited capability for work will automatically be treated as having satisfied the other conditions of entitlement for Employment and Support Allowance and will be moved straight on to Employment and Support Allowance.

What about claimants who have an underlying entitlement to Income Support?

Claimants on Income Support who are claiming on the grounds of incapacity will undergo reassessment. But they may also be entitled to Income Support on other grounds - for example, if they have young children or are a carer. Where this is the case then, regardless of the outcome of the reassessment exercise, the claimant will be able to remain on Income Support where this is known.

Where, following reassessment, the claimants in question are found to have limited capability for work (and would therefore normally be moved to Employment and Support Allowance), they will be given the option of remaining on Income Support

Where, following reassessment, the claimants in question are found not to have limited capability for work, they will automatically remain on Income Support, although the amount of benefit they get may change.

In each case, the 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.

How will you ensure people who are not entitled to Employment and Support Allowance are advised about their entitlement to claim other benefits such as Jobseeker's Allowance and Housing Benefit/Council Tax Benefit?

We 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 they may be entitled to. If they wish to claim Jobseeker's Allowance they will be passed straight away to a team who will take their claim.

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

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

Since October 2010, claimants have no longer been required to attend Work Focused Interviews whilst appealing.

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

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. 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.

Can a claimant change their mind and appeal against a decision once they have made a claim to Jobseeker's Allowance and what rate of payment will they receive?

Yes – a claim to Jobseeker's Allowance has no bearing on the outcome of the Employment and Support Allowance appeal. If a claimant appeals a decision to disallow them ESA because they are found not to have limited capability for work before their award of Jobseeker's Allowance starts, they can withdraw their claim to Jobseeker's Allowance and become entitled to an award of Employment and Support Allowance at the assessment phase rate from the day after their existing award of incapacity benefit terminates – providing they continue to supply medical evidence.

If they appeal after their award of Jobseeker's Allowance has started, either they can choose to remain on Jobseeker's Allowance or they can relinquish their award and instead, become entitled to an award of Employment and Support Allowance at the assessment phase rate – again, providing they continue to supply medical evidence.

If a claimant wishes to appeal a decision, is it necessary for them to put it in writing?

Yes. The claimant must make an appeal in writing, in the normal way. The claimant cannot appeal against the decision until they have received it in writing.

Housing Benefit and Council Tax Benefit

What happens to Housing Benefit/Council Tax Benefit if the claimant moves from Income Support to income-related Employment and Support Allowance?

The maximum eligible help with rent and council tax provided by Housing Benefit and Council Tax Benefit will continue, without a break.

What happens to the Housing Benefit/Council Tax Benefit if the claimant moves to income-based Jobseeker's Allowance?

Claimants entitled to income-based Jobseeker's Allowance receive maximum eligible help with rent and council tax through Housing Benefit and Council Tax Benefit.

What happens to Housing Benefit/Council Tax Benefit if the claimant's incapacity benefit cannot be reassessed and they move off benefits altogether?

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.

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?

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.

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.

What happens to Housing Benefit/Council Tax Benefit if the claimant is awarded assessment phase rate of income-related Employment and Support Allowance pending the outcome of their appeal against a decision that they are not entitled to Employment and Support Allowance?

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 the assessment phase rate of income-related Employment and Support Allowance pending the appeal hearing will receive maximum eligible help with their rent and council tax through Housing Benefit/Council Tax Benefit.

What happens to Housing Benefit/Council Tax Benefit if the claimant is awarded assessment phase rate of contribution-based Employment and Support Allowance pending the outcome of their appeal against a decision that they are not entitled to Employment and Support Allowance?

From the date the assessment phase rate of 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.

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

Claimants are reminded in the letters sent to them about the reassessment of their incapacity benefit 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.

How does the reassessment affect claimants claiming Incapacity Benefit and Severe Disablement Allowance and living overseas?

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 the options overseas claimants have after a decision has been made. Further information on how the reassessment of incapacity benefit affects overseas claimants is available in our overseas claimants' factsheet from the DWP Adviser Pages.

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?

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.

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.