

Technical factsheet T12 – The claims process and the assessment phase

This factsheet provides an overview of the ESA claims process and the assessment phase. It also explains the responsibilities of the customers and provides an example timeline of a typical claim.

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General Overview

■ What is the claims process for ESA?

Although a claim for ESA can be made in writing, most people may prefer to claim by telephone. A single telephone call will normally be enough to make the claim. Customers with speech or hearing difficulties can contact us using a textphone to make their claim. Customers unable to claim by phone can get the help of a representative or interpreter to do so. Alternatively most Jobcentres, are able to take a claim face to face.

■ What happens during the assessment phase?

We will ask the customer to provide us with a medical certificate from their doctor confirming that they are unable to work and we will determine their entitlement to financial support during the assessment phase.

Within the first few weeks we will ask the customer to complete a questionnaire so that we can find out more information about their illness or disability and whether they need to attend a WCA. Most customers will be required to attend a WCA within the assessment phase.

As soon as possible after week 8 of the assessment phase most customers will also be required to attend their first WFI.

■ What is a Work Capability Assessment (WCA)?

The WCA is a process that includes a face to face meeting which will explore how an individual's illness or disability affects their ability to work and carry out day-to-day activity. The whole WCA process lasts between 75 to 90 minutes. The WCA is made up of three parts and will assess what someone is able to do, rather than simply what they cannot.

The three parts of the WCA are:

- The 'assessment of limited capability for work' – this is to understand the affect on the customer of both mental and physical disabilities, and will determine whether ESA is appropriate for their needs.
- The 'assessment of limited capability for work-related activity' – this part identifies, through a series of descriptors, those customers with the most severe limitations arising from their illness or disability. These customers will become members of the Support Group (SG) of ESA and will not be expected to prepare for work.

- The new 'work-focused health-related assessment' – this part provides the customer with access to a healthcare professional specifically to discuss their views about moving into work, and also identify any health related support that may support this.

For detailed information on the WCA please refer to technical factsheet T14

■ What is a Work-Focused Interview (WFI)?

The purpose of a WFI is to discuss the customer's views on returning to work and the package of support that may be required. Personal advisers will discuss with the customer the type of work that might be most suitable for them, and can refer them for employment, training or condition management support, to help them manage and cope with their illness or disability in a work context. During these discussions the customer and personal adviser might explore the customer's:

- Job goals
- Skills, strengths and abilities
- Factors preventing them from finding work or limiting the work they can do, then helping them to overcome these barriers
- Ideas, problems and issues.

The first WFI will take place with a customer's personal adviser at their local Jobcentre Plus office. This will happen in week nine of a customer's claim. The customer may attend up to five further WFIs as they prepare to return to work. These will be at approximately monthly intervals, to be confirmed by the customer and their personal adviser.

For more information on the WFI please refer to technical factsheet T15.

■ What happens after the assessment phase?

The results of the WCA will allow us to decide if the customer is entitled to continue to receive ESA. It will also allow us to determine whether the customer enters either the SG or the Work Related Activity Group (WRAG) of ESA from the beginning of week 14 of their claim. The level of benefit they receive will depend on whether they enter the WRAG or the SG.

■ What are the Work-Related Activity and Support Groups?

If someone is able to undertake some form of work-related activity, then they will enter the WRAG. They will be expected to attend regular WFIs with their personal adviser to help them prepare for work. Personal advisers will discuss the type of work that might be most suitable with the customer and can refer them for employment, training or condition management support, to help them manage and cope with their illness or disability in a work context.

Customers whose illness or disability has the most severe effect on their ability to engage in work-related activity will enter the SG. People in the SG will receive a higher rate of ESA. They will not be required to take part in regular WFIs and work-related activity but they can volunteer to do so if they wish.

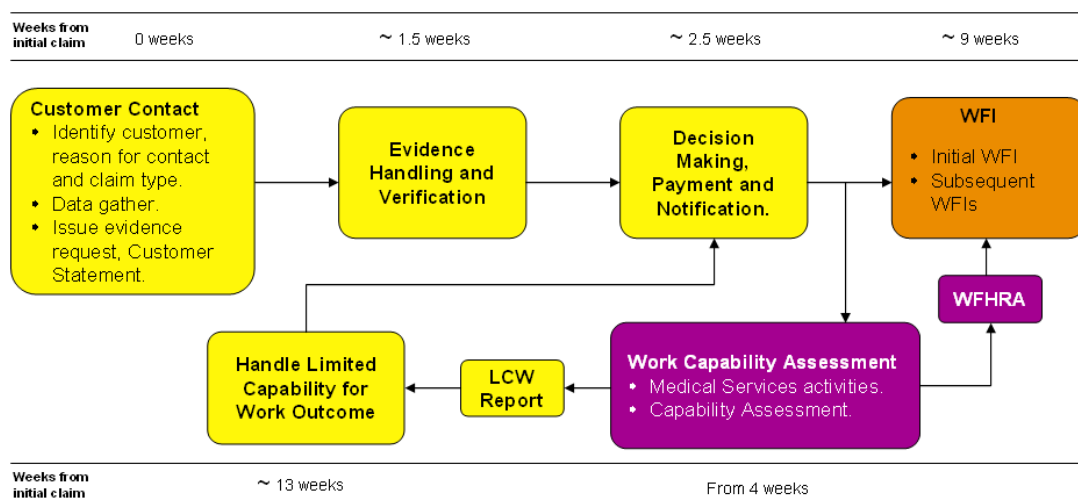
■ Is there anybody who doesn't have to attend a WCA?

All customers will need to participate in the WCA process, but not all will need to attend a face to face appointment, including individuals with a terminal illness and those we can identify as having limited capability for work or limited capability for work-related activity without the need for them to take part in the full assessment. We will work with the customer and their healthcare professionals to gather the necessary information about their illnesses or disabilities to determine whether a full WCA is needed.

Customers with a terminal illness will be fast-tracked into the SG of ESA so that we can ensure they receive everything that they are entitled to as quickly as possible. They will not be required to participate in a WFHRA or any other work-related activity.

■ Process summary

New Claims Process



Date of a claim

■ How is the date of the claim established?

The date of claim for ESA is the date on which –

- the telephone call to DWP is made, provided all the information needed to determine the claim is obtained; or
- the completed written claim form is received by DWP or the Local Authority (LA) in cases where LAs can take claims.

However a claim can be **treated** as made on an earlier date than the date on which it was actually made. In particular the claim can be treated as made on the date on which the Department is first notified on intention to claim ESA, provided the claim is properly made within one calendar month (or longer if considered reasonable by the Department). The initial date of contact is called the IDOC.

An intention to claim can be notified by telephone, fax, email, in writing, in person or through a third party.

If a valid claim is made after the period of one month or longer has elapsed, the date of claim will be the date of the full telephone call or the date the written claim is received.

The entitlement to ESA will only be determined after the customer has provided the necessary verification and any required further information:

Example 1

17 November 2008 – an intention to claim is notified.

A valid claim is made by 17 December 2008. The claim is treated as made on 17 November.

Example 2

17 November – intention to claim notified

Claim made 20 December. Secretary of State does not consider it reasonable to extend the one month deadline. Date of claim is 20 December

After a claim has been made the Department may require further evidence in order to determine it. In these cases the claimant is given one month to produce the evidence (or longer if considered reasonable). Ultimately a decision on entitlement will be given.

■ **What are the time limits for claiming ESA?**

There is a three calendar month time limit for claiming ESA. So a claim made today for a period beginning 3 months earlier will be sufficient to trigger an entitlement from that date, provided the conditions of entitlement have been satisfied throughout that period.

Where SSP is involved and an employer has provided form SSP1, the customer has three months from the date the SSP1 form was issued by the employer to make their claim for ESA

■ **What are claims in advance?**

It is normally difficult to identify a future period of illness or where there is going to be a period of Limited Capability for Work (LCW). However claims for ESA can be made in advance. The most common situation would be a customer in receipt of SSP claiming ESA from the day after the SSP ceases. The customer can submit a claim for ESA in the three months before their SSP ceases. This enables the Department to make an award and begin payments when SSP ceases without any delay. The award is subject to the claimant continuing to satisfy the conditions of entitlement to ESA.

■ **What is an advanced award of ESA(IR)?**

It is also possible to make an advance award of ESA (IR) where:

- there is LCW
- there is no entitlement to ESA (Cont); and
- income exceeds the ESA (IR) applicable amount.

The decision to make an advance award is taken from the date of claim to the day after the end of 13 weeks.

The date of the advanced award is the day after the end of 13 weeks. This is known as the Relevant Date. 13 weeks is equivalent to 91 days. A customer has a 91 day journey which is known as the Assessment Phase. At the end of the 13 week period the customer joins either the Work Related Group or the Support Group.

They would be entitled to the Support Component (SC) or the Work Related Activity Component (WRAC) so the applicable amount of ESA (Income Related) (IR) would increase.

If the BDO or BDE identifies this situation at the Date of Claim then they would make an advance award decision for ESA (IR). The claim would be treated as made for the period of 13 weeks.

Being able to give an advance award is unique to ESA. It means the customer will not have to reclaim or serve their three waiting days after the 13 week period is completed when ESA (IR) becomes payable.

The unique element is the requirement for the customer to continue fulfilling the conditions of entitlement during the assessment period even though ESA (IR) is not payable during that period.

Example 2

A customer is entitled to £70 ESA (IR) during the assessment phase. However, this customer has an income of £85 per week; therefore, there is no entitlement to ESA (IR).

When the customer enters the main phase, there will be an additional component of £30 from week 14; the customer will have an ESA amount of £100 due.

As the customer's income of £85 is less than the amount that becomes due at week 14, the BDE can identify that the customer will have an entitlement to ESA (IR) and make an advance award.

Example timeline

The following is an example of the timings of a claim. It meant to illustrate the process in a clearer way.

Day 1

The customer rings 0800 number to make a claim for benefit. The customer selects the new claim option for illness/disability.

Jobcentre Plus receives the call, confirms identity and takes the claim. The customer is asked if they wish to claim under 'Special Rules'. Claim statement is sent to the customer.

Day 3

The customer receives claim statement for checking. Any corrections may be made by phone. Gathers any further evidence required.

Day 8/9

The customer sends any required evidence to the Benefit Delivery Centre (BDC) in envelope provided.

Medical Certificate received and consideration for early entry to WCA process by Jobcentre Plus.

Day 11

The customer's claim to ESA is processed.

The customer receives payment on the due pay day.

The Local Authority is also advised of the customer's ESA (IR) entitlement.

The customer is sent a questionnaire from Medical Services (If early referral made on receipt of Med Cert).

This needs to be completed and returned as soon as possible, but within 6 weeks from date of issue.

Day 16

Where a customer has been awarded ESA under Special Rules, they will receive a benefit entitlement notice.

Day 30

All remaining customers will receive a questionnaire from Medical Services.

This needs to be completed and returned as soon as possible, but within 6 weeks from date of issue.

Day 33

If customer has not returned the required evidence claim may be considered as defective.

Day 37

The customer completes and returns the questionnaire in the envelope provided.

Day 39

The customer is contacted to arrange a face to face appointment for LCW.

Day 42

The customer is contacted to arrange the initial WFI.

Day 47

The customer attends a joint appointment for a WCA and a WFHRA.

Day 49

The customer receives a copy of the WFHRA report.

Day 55

The customer receives a phone call reminder from the Jobcentre to attend WFI.

Day 57

The customer receives an outcome letter for the WCA.

The customer attends and participates in a WFI with a PA at the Jobcentre.

Day 92

The customer enters the main phase of ESA and is paid at either the Support or the Work Related rate. Customers in the Work Related Group start to receive support from a personal adviser to return to work.

Customers in the SG can access these services on a voluntary basis.

The customer's responsibilities

■ What are the customer's rights and responsibilities?

The customer needs to:

- Ensure personal details are accurate at first contact.
- Agree the next steps and responsibilities as described by the Contact Centre (CC) in the 'wrap-up' to the telephone call.
- Ensure customer claim statement is correct, notifying changes to the BDC and be able to confirm own identity.
- Provide appropriate evidence to support their claim to benefit within one calendar month.
- Return form ESA50 to Medical Services within agreed time limit.
- Attend WCA where appropriate.
- Attend and participate in WFIs where appropriate.
- Ensure all further changes of circumstances are notified to the BDC/Jobcentre or Provider as they occur.

■ What behaviours are sanctioned under ESA?

The main sources of sanctions are:

- Questionnaire not received (without an acceptable good cause). Benefits will be disallowed.
- Customer does not attend/participate in LCW Assessment (without an acceptable good cause). Benefits will be disallowed.
- Customer fails to attend/participate in WFI (without an acceptable good cause). Sanction of ESA – 50% of an amount equal to the Work Related Activity Component for 4 weeks then 100% until they participate in the WFHRA.
- Customer fails to attend/ participate in WFHRA (without an acceptable good cause). Sanction of ESA – 50% of an amount equal to the Work Related Activity Component for 4 weeks then 100%.

For more information please refer to our Sanctions technical factsheet T8.

■ Can sanctions and decisions be appealed?

All Sanctions and decisions can be appealed. Customers who do not satisfy the WCA (i.e. do not have LCW) and appeal the decision terminating their ESA, will be able to claim ESA at the assessment phase rate (the 'appeal rate'), until the decision of the appeal tribunal is made.

Disclaimer

This leaflet is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this leaflet is correct as of December 2008. It is possible that some of the information is over simplified, or may become inaccurate over time, for example because of changes to the law. Names in the examples have been used for illustrative purposes only. The rates mentioned in these factsheets are applicable to December 2008 and may change thereafter.