

# Technical factsheet T13 – Supporting Evidence

This factsheet explains the requirement to produce evidence, including medical evidence, when claiming Employment and Support Allowance.

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## Supporting Evidence

### ■ What is meant by Supporting Evidence?

Once a claim for ESA has been made it can normally be determined without further evidence. However, in some cases the BDE(DMA) may decide that additional evidence or verification is required.

The CS Agent will identify and advise the customer of any information or verification required to support their claim. They will also advise the customer that this will be explained in a letter that will be sent with the customer statement and advised that this information should be forwarded to the BDC. If the claim is made at a Jobcentre Plus Office the responsibility to advise the customer will lie with the F2FFCO. If a clerical claim is made, details of the ER, verification and time limits are incorporated within the claim pack.

### ■ What are the Time Limits for Providing Information?

Any further information or evidence requested by the Department should be provided **within** one calendar month of the date when the customer was first told of the need to provide the information. However the Department can extend this time limit if it considers that there are good reasons to do so.

### ■ How do Time Limits Affect a Claim to ESA?

Once a valid claim has been made, the claim must be determined. This remains the position even if the requested evidence or information is not provided (although the decision will be that there is no entitlement because it has not been shown that the conditions of entitlement have been satisfied).

If the requested information is provided after the claim has been determined, the Department will consider whether it is reasonable to extend the one month deadline. If so the decision that there is no entitlement to ESA could be revised. If it is not reasonable to extend the one month deadline, a new claim will be required.

### ■ How do you calculate the calendar month?

To calculate the calendar month, the date the information was last requested is identified and the corresponding date of the following calendar month is used.

**Example 1**

On 4 June 2009, the customer is advised that additional information is required. So, the customer has until 4 July 2009 to supply it.

**Example 2**

Request for information made 26 February 2009, the customer has until 26 March 2009 to respond.

## Medical Evidence

### ■ What medical evidence will be required?

When a customer wishes to apply for ESA, they must comply with the ESA rules and they will be required to send in supporting evidence for their LCW. In the majority of cases, evidence will be in the form of a Medical Certificate provided by the customer's GP.

The evidence required is recorded in the Customer Statement. The customer will be required to send the evidence to the BDC.

### ■ What is medical evidence used for?

Medical evidence confirms the customer's LCW due to a specific incapacity, disability or hospitalisation. Certificates must be issued by a medical health practitioner from either the customer's doctor's surgery or hospital. It is the customer's responsibility to obtain medical evidence to support their claim for ESA. It is a condition of entitlement that for continuing payments of ESA, a customer must have medical evidence or have been assessed under the WCA.

### ■ What details should medical evidence include?

Medical evidence should always include:

- the practice or hospital address
- customer's name
- medical diagnosis
- duration of expected LCW
- doctor's signature, and
- date the evidence is signed.

### ■ What is self certification?

Self-certification is provided by the customer without recourse to a healthcare professional. It is a declaration made by the customer for a maximum seven day PLCW. This can be used by the customer claiming ESA if they are:

- unemployed,
- self-employed,

- eligible for SSP, or
- notified in writing by their employer that they are not entitled to SSP.

Self-certification commences on the first day of the PLCW and will cease being effective from the eighth day.

A customer cannot use a self-certificate if they were claiming ESA in the last 84 days. In these circumstances they need to provide a Medical Certificate from day one of the new claim.

There are different Medical Certificates that may be signed by a Doctor and supplied by the customer as evidence of their PLCW.

Doctors should provide Medical Certificates if they feel that their patient's health condition leaves them unable to work.

## ■ What are the different types of medical evidence?

- **Med3:** This is white in colour and the rules governing its issue are as follows:
  - Can only be issued on either the day of or day after examination
  - Can only be issued by the examining doctor
  - Must state for how long the customer is likely to be unfit for work (known as an open certificate), or
  - State the actual date they can return to work (known as a closed certificate).
  - The period shown on form Med3 starts from:
    - the day of examination, or
    - the date of doctor's signature if the date of examination is not clear.
- **Med5:** This is pink in colour and is usually issued to a customer for past periods.

A doctor can issue a Med5 to a customer if:

  - they cannot issue form Med3, because more than one day has passed since they last examined the patient. They must base their advice on their previous examination of the patient and be sure that they would have advised the patient to refrain from work from the date of examination for the entire period of the Med5, or
  - they issue it on the basis of a written report completed by another doctor within the last month. In these circumstances they can only issue the form Med5 for a period not exceeding one month.
- **Med10:** This is yellow in colour and is issued only when the customer is or has been a hospital in-patient for more than seven days.

- It will not display the customer's diagnosis only the date of admission and length of expected stay or date of discharge
  - Must be signed by a member of the hospital staff
  - Must not cover a period of more than 26 weeks
  - Cover commences the day of signing
  - On discharge, the customer will be given a Med3 if they have had an LCW for more than one week, and will be fit to start work within two weeks.
- **CF73:** This form is issued by psychiatric hospitals and can be accepted as medical evidence from the date of admission to the earlier of:
    - the date detailed on the CF73, or
    - one year after the CF73 was signed if detail not specified.
  - **Doctor's statement:** A doctor's statement on headed notepaper can only be accepted providing the following information is displayed:
    - a diagnosis
    - a period of limited capability
    - the doctor's name and practice address, and
    - statement that the patient is incapable of work.

If a period of LCW is the only missing information then the statement can only be accepted for the day of issue.

- **MATB1:** If a customer is pregnant or has had a baby they will be issued with form MATB1 by a doctor or a registered midwife.
  - Form MATB1 includes the date that their baby is due or was born.
  - If a customer is pregnant and not entitled to SMP or MA the MATB1 can be accepted as evidence of LCW from the earlier of:
    - for six weeks before the EWC and 14 days after the ADC, if the claim for MA was made before childbirth, or
    - from the ADC until 14 days after the ADC, if the claim for MA was made after childbirth.
    - The certificate is then valid until 14 days after the ADC.
  - If a customer receives MA at a rate lower than ESA (Cont) and they satisfy the Cont conditions, MA is topped-up to the ESA rate. The MATB1 is used as evidence of LCW for the MA period (39 weeks).

## ■ How long are certificates valid for?

Certificates have rules governing how long they can be issued for. For the first six months of a PLCW open certificates can only be issued for a period no greater than six months. Following the first six month PLCW there is no limit on how long a certificate can be issued for. Closed certificates stating when a customer can return to work must not have a return to work date more than 14 days after the date of examination.

### Example 3

- Customer visits their doctor on 20 November 2008 and the doctor issues a certificate stating they will be fit to return to work on 8 December 2008.
- As this date is more than 14 days in the future the certificate will be treated as an open certificate and expiring on 3 December 2008.
- The customer will be sent a form BF21 advising them of the revised expiry date and to return to their doctor if they are still unfit after that date.
- The customer should also show the form to their doctor by way of explanation.

## ■ When do certificates expire?

To calculate the expiry date of a certificate you need to know when the first day is calculated from. Med3s are calculated from the day of examination, Med5s and Med10s are calculated from the day of signing. Once you have established the first day of cover, the dates certificates expire are determined by how long they were issued for.

### Example 4

Customer is examined on 17 November 2008 and is given a Med5 for one week.

As the first day is Monday 17 November 2008 the certificate will expire on the following Sunday 23 November 2008.

### Example 5

Customer has been issued with a Med5 dated 20 October 2008 for ten days.

Count ten days forward from and including 20 October 2008.

The certificate will expire on 29 October 2008.

### Example 6

Customer is issued with a Med5 signed on 22 October 2008 for one calendar month.

The first day is Wednesday 22 October 2008 and the certificate will expire on the 21st of the following month. (Friday 21 November 2008).

## **Disclaimer**

This factsheet 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.