

Employment and Support Allowance



Help if you're ill or disabled

NISSA 015 NI 12/11



An agency within

DSD

Department for
Social Development
www.dsdni.gov.uk

www.nidirect.gov.uk



INVESTOR IN PEOPLE

Contents

- 3 About Employment and Support Allowance
- 4 Who can get Employment and Support Allowance
- 6 What happens when I claim?
- 7 Helping you back into work
- 11 How is my benefit paid?
- 11 Can I work if I get Employment and Support Allowance?
- 13 Changes in your life
- 18 Help with health costs

About Employment and Support Allowance

Employment and Support Allowance helps people with an illness or disability to move into work. It has replaced Incapacity Benefit and Income Support paid because of an illness or disability.

There are two types of Employment and Support Allowance:

- **Contribution-based** – we pay this if you have enough National Insurance contributions. This benefit is taxed.
- **Income-related** – we pay this if you don't have enough money or savings, or you haven't enough National Insurance contributions. This benefit is not taxed.

While you're getting the allowance, you'll be able to get help from a specially trained Employment Service Adviser. They may help you to benefit from a wide range of other services designed to help you move into suitable work.

Can I get National Insurance credits while I am sick?

For each full week (Sunday to Saturday) of your Employment and Support Allowance, you may be able to get National Insurance credits. These credits can help you get other money in the future, such as a State Pension.

Who can get Employment and Support Allowance?

You may get Employment and Support Allowance if you have an illness or disability that affects your ability to work, and:

- you're off work or out of work
- you're self-employed
- you work for an employer but can't get Statutory Sick Pay, or
- you've been getting Statutory Sick Pay but it has now stopped.

For the first seven days of your illness, you may only have to tell us why you are sick. After that, you will have to get a medical statement from your doctor. You must then send it to us.

Medical statements are also known as fit notes, sick notes or medical certificates.

If you get a pension

Money from other pensions or health insurance schemes could affect the amount of Employment and Support Allowance you may get. This will depend on how much money your pension or scheme gives you. Ask us if you think this may apply.

You can't get Employment and Support Allowance if you've reached State Pension age. For information about changes to State Pension age, see page 15.

Men aged 60 to 65 may be entitled to Pension Credit and still get contribution-based Employment and Support Allowance. But you would not get income-related Employment and Support Allowance.



For more information, contact The Pension Service or go to www.nidirect.gov.uk

If you're under 25

You may get contribution-based Employment and Support Allowance if you are 16 to 19. You must have been unable to work because of illness or disability for at least 28 weeks. It does not matter if you have not paid enough National Insurance contributions. These rules are called the 'youth provisions' of Employment and Support Allowance.

In some cases, you may get income-related Employment and Support Allowance, even if you have not been ill for 28 weeks. For more information, contact the ESA centre.

If you are aged 20 to 24, you may get Employment and Support Allowance if you were in education or training during the last three months before your 20th birthday, and are now unable to work because of illness or disability.

If you have a partner or children

If you are claiming Employment and Support Allowance, you may get more money so that you can still support the people who depend on you.

We will treat you as a couple if you live with your husband, wife or civil partner, or if you live with someone as if they were your husband, wife or civil partner. We call this other person your partner.

If you have a husband, wife or civil partner, we may pay your benefit at the 'couples rate'. We may ask you to show us certificates of birth, marriage or civil partnership.

But if your partner is living with you and working, how much they earn could affect your income-related Employment and Support Allowance.

6 Employment and Support Allowance

You can't claim extra Employment and Support Allowance for children, but you may get Child Tax Credit.



For more information about tax credits, go to www.hmrc.gov.uk

What happens when I claim?

You won't get any money for the first three days of your claim. These are called 'waiting days'. In some cases, waiting days may not apply, for example if you've already had waiting days as part of an earlier benefit claim or a period of Statutory Sick Pay.

After this, most people get a basic rate of Employment and Support Allowance for the first 13 weeks. We call this the 'assessment phase'. A different rate may apply if you have a partner - we call this the 'couples rate'.

During this time, we decide whether you qualify to keep getting the allowance. We may be able to decide this based on your illness or disability, or we may need you to fill in a questionnaire or go to a medical assessment.

We also assess if you can take steps to find work, or if your illness or disability so severely affects your ability to work that taking these steps would not be reasonable.

If you refuse to have the medical assessment, or if you don't take part fully, this may affect your entitlement to Employment and Support Allowance.

After 13 weeks, if you still qualify for Employment and Support Allowance, you will move to the 'main phase' and get a higher amount.

The amounts change in April each year. To find out more, go to www.nidirect.gov.uk or contact the ESA centre for this year's rates.

Helping you back into work

Research shows that people are better off in work. Work has many advantages – it is better for you financially, and for your health and wellbeing, your self-esteem and the future prospects of you and your family. For instance, people who are long-term unemployed or who have never worked are up to three times more likely to have poor health than people in work.

To get Employment and Support Allowance, we assess your illness or disability and how this affects the work you may be able to do.

How do you assess what work I can do?

For the first 13 weeks, you'll get a basic rate of benefit and you'll need to send us medical statements. During this time, we may ask you to take part in a 'work capability assessment'. This means filling in and sending back a questionnaire and going to a medical assessment.

At the medical assessment, a healthcare professional - such as a doctor or registered nurse - will assess how well you can do things like walk, sit, stand up, use your hands, and see and hear. If you have a mental-health condition, they will assess how it affects things like your mood, the way you behave, the way you relate to the world around you, and how you cope with things from day to day.

8 Employment and Support Allowance

They will complete a medical report and this will be returned to us at the ESA centre. It will help us decide how your illness or disability limits the amount and type of work you can do, and whether you qualify for Employment and Support Allowance.

We'll pay your bus fare, train fare or petrol costs for going to the medical examination centre and back home. You must go to the medical examination and take part fully, or your benefit will be affected.

If you can't go to the appointment given in the letter we send you, contact the medical examination centre straight away.

Does everyone have to go to a medical examination centre?

Some illnesses and disabilities are so severe that we can decide whether you can get Employment and Support Allowance without you having to go to a medical examination centre. If this applies to you, we'll tell you.

What if I am terminally ill?

There are special rules if your doctor does not think you will live for more than six months. These rules make sure you get the most money you can. If this applies to you, please speak to us.

What if I have a mental-health condition?

If you have a mental-health condition, we may ask you to fill in a questionnaire about how this affects you. We'll want to know if you have other health problems as well. We may talk to your doctor, and you may have to see one of our health care professionals.

A mental-health condition could affect your mood, the way you behave, the way you relate to the world around you, or how you cope with things from day to day.

These are the things we'll look at when we decide if you can get Employment and Support Allowance.

Ask an adviser for help with your claim if you have a mental-health condition.

What happens after my medical assessment?

If we find that your illness or disability limits your ability to work beyond a certain level, you will move into the 'main phase' of Employment and Support Allowance from week 14 of your claim.

You'll get a higher amount of benefit, and you'll be put in one of two groups:

- If we think you could go back to work in the future, you must take part fully in any work-focused interviews we invite you to.
- If you have a condition that severely limits what you can do, we won't expect you to take part in any work-focused interviews. But you can choose to take part in them if you want.

The medical assessment may find that you are able to work. If so, we won't pay you Employment and Support Allowance or give you National Insurance credits. If this happens, you may need to claim Jobseeker's Allowance. You can find out more by going to www.nidirect.gov.uk or contacting your local Social Security/Jobs & Benefits office. Our details are in the phone book.

What if I don't agree with the decision?

If you think our decision is wrong, please get in touch with us within one month of the date on the decision letter. If you contact us later, we may not be able to help you.

10 Employment and Support Allowance

You can:

- ask us to explain our decision
- ask us to write to you with the reasons for our decision
- ask us to look at our decision again (you may think we have overlooked some facts or you may have more information to give us which affects our decision), or
- appeal against our decision to the Appeals Service (but you must do this in writing).

You, or someone else who has the authority to act on your behalf, can do any of these things, or you can do all of them.

Must I have an interview about work?

Most people must have an interview with an Employment Service Adviser to consider future work prospects.

Also, if the medical assessment shows that you could start preparing for work while claiming Employment and Support Allowance, we'll arrange work-focused interviews to help you find work.

Making work pay

One of the aims of Employment and Support Allowance is to help you be better off in work than on benefit. Your Employment Service Adviser will help you work out how much you need to earn from a job so that you don't lose out.

There are schemes to help you get back to work and be better off than on benefit. Ask an Employment Service Adviser to tell you about:

- Job Grant
- Return to Work Credit
- Housing Benefit and Rates Relief extended payments
- training, and
- Working Tax Credit.



To find a job
www.nidirect.gov.uk



Phone: **0800 353 530**

Monday to Friday 9am to 5pm

How is my benefit paid?

We pay benefit straight into your account. This is the best way to get it because you can choose how and when to take your money out of your account. Your account can be with a bank, building society or the Post Office.

What if I want someone to collect my benefit for me?

You may need someone to collect your benefit for you. For help with this, talk to the bank or building society where you have your account. If you need to appoint someone to deal with Employment and Support Allowance, please contact us to make arrangements.

Can I work if I get Employment and Support Allowance?

There are some kinds of work you may be able to do while you are getting Employment and Support Allowance. These are:

- unpaid work, such as for a charity (voluntary work), or
- 'permitted work' – work you are allowed to do while you are on the allowance that could help you get a job in the future.

Volunteering

We know that volunteering can give you a better chance of finding paid work. So you can volunteer as many hours as you like while getting benefit, as long as you keep to the main benefit rules. You must tell the ESA Centre before you start volunteering.

You must not be paid money or anything else for volunteering. It's okay to be paid your expenses, but you must tell us what you get and keep any receipts. Any money you get on top of expenses may be counted as earnings, and affect your benefit.

Choosing not to be paid is not the same as volunteering. If you're doing what someone else would normally be paid for, we class this as unpaid work, not volunteering. We may decide that what you would have been paid is 'notional earnings', and this may affect your benefit. We decide by looking at whether:

- someone would normally be paid to do the same kind of work
- your work helps society or your community in some way, and
- you work for a charity or similar group.

Permitted work

Permitted work is work you may do if you get Employment and Support Allowance. There are three types of permitted work:

1. You can earn up to £20 a week without affecting your benefit.
2. You can work under 16 hours a week and earn no more than £97.50 a week for up to 52 weeks. If you can't start working 16 hours or more a week after doing permitted work for 52 weeks, you must wait another 52 weeks before you can do this type of permitted work again.

3. If your work is supervised by someone from a public authority or voluntary group because it's their job to help ill or disabled people do work, you can work as many hours as you like as long as you don't earn more than £97.50. This applies if you're working in the community, a sheltered workshop or as part of a hospital treatment programme. You must be paid at least the National Minimum Wage.

You must talk to ESA Centre before starting any permitted work.

If you get Housing Benefit or Rates Relief, you must also tell the Northern Ireland Housing Executive (NIHE)/Land and Property Services (LPS) before you start permitted work, as it could affect these benefits.

Changes in your life

Telling us about any changes

You must tell us straight away if something changes that may affect your benefit. For example, tell us if you or your partner:

- move home (or other people move into or leave your home)
- change the account we pay benefits into
- change your income – including child maintenance and part time earnings
- work more or fewer hours
- start getting, or stop getting, another benefit, or
- get other benefits and the amount goes up or down.

14 Employment and Support Allowance

If you get Employment and Support Allowance, you must tell the ESA centre as soon as you start to get better and you:

- are able to do more, or
- start to feel a little better over a longer period of time.

You may start to feel better because you:

- have an operation
- use something to help you with your illness, or
- start taking new medicine.

You must also tell us as soon as your disability or illness changes or if it gets worse.

Important

If you're not sure whether to tell us about a change, do it anyway. If you don't report a change when you should, you could risk action being taken against you, and your benefit reduced or stopped in the future. You will then have to pay back any overpaid money.

What if I am pregnant?

If you're pregnant, you may get Statutory Maternity Pay from your employer. You can keep getting Employment and Support Allowance for as long as you can prove you're still too ill or disabled to work. When you get Statutory Maternity Pay, you will get less Employment and Support Allowance each week. But when you stop getting Statutory Maternity Pay, you will get the allowance again in full.

If you're pregnant and can't get Statutory Maternity Pay, you may get Maternity Allowance. This will affect your Employment and Support Allowance. You can't get both in full at the same time, so you will get the mix of benefit that pays you the most. You must send us your medical statements to make sure this happens.

If you still can't work because of an illness or disability when your Maternity Allowance ends, you can get Employment and Support Allowance. To make sure this happens, you must send us your medical statements.

What if I go abroad?

In some circumstances, you may keep getting Employment and Support Allowance for up to four weeks during temporary trips abroad. This may apply:

- for some short trips
- if you have to go abroad to get medical treatment, or
- if you live with a member of the armed forces and go overseas with them.

If you get Employment and Support Allowance and you plan to go abroad, you must tell the ESA centre straight away to check if your benefit will be affected.

If you are able to get Employment and Support Allowance while you are abroad, you can arrange for someone else to get your payment for you while you are away. Or you can be paid when you get back and in some circumstances, you can have it paid to you abroad.

What happens when I reach State Pension age?

You can't get Employment and Support Allowance after you reach State Pension age.

State Pension age is the earliest age at which you can claim your State Pension. At the moment, the age at which men and women can claim their State Pension is different.

16 Employment and Support Allowance

State Pension age for women is going up from 60 to 65 so that by 2020 the State Pension age will be the same for both men and women. This change is happening in stages, and started in 2010.



To find more information about pension reform go to www.nidirect.gov.uk

What if my husband, wife or civil partner dies?

You may still get Employment and Support Allowance, but any bereavement benefits you get may affect the amount of your Employment and Support Allowance. Ask us to explain this.

If you don't have enough National Insurance contributions to get Employment and Support Allowance and your husband, wife or civil partner dies, you could get special credits that will let you get Employment and Support Allowance.

To get special credits, you must have an illness or disability and you must have stopped getting certain benefits for your husband, wife or civil partner when they died. You can't get special credits if your bereavement benefit stops because you:

- get married again
- form a new civil partnership, or
- start living with a new partner.

What if I get other benefits?

If you get Employment and Support Allowance, depending on whether this is contribution-based or income-related, you may still be able to get some benefits, for example:

- Disability Living Allowance
- Carer's Allowance

- Housing Benefit and Rates Relief
- Basic War Pension
- Industrial Injuries Disablement Benefit or gratuity, or
- payments from your employer (this could include wages company sick pay or a benefit from your union).

You can't get Employment and Support Allowance if you get one or more of the following:

- Jobseeker's Allowance
- State Pension
- Money because you can't get work
- Money for training
- Statutory Sick Pay
- Income Support
- Incapacity Benefit
- Attendance Allowance

What if I have claimed compensation?

If you win compensation for your disability and also get Employment and Support Allowance, the allowance may be taken off your compensation.

To find out more about claiming compensation, you can contact the Compensation Recovery Unit.



www.nidirect.gov.uk



Phone: 028 9054 5833

Monday to Friday 9.00am to 5.00pm

Help with health costs

You may get help with some health costs – including NHS dental treatment and some travel costs – if you're on a low income or get:

- income-related Employment and Support Allowance
- income-based Jobseeker's Allowance
- Income Support, or
- Pension Credit.

To find out more about help with health costs from the NHS, visit our website at www.nidirect.gov.uk

Call charges

Charges were correct as of the date on the back of this leaflet.

Calls to **0800** numbers are free from BT land lines but you may have to pay if you use another phone company, a mobile phone, or if you are calling from abroad.

Calls to **0845** numbers from BT land lines should cost no more than 8p a minute with a 13p charge to connect the call. You may have to pay more if you use another phone company or a mobile phone, or if you are calling from abroad.

Calls from mobile phones can cost up to 40p a minute, so check the cost of calls with your service provider.

You can ask us to call you back if you're concerned about the cost of the call.

Textphones

Our textphone numbers are for people who cannot speak or hear clearly. If you don't have a textphone, you could check if your local library or an advice centre has one. Textphones don't receive text messages from mobile phones.

Important information about this leaflet

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 October 2011. It is possible that some of the information may become inaccurate over time, for example because of changes to the law.

You can find more information about benefits and pensions online.



For benefits information go to
www.nidirect.gov.uk

This information is available in other formats on request.



Phone **0845 602 7301**
Textphone **0800 328 3419**

We aim to provide a high quality of service to all our customers. You can find out more in our Customer Charter at
www.dsdni.gov.uk

