

(NEW STYLE) EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)

1. What is new style employment and support allowance?

You can get new style ESA if your ability to work is limited by ill health or disability.

2. What are the qualifying rules for new style ESA?

To be entitled to new style ESA, you must:

- be aged 16 or over
- be under pension age (ESA stops when you reach that age)
- not be entitled to income support, jobseeker's allowance or statutory sick pay
- not be in work; however some types of work are permitted (see our information on permitted work)
- pass the national insurance contributions test
- have a limited capability for work. This is tested under the work capability assessment
- be present in Great Britain (or Northern Ireland) if you live there

If you are a student (full time or part time), you can claim new style ESA if you satisfy all of these rules.

3. The assessment phase

If you are making a new claim for ESA, a 13-week assessment phase will normally apply to you. During this assessment phase you should undergo a '*work capability assessment*' (see 4 below). However, delays are currently occurring and your assessment period may be extended beyond 13 weeks if the assessment has not taken place during that 13-week period. You are paid a lower level of ESA during the 13-week assessment phase (see 12 below).

The assessment phase will not be applied if you are terminally ill or if you are reclaiming ESA within 12 weeks of an earlier claim (and had already completed the assessment phase in that claim).

4. The work capability assessment

The ESA work capability assessment is designed to find out two things:

- whether you have a 'limited capability for work'; *and*
- whether you have a 'limited capability for work-related activity'.

4.1 The limited capability for work test

The limited capability for work test decides whether or not you remain on ESA. The test is points related and assesses your ability to carry out a range of activities, both physical and 'mental, cognitive and intellectual'. These are listed below. Points are awarded on the basis of any limitation you may have with respect to each activity and totalled up. If the total reaches 15 points or more, you pass the test and can remain on ESA.

Within each type of activity there is a list of '*descriptors*' with scores ranging from 0 to 15. The descriptors explain related tasks of varying degrees of difficulty. You score when you are not able

to perform the activity described. Though more than one descriptor may apply to you, you can only pick up one score from each type of activity; in each case whichever scores the highest.

If you score 15 in any one activity, you automatically pass the test. If your score is less than 15, it can be added to the scores you pick up from any of the other types of activity (in both the physical and the mental parts of the test).

You will be automatically treated as having a limited capability for work in the circumstances described in Appendix 2.

If you fail the test, you would need to consider challenging the decision (see 15 below) or claiming jobseeker's allowance instead.

For universal credit, the same assessment is used to find out if restrictions can be applied to the work-related responsibilities you must meet to keep getting the benefit in full.

The physical activities

The physical descriptors in the limited capability for work test are grouped into ten types of activity (abbreviated here):

1. Mobilising
2. Standing and sitting
3. Reaching
4. Picking up and moving things
5. Manual dexterity
6. Making yourself understood
7. Understanding communication
8. Navigation and maintaining safety
9. Absence or loss of control of the bowel or bladder
10. Consciousness.

The assessment takes into account your abilities when using any aid or appliance you would normally, or could reasonably be expected to, use.

The mental, cognitive and intellectual activities

These descriptors are grouped into seven types of activity (abbreviated here):

1. Learning tasks
2. Awareness of everyday hazards
3. Initiating and completing personal action
4. Coping with change
5. Getting about
6. Coping with social engagement
7. Appropriateness of behaviour with other people

For a full list of activities, descriptors and points, see Appendix 1

4.2 Limited capability for work-related activity

The limited capability for work-related activity test is used to determine whether you are placed in the 'support group' of claimants (see 5 below) or the 'work-related activity group' (see 6 below). Which of these groups you are placed in will determine both the level of ESA that you receive and the responsibilities you must meet in order to retain the benefit.

The test has a list of activities and descriptors, relating to physical and mental, cognitive or intellectual functions. If you satisfy at least one of them, you will be placed in the support group of claimants.

The assessment takes into account your abilities when using any aid or appliance you would normally, or could reasonably be expected to, use.

For a full list of the activities and descriptors, see Appendix 3.

You will be automatically treated as having a limited capability for work-related activity in the circumstances described in Appendix 4.

4.3 How the work capability assessment is applied

In order to apply the two tests described above, a decision maker will first look at the information that you have provided in your ESA claim to see if you pass these tests without the need for further enquiries.

If the decision maker considers that there is not enough information to make a decision, you will normally be sent a *Limited Capability for Work Questionnaire* (the 'ESA50') to complete. This form has a number of questions relating to each of the activities in the 'limited capability for work test' listed above. Each activity has a section with tick-boxes and a space to provide more detailed information about the difficulties you face. When completing each section, let them know if your ability to perform the activity varies. Make it clear if you cannot perform an activity repeatedly, safely or reliably or if it would take you a long time to complete it. Let them know about any pain, tiredness or discomfort you would feel completing the activity.

The time limit for completing and returning the ESA50 is four weeks.

Once the decision maker has received your completed ESA50 they may decide that there is clear evidence that you have a limited capability for work (and possibly work-related activity). If not, you will be sent an appointment to attend a face-to-face assessment carried out by a DWP-approved healthcare professional.

The healthcare professional should have read a copy of the ESA50 form that you completed. At the face-to-face assessment they will be trying to identify whether or not your account in the ESA50 corresponds with their findings. They will ask you a series of questions, relating to both your physical and mental, cognitive or intellectual capabilities. Once they have finished this, they may then give you a physical examination.

The decisions on whether or not you have a limited capability for work and a limited capability for work-related activity will not, however, be taken by the healthcare professional. They will complete a report of the assessment, which will be sent to a DWP decision maker, who will make these two decisions.

The healthcare professional will also make recommendations as to when you should be re-tested under the work capability assessment.

4.4 Exceptional circumstances

Even if the DWP decision maker decides that you do not pass the limited capability for work test, they can still treat you as having passed it if one of the following '*exceptional circumstances*' applies:

1. You are suffering from a severe life threatening disease, in relation to which there is medical evidence that the disease is uncontrollable or uncontrolled by a recognised therapeutic procedure; and in the case of a disease that is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure.
2. You suffer from some specific disease or bodily or mental disablement and consequently there would be a substantial risk to the mental or physical health of any person if you were found not to have a limited capability for work. This risk should be linked to work you could realistically do according to your education or skills. This circumstance will not apply to you if the risk could be significantly reduced by making reasonable adjustments to your workplace or by you taking medication as prescribed.

5. The support group

If it is decided that you have a limited capability for work-related activity, you will be placed in the support group. If you are placed in this group, you will not have to undertake work-related activities

(although you can volunteer to do so if you want). You will also receive a higher rate of ESA than if placed in the work-related activity group.

If you are entitled to contributory ESA, your award may continue for as long as you remain in the support group; it will not be limited to 12 months (see 14 below).

6. The work-related activity group

If it is decided that you do not have a limited capability for work-related activity, you will be placed in the work-related activity group. If you are placed in the work-related activity group, you will receive a lower rate of ESA than if placed in the support group. If you are entitled to contributory ESA, your award will be limited to just 12 months, although you may be able to claim income-related ESA once the award has come to an end (see 14 below).

You will have to adhere to strict work-related conditions in order to continue receiving the benefit in full, including attending work-focused interviews (see 7 below) and possibly taking part in '*work-related activity*'. You cannot be required, as part of work-related activity, to apply for a job, undertake work or undergo medical treatment. You will not be required to take part in work-related activity if you:

- are a lone parent and you have a child under the age of 3; or
- receive carer's allowance or a carer premium.

7. Work-focused interviews

If you are placed in the work-related activity group, you will be required to attend one or more work-focused interviews. At each interview, a '*personal adviser*' will discuss your work prospects, the steps that you are willing to take to move into work and the support available to you. The adviser will draw up an '*action plan*', which will outline the activities that you could undertake to help you move into work.

The interview can be waived if you are likely to be starting a job or returning to work. The personal adviser can also defer an interview if, because of your condition, it would be inappropriate at that particular time.

You will not be required to take part in a work-focused interview if you have been placed in the support group.

If you fail to take part in a work-focused interview without good cause, your ESA may be reduced (see 8 below).

8. Reductions

A reduction of £73.10 (if aged 25 and over) and £57.90 (if aged under 25) a week will be made to your ESA if you fail to take part in a work-focused interview or undertake activity specified in your '*action plan*' (see 7 above). These are known as '*compliance conditions*'.

9. Disqualification

You can be disqualified from ESA for up to six weeks if you:

- have a limited capability for work through your own misconduct (but not if your limited capability is due to pregnancy or a sexually transmitted disease). Misconduct is a wilful act, eg recklessly and knowingly breaking accepted safety rules;
- do not accept medical or other treatment (not including vaccination, inoculation or major surgery) recommended by a doctor or hospital that is treating you – but only if the treatment

would be likely to remove the limitation on your capability for work and you do not have good cause for refusing;

- behave in a way calculated to slow down your recovery, without having good cause; *or*
- are absent from home without leaving word where you can be found, without having good cause.

In cases of hardship, your ESA will be reduced instead; you will need to explain your grounds. In such cases, a 20% reduction would be made on your basic allowance (if you get contributory ESA), or your personal allowance (if you get income-related ESA). For more information on who may be treated under hardship grounds, contact an adviser on 01736 759500.

10. The contributory test - contributory ESA

You will need to have paid enough national insurance contributions in specific tax years to satisfy this test. If you pass the test, you will receive a flat-rate benefit payment for yourself. Payment of this will be limited to one year, unless you have been placed in the support group (see 5 above). See 14 below for more on the time limit.

Contributory ESA does not have additions for your partner (if you have one), additional premiums or allowances for housing costs. In order to qualify for such help, you would need to satisfy the low-income test for income-related ESA, which can be paid on top of contributory ESA (see 11 below). If you need extra money to look after a child, you should claim child tax credit.

The amount of contributory ESA you get will be reduced if you have an occupational or personal pension of more than £85 a week. There are some exceptions to this rule. For more information, contact an adviser.

10.1 'Contributory ESA in youth'

Prior to 1.5.12, the requirement to satisfy the contribution conditions could be waived if your limited capability for work began before the age of 20 (or 25 in some cases). This would enable you to receive '*contributory ESA in youth*' (CESA(Y)).

If you were already receiving CESA(Y) by 1.5.12 and had been placed in the support group (see 5 above) at that date, you can continue to receive it for as long as you continue to satisfy the eligibility conditions and remain within the support group. If in future you are moved from the support group to the work-related activity group (following a new work capability assessment), the 12-month time limit will be imposed (see 14 below).

11. The low income test - income-related ESA

Income-related ESA is a means-tested benefit. This means your needs (and those of your partner, if you have one) are compared with the money you have, such as your income and savings. Income-related ESA is worked out from this. It can be paid on its own (if you are not entitled to contributory ESA) or as a top-up to contributory ESA (if you are).

Income-related ESA can include amounts to help towards mortgage interest payments and some other housing costs.

Unlike contributory ESA, income-related ESA is not time limited.

You cannot get income-related ESA if your (and your partner's) capital or savings are over £16,000.

If you need extra money to look after a child, you should claim child tax credit.

12. ESA RATES

12.1 The assessment phase

During the assessment phase (see 3 above) you will be paid a flat rate of £57.90 per week if you are aged under 25, and £73.10 per week if you are aged 25 or over.

12.2 After the assessment phase

After the assessment phase, you can receive one of two additional components on top of the basic allowance, depending on whether you are placed in the support group (see 5 above) or the work-related activity group (see 6 above). If you are placed in the support group, you will receive the 'support component' of £38.55. If you are placed in the work-related activity group, you will receive the 'work-related activity component' which is set at a lesser amount.

If you are aged under 25, you will no longer be paid the basic allowance at a lower level.

12.3 Additional amounts

If you are on contributory ESA, you will only get an allowance for yourself. If you are on income-related ESA, you may also get allowances for your partner (if you have one) as well as additional premiums that may apply to you, depending on your circumstances: the pensioner, severe disability, carer and enhanced disability premiums. An amount may also be included to cover certain housing costs, including mortgage interest.

12.4 The benefit cap

ESA is included in the list of benefits to which the 'benefit cap' applies. This cap limits the total weekly benefits that can be claimed. The cap will not apply if you have been placed in the support group (see 5 above). You can find out more information in our *Guide to the Benefit Cap* [here](#)

13. How to claim ESA

You should phone the Jobcentre Plus claim-line:

Tel: 0800 328 5644

Textphone: 0800 328 1344

Lines are open from 8:00am to 6:00pm, Monday to Friday.

Charges may apply to calls from mobile phones, but the claim-line will call you back if you request it.

You can also get a claim form (ESA1) from your local Jobcentre Plus office or download it at www.gov.uk/employment-support-allowance/how-to-claim.

You need to provide medical certificates from your doctor, known as fit notes, until you have passed the limited capability for work test.

If you are working but do not get statutory sick pay (or it is ending), you will also need to send in form SSP1 as well as a fit note. You can get this form from your employer.

14. The contributory ESA time limit

A time limit of one year applies to any contributory ESA you receive if you are in the 'work-related activity' group (see 6 above). The 13-week assessment phase (see 3 above) will count towards this one-year period. The time limit does not apply to people in the 'support' group (see 5 above).

You have several options if your contributory ESA is terminated at the end of the 12-month payment period. In all the following situations, you will still need to show that you have limited capability for work: you will be required to complete a limited capability for work questionnaire (see 4.3 above) and participate in the work capability assessment where necessary.

1. You may be entitled to income-related ESA instead of contributory ESA. Jobcentre Plus should tell you how to be assessed for this when it contacts you to tell you that your contributory ESA is ending. If you qualify for this, it will be paid as soon as your contributory ESA ends.

2. If you cannot get income-related ESA, you can still be 'credited' with national insurance credits as long as your circumstances do not change. National insurance credits count towards other benefits including your state pension.
3. If you cannot get income-related ESA, you may be able to claim contributory ESA again in the future if your condition deteriorates – as long as the DWP considers that you have continuously had a limited capability for work since your contributory ESA stopped. To satisfy this, once contributory ESA ceases you should ask the DWP to continue to assess you as having a limited capability for work. Then, if your condition does get worse, you can make a new claim for ESA. You will probably be referred for a work capability assessment. If it is accepted at this assessment that you have limited capability for work-related activity (and can thus be moved into the support group) you can be awarded contributory ESA once more. Contributory ESA will then continue for as long as you remain in the support group.
4. If you cannot get income-related ESA, you may be able to re-qualify for a new year of contribution-based ESA if you begin a new period of limited capability for work (which must be separated from the earlier period by more than 12 weeks) and your new claim is based on national insurance contributions you've made in different and later tax years than before.

15. Challenging decisions

If you disagree with a decision, you must first ask the DWP to reconsider it. You can do this over the phone, but you should confirm your request in writing and keep a copy of the letter.

If it has been decided that you do not have a limited capability for work, you will not be able to claim ESA while the decision is being reconsidered. You may wish to claim jobseeker's allowance in the meantime.

Once the decision has been reconsidered, if you are unhappy with the result you can now appeal. In the case of an appeal over the limited capability for work test, you can now claim ESA until the appeal has been dealt with. If you have been claiming jobseeker's allowance in the meantime, you will need to ask the DWP to re-instate your ESA.

You should try to obtain evidence to back up your appeal. In the case of appeals over the limited capability for work test, this could be a letter from someone treating you (eg your GP or consultant) confirming what descriptors they consider should apply to you and why. Send a copy of any evidence you obtain to the Tribunals Service.

For more information and support with appealing, you can speak to a DIAL adviser on 01736 759500

16. Students

If you are a student, you can claim contributory ESA if you satisfy the contribution conditions (see 10 above).

As a full-time advanced or non-advanced student, you can only get income-related ESA if you are getting disability living allowance (DLA), personal independence payment (PIP) or armed forces independence payment (AFIP).

If you are a part-time student, you can claim contributory ESA if you satisfy the contribution conditions (see 10 above). You can also claim income-related ESA if you are on a low income; you do not also have to be receiving DLA, PIP or AFIP.

Disability Rights UK Student Helpline

For further information on the above and the support that is available for disabled students, please contact the [Disabled Students Helpline](#):

Telephone: 0330 995 0414
Tuesday 11am-1pm and Thursday 11am-1pm
Email: students@disabilityrightsuk.org

The helpline provides free information and advice to disabled students in England, their parents, carers and key advisers about opportunities in post-16 education and training. This includes further and higher education and apprenticeships. They also provide general information on the Equality Act as it applies to education and give advice on UK students' entitlement to welfare benefits.

17. Residence and presence tests for ESA

To claim income-related ESA you must:

- be present in Great Britain;
- satisfy the 'habitually residence test'; *and*
- have the right to reside in the UK.

To claim contributory ESA you must be present in Great Britain.

'Present' means physically present in Great Britain. There are rules that may allow you to be treated as present during a temporary absence.

The term '*right to reside*' is not defined but is dependent on your immigration status and nationality. You might have a right to reside under UK rules, European Union law or because you are a British citizen.

The habitual residence test is a test to see if you normally live in the UK, the Channel Islands, the Republic of Ireland or the Isle of Man. The test will be applied if you have been living abroad. There is no legal definition of '*habitual residence*'. Relevant factors are where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from.

18. What if you are already getting incapacity benefit or income support?

ESA replaced both incapacity benefit and income support paid on the grounds of incapacity for new claims from 27 October 2008.

If you are still receiving incapacity benefit or income support paid on the grounds of incapacity, you may continue to receive those benefits, rather than ESA, for the time being. However, at some point in the coming months you will be reassessed under the work capability assessment. If you are found to have a limited capability for work in this assessment, you will be moved (or migrated) onto ESA. If you are not found to have a limited capability for work, you will need to consider claiming jobseeker's allowance instead or challenging the decision (see 15 above).

Those getting incapacity benefit who are moved onto contributory ESA and are placed in the work-related activity group will have their benefit time-limited to just 12 months from the point of conversion. See 14 above for more on this time limit.

19. Permitted work

In some cases, it is possible to work and continue to get ESA. For more information you can contact a DIAL adviser on 01736 759500

20. Universal Credit

Universal credit is a new means-tested benefit, which will be replacing the following:

- child tax credit;
- housing benefit;
- income-related ESA;
- income-based jobseeker's allowance;
- income support;
- parts of the social fund; *and*
- working tax credit.

If you are already getting income-related ESA, you will eventually be moved onto universal credit.

APPENDICES AND REFERENCE

Appendix 1: The limited capability for work assessment

Part 1: Physical functions

Activity 1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally or could reasonably be, worn or used.

- a. Cannot unaided by another person either:
 - i. mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; *or*
 - ii. repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion. Score 15
- b. Cannot unaided by another person mount or descend two steps unaided by another person even with the support of a handrail. Score 9
- c. Cannot unaided by another person either:
 - i. mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; *or*
 - ii. repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion. Score 9
- d. Cannot unaided by another person either:
 - i. mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; *or*
 - ii. repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion. Score 6
- e. None of the above apply. Score 0

Activity 2. Standing and sitting.

- a. Cannot move between one seated position and another seated position which are located next to one another without receiving physical assistance from another person. Score 15
- b. Cannot, for the majority of the time, remain at a work station, either:
 - i. standing unassisted by another person (even if free to move around); *or*
 - ii. sitting (even in an adjustable chair) *or*
 - iii. a combination of i. and ii. for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion. Score 9
- c. Cannot, for the majority of the time, remain at a work station, either:
 - i. standing unassisted by another person (even if free to move around); *or*
 - ii. sitting (even in an adjustable chair) *or*
 - iii. a combination of i. and ii. for more than an hour before needing to move away in order to avoid significant discomfort or exhaustion. Score 6
- d. None of the above apply Score 0

Activity 3. Reaching.

- a. Cannot raise either arm as if to put something in the top pocket of a coat / jacket. Score 15
- b. Cannot raise either arm to top of head as if to put on a hat. Score 9
- c. Cannot raise either arm above head height as if to reach for something. Score 6
- d. None of the above apply. Score 0

Activity 4. Picking up and moving or transferring by the use of the upper body and arms.

- a. Cannot pick up and move a 0.5 litre carton full of liquid. Score 15
- b. Cannot pick up and move a one litre carton full of liquid. Score 9
- c. Cannot transfer a light but bulky object such as an empty cardboard box. Score 6
- d. None of the above apply. Score 0

Activity 5. Manual dexterity.

- a. Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand. Score 15
- b. Cannot pick up a £1 coin or equivalent with either hand. Score 15
- c. Cannot use a pen or pencil to make a meaningful mark. Score 9
- d. Cannot single-handedly use a suitable keyboard or mouse. Score 9
- e. None of the above apply. Score 0

Activity 6. Making self understood through speaking, writing, typing, or other means which are normally, or could reasonably be, used, unaided by another person.

- a. Cannot convey a simple message, such as the presence of a hazard. Score 15
- b. Has significant difficulty conveying a simple message to strangers. Score 15
- c. Has some difficulty conveying a simple message to strangers. Score 6
- d. None of the above apply. Score 0

Activity 7. Understanding communication by

- i. verbal means (such as hearing or lip reading) alone,
 - ii. non-verbal means (such as reading 16-point print or Braille) alone, or
 - iii. a combination of i. and ii., using any aid that is normally, or could reasonably be, used, unaided by another person.
- a. Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment. Score 15
 - b. Has significant difficulty understanding a simple message from a stranger due to sensory impairment. Score 15
 - c. Has some difficulty understanding a simple message from a stranger due to sensory impairment. Score 6
 - d. None of the above applies. Score 0

Activity 8. Navigation and maintaining safety, using a guide dog or other aid if either or both are normally, or could reasonably be, used.

- a. Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment. Score 15
- b. Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment. Score 15
- c. Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment. Score 9
- d. None of the above apply. Score 0

Activity 9. Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used.

- a. At least once a month experiences:
 - i. loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; *or*
 - ii. substantial leakage of the contents of a collecting device, sufficient to require cleaning and a change in clothing. Score 15
- b. The majority of time is at risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder, sufficient to require cleaning and a change in clothing, if not able to reach a toilet quickly. Score 6
- c. None of the above apply. Score 0

Activity 10. Consciousness during waking moments.

- a. At least once a week, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration. Score 15
- b. At least once a month, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration. Score 6

- c. None of the above apply. Score 0

Part 2: Mental, cognitive and intellectual functions

Activity 11. Learning tasks.

- a. Cannot learn how to complete a simple task, such as setting an alarm clock. Score 15
b. Cannot learn anything beyond a simple task, such as setting an alarm clock. Score 9
c. Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes. Score 6
d. None of the above apply. Score 0

Activity 12. Awareness of everyday hazards (such as boiling water or sharp objects).

- a. Reduced awareness of everyday hazards leads to a significant risk of:
i. injury to self or others; *or*
ii. damage to property or possessions such that the claimant requires supervision for the majority of the time to maintain safety. Score 15
- b. Reduced awareness of everyday hazards leads to a significant risk of:
i. injury to self or others; *or*
ii. damage to property or possessions such that the claimant frequently requires supervision to maintain safety. Score 9
- c. Reduced awareness of everyday hazards leads to a significant risk of:
i. injury to self or others; *or*
ii. damage to property or possessions such that the claimant occasionally requires supervision to maintain safety. Score 6
- d. None of the above apply. Score 0

Activity 13. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).

- a. Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions. Score 15
b. Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions for the majority of the time. Score 9
c. Frequently cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions. Score 6
d. None of the above apply. Score 0

Activity 14. Coping with change.

- a. Cannot cope with any change to the extent that day-to-day life cannot be managed. Score 15
b. Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall day-to-day life is made significantly more difficult. Score 9
c. Cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day-to-day life is made significantly more difficult. Score 6
d. None of the above apply. Score 0

Activity 15. Getting about.

- a. Cannot get to any place outside of the claimant's home with which the claimant is familiar. Score 15
b. Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person. Score 9
c. Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person. Score 6

d. None of the above apply.

Score 0

Activity 16. Coping with social engagement due to cognitive impairment or mental disorder.

- a. Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant. Score 15
- b. Engagement in social contact with someone unfamiliar to the claimant is always precluded due to difficulty relating to others or significant distress experienced by the claimant. Score 9
- c. Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the claimant. Score 6
- d. None of the above apply. Score 0

Activity 17. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.

- a. Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. Score 15
- b. Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. Score 15
- c. Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. Score 9
- d. None of the above apply. Score 0.

**Appendix 2:
Treated as having a limited capability for work**

- You will be automatically treated as having a limited capability for work in the following circumstances:
- You are terminally ill. This is defined as a progressive disease and death in consequence of that disease can reasonably be expected within six months.
- You are receiving treatment for cancer (or are likely to receive such treatment within six months) by way of chemotherapy or radiotherapy, or you are recovering from that treatment and the DWP is satisfied that you should be treated as having a limited capability for work.
- You have been requested or given notice, under specific legislation, to refrain from work because it is known or reasonably suspected that you have been infected, contaminated or been in contact with an infectious disease or contamination.
- You are pregnant and there would be a serious risk to the health of you or your child if you did not refrain from work.
- You are pregnant or have recently given birth, are entitled to maternity allowance and are within the maternity allowance payment period.
- You are pregnant or have recently given birth but are not entitled to maternity allowance or statutory maternity pay from six weeks before the baby is due to two weeks after the birth.
- You are receiving medical or other treatment in a hospital or similar institution (including residential rehabilitation for treatment of drug or alcohol addiction), having been advised by a healthcare professional to stay there for a period of 24 hours or longer. You are also treated as having a limited capability for work on any day you are recovering from such treatment and the DWP is satisfied that you should be treated as having a limited capability for work.
- You are receiving regular weekly treatment by way of haemodialysis for chronic renal failure, or treatment by way of plasmapheresis or regular weekly treatment by way of total parenteral nutrition for gross impairment of enteric function. You are also treated as having limited capability for work during any week in which you have a day of recovery from such treatment and the DWP is satisfied that you should be treated as having a limited capability for work. However, you will only be treated as having a limited capability for work from the first

week in which at least two days of that week are days of treatment or recovery (these days do not have to be consecutive).

- You satisfy either descriptor 15 (conveying food or drink to the mouth) or 16 (chewing of swallowing food or drink) in the 'limited capability for work-related activity assessment' – see Appendix 3
- You are a student in full-time education (and not a 'qualifying young person' for child benefit purposes) entitled to income-related ESA by virtue of the fact that you are entitled to disability living allowance, personal independence payment or armed forces independence payment.

Appendix 3: The limited capability for work-related activity assessment

Activity 1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally, or could reasonably be, worn or used.

- a. Cannot either:
mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; *or*
- b. repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.

Activity 2. Transferring from one seated position to another.

- a. Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.

Activity 3. Reaching.

- a. Cannot raise either arm as if to put something in the top pocket of a coat or jacket.

Activity 4. Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this appendix).

- a. Cannot pick up and move a 0.5 litre carton full of liquid.

Activity 5. Manual dexterity.

- a. Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.

Activity 6. Making self understood through speaking, writing, typing, or other means which are normally, or could reasonably be, used, unaided by another person.

- a. Cannot convey a simple message, such as the presence of a hazard.

Activity 7. Understanding communication by

- i. verbal means (such as hearing or lip reading) alone
 - ii. non-verbal means (such as reading 16-point print or Braille) alone, or
 - iii. a combination of i. and ii. using any aid that is normally, or could reasonably be, used, unaided by another person.
- a. Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.

Activity 8. Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or voiding of the bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used.

- a. At least once a week experiences:
loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; *or*
- b. substantial leakage of the contents of a collecting device, sufficient to require the individual to clean themselves and change clothing.

Activity 9. Learning tasks.

- a. Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder.

Activity 10. Awareness of hazard.

Reduced awareness of everyday hazards, due to cognitive impairment or mental disorder, leads to a significant risk of:

- a. injury to self or others; *or*
- b. damage to property or possessions such that the claimant requires supervision for the majority of the time to maintain safety.

Activity 11. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).

- a. Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.

Activity 12. Coping with change.

- a. Cannot cope with any change, due to cognitive impairment or mental disorder, to the extent that day-to-day life cannot be managed.

Activity 13. Coping with social engagement, due to cognitive impairment or mental disorder.

- a. Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual.

Activity 14. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.

- a. Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.

Activity 15. Conveying food or drink to the mouth.

- a. Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else;
- b. Cannot convey food or drink to the claimant's own mouth without repeatedly stopping, experiencing breathlessness or severe discomfort;
- c. Cannot convey food or drink to the claimant's own mouth without receiving regular prompting given by someone else in the claimant's physical presence; *or*
- d. Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant's own mouth without receiving:
 - i. physical assistance from someone else; *or*
 - ii. regular prompting given by someone else in the claimant's presence.

Activity 16. Chewing or swallowing food or drink.

- a. Cannot chew or swallow food or drink;
- b. Cannot chew or swallow food or drink without repeatedly stopping, experiencing breathlessness or severe discomfort;
- c. Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant's presence; *or*
- d. Owing to a severe disorder of mood or behaviour, fails to:
 - i. chew or swallow food or drink; *or*
 - ii. chew or swallow food or drink without regular prompting given by someone else in the claimant's presence.

Appendix 4: Treated as having a limited capability for work-related activity

You can be automatically treated as having a limited capability for work-related activity if you are:

- suffering from a progressive disease and consequently your death can reasonably be expected within six months;
- receiving treatment by way of chemotherapy or radiotherapy (or are likely to receive such treatment within six months), or you are recovering from that treatment and the DWP is satisfied that you have a limited capability for work-related activity;
- suffering from some specific disease or bodily or mental disablement and consequently there would be a substantial risk to the mental or physical health of any person if you were found not to have a limited capability for work-related activity; *or*
- pregnant and there would be a serious risk to the health of you or your child if you did not refrain from work-related activity.

If you need any further support or information please contact DIAL on 01736 759500 or you can refer directly to the link below:

www.disabilityrightsuk.org

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