This factsheet gives general information about Employment and Support Allowance (ESA). For more detailed information about the way your capability for work is assessed and what you can do if you disagree with a decision, see factsheet F23: ESA: The WCA and Form ESA50.

What is ESA?

Employment and Support Allowance (ESA) is a benefit paid to people who have physical or mental problems which mean they have difficulty working. It replaced the Incapacity Benefit scheme, and Income Support paid on the basis of incapacity for work, for all new claims made after 26 October 2008.

Universal Credit and income-based ESA

Since the introduction of full service Universal Credit in County Durham it is no longer possible to make a fresh claim to income-based ESA (ibESA). If you have a limited capability for work and wish to claim a means-tested benefit you must claim Universal Credit instead. If you do this, you will still be subject to the work capability assessment just as you would for ESA, so the information about the assessment in factsheet F23: ESA: The WCA and Form ESA50 is still relevant to you. See factsheet F29: Universal Credit for how to claim UC.

New Style ESA

Although Universal Credit has replaced income-related ESA you may still be able to claim new style ESA if you have paid or been credited with enough National Insurance contributions. New style ESA used to be called contribution-based ESA. New style ESA is not affected by savings or most other income, except for occupational or personal pensions. It is taxable.

How do I claim new style ESA?

You can claim by calling 0800 328 5644 (choose option 2, then option 6) or Textphone 0800 328 1344. This line is open Monday to Friday 8am – 6pm. You can also download the claim form from [https://www.gov.uk/government/publications/new-style-employment-and-support-allowance-esa-claim-form](https://www.gov.uk/government/publications/new-style-employment-and-support-allowance-esa-claim-form) but you will still need to make an appointment with the DWP.

What happens next?

There is a 13 week ‘assessment period’ at the start of a claim. During this period you will receive a basic rate of benefit, which varies in amount depending on your age and family status.
What are the two groups of ESA claimant?

Work-Related Activity Group

Most ESA claimants will be in the Work-Related Activity Group. Claimants in this group continue to receive the basic rate of benefit unless they claimed ESA before 3 April 2017, in which case they also get a work-related activity component.

A claimant in this group has to attend ‘work-focused interviews’ and must also undertake other work-related activity, such as work placements, as a condition of receiving this extra component. If you fail to attend or co-operate with these conditions you will be sanctioned and lose benefit.

Work-focused interviews take place with a personal adviser who will discuss what types of work might be most suitable for you and can refer you for training or condition management support which helps manage an illness or disability in a work context.

If you are in the Work-Related Activity Group and receive new style ESA it will stop after a maximum of 52 weeks. You will no longer be entitled to ESA but may qualify for Universal Credit under the means test for that benefit.

You can ask for a reconsideration of a decision to place you in the Work-Related Activity Group, and appeal an unfavourable outcome of that reconsideration.

What is the limited capability for work test?

The test measures your ability to perform a range of physical and mental activities and awards points for problems you have with these things. You have to score a total of 15 points to pass the test. See factsheet F23: ESA: The WCA and Form ESA50 for more information on the test and how to complete the ESA50.

If you fail the test you will be refused ESA. You can ask for a reconsideration of this decision within one month of its being made. If you are not happy with the outcome of the reconsideration you can appeal it to an independent tribunal. You must appeal in writing within one month of the date on the new decision letter. See factsheet F04: Disputing a Decision for more details on how to appeal.

If you score 15 points or more and pass the test, you qualify for ESA and a separate decision will now be made on which group of ESA claimant you will be placed in.
Support Group

The other ESA group is the Support Group. Claimants in this group will have more limitations to their capabilities, and will receive an extra amount of benefit on top of the basic rate called a support component. If they are entitled to Universal Credit they will also receive an additional amount to reflect the fact that they have limited capability for work-related activity.

A claimant in the Support Group does not have to attend any work-focused interviews as a condition of receiving benefit, but can voluntarily attend these interviews if they wish.

If you are in the Support Group and receive new style ESA it can continue to be paid indefinitely.

How is it decided which group I belong in?

As part of the medical assessment mentioned earlier, there is a list of physical and mental problems and if any of them apply to you, you will be placed in the Support Group. If none apply, you will be placed in the Work-Related Activity Group. These problems tend to be fairly severe. See factsheet F23: ESA The WCA and Form ESA50 for detailed information.

The decision letter you receive after your medical assessment tells you which group you will be placed in. You have a right to ask for a reconsideration, which must be requested within one month of the date on the decision letter. You also have the right to appeal against an unsuccessful reconsideration decision. See factsheet F04: Disputing a Decision for more details on how to challenge a decision.

How much money will I receive?

The basic rate of new style ESA during the assessment phase (the first 13 weeks of the claim) is £73.10 a week. If the claimant is placed in the Support Group after assessment they will receive an extra element called the support component on top of this.

If the claimant receives Universal Credit the amount they receive will vary depending on the claimant and their partner’s income, savings, and other circumstances.

Is there any work I can do while on ESA?

Some work—called ‘allowed’ or ‘permitted’ work—can be done while receiving new style ESA. Please note that these rules do not apply to Universal Credit: seek advice about the effect of work and earned income on UC.

Allowed work for new style ESA includes voluntary unpaid work and work as a councillor or on a DLA tribunal.

‘Permitted work’ means work that is done within certain limits and which the DWP have been notified of and have approved. Examples include work with earnings of less than £20 a week, work that is of less than 16 hours a week that pays no more than £131.50 a week, and work for any number of hours that pays no more than £131.50 a week and is part of a treatment programme or is supervised by an agency that finds works for people with disabilities.
You must notify the DWP of your intention to do this work and have it approved in advance of starting it. Do not simply start work thinking it will be accepted as ‘permitted work’ later.

If you receive earnings from permitted work whilst claiming ESA it will not affect the amount of contribution-based or income-related ESA that you receive, and it will also not count as income when working out your entitlement to Housing Benefit or Council Tax Reduction. It will however be taken into account for Universal Credit.

Seek advice from us if you are thinking of trying out work whilst on ESA or UC.

Related factsheets
If this factsheet has been useful, the information in the following factsheets might also be of interest to you. You can obtain copies by visiting www.durham.gov.uk/welfarerights, or by contacting us by one of the methods given at the bottom of this page:

F23: ESA: The Work Capability Assessment and Form ESA50
F29: Universal Credit
F04: Disputing a Decision

Need more advice? CONTACT WELFARE RIGHTS:
By telephone:
Advice Line 03000 268 968 9 am – 12 noon
By email:
welfare.rights@durham.gov.uk
By post:
Welfare Rights • Durham County Council • Revenues and Benefits • PO Box 254 Stanley • County Durham • DH8 1GG

All information correct at time of writing