

## Fact Sheet: Reassessment of Incapacity for work benefits

### Who is affected and when?

From February 2011 the Social Security Agency (SSA) began the process of gradually converting claims for people who are getting some sickness and disability benefits to Employment and Support Allowance (ESA).

The benefits which are affected are:

- Incapacity Benefit
- Severe Disablement Allowance (SDA)
- Income Support based on disability grounds.

If you are currently getting one of these benefits, the SSA will write to you between now and March 2014. Most people will be contacted when they are due to receive their next Personal Capability Assessment.

### People approaching state pension age

If you reach state pension age before 30 September 2014 you will not be included in this conversion and will continue to receive your benefit as normal provided you remain entitled. If you are not sure when your retirement age is, you can check this by visiting [www.nidirect.gov.uk](http://www.nidirect.gov.uk) or by contacting the State Pension enquiry line on 0845 601 8821.

### The new assessment

The new assessment is called the Work Capability Assessment. Once you have been contacted by the SSA, you will be asked to complete a questionnaire which will ask you about different aspects of your health problems. The questionnaire is similar to the Incapacity Benefit questionnaire that you may have completed in the past. Following the questionnaire you will be asked to attend a medical examination. Some people do not have to be examined if their health problems are particularly severe (see below). If the assessment finds that you meet the qualifying conditions for ESA, you will be automatically transferred to this benefit. You will not have to make a new claim.

### **People with severe or life threatening health conditions**

Certain people will not have to undergo a medical assessment and will be automatically converted to ESA without an examination. The SSA will decide if the person does not require an examination once they have received the questionnaire. If a person is terminally ill they will get a shorter version of the questionnaire and they will not be required to attend a medical assessment.

### **Payment of ESA and transitional protection**

Transitional protection means that your new award of ESA will not be any less than your current level of benefit. This is called a transitional allowance. It makes sure that you won't be getting less money than you were receiving before. However this extra amount will eventually stop.

If you're currently getting Incapacity Benefit or Severe Disablement Allowance (SDA), your benefit will be converted to contribution-based ESA. Contribution-based ESA is usually worked out according to how much you've paid in National Insurance Contributions. It doesn't matter how many NI contributions you've paid, you will not receive any less money.

If you're currently getting Income Support, your benefit will be converted to income-related ESA. If your benefit is converted to ESA, you will be paid the higher rate of ESA straight away. Usually ESA is paid at a lower rate for the first 13 weeks of the claim.

### **You fail the Work Capability Assessment**

If the assessment finds that you're not entitled to ESA, your Incapacity Benefit, SDA or Income Support will stop. You will then have to make a new claim for Jobseeker's Allowance (JSA) or another relevant benefit.

### **Challenging an ESA decision**

You can ask for the decision to be looked at again. This may lead to the decision being changed.

If you don't agree with an ESA decision on your capability for work, you have the right to appeal against it either straight away or after the decision has been reconsidered. There are strict time limits for making an appeal so you will need to act quickly if you want to do this.

If you are waiting for an appeal to be heard, you can either claim Job Seekers Allowance (JSA) or apply for the basic rate of ESA, depending on your circumstances.

The appeal process can be complicated and you can get help from an experienced adviser, for example, at a Citizens Advice Bureau.

## Further help

Further information on the reassessment process can be found on the NI Direct website by visiting <http://www.nidirect.gov.uk/index/information-and-services/people-with-disabilities/financial-support-for-people-with-disabilites/incapacity-benefit-people-with-disabilities/incapacity-benefit-forthcoming-changes.htm>

A more detailed fact sheet has been produced by Professor Eileen Evason and is available on the BBC On your Behalf website by visiting <http://www.bbc.co.uk/programmes/b00xysw7>

### **Citizens Advice Bureau**

Citizens Advice Bureau gives free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk) or look under C in your phone book.

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## Contact Details:

Citizens Advice, 46 Donegall Pass, Belfast, BT7 1BS

Telephone: (028) 9023 1120 Fax: (028) 9023 6522 E-mail: [info@citizensadvice.co.uk](mailto:info@citizensadvice.co.uk) Website: [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk)