



Employment and Support Allowance

Work Related Activity Component (WRAC) Removal & Permitted Work Changes – Questions & Answers



Northern Ireland
Executive

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Employment and Support Allowance provides financial help to people who are unable to work because of illness or disability.

Employment and Support Allowance (ESA) involves a medical assessment called the Work Capability Assessment. This assesses what customers can do, rather than what they cannot. Customers will be placed in either the Work Related Activity Group (WRAG) or Support Group (SG) depending on the results of their individual assessment.

Customers placed in the WRAG, will be expected to take part in work-focused interviews with an employment service adviser and will get support to help them prepare for suitable work in the future.

Customers placed in the SG, because their illness or disability has a severe effect on their ability to work, will not be expected to take part in any work related activity but can do so on a voluntary basis if they want to.

Removal of the Work Related Activity Component (WRAC)

From 3 April 2017 the Work Related Activity Component will no longer be paid to new Employment and Support Allowance claimants placed in the Work Related Activity Group. This change will align payments of Employment and Support Allowance (ESA) made to the majority of claimants in the Work Related Activity Group with the standard rate of Jobseeker's Allowance.

This change will only apply to claims made to ESA on or after 3 April 2017 and in line with policy intent, claimants in the following circumstances are not affected:

- claimants placed in the Support Group


- existing ESA claimants, with a claim date before 3 April 2017, who have a further Work Capability Assessment (re-assessment) on, or after 3 April 2017 and are placed in the Work-Related Activity Group, even if they move from the Support Group to the Work Related Activity Group
- Incapacity Benefit Re-assessment cases that are placed into the Work Related Activity Group after 3 April 2017, retaining any existing transitional protection
- claimants who have a break in their claim and come back to ESA within 12 weeks and their original date of claim is before 3 April 2017
- claims to ESA made within 12 weeks of a Jobseeker's Allowance Extended period of Sickness which began before 3 April 2017
- claimants who have successfully had their claims are backdated, where this request brings the date of the claim before 3 April 2017
- mandatory reconsideration and appeal decisions for claims where this action results in a claim date being treated as prior to 3 April 2017
- claimants in the assessment phase prior to 3 April 2017



Why is this change happening?

Removal of the ESA Work-Related Activity Component will:

- support Government's commitment to ensuring that everyone who is able to work can do so
- align payment rates, for the majority of ESA claimants, with limited capability for work, with the standard rate of Jobseeker's Allowance
- reinforce the fact that ESA is intended to be a temporary benefit to help people back into work
- ensure support is targeted at the poorest and most severely disabled people
- help close the gap on the number of disabled people in work with that of non-disabled people



Will claimants have to go for another Work Capability Assessment now?

No. Claimants will only be asked to go to another Work Capability Assessment when it's time for the Department for Communities to look at their claim again or if a claimant tells us their health condition has changed.

Will the Work Related Activity Group still exist after 3 April 2017?

Yes, the Work Related Activity Group will still exist after 3 April 2017. If a claim to ESA is made on, or after 3 April 2017 claimants may still be put in the Work Related Activity Group following their Work Capability Assessment.

Will claimants still need to attend Work Focused Interviews if placed in the Work Related Activity Group on or after 3 April 2017?

Yes, there will still be a requirement for claimants to attend work focussed interviews and to participate in other work related activities.

Will the removal of the ESA WRAC be mitigated?


There are no provisions within the report produced by the Welfare Reform Mitigations Working Group (The Evason Report, published January 2016) to mitigate payments for new claimants who may be affected by removal of the ESA Work Related Activity Component.

Are there any changes to sanctions from 3 April 2017?

No, existing regulations will apply until changes to the Sanction Regime in Northern Ireland are brought in alongside Universal Credit.

How are repeat claims treated from 3 April 2017?

WRAC can be paid for repeat claims to ESA if all of the following conditions are met:

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- The claim is linked to a previous LCW which began prior to 3 April 2017;
 - The claimant has a new condition or one which has deteriorated; and
 - The Claimant is found to have LCW following their WCA.

Will customers moving from credits only to a benefit award after 3 April be entitled to the Work Related Activity Component?

ESA 'credits only' periods do not form a Period of Limited Capability for Work and therefore do not link to any subsequent ESA award. Any change from a 'Credits Only' to a benefit award is treated as a fresh claim. This means any claimants moving from a credits only award to an award of benefit after 3 April 2017 will not be entitled to the Work Related Activity Component if they are placed in the Work Related Activity Group.



Will customers moving from Jobseeker's Allowance Extended Period of Sickness to ESA be entitled to the Work Related Activity Component?

ESA claims made on, or after 3 April 2017 may still be entitled to the Work Related Activity Component if the claim links to a previous Extended Period of Sickness made prior to 3 April 2017.

The new claim to ESA must be made within 12 weeks of the end of the Extended Period of Sickness to satisfy linking rules.

Will the WRAC be reinstated when a claimant is released from a hospital stay that was greater than 52 weeks?

If the claim was made prior to 3 April 2017 and the Work Related Activity Component was previously in payment to the claimant, then the component will be reinstated after the claimant is released from hospital.

What impact will the WRAC removal have on Pensioner Premium payments?

Currently ESA Work Related Activity Component claimants who are entitled to the Pensioner Premium have their premium reduced by the amount of the Work Related Activity Component. For claims made on or after 3 April, where no Work Related Activity Component is payable, the Pensioner Premium will be paid in full.

What impact will the Work Related Activity Component removal have on Christmas Bonus payments?

Entitlement to the ESA Work Related Activity Component has no effect on payment of the Christmas Bonus. A Christmas Bonus is payable to a claimant if, in the qualifying week:

- the claimant qualifies for contributory based ESA; and,


- the claimant satisfies the residence condition; and
- the claimant is in the main phase of ESA.

What impact will the removal of the Work Related Activity Component have on Cold Weather Payments?

There is no change to the conditions which prompt Cold Weather Payments. Cold Weather Payments are 'triggered' when;

- the average daily temperature for the last seven consecutive days has been 0°C or below; or
- the average daytime temperature for that day and the next six days is forecast to be 0°C or below





Entitlement to the Work Related Activity Component will have no effect on the payment of Cold Weather payments.

From 3 April 2017, once conditions are triggered a claimant is entitled to a Cold Weather payment if:

- they are placed in the Support Group or Work Related Activity Group
- receive a severe or enhanced disability premium
- receive a pensioner premium
- or have a child who is disabled for whom the claimant receives a disability premium within Child Tax Credit
- the claimant has a child under five years old

What impact will the Work Related Activity Component removal have on Maternity Allowance payments?

If a claimant was previously entitled to contribution-based ESA and then makes a claim to Maternity Allowance, the ESA claim will be terminated if the Maternity Allowance is a higher amount. Once the Maternity Allowance claim ends and the claimant wishes to reclaim ESA, the claims will link providing the reclaim to ESA is made within 12 weeks of the Maternity Allowance ending.

From 3 April 2017, any claims made to ESA following a claim to Maternity Allowance, which link to a previous ESA claim in which the Work Related Activity Component was payable will have the component reinstated.

What impact will the removal of the Work Related Activity removal have on Lone Parents moving to ESA?

Changes to the ESA Work Related Activity Component from 3 April 2017 will affect Lone Parent claimants as follows;

- Lone Parents who claim ESA under Lone Parent Obligations before 3 April 2017 will receive the Work Related Activity Component from day one of their ESA claim, if they are successful in their Work Capacity Assessment and are placed into the Work Related Activity Group; they will continue to receive this component.
- Lone Parents who claim ESA under Lone Parent Obligations on, or after 3 April 2017 will not receive the Work Related Activity Component from day one of their ESA, nor will they receive the Work Related Activity Component if they are successful in their Work Capacity Assessment and placed into the Work Related Activity Group.

Phase 4 of changes to Lone Parent Obligations has started being implemented from 16 January 2017. There will be no special provisions for these claimants and entitlement to the Work Related Activity Component will be decided solely on the date their claim to ESA is made.

How do claimants report deterioration or change in a health condition?

Claimants need to let the ESA Centre know if their existing condition has got worse, got better or they have a new condition. If they don't tell the ESA Centre straightaway about these changes they could be paid more or less money than they are entitled to. Any overpayment may have to be repaid to the Department and could result in a financial penalty. A re-assessment following a change in condition could result in the claimant being moved from the Work Related Activity Group to the Support Group.

How has the department raised awareness with claimants on reporting deterioration in their condition?

All system outputs issued to the Work Related Activity Group have been updated to include reference to reporting a deterioration/improvement in condition.

How can claimants obtain further information regarding the removal of the ESA Work Related Activity Component?

For information online claimants can visit nidirect.gov.uk

Contact

If claimants have any questions about these changes or about their claim in general, they can contact the ESA Centre using telephone numbers:

- for new claims call – **0800 085 6318**
- for general enquiries or to report a change of circumstance call – **0845 602 7301**, or **0300 123 3012**
- For deaf and hard of hearing callers, use **0800 328 3419**

Removal of the 52 week permitted Work Rule

What are the changes to ESA Permitted Work rules from 3 April 2017?

From 3 April 2017, Permitted Work will no longer be limited to 52 weeks for ESA claimants in the Work Related Activity Group, Assessment Phase and those claimants in receipt of Credits Only. Instead, claimants engaging in Permitted Work will be able to participate for an unlimited period of time. Claimants in the ESA Support Group can already carry out Permitted Work for an unlimited time period. The removal of the permitted work time limit on 3 April 2017 will extend this right to all ESA claimants.

What must claimants do if they want to carry out permitted work?

Before claimants start any work, whether paid or unpaid, they must fill in a PW1 form and send it to the ESA Centre. The ESA Centre will then let the claimant know if the work they wish to undertake meets the permitted work conditions, as working outside these conditions may result in the claimant losing their benefit.

If an ESA claimant has already started work, they must fill out a PW1 form as soon as possible, sending it to the ESA Centre. This action is to avoid making an overpayment to claimants and potential financial penalties.



How can permitted work affect claimant's other benefits?

If a claimant is getting another benefit because they are not working, for example, Income Support or Housing Benefit, then the claimant's benefit may be reduced or stopped if they do any sort of work. Claimants will need to check with the relevant benefit area what impact any potential earnings from Permitted Work may have on the claimant's existing benefit payments. If the claimant is getting Housing Benefit and is thinking of starting Permitted Work they must talk to the Northern Ireland Housing Executive straightaway, as the amount of Housing Benefit the claimant receives could change as a result of work related income.

Will the changes affect claimants in the Support Group?

No, claimants in the Support Group can already engage in Permitted Work for up to 16 hours, earning up to £120 per week (April 2017 rates) for an unlimited number of weeks while still receiving their ESA Payments.

Why introduce this change?

Work is generally good for physical and mental wellbeing. Permitted Work can help claimants to start thinking about types of work they can do, learn new skills and build their confidence in the workplace. We would like to encourage and support people with a disability, illness or health condition to locate, stay in, or go back to work, once they are able to.

What action do claimants already doing Permitted Work who have already told the ESA Centre need to take?

There is no need to contact us unless there is a change to working hours or earnings. Existing Permitted Work claimants were contacted outlining the changes to these rules.

What action do claimants already doing permitted work and have not already told the ESA Centre need to take?

Claimants must complete a PW1 form and sent it to the ESA Centre or call on 0300 123 3012. If claimants carry out work that doesn't meet the conditions, they could lose their benefit or need to repay money if they have paid more ESA than they are entitled to.

How can claimants obtain further information regarding the removal of the 52 week Permitted Work rule?

For information, claimants can visit nidirect.gov.uk

Contact

If claimants have any questions about these changes or about their claim in general, they can contact the ESA Centre using telephone numbers:

- for new claims call – **0800 085 6318**
- for general enquiries or to report a change of circumstance call – **0845 602 7301**, or **0300 123 3012**
- For deaf and hard of hearing callers, use **0800 328 3419**



Further Information

There is information on all aspects of Welfare Changes and Employment and Support Allowance available at www.nidirect.gov.uk



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