



Employment and Support Allowance Legislative Changes

A Guide for Claimants - Frequently Asked Questions



Northern Ireland
Executive

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ESA Legislative Changes

A Guide for Claimants

As part of the Welfare Reform (Northern Ireland) Order 2015, changes are being introduced to the Employment and Support Allowance.

What is Employment and Support Allowance?

Employment and Support Allowance (ESA) provides financial help to people who are unable to work because of illness or disability. It also provides personalised support to those who are able to work.

When claiming ESA, a Work Capability Assessment determines what the claimant can do, rather than what they cannot. They are then placed in either the Work Related Activity Group (WRAG) or Support Group depending on the results of their individual assessment.

Claimants in the WRAG are 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.

Claimants who are placed in the Support Group, 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.

WHAT ARE THE CHANGES?

In Northern Ireland, the same two changes to contribution-based ESA that were implemented in Great Britain in 2012 will be introduced:

- A limit on the length of time that any claimant can receive contribution-based ESA to 365 days if they are placed in the WRAG or Assessment Phase. The 365 day time-limit does not include any time spent in the Support Group, or the Assessment Phase if they move to the Support Group at the start of their claim.

This change will be introduced from 31 October 2016.

- To remove the special contribution conditions that allowed some young people (aged 16-24 years) to qualify for contribution-based ESA without having paid National Insurance contributions.

This change was introduced on 17 February 2016.

WHY ARE THESE CHANGES BEING INTRODUCED?

For claimants placed in the WRAG, ESA was never intended to be a long term benefit, but an interim measure before moving into work.

Introducing a limit on the length of time people in the WRAG can claim contribution-based ESA is more consistent with the rules for contribution-based Jobseeker's Allowance, which has a time-limit of six months, whilst still recognising the different nature and purpose of the benefit.

WHY 365 DAYS?

The Government believes a time-limit of 365 days provides the best balance between allowing people to adjust to their health condition and paying contribution-based benefits for an appropriate length of time.

This is double the length of time that people can receive contribution-based Jobseeker's Allowance.

How will this apply to me?

If you are in the Work Related Activity Group (WRAG) or Assessment Phase and you have already received contribution-based ESA for 365 days or more, you will no longer get the benefit after the change is brought in.

It is expected that the first customers to be impacted will lose their benefit entitlement from 28 November 2016.

Any time that you have spent in the Support Group, or the Assessment Phase before moving to the Support Group, will not count towards your 365 day allowance.





WHAT SHOULD I DO NOW?

There is no action to take now. We will contact anyone affected by the changes when they are introduced.

WHAT IF I DONT AGREE WITH THE DECISION?

You can ask for the decision to be reconsidered if you think it is wrong. However, provided the 365 day time-limit has been calculated correctly, the decision to time-limit contribution-based ESA cannot be changed.

What support is available to me?

If you are affected by the introduction of the 365 day time-limiting, you may still be able to receive income-related ESA and can be assessed for this at any time. You may not have to make a new claim, but may be asked for more information.

You may be eligible for income-related ESA if, amongst other things:

- your income is below a certain level (dependant on individual circumstances)
- you have savings and investments of less than £16,000
- you are resident in Northern Ireland
- your partner, if you have one, works for less than 24 hours a week

Some forms of income and savings may be disregarded when calculating entitlement to income-related ESA.

If you do not qualify for any ESA, you will still be able to receive National Insurance Credits providing you fulfil the necessary criteria. This will maintain your National Insurance contribution record which protects future entitlement to State Pension and possible entitlement to other benefits.

If you are affected when the changes are introduced, you may be entitled to a supplementary payment which would cover the full amount of any financial loss experienced as a result of the changes. This supplementary payment will be provided for up to twelve months, as long as you continue to fulfil the necessary criteria.

MY ILLNESS/DISABILITY HAS CHANGED OR GOT WORSE – HOW DOES THIS AFFECT ME?

If you are in the Work Related Activity Group (WRAG) and you suffer a deterioration in your health so much that a new assessment places you in the Support Group, you may re-qualify for a new award of contribution-based ESA. If your condition later improves, and you move from the Support Group to the WRAG, your award of contribution-based ESA will continue where it was previously, and will end once you reach a total of 365 days in the WRAG.

If you feel you may meet the criteria for the ESA Support Group, you should contact the ESA Centre. Depending on your individual circumstances, you may be required to make a new claim. You may also be asked to provide medical evidence or to attend a new Work Capability Assessment.

WILL THIS AFFECT MY OTHER BENEFITS?

The time-limiting change will only affect contribution-based ESA for people who are not in the Support Group.

You will keep any entitlement you may have to other benefits provided you continue to meet the qualifying conditions.

Housing Benefit or Rates Relief may be affected if your benefit changes, as the amount of help you receive for rent/rates will depend on your new level of income. It is your responsibility to inform your local Housing Executive / Land & Property Services office of any changes that could affect your Housing Benefit or Rates Relief.

Entitlement to Working Tax Credits and Child Tax Credits may also continue depending on your circumstances at the time and your new levels of income. You must tell HM Revenue & Customs if you are receiving tax credits and any of your circumstances change. This includes any changes to your partner's circumstances, if you have one.



Further Information

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



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