



Incapacity Benefit Upcoming Changes and How They Affect People Living With HIV Positive East Advice Factsheet

You may have heard in the news recently that the Department of Work and Pensions (DWP) has started the process of reviewing the above benefit and moving claimants onto Employment and Support Allowance. This briefing sheet summarizes what the changes mean to current recipients of Incapacity Benefit.

Employment and Support Allowance (ESA) was introduced in October 2008 for new claimants and is a new benefit for anyone who is too sick to work.

ESA is paid at one of two rates: the Support Group (£96.85) is for those who cannot work due to their health; and the Work-Related Activity Group (£91.40) is for those who would be expected to be able to move into work in future, with the right support.

What do you do now? Nothing!

Wait until you receive a letter from the DWP notifying you that you are going to be reassessed. You do not have to approach them.

The letter will explain what you are required to do and may include an Employment Support Allowance application form (ESA50) for you to complete appropriately.

It is important that you seek advice before completing the form, and to complete and send it back in time so that payment of your benefits does not stop.

There are very few people who will be exempt from the assessment process. These include:

- People whose life expectancy is 6 months or less
- People who are undergoing chemotherapy or dialysis
- There are no HIV specific exemptions such as low CD4 counts or high viral load.
- There are no exemptions based on receipt of Disability Living Allowance (DLA)

During the assessment process you will receive the 'assessment phase rate' which is equivalent to Jobseekers Allowance (£67.50 per week).

What Happens Next

If you pass the assessment phase, you will be placed in one of the two groups:

Support Group

People who are found to have a limit on their abilities to work

If you are in this group, you will receive an additional £32.35 per week

Work Related Activity Group

This group is for people found not to have limit on their ability to work. You will receive an additional £26.75 work related activity component per week as long as you continue to meet the conditions.

DWP have advised that if a decision can be made based on the information provided on the ESA50, then you will not be asked to attend a medical assessment. So it is important that you put as much information as possible on the form.

If you are asked to attend a medical assessment, then take with you any medical reports you possess. Continued on next page.



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Stepwise Summary of the Process

1. You receive a questionnaire, (ESA50 form), asking about how your health limits your ability to work and also asking for contact details of your doctor.
2. You may then receive a phone call from the DWP, making an arrangement for a face to face meeting with their medical professional to assess you. This meeting is compulsory and you must attend it. If you have any difficulties in doing so you will need to discuss this with the DWP. You should seek advice before attending the medical assessment.
3. At the assessment you will be asked questions about your physical and mental health to determine whether you have limited capability to work. After the assessment you will be given a summary of the points you have scored. You will then be sent a letter confirming that you are entitled or not entitled to ESA.
4. If you believe that the decision is wrong, you can appeal.
It is important to have medical evidence from your healthcare professionals that support reasons for your appeal. If the evidence is not supportive, it will be advisable to apply for JSA rather than appeal.

Please contact Positive East Advice Line on **020 791 2855** for further information and/or support.

However, broadly, stick to the following:

Make sure that you respond to any enquires from the DWP, either written or phone contacts within the deadline dates.

Keep photocopies of all of your correspondence with the DWP, including brief notes of phone conversation (name, time, date and issue discussed with DWP staff)

Lodge an appeal if the decision is based on incorrect information or if you have medical evidence that supports your case.

It is essential that your doctor is fully aware and willing to provide supporting medical evidence for your appeal.

If you hear of any new information that you are worried about, please contact our advice line.

Positive East Advice Services

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