

CAN I MAKE A NEW ESA CLAIM?

Only if you either have a **new health problem**, not mentioned in your ESA claim or at your medical, or one of your existing conditions has got much worse.

Joan claimed ESA because she has depression but she only scored 6 points.

A few weeks later, medical tests showed she also has heart disease. She did not know this when she made her first claim and it was not noticed at her medical.

Joan should make a new claim.



OTHER OPTIONS

If you are a lone parent looking after a child under 5, or you care for a disabled person, you may be able to claim **Income Support**.

Remember that you can claim **Housing Benefit** and **Council Tax Support**, even if you don't get other benefits like JSA or Income Support.

'APPEALING' A DECISION

If you think you are not 'fit for work', you can appeal against that decision.

The first stage is to ask the DWP to look at your case again. This is called a 'reconsideration'. You must do this within **one calendar month** of the date on the decision letter. You can phone or, better still, write to them. Explain why you disagree.

The DWP will look at your claim again. If they still say you are fit for work, you can appeal to an independent tribunal. You have **one calendar month** from the reconsideration to ask for this.

At this stage, you could claim ESA again.



For more information go to www.citizensadvice.org.uk or contact our Citizens Advice Helpline: 03444 111 444

Potteries Gold is a **Citizens Advice Staffordshire North & Stoke-on-Trent** project to help people in Stoke-on-Trent cope with changes to the benefit system
www.snsCab.org.uk/about-us/potteries-gold
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Benefits and Appeal Rights if you are found

'Fit for Work'



EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)

is a benefit for people not well enough to work.

A 'medical certificate' from your doctor counts as evidence that you cannot work at the start of your claim. Later, you must complete a long form and attend a medical. The DWP use these to decide if you are **FIT FOR WORK**.

WHAT IF I HAVE A 'SICK NOTE'?

Even if your doctor says you should not work, you have to meet the rules for ESA to get it. At a medical test, called the 'work capability assessment', you will score 'points' for how your health problems affect you. Usually, you need 15 points to get ESA.

I PASSED MY LAST MEDICAL!

You may have got Incapacity Benefit or Income Support because you were unable to work in the past. The test for ESA is not the same. Even if your health problems are the same or worse than before, you may not get ESA.

Dennis has a back injury. He used to claim Incapacity Benefit. The medical test gave him 24 'points' for problems walking, standing, sitting and bending.

When he made a claim for ESA, Dennis only scored 12 points. Dennis was told he was 'fit for work'.



WHAT CAN I CLAIM, NOW THE DWP SAY I AM 'FIT FOR WORK'?

The DWP may tell you to claim **Jobseeker's Allowance** or **Universal Credit** if you are found 'fit for work'. To get this, you have to be 'available for work' and 'actively seeking work'. You make a 'claimant commitment' with the Jobcentre, saying what you will do to look for work.

Your health problems might mean you cannot work full time, or there may be jobs that you are not well enough to do. Tell your Work Coach at the Jobcentre, so that your 'claimant commitment' is realistic and you avoid possible **sanctions**.

CAN I CLAIM JSA IF I APPEAL?

You can claim JSA even if you don't agree that you are 'fit for work'. Claiming JSA is not treated as a sort of 'confession' that you are fit if you appeal.

To get JSA, you **must** agree to look for work, and to accept any job you could do, taking account of your health problems. If you say 'I am not fit for any work at all' when you make your claim, you won't get JSA.

In some areas, you might be told to claim **Universal Credit**. Please contact us for extra advice if so.

CAN I CLAIM PIP?

If you have a disability or a long-term health problem, you could try claiming **Personal Independence Payment**. Like ESA, there is a medical assessment but it is very different to the one for ESA.

If you get PIP, you might get extra JSA too.

