



## **Employment and support allowance - the medical tests**

### **1. Introduction**

The work capability assessment (WCA) is a key part of employment support allowance (ESA). It has some similarities with the current incapacity benefit personal capability assessment (PCA), but is more complex. This is because it performs three different roles, not just the one. Firstly, it determines whether or not you remain on ESA, secondly, it determines whether you join the 'support group' of claimants or the 'work-related activity group' and thirdly, it provides a report that can be used in any work-focused interviews that you may be required to attend later on.

The support group - Following the WCA, if it is decided that you have a limited capability for work-related activity, you will be placed in the support group of claimants. If you are placed in this group, you will not have to undertake work-related activities (though you can volunteer to do so if you want). Thus all the work-related conditions and sanctions will not apply to you. Additionally, if you are placed in the support group, you will receive a higher level of ESA than if you had been placed in the work-related activity group.

The work-related activity group - Following the WCA, if it is decided that you do not have a limited capability for work-related activity, you will be placed in the work-related activity group of claimants. Here, you will have to adhere to strict work-related conditions in order to continue receiving the benefit in full. This will include having to attend a series of work-focused interviews. If you fail to meet the conditions, your ESA payment may be sanctioned. If you are placed in the work-related activity group, you will receive a lower level of ESA than if you had been placed in the support group.

### **2. Limited capability for work**

The test of whether or not you have a limited capability for work determines whether or not you remain on ESA. If you do not pass the test, because you are not considered to have a limited capability for work, you would need to consider claiming jobseeker's allowance instead.

In many ways the test is similar to the old incapacity benefit PCA. It too is a points-related test: a number of your physical and mental health functions are considered within a range of activities, points are awarded on the basis of your limitations with respect to each function and these are totalled up. If the total reaches the threshold of 15, you are deemed to have limited capability for work and thus stay on ESA. For more on how the points are totalled up – see below.

How is the test applied? – A decision maker will first look at the information that you have provided in your initial claim for ESA to see if there is evidence that you have a limited capability for work without having to make further enquiries. They should also see if there is evidence that you can be treated as having limited capability for work (see below). If the decision maker considers that they do not already have such



evidence, they will then normally send you a questionnaire to complete – the [ESA50](#). The format of this form is similar to the current IB50 form, with tick-box questions, but it also asks questions about mental functions, which is not the case with the current IB50 form.

Once the decision maker has received your completed ESA50 they may decide that there is clear evidence that you have limited capability for work. If not, they may then go on to arrange for you to be seen by a health care professional working on behalf of the Department for Work and Pensions (see below under ‘The medical’).

### **Treated as having limited capability for work**

You will be automatically treated as having a limited capability for work in the following circumstances:

- you are a hospital inpatient
- you are suffering from a progressive disease and consequently your death can reasonably be expected within 6 months;
- you are receiving treatment by way of intravenous, intraperitoneal or intrathecal chemotherapy;
- you have been requested or given notice, under specific legislation, to refrain from work because you are a carrier of , or have been in contact with, an infectious disease;
- you are pregnant and there would be a serious risk to the health of you or your child if you did not refrain from work;
- you are pregnant or have recently given birth but are not entitled to maternity allowance or statutory maternity pay, from 6 weeks before the baby is due to 2 weeks after the birth.

### **The physical descriptors**

The physical descriptors in the limited capability for work test are grouped into 11 different types of activity. These are:

- Walking.
- Standing and sitting.
- Bending or kneeling.
- Reaching.
- Picking up and moving things.
- Manual dexterity.



- Speech.
- Hearing.
- Vision.
- Continence.
- Remaining conscious.

Within each type of activity there is a list of descriptors with associated scores ranging from 0 to 15. The descriptors describe related tasks of varying degrees of difficulty. You score when you are not able to perform the activity described. Though more than descriptor may apply to you, you can only pick up one score from each type of activity; in each case whichever scores the highest.

If you score 15 in any one activity, you automatically pass the test. If your score is less than 15, it can be added to the scores you pick up from any of the other types of activity (in both the physical and the mental parts of the test). If your total score reaches 15, you pass the test.

Though the list of types of physical activity for this new test is not dissimilar to the list in the current incapacity benefit PCA, there are a number of significant differences. The new test is, generally speaking, much tighter.

All the lower score descriptors within each activity listed have been removed in the new test. These would normally score you 3 points each. They would allow someone with a range of relatively minor disabilities (the cumulative effect of which may be substantial) to get to required 15 points to pass the WCA. We believe that the removal of the lower score descriptors from the WCA will lead to a substantial increase in the number of claimants with physical disabilities who fail it.

You will also notice that some activities, such as continence, have had the list of descriptors increased.

### **The mental descriptors**

The mental descriptors in the limited capability for work test are grouped into sets of activities under the following 10 headings:

- Learning or comprehension in the completion of tasks.
- Awareness of hazard.
- Memory and concentration.
- Execution of tasks.
- Initiating and sustaining personal action.



- Coping with change.
- Getting about.
- Coping with social situations.
- Propriety of behaviour with other people.
- Dealing with other people.

As with the physical descriptors, there is a list of descriptors under each activity heading. The scoring follows a similar pattern. You score points because you cannot perform the activity described; the highest points you score under each heading are totalled up and the target is again 15. As mentioned above, the points you gain under the mental activities headings can be added to those under the physical activities, to reach the magic 15.

The new test, or 'mental, cognitive and intellectual function assessment' as it is formally known, is substantially different from the one in the current PCA. Whereas the current PCA tends to focus on activities as they are affected by mental illness, the new test also focuses on the consequences of cognitive and intellectual deficit.

The new descriptors also attract more points, in each case 6, 9 or 15 can be awarded (rather than 1 or 2 as in the current PCA).

Consequently, it is likely that more claimants with mental disabilities will get through the new test without problems. However, claimants with milder mental health problems may find the new test harder to pass because, as with the physical test, the lower score descriptors have been removed.

### **3. Limited capability for work-related activity**

The second test within the WCA considers whether you have a 'limited capability for work-related activity'. Though the wording may seem similar to that of the first test, the second test has a very different function. It is used to determine whether you are placed in the support group of claimants or the work-related activity group (see above). Which group you are placed in will determine both the level of ESA that you will receive and the responsibilities you will need to meet in order to retain the benefit. The test has a list of 46 descriptors, relating to both physical and mental functions. If at least one of them fits, you will be placed in the support group of claimants. The descriptors are grouped together under the following 11 activity headings:

- Walking.
- Rising from sitting.
- Picking up and moving things.



- Reaching.
- Manual dexterity.
- Continence.
- Maintaining personal hygiene.
- Eating and drinking.
- Learning or comprehension in the completion of tasks.
- Personal action.
- Communication.

How is the test applied? – The process will be very similar to that of the ‘limited capability for work test’ and will usually take place at the same time. A decision maker will first look at the information that you have provided in your initial claim for ESA to see if there is evidence that you have a limited capability for work-related activity without having to make further enquiries. If the decision maker considers that they do not already have such evidence, they will then normally send you the [ESA50](#) form to complete. It is likely that this form will ask specific questions that relate to this test, as well as to the ‘limited capability for work test’.

Once the decision maker has received your completed ESA50 they may decide that there is clear evidence that you have limited capability for work-related activity and place you into the support group of claimants. If not, they may then go on to arrange for you to be seen by a health care professional working on behalf of the Department for Work and Pensions (see below under ‘The medical’).

#### **4. Work-focused health-related assessment**

The third test within the WCA is the ‘work-focused health-related assessment’ (WFHRA). It is similar to the ‘capability report’ that incapacity claimants currently undergo in ‘Pathways to Work’ areas. The work-focused health-related assessment collects additional information about the things that you can do – your ‘functional capacity’ – despite your condition. In this respect, it is coming from the opposite direction to the first two tests, which focus on the things you can’t do. The WFHRA also collects information about any health interventions that could improve your functional capacity and thus support a move back into work. This could include the use of appropriate aids and adaptations.

The information required for the WFHRA is not obtained from the ESA50 form, but will be collected at some stage, on a [WFHRA form](#), during the medical conducted by the health care professional working on behalf of the Department for Work and Pensions (see below). This information will be then put into a ‘capability report’. If you are placed in the work-related activity group of claimants and are required to



attend follow-up work-focused interviews (see below), this report will be made available to both you and the personal adviser at each interview.

## **5. The medical**

In some ways the ESA medical will be similar to the current incapacity benefit medical. The medical will be carried out by a health care professional working on behalf of the Department for Work and Pensions. They will have read a copy of the ESA50 form that you have completed and at the medical they will be trying to identify whether or not your account in that form of your functional limitations corresponds with their findings. They will ask you a series of questions, relating to both your physical and mental capabilities, guided by what you have put down on the ESA50. Once they have finished this, they will then perform a physical examination on you.

The decisions on whether or not you have limited capability for work and limited capability for work-related activity will not, however, be taken by the health care professional. They will send their medical report to a decision maker, who will make the two decisions. If the decision maker decides that you do not pass the limited capability for work test they can still treat you as having passed it if the health care professional has obtained evidence that one of the following exceptional circumstances apply:

1. You are suffering from a severe life threatening disease in relation to which there is medical evidence that the disease is uncontrollable, or uncontrolled, by a recognised therapeutic procedure; and in the case of a disease that is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure.
2. you suffer from some specific disease or bodily or mental disablement and consequently there would be a substantial risk to the mental or physical health of any person if you were found not to have limited capability for work.

## **6. People on incapacity benefit**

For the moment, if you are claiming incapacity benefit (IB) or income support (IS) on grounds of disability, you still have to satisfy the old personal capability assessment test rather than the new ESA test. The Government has announced its intention to transfer those on IB/IS to ESA and to apply the ESA test at a future date.

The Government Green Paper, [“No one written off: reforming welfare to reward responsibility”](#), suggested that this process might start in April 2009, but the likelihood is that this will occur at a later date.

## **7. Students**

If you are a full time student claiming contributory ESA you will have to satisfy the limited capability for work test. If you are claiming income-related ESA you will



treated as having limited capability for work if you are getting disability living allowance (DLA).

Whether or not you automatically satisfy the limited capability for work test you will still be assessed under the limited capability for work-related activity test, which decides whether you are in the support group or the work-related activity group.

If you are in the work-related activity group you will also have to attend a work-focused health-related assessment.

If you are a part-time student you will have to satisfy the limited capability for work test and be assessed under the limited capability for work-related activity test. You may also have to attend a work-focused health-related assessment if you are placed in the work related activity group.

### **8. Where can I get more help and information?**

DIAL Great Yarmouth

12a George Street

Great Yarmouth

Norfolk

NR30 1HR

Telephone 01493 856900

Monday to Friday 10am to 4pm