

Freedom of Information request 3145/2011

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Information request

Whether a customer affected by the proposed ESA time limit would be able to claim NI credits or will they lose all entitlement to ESA(CB)?

Whether a customer, currently in the Support Group, but who had previously spent at least 365 days in the WRAG as part of their current claim, would still be entitled to ESA(CB), or would they lose such entitlement due to the time they had spent in the WRAG?

DWP response

The position is that a claimant whose entitlement to contributory ESA ends after 12 months, would still receive NI credits as long as they continue to have limited capability for work. This is provided by Regulation 8B of the Social Security (Credits) Regulations 1975 and not the Welfare Reform Bill.

The answer is that a customer would continue to be entitled to contributory ESA as long as they remain in the Support Group. However if they moved to the WRAG as part of the current claim, contributory ESA would not be payable because they would have had benefit for more than 365 days. In such circumstances income-related may be payable if the conditions of entitlement are satisfied.