

Chapter V6: ESA assessment phase and the support component

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Chapter V6: ESA Assessment Phase and the support component

The assessment phase

Meaning of assessment phase

V6001 The assessment phase is the period of time during which the initial LCWA takes place. It is generally a fixed period of 13 weeks beginning with the first day of entitlement to ESA¹. Entitlement will usually commence after the claimant has served 7 waiting days². The assessment phase may sometimes be extended in certain circumstances, for example should the WCA not take place within the first 13 weeks³.

Note: ADM Chapter U1 provides guidance on waiting days.

1 WR Act 07, s 24(2); 2 Sch 2, para 2; 3 ESA Regs 13, reg 5(2)

V6002 The assessment phase is calculated differently for those claimants who

1. have previously claimed ESA and the PLCW links to an earlier PLCW (see ADM V6014) **or**
2. are appealing a decision embodying an adverse determination on LCW (see ADM V6022) **or**
3. claim ESA immediately following an award of JSA EPS (see ADM Chapter 20).

V6003 The normal amount of ESA payable will depend on whether the claimant is in the assessment phase. Unless the claimant is within a prescribed group (see ADM V6039) then during the assessment phase

1. the support component is not payable¹
2. the personal rate for ESA is age related² (see ADM V6027).

Note: From 3.4.17 the WRAC is no longer included in an award of ESA for claims made on or after that date. See the Appendix for where transitional provisions apply.

1 WR Act 07, s 2(2), s 2(3), s 4(4) & s 4(5); 2 ESA Regs 13, reg 62(1)

V6004 In cases where the assessment phase has lasted for a period longer than 13 weeks the payment of the support component may be backdated to the first day after the 13th week (see ADM V6067)¹.

1 WR Act 07, s 2(4)(b), s 4(6)(b)

V6005 – V6007

Ending of the assessment phase – new claimants

V6008 The assessment phase ends on

1. the last day of the relevant period¹ (see ADM V6009) or
2. the date of the determination in ADM V6010 if later².

1 ESA Regs 13, reg 4(1) & (3); 2 reg 4(2)

Meaning of relevant period

V6009 The relevant period is the period of 13 weeks beginning with

1. the first day of the assessment phase (that is, the first day of ESA entitlement)¹ **or**
2. where the first day of ESA entitlement immediately follows an award of JSA EPS, the first day of the EPS².

1 WR Act 07, s 24(2)(a); ESA Regs 13, reg 5(4)(a); 2 reg 5(4)(b) & (5); JSA Regs, reg 55ZA; JSA Regs 13, reg 46A

Example

Pat is entitled to JSA, and sends in fit notes when he has flu and develops a chest infection. He starts an EPS on 10.6.15. Pat has serious injuries after a road traffic accident on 9.7.15, and is admitted to hospital. He claims ESA from 9.7.15, and on 1.9.15 the DM determines that Pat is treated as having LCW. The relevant period begins on 10.6.15, the first day of the EPS, and ends on 9.9.15.

V6010 Where a LCW determination has not been made within the relevant period referred to in ADM V6009¹, the assessment phase will end once it has been determined that the claimant has LCW² either by

1. a LCWA being carried out (see ADM Chapter U2)³ **or**
2. the claimant being treated as having LCW (see ADM Chapter U2)⁴.

1 ESA Regs 13, reg 5(4); 2 reg 5(2); 3 reg 5(3)(a), 15 & Sch 2; 4 reg 5(3)(b), 16, 21, 22 or 25

Example

After serving waiting days for the period 25- 31 May, Claudia has been entitled to ESA since 1 June on the basis of medical evidence supplied by her GP. A LCWA is not carried out until 10 September. On 12 September the DM determines that Claudia has LCW. Claudia's assessment phase ends on 12 September.

V6011 Where

1. a claimant's entitlement to ESA ends, for example because they have returned to work, after the 13th week of entitlement but before the WCA has been carried out **and**
2. the claimant asks for arrears of a component to be paid from week 14

the DM should make a decision refusing to supersede the decision which awarded entitlement, or any later superseding decision, on the grounds that the conditions allowing supersession are not satisfied. See ADM Chapter A4 for guidance on making a decision not to supersede. The decision carries the right of appeal to the FtT¹.

1 SS Act 98, s 12(1); R(DLA) 1/03

V6012 – V6013

Ending of the assessment phase - previous claimants

V6014 Where

1. the claimant's current PLCW links to an earlier PLCW under the 12 week linking rule¹ (see ADM Chapter U1) **and**
2. the claimant was entitled to ESA in that earlier period² **and**
3. the assessment phase had not ended in that earlier period³

the assessment phase begins on the first day of entitlement in the earlier period⁴.

Note: See ADM V6015 where the claimant was previously entitled to JSA.

1 ESA Regs 13, reg 6(2)(a)(i); 2 reg 6(2)(a)(ii); 3 reg 6(2)(a)(iii); 4 reg 6(1)(a)

V6015 When adding together periods of entitlement to ESA as in ADMG V6014, a claimant is treated as entitled to ESA for any period where they were

1. entitled to JSA **and**
2. treated as capable of work or as not having LCW during an EPS¹.

Note: See ADM Chapter R2 for guidance on JSA and EPS.

1 ESA Regs 13, reg 6(1) & (1A); JSA Regs, reg 55ZA; JSA Regs 13, reg 46A

Example

Tricia is awarded ESA from 15.4.15 after injuring her wrist in a fall. She claims JSA from 14.5.15. Tricia is diagnosed with a suspected eye infection affecting her vision, and starts an EPS on 29.5.15 after sending in fit notes from her GP. She makes a further claim for ESA on 20.7.15, as she is now experiencing significant mobilising problems. Tricia is later diagnosed with multiple sclerosis, and found to have LCW and LCWRA. Tricia is awarded the support component from 30.7.15, as the ESA award for the periods 15.4.15 – 13.5.15 and from 20.7.15 are combined with the period of JSA EPS (29.5.15) to total 13 weeks.

V6016 Where ADM V6014 applies, the assessment phase ends on the day when the total number of weeks entitlement in the earlier period and current period is 13 weeks provided that it has been determined that the claimant

1. has LCW **or**

2. is treated as having LCW¹.

Note: Where the entitlement in the previous period was 13 weeks or more see ADM V6039 2. for guidance on backdated entitlement to the support component.

1 ESA Regs 13, reg 6(1)(b)

V6017 If by the time that period referred to in ADM V6014 ends it has not yet been determined that the claimant has LCW, then the assessment phase will end once it has been determined that the claimant has LCW, provided that

1. a LCW determination has not been carried out within 13 weeks of the first day of entitlement to ESA¹ **and**
2. there has been no determination treating the claimant as having LCW².

1 ESA Regs 13, reg 6(4)(a); 2 reg 6(4)(b)

V6018 – V6021

The assessment phase - claimants appealing a decision

V6022 Where the claimant

1. has made and is pursuing an appeal against a decision which embodies a determination that the claimant does not have LCW **and**
2. is entitled to ESA.

ADM V6014 - V6017 and V6039 do not apply to the PLCW until a determination of LCW is made (see ADM Chapter U2) after the FtT has heard the appeal¹. But see ADM V6023 where there is a change of circumstances before the appeal is heard.

Note: See ADM Chapter U7 for detailed guidance on awards of ESA made pending the outcome of an appeal.

1 ESA Regs 13, reg 6(5) & 7(4)

Example

Emile's award of ESA began on 12.2.10 and was terminated from 20.4.10 following application of the WCA. He makes an appeal on 11.5.10 and is awarded ESA from 20.4.10. On 8.9.10 his appeal is allowed, the FtT finding that he has LCW and LCWRA, and should be placed in the support group. The FtT determinations are binding on the DM. The decision awarding ESA from 20.4.10 is superseded to award the support component from 14.5.10, the 14th week of the combined PLCW.

V6023 ADM V6022 does not apply where there is a change of circumstances which leads the DM to make a determination that the claimant

1. has LCW following application of the WCA **or**
2. is treated as having LCW other than in ADM U2017.

The guidance in ADM V6014 - 17 and V6039 applies instead.

Example 1

Robin's award of ESA was terminated after ten weeks following application of the WCA. He makes an appeal, and is awarded ESA from the date his previous entitlement ended. Two months later he is admitted to hospital and is referred for the WCA. The HCP advises that Robin should be treated as having LCW as a hospital patient, and that he does not have and cannot be treated as having LCWRA. The DM treats him as having LCW in accordance with DMG 42041. The assessment phase ends after week three of the current PLCW. However, no component can be awarded until Robin is assessed for LCWRA. The component is awarded from week four of the current PLCW where Robin is found to have LCW and LCWRA, and the support component is awarded by the FtT, or following application of the WCA if that takes place before the FtT hears the appeal.

Example 2

Denise's award of ESA is terminated after 20 weeks following application of the WCA, and she makes an appeal. She is awarded ESA from the date her previous entitlement ended. Several weeks later Denise produces evidence that her condition has deteriorated and she is referred for the WCA. The DM determines that she has LCW and LCWRA, and is placed in the support group. The support component is paid from the first day of the award made after the appeal was lodged, even though her appeal has yet to be heard.

V6024 – V6030

Entitlement to the support component

General

V6031 ESA attracts entitlement to the support component¹.

Note: From 3.4.17 the WRAC is no longer included in an award of ESA for claims made on or after that date. See the Appendix for where transitional provisions apply.

Example

Cindy, who is 23, claims and is entitled to ESA from 21.4.17 at the assessment phase rate for claimants aged under 25. Following application of the WCA, Cindy is found to have LCW and is placed in the WRAG. Cindy's award of ESA is superseded to increase the applicable amount to the main phase rate from 28.7.17. The WRAC is not included.

¹ WR Act 07, s 2(1)(b); s 4(2)(b)

V6032 The support component is based on the claimant's entitlement. There is no couple rate and the circumstances of any partner are not relevant to the claimant's entitlement to the support component¹.

1 ESA Regs 13, reg 62(2)(a) &(2)(b)

V6033 Except for prescribed circumstances, there is no entitlement to the support component during the assessment phase. Once entitlement to the component is established and it is in payment then the claimant is no longer in the assessment phase.

V6034 – V6036

The support component

V6037 The conditions of entitlement to the support component¹ are that

1. the assessment phase has ended² unless the circumstances in ADM V6039 applies
2. the claimant has LCWRA³ (see ADM Chapter U2) **and**
3. any other conditions as may be prescribed⁴.

Note 1: For the purposes of **2.** no component is payable after a continuous period of more than 52 weeks as a patient (see ADM Chapter V1).

Note 2: For the purposes of **3.** no conditions have yet been prescribed.

1 WR Act 07, s 2(2) & s 4(4); 2 s 2(2)(a) & s 4(4)(a); 3 s 2(2)(b) & s 4(4)(b); 4 s 2(2)(c) & s 4(4)(c)

V6038

Entitlement to the support component before the end of the assessment phase

V6039 The condition that the assessment phase must end before the support component can be paid does not apply in a relevant linked case¹. A relevant linked case is a case where²

1. on a repeat claim, the PLCWs link³ **and**
2. the conditions in paragraph ADM V6040, V6041, V6043 or V6045 apply.

1 ESA Regs 13, reg 7(1)(b); 2 reg 7(2); 3 reg 86

Note: a relevant linked case does not happen where the PLCW arises as a result of the application of reg 147(A)2¹.

1 ESA Regs 13, reg 7(4)

Case 1

V6040 Where

1. in the previous PLCW, the claimant was entitled to ESA including the support component **and**
 2. that entitlement ended other than following application of the WCA
 3. a repeat claim is made where the PLCW links with the previous entitlement
- the claimant is entitled to the support component from the first day of entitlement to ESA on the new claim, even though the WCA has not been carried out¹. See ADM V6066 for guidance on the LCWRA determination.

1 ESA Regs 13, reg 7(3)

Example 1

Constance is entitled to ESA including the support component. On 23.11.12 she is joined by her partner Oliver, who is in full-time work, and her ESA entitlement is terminated. She remains entitled to NI credits on the basis that she would have LCW if she were entitled to ESA. On 18.1.13 the relationship breaks down and Oliver leaves the household. Constance makes a repeat claim for ESA. The DM treats her as having LCW and LCWRA, and awards her ESA including the support component from 19.1.13, and refers her for the WCA.

Example 2

Gabriel has been entitled to ESA, including the support component, since 14.6.10. He is referred for a further routine WCA. The award is terminated from 7.6.12 after the DM determines that Gabriel failed without good cause to return the questionnaire, and is treated as not having LCW. Gabriel makes a further claim for ESA on 25.7.12 which is accompanied by evidence of LCW and the questionnaire.

The DM awards him ESA including the support component from 25.7.12. Gabriel is referred for a medical examination as part of the normal WCA process.

Case 2

V6041 Where

1. the claimant was entitled to ESA for 13 weeks or longer **and**
 2. that entitlement ended because the claimant was
 - 2.1 found not to have LCW **or**
 - 2.2 was treated as not having LCW **and**
 3. a repeat claim is made where the PLCW links with the previous entitlement
- the claimant cannot be paid the support component in relation to the repeat claim until it is determined that they have, or are treated as having, LCW and LCWRA¹. This does not include being treated as having LCW pending the WCA².

1 ESA Regs 13, reg 7(3)(b), 15, 16, 21, 22, 25; 2 reg 7(3)(b)(iv) & 26

V6042 If it is determined that the claimant has, or is treated as having, LCW and LCWRA, the decision awarding ESA is revised to pay the support component from the first day of entitlement¹. No component is included if the DM determines that the claimant does not have, or cannot be treated as having, LCWRA.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 15(4)

Example 1

Miriam's award of ESA began on 25.1.12. It is terminated from 5.6.12 when the DM finds that she does not have LCW following application of the WCA. On 27.6.12 Miriam makes a further claim for ESA, which includes evidence of a new health condition. The DM awards ESA at the assessment phase rate.

Following application of the WCA, the DM determines that Miriam has LCW, but does not have LCWRA. Miriam is placed in the WRAG, but the decision awarding ESA is not revised as she is not entitled to the support component.

Example 2

Tom has been entitled to ESA since January 2012. He starts work on 21.5.12. The DM determines that the work is not exempt work, and treats Tom as not having LCW, terminating the ESA award. Tom gives up the job and claims ESA from 11.8.12. The DM awards ESA at the assessment phase rate.

Following application of the WCA, the DM determines that Tom has LCW and LCWRA. The decision awarding ESA is revised to pay the support component from 11.8.12.

Case 3

V6043 Where

1. the claimant was entitled to ESA for 13 weeks or longer **and**
 2. that entitlement ended before it was determined whether the claimant had, or was treated as having had, LCW (other than being treated as having LCW pending the WCA) **and**
 3. a repeat claim is made where the PLCW links with the previous entitlement
- the claimant cannot be paid the support component in relation to the repeat claim until it is determined that they have, or are treated as having, LCW and LCWRA¹. This does not include being treated as having LCW pending the WCA².

1 ESA Reg 13, reg 7(3)(c), 15, 16, 21, 22, 25; 2 reg 7(3)(c)(iv) & 26

V6044 If it is determined that the claimant has, or is treated as having, LCW and LCWRA, the decision awarding ESA is revised to pay the support component from the first day of entitlement¹. No component is included if the DM determines that the claimant does not have, or cannot be treated as having, LCWRA.

Example 1

Paul's entitlement to ESA began on 7.11.11, and terminates when he returns to work on 14.5.12. The WCA had not been completed by the time his award ended. On 26.7.12 Paul makes a further claim to ESA following an accident at work. The DM awards ESA at the assessment phase rate.

Following application of the WCA, the DM determines that Paul has LCW and LCWRA. The decision awarding ESA is revised to pay the support component from 26.7.12.

Example 2

Gavin has been entitled to ESA since 13.4.17, and is in the assessment phase. His award is terminated from 20.6.17 after he notifies that he is going to New Zealand from 23.5.17 to stay with his daughter. He does not expect to return for about six months.

On 5.9.17 Gavin claims ESA again, after returning to GB earlier than planned. He provides evidence of LCW, and is referred for the WCA. The DM determines that Gavin has LCW, but does not have LCWRA. Gavin's award is not changed as the conditions of entitlement to the support component are not satisfied.

Case 4

V6045 Where

1. in the previous PLCW, the claimant was entitled to ESA including the support component **and**
2. that entitlement ended because the claimant was
 - 2.1 found not to have LCW **or**
 - 2.2 treated as not having LCW **and**
3. a repeat claim is made where the PLCW links with the previous entitlement the claimant cannot be paid the support component in relation to the repeat claim until it is determined that they have, or are treated as having, LCW¹. This does not include being treated as having LCW pending the WCA².

1 ESA Reg 13, reg 7(3)(d), 15, 16, 21, 22, 25; 2 reg 7(3)(d)(iii) & 26

V6046 If it is determined that the claimant has, or is treated as having, LCW and LCWRA, the decision awarding ESA is revised to pay the support component from the first day of entitlement¹. No component is included if the DM determines that the claimant does not have, or cannot be treated as having, LCWRA.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 15(4)

Example

Lydia's award of ESA included the support component. She was referred for a further routine WCA, and the DM finds that Lydia does not have LCW. The award of ESA is terminated from 22.5.12. Lydia makes a new claim from 7.8.12 and provides evidence of a new health condition. The DM awards ESA at the assessment phase rate.

Following application of the WCA, the DM determines that Lydia has LCW, but does not have LCWRA. The DM revises the decision awarding ESA to include the WRAC from 7.8.12.

V6047 – V6065

Treated as having LCWRA

V6066 Where a claimant

1. was previously entitled to ESA including the support component¹ **and**
2. makes a further claim where the PLCWs link² **and**
3. is not required to serve the assessment phase³ as in ADM V6040

they are treated as having LCWRA⁴.

1 WR Act 07, s 2(2) or 4(4); 2 ESA Regs 13, reg 86; 3 reg 7(3)(a); 4 reg 32

Backdating of entitlement to the support component

V6067 Where the assessment phase has lasted for a period greater than 13 weeks then entitlement to the support component may be backdated¹. No component is included if the DM determines that the claimant does not have, or cannot be treated as having, LCWRA.

Note: From 3.4.17 the WRAC is no longer included in an award of ESA for claims made on or after that date. See the Appendix for where transitional provisions apply.

1 WR Act 07, s 2(4)(b) & s 4(6)(b)

V6068 Once a determination has been made as to whether the claimant has

1. LCW and LCWRA **or**
2. LCW but not LCWRA

the DM should award the support component¹ where **1.** applies. For both **1.** and **2.** the assessment phase has now ended².

1 WR Act 07, s 2(2), s 2(3), s 4(4) & s 4(5); 2 ESA Regs 13, reg 5;

V6069 – V6076

The date to which entitlement to the support component is backdated

V6077 The backdating of the support component is to the day which would have been the first day of the 14th week of entitlement if the claimant's assessment phase had actually lasted 13 weeks. This means that the award of the component will take effect from the 92 day of entitlement to ESA¹. This also applies where the assessment phase is made up of linked periods.

1 UC, PIP, JSA & ESA (D&A) Regs, reg 35(7)

Example 1

Toby's award of ESA begins on 1 May. There is a delay in carrying out the WCA and Toby isn't finally assessed until 16 August. Following the assessment the DM decides that Toby is entitled to the support component and this is backdated to 31 July. This is because this is the day that would have been the first day of the 14th week of entitlement for Toby if the assessment phase had actually lasted 13 weeks.

Example 2

Sara's award of ESA began on 1 May before coming to an end on 15 May. Sara then reclaims ESA from 1 June. The WCA isn't carried out until 7 September. Following the assessment, the DM decides that Sara is entitled to the support component and this is backdated to 17 August. This is because this is the day that would have been the first day of the 14th week of entitlement for Sara following a 13 week assessment phase running from 1 May to 14 May and then 1 June to 16 August.

V6078 – V6999

Appendix

Removal of WRAC: savings

1 From 3.4.17, the WRAC can no longer be included in an award of ESA for claims made on or after that date. This means that, where an ESA claimant

1. is found to have, or is treated as having, LCW **and**
2. does not have, or is not treated as having, LCWRA **and**
3. enters the main phase

no component is included in the ESA award¹.

1 ESA Regs 13, reg 62(2)

2 The removal of the WRAC does not apply where any of the circumstances in paragraphs 3 - 11 apply¹.

1 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 1(1)

Meaning of claim

3 A claim means making a claim for ESA in accordance with specified provisions¹. See ADM Chapter A2 for detailed guidance on making a claim for ESA.

1 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 1(2)

4 DMs should note that an award of ESA made pending the outcome of an appeal against a decision embodying a determination that the claimant does not have LCW is made without the need to make a claim¹. However, the claimant may be protected from the removal of the WRAC as in paragraphs 8 or 11.

1 UC, PIP, JSA & ESA (C&P) Regs, reg 7

Example

Lionel's award of ESA is terminated from 29.3.17 after he is found not to have LCW. The DM refuses to revise the disallowance following a mandatory reconsideration, and Lionel appeals to the FtT. He is awarded ESA from 27.4.17 pending the outcome of the appeal. On 5.9.17 Lionel's appeal succeeds, and the FtT places him in the WRAG. The FtT decision is implemented to award ESA with the WRAC up to 26.4.17, and the DM revises the decision awarding ESA from 27.4.17 to include the WRAC from the same date.

Claim made before 3.4.17

5 Where

1. the claimant has made or is treated as having made a claim for ESA before 3.4.17 **and**

2. that claim results in an award of ESA
the removal of the WRAC does not apply¹.

1 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 2

6 The guidance at paragraph 5 applies whether the award of ESA is made

1. immediately following that claim **or**
2. following mandatory reconsideration **or**
3. on appeal.

Example 1

Catherine claims ESA on 28.3.17. She is awarded ESA from 4.4.17. On 26.7.17 following the WCA, the DM determines that Catherine has LCW, but does not have LCWRA. Catherine's award of ESA is superseded to include the WRAC from 4.7.17.

Example 2

Brian claims ESA and is awarded from 5.8.16 at the assessment phase rate. He is treated as not having LCW from 18.4.17 when the DM determines that Brian does not have good cause for a failure to attend the medical examination. Brian applies for a mandatory reconsideration, and when the decision is not revised, lodges an appeal to the FtT. The FtT allows the appeal, and Brian's award of ESA is reinstated when he sends in backdated fit notes again. Following the WCA, Brian is found to have LCW, and the decision awarding ESA is superseded to award the WRAC from 4.11.16.

7 The guidance at paragraph 5 also applies where it is determined that the claimant has, or is treated as having, LCW and LCWRA, and later following a repeat WCA, it is determined that the claimant has LCW, but no longer has LCWRA.

Example

Shani's award of ESA from 2016 includes the support component. Following a routine repeat WCA, on 20.4.17 the DM determines that Shani has LCW but no longer has LCWRA. Shani's award is superseded from 20.4.17 to remove the support component, and include the WRAC.

Claimants previously found to have LCW before 3.4.17

8 Where a claimant

1. is awarded ESA on or after 3.4.17 and has, or is treated as having, LCW **and**
2. a previous award of ESA ended within 12 weeks of the current PLCW **and**
3. the combined PLCW began before 3.4.17

the removal of the WRAC does not apply¹.

Example 1

Edmund has been entitled to ESA since November 2016 at the assessment phase rate. His award is terminated on 30.3.17 after he is found not to have LCW. He makes a further claim for ESA on 5.6.17 after developing a new health condition. After the WCA, Edmund is found to have LCW, but not LCWRA. As the PLCWs link, Edmund's award includes the WRAC from 5.6.17.

Example 2

Anne's award of ESA is terminated on 30.3.17 when she starts work. Anne finds the work too difficult because of her health condition, and she makes a further claim for ESA on 5.6.17. Following the WCA, Anne is found to have LCW but not LCWRA. As the PLCWs link, Anne's award of ESA includes the WRAC.

IB Reassessment cases

9

Where

1. the claimant is entitled to IB, SDA or IS on the grounds of disability **and**
2. the conversion process begins (whether before or after 3.4.17) **and**
3. the claimant is found to have, or is treated as having, LCW or LCWRA (whether for old style or new style ESA)

the removal of the WRAC does not apply¹.

Note: See DMG Chapter 45 for detailed guidance on IB Reassessment and the conversion process.

1 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 4; ESA (TP, HB & CTB) (EA) (No. 2) Regs, reg 4

Example 1

Richard is entitled to IB, and on 15.3.17 is notified that the conversion process has begun. Following the WCA, Richard is found to have LCW and LCWRA, and his award is converted to ESA(Cont) including the support component. Later, Richard's health condition improves, and after a repeat WCA, on 26.10.17 he is found to have LCW but not LCWRA. Richard's award is superseded to remove the support component and include the WRAC.

Example 2

Bridget is entitled to SDA and IS, and on 6.4.17 she is notified that the conversion process has begun. Following the WCA, on the DM determines Bridget has LCW, and her award is converted to an award of ESA with the WRAC from 12.7.17.

Claim made within the prescribed time for claiming before 3.4.17

10 Where

1. a claim for ESA is made on or after 3.4.17 **and**
2. the claim is made within the prescribed time for claiming from a date before 3.4.17

the removal of the WRAC does not apply¹.

1 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 5; UC, PIP, JSA & ESA (C&P) Regs, reg 28

Example

Eoin claims ESA on 10.4.17., and provides a fit note to say he is not fit for work from 11.1.17. He is awarded ESA from 18.1.17. Following application of the WCA, the DM determines that Eoin has LCW, and supersedes the awarding decision to add the WRAC from 26.4.17.

Assessment phase begins before 3.4.17

11 Where

1. a claim for ESA is made on or after 3.4.17 **and**
2. the assessment phase begins before 3.4.17 under specified legislation¹

the removal of the WRAC does not apply².

1 ESA Regs 13, reg 6; 2 ESA & UC (Misc Amdt etc.) Regs, Sch 2, para 6

Example

George is entitled to JSA, and begins a JSA EPS on 21.1.17. His condition does not improve as expected, and on 6.4.17 he claims ESA. George is found to have LCW but not LCWRA. The period of JSA EPS is treated as a period of ESA entitlement, and George's assessment phase begins on 21.1.17. His award of ESA from 6.4.17 includes the WRAC from 22.4.17.

The content of the examples in this document (including use of imagery) is for illustrative purposes only

