



## Advice Link Network Toolkit

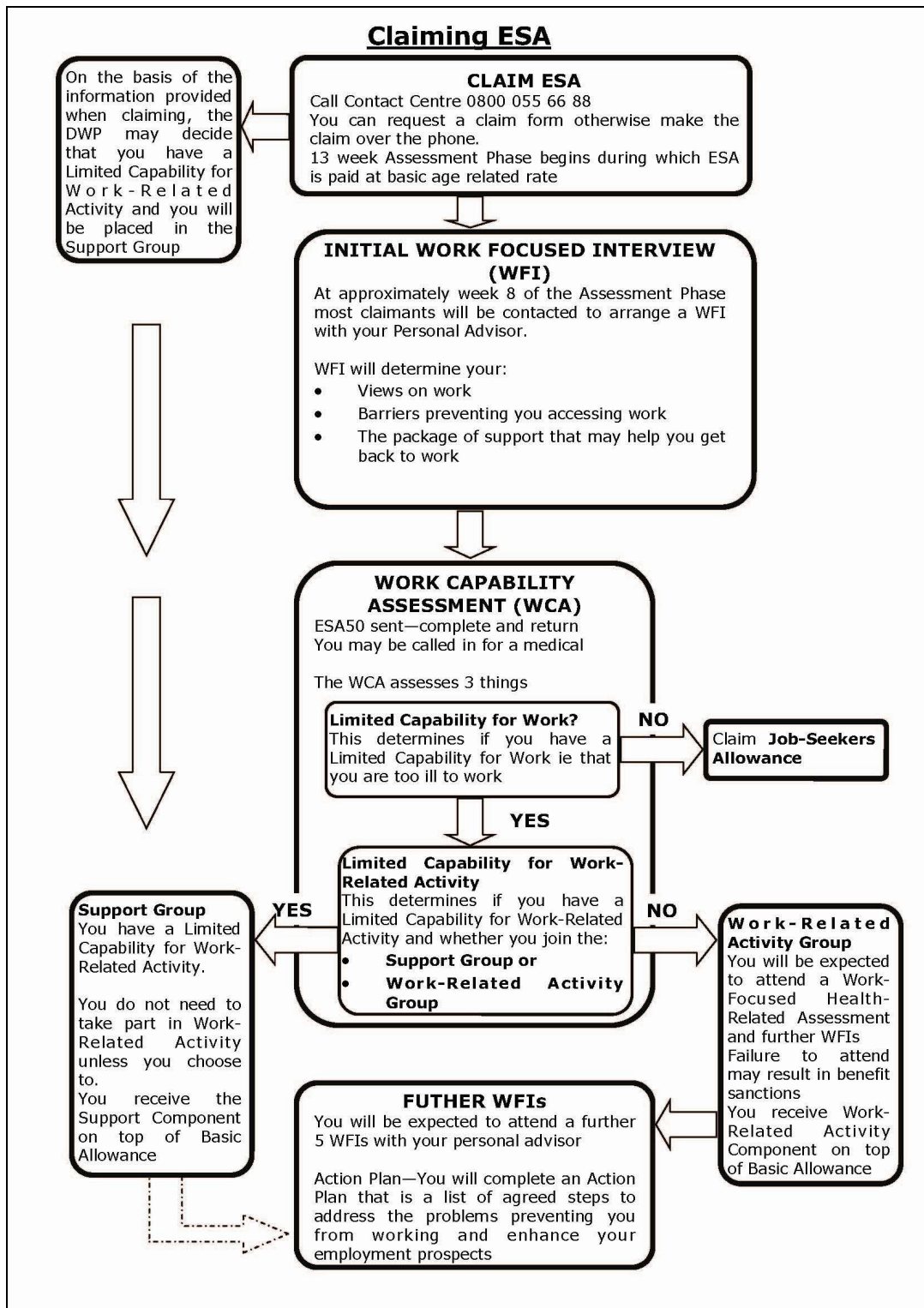
### Employment Support Allowance APPEAL TOOLKIT Basic self help materials for the public and support workers – August 2013

#### Contents

- **ESA claim Flow Chart**
- **ESA appeal flow chart**
- **the ESA descriptors**
- **Thinking about your appeal**
- **template reconsideration letter**
- **Template to ask for support group**
- **Appeal wording**
- **Medical evidence questionnaire (pdf)**
- **Supporting letter template**

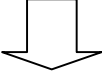


## Claiming ESA



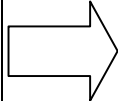
**N.B. This ESA appeal flow chart will change from 28.10.13**

ESA stopped following a medical?  
Got less than 15 points? A brief guide.

Yes 

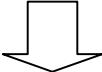
Do you wish to appeal?

No



Sign on (make a claim for JSA) or investigate alternative income

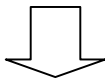
*If at any time during this process there is a change in your health and your GP is able to provide a medical certificate you may be able to make a new claim to ESA*

Yes 

Complete form GL24 and send to your local benefit processing centre - the address is at the top of the decision letter.

Or telephone the benefit office to say you wish to appeal.

Within 1 month of the decision (later only if special reasons for lateness)



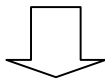
Is the appeal accepted?

No



Sign on or investigate alternative income

Yes

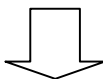


Employment Support Allowance can be paid pending the appeal if you continue to send in medical certificates.

See if your GP, Specialist, support or social worker will provide supporting evidence and send this to the Tribunals Service.

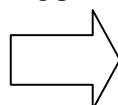
The Department for Work and Pensions will reconsider the evidence

Could take 8 -11 weeks



Decision reviewed in favour?

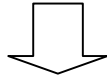
Yes



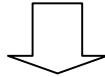
Benefit reinstated  
No sick notes needed

Decision reviewed in your favour?

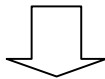
No



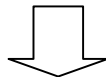
Appeal documents will be sent to you or your representative  
Complete and return enquiry form **within 14 days**



Wait for appeal date – could take 4 – 6 months

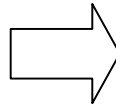


Appeal date received  
Attend hearing



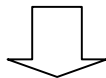
Decision in your favour

Yes

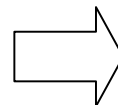


Benefit reinstated

No



2<sup>nd</sup> tier appeal may be possible – seek specialist advice



Claim JSA whilst waiting

- If at any time during this process there is a change in your health and your GP is able to provide a medical certificate you may be able to make a new claim to ESA

Or

- If 6 months passes before your appeal is heard you could reclaim with the same incapacity

## The Employment Support Allowance descriptors and points

### Limited capability for Work Descriptors - **PHYSICAL ACTIVITY**

These are used by the Department for Work and Pensions make the decision

If you score 15 points, you are assessed as having a limited capability for work. These points can be scored in just one activity or from any of the activities (in both the physical and the mental parts of the assessment) added together.

<b>1. Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid can reasonably be used.</b>	Points	
(a) Cannot either: (i) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.	15	
(b) Cannot mount or descend two steps unaided by another person even with the support of a handrail.	9	
(c) Cannot either: (i) mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion.	9	
(d) Cannot either: (i) mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion.	6	
(e) None of the above apply	0	

<b>2. Standing and sitting.</b>	Points	
(a) Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.	15	
(b) Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around); or (ii) sitting (even in an adjustable chair) for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion.	9	
(c) Cannot, for the majority of the time, remain at a work station, either: (i) standing unassisted by another person (even if free to move around); or (ii) sitting (even in an adjustable chair) for more than an hour before needing to move away in order to avoid significant discomfort or exhaustion.	6	
(d) None of the above apply	0	

<b>3. Reaching.</b>	Points	
(a) Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	15	
(b) Cannot raise either arm to top of head as if to put on a hat.	9	
(c) Cannot raise either arm above head height as if to reach for something.	6	
(d) None of the above apply.	0	

<b>4. Picking up and moving or transferring by the use of the upper body and arms.</b>	Points	
(a) Cannot pick up and move a 0.5 litre carton full of liquid.	15	
(b) Cannot pick up and move a one litre carton full of liquid.	9	
© Cannot transfer a light but bulky object such as an empty cardboard box.	6	
(d) None of the above apply.	0	

<b>5. Manual dexterity.</b>	Points	
(a) Cannot either: (i) press a button, such as a telephone keypad; or (ii) turn the pages of a book with either hand.	15	
(b) Cannot pick up a £1 coin or equivalent with either hand.	15	
© Cannot use a pen or pencil to make a meaningful mark.	9	
(d) Cannot use a suitable keyboard or mouse.	9	
(e) None of the above apply.	0	

<b>6. Making self understood through speaking, writing, typing, or other means normally used, unaided by another person.</b>	Points	
(a) Cannot convey a simple message, such as the presence of a hazard.	15	
(b) Has significant difficulty conveying a simple message to strangers.	15	
(c) Has some difficulty conveying a simple message to strangers.	6	
(d) None of the above apply.	0	

<b>7. Understanding communication by both verbal means (such as hearing or lip reading) and nonverbal means (such as reading 16 point print) using any aid it is reasonable to expect them to use, unaided by another person.</b>	Points	
(a) Cannot understand a simple message due to sensory impairment, such as the location of a fire escape.	15	
(b) Has significant difficulty understanding a simple message from a stranger due to sensory impairment.	15	
© Has some difficulty understanding a simple message from a stranger due to sensory impairment.	6	
(d) None of the above apply.	0	

<b>8. Navigation and maintaining safety, using a guide dog or other aid if normally used.</b>	Points	
(a) Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment.	15	
(b) Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment.	15	
(c) Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment.	9	
(d) None of the above apply.	0	

<b>9. Absence or loss of control leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bed-wetting) despite the presence of any aids or adaptations normally used.</b>	Points	
(a) At least once a month experiences: (i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (ii) substantial leakage of the contents of a collecting device sufficient to require cleaning and a change in clothing.	15	
(b) At risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder, sufficient to require cleaning and a change in clothing, if not able to reach a toilet quickly.	6	
© None of the above apply.	0	

<b>10. Consciousness during waking moments.</b>	Points	
(a) At least once a week, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration.	15	
(b) At least once a month, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration.	6	
(c) None of the above apply.	0	

Limited capability for Work Descriptors checklist–

## **MENTAL, COGNITIVE AND INTELLECTUAL FUNCTION**

These are used by the Department for Work and Pensions make the decision

If you score 15 points, you are assessed as having a limited capability for work. These points can be scored in just one activity or from any of the activities in **both the physical and the mental** parts of the assessment added together.

<b>11. Learning tasks.</b>	Points	
(a) Cannot learn how to complete a simple task, such as setting an alarm clock.	15	
(b) Cannot learn anything beyond a simple task, such as setting an alarm clock.	9	
(c) Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes.	6	
(d) None of the above apply.	0	

<b>12. Awareness of 15 everyday hazards (such as boiling water or sharp objects).</b>	Points	
(a) Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions such that they require supervision for the majority of the time to maintain safety.	15	
(b) Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions such that they frequently require supervision to maintain safety.	9	
(c) Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions such that they occasionally require supervision to maintain safety.	6	
(d) None of the above apply.	0	

<b>13. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).</b>	Points	
(a) Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions.	15	
(b) Cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions for the majority of the time.	9	
(c) Frequently cannot, due to impaired mental function, reliably initiate or complete at least 2 personal actions.	6	
(d) None of the above apply	0	



<b>14. Coping with change.</b>	Points	
(a) Cannot cope with any change to the extent that day to day life cannot be managed.	15	
(b) Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that overall day to day life is made significantly more difficult.	9	
(c) Cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that overall, day to day life is made significantly more difficult.	6	
(d) None of the above apply.	0	

<b>15. Getting about.</b>	Points	
(a) Cannot get to any specified place with which the claimant is familiar.	15	
(b) Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person.	9	
(c) Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person.	6	
(d) None of the above apply.	0	

<b>16. Coping with social engagement due to cognitive impairment or mental disorder.</b>	Points	
(a) Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the individual.	15	
(b) Engagement in social contact with someone unfamiliar to the claimant is always precluded due to difficulty relating to others or significant distress experienced by the individual.	9	
(c) Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the individual.	6	
(d) None of the above apply.	0	

<b>17. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.</b>	Points	
(a) Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15	
(b) Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15	
(c) Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	9	
(d) None of the above apply.	0	

Use this page to think about what you want to say about your health

I have difficulty with	The difficulties I have are	Why I have these difficulties
• mobilising / moving / walking		
• standing and sitting		
• reaching		
• picking up and moving things		
• manual dexterity (using your hands)		
• making yourself understood		
• understanding communication		
• navigation and maintaining safety		
• absence or loss of control of the bowel or bladder		
• consciousness.		
• learning tasks		
• awareness of everyday hazards		
• initiating and completing actions		
• coping with change		
• getting about		
• coping with social engagement		
• appropriateness of behaviour with other people.		

Benefits Centre  
Address

Address
Postcode
Date

Dear Sir/Madam

Re:

Name of benefit	
Full name	
NI number	
Date of birth	

I have had a medical in connection with your Benefits and have been deemed as able to work

I feel that due to my health problems I am not currently in a position to work.

I wish to challenge the decision because .....

- You have not fully appreciated my health problems.
- You have missed some information about my health
- I do not feel the doctor at the medical understood what I was trying to explain

These are the difficulties that affect me and why.....

Please find attached / I am going to send you evidence to support my challenge from my

- Specialist
- Doctor
- Mental health worker
- Support worker

The evidence attached is: .....

I hope the above reasons can be accepted and my benefit reinstated. If you require any further information please contact me at the above address.

Thank you and I look forward to hearing from you in due course

Yours faithfully

Signature

Date

Benefits Centre  
Address

Address

Postcode

Date

Dear Sir/Madam

Re:

Name of benefit	
Full name	
NI number	
Date of birth	

I believe I should be in the ESA Support Group rather than the Work Related Activity Group because .....

- You have not fully appreciated my health problems.
- You have missed some information about my health
- I do not feel the doctor at the medical understood what I was trying to explain

These are the difficulties that affect me and why.....

Please find attached / I am going to send you evidence to support my challenge from my

- Specialist
- Doctor
- Mental health worker
- Support worker

The evidence attached is: .....

I hope the above reasons can be accepted. Please consider this and send me your decision in writing.

If you require any further information please contact me at the above address.

Thank you and I look forward to hearing from you in due course

Yours faithfully

Signature

Date

Name of benefit	
Full name	
NI number	
Date of birth	

I wish to appeal against your decision dated .....that I am fit for work.

I appeal because .....

You have not fully appreciated my health problems.

You have missed some information about my health

I do not feel the doctor at the medical understood what I was trying to explain

These are the difficulties that affect me and why.....

I attach information in support for my appeal from my

- Specialist
- Doctor
- Mental health worker
- Support worker

I hope the above reasons can be accepted and my benefit reinstated. If you require any further information please contact me at the above address.

Thank you and I look forward to hearing from you in due course  
Yours faithfully

Signature

Date

## Supporting an Employment Support Allowance appeal

Preston Benefits Centre  
Jobcentre Plus  
Pittman Way  
Preston  
PR11 2BJ

<b>Address</b>
<b>Postcode</b>
<b>Date</b>

Dear Sir/Madam

**Re:**

<b>Name of benefit</b>	
<b>Full name</b>	
<b>NI number</b>	
<b>Date of birth</b>	

I support the assertion of ..... that he / she is unfit for all work.

I am his / her

- Specialist
- Doctor
- Mental health worker
- Support worker

I see them frequently / often/ insert .....

My professional opinion to support the appeal is the following:

My reasons for supporting the appeal are as follows

My knowledge of his / her condition is as follows

These are their difficulties in relation to – elaborate on the areas that affect them and why.

I hope the above reasons can be accepted and their benefit reinstated. If you require any further information please contact me at the above address.

Thank you and I look forward to hearing from you in due course  
Yours faithfully

**Signature**

**Date**