



# Benefits FAQ

Brief answers to some of the most common questions that our Infoline receives about benefits.

If you require this information in Word document format for compatibility with screen readers, please email: [publications@mind.org.uk](mailto:publications@mind.org.uk)

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## About this information

We know that many people with mental health problems are having difficulties with the benefits and welfare system. These pages give some brief answers to some of the most common questions that our Infoline receives.

However, the national office of Mind does not provide welfare advice for individuals and we would always advise [finding local help and support](#).

- It is important to get specific advice about your particular circumstances from a welfare benefit specialist.
- Time limits for requesting reconsiderations or appeals are one calendar month from the date of the decision.
- Your local Mind or [Citizens Advice](#) may be able to help. See the 'useful organisations' tab for more information.

Our Policy and Campaigns team is always keen to hear from people who have experience of using the benefits and welfare system who want to [tell their story](#) or just [get involved in our campaign](#) for a fairer system.

See also our webpage on [where you can find help with benefits](#), which includes a number of factsheets on ESA and the WCA specifically aimed at people with mental health problems.

## Contacting the DWP about your claim

Details of local [Jobcentre Plus offices](#) are listed on their website. To make a claim for benefits dealt with by Jobcentre Plus you can contact the claim-line on 0800 055 6688. To find your pension centre, contact [The Pension Service](#) on 0800 731 7898.

For advice or information about a claim you've already made for Disability Living Allowance, Attendance Allowance or Personal Independence Payment, contact the [Disability Benefits Centre](#).

## Frequently Asked Questions

### I have had a letter saying that my benefits are going to change, what does this mean?

Your benefits may be changing because the benefit you are currently getting is being phased out or because of a change in your personal circumstances.

- If the letter is about **Incapacity Benefit or Employment and Support Allowance (ESA)**, you can find more information on [this page of the Gov.uk website](#).
- If the letter is about **Disability Living Allowance (DLA)**, you can find information on [this section](#).

- If the letter is explaining that your DLA is being replaced by a **Personal Independence Payment** there is information [in this section](#).
- If you have been told that you will be receiving **Universal Credit**, which has been introduced in some areas, you can find information about it from [this section of Department for Work and Pensions website](#).

It's best to get advice about your circumstances from a benefits specialist. You only have one calendar month from the date of a decision to ask for it to be looked at again.

## I have been moved on to ESA, how can I challenge this decision?

Most people have no choice but to move from incapacity benefit onto ESA but not everyone gets the same type or rate of ESA and you may want to challenge a decision on this (see below). If you are due to retire by 2014 you should be allowed to remain on your existing benefit.

For more information about moving onto ESA you can see the [Mind fact sheet 1](#). You may also wish to contact the Citizens Advice bureau or [Civil Legal Advice Service](#) (CLA) which can direct you to local sources of free advice and tell you about legal aid.

From 1<sup>st</sup> April 2013 legal aid is no longer available for advice on how to challenge benefits decisions, but there is legal aid for advice for people who risk losing their home because of debt. Also legal aid funding can sometimes be made available for exceptional cases. For example, where the law is particularly complicated and a person has disabilities that make it hard for them to manage without advice and representation, and the consequence of not having advice are particularly serious. You will need help from an adviser to access exceptional funding

## I have been receiving DLA but am being moved on to PIP, what does this mean?

Personal Independence Payment (PIP) is the replacement for DLA. It is available to adults whose disability has a long term effect on their life, whether they are in work or not.

To receive PIP you are likely to have to have a face-to-face meeting with a healthcare professional to assess your level of need. They will determine whether you are eligible for payments to support your daily living or mobility needs, or both. (See 'Personal Independence Payment' in the terminology section for details).

If you are assessed as ineligible for PIP, you may want to appeal against the assessment. You have the right to ask the DWP to look at their decision again (reconsider) and if you still do not agree with their decision to appeal to an independent tribunal.

As with ESA (see below) you have a limited time to appeal. If you miss the deadline for asking for a revision or an appeal, act quickly and get advice. If you have been unwell or have a mental health condition that made it difficult for you to act in time this can be a good reason for not meeting a deadline.

See [www.gov.uk/pip/appeals](http://www.gov.uk/pip/appeals) for details on how to appeal.

I have been asked to fill in a form for my benefits, where can I get help with this?

If you need help filling in a form, it's best to do this face to face, preferably with someone who knows you and your condition. You can contact your local [Citizens Advice](#) or your local Disability Information and Advice Line (DIAL) or your [Local Mind](#), who should be able to provide you with, or direct you to, more specialist benefits advice.

It is always good to send in supporting medical evidence at any stage, whether or not you are asked for it but make sure you keep a copy of any information you send in.

My doctor/psychiatrist has supplied a letter confirming that I am unfit for work but Atos will not accept this and are cutting my benefits.

Most people claiming ESA are asked to attend a Work Capability Assessment (WCA) and your claim should not be turned down without being offered one. Assessments are carried out by Atos Healthcare. An assessment doesn't mean the information provided on your claim form is being treated as suspicious or that your claim will be turned down.

While you are waiting for a decision about your claim for ESA, it is important to keep your medical certificates (confirming that you are unfit for work) up to date and ensure that if one runs out a new one is provided.

I have been asked to go for a work capability assessment for ESA but I can't leave the house! I have told the DWP/Atos but they won't acknowledge this and still expect me to attend the assessment.

If you're unfit to travel or you live more than a 90 minute journey from the nearest centre, the assessment can be done at home.

If you do not go to the assessment and cannot show "good cause", you will be treated as not having limited capability for work so you won't get ESA. **If you cannot go to the assessment for health reasons, it is important to explain this and arrange for your GP or other medical professional or counsellor to confirm this to the DWP.**

If it would help, you can take someone to the assessment to support you.

For more advice about attending the Work Capability Assessment, read our [fact sheet on medical assessments](#).

How do I challenge a work capability decision?

If you don't agree with a decision about your claim, you have the right to ask the DWP to look at it again to see if it can be changed (revision). You also have the right to appeal to an independent tribunal. The written decision should explain your rights. It's best to get specialist help but you only have one calendar month from the date of the decision and it is important to act within this.

For more information about this process read our fact sheet. You may also wish to contact a Citizens Advice Bureau, or local advice centre

If you miss the deadline for asking for a revision or an appeal, act quickly and get advice. If you have been unwell or have a mental health condition that made it difficult for you to act in time this can be a good reason for not meeting a deadline.

**I went for a Work Capability Assessment and felt I was not treated fairly; my mental health was not taken into account.**

If you disagree with the decision on your claim, you need to ask for it to be looked at again or to appeal, and it is important to get advice about this. There are strict time limits.

If you are not happy with the way the assessment was carried out and want to complain about the conduct of the Atos Healthcare staff, you can write or email:

Atos Healthcare Customer Relations  
Wing G, Government Buildings  
Lawnswood  
Leeds LS16 5PU;

email: [Customer-relations@atoshealthcare.com](mailto:Customer-relations@atoshealthcare.com).

To complain about DWP staff, you should start by contacting the office manager of the Job Centre Plus and if this doesn't resolve matters follow [the DWP's complaints procedure](#).

If you think the process was more difficult for you because of your mental health condition or that Atos or DWP have discriminated against you because of your disability, you can make a complaint (see above) or seek more detailed legal advice. Both Atos and the DWP must comply with the Equality Act 2010. If you would like to read more about the Equality Act, please see [Mind's briefing on the Equality Act](#).

Using the complaints procedure or taking action about disability discrimination will **not** change a benefit decision and you must use the reconsideration and/or appeal procedure to do this.

**What will happen to my benefits while I am appealing?**

If you tell the DWP that you want to appeal against a decision that you do not have limited capability for work, you will be entitled to the basic rate of ESA until the Tribunals Service tells Jobcentre Plus of the outcome of the appeal.

If you ask the DWP to look again at a decision to put you in the Work-Related Activity Group rather than the Support Group, you will receive ESA at the Work-Related Activity Group rate pending the outcome of the reconsideration and any appeal. For further advice see the DWP [Employment and Support Allowance Claimant Journey Guide](#)

If you are appealing against a decision that you failed to attend an assessment without “good cause”, you will not get ESA in the meantime.

## My benefits have been stopped, where can I get financial help?

If your benefit has been stopped it is important to contact Jobcentre Plus to find out why this has happened and to get specific advice about what steps you need to take from a specialist local advice centre or Citizens Advice. Sometimes councils also run welfare benefits advice services.

If you have children and cannot resolve your benefit difficulties and need a payment to tide you over, you can approach your local authority’s children’s services for help. Adult social services also have powers to provide subsistence payments to disabled people who have no other means of support.

If social services refuse to help, seek advice from a community care legal adviser. You could use the [Gov/UK Civil Legal Advice](#) (CLA) to get further help with community care problems.

## I've heard that there's a cap on benefits. Will this apply to me?

The new total benefits cap limits income from benefits and tax credits. It has been introduced in 4 London boroughs in April 2013 and will be extended to other areas.

It sets a limit on the total amount of money you can get if you're of working age. It is aimed at ensuring that workless families (couples and people with children) cannot claim more than £500 per week and single people without children £300 per week.

There are a range of exceptions based on disability benefits and when someone last worked. The online benefits cap calculator at [www.gov.uk/benefit-cap](http://www.gov.uk/benefit-cap) can tell you how it might affect you but it is always advisable to get specialist benefit advice about your circumstances.

## What are the sources of advice for benefits?

See [Useful Contacts](#) tab above.

## Benefits terminology

This section contains some brief explanations of terms used when people request information about benefits and some answers to the most commonly asked questions.

There are a wide range of different benefits that people with mental health problems may be entitled to claim. This page gives an overview of some of them, and explains some of the terms that are used. If you require further information or advice contact one of the organisations listed in the 'useful contacts' tab above.

### 'Bedroom Tax'

The 'bedroom tax' is a change to housing benefit which means that people of working age who are council or housing association tenants may receive less housing benefit if they have more bedrooms than the law says you need. Your local authority should tell you if you are affected.

While it is called 'bedroom tax' by the media, charities and benefit claimants this is not an official title. Councils may talk about 'size limit rules' or "under-occupation" in letters and notices.

You may qualify for a discretionary housing payment to make up a shortfall in your benefit. These are extra payments administered by local authorities, ask your local authority for details.

If you are affected, seek advice. You may need advice on your housing as well as on your benefits.

See [Shelter's guide](#) to the 'bedroom tax' for more details

### Council Tax Reduction Schemes

Council tax reduction schemes replace the old council tax benefit (CTB), which was abolished on 1 April 2013. Each local authority has its own council tax reduction scheme, and these vary. Look on your local authority's website, or ask the town hall for details. Some people on low incomes or on means tested benefits will have to pay some council tax for the first time. Your local authority should tell you if you are affected. If you are affected, you may want to seek advice.

### Disability Living Allowance (DLA)

DLA is a benefit that is paid to someone with a disability to help to pay for the extra living costs of disability.

It is a non means-tested benefit, and it can be paid in and out of work. It is tax free.

DLA is paid in two components, a mobility and care component.

You must be aged 3 or over and you must usually be under 65 to claim the mobility component. This is paid to meet mobility needs such as taxis to work or other appointments.

You must be aged 5 or over and you must be aged under 65 to claim the care component. This is paid to meet care needs.

From 8<sup>th</sup> June 2013, DLA is replaced by Personal Independence Payments (PIP) for people over 16, and see below for more information. Children under 16 can still claim DLA.

Most existing DLA claimants will not be affected in 2013. The DWP should tell you if you are affected. You can check whether there will be any change to your DLA at <https://www.gov.uk/pip-checker> -

## Employment and Support Allowance (ESA)

ESA is paid to people of working age if you have limited capability for work

There are two kinds of ESA;

- **Contribution based ESA (CBESA)** is paid if you have paid enough national insurance contributions. It is not means tested. If you are in the Work Related Activity Group (see below) it is paid for 12 months. If you are in the Support Group (see below) there is no time limit on how long it can be paid for.
- **Income related ESA (IRESA)** is paid if you are on a low income. You can get IRESA paid in addition to CBESA.

In the first weeks of your claim, the assessment phase, you usually get a basic allowance. During this period the DWP gathers further evidence about your claim.

In the main phase you can get additional components.

IRESA can include an amount for housing costs and additional premiums depending on your circumstances. Receiving ESA usually involves attending regular assessments to check you are still entitled to it.

Subject to some exceptions most people claiming ESA will, after 13 weeks or sometimes longer, be placed in one of two groups – ‘support group’, for the more severely disabled, or ‘work related activity’ for those less disabled but unable to work. Most ESA claimants are placed in the work related activity group and will have regular meetings with a DWP adviser to monitor their progress in returning to paid work. See below for details.

If you receive ESA, you are allowed to do small amounts of ‘permitted work’ (see below) without it affecting your benefit payments. This can be a complex area. It is particularly important to keep the Department of Work and Pensions informed of permitted work undertaken – a form, PW1, should be provided by an adviser but it is your responsibility to complete it.

## Support Group – ESA

With some important exceptions, for example if you are terminally ill, you will spend the 13 weeks after first claiming ESA, or longer, in an assessment phase and only receive basic ESA payments for this time. Then, usually following a work capability assessment (WCA) a decision is made as to whether you are placed in the support group or the work-related activity group or whether you are fit for work and so are not entitled to ESA.

Being placed in the support group means

- No obligation to attend interviews, but a personal adviser should be made available if requested.
- A higher rate of ESA

People in the support group are described by the DWP as having “limited capability for work-related activity”.

## Work Capability Assessment (WCA)

WCAs are assessment interviews with a healthcare professional to determine whether you are entitled to ESA and, if you are eligible, whether you should be in the support group or the work-related activity group. It is an assessment of physical and mental health and cognitive functions.

Assessments usually take place at Assessment Centres but home visits can be arranged if you are unable to travel. You also can take a friend or relative or advocate to the assessment if you wish.

If you disagree with the decision made about your entitlement to ESA following a WCA you should seek advice immediately. It is possible to ask for reconsideration and to appeal.

## Work Related Activity Group -ESA

If you are found eligible for ESA but assessed as able to work related activity, you are placed in the work related activity group. This involves:

- Regular meetings with a Job Centre adviser
- Completing activity such as skills training, research into jobs and other activity suggested by the adviser.

The possibility of having benefits reduced – ‘sanctioned’ – if you don’t complete activity suggested by the adviser or miss interviews with them. Further information on ESA is provided by the government at [www.gov.uk/employment-support-allowance/overview](http://www.gov.uk/employment-support-allowance/overview)

## Job Seeker's Allowance (JSA)

Job Seeker’s Allowance (JSA) is meant to help support you while you look for work. If you do not qualify for ESA you may be able to claim JSA.

To qualify for JSA you have to be available for and able to work. You will usually have to attend interviews at a Job Centre at least every two weeks and be expected to show how you have been attempting to get a job. This can include keeping records of jobs applied for and attending training courses or work experience placements.

Further information on JSA is provided by the government at <https://www.gov.uk/jobseekers-allowance/overview>

## Personal budgets

NB – Personal budgets are unrelated to the various benefits, paid by the DWP, included in this guide. The information below is included only for reference

- A personal budget is a sum of money allocated by a local authority to meet your assessed needs for social care services . To qualify for this you have to be a person with 'eligible needs' and this is decided by a social care assessment.

See [Personal Budgets for Social Care](#) for more details.

## Personal Independence Payment (PIP)

Disability Living Allowance is gradually being replaced by Personal Independence Payment (PIP). PIP is available to adults under 65 whose disability has a long term effect on how they live, whether in work or not.

The 'care' and 'mobility' components of DLA, which currently have three levels of payment each, are being replaced with 'daily living' and 'mobility' components with two levels of payment each.

To get PIP most people will have a face-to-face meeting with a healthcare professional. The information from this and evidence from the person claiming will be used to decide whether you are entitled to payments.

If you are 18-65 and are currently receiving DLA, you will be reassessed using the next system. There will also be regular reassessments after that, to ensure you remain eligible for payments.

See [www.gov.uk/pip/overview](http://www.gov.uk/pip/overview) for details.

## Universal Credit

Universal Credit is eventually intended to replace a range of other income-related benefits, including housing benefit, for people of working age. A pilot scheme is currently operating in some parts of Manchester and Cheshire only.

It is paid monthly directly to your bank account. The amount paid will reduce as your income from work rises. The intention of this is to ensure that your overall income increases if you earn more money from paid work.

See [www.gov.uk/universal-credit/overview](http://www.gov.uk/universal-credit/overview) for more details.

## Useful contacts

Mind's services
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- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
  - Mind's Infoline – 0300 123 3393, [info@mind](mailto:info@mind)
  - Mind's Legal Line – 0300 466 6463, [legal@mind](mailto:legal@mind)
  - Blue Light Infoline – 0300 303 5999, [bluelightinfo@mind](mailto:bluelightinfo@mind)
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

## Who else could help?

### Citizens Advice

The Citizens Advice website offers a range of self-help advice:

- England: [adviceguide.org.uk/england](http://adviceguide.org.uk/england)
- Wales: [adviceguide.org.uk/wales](http://adviceguide.org.uk/wales)

Citizens Advice is in the process of developing a national telephone advice line. It is now fully operational in Wales, but only for people who live or work there. In England the service is currently being rolled out area by area. If it is not yet available in your area, you will hear options for recorded information:

- for Wales call 08444 77 20 20
- for England call 08444 111 444

### Disability DIAL

There are around 120 local Disability Information and Advice Line services (DIALs) throughout Great Britain run by and for disabled people. To find out if there is a DIAL that covers your area:

Telephone: (01302) 310 123

Text Phone: (01302) 310 123

[www.scope.org.uk/support/disabled-people/dial/about](http://www.scope.org.uk/support/disabled-people/dial/about)

### Disability Rights UK

Website offers a range of information about benefits for disabled people  
[disabilityrightsuk.org](http://disabilityrightsuk.org)

### Gov.uk

[gov.uk/benefits-adviser](http://gov.uk/benefits-adviser)

On the Government Website there is a benefit adviser facility

## SEAP

[seap.org.uk](http://seap.org.uk)

The advocacy organisation SEAP have produced a tool to help people prepare for benefits assessments.

You can access these through their website:

- [PIP assessment support tool](#)
- [ESA assessment support tool](#)

## Shelter

[england.shelter.org.uk/get\\_advice/advice\\_services\\_directory](http://england.shelter.org.uk/get_advice/advice_services_directory)

For information about housing benefit and council tax

## Turn2us

[turn2us.org.uk](http://turn2us.org.uk)

Help to understand more about the welfare benefits system and what might be available to you, depending on your personal situation.