

The move to ESA– factsheet 2: the assessment process

The first steps

Shortly after you get the letter to say that your assessment process is about to start, you will probably be sent an 'ESA 50' form which asks lots of questions about how your health affects you. There are steps, however, that you can take to try to avoid this happening - or at least to stop the process going any further if it does.

The DWP say that they hope to identify the majority of people who qualify for the Support Component on paper evidence only - i.e. avoiding the need for a medical assessment. They do this partly by contacting people's doctors - usually their GP but sometimes a Consultant or another healthcare worker - to ask about people's diagnosis, treatment and health-related difficulties.

Problems arise because of:

- ⇒ Requests for reports being sent to inappropriate people (e.g. to your GP who you haven't seen in ages because your contact is all with your Consultant) or
- ⇒ People receiving the requests not knowing what it might be helpful for them to say in terms of protecting your benefit status
- ⇒ People not returning the reports

I've been suggesting to people receiving old 'sickness route' benefit that it may be possible to end the process early by gathering supporting medical evidence in advance and sending it to the DWP at this stage - whether as soon as you hear your entitlement is going to be looked at or when the ESA 50 form arrives.

Certainly if you've received an ESA50 put a copy of any supporting evidence in with it when returning it - don't assume that because you've sent it once that it will have reached the person who needs to see it!

Accessing the Support Component

If you can get medical evidence that being found fit for work would cause a serious risk to your own - or someone else's - mental or physical health, that would be enough to qualify you for ESA.

If there's also medical evidence that this risk would apply if you had to engage in 'work related activity' - i.e. attending the Jobcentre for interviews, participating in training, work experience etc. then that's enough to qualify you for the Support Component.

Can you get such evidence from someone - or ask someone like a Support Worker to organise it on your behalf?

The other conditions which qualify you for the Support Component are:

- ⇒ Being unable to:
 - learn how to complete a simple task, or
 - reliably initiate or complete at least two sequential personal actions, or
 - cope with change to the extent that daily life cannot be managed, or
 - convey food or drink to your mouth, or to chew or swallow without regular prompting, or
- ⇒ Reduced awareness of everyday hazards leading to significant risk of injury to yourself or others or damage to property or possessions, or
- ⇒ Engagement in social contact always being precluded due to difficulty relating to others or significant distress, or
- ⇒ Having daily, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace

Unlike with the 'serious risk' criteria, supporting evidence that one or more of the above applies to you does *not* need to be medical evidence - although if you can get it, it usually carries more weight. It could come from a Support Worker, Social Worker, member of staff at the Mind Centre etc. - or, if this isn't possible, from a carer, family member or friend involved in your support. The more 'official' the better though - and the more specific they can be in relating your difficulties to the above the better.

It's not enough for them to say 'x cannot learn how to complete a simple task' - they need to be explaining and giving examples if they can - e.g. 'x's ability to learn anything - even simple tasks - is severely compromised by the intrusive nature of the voices he hears' or 'y's Obsessive Compulsive Disorder is so severe and her reliance on ritualised routines so extensive that she is quite unable to cope with change within her daily living'.



the assessment process - continued

The Work Capability Assessment

To get any ESA - with either component - unless you qualify under the 'serious risk' criteria overleaf, you also have to score 15 or more points from a series of statements about your mental and physical health. These are known as 'descriptors'.

The 'other conditions' for the Support Component listed overleaf all automatically score 15 points.

If you have both physical and mental health difficulties, then you can add points up between the two types of descriptors. These are listed on the next factsheet.

Your best chance to tell the DWP how these descriptors relate to you is via the ESA50 form.

The ESA50 form

Although it can, at first sight, look intimidatingly long, it's important that you do all you can to get a completed ESA50 back to the DWP. Not only are you 'required' to do so - it also gives you a chance to have a voice in the process.

- ⇒ You will usually have about six weeks within which to return the form. If you haven't approached anyone for supporting evidence do so as soon as you can
- ⇒ Some people will choose to get help with filling the form in - get on to an advice agency as soon as you receive the form, not a couple of days before it's due back.
- ⇒ Even if you intend going to an advice agency, it would help if beforehand you could have a look through the descriptors on the next factsheet and tick the ones you feel apply to you.



- ⇒ If you can also think of examples to illustrate the statements you think are relevant, so much the better, it'll be very helpful for any advisor trying to help with completion to be able to include them.
- ⇒ The mental health questions make up the last third or so of the form. Be aware that although there are similarities between what the form asks and the descriptors themselves, the form doesn't cover them in the detail in which they appear in law. Try, in responding to them, to include information which specifically ties your answer to the fuller version.
- ⇒ Caselaw says that the DWP should only consider you capable of doing things which you can achieve 'reliably' and 'repeatedly'. Try to answer the questions in this context.

Although you may understandably be tempted only to answer question you *have* to, think too about the 'any other information' space and what you might want to include there.

- ⇒ Many people feel that the form does not allow them to give a complete picture of how they are affected by their mental health problems. Although in theory it won't score you any more points, including background information can help a decision maker think of you as a 'whole' person rather than a series of boxes.
- ⇒ Some people I've known have decided to enclose copies of letters, poems or drawings which they feel help to illustrate how they feel
- ⇒ If you do any voluntary or permitted work, then try to explain how this is possible whereas more 'conventional' employment wouldn't be - e.g. *'because I'm not being paid - and I know they don't rely on me - I feel ok about being honest about my bad days. When I was still working I used to push myself to go in and that's when I'd make mistakes'*.

There's a longer, page-by-page guide to completing the mental health section of the ESA50 form in this year's Big Book of Benefits and mental health, copies of which should be available for you to use at every local mind association in Wales.

When it's done, enclose any supporting evidence you have. Keep a copy if at all possible - both in case it goes astray, and also so that you'll be able to look back over it if you are called for medical assessment.