



A benefits briefing from The ME Association

May 2019

BENEFITS AND TAX CREDITS

What money can I get if I become unable to work?

STATUTORY SICK PAY (SSP)

If you are employed and earn an average of at least £118 a week, you can get £92.25 a week SSP if you're too ill to work. It's paid by your employer for up to 28 weeks. It's not paid for the first three days of sickness, unless you've been paid SSP within the first eight weeks and are eligible for it again.

It does not depend on National Insurance contributions.

Periods of illness with eight weeks or less at work between them count as one in order to qualify for SSP.

If you are still off sick after getting SSP for 28 weeks, or your employer no longer has an obligation to pay you because your contract has ended, you may apply for Universal Credit or Employment and Support Allowance instead. Your employer will be able to give you DWP form SSP1 so you can initiate the changeover.

If you have more than one job, you may get SSP from each employer.

Unemployed and self-employed people are not covered by SSP. If you cannot get SSP, claim ESA instead.

Claiming SSP – you need to notify your employer that you are off sick and may be asked to provide evidence that you are not capable of work. But employers cannot ask for a doctor's certificate – called a 'fit note' – for the first 7 days. SSP will be paid in the same way as you receive your wages.

INTRODUCTION

The Department for Work and Pensions (DWP) has made it clear on a number of occasions over the years that people with ME/CFS are entitled to apply for a full range of sickness and disability benefits.

Click on the following shortened links to read examples of Ministerial statements which indicate that, for benefits purposes, people with ME/CFS are treated the same as people with other disabling conditions:

<https://tinyurl.com/yxrysbfn> and <https://tinyurl.com/yy4am25t>

The first thing to remember is that you probably won't get benefits just because you have ME/CFS. In most cases, you will have to show how severely your illness is restricting the way you live your life.

People with ME/CFS often have great difficulty in getting benefits such as Employment and Support Allowance (ESA) and Personal Independence Payment (PIP).

But, if you have a good case, we encourage you to appeal. There is a high rate of success (around 40%) on appeal – especially if you supply sound supporting medical evidence and attend the appeal in person to put your case.

If you need help to make your case, we suggest you make an appointment to discuss your claim with organisations like Citizens Advice or your local council's Welfare Rights Office. But don't leave making that appointment to the last moment as it can take a week or two (or more) to get in to see them.

EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)

There are three types of ESA: New-Style, Contribution-based and Income-Related. But don't be put off by the profusion of types as the differences are quite simple.

New-Style ESA generally replaces NEW claims for Contribution-Based ESA.

It's paid to people of working age – that is those aged 16 and over but under state pension age – who have an

illness or impairment that affects their ability to work.

To qualify, you must have paid enough National Insurance in the two tax years before your claim. Check whether you have paid enough by clicking on this link: <https://www.gov.uk/check-national-insurance-record>

Contribution-based ESA will be paid only to those people with an existing Severe Disability Premium being paid with an existing means-tested benefit, such as Housing Benefit.

Income-Related ESA: you can no longer make a NEW claim for this unless – as with Contribution-based ESA – you have an existing Severe Disability Premium being paid with an existing means-tested benefit, such as Housing Benefit.

How much will I get?

During the first 13 weeks of your claim, you will normally be paid a basic allowance of either £57.90 a week if you are under 25 or £73.10 if you are over 25 and under state pension age.

This will continue until a decision has been made on whether you meet the full eligibility criteria for New Style ESA or for the limited capability for work or work-related activity element of Universal Credit.

After that, if you're entitled to ESA, you will be placed in one of two groups and will receive:

- up to £73.10 a week if you're in the Work-Related Activity Group
- up to £111.65 a week if you're in the support group

You might get more in the work-related group if you applied before 4 April 2017.

If you're in the support group and on income-related ESA, you're also entitled to the **Enhanced Disability Premium** at £16.80 or £24.10 a week.

You may also qualify for **Severe Disability Premium** at £65.85 or £131.70 a week

Your payments should be backdated to the date on which you make your claim (or, in the case of New-Style ESA, up to three months before this date as long as you have a fit note to cover you for that period and met the eligibility criteria – you will have to request this backdating when you claim).

During this time you will be required to provide regular fit notes. Failure to keep up-to-date with this will lead to your payments being suspended. Payments are made fortnightly into an account of your choice.

If the assessment takes longer than 13 weeks, your benefit will be backdated to 14th week of the claim.

New-Style and Contribution-Based ESA both last for 365 days if you are in the Work-Related Activity Group. There's no time limit for people in the Support Group, or if you are getting Income-based ESA.

Who will be in the Work-Rated Activity Group (WRAG)?

After the initial 13-week assessment, most claimants who pass the assessment will be placed in the WRAG. In this group, you must attend work-focused interviews and draw up an action plan setting out the steps you are willing to take to move into work. Failure to do so will result in cuts in benefit.

Although actually understanding work-related activities and taking part in condition management programmes are not compulsory under ESA, the government has indicated that it will consider making such activities compulsory in a few years' time.

Who will be in the Support Group?

A much smaller number of the most severely disabled claimants will be put in the Support Group. Claimants in this group are paid at a higher rate than those in the WRAG and they will not have to do anything in return.

Is that the only main difference?

No! One other major change is that the test you take to check whether you are incapable of work – the Work Capability Assessment (WCA) – has been made much harder to pass. The physical health test has been tightened up, with many fewer opportunities to score points.

The mental health test will also be very much harder to pass.

There will be no exemptions from the test except for terminally-ill people, some pregnant women and people receiving chemotherapy.

Benefits Sanctions

Your ESA can be cut if you don't go to interviews or do work-related activity as agreed with your adviser. This reduction can continue for up to four weeks after you restart the interviews or activity.

Making a new claim

Call the Universal Credit helpline to make a 'new claim appointment':

Universal Credit helpline

Apply online:

<https://tinyurl.com/y8qc3mw4>

Telephone: 0800 328 5644

Textphone: 0800 328 1344

Text relay (if you cannot hear or speak on the phone):

18001 then 0800 328 5644

Welsh language telephone: 0800 328 1744

Monday to Friday, 8am to 6pm

What you need to have to hand for that phone call

- your completed NSESAF1 claim form
- fit note (sometimes called 'sick note' or 'doctor's note')
- proof of your identity
- proof of address
- proof of any pensions you get
- proof of any health insurance payments you get

Check your claim form to see what documents you can use to prove your identity and address. You'll be told if you need to bring any other documents to your appointment.

Contribution-based and income-related ESA

Call the contact centre to apply for contribution-based and income-related ESA.

ESA Helpline: 0800 169 0310

Textphone: 0800 169 0314

Text relay (if you cannot hear or speak on the phone)

18001 then 0800 169 0310

Welsh language: 0800 328 1744

Monday-Friday, 8am-6pm

- A new guide to filling in the ESA form will shortly be available from the ME Association.



PERSONAL INDEPENDENCE PAYMENT (PIP)

PIP is a benefit for people who need greater help taking part in everyday life or who find it difficult to move about. It is replacing Disability Living Allowance (now no longer available to new applicants) for people between the ages of 16 and 64 inclusive.

PIP is tax-free and you do not need to have paid National Insurance contributions to qualify. It is not means-tested and you get can PIP whether you're working or not.

If awarded, you will get between £23.20 and £148.85 a week to help cover the extra costs caused by your condition.

It can act a passport to other forms of benefit – such as the Motability Scheme.

PIP has two main parts – a daily living component to help you take part in everyday life and a mobility component to help you get around. You can be paid one or the other, or both.

The process for claiming is different in Northern Ireland: <https://tinyurl.com/yxcgp9jo>

Your carer could get Carer's Allowance if you have substantial caring needs.

Are there age limits?

You will not be able to make a first-time claim for PIP if you are already 65 but you can stay on it if you have claimed it or received it before reaching that age.

If you are aged 65 or over and you have care needs, you can claim

Attendance Allowance instead. You cannot claim PIP if you are below the age of 16. If you have a child below that age with care needs or mobility problems, claim DLA instead.

Being assessed for PIP

You will need to take part in a PIP assessment test to find out whether you are entitled to be paid it and at what rate. In the assessment, you will be checked on your ability to perform certain tasks safely, to an acceptable standard, repeatedly and in a reasonable time.

Awards, where they are given, will be based on your individual circumstances. They will vary in length from short-term (one or two years) to long-term (five to 10 years), but they can be reviewed at any time.

Further information

PIP claims: 0800 917 2222

Textphone: 0800 917 7777

Text relay (if you cannot hear or speak on the phone):

18001 then 0800 917 2222

Calling from abroad:

+44 191 218 7766

Monday-Friday, 8am-6pm

PIP inquiries: 0800 121 4433

Textphone: 0800 121 4493

Text relay: 18001 then
0800 121 4433

Monday-Friday, 8am-6pm

- The MEA has a guide to filling in the PIP form, price £3, that can be downloaded here: <https://tinyurl.com/y4xmzrgz>

■ Income Support

■ Income-based

Jobseeker's Allowance

■ Income-related Employment and Support Allowance

■ Housing Benefit

■ Child Tax Credit

■ Working Tax Credit

This means that if you are making a new claim for any of these benefits or, if you are currently on any of these benefits and have certain changes of circumstances, you will be asked to claim UC instead.

UC aims to combine all the old means-tested benefits into one single benefit. This will be made in one calendar monthly payment, directly to the person claiming – similar to being paid a monthly salary by an employer.

If you think you will have a problem managing your money, you can ask for fortnightly or even weekly payments. You can also ask for your rent to go straight to your landlord.

It will be at the DWP's discretion as to whether they allow these requests. So if you can obtain any written evidence from a health professional to back up your claim, it would be useful to submit this with your request.

Making a new claim

Call the Universal Credit helpline to make a 'new claim appointment':

Universal Credit helpline

Apply online:

<https://tinyurl.com/y8qc3mw4>

Telephone: 0800 328 5644

Textphone: 0800 328 1344

Text relay (if you cannot hear or speak on the phone):

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Monday to Friday, 8am to 6pm

Further information

- The ME Association has published a five-page leaflet which explains UC in greater detail. To download a copy, price £1, please click on the following link: <https://tinyurl.com/yxbrtxb3>

UNIVERSAL CREDIT (UC)

Universal Credit is a new, non-taxed benefit for people of working age that has been introduced to replace means-tested benefits (excluding Council Tax Reduction, which is still claimed separately through your local authority).

It is in its infancy and the regulations are changing all the time. Means-tested benefits are those awarded to households on a low income with savings and capital below £16,000.

The benefits UC has replaced are:

INCOME SUPPORT (IS)

IS can help you cover your costs if you are on a low income.

You can only apply for IS if you either:

- Get Severe Disability Premium, or are entitled to it
- Got or were entitled to Severe Disability Premium in the last month, and are still eligible for it

Among a number of other qualifying conditions, you must also be on low income and have less than £16,000 in savings.

You do not need a permanent address. You can still claim if you are sleeping rough, or living in a hostel or care home.

If you cannot apply for Income Support, you can apply for Universal Credit instead.

For more detail from the UK Government website, click on the following link:

<https://tinyurl.com/cdgdjdd>

INDUSTRIAL INJURIES DISABLEMENT BENEFIT

You may be able to claim this benefit if you have been employed (but not self-employed) and become disabled because of an accident at work or if your disablement/illness has been caused by work.

The level of severity of your injury will affect how much you get. This will be assessed by a medical assessor on a scale of 1 to 100.

More detail here:

<https://tinyurl.com/kdl3mgd>

What money can I get if I am able to work?

JOBSEEKER'S ALLOWANCE (JSA)

There are three different types of Jobseeker's Allowance::

- 'New style' JSA
- Contribution-based JSA
- Income-based JSA

Which type you get depends on your circumstances.

You can only apply for contribution-based and income-based JSA if you either:

- get the Severe Disability Premium, or are entitled to it
- got or were entitled to the Severe Disability Premium within the last month and are still eligible for it

If not, you can only apply for 'new style' JSA.

'New style' JSA

To be eligible for 'new style' JSA you'll need to have worked as an employee and paid Class 1 National Insurance contributions, usually in the last two to three years. National Insurance credits can also count.

You will not be eligible if you were self-employed and only paid Class 2 National Insurance contributions, unless you were working as a share fisherman or a volunteer development worker.

You can get 'new style' JSA for up to 182 days (about 6 months). After this you can talk to your work coach about your options.

Weekly payments involved: up to age 24, £57.90; 25 or over, up to £73.10; couples (both aged over 18), up to £114.85

Check if you're eligible for Universal Credit. If you are, you could get UC at the same time or instead of 'new style' JSA.

More detail here:

<https://tinyurl.com/ckbc32y>

WORKING TAX CREDIT (WTC)

Working Tax Credit has been replaced by Universal Credit for most people. You can only make a new claim if you get the Severe Disability Premium or got it in the past month and are still eligible for it.

If you cannot make a new claim for WTC, you may be able to apply for Universal Credit if you're of working age or Pension Credit, if you're of Pension Credit qualifying age.

It could be worth up to £1,960 a year, with additional top-ups according to your circumstances.

More details here:

<https://tinyurl.com/lqeyv9g>

PERMITTED WORK

If you are thinking of starting paid work of 16 hours a week or more, ask an advice agency about your benefit entitlement. They could provide a 'better-off' calculation which would consider whether you would be financially better off in work and identify the benefits you should be applying for.

Disability Living Allowance (being phased out), Personal Independence Payment and Attendance Allowance are paid whether or not you are working. They are not means-tested, so earnings do not affect the amount of your benefit.

There is no 'permitted work' for Universal Credit. Instead, you will be encouraged to do some work, even if only for a few hours a week, if you can manage it. There is no time limit on how many weeks you can work.

If you receive ESA or National Insurance credits paid because of your limited capability for work, you are allowed to do some 'Permitted Work'.

Permitted work can include paid employment or self-employment. There is no limit on the length of time you can do permitted work.

You can earn up to £131.50 a week, after tax and national insurance deductions. The work must be for less than 16 hours a week.

You must tell the DWP that you are due to start permitted work: call 0800 169 0310.

More detail at the Disability Rights UK website here:

<https://tinyurl.com/y4p5vv8y>

What other benefits are available?

ATTENDANCE ALLOWANCE (AA)

AA is a tax-free benefit for people aged 65 and over who are physically or mentally disabled and need help with their care or supervision to remain safe. You do not actually have to be getting

any help. It is the need that is relevant, not what help you get.

You must have been in need of care for six months before the award can begin, but you can make your claim before the six months are up.

AA can be paid in addition to almost any other benefit, such as State Pension or Pension Credit.

The DWP may ask for a short report from your doctor, or another medical person you've named on your form. So make sure the doctor or person named knows all about your care and/or supervision needs before you apply.

Cash benefits available as follows, usually paid every four weeks:

Lower rate, £58.70 per week; higher rate, £87.65 pw.

More details here:

<https://tinyurl.com/nk8a5rv>

CARER'S ALLOWANCE (CA)

You could get £66.15 a week if you care for someone at least 35 hours a week and they get certain benefits, like the daily living component of Personal Independence Payment, Attendance Allowance and the middle or highest rate of Disability Living Allowance.

You do not have to be related to, or live with, the person you care for. You do not get paid extra if you care for more than one person.

CA can affect the other benefits that you and the person you care for get. You have to pay tax on it if your income is over the Personal Allowance.

For each week you get CA, you'll automatically receive National Insurance credits.

For more detail, visit:

<https://tinyurl.com/d6yuzla>

COUNCIL TAX REDUCTION

Apply to your local council for Council Tax Reduction (sometimes called Council Tax Support). You'll get a discount on your bill if you're eligible.

For more detail, and a postcode link to help you find the name of your local Council, visit:

<https://tinyurl.com/yxokq7vt>

PENSION CREDIT (PC)

PC is an income-related, non-taxed benefit made up of two parts – a Guarantee Credit and a Savings Credit.

Guarantee Credit tops up your weekly income if it's below £167.25 (for single people) or £255.25 (for couples).

Savings Credit is an extra payment for people who saved some money towards their retirement, for example a pension.

You may not be eligible for Savings Credit if you reached State Pension age on or after 6 April 2016.

For more detail, and to use an online Pension Credit calculator to work out how much you might get, visit:

<https://tinyurl.com/nswzwmd>

HELP WITH THE MORTGAGE

If you're a homeowner, you might be able to get help towards interest payments on:

- your mortgage
- loans you've taken out for certain repairs and improvements to your home

This help is called Support for Mortgage Interest (SMI).

It's paid as a loan, which you'll need to repay with interest when you sell or transfer ownership of your home.

You usually need to be getting, or treated as getting, a qualifying benefit such as Income Support, Jobseeker's Allowance, Employment and Support Allowance, or Universal Credit to get SMI.

There's no guarantee that you'll get SMI for a mortgage or loan you take out.

For more detail, visit:

<https://tinyurl.com/ybajwgeh>

TRAVEL AND PARKING CONCESSIONS

If you receive some higher rate benefits,

or are registered disabled, it is easier to get reduced fares or public transport and/or taxis, and a Blue Badge for disabled parking. The Badge is awarded to the disabled person, not the vehicle they drive.

Contact your local council to find out more.

The ME Association has a leaflet to help you apply for a Blue Badge. It is priced at £1 and available to download here:

<https://tinyurl.com/yym7yfk7>

ROAD TAX EXEMPTION

If you receive some higher rate benefits, you – or someone you nominate – can apply to be exempted from Vehicle Excise Duty (road tax). The vehicle is only exempt if used solely by or for the purposes of the disabled person.

CHILD TAX CREDIT

Child Tax Credit has been replaced by Universal Credit for most people.

You can only make a new claim for Child Tax Credit if you get the Severe Disability Premium or got it in the past month and are still eligible for it.

If your child is 16, you can claim up until the 31st August after their 16th birthday.

If you cannot make a new claim for Child Tax Credit, you may be able to apply for: Universal Credit – if you're of working age; Pension Credit – if you're of Pension Credit qualifying age

Detail here:

<https://tinyurl.com/cxyz4q6>

MOTABILITY SCHEME

Help with getting a car, scooter or powered-wheelchair if you get the higher rates of some benefits. Phone the charity involved to find out more, tel: 0300 456 4566, or visit their website:

<https://www.motability.co.uk/>

OTHER SOURCES OF SUPPORT

CITIZENS ADVICE, all sorts of benefits information on their website:

<https://www.citizensadvice.org.uk>

BENEFITS AND WORK, independent benefits advice, superb range of leaflets available for annual membership fee of £19.95: www.benefitsandwork.co.uk