



Benefits and Work
Guides you can trust

The Best Possible

Employment & Support
Allowance and Universal
Credit Claims On
Physical Health Grounds

Random sample pages

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Introduction - why this guide is so big

Dear Reader,

The first thing you're likely to notice about this guide is its sheer size.

We realise that when you're already having to cope with a serious health condition or disability, discovering you need a publication of this size just to make a claim for a single benefit isn't good news.

Unfortunately, Employment and Support Allowance (ESA) includes the worst and most complex assessment procedure for a benefit that we have ever encountered. To make matters even more confusing, another benefit called Universal Credit (UC) is now being 'rolled out', as the government puts it. Some people will need to claim Universal Credit instead, or even as well as, Employment and Support Allowance.

All this means our guide has to help you make sense of things that take a great deal of explaining. Fortunately, we don't need to worry too much about the differences between Employment & Support Allowance and Universal Credit in this guide. This is because although there are many differences between the two benefits, the way they assess how your health conditions or disabilities affect you is exactly the same.

At the heart of the assessment procedure is something called the **work capability assessment**, which includes two medical tests.

These tests were designed by dubiously constituted committees, tried out on a statistically insignificant number of claimants, reworked to make them harder to pass and then hastily written up into almost incomprehensible legislation.

In 2011 the test was revised to make it shorter and even harder to pass, if not simpler to understand.

In 2013 it was revised again to make it still harder to pass for most people.

The questionnaire you have to fill in is misleading and, at times, different from the actual legal tests. The guidance given to health professionals carrying out the medicals is, in our view, at some points equally questionable.

So this guide is designed to allow you to make an effective claim in spite of the system set up by the DWP.

Our method is a slow, repetitive and painstaking one with quite a few uncertainties along the way. And we do not in any way guarantee that using this guide will mean that you will be awarded ESA or UC. That will depend on your health issues and how they affect you.

But we can say with certainty that if you follow the information in this guide you will provide the most accurate possible evidence about your entitlement to benefit. And you will avoid all of the deliberate, or merely incompetent, pitfalls we have identified which will undoubtedly lead to many thousands of less well informed claimants missing out on a benefit they are entitled to.

Good luck!

Steve Donnison and Holiday Whitehead (barrister)

