

Employment and Support Allowance after brain injury



This publication is part of Headway's *welfare benefits after brain injury* series. To browse through our publications on a range of issues relating to brain injury and download these free-of-charge, visit www.headway.org.uk/information-library.

Introduction

Employment and Support Allowance (ESA) is a welfare benefit for people who have an illness or disability that affects their ability to work.

ESA can help with the financial impact of being unable to return to work, or struggling to return to regular working hours after brain injury. It can also offer support with getting back into work if a brain injury survivor is able to work but struggling to find suitable opportunities.

This publication has been written to offer information on the benefit Employment and Support Allowance (ESA) and how to apply for it after brain injury.

Rules for welfare benefits change regularly. You should always check the latest guidance at www.gov.uk/browse/benefits.

What is ESA?

ESA is a welfare benefit to support people who have an illness or disability that affects their ability to work.

In previous years, there were two types of ESA: contributory ESA and income-related ESA.

Contributory ESA has now been replaced by the 'new style' ESA (nESA), which will be covered by this publication.

Income-related ESA has been replaced by Universal Credit. Information on Universal Credit is available in our publication [Universal Credit after brain injury](#).

Both nESA and Universal Credit can be claimed at the same time if you do not have savings of more than £16,000.

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To qualify for nESA, you need to have previously been employed or self-employed and paid enough National Insurance contributions within the past two tax years. You can check this from the government website at www.gov.uk/check-national-insurance-record.

You will need to report to the Department for Work and Pensions (DWP) if you receive an occupational or personal pension of more than £85 per week, as the excess can sometimes affect the amount of nESA payable.

You must also be 16 or over, under the State Pension age and live in England, Scotland or Wales to be eligible.

nESA is not means-tested, so your income and savings will not affect how much you receive.

Applying for nESA

To apply for nESA, you first need to complete an application form available on the UK government website at www.gov.uk/employment-support-allowance/how-to-claim.

If you cannot complete the application form online, call the Jobcentre Plus new claims helpline to make an application instead (contact details are available at the end of this publication).

You should hear back from the Department for Work and Pensions (DWP) within 10 working days of your application. The DWP will inform you of whether or not you are eligible for nESA, and what you will need to do next if you are eligible.

If you are found to be eligible, you will be given an appointment with a Work Coach to discuss the next steps you need to take to receive nESA. You might also be asked for further information about your brain injury and to provide medical evidence, so try to have these details and documents ready in time for this appointment.

You might be asked to undergo a Work Capability Assessment (WCA). This is an assessment that gives you a chance to provide further information on how your

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brain injury affects your ability to work. You will be assessed by a healthcare professional, whose records of the assessment will be used to help the DWP with making a decision about your eligibility. More guidance on the WCA is offered in the next section.

There may be a questionnaire called ESA50 or 'capability for work questionnaire' to complete and return first. The information you put down in it will be considered by a healthcare professional, who will decide on the next steps of your assessment.

A relative, carer, friend or someone from your local Headway group or branch might be able to help with filling the forms in if needed. The Centre for Health and Disability Assessments (CHDA) also has an advisory team that can help with form completion; you can contact them on 0800 288 8777.

Further advice on completing the form is available in our publication [*Tips for completing benefits application forms*](#).

If you are found to not be eligible, you can apply for a mandatory reconsideration. Further information on this is available in our publication [*Appealing a welfare benefits decision after brain injury*](#).

The Work Capability Assessment

As part of the nESA application process, you might be asked to undertake a Work Capability Assessment (WCA). This is an assessment that gives you a chance to provide further information on how your brain injury affects your ability to work.

You will be assessed by a healthcare professional, whose records of the assessment will be used to help the DWP with making a decision about your eligibility for ESA.

The Work Capability Assessment (WCA) will either be face-to-face (at your home or an assessment centre), or by video/telephone call instead.

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The assessment will take anywhere between 20 minutes to 2 hours depending on your individual case, but will usually be completed within an hour.

Tips on how to prepare for the WCA are available in our publication [*Preparing for welfare benefits assessments*](#).

The WCA assessment scoring, along with your application and other supporting evidence, will allow decision makers to decide whether you are considered to have 'limited capability for work'. This is where the DWP recognises that your brain injury affects your ability to work.

WCA 'activity areas' and scoring

During the WCA, you will be asked questions on how your brain injury has affected your ability to carry out various activities that are typically used in a workplace.

You will be scored against 17 'activity areas', which are grouped into physical and mental/cognitive/intellectual skills.

The more difficult an activity is for you, the higher the score you will receive for it. For instance, if you cannot complete the activity at all, you will get the highest number of points for that activity. If you have no trouble completing it, you will get no points for that activity. You will need to score at least 15 points from the WCA to receive ESA.

Each activity area has specific criteria (called 'descriptors') to determine the number of points someone can get. It can therefore be useful to be familiar with the activity areas and their descriptors in advance. A full list of the activities and their descriptor scores is available on the organisation Entitledto's website at www.entitledto.co.uk/help/ESA_criteria.

The first part of the WCA scoring relates to physical activities. A brain injury can affect the skills covered under 'physical' activities in a number of ways. Think about any mobility issues you may have, weakness or paralysis, pain, fatigue, spasticity or balance problems which may make it difficult to safely carry out work-related tasks, such as sitting at a desk for extended periods of time,

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or moving around a building safely.

Communication can be affected in various different ways after a brain injury - for instance, someone may have difficulties with finding the right word to explain something, or slurred speech. Visual or hearing problems after brain injury should also be mentioned. These issues should be covered under activity areas 6 and 7.

Problems with continence can cause difficulties in a workplace where you might not be able to access a toilet quickly enough. Activity area 9 of the WCA will assess you on this.

If you experience seizures following your injury, you may receive points under activity area 10, which relates to having periods of lost or altered consciousness.

Cognitive issues such as problems with memory, attention and concentration, decision making and setting goals, can have an impact on a wide range of the 'activities' listed under the WCA's scoring system. Skills that come under the term 'executive function' are explored in activity area 13 – our publication [Executive dysfunction after brain injury](#) can offer information on these skills and help to identify how they may affect you on a daily basis or in a workplace setting.

Psychological effects of brain injury might make it difficult for you to socialise or communicate with others, for instance if you experience depression or anxiety. This will be covered in activity area 16. For this, you will be scored depending on how much distress you experience when interacting with others, so try to be honest about how difficult you find this to be.

Inappropriate behaviour and difficulties with managing anger might also affect social functioning. These will be covered in activity area 17. You will receive points depending on how frequently you have episodes of inappropriate behaviour or anger outbursts.

The information above offers general guidance on some of the ways in which a brain injury might interfere with your ability to work. However, you should always be honest about this. It might be helpful to ask someone who knows you well to help with answering some questions if you have problems with your memory or insight.

Application outcomes

After your assessment, you will receive a letter or phone call from the DWP explaining what your outcome is.

If you are entitled to nESA, you will be placed in one of two groups:

- **A work-related activity group (WRAG)** – this is where the DWP recognises that you are unable to work now but will be expected to work in the future. You will be expected to attend regular interviews with an appointed Work Coach, who will help you with tasks such as improving work skills or writing a CV. Your expectations will be outlined in a 'claimant commitment'. You could have your nESA payments stopped if you don't follow your claimant commitment (this is called being sanctioned), so it is very important that you talk to your Work Coach about anything in this that you feel you might struggle with because of your brain injury.
- **A support group** – this is where the DWP recognises that you are unable to work. There is no time limit for how long you can receive nESA, although you may be reassessed every few years.

Remember to tell the DWP if your personal circumstances or details change, as this could affect your eligibility.

Useful contact details

- **Citizens Advice**
Adviceline (England): 0800 144 8848
Advicelink (Wales): 0800 702 2020
Relay UK - if you can't hear or speak on the phone, you can type what you want to say: 18001 then 0800 144 8884
www.citizensadvice.org.uk

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- **Jobcentre Plus new claims helpline**

Telephone: 0800 055 6688

Textphone: 0800 328 1344

Relay UK (if you cannot hear or speak on the phone): 18001 then 0800 055 6688

www.gov.uk/employment-support-allowance/how-to-claim

Acknowledgements

Many thanks to Peter R., solicitor and welfare benefits advisor at Potter-Rees-Dolan Solicitors for his contribution to reviewing this publication.

Last reviewed 2024.

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