

## Claimants not required to attend a health and work conversation

1. Some ESA claimants do not need to have a health and work conversation, if they fall into one of the following exemption categories:

Exemption category
<p><b>Terminal illness</b></p> <p>A claimant is regarded as being terminally ill if both of the following apply:</p> <ul style="list-style-type: none"><li>• at any time the person suffers from a progressive disease;</li><li>• the person's death in consequence of that disease can reasonably be expected within 6 months.</li></ul>
<p><b>Receiving treatment for cancer</b></p> <p>The claimant is:</p> <ul style="list-style-type: none"><li>• receiving treatment for cancer by way of chemotherapy or radiotherapy;</li><li>• likely to receive such treatment within 6 months after the date of the determination of capability for work and work-related activity; or</li><li>• recovering from such treatment and we are satisfied that the claimant should be treated as having limited capability for work and work-related activity.</li></ul>
<p><b>Life threatening disease</b></p> <p>The claimant is suffering from a life threatening disease in relation to which:</p> <ul style="list-style-type: none"><li>• there is medical evidence that the disease is uncontrollable, or uncontrolled, by a recognised therapeutic procedure; and in the case of a disease that is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure.</li></ul>
<p><b>Risk to self and others</b></p> <p>The claimant is suffering from a specific illness, disease or disablement by reason of which there would be a substantial risk to the physical or mental health of any person were the claimant is mandated to attend a HWC.</p>
<p><b>Full time carers</b></p> <p>The claimant is providing care for a severely disabled person for at least 35 hours a week. A severely disabled person is defined as someone receiving:</p> <ul style="list-style-type: none"><li>• the middle or highest rate of the Disability Living Allowance care component;</li><li>• Constant Attendance Allowance;</li><li>• Attendance Allowance;</li><li>• either rate of Personal Independence Payment daily living component; or</li><li>• the Armed Forces Independence Payment.</li></ul>

- Does not qualify for the Carer Element but has significant caring responsibilities of at least 35 hours a week for a severely disabled person(s).
- A carer for at least 35 hours a week of a severely disabled person who is awaiting an assessment for a severe disability benefit, i.e. DLA, PIP, AA or CAA will be placed in this group pending that benefit decision.

**Lone parents with a child under one**

A lone parent/nominated responsible carer (including a foster carer/adoptive parent) of a child under 1.

**A parent who has recently adopted a child**

An adoptive parent who is the nominated responsible carer (lead carer) for a child: - for a period of 12 months from the date that the child moves into the household, or from up to 14 days earlier if the claimant requests.

**Claimants in full time education eg disabled students**

Disabled students may qualify for ESA (conts) while receiving education as long as they satisfy the basic and contributory conditions of entitlement. The only full-time students who may be entitled to ESA (IR) while they are studying are those who are in receipt of DLA/PIP. They have to meet all other conditions of entitlement. For the purposes of ESA (IR), someone who is entitled to DLA/PIP is not 'receiving education'.

**Young people without parental support and in full-time non-advanced education or training**

Non-advanced education is any qualification up to A Level, or equivalent. A young person with no parental support will be able to qualify up to age 21, or the end of the academic year in which they reach age 21 (or the end of the course if earlier)..

**Pregnancy related issues**

Pregnant within 11 weeks of expected week of confinement or 15 weeks after her expected date of confinement.

The claimant is a pregnant woman and there is a serious risk of damage to her health or to the health of her unborn child if she does not refrain attending a HWC.

**Claimants at/over Pension Credit age**

In mixed age couples where one partner is above the State Pension Credit (SPC) qualifying age and the other partner is below SPC age, the over SPC age partner will have no work related requirements. The under SPC age partner will have conditionality based on his or her personal circumstances.

The claimant has reached the qualifying age for state pension credit and is entitled to

- attendance allowance
- the care component of disability living allowance at the highest rate or
- the daily living component of personal independence payment at the enhanced rate.

**Receiving certain treatments**

The claimant is receiving:

- regular weekly treatment by way of hemodialysis for chronic renal failure;
- treatment by way of plasmapheresis; or
- regular weekly treatment by way of total parenteral nutrition for gross impairment of enteric function; or is recovering from any of those forms of treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.

**In hospital or residential care**

The claimant is:

- undergoing medical or other treatment as an in-patient in a hospital of similar institution; or
- recovering from such treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.

**Prevented from working by law (Notifiable diseases)**

The claimant:

- is excluded or abstains from work pursuant to a request or notice in writing lawfully made or given under an enactment; or
- is otherwise prevented from working pursuant to an enactment, by reason of it being known or reasonably suspected that the claimant is infected or contaminated by, or has been in contact with a case of, a relevant infection or contamination.

**Credits Only**

ESA claimed as credits only.