

# Introduction and Overview of Guidance

## Introduction - What is ESA?

1. Employment and Support Allowance (ESA) is a benefit for people with a health condition or disability who have Limited Capability for Work (LCW), these claimants are placed in the Work Related Activity Group (WRAG) and / or limited capability for work related activity (LCWRA), and these claimants are placed in the Support Group.
2. To decide whether or not an ESA claimant has LCW (WRAG) or LCWRA (Support Group), they are required to have a Work Capability Assessment (WCA). The WCA assesses what a claimant can do, rather than what they cannot do. Further information is available in the [ESA Handbook](#).
3. With ESA, if claimants have a health condition and/or disability that severely affects their ability to work to such an extent they have LCWRA they are placed in the Support Group. These ESA claimants are not expected to prepare for a return to work, nor are they subject to mandatory conditionality. However they can volunteer for support to prepare for a return to work at any point in their claim.
4. If a claimant has LCW but no LCWRA they are placed in the Work Related Activity Group (WRAG). Most WRAG claimants are expected to take steps to prepare for work and are required to **attend and participate** work focused interviews and where applicable undertake Work Related Activity (WRA).
5. Support and, where appropriate, financial assistance in preparing for and returning to work for ESA claimants placed in the WRAG will be delivered by either a Jobcentre Plus Adviser or a Work Programme Provider. That support must be tailored appropriately to help prepare for work the claimant can do whilst managing their health condition and/or disability at work.

## The Jobcentre Plus Offer and ESA Claimants

6. The [Jobcentre Plus Offer](#) is a package of personalised advice and support available from Jobcentre Plus. It supports the Government's strategy for economic growth and reduction in poverty by supporting people to find and retain employment. Its aim is to ensure that support delivered across all working age benefits is targeted at the most appropriate point in a claim to help individual claimants move into employment as soon as possible.
7. Claimants can, depending on their circumstances, be referred by Jobcentre Plus to a Work Programme provider for advice and support. For some, this support is entirely voluntary; for others, participation will be mandatory. Once on the Work Programme, claimants remain there for 2 years (whether they be mandatory or voluntary) and are not able to access support from the Jobcentre Plus Offer.
8. The objective of delivering work-focused support through the Jobcentre Plus Offer to ESA claimants, is to ensure that they remain as close to the labour market as possible. The aim is for the same Adviser to work with an individual claimant throughout the period of their ESA claim.

9. The Jobcentre Plus Offer for ESA claimants consists of three key elements:
- An initial diagnostic interview – the New Joiners Work Focused Interview (NJWFI),
  - Flexible adviser support, including Flexible Interventions (FI) and Work Related Activity (WRA), and
  - Access to an additional flexible menu of support, including volunteering opportunities, skills support, work experience and access to [the Flexible Support Fund](#) (this list is not exhaustive).

Jobcentre Plus will start working with new ESA claimants in the WRAG as soon as possible after the outcome of the Work Capability Assessment (WCA) is known, by delivering a NJWFI.

**Note:** Claimants are able to volunteer for support through the Jobcentre Plus Offer prior to the outcome of their WCA. Those claimants who volunteer, access support through a series of Flexible Interventions.

10. During the NJWFI, a decision is made on who delivers the personalised support for ESA WRAG claimants. Depending on the claimants WCA outcome (prognosis) and their circumstances, they will either be referred to the Work Programme, or will receive support from a Jobcentre Adviser.

11. For those who receive their support through the Jobcentre on a mandatory basis, they will be required to:

- attend Flexible Interventions when required, and
- undertake WRA when required.

**Note:** Incapacity Benefit (IB) claimants are able to voluntarily access the support available through the Jobcentre Plus Offer (or the Work Programme in England, supported by the European Social Fund).

12. Claimants who complete 104 weeks on the Work Programme will receive [Post Work Programme Support](#) (PWPS) through the Jobcentre Plus Offer.

## Purpose of this guidance

13. This guidance supports staff in Jobcentres to determine whether referral to the Work Programme is appropriate and details how to support ESA claimants appropriately through the Jobcentre Plus Offer.

14. It will guide you through action to determine whether:

- The claimant is subject to mandatory or voluntary conditionality,
- Whether they will receive support through the work programme or the Jobcentre, and
- What support is appropriate for them through the Jobcentre Plus Offer.

## Guidance Overview

15. This guidance is broken into chapters to ease your navigation. Below is a list of each chapter and a brief description of its content.

- Chapter 2 – [Determine Correct Route-way for Support](#) This chapter will enable advisory teams to identify the correct route way for support (whether that will be the Work Programme or the Jobcentre Plus Offer) and whether the claimant is subject to mandatory conditionality or able to voluntary access support.

- Chapter 3 – [Booking and Preparing for an Interview](#) This chapter details the type of interviews that need to be booked and in what circumstances each is applicable. It explains considerations when booking ESA interviews, the action to take to book an interview and how that interview should be prepared for.
- Chapter 4 – [Conducting the NJWFI](#) This chapter guides you through the steps to take when delivering a NJWFI. The NJWFI is a mandatory diagnostic interview and claimants who fail to attend or participate without good cause are subject to a benefit sanction.
- Chapter 5 – [The Jobcentre Plus Offer](#) This chapter provides information regarding the delivery of Flexible Interventions, Work Related Activity and Work Experience and Work Placements
- Chapter 6 – [Change of Circumstances for Existing ESA Claimants](#) This chapter is to enable Jobcentres identify whether a change of circumstances for an existing ESA claimant accessing support through the Jobcentre Plus Offer means: they must be referred to the Work Programme, continue receiving support through the Jobcentre Plus Offer or whether there is a change in their conditionality (mandatory to voluntary or vice versa)
- Chapter 7 [Post Work Programme Support](#) - This chapter provides information on Post Work Programme Support (PWPS) for ESA/IB claimants, including action to book and conduct a 'PWPS Completer Interview', as well as information about the LMS MIS reports used to identify ESA/IB completers.
- Chapter 8 - [Fail to Attend and Fail to Participate](#) This Chapter informs the process to take when a claimant fails to attend or participate in a mandatory interview or fails to undertake mandatory Work Related Activity.
- Chapter 9 – [Victims of Domestic Violence](#) – DWP's policy to support ESA claimants who are victims of domestic violence.
- Chapter 10 – [ESA Work Programme Referral](#) – This chapter contains ESA specific detail with regard to referrals to the Work Programme

## **How to determine if a claimant is 'mandatory' or 'voluntary' with regard to the Jobcentre Centre Plus Offer, Work Related Activity and Work Programme**

16. The conditionality requirements placed on ESA claimants (in order to ensure they remain in receipt of their full entitlement of ESA) vary considerably depending on their circumstances. These circumstances determine whether the ESA claimant is:

- [Mandatory](#) – subject to Work Focused Interviews (WFIs) and Work Related Activity (WRA) with either a Work Programme Provider or a Jobcentre Plus Adviser and can have their benefit sanctioned if they fail to comply; or

- **Voluntary** – able to access support but failing to comply does not affect their benefit (i.e. their benefit can not be sanctioned).

## **Voluntary ESA Claimants**

17. Voluntary claimants are not required to undertake any activity and can not be subjected to a sanction if they fail to attend or participate in any interview or work related activity.

### **Voluntary claimants are:**

- Claimants placed in the Support Group following their Work Capability Assessment (and Claimants who have made a new claim to ESA and are waiting their initial WCA),
- Incapacity Benefit claimants,
- a Lone Parent in the WRAG with a youngest child aged under 1,
- a claimant in the WRAG who is entitled to or in receipt of Carers Allowance,
- a claimant in the WRAG who is an ESA Credits only case,
- a claimant in the WRAG who is in receipt of pension credit or eligible to claim it, or
- Claimants who have had their ESA disallowed and are appealing the decision that they don't have LCW are also voluntary claimants, until the outcome of their appeal is known.

**Note:** Claimants who are foster carers and have responsibility for a foster child under the age of 1 are still subject to mandatory conditionality (dependant on their other circumstances). Children placed in their care by the Local Authority or voluntary organisations are not treated as a member of the claimant's household. In these instances the claimant is not treated as a lone parent with a youngest child under the age of 1.

## **Mandatory ESA Claimants**

18. If a claimant has been placed in the WRAG they are a mandatory claimant unless other circumstances determine that they are a [voluntary claimant](#), as stated above.

19. Mandatory claimants will be required to access support offered by Jobcentre Plus (the Jobcentre Plus Offer), or will be referred to the Work Programme. If a 'mandatory' claimant fails to undertake an action which is required of them, be that attending an interview or undertaking WRA, they may be subject to having a sanction applied to their benefit.

20. However, claimants in the WRAG are subject to different mandatory requirements due to their circumstances.

21. Some WRAG claimants will participate in one of three pilots that are testing different approaches to support ESA (IR) WRAG claimants with a prognosis of 18-24 months. For further information on these pilots, please see the [ESA Pilots 18 – 24 month prognosis claimants guidance](#) for further information.

22. The table below helps you determine the mandatory activity that a WRAG claimant must comply with:

<b>Claimant is in the WRAG and ...</b>	<b>Claimant mandated to the Work Programme</b>	<b>Claimant mandated to attend NJWFI / Flexible Interventions</b>	<b>Claimant can be mandated to undertake WRA by Jobcentre Plus</b>
Is a lone parent with a youngest child aged under 1	No	No	No
Is a lone parent with a youngest child aged 1 or 2	No	Yes	No
Is a lone parent with a youngest child aged 3-5 (and the child is not yet at school)	No These claimants can volunteer to receive support from the Work Programme but once referred their participation becomes mandatory	Yes	Yes
Is a lone parent with a child over the age of 5 and under 13 years old	Yes If their WCA prognosis is 12 months or less	Yes	Yes but only within normal school hours of the youngest child
Has dependant children but is not a lone parent	Yes If their WCA prognosis is 12 months or less	Yes	Yes
Is a Full Time Carer (in receipt of or entitled to Carers Allowance)	No	No	No
Is in receipt of ESA (Contribution based)	No	Yes	Yes
Is claiming NI credits only	No	No	No
Is claiming Pension Credit or at the age where they are eligible	No	No	No
Is appealing being placed in the WRAG (as they feel they should be in the support group)	No	Yes	Yes

None of the circumstances above apply and their WCA prognosis is 12 months or less	Yes	Yes	Yes
None of the above circumstances apply and their WCA prognosis is more than 12 months	No These claimants can volunteer to receive support from the Work Programme but once referred their participation becomes mandatory	Yes	Yes

## JP Marker and ESA claimants

23. Throughout this guidance reference is made to the JP Marker, but only when the setting of it or updating of it is vital. This guide does not include detailed processes in relation to the JP Marker.

24. This is because the status of the JP Marker does not affect the ESA process; the only exception to this is when a NJWFI has been deferred.

25. From an ESA perspective the JP Marker is primarily used to collate information that is used for Work Programme functionality; in that it will generate the WP Marker, determine the messages that a user sees when they access a claimant record and determines what payment group claimants are referred in.

26. It is the completion of the JP Marker as detailed in Annex 1 of Chapter 02 Determine the Correct Route-way for Support that is important not what the status of the Marker sits at thereafter (other than when a NJWFI is deferred – it must read WFI Deferred).

## Guidance queries and help

27. If you are unable to find an answer to a particular question regarding the process within this chapter you must contact the Jobcentre Plus Live Support Advice Line. Do not give the Advice Line number to customers or outside bodies under any circumstances, it is for the use of Jobcentre Plus staff only. Details of how to contact them can be found by clicking on the following hyperlink, [Advice Line Home Page](#).

28. Please do not use the 'E-mail page owner' and 'Page information' links at the bottom of each page of guidance to raise policy queries. These should only be used to report broken hyperlinks.

29. Please use the comments box at the bottom of each page to submit suggestions for guidance improvement only, any questions raised via this route will not be answered.