

# **ESA to JSA Transitions**

## **Guidance Queries and Help**

1. If you are unable to find an answer to a particular question regarding policy within this guide 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.
2. 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.

## **Overview**

3. The vast majority of customers who have made a claim for Employment and Support Allowance will be required to undergo a Work Capability Assessment. Work Capability Assessments are undertaken for all but short term claims and are undertaken usually between weeks 6 and 13 into a claim. This assessment of a person's ability to undertake any work is undertaken by Health Care Advisor but the overall decision on capability is made by a Decision Maker who has regard to a number of evidence sources.
4. Customers who previously claimed Incapacity Benefit will also be reassessed in the same way.
5. Customers who are assessed as capable of some work will have their claims to Employment and Support Allowance terminated and they will be required to claim Jobseeker's Allowance if they wish to continue to receive benefit.
6. Customers moving from Employment and Support Allowance to Jobseeker's Allowance following the result of their Work Capability Assessment have been assessed as capable of work or some form of work.
7. Some of these customers will have already accepted that they should not remain on Employment and Support Allowance and many of these may have made the conscious effort to make themselves available for work. Others may still feel that they are unfit to work and therefore, may have submitted an appeal against the decision.
8. The purpose of this guidance is to support advisers conducting New Jobseeker Interviews for customers who have transferred from Employment and Support Allowance to Jobseeker's Allowance.
9. It also advises how conducting an effective, diagnostic, work-focused interview helps customers move forward into work and how to address any negativity or reluctance from customers.

## **Things to consider**

10. It is important to remember that customers do not 'pass' or 'fail' their Work Capability Assessment. They have been assessed by a medical expert and other evidence of capability is considered by a Decision Maker before being directed to the most suitable benefit. Taking a positive approach will encourage, support and reassure these customers.

11. For some people attending their first New Jobseeker Interview, work has been absent from their life for a long time and as such, they may not believe they are capable of work and working.

12. Helping the customer to focus on what they can do, rather than what they cannot do is the key to providing this belief and the New Jobseeker Interview can be the start of this process. Helping them to think through their abilities, their capabilities and capacities in relation to work and working in specific jobs is the tactic to be adopted.

13. Not all customers who have transferred from Employment and Support Allowance or Incapacity Benefit will require this level of support. The New Jobseeker Interview has to be flexible and adaptable to the individual customer's requirements.

## **Customer behaviour**

14. The chances are that many will be apprehensive and worried about 'being forced' to find a job. If they haven't worked for a long time, that can be very worrying.

15. Although some may also be angry, it is important to stay calm and professional and not get caught up in conversations that deviate from the New Jobseeker Interview.

16. There is no need or requirement for you to apologise for the outcome of the medical assessment and the decision. It used information from a medical expert and there is an appeals process that the customer should be made aware of if they feel that the assessment is wrong.

17. As always, if the customer is angry and abusive, Keeping Safe techniques and office procedures are appropriate.

18. It is important that you are clear about these Keeping Safe procedures and how they operate in your office.

19. If the customer is upset or anxious, they may well have more difficulty than usual in paying attention and retaining information. Take your time, explain carefully and make sure they understand and can therefore participate fully in the interview.

20. On rare occasions, a customer may threaten a 'worsening of their symptoms' or 'you will make me ill again', or similar if 'you' 'make them' claim Jobseeker's Allowance. Again, that is not your decision. It has been made by the Decision Maker.

21. If necessary, advise the customer to contact their doctor or other support professionals. Using the skills learnt from the 'Handling Difficult Situations' is essential.

22. Access to a Disability Employment Adviser or Work Psychologist is also available.

## **Conducting the New Jobseeker Interview**

23. The New Jobseeker Interview should be conducted in the usual way, in terms of the actions that must be taken. However, you must ensure that the customer is aware of the implications of being in receipt of Jobseeker's Allowance and extra emphasis should now be given as to what the customer is capable of doing, rather than what they are not capable of doing.

24. The focus must be on moving the customer to become job ready by overcoming any things that would make it harder for them to find work.

25. Your discussion should be tailored around finding work. Specifically, to find out if the customer is capable in each of the five major stages of jobsearch, which are:

- Getting Ready for Working;
- Deciding a Realistic Job Goal(s);
- Finding Vacancies;
- Obtaining the Job Offer; and
- Keeping the Job

26. The discussion should identify if there are problems in any of the five jobsearch areas and should put you in a position to offer them advice, support, or training to help them undertake active, effective, and persistent jobseeking across all five areas.

27. All of Jobcentre Plus' provision and support is aimed at some aspect of jobseeking effectiveness. Diagnosing the needs for better jobseeking will help to match provision to those needs.

### **Agreeing a Jobseeker's Agreement**

28. Account should be taken that some customers may only have had limited contact with the labour market and the Jobseeker's Agreement should be tailored to meet the customers needs. Any disabilities they may have should be taken into account, but still remain realistic for getting them work ready.

### **Customer asks to be referred back to Employment and Support Allowance or Incapacity Benefit**

29. During the New Jobseeker Interview, the customer may request to be referred back to Employment and Support Allowance. This should only be considered if the customer presents a different illness or condition to the one they originally claimed Employment and Support Allowance or Incapacity Benefit for and has appropriate medical evidence to support this.

### **Customers who have appealed against the outcome of their Work Capability Assessment**

30. Where a customer has lodged an appeal against the outcome of their Work Capability Assessment, their rights to appeal should have been explained to them previously. This should have been initially communicated by a phone call from the Decision Maker and followed up with a letter.

31. If exceptionally a customer still maintains they are still uncertain as to their Employment and Support Allowance rights or wants a further explanation of the Work Capability Assessment decision then the Personal Adviser should arrange for a Decision Maker to contact the customer by phone to offer a further explanation of the original decision and advise on any outstanding potential appeal rights or consider any new evidence provided. However in advance of any revised decisions the customer should still be retained on the Jobseeker's Allowance customer journey.