

The Benefits System and the role of the GP in claimants receiving their entitlements

**citizens
advice**

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Overview & Objectives

- Brief overview of the main Benefits available for patients with ill health
- Recent and impending Changes to the Benefits system and how they will impact patients
- Patients and Advisers requests for info – why the GP can make all the difference.



What Benefits are available to patients of working age with ill health?

- Statutory Sick Pay (SSP)
- Employment and Support Allowance (ESA)
- Universal Credit (UC)
- Personal Independence Payment (PIP)



What Benefits are available to patients over working age with ill health?

- Statutory Sick Pay (SSP)
- Retirement Pension (RP)
- Pension Credit (PC)
- Personal Independence Payment (PIP) if claimed before pension age or
- Attendance Allowance (AA)



What is “working age” or “Pension age”

- Since November 2018 Pension age is 65 for both men and women
- Between 6th March 2019 and 6th October 2020 it will start to rise from 65 to 66
- From 2026 to 2028 it will increase from 66 to 67
- www.gov.uk/state-pension-age for individual pension age



Statutory Sick Pay

- Paid by employers to employees for first 28 weeks of sickness
- Employee Must normally earn more than £116 per week
- £92.05 per week
- Contractual sick pay may be payable in addition
- Fit note required after first 7 days sickness.



Fit Note – MED3

Statement of Fitness for Work For social security or Statutory Sick Pay

Patient's name

I assessed your case on:

and, because of the following condition(s):

I advise you that:
 you are not fit for work.
 you may be fit for work taking account of the following advice:

if available, and with your employer's agreement, you may benefit from:
 a phased return to work amended duties
 altered hours workplace adaptations

Comments, including functional effects of your condition(s):

This will be the case for or from to

I will/will not need to assess your fitness for work again at the end of this period. (Please delete as applicable)

Doctor's signature

Date of statement

Doctor's address

Unique ID: Med 3 04/10-

For the patient – what to do now

Please read the notes below then fill in your details and, if you are claiming social security benefits, sign and date the declaration. If you cannot fill in your details yourself, ask someone else to do it for you.

What your doctor's advice means

Not fit for work:
Your doctor will advise this when they believe that your health condition means you should refrain from work for the stated period of time.

May be fit for work taking account of the following advice:
Your doctor will recommend this when they believe that you may be able to return to work with some support from your employer. Sometimes it may not be possible for your employer to act on the doctor's advice and you will not be able to return to work until you have further recovered. You do not need to get a further Statement from your doctor to confirm this.

If you are employed
If you are not fit for work, or your employer cannot support your return to work, your employer should consider paying Statutory Sick Pay (SSP) based on the information provided. If SSP cannot be paid, or your SSP is ending, your employer will give you form SSP1 to claim social security benefits. If you are self-employed, you may be able to claim social security benefits because of your health condition.

Social security benefit claimants
If you are claiming social security benefits because of your health condition, send this form to your Jobcentre Plus office. If you are claiming social security benefits for any other reason, you should contact a Personal Adviser to discuss the advice on the form. If you do any work you must inform Jobcentre Plus of your change of circumstances.

If you want to make a new claim to social security benefits you can:
• download a claim form at www.direct.gov.uk/benefits, or
• phone 0800 855 6688 (8am to 6pm Monday to Friday). Textphone users call 0800 023 4888.

Your details – Please use BLOCK CAPITALS

Surname

Other names

Address
 Postcode

Date of birth

National Insurance (NI) number

Declaration – for social security benefit claimants only

I agree that my doctor may give the Department for Work and Pensions or a healthcare professional acting on its behalf information which is needed to process my claim for benefit and any request for it to be looked at again.

Signature

Date

If you have signed this form for someone else, please tick here:



Employment and Support Allowance (ESA)

- Two main forms of ESA – Contribution Based (or “new style” ESA) and Income related ESA.
- Replaces SSP after it runs out...or from start of sickness period if no SSP entitlement.
- Paid by DWP
- Fit note usually required during first 13 weeks of claim only - Work Capability Assessment (WCA) determines entitlement after that.
- Std rate (single person over 25) £73.10 pw



Universal Credit

- Single integrated means tested benefit for working age claimants replacing 6 existing means tested benefits including income related ESA.
- One monthly payment, including housing costs and payment for children paid direct to claimant.
- 5 week waiting period for first payment
- Increased conditionality & greater sanctions
- Many other rules mirror the legacy benefits they are replacing



Universal Credit recent changes

- Feb 18 – 7 day waiting period removed.
- April 18 – Help with mortgage interest paid as a loan
- Dec 18 – UC “full service” completed across country
- Jan 19 – Severe Disability premium (extra money paid with legacy benefits) recipients to stay on legacy benefits until “managed migration”
- ? Managed migration delayed....again
- Feb 19 – families with 3 or more children allowed to claim UC – but not for children born after April 17.
- May 19 – Mixed age couples will be unable to claim Pension credit but have to claim UC instead.



Free Prescriptions and UC

- Patients on most of the legacy means tested benefits are entitled to free prescriptions. Claims made by ticking box and signing declaration on prescription.
- Claimants on UC, earning less than £435 per month are also entitled but there is no box on back of form to tick.
- NHS England officially advise to tick box that they're in receipt of income based JSA



Prescription payment exemption

NOTE Patients who don't have to pay must fill in parts 1 and 3 (unless they are exempt on age grounds, and their age is printed on the front of this prescription). Those who pay must fill in parts 2 and 3. Penalty charges may be applied if you make a wrongful claim for free prescriptions. If you're unsure about whether you are entitled to free prescriptions, pay and ask for an FP57 form. You cannot get one later. The FP57 tells you about getting a refund.

Part 1 The patient doesn't have to pay because he/she:

Collectors of Schedule 2 & 3 CDs should sign their name:

A is under 16 years of age

B is 16, 17 or 18 and in full-time education

C is 60 years of age or over

D has a valid maternity exemption certificate

E has a valid medical exemption certificate

F has a valid prescription pre-payment certificate

G has a valid War Pension exemption certificate

L is named on a current HC2 charges certificate

X was prescribed free-of-charge contraceptives

H *gets Income Support or income-related Employment and Support Allowance

K *gets income-based Jobseeker's Allowance

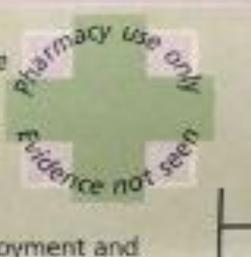
M *is entitled to, or named on, a valid NHS Tax Credit Exemption Certificate

S *has a partner who gets Pension Credit guarantee credit (PCGC)

*Name: _____ Date of Birth: _____ NI no: _____

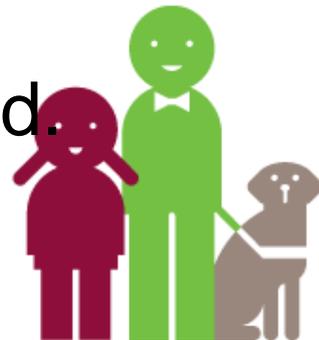
*I am included in an award of income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Income Support, Pension Credit Guarantee Credit or Tax Credit. **Print the name of the person who gets the benefit.**

Declaration For patients who do not have to pay
I declare that the information I have given on this form is correct and complete. I understand that if it is not, appropriate action may be taken. I confirm proper entitlement to exemption. To enable the NHS to check I have a valid exemption and to prevent and detect fraud and incorrectness, I consent to the disclosure of relevant information from this form to and by the NHS Business Services Authority, the Department for Work and Pensions and Local Authorities.



The ESA / UC work Capability Assessment (WCA)

- Determines if patient remains on ESA / UC and what responsibilities they have to do so.
- Patient usually required to complete an ESA/UC 50 form and attend assessment (but exceptions).
- Points based assessment, carried out by trained assessor (but commonly a nurse or physio)
- Decision made by DWP – can be appealed.



ESA (UC) 113

Your reply

Please complete both sides of this form, then send it back to us in the envelope we have sent you. Make sure the address below shows in the window of the envelope.

Office contact name and address:

Client's name

Client's NI number

Client's date of birth

Please answer the following questions from the information which is currently available to you. If you need more space for any of your answers, please continue at Part 7.

1 When did your patient last see a GP?

2 Current conditions affecting ability to work

Please give us details of those conditions which may have a significant effect on the person's capacity to work.

Please include:

- Relevant symptoms and signs, including side effects of medication, with dates. For mental health conditions, please provide brief mental state examination findings, if available.
- Past, present and planned investigations and management, including medication, where relevant. If you are sending a computerised printout of current medication you do not need to list this here.

Condition and date of diagnosis	Symptoms and signs	Investigations and management, including medication

Your reply continued

3 Current conditions not affecting ability to work

Please list any other relevant conditions that do not affect the ability to work.

4 If known from your knowledge of the patient, please tick the boxes that apply and provide a brief explanation if your patient has difficulties with any of the following activities:

Walking or moving

Transferring between seats

Reaching

Picking up objects

Manual dexterity

Communicating with others

Continence

Learning simple tasks

Awareness of hazards

Initiating and completing personal actions

Coping with changes or social engagement

Appropriateness of behaviour

Eating or drinking

5 Does the patient have a history of threatening or violent behaviour?

No

Yes Tell us about their behaviour within the last 5 years, and whether they have been identified by the Zero Tolerance (Violent Behaviour) Initiative. Use the space below at Part 7.

6 Could your patient travel to an examination centre by public transport or taxi?

No Please tell us why at Part 7.

Yes

7 Additional information

Please continue on a separate sheet if necessary.

The information you have given us may be copied to the patient, their legal representative or the Tribunals Service.

Your signature

Practice stamp

Name in CAPITALS

Date



ESA/UC – WCA outcomes

- **Work Related Activity Group (WRAG)** - Score 15 points and stay on ESA / UC engage in Work related activity. Extra benefit of £29.05 pw only payable for claims made before April 2017)
- **Support Group** – for those classed as most severely disabled – extra £36.20 pw
- **Fail WCA – Fit for work - ESA stops....UC** reverts to “job seeker” type commitments.....



What can patient do if found fit for work ?

- Accept decision
- Challenge decision by “mandatory reconsideration” followed by appeal.
- Reclaim ESA (C) / UC on sickness grounds ...but only if, since decision was made, patient has developed a **new condition** or there has been a “**significant worsening**” of an existing condition.



Fit note requests – Should you issue? (assuming you believe the patient to be incapable of work)

You issued Mr A with a two month fit note 3 weeks ago. He has just moved house and claimed UC. He tells you that UC are asking him to provide a further fit note, despite the previous one having not expired.



Fit note requests – Should you issue?

Mrs B has been found to be fit for work by the DWP and her ESA has stopped. She has appealed the decision and is asking you to provide a fit note. The last one you issued was around a year ago.



Fit note requests – Should you issue?

Ms C has asked you for a note to confirm that her condition has worsened since the DWP decided that she was fit for work 3 months ago.

She is claiming UC but is finding it difficult to keep up with her claimant commitment because of her health.



Appealing DWP decisions

- Most DWP decisions can be appealed to an independent tribunal
- 69% of people who appealed against loss of ESA / PIP had decision reversed by appeal tribunal (MOJ figures 2018)
- Most significant reason for an ESA or PIP decision to be overturned by an appeal tribunal is the provision of fresh medical evidence.



Patients and advisers requests for medical reports

- No obligation to provide reports and can charge if required.
- If possible, provide your opinion on specific issues in dispute – hopefully, identified by the adviser
- Avoid comments like “the patient tells me he can / cannot....” unless confirming it is consistent with the degree of disability.
- Consider a copy of the medical notes as an alternative.
- Your Opinion counts!



Case study – Stephen

- Age 64, numerous health problems, weighed 6 stone.
- Failed WCA – found fit for work. ESA stopped.
- Appealed process took over a year to be completed.
- Had to obtain a pass to leave hospital to attend hearing
- Advisers obtained GP evidence
- Decision overturned and DWP apologised



Personal Independence Payment (PIP)

- Replacing DLA for people aged 16-64 (increasing to 66th birthday by 6.10.20)
- Helps with extra costs arising from a long term condition or disability.
- Two components, Mobility and Daily Living. Each component has 2 rates, standard and enhanced.
- Assessed on how condition affects their ability to carry out a series of everyday activities.
- Non taxable, not means tested, not dependent on National Insurance contributions
- Factual report may be requested



Disability Benefits for over 65's

- **PIP** – But only if they claimed prior to their 65th birthday. If so, can be paid for the rest of their life. Or....
- **Attendance Allowance** – to help with care or supervision needs (no help with mobility).
- **Both PIP and AA** are non taxable and can be paid on top of other benefits. Can lead to extra benefits eg Carers Allowance, Blue badge, .



Disability Benefits for Children

- Disability Living Allowance (DLA).
- Help with Care and Mobility.
- Payable from 3 months (Care) and 3 years (mobility) upto age 16 for long term conditions and disabilities,
- Non taxable and non means tested.
- Factual report may be requested from GP.



Two things to remember from this presentation

- Living on Benefits is, for most people with ill-health or a long term disability, very difficult and has become significantly more so over the last few years.
- Don't underestimate your importance to the process of patients receiving the benefits they might receive as a result of disability or ill health



For Further information

- DWP's - The Benefits system – A short Guide for GPs (2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691502/the-benefits-system-a-short-guide-for-gps.pdf

DWP's getting the most of out of the fit note – GP guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/465918/fit-note-gps-guidance.pdf



https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691502/the-benefits-system-a-short-guide-for-gps.pdf

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