



Fact Sheet No.39

Understanding the Curious World of Claiming Benefits



Quick Facts for Busy GPs

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Understanding the curious world of claiming benefits

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I have had difficulty understanding the current system from the patients' perspective; I suspect I am not alone in this. A friend and colleague Chris Spankie has made things clearer so I have adapted what he has written to help my GP colleagues.

Employment & Support Allowance (ESA)
= sickness benefit

Job Seekers' Allowance (JSA)
= unemployment benefit

To be eligible for JSA claimants have to be available for and actively seeking work. Therefore if a JSA claimant is viewed to not be available for work they are not eligible to continue to receive JSA. Examples include:

1. any period spent abroad,
2. a holiday in the UK of more than 14 days,
3. a period of sickness greater than 14 days.

In the first two examples claimants are not entitled to receive any alternative payments. Where sickness is involved claimants are able to claim ESA. This is a cumbersome process that results in at least a two week delay in payments being made, which can be catastrophic for people struggling on a low income.

A practical example illustrates how difficult the process can be:

Monday 1st	Albert feels unwell and goes to see his G.P. Sick note issued for 2 weeks, ending Monday 15th. (GP should have written certificate to end Sunday 14th)
Friday 5th	Albert goes to the job centre to sign on, and tells them he has a sick note. The DWP counts the sick note dates as inclusive, so he is deemed to not be available for work for 15 days. So JSA payments cease with effect from 1st. This means he will not get his anticipated two weeks' money on 8th. (Hopefully) job centre staff advise Albert to apply for ESA. Albert is knowledgeable, or receives some support, he finds that the quickest way to claim ESA is over the phone. He makes a telephone claim on 5th, and asks for this to be backdated to 1st. He is told the completed application will be posted out to him to sign and return.
Monday 8th	Albert goes to the bank and finds that he has received £71.70 rather than his usual £143.40
Tuesday 9th	Form arrives; Albert signs it and posts it back by return. Pre-paid envelope to the Wolverhampton post-handling centre.
Thursday 11th	Albert's form is received at Wolverhampton. It can take up to 14 working days for a claim to be processed following receipt. However his form is processed immediately, and forwarded to Oldham Benefit Centre.
Friday 12th	Form received at Oldham (centre for processing Heywood claims) all in order so can be processed quickly
Monday 15th	Albert sick note runs out today so he doesn't need a new one. However the DWP deem the dates 1st – 15th are inclusive and therefore Albert wasn't entitled to JSA. As he is now better he won't be eligible for ESA he will make a new claim for JSA. If he doesn't realise this and make a claim for JSA he is at risk of losing benefit payments entirely because he will not be registered as available for and actively seeking work.
Friday 19th	ESA payment is authorised
Weds 24th	It is now 16 days since Albert has had any money, and that was for one week rather than two, but he does eventually receive payments of £143.40 for the period 1st to 15th.

Claimant Commitments is a new phrase used as a prelude to the roll out of "Universal Credit"; this is likely to result in even more people having their benefits 'sanctioned' i.e. withheld, as the job seeking requirements are far more demanding e.g. an expectation that approx. 35 hours a week will be spent on looking for, and/or working towards employment).

The latest regulations re ESA: It used to be the case that if a claimant 'failed' a work capability assessment and appealed a sick note from their GP, it meant that they could continue to receive ESA (albeit at a lower rate) until the appeal was concluded. Now if a claimant has a sick note for the same health condition that was the basis for their previous claim this will be viewed as irrelevant, as a Qualified Medical Practitioner (usually an ATOS nurse) has deemed that said condition does not mean the person is incapable of work. The claimant is, therefore, eligible to receive JSA.

Not only does this seem somewhat contradictory given the recent discovery re 15 day sick notes, but is also somewhat paradoxical. While in the process of appealing against the decision that they are fit for work, a claimant's only source of benefit income is to declare that they are looking for work. One wonders if this may affect the outcome of their appeal?