



# ESA To UC - A Brief Guide To Migration

May 2020 Factsheet UC2



# Contents

Who is this guide for? .....	3
What is Universal Credit (UC)? .....	3
Which benefits are affected?.....	3
Which benefits are not affected? .....	3
How are ESA claimants affected? .....	4
When will I have to claim UC? .....	4
Will I get the same amount of money under UC? .....	4
What is managed migration?.....	5
What is natural migration? .....	6
What is the Severe Disability Premium?.....	6
What counts as a change of circumstances for moving from ESA to UC under natural migration? .....	6
What are the main differences I will notice between UC and ESA? .....	7
How do I apply for UC? .....	8
Do I need a computer or a smartphone to make a claim for UC? .....	8
What if I don't have the internet or a smartphone? .....	8
Can I get any help if I have access to the internet but I don't really know how to do things online?.....	9
How do I set up my UC online account? .....	9
What do I do if I don't have a mobile number?.....	9
How do I verify my identity? .....	9
Can I verify my identity before I need to make a claim for UC? .....	9
Does my partner need an online account?.....	9
What are the main deadlines for UC? .....	9
What information will I need to have ready in order to make a claim? .....	10
What are the most common reasons a claim for UC fails - and how do I avoid them? .....	10
What can I do if my first UC payment is delayed?.....	11
What documents will be needed for verification? .....	11
What information will need to be provided about other people living with you? .....	12
Is there anyone exempt from having a claimant commitment? .....	13
If you have to have a claimant commitment, how do you negotiate the fairest possible one? .....	13
What should you do if you miss, or know you are going to miss, an appointment? .....	13
How is UC calculated? .....	14

How is my capability for work assessed under UC? .....	16
What Limited Capability for Work element will I be awarded? .....	16
Will I continue to receive help with Council Tax? .....	17
Where can I get advice on UC by phone and online? .....	17
I receive contributory ESA only. Will I have to claim UC? .....	17
I receive ESA and do Permitted Work. Will I be able to continue to do this if I migrate to UC? .....	17
I receive ESA but I am also a carer. Will I continue to receive a Carer Premium under UC? .....	18
I receive ESA and PIP and currently receive a Severe Disability Premium (SDP) in my ESA. Will I continue to get this if I transfer to UC? .....	18
I receive income-related ESA, have undergone a work capability assessment (WCA) and been found fit for work. I am asking for a Mandatory Reconsideration (MR) of the decision but in the meantime, have been told that I must claim UC. Is this correct? .....	18
Advice agencies .....	18

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## Who is this guide for?

This guide is for you if you are currently in receipt of Employment and Support Allowance (ESA) and you want to know what the future holds for you under Universal Credit (UC).

It is intended as a brief introduction only. Please do not make any decisions based solely on the information in this guide – UC is very complex indeed.

## What is Universal Credit (UC)?

Universal Credit (UC) is a means-tested benefit administered by the Department for Work and Pensions (DWP). It is a single, monthly payment that is gradually replacing six means-tested benefits and tax credits currently paid to people of working age. This age is gradually rising as the [State Pension age rises](#).

## Which benefits are affected?

The following benefits, also known as legacy benefits, will eventually be replaced by UC:

- Income Support (IS)
- Income-based Jobseeker's Allowance (ibJSA)
- Income-related Employment and Support Allowance (irESA)
- Housing Benefit (HB)
- Child Tax Credit (CTC)
- Working Tax Credit (WTC)

## Which benefits are not affected?

Many benefits will remain unaffected, including:

- Contribution-based Jobseeker's Allowance (cJSA)
- Contributory Employment and Support Allowance (cESA)
- Pension Credit (PC)
- State Pension (SP)
- Carer's Allowance (CA)
- Child Benefit (CB) and Guardian's Allowance (GA)
- Social Fund; Maternity grants, Funeral payments, Winter Fuel payments and Cold Weather payments
- Health benefits
- Statutory Sick Pay (SSP)
- Statutory Maternity / Adoption / Paternity pay / shared parental pay
- Attendance Allowance (AA)
- Personal Independence Payment (PIP)
- Disability Living Allowance (DLA)
- Bereavement Support Payment
- Council Tax Reduction (sometimes called Council Tax Support)

## How are ESA claimants affected?

For ESA claimants, UC replaces income-related ESA which is the means-tested element of ESA.

But it does not affect contributory ESA, which is based on a claimant's National Insurance contributions and not means-tested.

However, if contributory ESA claimants wish to claim help with their rent or become responsible for children and previously would have claimed Housing Benefit and/or Child Tax Credit, then as these are affected legacy benefits they will need to apply for UC instead and will receive a UC payment as a top-up to their contributory ESA.

## When will I have to claim UC?

The DWP is planning to move all existing claimants of means-tested benefits and tax credits to UC. At the time of writing, May 2020, this process has not begun. There was a very small pilot project taking place in Harrogate, but as a result of the Coronavirus this has been suspended for the time being. It is not clear when the process will resume. This is called "*managed migration*" and you will be contacted by the DWP to make this transfer. If your circumstances do not change, then you can remain on your current legacy benefits until this time.

However, if you are in receipt of a legacy benefit and have a change of circumstance that would currently prompt a claim for a different or additional legacy benefit or tax credit, you may have to apply for UC at that point. This is called "*natural migration*".

There is one exception to this. If your legacy benefit award contains a Severe Disability Premium, then you cannot claim UC and can still claim legacy benefits that UC replaces. This will cease to apply on January 26th 2021.

The two types of migration are explained below.

## Will I get the same amount of money under UC?

This depends on the way that you move across to UC.

There are two routes to move from the six legacy benefits and tax credits to UC. These are "*managed migration*" and "*natural migration*".

If you are moved as a result of "*managed migration*" you will receive transitional protection to ensure that you are no worse off on UC than you were under legacy benefits. Depending upon your individual circumstances, you may be better off.

If you are moved as a result of "*natural migration*" you will not receive transitional protection and there is no guarantee that you won't be worse off. Depending upon your individual circumstances, you may be better off.

A number of claimants were migrated to UC prior to January 16th 2019 via the 'natural migration' route. The the High Court decided on May 3rd 2019 that they shouldn't have been migrated because, as a result, they lost their severe disability premium. These claimants are entitled to compensation as a result of being wrongly migrated.

In February 2020 the DWP announced that if you should have been prevented from claiming UC under the above rule, but they incorrectly allowed you to claim, then your legacy benefits should be re-instated. If your legacy benefit included Tax Credits then you will have to re-claim these when your other legacy benefits have been re-instated. If this applies to you, request that you be compensated for the loss of your Tax Credits.

If you migrate from ESA to UC through either of the above routes and you were in the Work-Related Activity Group (WRAG) or Support Group (SG) of ESA, then you will be awarded the equivalent Limited Capability for Work element under UC (see How is UC Calculated section below).

## **What is managed migration?**

This is the official, managed process by which the Department for Work and Pensions (DWP) will end your current entitlement to existing benefits and tax credits and replace this with a claim for UC.

It began in July 2019 with a pilot of up to 10,000 people in Harrogate. This pilot has now been suspended as a result of the Coronavirus pandemic. There is no information as to when it will re-commence, or what the timetable is for managed migration. It could be argued that the DWP has a vested interest in delaying managed migration for as long as possible. In the meantime, many claimants will naturally migrate and therefore will not receive transitional protection.

If you are part of the "managed migration" process, you will get transitional protection if your UC is less than what you received under the old system.

Transitional protection will top up the award of UC to the same amount you were getting under previous benefits and tax credits.

However, this transitional protection amount will be fixed at the point of changeover to UC and will then reduce over time as UC elements rise due to annual increases. If you are subject to transitional protection you will not receive these annual increases until your UC is at the same rate as claimants without protection. At this point, your transitional protection ceases entirely.

In addition, your transitional protection will end in the following circumstances:

- a partner leaves or joins your household;
- there is a sustained (3 month) earnings drop beneath the level of work that is expected of you according to your claimant commitment;
- your UC award ends;
- you stop work.

## **What is natural migration?**

If your existing legacy benefit claim does not contain a Severe Disability Premium and you experience a change of circumstance that would previously lead to you claiming a legacy benefit or tax credit, you will need to apply for UC instead.

This is called “natural migration” and it is important to be aware that you will not get transitional protection and you may not get the same amount of money.

If your UC amount is less than you are receiving for current benefits, then you will not be entitled to an additional top-up to maintain your benefit and tax credit payments at pre-UC levels.

## **What is the Severe Disability Premium?**

The Severe Disability Premium (SDP) is an extra payment included in a legacy benefit if you receive a qualifying disability benefit (Personal Independence Payment daily living component, Disability Living Allowance middle or highest rate care component or their equivalents paid with a War Pension or Industrial Injuries Benefits) and you are treated as living alone **and** no-one is paid Carer's Allowance for looking after you. There is no equivalent premium in UC so many disabled people may be worse off if they naturally migrate to UC. If you have an SDP in a legacy benefit, rules introduced in January 2019 prevent you claiming UC until managed migration to ensure that you receive transitional payments and are no worse off.

However, many disabled claimants had already transferred to UC before January 16th 2019 and experienced a reduction in their benefit income. The DWP are taking steps to identify and pay UC claimants who are entitled to a transitional payment to compensate for the loss of the SDP and you will be contacted directly if this is the case for you. However, if you had the SDP in a legacy benefit and moved to UC before January 16th 2019, you should send a message on your online journal and this may prompt the Department for Work and Pensions (DWP) to check your entitlement more quickly.

## **What counts as a change of circumstances for moving from ESA to UC under natural migration?**

If you are receiving income-related ESA (irESA) and have a change of circumstances that would ordinarily lead to the claiming of a benefit/tax credit that is being replaced by UC, then a UC claim will be triggered and you will be naturally migrated.

For example:

- You are in receipt of irESA and become responsible for your first child. Instead of claiming Child Tax Credit (CTC) as at present, you would claim UC.
- You are in receipt of irESA and begin to rent a property. Instead of claiming Housing Benefit (HB) as at present, you would claim UC.

- You are in receipt of irESA and fail your Work Capability Assessment. Instead of claiming income-based Jobseeker's Allowance (ibJSA), you would claim UC.
- You have a joint irESA claim with your partner but then permanently split up. Instead of making a fresh ESA claim as a single person, you would claim UC.

However, if your change of circumstances would **not** ordinarily lead to a new claim for a legacy benefit/tax credit that is being replaced by UC, then a UC claim would not be triggered, and natural migration would not occur.

For example:

- You are an irESA claimant in receipt of Housing Benefit (HB) and move to a new property within the same local authority area. As this would not lead to a fresh claim for HB, then a UC claim would not be triggered. Please note that a move to a different local authority would trigger a UC claim.
- You are an irESA claimant in receipt of Child Tax Credit (CTC) and begin work. If you qualify for Working Tax Credit, then this would lead to the amendment of the existing Tax Credit claim and a UC claim would not be triggered.
- You are an irESA claimant and you are awarded the daily living component of Personal Independence Payment (PIP). You live alone and no-one claims Carer's Allowance for looking after you. You are now entitled to a Severe Disability Premium to increase your ESA and a UC claim would not be triggered.
- You are a single irESA claimant and a partner who does not receive any benefits joins your household. As this would lead to your partner being added to an existing ESA claim rather than starting a new claim, UC would not be triggered.

## **What are the main differences I will notice between UC and ESA?**

Universal Credit (UC) is one of the most radical changes to the welfare benefits system in many decades and claimants transferring from legacy benefits will notice a number of differences.

- If you are one of a couple, you will need to make a joint claim for UC. It is a benefit for households, rather than individuals.
- UC is paid as a single monthly payment in arrears, compared to the varying payment frequency of your current benefits; e.g. ESA, which is usually paid fortnightly or Tax Credits, which may be paid weekly or 4 weeklies. Alternative payment arrangements e.g. more frequent payments, will be considered by DWP in exceptional circumstances.
- Whereas housing benefit can be paid directly to your landlord, UC is paid to you with the expectation that you will manage and budget your payments to pay your rent. Alternative payment arrangements will be considered by the DWP in exceptional



circumstances e.g. the housing costs element can be paid directly to your landlord to safeguard your tenancy

- UC is paid as a single payment into one bank account, unlike the current system of benefits where certain members of your household may receive specific benefits directly. For example, ESA may be paid to one partner and Child Tax Credit paid to the other. Alternative payment arrangements will be considered by the DWP with the payment being split between both members of a couple e.g. in cases of domestic violence, or if one partner is mismanaging the benefit
- UC is an online system, so there is reduced face-to-face contact with Jobcentre Plus. The initial application, the supply of medical certificates, the notification of the UC award, making updates to your claim and reporting changes of circumstances are all done via an online journal. However, in exceptional circumstances, telephone and face-to-face claims are accepted by the DWP if you are unable to make or maintain an online claim. (See 'Verifying my identity' below).
- If you rent your property then your housing costs will be dealt with by the DWP within UC, rather than your local authority via Housing Benefit.
- You will normally need to sign and adhere to a [claimant commitment](#) detailing your responsibilities, such as work-related requirements, warnings about sanctions and your duty to notify changes in circumstances. You will be placed in one of [four conditionality groups](#) and if the claimant commitment is not followed, then you may be subject to sanctions.
- Many legacy benefits are applied for by individuals and focus on specific situations and narrow circumstances, e.g. ESA is claimed because of sickness or disability. UC, however, is a benefit that covers a range of often complex households that may contain workers, someone unable to work and children. The overall circumstances of the household are taken into account when deciding on level of UC entitlement and if you are one of a couple, you will need to make a joint claim for UC.

## How do I apply for UC?

### Do I need a computer or a smartphone to make a claim for UC?

UC is a digital system and claims will normally have to be made online.

### What if I don't have the internet or a smartphone?

Although not widely advertised, in exceptional circumstances you can make a claim by telephone or face-to-face. You can also use a computer at the Job Centre or local council to apply online and maintain your claim. From April 2019, the DWP are funding [Citizens Advice \(England and Wales\)](#) and [Citizens Advice Scotland](#) to deliver the Help to Claim service to assist people in making a UC claim through to first payment. See [here](#) for more information.

## **Can I get any help if I have access to the internet but I don't really know how to do things online?**

You can get help to make a claim for UC through [Help to Claim funded by the Government and run by Citizen's Advice](#). If you are having difficulty making a claim for UC, your local Job Centre can also help you with this. They have computers you can use to make a claim or access your account.

## **How do I set up my UC online account?**

To set up your online account, click [here](#). You must have a personal e-mail address and mobile telephone number in order to set up your online account. You must note your passwords and security questions to enable you to access your account in future. Your email account is used instead of traditional mail to communicate with you. To set up an email address, click [here](#).

## **What do I do if I don't have a mobile number?**

If you do not have a mobile phone, you will need to enter 00000000000 (i.e. 11 zeros) instead so that you can proceed with your claim. You must then select email as your preferred method of contact to ensure you can manage your claim online.

## **How do I verify my identity?**

One of the tasks that you will need to complete when you make a claim is to 'Verify your identity online'. This takes you to a government system called 'Verify' to confirm your identity. For more information on Verify, click [here](#). You do not have to apply for UC to verify your identity. You can, for example, verify it to check your Retirement Pension entitlement (as well as completing other online activities) and this verification will then be valid when you apply for UC.

## **Can I verify my identity before I need to make a claim for UC?**

**Note – The DWP announced on March 24th 2020 that face-to-face contact with them will not take place for at least the next three months, until June 24th 2020, as a result of the Coronavirus pandemic.**

You do not need to verify your identity before making a UC claim, but it will save time at your first Jobcentre appointment, and you will not need to take identification documents to the appointment. However, if you have problems using 'Verify', go back to your UC account and click on 'I can't do this online'. You can then skip this step, complete your claim, and confirm your identity at the first Job Centre appointment.

## **Does my partner need an online account?**

If you have a partner you need to make a joint claim for UC and you will both need to create an online account and link your accounts with the code provided before you can submit your claim. See [here](#) for more guidance and information for couples.

## **What are the main deadlines for UC?**

Some of the most important deadlines are as follows:

- Once you begin to create and register a UC account, you must complete registration within 7 days.
- Once an account is set up, you will be sent a code to your email address. You must enter this verification code onto your UC account within one hour.
- After setting up your online account, you must make a UC claim within 28 days. To complete this, you must make a declaration that the information given is correct and accept a high-level claimant commitment.
- If you make a joint claim with your partner, you must link your individual accounts within 7 days.
- After making your UC claim, you must verify your identity online or at first interview (but see above regarding verification) within 28 days.

After making your UC claim, you must call the UC service centre on 0800 328 5644 within 7 days to make an appointment for a first interview at the Job Centre (but see above regarding verification) If you miss these deadlines your claim may be cancelled, and you will have to claim again.

## **What information will I need to have ready in order to make a claim?**

You will need to have the following information to hand to complete your claim:

- Your postcode
- Your National Insurance number
- Details of the bank, building society or credit union account you want your UC paid into
- Your rent agreement, or a letter from landlord with their name, address, phone number and the start date of your tenancy
- Your email address and phone number
- Details of your savings or other capital
- Details of any income that's not from work, e.g. from an insurance plan or pension
- Details of any other benefits you're getting
- Details of any people who live with you. For children you will need their Child Benefit reference number
- If you care for someone their full name, date of birth, and address. Details of whether they receive Disability Living Allowance, Personal Independence Payment, Attendance Allowance, the equivalent paid with War Pensions or Industrial Injuries scheme or Armed Forces Independence Payment, and the number of hours you care for them.
- Details of any health issues you have

## **What are the most common reasons a claim for UC fails - and how do I avoid them?**

There are a number of pitfalls in making and maintaining a successful UC claim which can delay your submission and the speed with which you will receive your first payment.

The first difficulty is getting online. This potentially excludes people who do not own a PC, smartphone or tablet, do not have a broadband connection or broadband access, or do not have the digital skills to browse the internet and successfully undertake online activities. Call the UC helpline on 0800 328 9344 or call into your local Job Centre and explain your difficulties getting online. Seek advice from local organizations; e.g. Citizens Advice [Help to Claim](#) service.

A second issue is delays between setting up your account and making your UC claim. The main delays are caused by evidence gathering. Do not delay in making your claim and booking your Job Centre appointment. You can then use the intervening period to gather evidence that you will need to take along to the appointment.

A third issue is caused by not responding in a timely manner to action requests after your claim is made. Make a note of the deadlines referred to above regarding submitting claims, booking Job Centre appointments and adding partners to your claim. Your UC account will have a “To Do” list tab which details the actions you need to complete, and the date that you need to complete them by. Ensure that you check and complete this “To Do” list regularly, particularly in the early days of your claim to ensure that you supply information, respond to requests and complete actions within the deadlines.

### **What can I do if my first UC payment is delayed?**

The difficulties detailed above may cause delays in receiving your first payment, which should routinely be 5 weeks after the claim is made. This can cause budgeting difficulties if you are not familiar with being paid monthly and do not have savings to cover your living expenses in this initial period. You can apply for a UC Advance of 100% of your likely monthly payment and then pay it back in installments usually over 12 months (this will be extended to 16 months from October 2021). For more information on UC Advances, click [here](#).

### **What documents will be needed for verification?**

You will need to bring some documents to your first Job Centre appointment. You will still need to do this even if you verified your identity online (but see previous section regarding face-to-face contact with the DWP during the Coronavirus pandemic).

Documents you can use include:

- UK passport
- EEA passport
- UK photo driving licence
- National identity card
- Residence permit or card
- Immigration status document
- Registration or naturalisation certificate

What you need to bring with you will be explained to you when you make your online claim. An exhaustive list of documents that you can bring will be shown on the “To Do” list tab on your UC account.

You may also need to bring other documents e.g.

- your tenancy agreement or a rent statement
- wage slips
- a bank statement
- proof of savings

## **What information will need to be provided about other people living with you?**

There are sections in your UC claim where you will need to give details of other people who live with you. If you have dependent children, then you will qualify for Child Element and Childcare Costs element (if applicable) as part of your monthly UC payment. When you apply for UC, you will need to provide your children's personal details and confirmation of their Child Benefit reference number and will need to take evidence of this to your first Job Centre interview.

If you are renting and have non-dependents living with you, e.g. adult children aged 21 or over or elderly parents, you will have a deduction of £75.15 per month ( - 2020/2021 rate) from your UC payment for each non-dependent. This is called a housing costs contribution. You will need to supply their personal details and evidence of their income, especially if they are in receipt of benefits. This is important as no deduction is made for non-dependents who are receiving the following benefits:

- Pension Credit;
- Middle or highest rate care component of Disability Living Allowance (DLA);
- The daily living component of Personal Independence Payment (PIP);
- Attendance Allowance (AA) Constant Attendance Allowance or Exceptionally Severe Disablement Allowance;
- Carer's Allowance;

If payment of a disability benefit is suspended because the person is in hospital no deduction will be made. In addition, non-dependents who are responsible for a child under 5, who are in the armed forces and away on operations, or who are prisoners on temporary release will not be subject to a deduction.

No deduction is made if you are receiving AA, PIP daily living component, DLA care component at the middle or highest rate, Constant Attendance Allowance , Exceptionally Severe Disablement Allowance or Armed Forces Independence Payment. Also, no deduction is made if you or your partner are certified as blind or severely sight impaired. It is important that you tell UC on your claim form if one of these circumstances applies to you, and also include the information on your online journal.

No deduction is made for owner-occupiers living with non-dependents.

## **Is there anyone exempt from having a claimant commitment?**

One of the basic conditions for entitlement to UC is that you must accept a commitment to undertake certain responsibilities in order to make and maintain a claim. You accept a high-level claimant commitment when you make your claim, and review and sign it at your first Job Centre appointment. You will only be exempt from making a claimant commitment in exceptional circumstances. For example:

- if you lack capacity to do so e.g. you have an appointee
- if exceptional conditions apply and it would be unreasonable to expect you to accept a claimant commitment e.g. you are incapacitated in hospital and are likely to be there for several weeks, or you are terminally ill.

This is not an exhaustive list and each individual's circumstances should be considered on its own merits by the DWP decision-maker, but it is very important that you explain to them any factors which should be taken into account when they are deciding on a claimant commitment.

## **If you have to have a claimant commitment, how do you negotiate the fairest possible one?**

If you transfer to UC from the income-related ESA Support group, then you will be able to claim UC without having to satisfy any work-seeking activity and will be placed in the *No work-related requirements* group. You may still be required to undertake occasional telephone or face-to-face interviews with your Work Coach to check on your circumstances.

If you transfer to UC from the income-related ESA Work-Related Activity Group, then you will be placed in the *Work preparation requirement* group and you will be expected to attend work-focused interviews, prepare for a move into work, although you will not have to take steps to apply for, or take up work.

If your health or disabilities deteriorate, then you should inform your Work Coach by submitting information and medical evidence to your online UC journal or by telephone or face-to-face contact. You should request that your claimant commitment is adjusted, so it continues to be realistic, achievable and reflective of your individual circumstances.

## **What should you do if you miss, or know you are going to miss, an appointment?**

**See the notes above about the suspension of face-to-face contact during the Coronavirus pandemic.**

Your UC payment can be sanctioned if you do not attend appointments and interviews without showing good reason e.g. illness, medical appointment, and unexpected domestic crisis. The most effective way of maintaining your claim is by contacting your Work Coach through your online journal on your UC account. You should use the journal to raise queries and supply information. You will receive a text or email once a response is received or

action is required. Regular checking of your online account and 'To Do' list is vital to ensure that delays and omissions are avoided.

## How is UC calculated?

UC is a means-tested system. It is calculated as follows:

**Step 1: Find out your maximum UC entitlement.** Do this by adding together your standard allowance plus any additional elements that you qualify for, (see below).

**Step 2: Calculate your income.** If you're employed, your UC payment reduces gradually as you earn more. For every £1 you earn your payment reduces by 63p. You can earn a certain amount before your UC is reduced if you or your partner are responsible for a child or have limited capability for work. In addition, any savings you have between £6000-£16000 will give you a "tariff income" of £4.35 per month for each £250 (or part of £250) you have between these amounts. Please note that if you have savings over £16,000 you are NOT entitled to UC.

**Step 3: Take your income away from your maximum UC entitlement.** This will give you the amount of UC that you will receive.

**Step 4: Check the relevant Benefit Cap figure.** If the amount of UC is lower than the relevant Benefit Cap figure, this is your UC entitlement. If the amount of UC is higher than relevant Benefit Cap figure, then the Benefit Cap applies. For more information on the Benefit Cap, see [here](#)

### Standard Allowance (depending upon individual circumstances)

- Single claimant under 25 - £342.72
- Single claimant aged 25 or over - £409.89
- Couple both aged under 25 - £488.59
- Couple one aged 25 or over - £594.04

Maximum UC entitlement will be made up of monthly amounts from the following elements (*amounts for financial year 2020-2021*):

#### Child element

Your UC will include a child element if you are responsible for a child or qualifying young person who normally lives with you. You receive a higher element of £281.25 per month if you are responsible for a first or only child born before 6 April 2017. Otherwise you receive a child element of £235.83 per month per child.

#### Disabled child element

You will receive the following disabled child additions if the following applies:

- Disabled child higher rate - £400.29 for a child who gets the highest rate DLA care component, enhanced rate PIP or who is severely sight impaired or registered blind.
- Disabled child lower rate – £128.25 for a child who gets any other rate of DLA or PIP.

## Limited capability for work element

If you have limited capability for work because you are ill or disabled, you may get an extra element if you pass a work capability assessment similar to that used for ESA:

- Limited capability for work (LCW) - £128.25; this is for those who will have to engage in some work preparation, but please note the additional amount is abolished for new claims from 3 April 2017.
- Limited capability for work-related activity (LCWRA) - £341.92 for those who do not have to engage in any work-related activity.

## Carer element

You will get a carer element of £162.92 per month if you are caring for a severely disabled person for at least 35 hours per week. The disabled person must receive Attendance Allowance (AA), middle or higher rate Disability Living Allowance (DLA) care component, the daily living component of Personal Independence Payment (PIP), Constant Attendance Allowance (of £72.80 or more) paid with the Industrial Injuries or War Pensions scheme or Armed Forces Independence Payment. You don't have to claim Carer's Allowance (CA) and you are not subject to the CA earnings limit. If you are a single person, you won't be able to get the carer element **and** limited capability for work element (see above) together within your UC entitlement.

## Childcare element

An amount for childcare costs can be included if you pay for registered childcare in order to work. There is no set number of hours you need to work to get this.

You will get 85% of your relevant childcare costs up to a maximum of:

- £646.35 per month for one child
- £1108.04 per month for two or more children

## Housing element

You can get an amount for housing costs if you have to pay rent or have a mortgage.

- If you are an owner-occupier you may get support for mortgage interest as well as certain service charges. There will usually be a waiting time of nine months for most people before you can be paid this element. Housing costs for mortgages are made as a loan which has to be repaid (with interest) when the house is sold or when the claimant returns to work.
- If you are liable to pay rent and you are a private tenant your housing element will depend on the number of rooms you need in the same way as the current Local Housing Allowance (LHA) scheme. If you live in social housing your rent may be reduced if you are considered to be under occupying your property.

## Benefit calculators

**Please note:** the amount of UC is governed by individual circumstances and the above provides a brief, but not exhaustive, overview of the elements that make up UC entitlement.



You can find out how much UC you could receive by using one of the following [benefit calculators](#) which will give you a rough calculation.

For a more detailed UC forecast, try to get help from one of the advice services listed at the end of this guide.

## **How is my capability for work assessed under UC?**

The test is the same as for ESA. You will be asked to complete a Capability for Work Questionnaire (UC50) which is very similar to the ESA50 you completed when you applied for ESA.

You may be subject to a Work Capability Assessment (WCA) to find out if your health condition or disability affects your ability to work. The outcome of your WCA will help a decision maker to decide if you:

- Are fit for work.
- Have limited capability for work (LCW). This means that although you may be unable to look for work now, you are able to prepare for work with the aim of working at some time in the future. This is the equivalent of the ESA Work-related Activity Group (WRAG).
- Have limited capability for work-related activity (LCWRA) . This means you will not be asked to look for work, or to prepare for work. This is the equivalent of the ESA Support Group.

Once the WCA has been completed, you will be awarded a limited capability for work element (see above).

## **What Limited Capability for Work element will I be awarded?**

If you migrate from IRESA onto UC and you were getting the Work-Related Activity component, you are immediately eligible for a Limited Capability for Work (LCW) element in your UC. If you were getting a Support Group component, you are immediately eligible for a Limited Capability for Work Related Activity (LCWRA) element in your UC.

If you were waiting to be assessed under the Work Capability Assessment (WCA) when you migrate onto UC and subsequently satisfy the WCA, you are entitled to a LCW or LCWRA element from the first assessment period after the normal 13 week assessment phase has ended (weeks on ESA and UC count toward the assessment phase). If you have already been waiting more than 13 weeks when you transfer onto UC, you can get a LCW or LCWRA element straight away.

The DWP may re-assess your capability for work at any time after you have migrated to UC.

## **Will I continue to receive help with Council Tax?**

If you received Council Tax Reduction (formally Council Tax Benefit) before you migrated to UC, it is important to note that it is now claimed separately from your local council. It is now administered separately from Housing Benefit, which is paid as part of the UC award through the Housing Costs element. An existing Council Tax Reduction award should continue but a new claim must be applied for via your local council, in addition to applying for Universal Credit.

## **Where can I get advice on UC by phone and online?**

If you have an online UC account you can use that to get in touch with the Department for Work and Pensions. <https://www.gov.uk/sign-in-universal-credit>

If you don't have an online account you can use these numbers to contact the Department for Work and Pensions

- 0800 328 9344
- Welsh language: 0800 328 1744
- Textphone: 0800 328 1344

All lines are open Monday to Friday, 8am to 6pm.

- The website Understanding Universal Credit is a very useful source of information and guidance on making a claim <https://www.understandinguniversalcredit.gov.uk>
- To make a claim <https://www.gov.uk/universal-credit>
- If you need to challenge a UC decision <https://www.gov.uk/mandatory-reconsideration>
- If you have a complaint about a UC issue which has not been resolved by your Work Coach <https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

## **I receive contributory ESA only. Will I have to claim UC?**

Contributory ESA (CESA) is not being replaced by UC so if this is the only benefit that you are receiving then you will not migrate to UC. However, if you are also receiving a legacy benefit and your circumstances change, then you will migrate to UC. Your entitlement to CESA will continue and will be topped up by a UC payment. Your CESA will count in full as income and reduce your UC payment accordingly.

## **I receive ESA and do Permitted Work. Will I be able to continue to do this if I migrate to UC?**

If you are getting ESA you may be able to do some types of work within certain limits. This is called 'permitted work'. The idea of permitted work is that it allows you to test your own capacity for doing some work and perhaps gain new skills. To help make this possible, earnings under permitted work are disregarded, up to a limit of £140.00 a week (from April 2020), as long as you do not work more than 16 hours a week.

There is no Permitted Work rule in UC. It is replaced with work allowances which enable some monthly earnings to be disregarded if you have Limited Capability for Work. Earnings

of up to £512 per month are disregarded if you are an owner-occupier or have no housing costs. If you do have housing costs, earnings of up to £292 per month are disregarded. Once you earn more than your work allowance a taper of 63% is applied to your remaining earnings, reducing the amount of UC that you receive by this amount.

### **I receive ESA but I am also a carer. Will I continue to receive a Carer Premium under UC?**

Premiums previously included in income-related ESA have been abolished under UC. A UC carer element is awarded if you are caring for a severely disabled person on a qualifying benefit for at least 35 hours a week. You don't have to claim Carer's Allowance (CA) and are not subject to the CA weekly earnings limit. However, crucially, under UC, you will not be awarded the carer element AND Limited Capability for Work element together; you will be awarded whichever element is higher.

### **I receive ESA and PIP and currently receive a Severe Disability Premium (SDP) in my ESA. Will I continue to get this if I transfer to UC?**

Until at least January 26th 2021 you will not be able to transfer from Income Related ESA to UC. This is a consequence of the High Court decision referred to previously, and is designed to protect you from being worse off if you transfer to UC.

### **I receive income-related ESA, have undergone a work capability assessment (WCA) and been found fit for work. I am asking for a Mandatory Reconsideration (MR) of the decision but in the meantime, have been told that I must claim UC. Is this correct?**

If you need money to live on while waiting for the MR decision, you will be asked to claim UC instead. However, you should seek advice before claiming UC as this may make you worse off in the long run. Once the claim for UC is made, all legacy benefits will stop, and you will wait at least five weeks for your first payment. You will not be able to go back on income-related ESA (irESA), even if you win your appeal.

If you are able to manage without claiming UC, you should ask the DWP to make the irESA MR decision urgently. Even if it is negative, your irESA can be reinstated once your appeal has been lodged. You are entitled to receive irESA at the assessment rate until the appeal hearing. You will need to submit medical certificates during this period. You cannot be automatically paid irESA in these circumstances if you failed the WCA because you did not return the UC50 in time, or you did not attend the medical. In that case you will have to put in a new claim for ESA. Payment of your ESA will be suspended until you have passed the WCA. You also cannot be paid irESA pending appeal if you have failed the WCA on two consecutive occasions.

### **Advice agencies**

You may be able to get further information and help with UC from an advice agency. They may be able to help obtaining forecasts on UC entitlement, for example.

However, advice agencies may be almost impossible to get through to on the phone, have no appointment system and long queues. If you can't get through to your local agency on the phone, try writing to them explaining your health problems and asking if they do home visits, or if they can telephone you at home and offer advice. You can usually find numbers for advice agencies in your local Yellow Pages in one or more of the following sections: disability information and services; information services; social service and welfare organisations; counselling and advice.

### **Citizens Advice service**

This is a network of around 300 independent, local charities across England and Wales. Look under Citizens Advice in your phone book for details of your nearest one. You can also find details of your nearest bureau at: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Citizens Advice Scotland**

To find your nearest bureau, look under Citizens Advice Scotland in your phone book or visit the CAS website at: [www.cas.org.uk](http://www.cas.org.uk)

### **AdviceUK**

Over 900 advice agencies are members of AdviceUK. Details of your nearest ones are available from AdviceUK's website at [www.adviceuk.org.uk](http://www.adviceuk.org.uk)

### **Association of Independent Advice Centres (Northern Ireland)**

AIAC is the umbrella body for independent advice centres in Northern Ireland. You can get details of your local independent advice centre in Northern Ireland from their website at: [www.adviceni.net/](http://www.adviceni.net/)

### **Disability Information Advice Line**

There are over 140 local DIALs, all staffed by disabled people and all offering telephone advice. If you have a local line it should be listed in your telephone directory under DIAL UK. Alternatively, call the Scope helpline on **0808 800 3333** or visit their website at <https://www.scope.org.uk/support/disabled-people/local/about> where you can find a directory of DIAL offices.

### **Law Centres**

Contact details of your nearest Law Centre, where you may be able to get free advice and representation at appeals, are available from the Law Centres Federation [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### **Housing Associations**

Some housing associations employ a welfare rights worker. If you live in a housing association property contact your local office.

### **Doctor's surgeries**

An increasing number of surgeries and health centres have a welfare rights worker on the premises, part-time or full-time. Check with the receptionist.

### **Local Authority**

Your local council may employ welfare rights workers who can help you with your claim. Start by asking your council's main switchboard if they can put you through to a welfare rights worker. If the operator doesn't know of one ask to be put through to the Social Services Department and if they can't help try the Housing Department, either department may employ welfare rights workers.