



Department
for Work &
Pensions

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Daphne Hall
On behalf of National Association of Welfare
Rights Advisors
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Dear Daphne

Thank you for your letter of 1 November 2017 to David Gauke Secretary of State on behalf of the National Association of Welfare Rights Advisors, I have been asked to reply.

I note that you asked for a response within 14 days, but the issues you raise are complex and it has taken some time to determine the answers to all your questions.

You raised three issues. I will deal with them in turn.

Employment Support Allowance (ESA) claimants moving to Universal Credit (UC)

An ESA claimant may have a change of circumstances that means that he or she now has to claim UC. Providing that their claim is continuous and there has been no change in their health condition, a determination made in the ESA claim that the claimant has limited capability for work (LCW), or has limited capability for work and work related activity (LCWRA), will be applied to the UC claim.

This means that the claimant is not referred for another Work Capability Assessment (WCA) just because a claim for UC has been made. The claimant is eligible for the additional amount for having LCW if they were entitled to the equivalent ESA payment before 3 April 2017 or LCWRA from the beginning of their UC claim. There will be no requirement for claimants to serve a relevant period at the beginning of the claim.

This process has been in place since June of this year. It may be that some cases before this were not managed through the process according to guidance, but we believe this has now been resolved.

Waiting Days

The process to apply waiting days is automated and the system calls on our customer information system to determine if waiting days apply or not.

If a claimant moves straight from ESA on to UC through natural migration, as a result of a change of circumstances, they will not serve waiting days so exemptions do not need to be considered.

However, if there is a delay in making a claim for UC the case will need to be considered in the round and an exemption from waiting days will need to be considered.

You will be aware from the Budget announcement and subsequent statement from the Secretary of State for Work and Pensions on 23 November that from February 2018 the seven-day waiting period will be removed.

Submitting a DS1500

If a claimant declares they are terminally ill we will establish if PIP/DLA already has a DS1500. If they do we will proceed to applying the LCWRA status immediately on the UC claim. Doing so will ensure they receive the additional amount for having LCWRA from the correct date.

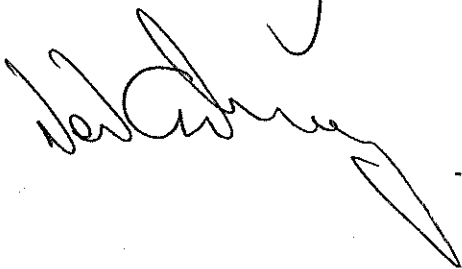
If no DS1500 is held, we advise the claimant to submit to us a completed DS1500 from their doctor. The claimant's representative can submit the form if the claimant is unable to do so themselves.

If a claimant indicates they are terminally ill but they do not provide a DS1500 we would consider them for an immediate referral for a WCA under the Terminal Illness category. These referrals are cleared by our medical services provider CHDA within 3 days.

We are aware there are some issues in how we manage the DS1500 process, and we are currently working with third parties and claimant representatives to determine the most effective process that allows them to provide this information to us without the claimant's knowledge.

I hope this answers your general queries, but if you have concerns about specific cases, and those claimants are happy for you to pass their details on, we can look into their claims to ensure they have been processed correctly.

Yours Sincerely



Neil Couling
Director General
Universal Credit Programme