



The ESA50/UC50 Questionnaire

What is the ESA50/UC50?

For an initial period at the start of a new claim for Employment & Support Allowance (the Assessment phase) the DWP accept medical certificates as evidence that the claimant has a limited capability for work.

At some point after the eighth week of the Employment and Support Allowance claim the DWP start the process to apply their own assessment (the Work Capability Assessment) of whether the claimant can be considered as having an ongoing limited capability for work and continue to receive Employment & Support Allowance after the thirteenth week of the claim.

The ESA50 is a form called the 'Limited Capability for Work Questionnaire' that the DWP use to obtain information from the claimant about their health conditions and how these affect their ability to work. This is the start of the Work Capability Assessment.

Universal Credit claimants may claim UC based on incapacity for work. If so, they would initially need to supply a medical certificate to evidence being unable to work. The same questionnaire is sent to Universal Credit claimants, except it is called a UC50.

Both Employment and Support Allowance and Universal Credit claimants (who claim incapacity for work) have to undergo the Work Capability Assessment.

What is the Work Capability Assessment?

The Work Capability Assessment comprises of a series of activities (called 'descriptors'); points are awarded depending on the how much difficulty the claimant has in performing each activity. The claimant must score in excess of 15 points to satisfy the Assessment.

It is important to note that this Assessment does not take into account whether the claimant can carry out their usual or previous occupation or any work that

they are qualified for – it is a general assessment of the ability to perform everyday actions in a *theoretical* work place setting.

The activities used and the points allocated are laid out in law; these can be downloaded or ask us for a copy. It is important to give accurate and consistent information so that the Healthcare Professional who carries out the medical assessment can rely on this as a basis for their opinion. If you do not give information about a condition the DWP might not then know that they should consider whether this affects your ability to perform any of the activities. It is better to put something on the form even if it is embarrassing or something that is not confirmed or difficult to explain.

Completing the ESA50/UC50

The first few pages of the questionnaire ask for personal details. You can list your GP or a hospital specialist or any other healthcare professional that you think knows you best, eg counsellor or physiotherapist. It is better to give details of someone who has seen you recently.

You are asked to also list your health problems: remember – you do not have to have a formal diagnosis and you can just describe your symptoms. It is helpful if you can be specific about the location, frequency or severity of any symptoms. You are also asked to give information about your medication and/or treatment.

It is important to note that the Assessment is a test of your functional ability so it is how you are affected by any health condition that is considered not simply what your diagnosis is; different people with the same condition can be affected in different ways or with different levels of difficulty.

The Assessment takes into account your ability to carry out the activities using any aids, adaptations or prosthesis that you normally use or that you could be reasonably expected to use.

The form then goes through each of the activities used in the Work Capability Assessment. Part one (page 7 – 12) deals with physical functions and comprises of ten activities. Part two (pages 12-16) deals with mental, cognitive and intellectual functions and comprises of a further eight activities. The Assessment is structured to focus on these activities; if you have other difficulties you can mention these in the “Other information” box at the end of the form. However, you should remember that the Assessment is primarily concerned with a person’s ability to work and so some issues (eg night time problems) will not be relevant.

Under each activity is a series of tick boxes and space to write further information. The same form is used for everyone, so it is unlikely that each and every activity will apply to you and you do not have to write something in each box. However, if you have difficulty with an activity you should give a bit more information as well as ticking the relevant boxes.

You should try to explain why you might struggle to perform an activity – eg because of specific pain, or what would prevent you from performing the action. If you tick the box to indicate ‘it varies’ you should try to give as much information about this – how often might you not be able to perform the action in a typical week? What can you manage on a ‘good’ day and what can you manage on a ‘bad’ day? How often are your “good” and “bad” days? You could keep a diary for a period of time to help you decide this.

The Assessment should take into account whether the claimant can perform the activity with **repeated regularity** – this is important if you can only manage to perform the activity once or a limited number of times but not again and again. You should explain if you experience increased pain or fatigue and this limits the number of times you can perform an activity or if you would need to rest.

Some claimants can be treated as having a limited capability for work and are exempted from the Assessment if they meet specified conditions or it accepted there is a substantial risk should they not be.

What do I do with the completed form?

You have four weeks to return the ESA50 questionnaire. You should be provided with a pre-paid envelope to return the form. In Northamptonshire forms should be sent to MAXIMUS Medical Services in Nottingham and not to the DWP Benefit Centre.

In most cases you will also be asked to attend a medical assessment. Please see our factsheet about DWP medical assessments.

Important Note: If you do not return the completed questionnaire or if you do not attend the medical assessment your benefit could stop unless you contact the DWP and provide a good reason for failing to comply. You can appeal against a decision that you did not have ‘good cause’ for either not returning the ESA50/UC50 form or not attending the medical assessment but you will not be paid benefit whilst appealing. Repeat claims are not payable unless there is a new condition or the existing one is significantly worsened.



Community Law Service offer specialist benefit advice to assist with identifying benefit entitlement, claiming benefits, understanding benefit decisions and registering benefit challenges and appeal. We can offer appointments to give advice and assistance to prepare for benefit appeals.