

Community
Legal Service



COVENTRY LAW CENTRE

UNFIT FOR WORK INCAPACITY BENEFIT AND INCOME SUPPORT

Incapacity Benefit has been abolished for new claimants. It has been replaced by Employment and Support Allowance. If you are currently on Incapacity benefit you will probably transfer to the new benefit at a later date.

PLEASE NOTE THAT THIS LEAFLET DOES NOT APPLY TO ANYBODY MAKING A NEW CLAIM AS UNFIT FOR WORK.

After being unfit for work for 28 weeks, although sometimes before then, (and periodically thereafter) you will be sent form IB50. This leaflet offers information and advice in completing the questionnaire (form IB50). This leaflet gives details of the points scoring used to assess your fitness for work and some tips on completing the form. There is also some advice on appealing against an adverse decision.

You must complete this form. If you do not the Benefits Agency will assess you as capable of work. Your Incapacity Benefit will then cease and/or your Income Support may be reduced. The role of your GP is simply to offer a diagnosis. The Benefits Agency based on the information on the form and perhaps a medical examination makes the decision on your capacity for work.

How you fill in the form is very important. If you do not put something down on the form at this stage it is less likely that a decision maker or an Appeal Tribunal will believe you about symptoms that you only mention later.

Here are some tips for completing the questionnaire:

1. Be honest about the extent of your disability/ill health. You should not exaggerate, but neither should you understate your problems.
2. Take your time, think carefully, read the notes on the form before answering the questions. It may help to write your answers on a separate piece of paper first.
3. Answer the questions in terms of your ability to work a normal day at work. For example, you may be able to bend down once, but not repeatedly over a longer period.
4. Everyone has 'good and bad days'. You should put on the form what you can do on the worst days. You should then state that your condition is sometimes not as bad as this. If necessary, estimate on average how often you could perform the activity and how often you could not. If any of the tasks cause you pain, or leaves you in pain or exhausted afterwards, make sure you mention this.
5. Write any extra relevant and important information that you have not already mentioned, such as if you have had to give up work for medical reasons, in the space for additional information.
6. If you have mental health problems, including anxiety or depression, give details in the space for additional information and describe how they affect your daily life and ability to work. Refer to the points in this leaflet to consider what information the Benefits Agency need.
7. Always make a copy of your answers as they may be referred to later by the Benefits Agency.
8. Remember that the test is of how many points the decision maker awards you. To be judged incapable of work you must score 15 points on the physical health test or 10 points on the mental health test.

APPEALS

If you are turned down it is always worth asking advice about an appeal. You have one month to appeal from the date of the letter telling you the decision. Coventry Law Centre will advise you about appealing and may represent you at the hearing. The Law Centre offers free legal advice and representation. You can contact the Law Centre for an appeal appointment.

Coventry Law Centre
The Bridge
Broadgate
Coventry CV1 1NG

Tel: 024 76223053

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The test - physical disabilities

Descriptors and points

Walking on level ground with a walking stick or other aid if such aid is normally used.

* Cannot walk at all.	15
* Cannot walk for more than a few steps without stopping or severe discomfort.	15
* Cannot walk more than 50 metres without stopping or severe discomfort.	15
* Cannot walk for more than 200 metres without stopping or severe discomfort.	7
* Cannot walk more than 400 metres without stopping or severe discomfort.	3
* Cannot walk more than 800 metres without stopping or severe discomfort.	0
* No walking problem.	0

n.b.

only the highest of the scores from walking and walking up and down stairs counts towards the total

Walking up and down stairs.

* Cannot walk up and down one stair.	15
* Cannot walk up and down a flight of 12 stairs.	15
* Cannot walk up and down a flight of 12 stairs without holding on and taking a rest.	7
* Cannot walk up and down a flight of 12 stairs without holding on.	3
* Can only walk up and down a flight of 12 stairs, if he goes sideways or one step at a time.	3
* No problem in walking up and down stairs.	0

Sitting in an upright chair with a back, but no arms.

* Cannot sit comfortably.	15
* Cannot sit comfortably for more than 10 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting.	15
* Cannot sit comfortably for more than 30 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting.	7
* Cannot sit comfortably for more than 1 hour without having to move from the chair because the degree of discomfort makes it impossible to continue sitting.	3
* Cannot sit comfortably for more than 2 hours without having to move from the chair because the degree of discomfort makes it impossible to continue sitting.	0
* No problem with sitting.	0

Standing without the support of another person or the use of an aid except a walking stick.

* Cannot stand unassisted.	15
* Cannot stand for more than a minute before needing to sit down.	15
* Cannot stand for more than 10 minutes before needing to sit down.	15
* Cannot stand for more than 30 minutes before needing to sit down.	7
* Cannot stand for more than 10 minutes before needing to move around.	7
* Cannot stand for more than 30 minutes before needing to move around.	3
* No problem standing.	0

Rising from sitting in an upright chair with a back but no arms without the help of another person.

*	Cannot rise from sitting to standing.	15
*	Cannot rise from sitting to standing without holding on to something.	7
*	Sometimes cannot rise from sitting to standing without holding on to something.	3
*	No problem with rising from sitting to standing.	0

Bending and kneeling.

*	Cannot bend to touch his knees and straighten up again.	15
*	Cannot either, bend or kneel, or bend and kneel, as if to pick up a piece of paper from the floor and straighten up again.	15
*	Sometimes cannot either, bend or kneel, or bend and kneel as if to pick up a piece of paper from the floor and straighten up again.	3
*	No problem with bending and kneeling.	0

Manual dexterity.

*	Cannot turn the pages of a book with either hand.	15
*	Cannot turn a tap or control knobs on a cooker with either hand.	15
*	Cannot pick up a coin which is 2.5cm or less in diameter with either hand.	15
*	Cannot use a pen or pencil.	15
*	Cannot tie a bow in laces or string.	10
*	Cannot turn a sink tap or the control knobs on a cooker with one hand, but can with the other.	6
*	Cannot pick up a coin which is 2.5 cm or less in diameter with one hand, but can with the other.	6
*	No problem with manual dexterity.	0

Lifting and Carrying.

*	Cannot pick up a paperback book with either hand.	15
*	Cannot pick up and carry a 0.5 litre carton of milk with either hand.	15
*	Cannot pick up and pour from a full saucepan or kettle of 1.7 litre capacity with either hand.	15
*	Cannot pick up and carry a 2.5 kg bag of potatoes with either hand.	8
*	Cannot pick up and carry a 0.5 litre carton of milk with one hand, but can with the other.	6
*	Cannot pick up and carry a 2.5 kg bag of potatoes with one hand, but can with the other.	0
*	No problem with lifting and carrying.	0

Reaching.

*	Cannot raise either arm to put something in the top pocket of a coat or jacket.	15
*	Cannot raise either arm to his head to put on a hat.	15
*	Cannot put either arm behind his back to put on a coat or jacket.	15
*	Cannot raise either arm above his head to reach for something.	15
*	Cannot raise one arm to his head to put on a hat, but can with the other.	6
*	Cannot raise one arm above his head to reach for something, but can with the other.	0
*	No problems with reaching.	0

Speech.

*	Cannot Speak.	15
*	Speech cannot be understood by family or friends.	15
*	Speech cannot be understood by strangers.	15
*	Strangers have great difficulty understanding speech.	10
*	Strangers have some difficulty understanding speech.	8
*	No problems with speech.	0

Hearing with a hearing aid or other aid if normally worn.

* Cannot hear sounds at all.	15
* Cannot hear well enough to follow a television programme with the volume turned up.	15
* Cannot hear well enough to understand someone talking in a loud voice in a quiet room.	15
* Cannot hear well enough to understand someone talking in a normal voice in a quiet room.	10
* Cannot hear well enough to understand someone talking in a normal voice on a busy street.	8
* No problems with hearing.	0

Vision in normal daylight or bright electric light with glasses or other aid to vision if such aid is normally worn.

* Cannot tell light from dark.	15
* Cannot see the shape of furniture in the room.	15
* Cannot see well enough to read 16 point print at a distance greater than 20cm	15
* Cannot see well enough to recognise a friend across the room.	12
* Cannot see well enough to recognise a friend across the road.	8
* No problem with vision.	0

Continence (other than enuresis (bed wetting)).

* No voluntary control over bowels.	15
* No voluntary control over bladder.	15
* Loses control of bowels at least once a week.	15
* Loses control of bowels at least once a month.	15
* Loses control of bowels occasionally.	9
* Loses control of bladder at least once a month.	3
* Loses control of bladder occasionally.	0
* No problem with continence.	0

Remaining conscious without having epileptic or similar seizures during waking moments.

* Has an involuntary episode of lost or altered consciousness at least once a day.	15
* Has an involuntary episode of lost or altered consciousness at least once a week.	15
* Has an involuntary episode of lost or altered consciousness at least once a month.	15
* Has had an involuntary episode of lost or altered consciousness at least twice in the 6 months before the day in respect to which it falls to be determined whether he is incapable of work for the purposes of entitlement to any benefit, allowance or advantage.	12
* Has had an involuntary episode of lost or altered consciousness once in the 6 months before the day in respect to which it falls to be determined whether he is capable of work for the purposes of entitlement to any benefit, allowance or advantage.	8
* Has had an involuntary episode of lost or altered consciousness once in the 3 years before the day in respect to which it falls to be determined whether he is capable of work for the purposes of entitlement to any benefit, allowance or advantage.	0
* Has no problem with consciousness.	0

The test - mental disabilities

If you score 10 points or more on this test you are incapable of work.

If you score between 6 and 9 points then 9 points will be added to the physical assessment score to see if you pass the 15 points threshold.

If you score less than 6 points on this test the points are not counted.

Descriptors and points

Completion of tasks.

* Cannot answer the telephone and reliably take a message.	2
* Often sits for hours doing nothing.	2
* Cannot concentrate to read a magazine article or follow a radio or television programme.	1
* Cannot use a telephone book or other directory to find a number.	1
* Mental condition prevents him from undertaking leisure activities previously enjoyed.	1
* Overlooks or forgets the risk posed by domestic appliances or other common hazards due to poor concentration.	1
* Agitation, confusion or forgetfulness has resulted in mishaps or accidents in the 3 months before the day in respect to which it falls to be determined whether he is incapable of work for the purposes of entitlement to any benefit allowance or advantage.	1
* Concentration can only be sustained by prompting	1

Daily living.

* Needs encouragement to get up and dress.	2
* Needs alcohol before midday.	2
* Is frequently distressed at some time of the day due to fluctuation of mood.	1
* Does not care about his appearance and living conditions.	1
* Sleep problems interfere with his daytime activities.	1

Coping with pressure.

* Mental stress was a factor in making him stop work.	2
* Frequently feels scared or panicky for no obvious reason.	2
* Avoids carrying out routine activities because he is convinced they will prove too tiring or stressful.	1
* Is unable to cope with changes in daily routine.	1
* Frequently finds there are so many things to do that he gives up because of fatigue, apathy or disinterest.	1
* Is scared or anxious that work would bring back or worsen his illness.	1

Interaction with other people.

* Cannot look after himself without help from others.	2
* Gets upset by ordinary events and it results in disruptive behavioural problems.	2
* Mental problems impair ability to communicate with other people.	2
* Gets irritated by things that would not have bothered him before he became ill.	1
* Prefers to be left alone for 6 hours or more each day.	1
* Is too frightened to go out alone.	1