

**SCHEDULE 4 SECTION 4.23****SERVICE DESCRIPTIONS****EMPLOYMENT AND SUPPORT ALLOWANCE (ESA)****1. GENERAL**

- 1.1 The CONTRACTOR shall adhere to the medical and common business requirements detailed in Section 4.1 of Schedule 4 of the Medical Services Agreement.
- 1.2 The CONTRACTOR shall ensure that HCPs completing Work Capability Assessments (WCA) are Approved by the AUTHORITY.
- 1.3 At any stage following receipt of a Referral from the AUTHORITY, where the CONTRACTOR becomes aware that the Claimant is Terminally Ill, it shall suspend all actions and advise the AUTHORITY. Where appropriate, the CONTRACTOR shall notify the Claimant not to attend an arranged appointment or not to return any documentation.
- 1.4 At any stage following receipt of a Referral from the AUTHORITY, where the CONTRACTOR becomes aware that the Claimant meets the criteria for LCWRA, it shall suspend all actions and advise the AUTHORITY. Where appropriate, the CONTRACTOR shall notify the Claimant not to attend an arranged appointment or not to return any documentation.
- 1.5 Upon completion of all the necessary actions, the CONTRACTOR shall return all documentation received from the AUTHORITY or gathered on behalf of the AUTHORITY.

**2.0 Referrals where the Claimant is claiming ESA under the TI provision**

- 2.1. The AUTHORITY shall advise the CONTRACTOR at the point of registration whether the Claimant is potentially Terminally Ill.
- 2.2 Where the AUTHORITY provides the appropriate document (DS1500), the CONTRACTOR shall advise whether the Claimant is Terminally Ill or meets the criteria for LCWRA.
- 2.3 Where the AUTHORITY is unable to provide the appropriate documentation (DS1500), the CONTRACTOR shall check if advice has previously been provided to PDCS that the Claimant is Terminally Ill no more than 6 months prior to the WCA Referral. Where the CONTRACTOR has previously provided a report to the AUTHORITY in respect of a Terminally Ill status, the CONTRACTOR may deem a similar output for WCA.
- 2.4 If the CONTRACTOR is unable to determine whether the Claimant is Terminally Ill with the documentary evidence available, the CONTRACTOR shall use reasonable endeavours to attempt to obtain FME as quickly as possible.
- 2.5 Where the CONTRACTOR is able to determine that the Claimant is Terminally Ill, the CONTRACTOR shall advise the AUTHORITY.
- 2.6 Where the CONTRACTOR is unable to determine that the Claimant is Terminally Ill, the CONTRACTOR shall issue the ESA50 questionnaire to the Claimant.

**3.0 LCWRA only Referrals**

- 3.1 The CONTRACTOR will receive the appropriate Referral documentation from the AUTHORITY.
- 3.2 The CONTRACTOR shall advise the AUTHORITY whether the Claimant meets the criteria for LCWRA.
- 3.3 If the CONTRACTOR is unable to determine whether the Claimant meets the criteria for LCWRA with the evidence available, the CONTRACTOR shall use reasonable endeavours to attempt to obtain FME.
- 3.4 Where the CONTRACTOR is unable to determine that the Claimant meets the criteria for LCWRA, the CONTRACTOR shall issue an ESA50A questionnaire to the Claimant or their representative.
- 3.5 The CONTRACTOR shall issue a reminder to the Claimant or their representative if the ESA50A is not returned to the CONTRACTOR after twenty one (21) calendar days of having provided it to the Claimant or their representative.
- 3.6 If the Claimant or their representative does not return the completed ESA50A questionnaire within twenty nine (29) calendar days of its issue, the CONTRACTOR shall advise the AUTHORITY that the Claimant does not meet the criteria for LCWRA.
- 3.7 On receipt of the ESA50A questionnaire, the CONTRACTOR shall advise whether or not the Claimant meets the criteria for LCWRA.
- 3.8 Where the CONTRACTOR is unable to advise on the evidence alone, the CONTRACTOR shall arrange with the Claimant for an LCWRA assessment to be carried out.

**4.0 Advice Referrals**

- 4.1 The CONTRACTOR shall provide medical advice or clarification of medical advice that the AUTHORITY requests. Where the AUTHORITY requires advice e.g. can't read Med 3, these shall be faxed to the CONTRACTOR who will then provide the appropriate advice in the same manner.

**5.0 WCA Referrals**

- 5.1 Issuing the questionnaire
- 5.1.1 On receipt of the Referral the CONTRACTOR shall issue the ESA50 questionnaire to the Claimant or their representative.
- 5.1.2 The CONTRACTOR shall automatically issue a reminder to the Claimant or their representative if the ESA50 questionnaire is not returned to the CONTRACTOR after twenty one (21) calendar days of having provided it to the Claimant or their representative.
- 5.1.3 If the Claimant or their representative does not return a completed ESA50 questionnaire after twenty nine (29) calendar days of its issue, the CONTRACTOR shall advise the AUTHORITY, except where Mental Health conditions have been notified by the AUTHORITY.

5.1.4 Where Mental Health conditions have been notified by the AUTHORITY and an ESA50 questionnaire is not returned thereafter twenty nine (29) calendar days of its issue, the CONTRACTOR shall undertake a "Pre-Board check" for initial referrals and scrutiny for re-referrals as detailed in Paragraph 6.and Paragraph 7 of this Section 4.22.

## **6.0 Pre-Board Check – Initial Referrals**

6.1. On receipt of a completed ESA50 questionnaire, the CONTRACTOR shall undertake a preliminary Pre Board check on initial Referrals and in accordance with Paragraph 4.1.4 of this Section 4.22, to establish whether the Claimant has LCW and meets the criteria for LCWRA on the basis of documentary evidence or whether an LCW/LCWRA assessment.

6.2. Specifically, the CONTRACTOR shall establish whether:

6.2.1 the ESA 50 has been completed with all the relevant information;

6.2.2 FME is required to establish whether the Claimant has LCW and meets the criteria for LCWRA;

6.2.3 a LCW/LCWRA assessment is required;

6.2.4 If an LCW/LCWRA assessment is required, whether it more appropriate to be conducted by a Registered Nurse or Medical Practitioner in accordance with agreed criteria; and

6.2.5 if an LCW/LCWRA assessment is required, whether it is appropriate for an examination in a Medical Examination Centre (MEC), or, where FME is required and has been obtained pursuant to paragraph 6.2.2, where a Domiciliary Visit is appropriate.

6.3 The CONTRACTOR shall advise the AUTHORITY as to whether the Claimant's level of functional activity, due to a physical or mental disablement, is such that they have LCW and LCWRA. For avoidance of doubt, LCW advice must always accompany LCWRA advice.

6.4 The CONTRACTOR shall use reasonable endeavours to obtain any missing relevant information or obtain FME to enable it to advise the AUTHORITY whether the Claimant's level of functional activity, due to a physical or mental disablement, is such that they have both LCW and meet the criteria for LCWRA.

6.5 If the CONTRACTOR is unable to obtain any missing relevant information or obtain FME, or where it determines that the Claimant does not meet the criteria for LCWRA, it shall make all necessary arrangements to complete a LCW/LCWRA assessment .

## **7.0 Re-Referrals**

7.1 Re-Referrals where the Claimant previously met the criteria for LCWRA

7.1.1 The CONTRACTOR shall complete a Scrutiny check for Re-Referrals where the Claimant previously met the criteria for LCWRA to establish whether:

7.1.1.1 the ESA 50 has been completed with all the relevant information;

7.1.1.2 FME is required to establish whether the Claimant has LCW and meets the criteria for LCWRA;

7.1.1.3 a LCW/LCWRA assessment is required;

7.1.1.4 if an LCW/LCWRA assessment is required, whether it more appropriate to be conducted by a Registered Nurse or Medical Practitioner in accordance with

agreed criteria: and

- 7.1.1.5 if an LCW/LCWRA assessment is required, whether it is appropriate for an examination in a Medical Examination Centre (MEC), or where FME is required and has been obtained pursuant to paragraph 7.1.1.2, whether a Domiciliary Visit is appropriate.
- 7.1.2 The CONTRACTOR shall advise whether or not the Claimant continues to meet the criteria for LCWRA based on documentary evidence.
- 7.1.3 Where there is evidence of improvement in the Claimant's functional abilities or mental disablement, the CONTRACTOR shall make all necessary arrangements to undertake an LCW/LCWRA assessment.
- 7.2 Re Referrals where the Claimant previously met the LCW threshold but did not meet the criteria for LCWRA
  - 7.2.1 The CONTRACTOR shall complete a Scrutiny check to establish whether:
    - 7.2.1.1 the ESA50 questionnaire has been completed with all the relevant information;
    - 7.2.1.2 there is adequate evidence to support that the Claimant's specific mental or physical disablement continues to meet the LCW threshold;
    - 7.2.1.3 FME is required to establish whether the Claimant's specific mental or physical disablement continues to meet the LCW threshold;
    - 7.2.1.4 there is evidence of improvement in the Claimant's functional abilities or mental disablement since the last assessment and a further LCW/LCWRA assessment is required;
    - 7.2.1.5 if an LCW assessment is required, whether it more appropriate to be conducted by a Registered Nurse or Medical Practitioner in accordance with agreed criteria; and
    - 7.2.1.6 if an LCW/LCWRA assessment is required, whether it is appropriate for an examination in a Medical Examination Centre (MEC), or where FME is required and has been obtained pursuant to paragraph 7.2.1.3, whether a Domiciliary Visit is appropriate.
  - 7.2.2 Where the CONTRACTOR is able to determine that the Claimant continues to meet the LCW threshold, the CONTRACTOR shall advise the AUTHORITY. That advice shall also include whether or not the Claimant meets the criteria for LCWRA.
  - 7.2.3 Where the CONTRACTOR is unable to determine that the Claimant continues to meet the LCW threshold, it shall make all necessary arrangements to complete a LCW/LCWRA assessment.

## **8.0 LCW/LCWRA Assessment**

- 8.1 Where the CONTRACTOR is unable to advise that the Claimant has LCW or meets the criteria for LCWRA, the CONTRACTOR shall arrange an LCW/LCWRA assessment.
- 8.2 If during the course of the LCW assessment, the Claimant meets the criteria for LCWRA,

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the CONTRACTOR shall curtail the assessment and advise the AUTHORITY.

## **10.0 Domiciliary Visits**

- 10.1 In addition to the provisions of Paragraphs 6.2.5, 7.1.1.5 and 7.2.1.6 of this Schedule 4.23 the CONTRACTOR shall undertake a Domiciliary Visit in accordance with the provisions of Paragraph 5.15 of Schedule 4.1 (Part One).
- 10.2 Where the Claimant declines the invitation to attend an assessment in a Medical Examination Centre and requests a Domiciliary Visit, the CONTRACTOR shall advise the Claimant to provide medical evidence to support their request.
- 10.3 The CONTRACTOR shall record all attempts made to contact the Claimant or their representative and any reasons given by the Claimant or their representative for non availability.
- 10.4 Where the CONTRACTOR is unable to gain access to the Claimant's notified address, the CONTRACTOR shall issue the appropriate form to the Claimant or their representative, which seeks to obtain the reasons for non-availability within twenty four (24) hours of the Claimant's non-availability for the arranged appointment.

## **11.0 In respect of Claimants who are Unable to Attend**

- 11.1 The CONTRACTOR shall offer a further appointment without reference back to the AUTHORITY to those Claimants who are Unable to Attend the first arranged appointment.
- 11.2 The CONTRACTOR shall ensure that the second arranged appointment is left open until the end of the day of the date of that second arranged appointment, to allow for the possibility that the Claimant may be able to attend. If the Claimant does not attend the second arranged appointment, the CONTRACTOR shall use reasonable endeavours to despatch by email or post or make available through MSRS all documentation to the AUTHORITY, within twenty four (24) hours of the second arranged appointment date, which shall include a record of reasons given by the Claimant for non attendance and all attempts made to contact the Claimant.

## **12.0 In respect of Claimants who Do Not Attend**

- 12.1 If the Claimant Does Not Attend an arranged appointment, the CONTRACTOR shall use reasonable endeavours to despatch to the AUTHORITY all documentation within twenty four (24) hours of the date of that arranged appointment, which shall include a record of reasons given by the Claimant for non attendance and all attempts made to contact the Claimant.
- 12.2 The CONTRACTOR shall use reasonable endeavours to despatch by email or post to those Claimants who Did Not Attend the arranged appointment, the appropriate form to the Claimant which seeks to obtain the reasons for non attendance within twenty four (24) hours of the Claimant not attending the arranged appointment.

## **13.0 Change of Circumstances**

- 13.1 Upon receipt of notification of any relevant change to a Claimant's circumstances, the CONTRACTOR shall advise the AUTHORITY. If directed to do so by the AUTHORITY, the CONTRACTOR shall despatch all requested documentation to the AUTHORITY by no later than the next Working Day.
- 13.2 Upon notification of a change of circumstances of the Claimant by the AUTHORITY, the CONTRACTOR shall use best endeavours to take appropriate and timely action to avoid

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inconvenience to the Claimant.

- 13.3 Upon receipt of notification of any relevant change to a Claimant's circumstances, the AUTHORITY shall promptly advise the CONTRACTOR.

**14.0 Claimant Expenses**

- 14.1 The CONTRACTOR shall, at all times, operate within the parameters of Medical Services Common Business Requirements, as set out in the Paragraph 13 of Schedule 4 Section 4.1 Part 1 of this Agreement, when considering the appropriate payment of any expenses incurred by a Claimant and/or Companion in travelling to attend an arranged appointment.

**15.0 Temporary National Insurance Numbers**

- 15.1 The CONTRACTOR shall ensure that Referrals with a Temporary National Insurance Number can be registered on the MSRS.

**16.0 ESA Documentation**

- 16.1 The CONTRACTOR shall provide the Authority with copies of any documentation the CONTRACTOR issues on behalf of the AUTHORITY at the AUTHORITY'S request.
- 16.2 The CONTRACTOR shall undertake a face to face assessment, either LCW/LCWRA or LCWRA alone when specifically requested by the AUTHORITY

**17.0 ESA Military Personnel**

- 17.1 The Contractor will receive the appropriate referral documentation from the Authority, including the ESA Claimant questionnaire and any FME, to advise whether the claimant meets the criteria for LCWRA.
- 17.2 The Contractor shall advise the Authority of whether the Claimant meets the criteria for LCWRA within 2 working days of receipt of the referral.
- 17.3 Where the Claimant does not meet the criteria for LCWRA, all the relevant paperwork should be returned to the Authority.