



## Welfare Rights Conference 2025

# ESA to UC – the final countdown

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## ESA to UC – the final countdown

This year sees the last stage of managed migration, as all remaining old-style income-related ESA (employment and support allowance) claimants are being notified to claim UC. The most vulnerable or hard-to-reach claimants may be at risk as time runs out. This workshop will help prepare you and your clients for this process, with a focus on:

- Timetable
- Enhanced support journey
- Hospital inpatients, care homes, supported accommodation and appointees
- Transitional elements
- Permitted work
- Changes affecting ESA after migration

## ESA managed migration timeline

Managed migration for ESA claimants has been brought forward from the initial date of December to September 2025 because of progress made so far. As of March, 200,000 ESA claimants have been migrated and the number of migration notices has been increased to 83,000 per month.<sup>1</sup>

## Enhanced support journey

The DWP offers the enhanced support journey to “almost all”<sup>2</sup> ESA claimants who do not claim by week 12. Legacy benefits are not terminated at week 13 if there is no contact or UC claim. Claimants do not have to have an appointee.

As of February 2025, 69,000 people have now been through the enhanced support journey process, 28,000 (40%) have been referred for a home visit. There has been a doubling of home visits to around 30,000 per month. The DWP has expanded the number of visiting officers it has by nearly 400. The enhanced support journey is not started earlier because “it would not be effective”<sup>3</sup> as there are two peaks for claiming, the start and weeks 12 or 13. According to the DWP, if the enhanced support journey started earlier claimants could say, rightly, that they were waiting to claim which they still had time to do.

The process is:

- Text sent;
- Three outbound calls made;
- If contact is made with the claimant, they are offered extra support. There may be a referral for a home visit or to a complex case coach, or to the Citizens Advice Help To Claim service. Pre-termination checks are carried out before the deadline date;
- If no contact is made, legacy system checks are made to plan a home visit. The claimant is notified of the home visit by text. The deadline to claim is extended by four weeks. If the visit fails, a referral is made to a Complex Case Coach and a case

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<sup>1</sup> [Universal Credit Programme Closure letter to stakeholders 31/3/25](#)

<sup>2</sup> [Work and Pensions Committee Oral evidence: Safeguarding Vulnerable Claimants, HC 402 Wednesday 12 February 2025 Q84 \(p17\)](#)

<sup>3</sup> *ibid*

conference is carried out for a decision. If there is a safeguarding concern, there is a referral made to Advanced Customer Support team.<sup>4</sup>

## Deadline missed

Advisers should check the deadline day and the final deadline day, including where these have been extended because it may be that the claimant *did* claim in time. The final deadline is one month minus one day from the deadline day.<sup>5</sup> If a claim is made by that date the claim is still a 'qualifying claim' so you should request a mandatory reconsideration and then appeal if no transitional element is included when the claimant would otherwise be entitled. If a claim made after the deadline day and before or on the *final* deadline day the award is backdated to the deadline day.

Otherwise, you can complain and ask for a consolatory payment. Submit a judicial review (legal advice will be needed) or threaten judicial review.

## Extensions and cancellations

A migration notice "may" be cancelled if it is "in the interests of the person"<sup>6</sup> and a deadline day "may" be extended "where there is a good reason to do so."<sup>7</sup> Claimants must be informed of the new deadline day. Both are at the discretion of the DWP.

DWP guidance gives examples of when this may happen eg, being in hospital or prison, having disabilities, needing extra support, being terminally ill.<sup>8</sup> But as September approaches it is likely that fewer migration notices and deadline days will be extended or cancelled. When requesting a cancellation, claimants will first be made aware of the digital help available.<sup>9</sup>

## Hospitals, care homes, appointees

Home visits can be made to hospitals and care homes to help with claims.<sup>10</sup> If an appointeeship is already in place, it must be transferred to UC.<sup>11</sup> Corporate appointees can self-identify on the online claim form and will be treated as departmental trusted partners.<sup>12</sup> The migration notice is sent to the appointee.<sup>13</sup>

## Transitional elements

### Transitional SDP element

The severe disability premium (SDP) is a premium that is included in some legacy benefits to help with the extra costs of disability. The 'transitional SDP element' is an element that can be

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<sup>4</sup> [Move to Universal Credit – Insight on Income Support and Housing Benefit and initial ESA cohort activity](#)

<sup>5</sup> UC (TP) Reg 46(4)

<sup>6</sup> UC (TP) Reg 44(5)(c)

<sup>7</sup> UC (TP) Reg 45

<sup>8</sup> Advice for Decision Making Chapter M7

<sup>9</sup> [Move to Universal Credit \(managed migration\): Claimant queries and support: Guidance p2](#)

<sup>10</sup> [Home visits guidance](#)

<sup>11</sup> [Appointees, Personal Acting Bodies and Corporate Acting Bodies: Guidance p1](#)

<sup>12</sup> Touchbase 24/1/25

<sup>13</sup> [gov.uk/guidance/move-to-universal-credit-if-you-get-a-migration-notice-letter](https://gov.uk/guidance/move-to-universal-credit-if-you-get-a-migration-notice-letter)

included in UC to compensate some severely disabled people from being worse off when they migrate to UC because there is no equivalent of the SDP in UC.

The transitional SDP element is associated with natural migration to UC, when claimants need to claim UC due to a change in circumstances, or by choice. It cannot be included where the claimant is entitled to a 'transitional element' under managed migration. However, it can apply to managed migration cases where no transitional element is payable.

To qualify for the transitional SDP element, the claimant must:<sup>14</sup>

- have been entitled (or was a member of a couple the other member of which was entitled) to an award of income support, income-based jobseeker's allowance or income-related employment and support allowance that included a severe disability premium within the month immediately preceding the first day of the award of UC;
- continue to satisfy the conditions for eligibility for a severe disability premium up to and including the first day of that award; *and*
- the UC award is not made as a consequence of the claimant becoming a member of a couple where the other member was already entitled to UC.

The amount of the transitional SDP element is one of three fixed rates, depending on circumstances:

- £143.37 if the limited capability for work-related activity (LCWRA) element is included in the award, and the claimant is a single claimant, or joint claimants who were previously in receipt of a single severe disability premium;
- £340.50 if the LCWRA element is not included in the award, and the claimant is a single claimant, or joint claimants who were previously in receipt of a single severe disability premium; *or*
- £483.88 for joint claimants if the double SDP rate was payable on the first day of the award and no person is entitled to carer's allowance, carer support payment or UC carer element for either of them in the first assessment period.

These amounts increased in April. Once awarded, the transitional SDP element is eroded in the second or subsequent assessment period by relevant increases in UC, in the same way as the transitional element.

CPAG has a free eLearning course, *UC and the transitional SDP element – advanced*, with lots of examples. <https://cpag.org.uk/training-and-events/elearning>

### Additional amounts

Claimants who are entitled to the transitional SDP element can also receive additional amounts, depending on their circumstances. The additional amounts are for claimants who were entitled to the enhanced disability premium, disability premium or disabled child element lower rate within the month immediately preceding the first day of the UC award and continued to satisfy the conditions for those amounts on the first day of the UC award.

Note that these additional amounts are not included for claimants who received these premiums/elements but do not first qualify for the transitional SDP element. The additional amounts were introduced on 14 February 2024 but can be added regardless of when the UC

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<sup>14</sup> [The Universal Credit \(Transitional Provisions\) Regulations 2014 Schedule 2](#)

claim was made, and the DWP will make extra-statutory payments for periods before that date.<sup>15</sup> The current rates of the additional amounts are:<sup>16</sup>

- £91.15 for a single claimant who (or was a member of a couple the other member of which was entitled) to an enhanced disability premium in IS/JSA/ESA;
- £130.22 for joint claimants who were entitled to an enhanced disability premium (couple rate) in IS/JSA/ESA;
- £186.64 for a single claimant who was entitled (or was a member of a couple the other member of which was entitled) to an award of IS/JSA that included a disability premium
- £266.94 for joint claimants who were entitled to a disability premium (couple rate) in IS/JSA
- £192.07 per disabled child or qualifying young person for whom the claimant was entitled to an award of child tax credit that included the disabled child element at the lower rate and is entitled to the lower rate of the UC disabled child addition in the first assessment period.

### Transitional element

The 'transitional element' is only available through managed migration to UC, when claimants receive a migration notice and make a qualifying claim on or before the final deadline.

It is an individually tailored calculation intended to make good the government's pledge that "no-one is worse off" at point of transfer, if circumstances are unchanged. A transitional element is included in the calculation of the UC if the 'total legacy amount' of existing benefits the claimant is entitled to on migration day is greater than the 'indicative UC amount' that they would be entitled to according to their circumstances on that day. The transitional element then forms part of the maximum UC when actual entitlement is calculated at the end of the first assessment period.

The transitional element is eroded in the second or subsequent assessment period by relevant increases in UC, other than the childcare element, and:

- If the limited capability for work element (pre-3 April 2017) is replaced by the limited capability for work-related activity element, the transitional element is reduced by the difference between the two elements. The limited capability for work element is £158.76 and the limited capability for work-related activity element is £423.27 so the reduction is £264.51.
- The transitional element is not reduced if the housing costs element is included where the claimant was entitled to an award of housing benefit in specified or temporary accommodation within the month ending with the first day of the assessment period in which the housing costs element is included.<sup>17</sup>
- If the carer element is lost when the limited capability for work-related activity element is added, the transitional element should be reduced by the difference between the

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<sup>15</sup> [Written questions and answers – Stephen Timms 2024-12-06/18471 - UK Parliament](#)

<sup>16</sup> [The Universal Credit \(Transitional Provisions\) Regulations 2014 Schedule 3](#)

<sup>17</sup> [The Social Security \(Miscellaneous Amendments\) Regulations 2025](#)

carer element (£201.68) and the limited capability for work-related activity element (£423.27) = £221.59.<sup>18</sup>

## Permitted work

ESA claimants can undertake 'permitted work' for fewer than 16 hours a week, earning no more than £195.50 a week (= £847.17 a month).

Earnings from permitted work are disregarded for ESA, but there is no concept of 'permitted work' in UC, and no limits to hours or earnings, which are taken into account for UC after the work allowance (£411 or £684 if no housing costs element) and 55% taper.

The regulations state that the assumption for the indicative UC amount is that earned income is as calculated for ESA (including nil if none were taken into account).<sup>19</sup> This would suggest that permitted work earnings should be disregarded for the indicative UC amount, which would result in an inaccurately high indicative UC amount and a lower transitional element. However, the DWP has said in correspondence with CPAG it would treat permitted work earnings in line with UC rules (work allowance and taper), to ensure claimants are not worse off.<sup>20</sup>

## Changes affecting ESA after migration

The DWP may revise or supersede a decision regarding the transitional element where:<sup>21</sup>

- the information held on migration day was inaccurate or incomplete due to misrepresentation or failure to report information, or due to official error, or
- following a decision made after migration day concerning legacy benefits, where an application to revise or supersede the legacy benefit (this includes reporting a change of circumstances) was made before migration day, or a subsequent appeal.

The second bullet point allows the transitional element to be recalculated following the award of a disability benefit, with additional premiums in the total legacy amount – if the claimant notifies that there is a pending disability benefit award before migration day. It may also be relevant where there was an outstanding ESA appeal on migration day, concerning limited capability for work or work-related activity, so that the indicative UC amount and the transitional element should be recalculated on the basis of the outcome.

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<sup>18</sup> *SSWP v MJ*: [2025] UKUT 035 (AAC)

<sup>19</sup> *The Universal Credit (Transitional Provisions) Regulations 2014* Reg 54(2)(c)(ii)

<sup>20</sup> DWP *3<sup>rd</sup> Party Guide Presentation* p.32 & *Neil Couling on X*, 20/09/2024

<sup>21</sup> *The Universal Credit (Transitional Provisions) Regulations 2014* Reg 62