

Work Capability Assessment outcomes

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Following the Work Capability Assessment (WCA), a decision maker makes one of three possible determinations that the claimant:

- has LCW
- has LCWRA
- does not have LCW (is fit for work)

Limited capability for work

If a claimant is determined to have LCW it means their ability to work is limited by their physical or mental condition. Although they are not required to search for, be available for and start work, the claimant is required to accept work preparation requirements within their commitment and attend WFIs.

A claimant determined to have LCW will be allocated to the Work Preparation regime.

Limited capability for work and work related activity

A claimant found to have LCWRA is allocated to the No Work Related Requirements regime. They are not required to fulfil any work related requirements but the claimant may wish to volunteer to do so if they wish.

No LCW

Claimants found not to have LCW or LCWRA remain in the Intensive Work Search regime unless other circumstances mean the claimant is already allocated to a less intensive regime.

The claimant's work related requirements or availability for work must be considered, taking into account their health condition or disability. More detailed guidance can be found in the Claimant's Commitment Hub.

Limited Capability Work after 3 April 2017

Claimants making a claim on or after 3 April 2017 will no longer be awarded the additional amount of Universal Credit for having limited capability for work (LCW).

Existing claimants who are already receiving this additional amount or have declared they have a health condition prior to this date are will continue to receive the additional amount if entitled.

Where payment of the additional amount for having LCW is already in place, payment will continue for as long as the claimant continues to be entitled to Universal Credit and to have LCW until a relevant change of circumstances revises the conditions for LCW.

All claimants in the Work Preparation regime, who have Limited Capability for Work (LCW) following the outcome of their Work Capability Assessment have access to a range of additional support to help them prepare for, and move into, work. This is provided through the Enhanced Support Offer. Participation in the ESO is voluntary.

Additional places have been funded for claimants eligible for the Enhanced Support Offer for the following existing national provision:

- Work Choice
- Specialist Employability Support
- Access to Work Mental Health Support Services

There is new provision being rolled out nationally as part of the Enhanced Support Offer:

- Small Employer Offer
- Community Partners
- Journey to Employment

Additional amount for caring

The additional amount for caring cannot be paid in addition to the amount for LCW.

If a claimant is receiving the additional amount for caring and is determined to have LCW based on medical evidence provided prior to 3 April 2017, they will have an underlying entitlement to the additional amount for having LCW.

If a claimant has a change of circumstances on or after 3 April 2017 which means they no longer meet the caring criteria, the additional amount for caring will not be paid. However, because the change took place on or after 3 April they will also not be paid the additional amount for LCW even if they have an underlying entitlement.

A claimant in receipt of the additional amount for caring who, on or after 3 April 2017, provides medical evidence of having a health condition or disability, will be referred for a WCA if appropriate.

If, following the outcome of the WCA, he or she is determined as having LCW, the claim must be noted that the claimant has LCW no additional amount can be awarded.

LCWRA decision revised to LCW on or after 3 April 2017

Claimants can be paid the additional amount for having LCW if they were either:

- in receipt of the additional amount for having LCWRA before 3 April 2017; or
- were awaiting the result of a WCA on 3 April 2017 which subsequently determined the claimant to have LCWRA

In these circumstances the additional amount for having LCW is awarded unless:

- the claimant is part of a joint claim and their partner has underlying entitlement to the additional amount for having LCWRA; or
- the claimant has underlying entitlement to the additional amount for caring.

WCA outcome received on or after 3 April 2017

If a WCA outcome report is received on or after 3 April 2017 and the claimant has provided continuous medical evidence up to the date it is decided the claimant has LCW, the additional amount can be paid unless:

- the claimant is part of a joint claim and the partner is already in receipt of the additional amount for having LCW or for having LCWRA; or
- the claimant has been awarded the additional amount for caring and the caring criteria continue to be met.

Reconsideration or Appeal of ESA claim

If a Universal Credit claimant was found fit for work while claiming ESA but the ESA WCA decision is overturned and the claimant found to have LCW, the additional amount can be paid unless:

- the claimant is part of a joint claim and the partner is already in receipt of the additional amount for having LCW or for having LCWRA; or
- the claimant has been awarded the additional amount for caring and the caring criteria continue to be met.

Migration to UC from ESA

If an ESA claimant with LCW migrates to Universal Credit, or makes a joint claim with a Universal Credit claimant on or after 3 April 2017, the additional amount cannot be paid unless:

- the claim for ESA was made before 3 April 2017
- the claimant was entitled to the Work Related Activity Component (WRAC) of ESA
- the claimant was continuously entitled to the WRAC up to the date on which the Universal Credit claim is made or treated as made

ESA less than 13 weeks – migration to UC

When a claimant migrates from ESA to UC or makes a joint claim with a Universal Credit claimant after being on ESA for less than 13 weeks they will enter Universal Credit at the same stage they were within ESA.

If the ESA claim was made before 03/04/17 and it was determined the claimant has LCW, the additional amount of UC can be paid.

If a claimant or joining partner moves to Universal Credit and 13 weeks have already passed without a WCA determination being made, the additional amount can be paid if the WCA subsequently determines LCW. It is paid from the beginning of the first assessment period unless:

- the claimant is part of a joint claim and their partner is already in receipt of the additional amount for having LCW or for having LCWRA; or
- the claimant has been awarded the additional amount for caring and the caring criteria continue to be met.

Universal Credit award

Additional amounts of Universal Credit may be awarded when claimants are found to have LCW or LCWRA. More guidance can be found in Rates for Universal Credit.

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