

Work capability assessments for claimants in employment

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This guidance covers employed people claiming on the grounds of a health condition or disability and their referral for a work capability assessment.

Work capability assessments referrals

The circumstances which mean an employed claimant can be referred for a WCA depend on whether they:

1. are [employed people with a health condition who make a new claim](#),
2. are [existing claimants with limited capability for work or limited capability for work and work related activity who start work](#).

1. Employed people with a health condition who make a new claim

These claimants are referred for a WCA in the same way as a non-working claimant where they meet specified eligibility criteria

When we receive medical evidence and a declaration on the new Universal Credit account, for a health condition or disability, where the claimant has not previously claimed UC or ESA, we consider if the claimant is [eligible](#) for a WCA referral. Then we consider if it is appropriate on Day 1 or deferred until Day 29. Refer to day 1 to day 29 or immediate work capability assessment for further information.

If a health declaration or medical evidence are received without the claimant's account being updated, they are contacted and asked to update their account. Refer to Medical evidence including fit notes for other forms of acceptable medical evidence.

Eligibility criteria for a work capability assessment referral

An employed claimant with earnings:

- which equal or exceed the weekly earnings threshold which is calculated at 16 hours at the National Minimum or National Living wage, are eligible for a WCA referral where they are in receipt one of the below:
 - a. Disability Living Allowance (DLA)
 - b. Personal Independence Payment (PIP)
 - c. Armed Forces Independence Payment (AFIP)
 - d. Attendance Allowance (AA)

- below the weekly earnings threshold, can be referred for WCA, whether or not they are in receipt of DLA, PIP, AFIP or AA

Any claimant who fails to attend or participate in a WCA, without good reason, will be treated as not having limited capability for work or limited capability for work and work-related activity.

If the employed claimant is eligible they are contacted and offered a WCA. If telephone contact is unsuccessful, the claimant journey is updated informing them they may apply to have a WCA referral.

2. Existing claimants with limited capability for work or limited capability for work and work related activity who start work

These claimants are referred for a work capability assessment (WCA) review in the same way as a non-employed claimant. This applies whether the previous WCA was undertaken whilst the claimant was in receipt of UC or in receipt of Employment Support Allowance.

Universal Credit claimants who have been determined as having either limited capability for work (LCW) or limited capability for work and work related activity (LCWRA) are referred, as usual, for a WCA at the end of their review period irrespective of the amount they earn. These claimants do not need to be receiving, Disability Living Allowance, Personal Independence Payment, Armed Forces Independence Payment or Attendance Allowance.

Claimants determined as limited capability for work or limited capability for work and work related activity

Claimants who have been determined as having limited capability for work (LCW) or limited capability for work and work related activity (LCWRA) may be entitled to an additional amount of Universal Credit. Having LCW or LCWRA gives access to a work allowance. In couple claims it gives additional access to childcare costs. Refer to childcare costs - eligibility for help, Work Allowance and Limited Capability Work after 3 April 2017.

Once a WCA decision is made there is no further requirement for the claimant to provide medical evidence.

A further WCA referral can be made, if a claimant reports a change in their medical condition.

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