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Work capability assessment determinations

The work capability assessment outcome report, together with any other relevant health related evidence is used to determine if the claimant:

- has limited capability for work
- has limited capability for work and work related activity
- does not have limited capability for work, so is fit for work

These in turn determine:

- the claimant's labour market regime
- whether an additional amount can be included in the Universal Credit award
- whether a work allowance applies
- if childcare costs are payable in couple claims where one partner is working

Labour market regime

The following table shows the three possible determinations following work capability assessment, the labour market regime and the claimant requirements:

The claimant is determined as having -	Labour Market Regime	The claimant is required to -	The claimant is not required to -
limited capability for work	changes to the Work Preparation regime, unless other circumstances mean the claimant is already allocated to a less intensive regime.	participate in Work Focused Interview and undertake Work Preparation activities. inform Universal Credit if there is a change of circumstances.	be available for and start work.
limited capability for	changes to No Work Related	inform Universal Credit if there is a	Fulfil any work related

work and work related activity	Requirements regime.	change of circumstances.	requirements. They can access support on a voluntary basis.
no limited capability for work (so is fit for work)	is unchanged. They remains in the Intensive Work Search regime unless other circumstances mean the claimant is already allocated to a less intensive regime.	participate in a Work Focused Interview and can be set any of the work-related requirements, for example: Work Preparation activities, specific work search activities and availability for work. inform Universal Credit if there is a change of circumstances.	

For more information refer to Work-related activities and the Labour Market regimes and Labour Market regimes.

The entire claimant commitment is reviewed, including the regime, following the work capability assessment (WCA) decision. This is to ensure the regime and availability requirements are set as appropriately. More detailed guidance can be found in Claimant Commitment.

Limited Capability for Work

A claimant has Limited Capability for Work (LCW) where their capability for work is limited by their physical or mental condition and it is not reasonable to require them to work.

A claimant has LCW where either of the following apply:

- it is determined from the WCA decision that they have LCW
- they are treated as having LCW

Limited Capability for Work after 3 April 2017

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

Where payment of the additional amount for having LCW is already in place, payment will continue as long as the claimant continues to be entitled to Universal Credit and has LCW.

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

Limited capability for work and work related activity

A claimant has limited capability for work and work related activity (LCWRA) where their capability for work and work related activity is limited by their physical or mental condition and it is not reasonable to require them to undertake work related activity.

A claimant has LCWRA where either of the following apply:

- it is determined from the WCA
- they are treated as having LCWRA

Exceptional circumstances

In addition to the treated as circumstances we have just looked at, there are further circumstances when the claimant can be treated as having limited capability for work (LCW) or limited capability for work and work related activity (LCWRA). These are known as exceptional circumstances.

Exceptional circumstances are only considered if the claimant has been found not to have LCW or LCWRA following application of the WCA.

Exceptional circumstances are considered:

- for LCW, where the claimant is a substantial risk to themselves or to others, or has a life threatening, uncontrollable or uncontrolled disease.
- for LCWRA, where the claimant is suffering from a specific illness, disease or disablement where there would be a substantial risk of damage to anyone's physical or mental health if the claimant was found not to have LCWRA. In this case 'Anyone' means the claimant or anyone else that may be affected by the determination.

Claimants found fit for work

Fit notes are not required after the work capability assessment (WCA) decision has been made. Only where the claimant's condition has worsened or a new condition is reported do we need another fit note.

Any work related requirements must take into account any continuing health condition or disability even when the claimant is found fit for work.

Any work the claimant is expected to search for and the hours of work search must be reasonable taking into account their health, abilities and circumstances. Similarly, the type and location of any work being searched for must be appropriate. Refer to expected hours and availability for work.

Where a claimant is found fit for work and their condition is the same, or substantially the same, as the condition they were suffering before the WCA, work search and availability requirements are not automatically switched off for up to 14 days.

Refer to switching of for periods of sickness and Medical Evidence following WCA or Switching off requirements for further information.

Claimant feedback

Claimants unhappy with the work capability assessment decision can request an explanation by phoning the service centre. Claimants unhappy with the explanation can request a mandatory reconsideration (MR) through their online account and may provide further medical evidence. If the claimant is unable to make the request on the online account then they can do this over the phone.

If they are not happy with the MR decision, there is the facility to lodge an appeal with Her Majesty's Courts and Tribunal Service.

Additional amount for caring

The additional amount for caring, and the additional amount for having limited capability for work (LCW) cannot be paid at the same time to one claimant. The higher of these additional amounts, the additional amount for caring is payable. Refer to Claimant in receipt of an additional amount of Universal Credit for Limited Capability for Work (LCW) or Limited Capability for Work and Work-Related Activity (LCWRA).

A claimant receiving the additional amount for caring has an underlying entitlement to the additional amount for having LCW. This is the case where they have been determined as having LCW based on medical evidence provided prior to 3 April 2017.

Where the claimant no longer meets the carer criteria after the 3 April 2017, the underlying entitlement to the additional amount for having LCW, no longer applies. This means the claimant will not be entitled to the additional amount for having LCW.

Claimants in receipt additional amount for caring who, provide medical evidence of being unfit for work on or after 3 April 2017, will be referred for a work capability assessments (WCA) where appropriate.

If, following the outcome of the WCA, they are determined as having LCW, it is noted on the service that the claimant has LCW. The claimant is eligible for a work allowance but no additional amount can be awarded.

Changes to a work capability assessment decision on or after 3 April 2017

When a review work capability assessment (WCA) decision is made on or after 3 April 2017 which results in a determination that the claimant has limited capability work (LCW), but before that date the claimant was either:

- in receipt of the additional amount for having limited capability for work and work related activity (LCWRA)
- unfit for work and were awaiting the result of a WCA which subsequently determined the claimant to have LCWRA
- The additional amount for having LCW is awarded to the claimant with either of the following exceptions:
 - where the claimant is part of a joint claim and their partner has underlying entitlement to the additional amount for having LCWRA
 - where the claimant has underlying entitlement to the additional amount for caring

In joint claims, the claimant's partner may have an underlying entitlement to the additional amount for having LCWRA. Where this is the case and the partner's WCA determination is still valid, the partner is awarded the additional amount for having LCWRA. In this case the additional amount for having LCW cannot be paid to the claimant. The partner's additional amount for having LCWRA should be put into payment.

If the claimant has underlying entitlement to the additional amount for caring and the caring criteria continue to be met, this should be put into payment.

Work Capability Assessment outcome received on or after 3 April 2017

Where a claimant has made a health condition related claim for Universal credit or ESA on or before the 2 April 2017 but the WCA outcome report was received on or after the 3 April 2017 and:

- 1) the claimant has provided continuous medical evidence up to the date it is decided the claimant has Limited Capability for Work (LCW), the additional amount can be paid unless, one of the following applies:

- a) 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 Limited Capability for Work and Work Related Activity
- b) the claimant has been awarded the additional amount for caring and the caring criteria continue to be met

Reconsideration or Appeal of an Employment and Support Allowance claim

Where an employment and support allowance (ESA) claimant is found fit for work, ESA entitlement ends. The claimant has a number of options including asking for a mandatory reconsideration or claiming Universal Credit if they are in a full service area.

If the claimant doesn't claim Universal Credit there will no benefit payable throughout the mandatory reconsideration (MR) period.

If an appeal is lodged and Universal Credit is not claimed, then ESA can be reinstated at the appeal rate until the appeal outcome is notified.

If the claimant made a claim to Universal Credit and then requested an MR, they will remain on Universal Credit even if their ESA MR or appeal is successful. If the ESA claimant didn't make a Universal Credit claim and the MR is successful the claimant can revert to old style ESA. Refer to Mandatory Reconsiderations, multi-element MR or Appeal and who can request and MR or appeal in a joint claim.

The additional amount for having Limited Capability for Work (LCW) following an appeal:

- 1) can be paid if the claimant was in receipt of the ESA work related activity component when the ESA claim terminated, either one of the following apply:
 - a) 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 limited capability for work and work related activity
 - b) the claimant has been awarded the additional amount for caring and the caring criteria continue to be met
- 2) cannot be paid if the claimant was not eligible for payment of the ESA work related activity component when the ESA claim was terminated

Natural Migration to Universal Credit from Employment and Support Allowance

If an Employment and Support Allowance (ESA) claimant in the work related activity group 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 of ESA
- the claimant was continuously entitled to the Work Related Activity up to the date on which the Universal Credit claim is made or treated as made

Universal Credit award

Additional amounts of Universal Credit may be awarded when claimants are found to have Limited Capability for Work or Limited Capability for Work Related Activities. More guidance can be found in Rates for Universal Credit.

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