

Relevant periods for Limited capability for work and work related activity

What is the relevant period?

When does the relevant period start?

Exceptions to serving the relevant period

What is the relevant period?

The relevant period is the 3 month period that has to be served before the additional amounts for having limited capability for work and work related activity can be included in the award. This amount is included from the first day of the assessment period after the assessment period in which the relevant period ends.

The relevant period is equivalent to the Employment and Support Allowance, 13 week assessment phase.

It is used to establish the claimant has a long-term health condition not just a short term illness. There are exceptions to serving the relevant period.

When does the relevant period start?

The relevant period is 3 months starting:

1. for an employed claimant, earning at or above the monthly earnings threshold, from the date the award starts, or if later, the date the person applies for the additional amount for having limited capability for work and limited capability for work and work related activity. They must also meet the 'Eligibility criteria for work capability assessment referral'.
2. for all other claimants, both out of work or in work earning below the threshold, it starts on the first day the claimant provides medical evidence or self-certification.

Exceptions to serving the relevant period

The requirement to serve the relevant period always applies except where:

1. the claimant is terminally ill
2. there has been a previous award of Universal Credit which included limited capability for work or limited capability for work and work related activity and either:
 - a) the Universal Credit claimant becomes a single or joint claimant as a result of couple separation or formation
 - b) the claimant's Universal Credit award ends, when their income or earnings exceed their entitlement and they claim again within 6 months
3. the claimant has a continuous claim from employment support allowance to Universal Credit or is still entitled to New Style Employment and Support Allowance with the support component or work-related activity component.

The claimant becomes a single or joint claimant

The additional amount for having limited capability for work or limited capability for work and work related activity, can be paid where a claimant previously had a Universal Credit award which included limited capability for work or limited capability for work and work related activity and immediately before the new award starts either:

- a. the previous award stopped because the claimant is no longer a member of a couple claiming Universal Credit and has become a single Universal Credit claimant
- b. the previous award stopped because the claimant is no longer a single claimant and has become a member of a couple claiming Universal Credit

Where the relevant period has been served in the previous claim it is not applied again.

Where the relevant period had begun but has not ended and medical evidence was submitted before previous award ended, then the relevant period for the current award will finish on the same date as it would have in the previous claim.

In the above circumstances the additional amount for having limited capability for work will only be protected and paid, where the claimant made the claim and provided medical evidence prior to 3 April 2017 and the work capability assessment decision is still valid when the claim to Universal Credit is made.

The claimant's Universal Credit award ends

If a claimant's award ends because their income or earnings exceeds their entitlement and they reclaim within 6 months of the previous claim ending, there is no requirement to serve the relevant period, if both the following apply:

- there is no change in the claimant's health condition or disability
- the WCA review date has not passed,

Any additional amount for having limited capability for work or limited capability for work and work related activity which was in payment at the time the Universal Credit award ended, can be included again straight away.

Where the relevant period had begun but has not ended and medical evidence was submitted before previous award ended, then the relevant period for the current award will finish on the same date as it would have in the previous claim.

A continuous claim from Employment and Support Allowance to Universal Credit.

An Employment and Support Allowance (ESA) claimant who has a change of circumstances and claims Universal Credit, with no break between the ESA claim ending and the Universal Credit claim being made, will receive an award of either:

- the Universal Credit additional amount for having limited capability for work where the claimant was in receipt of the ESA work-related requirements-group activity component

- the Universal Credit additional amount for having limited capability for work and work related activity where the claimant was in the ESA Support Group

Where the claimant has been determined as having limited capability for work or limited capability for work and work related activity while in receipt of Employment and Support Allowance, the decision will apply from the start of the Universal Credit claim. This removes the need to apply a relevant period, or refer the claimant for a work capability assessment.

Useful linked guidance products

Work capability assessment outcomes