

# Work Capability Assessment for claimants in employment

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## Introduction

This guidance covers employed people claiming Universal Credit on the grounds of a health condition or disability and their referral for a Work Capability Assessment (WCA).

## Work Capability Assessment referrals

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

- employed people with a health condition who make a new claim
- existing claimants with limited capability for work (LCW) or limited capability for work and work-related activity (LCWRA) who start work

## Employed people with a health condition who make a new claim

A claimant who is in work and reports a health condition which limits the amount of work they can do, can claim Universal Credit.

When we receive medical evidence and a declaration in support of a claim - the claimant is placed on the health journey. At the appropriate time we consider if the claimant is eligible for a WCA referral.

Refer to Day 1 to day 29 or Immediate Work Capability Assessment for further information.

If the employed claimant is eligible they are contacted and offered a WCA. If they accept a referral is made. If contact is unsuccessful, the claimant's journal is updated informing them they may apply to have a WCA referral.

If a health declaration or medical evidence is 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 whose earnings:

- equal or exceed the monthly Conditionality Earnings Threshold may only be referred for a WCA if they are in receipt of one of the following:
  - Disability Living Allowance (DLA)
  - Personal Independence Payment (PIP)
  - Armed Forces Independence Payment (AFIP)
  - Attendance Allowance (AA)
- are below the monthly Conditionality Earnings Threshold, can be referred for a WCA whether or not they are in receipt of DLA, PIP, AFIP or AA

### **Conditionality Earnings Threshold**

The monthly Conditionality Earnings Threshold is calculated at 16 hours per week at the National Minimum Wage or National Living Wage multiplied by 52 and divided by 12.

See Administrative and Conditionality Earnings Thresholds.

### **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 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 Universal Credit or in receipt of Employment and Support Allowance.

Universal Credit claimants who have been determined as having either LCW or 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 DLA, PIP, AFIP or AA.

### **Failure to attend or participate in a Work Capability Assessment**

Any claimant who fails to attend or participate in a WCA without good reason will be treated as not having LCW or LCWRA.

### **Claimants who have limited capability for work or limited capability for work and work-related activity**

A claimant who has been determined as having LCW or LCWRA may be entitled to an additional amount of Universal Credit.

Having LCW or LCWRA gives access to a Work Allowance and in couple claims it gives additional access to childcare costs. See Childcare costs - eligibility for help and Limited Capability for Work after 3 April 2017.

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

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