

## **Work related requirements and ongoing contact in the health journey**

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### **Work related requirements before the work capability assessment decision**

If a claimant has valid medical evidence and is waiting for a Work Capability Assessment outcome decision, work search and work availability requirements are not applied, for up to the first fourteen days, of the first two occasions in a twelve month rolling period.

Switching off work availability and work search activities for a health condition or disability is compulsory for the first fourteen days. Refer to the Switching off tailoring table.

After 14 days, where it is reasonable based on the claimants health condition, tailored requirements, work search, work preparation and work focused interviews, can be set where claimant's continue to provide medical evidence. For further information refer to Health conditions and disabilities – day 1 to day 29.

Claimants are placed into the Labour Market regime that best reflects their individual and household circumstances. The claimant remains in their allocated Labour Market regime while they wait the decision following the work capability assessment, unless they have a change of circumstances that would mean moving to a different regime.

Refer to Work-related activities and the Labour Market regimes and Labour Market regimes.

Appropriately setting activities for claimants providing medical evidence, ensures the claimant:

- is engaged
- remains motivated
- looks to the future, re-engaging with the labour market as soon as possible

It can also be helpful to support wellbeing, as part of their journey towards employment.

Each discussion with the claimant is an opportunity to gather their views and inform them what is agreed and recorded on the claimant commitment. Ideally work related activities should be agreed with the claimant.

The work related requirements are what the claimant has to do. These are set by staff in conversation with the claimant. The work related activities (WRA) are how the claimant will fulfil the work related requirements. Work related

activities (WRA) can be either required or voluntary. Refer to building a claimant commitment.

The claimant must be made aware of what they are being asked to do, why and if they are required to complete the activity. As well as what they must do if they cannot complete them and the consequences of not completing them without good reason.

Requirements placed on claimants with a health condition or disability, must be reasonable in light of their health condition and other circumstances. Any applied activity must take into account the impact the condition has on the claimant's ability to do, take on and complete the work and/or work related activities.

The following factors must be taken into account when agreeing work related requirements and activities (WRA) while considering the claimants' health condition or disability:

- the number of hours of work search
- the type and location of work
- where appropriate tailoring expected hours
- work preparation requirements should be suitable for the nature of their health condition
- how the WRA supports the claimant's movement in to work
- tailor the time an intervention is booked based on the claimant's health condition

There is discretion to tailor the frequency and method of contact. The focus must be on the claimant undertaking reasonable work related requirements.

Work related requirements must never include any reference to:

- taking medication
- attending and receiving medical treatments
- any therapeutic sessions or activities which have been prescribed by mental health or other healthcare professionals
- attending appointments for housing issues

These activities will have been agreed with another department, person or health care professional, they are not appropriate requirements and must not be included in the claimant commitment. Refer to building a claimant commitment.

All work related requirement and activities must be recorded in the relevant required or voluntary section of the claimant commitment. All work search and work preparation activities must be SMART helping the claimant take steps towards employment.

Refer to Accept claimant commitment and Building the claimant commitment for examples of required and voluntary activities.

Voluntary work related activities are used to encourage claimants to extend required activities or complement other work related activities. The activities must improve the claimant's prospects of moving into work. They could include activities:

- researching prospective job requirements or travel options
- identifying opportunities to improve their Curriculum Vitae (CV), time keeping
- identifying their employment strengths, existing skills and how they could present them to a potential employer
- to get early advice and support from the relevant departmental experts to help prepare for employment
- to support mental health/wellbeing, where it is a barrier to work
- referral to voluntary provision e.g. Work and Health programme
- attending a club or activity which might help develop business opportunities

Voluntary activities cannot be sanctioned; it must be made clear to the claimant that they will not be sanctioned if they fail to comply with a voluntary activity.

Health and wellbeing activities are agreed on the understanding the claimant will take responsibility for their own wellbeing and will not agree to activities that might impact an existing condition without first consulting a healthcare professional. They must be entered into by the claimant voluntarily and are entirely the claimant's responsibility

Staff must not agree an activity if there is any doubt it might impact an existing health condition and the claimant has not discussed it with a professional. If staff have a concern about an activity, it is important to seek advice from the relevant department experts.

Voluntary wellbeing activities must only be included in the claimant commitment, if there is a very clear link to them being work related. For instance, it might be appropriate to put 'attend a yoga class' as a voluntary activity if that claimant aspires to be a yoga teacher.

Any voluntary activities which are not work related must not be included in the claimant commitment. However where there is a concern that the claimant may be at risk of harm and abuse the local six point plan must be followed.

Voluntary activities to meet a mental health or wellbeing needs must only include, signposting claimants to engage independently with:

- self-help resources or services
- health care professionals for assessment

Staff must not refer a claimant the claimant must refer themselves.

Activities to support mental health/wellbeing, removing barriers to work, may involve developing:

- personal presentation

- confidence
- social or conversational skills.

These can be achieved by getting more active, out and about, joining a social or activity group or looking for and discussing free support and learning on the internet. It may be necessary to initially take smaller steps towards these activities, then building on them. Refer to the 'Support for claimants with health conditions'.

Claimants attend regular Work Search Review meetings when required, Work search activities are set.

### **Considerations and support**

Here are some things for consideration:

- how does the claimant's health condition affect a claimant's ability to do work related requirements
- what help is needed to move them into or closer to work
- is the claimant aware of their transferable skills
- consider what activities could be voluntary then consider mandatory activities if appropriate
- how does the claimant feel their health conditions affects their ability to carry out work related requirements
- is it reasonable to impose work search requirements, consider whether work preparation requirements are appropriate
- is support from a disability employment advisor or work psychologist needed
- what is reasonable and appropriate for the claimant
- what tools are available, e.g.health and work conversation or choose your activities
- what local provision is available and suitable

### **Work Capability Assessment outcomes**

Refer to Work capability assessment outcomes for the full details and possible outcomes following a work capability assessment.

### **Ongoing contact**

Where a claimant reports a health condition, self certifies and then supplies medical evidence, the frequency and means of contact can be adjusted to take their condition into account.

The method and time of contact must be the most appropriate to support the claimant when needed or to check progress on activities. Contact can be face to face, through the claimant's online account or by telephone.

Continued contact is important to support the claimant's activities, which will help:

- focus the claimant on what they can do
- maintain confidence in their skills and experience
- them feel they have something to offer a future employer

- increase their likelihood of work which may provide a sense of purpose and self esteem

For more information, when supporting claimants with health conditions refer to 'Health and Work Conversation Techniques' under Health.