

## **Work Capability Assessments**

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### **What are Work Capability Assessments?**

A Work Capability Assessment (WCA) is a functional assessment of what a claimant can and cannot do. Refer to Centre for Health and Disability Assessments (CHDA) for more information.

The Work Capability Assessment Report provides advice on whether the claimant has limited capability for work (LCW), limited capability for work and work-related activity (LCWRA) or does not have LCW - is fit for work.

### **When are claimants referred for a Work Capability Assessment?**

In most cases, claimants are referred to the CHDA at day 29 of their health condition related claim.

An immediate WCA referral must be made when a claimant provides sufficient information to confirm they have certain specified conditions or are undergoing certain specified treatments so they can be treated as having:

- limited capability for work and work related activity
- limited capability for work

An immediate WCA referral can also be made when a claimant provides a Benefits Assessment for Special Rules in Scotland (BASRiS) form. For more information, see Terminal illness.

This is known as a Day 1 referral.

If a valid DS1500 or SR1 has been provided to confirm the claimant has a terminal illness, the claimant can be determined as having LCWRA without referring to the CHDA. If we are unsure, a day 1 WCA referral is made. For all cases of terminal illness, refer to terminal illness.

### **Reviewing the Work Capability Assessment**

The CHDA recommend a WCA review period as part of its advice on a claimant's capability for work. The review period will be between 3 and 36 months depending on the nature of the claimant's health condition. The Service will automatically generate a notification to refer for a WCA when the review period has expired.

## **Claimant consent**

DWP and CHDA may require additional medical evidence to support the WCA process. The claimant must give their consent so that we can gather this.

The claimant is asked to give consent on the UC50 and when they report a health condition. The consent given by the claimant allows their doctor or medical practitioner to share information with DWP. If needed, this allows CHDA to gather further medical evidence from other sources such as the claimant's doctor.

The claimant is given the choice to give or to not give their consent.

If the claimant does not give consent, the WCA action continues. This means the WCA decision can only be based on the information provided.

In these cases, the WCA referral is still made through the Medical Services Referral System (MSRS).

The WCA55 is printed off, completed and sent clerically to CHDA. The form is marked to show that consent has not been given and the claimant's GP cannot share information with the CHDA.

The CHDA will assume a claimant has given consent unless they receive the marked WCA55.

A claimant can change their mind at any time to give, or not give consent. If a claimant withdraws their consent, this only relates to the release of information from the doctor or other medical practitioners dealing with their health condition. It doesn't affect the way in which DWP uses the information already held.

If a claimant withdraws or gives consent for their doctor or medical practitioner to be contacted following the WCA referral, but before the decision is made, the CHDA must be informed immediately. The claimant's details (including the date the consent was withdrawn or allowed) are sent by secure email to DWP CHDA INTERCHANGE.

The exceptions are the DS1500, SR1 and BASRiS forms which can be provided to DWP without the claimant's knowledge. Refer to Terminal Illness for more information.

Refer to the Capability for Work questionnaire for more information.

## **Employment and Support Allowance migration to Universal Credit**

When a claimant moves from Employment and Support Allowance (ESA) to Universal Credit due to a change of circumstances and has had a WCA decision made on their ESA claim, this decision will be used on the Universal Credit claim.

Details of the ESA Work Capability Assessment decision will be captured on the UCFS MGP1 form.

If a claimant fails to report that they have a health condition on their migrated Universal Credit claim, confirmation must be obtained that they still have a health condition and the claimant must amend the information they have submitted.

If an ESA claimant has already been determined as having LCW or LCWRA, an agent will decide if this can apply from the start of the Universal Credit claim.

If the decision does apply from the start of Universal Credit claim, they will not be referred for another WCA unless a review is due or their health condition changes.

Where the ESA claimant has already been determined as having LCW or LCWRA, they will also be given a review period of between 3 and 36 months. Once the MGP1 form has been processed an automated notification will advise staff when to refer for a WCA.

If the ESA review WCA date has passed, Universal Credit will apply a 3-month re-referral date from the date of the Universal Credit claim.

When there is good reason to believe that a claimant no longer has the condition that resulted in the decision for having LCW or LCWRA in ESA, they can be referred to CHDA for a WCA. The claimant will retain the decision they have LCW or LCWRA until a review WCA has taken place and a further decision is made.

When a claimant migrates to Universal Credit before completing their WCA, they must provide medical evidence until the WCA outcome in Universal Credit.

### **Severe conditions**

When a claimant who migrates to Universal Credit meets the Severe Conditions criteria for ESA, this continues to apply in Universal Credit. Refer to Severe Conditions guidance.

### **Referring claimants affected by terrorist attacks to Work Capability Assessments**

We must ensure that Universal Credit claimants who are unfit for work and affected by recent terrorist attacks are treated appropriately throughout their customer journey.

There is no central list of those affected – we rely on claimants identifying themselves.

When a claimant is identified as being affected by a terrorist attack prior to a WCA referral:

- Medical Services Referral System referral is completed as normal
- this is highlighted to the Health & Disability Advisory Service Performance contact in the claimant's region

It is vital we treat these claimants sensitively paying particular regard to the Complex needs guidance.

## **Withdrawal from the Work Capability Assessment process**

There are 7 situations when a claimant must be withdrawn from the WCA process. These only occur prior to the WCA determination.

The 7 situations when a claimant must be withdrawn from the WCA process are when:

- they are no longer unfit for work and has declared this
- their fit note ceases and they do not provide a further fit note
- the initial reason for their health condition has ended and the claimant has declared a different condition
- they move to Northern Ireland
- they are no longer in receipt of Universal Credit
- they are terminally ill and a DS1500 or SR1 has been received, the 12 month prognosis accepted and action taken
- they have died

If a claimant is withdrawn from the WCA process we notify CHDA, unless the WCA has already been completed.

## **Claimant fails to attend or participate**

If a claimant fails to attend or participate in the WCA, the CHDA returns the referral (updating the Medical Services Referral System) to inform DWP. Both cases are treated as failure to attend and a decision is made as to whether the claimant has good reason for their actions.

## **Work Capability Assessment outcomes**

Refer to Work Capability Assessment outcomes\_for all information on this subject.