

# **Relevant periods for limited capability for work and work related activity**

## **Contents**

What is the relevant period?

When does the relevant period start?

Awarding the additional amount

Exceptions to serving the relevant period

Claimant becomes a single or joint claimant

Claimant's Universal Credit award ends

Continuous claim from Employment and Support Allowance to Universal Credit

## **What is the relevant period?**

The relevant period is the 3-month period that has to be served before the additional amount for having limited capability for work and work-related activity (LCWRA) can be included in the award.

It is used to establish that 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?**

For an employed claimant who has earnings which are equal to (or greater than) the monthly earnings threshold, the relevant period starts:

- from the date the award starts, or
- if later - the date the person applies for the additional amount for having LCWRA.

They must also meet the Eligibility criteria for Work Capability Assessment referral

For all other claimants both out of work or in work earning below the earnings threshold, the relevant period starts on the first day that the claimant provides medical evidence or self-certification.

## **Calculating the earnings threshold**

The monthly earnings threshold is calculated at 16 hours per week at the National Minimum Wage or National Living Wage rate multiplied by 52 and divided by 12

## **Awarding the additional amount**

Once the 3-month relevant period is served, the additional amount for having LCWRA is awarded.

Example 1 for someone making a new Universal Credit claim with a health condition restricting their ability to work who is subsequently determined to have LCWRA and the decision starts from this declaration date:

- claim made with health declaration – assessment period 1 (no LCWRA)
- assessment period 2 – no LCWRA
- assessment period 3 – no LCWRA
- assessment period 4 – LCWRA included

Example 2 for existing claimant who reports a health condition restricting their ability to work during their claim who is subsequently determined to have LCWRA and the decision starts from this declaration date:

- health declaration made mid assessment period – no LCWRA
- first full assessment period – no LCWRA
- second full assessment period – no LCWRA
- third full assessment period – no LCWRA
- next assessment period – LCWRA included

## **Exceptions to serving the relevant period**

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

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

## **Claimant becomes a single or joint claimant**

The additional amount for having LCWRA can be paid if a claimant previously had a Universal Credit award which included LCWRA and immediately before the new award starts, either:

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

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

If the relevant period had begun but has not ended and medical evidence was submitted before previous award ended, 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 (LCW) will only be protected and paid when the:

- claim was made and medical evidence provided prior to 3 April 2017, and
- Work Capability Assessment decision is still valid when the claim to Universal Credit is made

### **Claimant's Universal Credit award ends**

If a claimant's Universal Credit 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 LCWRA which was in payment at the time the Universal Credit award ended can be included again straight away.

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

Where more than 6 months has passed since their claim was closed, the claimant needs to start a new relevant period and submit valid medical evidence.

The claimants previous LCW or LCWRA determination does not remain valid.

The claimant will undergo a new WCA unless the exception to the need to refer WCA applies.

### **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 LCW if they were receiving the ESA work-related activity component
- the Universal Credit additional amount for having LCWRA if they were in the ESA Support Group

If the claimant has been determined as having LCWRA while being in receipt of ESA, the decision will apply from the start of the Universal Credit claim. This removes the need to apply a relevant period or referring the claimant for a Work Capability Assessment.