

Treated as having Limited Capability for Work and Work Related Activity and day 1 WCA Referrals: Guidance

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Claimants who can be treated as having LCWRA

Treated as having Limited Capability for Work and Work-Related Activity (LCWRA) means the claimant can be determined as having LCWRA without the need for them to be referred to the Health Assessment Advisory Service (HAAS) for a Work Capability Assessment (WCA).

A claimant may be treated as having LCWRA if they:

- are terminally ill
- have reached the qualifying age for Pension Credit and are entitled to any of the following:
 - Attendance Allowance or Pension Age Disability Payment (PADP) in Scotland
 - the Care Component of Disability Living Allowance at the highest rate
 - the Care Component of Scottish Adult Disability Living Allowance (SADLA) at the highest rate
 - the Daily Living Component of Personal Independence Payment (PIP) at the enhanced rate
 - Adult Disability Payment (ADP) at the enhanced rate
 - Armed Forces Independence Payment.

Claimants who may have LCWRA and who can be referred for a Work Capability Assessment at day 1

Claimants who provide medical evidence for having one of the conditions, or are receiving one of the treatments, in the following list must be referred for a WCA from day 1 – which is the day they first tell us about having the condition or receiving the treatment:

- is pregnant and there is a serious risk of damage to their health or to the health of the unborn child if they do not refrain from work and work-related activity
- is awaiting, receiving or recovering from treatment for cancer by way of radiotherapy, chemotherapy or immunotherapy (including biological therapies or hormonal therapies)
- is likely to receive cancer treatment within 6 months of the date of the determination of capability for work and work-related activity.

These claimants remain in a conditionality regime based on their individual circumstances until a decision is made based on the outcome of their WCA.

All work-related requirements for these claimants must be switched off. See Switching-off work availability and work-related activities for more detailed guidance.