

Work Capability Assessments: Guidance

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Introduction

A Work Capability Assessment (WCA) is a functional assessment of what a claimant can and cannot do.

If a recommendation cannot be made based on the UC50 and any other supporting evidence, the claimant is invited to attend an assessment. The WCA is carried out by the Health Assessment advisory Service (HAAS). See Health Assessment Advisory Service for more information.

The WCA 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)

Assessment types

Depending on the claimant's circumstances, the health assessment can be undertaken by:

- telephone
- video
- face-to-face
- in an assessment centre

- home visit

Face-to-face, telephone and video appointments have fixed time slots.

For face-to-face appointments, if the claimant has good cause for not using public transport, the HAAS may be able to support them with travel costs.

For video assessments, DWP can help claimants with costs for data usage. All expenses claims are managed by the HAAS with information on how to claim included in the appointment letters.

When are claimants referred for a Work Capability Assessment?

In most cases, claimants are referred to the HAAS 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 (LCWRA) and day 1 WCA referrals
- 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)
- has a fit note with 29 days or more remaining before it expires

This is known as a Day 1 referral.

If a valid DS1500 or SR1 has been provided to confirm that the claimant has a terminal illness, they can be determined as having LCWRA without referring to the HAAS. If this not certain, a day 1 WCA referral is made. For all cases of terminal illness, see Terminal illness.

Appointment chaperones and interpreters

Claimants can have someone with them at their assessment to offer help and support. This would usually be the person who knows them best and understands their needs such as a relative, support worker or friend. They must be 16 years old or over.

Information about attending health assessments is enclosed with the appointment letter.

If the assessment is via telephone or video and the claimant's support cannot be with them in person, the HAAS can add them to the call. The claimant must provide their

telephone number and the individual will need to be ready to answer the phone at the time of the appointment.

A relative or friend can be present at all three assessment types to interpret for the claimant should they need one, but they must be 16 years old or over.

Mixed age couples

Where one of a couple is above State Pension age, has a health condition or disability and is submitting medical evidence in support of that condition, a WCA referral must be made unless they can be treated as having:

- Limited capability for work (LCW), or
- Limited capability for work and work-related activity (LCWRA) and day 1 WCA referrals

Reviewing the Work Capability Assessment

DWP and the HAAS 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 and the Service will automatically generate a notification to refer for a WCA when the review period has expired.

Claimant consent

DWP and the HAAS may require additional medical evidence to support the WCA process and the claimant must give their consent so that this can be gathered.

The claimant is asked to give consent on the UC50 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 the HAAS to gather further medical evidence from other sources such as the claimant's doctor.

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

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

A claimant can change their mind at any time to give or not give consent. If consent is withdrawn, this only relates to the release of information from the doctor or other medical practitioners dealing with the claimant's 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 HAAS

must be informed immediately. This is done by updating the consent marker on MSRS.

The exceptions are the DS1500, SR1 and BASRiS forms which can be provided to DWP without the claimant's knowledge. See Terminal Illness and 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 also be used for 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 that they still have a health condition must be obtained and the claimant must amend the information they have submitted.

If an ESA claimant has already been determined as having LCW or LCWRA, the 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, the claimant 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 agents 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 migrated ESA claimant no longer has the condition that resulted in the decision for having LCW or LCWRA, they can be referred to the HAAS 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 migrated to Universal Credit meets the severe conditions criteria for ESA, this continues to apply in Universal Credit. See the Severe conditions guidance.

Referring claimants affected by terrorist attacks for a Work Capability Assessment

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 and we must rely on claimants identifying themselves.

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

- MSRS referral is completed as normal
- this is highlighted to the Health Assessment Advisory Service performance contact in the claimant's region

It is important that these claimants are treated sensitively, paying particular regard to the Complex needs guidance.

Withdrawal from the Work Capability Assessment process

There are 8 situations when a claimant must be withdrawn from the WCA process and these only occur prior to the WCA determination. These circumstances are when:

- they are no longer unfit for work and has declared this
- their fit note ceases and they do not provide a further one (see closing the health journey when a fit note has expired)
- 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
- change of Lot where a face-to-face assessment is required

If a claimant is withdrawn from the WCA process, the HAAS is notified unless the WCA has already been completed.

For more information, please see Medical Services Referral System.

Work Capability Assessment appointment cancelled or the claimant is sent home unseen

When the HAAS need to cancel a WCA assessment or someone with a face-to-face assessment is sent home unseen, they will prioritise these re-bookings

and ensure another appointment is made for a future date. They will inform the claimant when this will be.

Claimant fails to attend or participate

If a claimant fails to attend or participate in the WCA, the HAAS returns the referral (updating MSRS) 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.

Claimant unable to attend

The claimant must contact the HAAS as soon as possible and their appointment notification letter tells them which number they should call.

The number a claimant must contact depends on which Lot they belong to.

The claimant's Lot can be identified by either:

- entering the claimants full postcode in the Lot checker tool
- using the information in MSRS

The HAAS will then let the claimant know what happens next. This could be rebooking for another date or if appropriate, changing the assessment to a telephone or video assessment or leaving the original appointment in place.

Work Capability Assessment outcomes

See Work Capability Assessment outcomes for all information on this subject.