

Work-related requirements and ongoing contact in the health journey: Guidance

Contents

Work-related requirements before the Work Capability Assessment decision
Work Capability Assessment outcomes
Ongoing contact

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 (WCA) decision, work availability requirements are not applied for the first 2 occasions in a 12-month rolling period.

Any mandatory work search requirements are removed from the Claimant Commitment for up to 14 days. However, claimants are still expected to take part in Work Focused Interviews and realistic work preparation activities during this time if it is deemed appropriate following a one-to-one conversation. They can also agree to complete voluntary activities.

The Claimant Commitment and work plan will be tailored, and work preparation and voluntary activities will be agreed with the claimant depending on their current capabilities.

This may include:

- starting with zero work-search
- work-preparation mandatory commitments for claimants with a health condition or disability
- taking their individual circumstances into account and tailor up their commitments and work plan by adding voluntary and mandatory commitments to suit their personal needs

For more information, see Switching-off work availability and work-related activities under the heading 'Conditionality and work-related requirements for claimants with a health condition or disability'. See also the Switching-off tailoring table

After 14 days, and when it is reasonable based on the claimants health condition, their tailored requirements, work search, work preparation and Work Focused Interviews can be set if they continue to provide medical evidence. For further information, see 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. They will remain in their allocated

Labour Market regime while they await their WCA decision, unless they have a change of circumstances that would mean moving to a different regime.

See Work-related activities and Labour Market regimes and Labour Market regimes.

Setting appropriate activities for a claimant providing medical evidence, ensures that they:

- are engaged
- remain motivated
- look to the future and re-engage with the Labour Market as soon as possible

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

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

Work-related requirements are what the claimant has to undertake. These are set by staff in conversation with the claimant.

Work-related activities are how the claimant will fulfil the work-related requirements and can be either mandatory or voluntary. See Building a Claimant Commitment.

The claimant must be made aware of what they are being asked to do, why this is required and that they must complete the activity. They must also be informed of what they should do if they cannot complete the activity and the consequences of not completing them without good reason.

Requirements placed on claimants with a health condition or disability must be reasonable with regard to their health condition and other circumstances. Any applied activity must take into account the impact the condition has on their ability to carry out and complete requirements and work-related activities.

When considering the claimant's health condition or disability, the following factors must be taken into account when agreeing work-related requirements and other activities:

- the number of hours of work search
- the type and location of work
- tailoring expected hours where appropriate
- work preparation requirements compatible with the nature of their health condition
- how the work-related activity supports the claimant's movement in to work

- booking an intervention for a time which takes into account the claimant's health condition

There is discretion to tailor the frequency and method of contact. The focus must be on the claimant pro-actively 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 and requirements will have been agreed with another department, person or healthcare professional. They are not appropriate requirements and must not be included in the Claimant Commitment. See Building a Claimant Commitment.

All work related requirements 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 to take steps towards employment.

See 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 and could include the following:

- researching prospective job requirements or travel options
- identifying opportunities to improve their CV or time keeping
- identifying 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 and help prepare for employment
- to support mental health and wellbeing where it is a barrier to work
- referral to voluntary provision, for example - Work and Health programme
- attending a club or taking part in activity which might help develop business opportunities

Sanctions cannot be applied in relation to voluntary activities. 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 that the claimant will take responsibility for their own wellbeing and will not agree to activities that might impact on 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 example, 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, if 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 need must only involve signposting claimants to engage independently with:

- self-help resources or services
- healthcare professionals for assessment

Agents must not make a referral, the claimant must refer themselves.

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

- personal presentation
- confidence
- social or conversational skills.

These can be achieved by:

- being more active
- getting 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 initially to take smaller steps towards these activities and then building on them. See Support for claimants with health conditions.

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

Considerations and support

The following are things for consideration:

- how does the claimant's health condition affect their ability to carry out 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 their 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, for example - health and work conversation or choose your activities
- what local provision is available and suitable

Work Capability Assessment outcomes

See Work capability assessment outcomes for the full details and possible outcomes following a WCA.

Ongoing contact

If a claimant reports a health condition, self-certificates 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 where 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 work-related activities. This will help:

- to focus the claimant on what they can do
- to maintain confidence in their skills and experience
- them feel they have something to offer a future employer
- to increase their likelihood of work which may provide a sense of purpose and self esteem

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