

Terminal illness: Guidance

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What is terminal illness?

For benefit purposes, DWP describes a terminally ill claimant as having a progressive disease or health condition and due to that condition, they are not expected to live more than 12 months.

The claimant, representative or third party may also have received and provided a DS1500 or SR1 form. See confirming the claimant has a terminal illness and claimants without a DS1500.

A BASRIS form may also be provided for some claimants as evidence of terminal illness. These forms are issued to people claiming Scottish Government benefits who have a terminal illness. See: Benefits Assessment under Special Rules in Scotland (BASRIS) form.

The criteria for a claimant receiving a DS1500, SR1, or BASRIS form are slightly different and therefore require slightly different action from DWP staff.

Prior to 4 April 2022, the DWP definition of terminal illness was different. It only applied to people who were not expected to live for more than 6 months. This means that there may be claimants who did not meet the terminal illness definition when they first made their claim, but now they do.

If a claimant reports a change of circumstances regarding terminal illness, the new definition (not expected to live more than 12 months) is applied. The claimant's date of claim and health declaration do not matter.

Identifying someone who is terminally ill

Claimants can report a terminal illness at the new claim stage or at any point during the claim, as a change of circumstances. They might tell us online, by phone, or at an appointment.

When the claimant reports they have a disability or health condition using their online account, they have the option to tell us if the health condition is a terminal illness. The claimant can record this information themselves or request a call back to discuss their terminal illness.

Before the call back is made staff must check the following:

- what the claimant has entered on their online account
- if the claimant is receiving any other benefits, indicating terminal illness - see Confirming the claimant has a terminal illness

It is important to check the above as DWP may have already received confirmation of a terminal illness for:

- Universal Credit
- Personal Independence Payment (PIP)
- Disability Living Allowance (DLA)
- Attendance Allowance (AA) or Pension Age Disability Payment (PADP) in Scotland, or
- Armed Forces Independence Payment (AFIP)

It could result in a difficult conversation to explain when and why confirmation is needed, to ensure they receive all the payments they are entitled to. The claimant must be treated sensitively and with empathy.

Staff calling the claimant back must:

- support the claimant to make their claim (if needed)
- establish the nature of the claimant's health condition or disability
- ask the claimant if they have a DS1500 or SR1 form (if the claimant has a BASRIS form then it is unreasonable to expect them to get a DS1500 or SR1 even though the definition of terminal illness is different) - see Confirming the claimant has a terminal illness

- if the claimant does not have a DS1500, SR1 or BASRIS, but they meet the DWP definition of terminal illness, they must be referred for a WCA at day 1 – see: Claimants without a DS1500 or SR1
- explain the Work Capability Assessment (WCA) process to those with a prognosis over 12 months
- explain the next steps in the Universal Credit claim
- offer any extra help they may need – signposting to support charities
- answer any questions

Staff must record any information provided about the condition including the date the condition was diagnosed as well as the prognosis. This supports other staff interacting with the claimant.

The following note must be added as a pinned note 'Claimant is terminally ill', and no Claimant Commitment is required'.

Confirming the claimant has a terminal illness

DS1500 and SR1 forms

The DS1500 form is confirmation that a person is terminally ill and not expected to live more than 6 months, and SR1 form is confirmation that a person is terminally ill and not expected to live more than 12 months. They can be completed by a doctor, other healthcare professional or Macmillan nurse.

A correctly completed DS1500 or SR1 can be accepted as evidence that the claimant satisfies the terminal illness criteria.

These cases should **not be** referred to the Health Assessment Advisory Service (HAAS) for a Work Capability Assessment (WCA) unless there is good reason to doubt the information provided on the DS1500 or SR1.

In these cases, a WCA decision of limited Capability for Work and Work-Related Activity is recorded on their claim.

For more information on what information the DS1500 and SR1 must contain, see Terminal illness forms. For more information on the actions to take upon receipt of a DS1500 or SR1 form, see 'DS1500 or SR1 and DS1500, SR1 or SR1 fee form received at Jobcentre or Service Centre'.

If the claimant is unaware of their terminal illness, it is important that DWP does not disclose:

- if a DS1500 or SR1 has been requested or completed on their behalf by a general practitioner or a third party
- their condition or prognosis

Claimants without a DS1500 or SR1

If the claimant does not have a DS1500 or SR1, but has reported they are terminally ill:

- day 1 WCA referral action must be taken, see Immediate work capability referrals and Switch-off and tailoring table
- explain to the claimant that they could consider making a claim to PIP or ADP as it is possible they may be eligible (however, the criteria for claiming these benefits is different to Universal Credit so they are not guaranteed to be entitled)

If the claimant doesn't have a DS1500 or SR1 confirming their health condition and their life expectancy is more than 12 months, refer to the section of the same name in this guidance below.

Claimants with a DS1500 or SR1

If staff are satisfied with the information held on the DS1500 or SR1 and the claimant has a life expectancy of 12 months or less, the claimant is treated as having Limited Capability for Work and Work-Related Activity (LCWRA).

For existing Universal Credit claims, the additional amount for having LCWRA may be awarded from the beginning of the assessment period in which the terminal illness notification is received.

An exception to this is when the claimant already has a WCA decision of 'Limited Capability for Work and Work-Related Activity (Severe Conditions)' decision recorded on their claim. In these cases, the existing decision is left in place and no further action is taken.

For a new claim the additional amount for having LCWRA may be awarded from the first date of the claim. In both situations the claimants will be eligible for the LCWRA additional amount from the first day of the assessment period.

Claimants with a DS1500 or SR1 are determined as having LCWRA. They are placed in the No Work Related Requirements group. They will not be required to provide a fit note or attend a Work Capability Assessment. All work-related requirements for these claimants must be switched-off. Refer to Switching-off work availability and work-related activities.

Once a DS1500 or SR1 is provided, claimants are informed that they should consider making a claim to PIP or ADP (if they are not already in payment) as it is possible that they may be entitled to one of those payments. They may also

want to consider whether they may be entitled to New Style Employment and Support Allowance.

DS1500 or SR1 provided after Day 1 Work Capability Assessment referral has begun

If a claimant provides a DS1500 or SR1 forms as after the Day 1 WCA referral has been made, the referral is cancelled on the Medical Services Referral System (MSRS). An LCWRA decision is then recorded on the claim unless they already have an 'LCWRA (Severe Conditions)' decision in place.

DS1500, SR1 or SR1 Fee form received at Jobcentre or Service Centre

All DS1500s, SR1s or SR1 fee forms received in a Jobcentre or Service Centre are scanned then email the WCA Basildon, Terminally Ill Universal Credit 1500 Cases inbox with the forms, where a centralised team take all the required action.

DS1500 or SR1 already sent to another benefit

If the claimant or their representative states they have made a claim for or sent a DS1500 or SR1 to PIP, DLA, Scottish Adult Disability Living Allowance (SADLA) in Scotland, AA or Pension Age Disability Payment (PADP) in Scotland or AFIP, staff must confirm this with PIP, DLA, SADLA, AA or Pension Age Disability Payment (PADP) in Scotland or AFIP colleagues. This can be verified by either:

- the presence of a terminal illness marker on Customer Information System (Searchlight)
- verbal confirmation from a member of the relevant benefits staff

If PIP, DLA, SADLA, AA or Pension Age Disability Payment (PADP) in Scotland or AFIP colleagues verify the claimant is terminally ill and has submitted an accepted DS1500 or SR1, no further evidence is required to confirm it.

Personal Independence Payment staff will notify Universal Credit of any DS1500 or SR1 forms received where there is no PIP claim, and the claimant has a terminal illness prognosis of less than 6 months to live.

The Glasgow centralised team will determine if the claimant has LCWRA and apply the award.

In existing claims, if there is a WCA referral in progress, the referral must be cancelled.

There may be an increase in the amount payable if a DS1500 or SR1 is provided. The claimant may not know the form has been sent and if they query the increase in benefit, the terminal illness or prognosis must not be disclosed

as the reason for the increase. Instead, the explanation might be an increase in their payment has happened due to the severity of their health condition.

Benefits Assessment under Special Rules in Scotland (BASRIS) form

Some terminally ill claimants may provide a BASRIS form as evidence. A staff member cannot make a decision that the claimant meets the special rules for terminal illness using the BASRIS form alone.

Claimants with a BASRIS

Claimants with a BASRIS form must be referred to the Health Assessment Advisory Service (HAAS) for a Work Capability Assessment (WCA) at Day 1.

If a claimant has both a BASRIS form and either a DS1500 or SR1, a terminal illness decision can be made without referring the claimant to the HAAS.

Claimants without a BASRIS

Where a claimant does not have a BASRIS, if DWP staff are satisfied that the claimant does still meet the DWP definition of terminal illness (life expectancy of 12 months or less), the claimant is referred for a WCA at day 1.

If they have a life expectancy of more than 12 months, see: Life expectancy is more than 12 months.

Claimant with a terminal illness already has LCW, LCWRA or additional amount for carers in payment

If the claimant has been treated as having LCWRA following the receipt of a DS1500 or SR1, or is found to have LCWRA following a WCA, staff must establish if the claimant is already in receipt of the additional amounts for:

- having Limited Capability for Work and Work-Related Activity
- having Limited Capability for Work (LCW)
- caring

If one or more of these additional amounts are in payment, see Adding LCW or LCWRA when additional Universal Credit for caring LCW or LCWRA exist.

If the claimant already has a WCA decision of 'LCWRA (Severe Conditions)', the WCA decision must not be changed.

The claimant must be informed that they should consider making a claim to PIP) or ADP if they are not already in payment, as it is possible that they may be entitled.

Life expectancy is more than 12 months

If a claimant has been diagnosed with a terminal illness but has a life expectancy longer than 12 months and satisfies the conditions of being Treated as having Limited Capability for Work and Work-Related Activity or Treated as having Limited Capability for Work, they will be submitted for a day 1 WCA referral. See immediate Work Capability Assessment (WCA).

If the claimant does not meet the criteria for being Treated as having Limited Capability for Work and Work-Related Activity or Treated as having Limited Capability for Work, they will be referred for a WCA at day 29.

Some claimants may have a life expectancy of longer than 12 months, but they have a Benefits Assessment under Special Rules in Scotland (BASRIS) form. These claimants must be referred for a WCA at Day 1.

If the claimant is not terminally ill, they are placed on the health journey. See Health conditions and disabilities – day 1 to day 29.

Claimant Commitment

Claimants who meet the DWP definition of being terminally ill are not required to accept a Claimant Commitment. This applies to both new claims and change of circumstances.

The Claimant Commitment must be accepted on the claimant's behalf in order to ensure that they can receive Universal Credit payments. These claimants must also be offered voluntary work coach support. See Permanently lifting the requirement to accept a Claimant Commitment.

If the claimant does not satisfy the DWP description for terminal illness because their life expectancy is more than 12 months, their claimant commitment must be tailored to accommodate their health condition and other circumstances.

Since the claimant is likely to be seriously ill, with a progressive disease which may deteriorate, the work-related requirements which are agreed with them must be reasonable. See Switching-off work availability and work-related activities for periods of sickness.

Work and Health Programme and Pioneer

If a claimant's health condition meets the description for terminal illness, their participation in the Work and Health Programme and Pioneer will stop. However, they can choose to continue voluntarily if they wish. See Completing the Work and Health Programme and Pioneer.

Staff support

If this subject or area of work has affected you, please talk to a line manager, your colleagues, work psychologist or contact the Employee Assistance Programme.