

Work Capability Assessment for claimants in employment: Guidance

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Introduction

This guidance covers employed people who claim Universal Credit due to a health condition or disability and when they are referred for a Work Capability Assessment (WCA).

Work Capability Assessment referrals

The circumstances in which an employed claimant can be referred for a WCA will depend on whether they are either:

- employed persons with a health condition who make a new claim
- existing claimants with limited capability for work (LCW) or limited capability for work and work-related activity (LCWRA) who start work

Employed persons with a health condition who make a new claim

A claimant who is working and reports a health condition which limits the amount of work they can do, can claim Universal Credit.

When medical evidence and a declaration in support of a claim is received, the claimant is placed on the health journey. At the appropriate time we consider if the claimant is eligible for a WCA referral.

See Health conditions and disabilities: Day 1 to Day 29 or Immediate Work Capability Assessment referrals for further information.

If the employed claimant is eligible, they must be contacted and offered a WCA. If this is accepted a referral is made.

If contact is unsuccessful, the claimant's journal is updated informing them that they may apply to have a WCA referral.

If a health declaration or medical evidence is received without the claimant's account being updated, they must be contacted and asked to update their account.

See Medical evidence including fit notes for other forms of acceptable medical evidence.

Eligibility criteria for a Work Capability Assessment referral

An employed claimant whose earnings are equal to, or exceed the monthly WCA earnings threshold may only be referred for a WCA if they are in receipt of one of the following:

- Disability Living Allowance (DLA)
- Scottish Adult Disability Living Allowance (SADLA) in Scotland
- Child Disability Payment (CDP) in Scotland
- Personal Independence Payment (PIP)
- Adult Disability Payment (ADP) in Scotland
- Armed Forces Independence Payment (AFIP)
- Attendance Allowance (AA) or Pension Age Disability Payment (PADP) in Scotland

A claimant whose earnings are below the WCA monthly earnings threshold can be referred for a WCA whether or not they are in receipt of DLA, CDP or ADP (in Scotland), PIP, AFIP or AA or Pension Age Disability Payment (PADP) in Scotland.

Claimants with earnings above the WCA earnings threshold and no qualifying benefits

Certain claimants with earnings above the WCA earnings threshold and no qualifying benefits may be eligible for consideration for a treat as LCW/LCWRA decision since they legally cannot be referred for a WCA.

They are referred to Work and Health Decision Making (WHDM) for a treat as decision if they:

- may meet the treat-as LCW or LCWRA criteria
- work 16 hours or more per week at or above the National Living Wage
- and are not in receipt of one of the qualifying disability benefits:
 - Disability Living Allowance (DLA)
 - Scottish Adult Disability Living Allowance (SADLA) in Scotland
 - Child Disability Payment (CDP) in Scotland

- Personal Independence Payment (PIP)
- Adult Disability Payment (ADP) in Scotland
- Armed Forces Independence Payment (AFIP)
- Attendance Allowance (AA) or Pension Age Disability Payment (PADP) in Scotland

Do not refer them for a WCA but rather use the Offer WCA referral process to direct these cases to WHDM to make a decision.

WCA Earnings threshold

The monthly gross WCA earnings threshold is calculated at 16 hours per week at the [National Minimum Wage](#) multiplied by 52 and divided by 12.

Existing claimants with limited capability for work or limited capability for work and work-related activity who start work

These claimants are referred for a WCA review in the same way as a non-employed claimant. This applies whether the previous WCA was undertaken whilst the claimant was in receipt of Universal Credit or Employment and Support Allowance.

Universal Credit claimants who are determined as having either LCW or LCWRA are referred as usual for a WCA at the end of their review period. This is irrespective of the amount they earn and they do not need to be receiving DLA, CDP (in Scotland), PIP, AFIP, AA, SADLA or Pension Age Disability Payment (PADP) in Scotland.

Do not refer for a WCA reassessment unless the claimant has a current LCW award and has told us their condition has deteriorated or they have a new health issue.

Failure to attend or participate in a Work Capability Assessment

Any claimant who fails to attend or participate in a WCA without good reason will be treated as not having LCW or LCWRA.

Claimants who have limited capability for work or limited capability for work and work-related activity

A claimant who has been determined as having LCW or LCWRA may be entitled to an additional amount of Universal Credit.

Having LCW or LCWRA provides access to the Work Allowance and in a couple claim gives additional access to childcare costs. See Childcare costs – eligibility for help and Limited Capability for Work after 3 April 2017.

Once a WCA decision is made, there is no further requirement for a claimant to provide medical evidence. A further WCA referral can be made if the claimant reports a change in their medical condition.