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Changes to the LCWRA element

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What are the LCWRA element changes?

The provision for two rates of the LCWRA element

The Universal Credit Act 2025 establishes in law the two rates of the limited capability for work-related activity (LCWRA) element.[1] This came into force on 6 April 2026.

The two rates for 2026/27 are £217.26 (for most new claimants or those newly entitled to the LCWRA element) and £428.90 for protected claimants. We use the term ‘protected’ here to cover all claimants entitled to the higher rate (the term ‘protected’ isn’t used in the law). The Department for Work and Pensions (DWP) may use the term ‘health element’ to refer to the LCWRA element, but legally it remains the LCWRA element.

Further amendments extend the definition of ‘pre-2026’ claimants, one of the three groups who get the protected rate.[2]

Who is ‘protected’

Protected claimants are:[3]

- ‘Pre-2026 claimants’. These include those already getting the LCWRA element in UC before 6 April 2026, and who have been continuously entitled to UC with the LCWRA element since,[4] and certain other claimants who were subject to work capability assessment (WCA) and determination rules before 6 April 2026
- Terminally ill claimants
- Claimants who meet a new set of ‘severe conditions criteria’.

See the *CPAG Welfare Benefits Handbook 2026/7*, chapter 5, section 3, for a full list of those who get the protected rate.

Who is a pre-2026 claimant?

Pre-2026 claimants are:[5]

- Claimants entitled to UC which included the LCWRA element before 6 April 2026, and who continue to be so entitled. A gap of up to six months is possible if UC is lost due to income (but not if due to capital, absence from Great Britain, imprisonment, etc).

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[1] s 2 and Schedule 1, UC Act 2026, amending the UC Regs from 6 April 2026

[2] These were made by the Universal Credit and Employment and Support Allowance (Rates of Allowances) (Amendment) Regs 2026 SI 113, amending reg 27A of the UC Regs and adding a new Schedule, Schedule 5A, which covers further types of ‘pre-2026’ claimant. These amendments came into force on 6 April 2026

[3] Reg 27(2) and Reg 36 UC Regs 2013

[4] Reg 27A, UC Regs 2013

[5] Reg 27A and Schedule 5A, UC Regs 2013

- Claimants 'awaiting assessment' before 6 April 2026 who are later found to have LCWRA and awarded the LCWRA element
- Claimants who have limited capability for work (LCW) before 6 April 2026 and were awaiting reassessment before that date, who are later found to have LCWRA and awarded the LCWRA element
- Claimants who had LCWRA status before 6 April 2026 but whose award did not yet include the LCWRA element due to the 'relevant period' rules
- Claimants entitled to employment and support allowance (ESA) which includes a support component since before 6 April 2026, and who continue to be entitled up until the date they are awarded UC with an LCWRA element.

UC with LCWRA element before 6 April 2026

This could include someone whose entitlement to the LCWRA element is only determined after this date, for example someone who has disputed the outcome of a WCA, but who eventually has an LCWRA determination (including on appeal) and whose LCWRA element was payable before 6 April 2026.

Awaiting assessment

A claimant awaiting assessment may not be entitled to UC until the LCWRA element is included.[6] There is no requirement for entitlement until that point (though they must be a UC claimant awaiting assessment under the UC Regs). So someone whose income is too high to get UC until the higher LCWRA element is included should still be a 'pre-2026 claimant if awaiting assessment before 6 April 2026.

The decision to include the LCWRA element may be made on revision, supersession, or appeal.

Awaiting assessment is not defined,[7] but must be under the UC Regs (not ESA). Arguably, all that matters is that it 'falls to be determined' whether a claimant has LCW or LCWRA, but this only means the DWP may carry out an assessment, not that they have to.[8] If someone has started to submit medical evidence (usually a fit note) this should be sufficient.

If a claimant had declared a health condition on their claim form, it may be argued that was sufficient, particularly if followed up by fit notes, or where there is other evidence of LCW and it was not made clear that fit notes were required.[9] Arguably, only if a health condition is clearly short-term does LCW/RA not 'fall to be determined'.

Whilst the UC Regs require medical evidence to start the 'relevant period', this is not directly linked to 'awaiting assessment'. However, we know that a claimant must provide evidence of

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[6] Reg 28(7) UC Regs 2013

[7] ADM memo 04/26, para 8.1, uses the phrase 'pending assessment', which might suggest that the DWP must have already referred the claimant for a WCA before 6.4.26, but this is not what it says in the regs:

[8] Reg 41(1)(a) UC Regs 2013

[9] KS v SSWP (UC) [2025] UKUT 15 (AAC);

LCW for each day until they have been assessed (in order to get any benefit that depends on this status).[10] A claimant can self-certify for the first 7 days (though this must be in writing). Beyond that, the Social Security (Medical Evidence) Regulations 1976 (Medical Evidence Regs 1976) allow for circumstances where supplying a fit note may not be reasonable and other evidence of LCW may be sufficient.[11]

Cases may arise where we have to argue that someone was 'awaiting assessment' even though they were not submitting fit notes, but these will be difficult (see also below under 'Backdating').

Awaiting reassessment

This applies to claimants who had LCW status before 6 April 2026 and were 'awaiting a further assessment' before that date, where they are subsequently found to have LCWRA. Again, all that seems legally required is that the claimant has asked for a new WCA or has reported a change of circumstances – or that the Secretary of State for Work and Pensions (SSWP) wishes to check whether there has been one. Again, however, we cannot be sure what the DWP will accept is meant by 'awaiting a further assessment'.

As there is no relevant period before the LCWRA element can be include for someone with LCW, it's also arguable that someone who reported a change in the assessment period which included 5 April 2026, and who subsequently is found to have LCWRA, is a 'pre-2026 claimant' for a different reason – because that LCWRA element has to be included from the start of the assessment period in which they reported the change. It is even potentially arguable that a late notification of a change of circumstances could work here – see below under 'Backdating'.

No LCWRA element before 6 April 2026 due to the 'relevant period'

The regulations say this applies where someone has LCWRA before 6 April 2026 but did not have an LCWRA element included in their award due to regulation 28(1) – this is the regulation that normally requires a 'relevant period' of 3 months before the assessment period in which the LCWRA element is included (see CP*AG Welfare Benefits Handbook 2026/7* chapter 5 section 3).

[10] Reg 2(1) Social Security (Medical Evidence) Regs 1976

[11] Reg 2(1A) Social Security (Medical Evidence) Regs 1976

Medical evidence

The relevant period is usually started by the provision of medical evidence of LCW. A claimant usually provides fit notes, and this is what DWP will expect. Case law has established a number of useful principles: [12]

- Self-certification can start the relevant period (though this must be in writing)
- An award of PIP together with a backdated fit note may be 'sufficient' evidence where a claimant was not informed to provide fit notes earlier.
- A retrospective fit note can be evidence of a situation that applied at the date of a decision. This is because submitting evidence starts the relevant period but otherwise, the Medical Evidence Regs 1976 suggest only that the evidence must be 'in respect of' each day (not when it must be provided).

Where someone works and has monthly earnings of £881.23 or more, they cannot be assessed unless getting a disability benefit (eg ADP). In that case, the relevant period is started by the claimant applying for the LCWRA element to be included in their award.[13] In practice however, some claimants do not technically need an assessment because they are 'treated as' having LCWRA without a WCA taking place (and therefore earnings do not matter). These include the pension age partner in a mixed age couple, getting pension age disability payment higher rate care component of Scottish adult disability living allowance or the enhanced rate daily living component of adult disability payment. It has never been clear exactly how the relevant period is started in these cases, but it appears that the start of a pension age disability payment award (or the start of a UC award if already on pension age disability payment) is sufficient (though legally, it may matter whether and when a claimant has reported these to UC[14]).

Entitled to ESA with a support component before 6 April 2026

A claimant entitled to either old (including income-related) or new-style ESA with a support component before 6 April 2026, who continues to be entitled up to and including the date on which they are awarded UC with an LCWRA element, is a pre-2026 claimant. This should cover those migrating from old style ESA as well as new-style ESA claimants who already have a support component when they claim UC.

However, importantly, it does not cover someone who has LCWRA only because of a 'credits only' ESA award. For example, an old-style ESA claimant who has missed their final deadline to claim UC (based on their migration notice) should receive national insurance credits for LCW and preserves their LCWRA status. They should get an LCWRA element once they claim UC, without any wait (this has been accepted by the DWP[15]). But this will

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[12] KS v SSWP (UC) [2025] UKUT 15 (AAC); RM v SSWP UA-2025-001101-ULCW

[13] Reg 28(2)(a) UC Regs 2013

[14] Reg 28(2)(b) UC Regs 2013 says 'the first day on which the claimant provides evidence'

[15] See Rightsnet stories: https://www.rightsnet.org.uk/welfare-rights/news/item/dwp-confirms-that-esa-claimants-who-fail-to-migrate-to-universal-credit-by-final-deadline-should-have-the-lcwra-element-included-from-start-of-any-subsequent-claim and https://www.rightsnet.org.uk/welfare-rights/news/item/dwp-confirms-it-has-started-correcting-universal-credit-awards-of-former-esa-claimants-who-applied-after-their-final-migration-deadline

not be at the protected rate unless they are terminally ill or a severe conditions criteria claimant.

Pre-2026 claimants - need for continuous entitlement

Entitlement to UC with an LCWRA element must be continuous for all 'pre-2026' claimants in order to preserve their right to the protected rate. However, if UC stops due to income and a claimant becomes re-entitled within 6 months, entitlement to the protected rate continues (this mirrors the exception which means a claimant in this situation doesn't have to wait for three months before the LCWRA element is included in the award).[16]

It also seems possible that a claimant on ESA with the support component before 6 April 2026 could lose UC entitlement & then regain it, with the protected rate of the LCWRA element, under the same provision as before, as long as they continued to get ESA with the support component.

Backdating

Backdated claims for UC or ESA

It is now too late to make backdated claims for UC or ESA which will give someone 'pre-2026 claimant' status. It is possible that a claim made as late as 4 May which was backdated to 5 April 2026 might have brought someone under the definition, but such a person would struggle to argue that they were 'awaiting assessment' or in the 'relevant period' before 6 April. Only someone who already had LCW, was terminally ill or already getting ESA with the support component can get the LCWRA element without a relevant period. Terminally ill people get the protected rate anyway, and as we have seen someone who already had ESA with the support component before 6 April 2026 would be a pre-2026 claimant that way.

The latest a backdated new-style ESA claim could have been made so as to include the support component before 6 April 2026 was 3 April 2026 (backdated by 3 months to 4 January 2026, this would include a support component by 5 April 2026).

For more about the situations in which UC can be backdated, see *CPAG Welfare Benefits Handbook 2026/7*, chapter 3, section 6, and for more about backdating new-style ESA, see chapter 25, section 6.

Backdated LCWRA status

Claimants whose LCWRA status is only established after 6 April 2026 but who, as a result, fall into the group of 'pre-2026 claimants' should get the higher rate. For example, someone who was 'awaiting assessment' or in the relevant period before 6 April 2026, and whose LCWRA status is only determined on appeal several months later, will still meet the definition of 'pre-2026 claimant'.

Claimants who only report a health condition or deterioration after 6 April 2026 may not qualify for the protected rate. In most cases it will not be possible to show that they were awaiting assessment or were in the relevant period before 6 April 2026.

Some exceptions (people who may qualify for the protected rate) could include:

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[16] Reg 27A and Schedule 5, para 1 UC Regs

- The older partner in a mixed age couple who has entitlement to the enhanced daily living component of ADP, higher rate care component of Scottitsh adult disability living allowance or pension age disability payment before 6 April 2026, but this is only confirmed on or after that date (eg due to processing times, redetermination or appeal). This claimant may be someone who now does have entitlement to UC with an LCWRA element before 6 April 2026, or someone who was effectively in the 'relevant period' then, with the LCWRA element only to be included later. It is more complicated for those who wish to show they were in the relevant period however, due to the question of what starts the relevant period (did the claimant provide evidence of LCW before 6 April 2026, and is stating that a claim or request for supersession of a disability benefit has been made enough?).
- Someone who had LCW status within UC before 6 April 2026. It is perhaps possible that such a claimant could report a deterioration and give compelling reasons for reporting it late. No relevant period applies and so if found to have LCWRA and the effective date of supersession is accepted as affecting an assessment period which includes a date before 6 April, they will be entitled to the LCWRA element before 6 April 2026.

In contrast, it does not appear possible in most cases for someone with no LCW status to declare a health condition after 6 April 2026 and bring themselves within the meaning of 'pre-2026 claimant'. This is because:

- They cannot have been awaiting assessment before 6 April 2026; *and*
- They cannot have been in the relevant period before 6 April 2026 as the relevant period is started by submitting medical evidence (see above)

It just might be possible for someone who had been working and earning too much to be assessed, but who had a disability benefit award, to start the relevant period 'retrospectively' as this is done by asking for the LCWRA element – perhaps reasons for lateness can be given if this is a request for supersession. However, in most cases, it is hard to see how reporting a change of circumstances late (even with compelling reasons for lateness) could bring someone who was fit for work before 6 April 2026 under the definition of 'pre-2026 claimant'. It is worth looking out for claimants who did declare their health condition, but where the DWP did not follow this up.[17]

A fuller discussion of possible backdating arguments is in the Welfare Rights Bulletin April 2026, issue 311 (free to read): LCWRA element – 'pre-2026 claimant' explained.

More information on supersessions including the late reporting of a change of circumstances is in the *CPAG Welfare Benefits Handbook 2026/7* chapter 49, section 3.

Retaining protected status

Once covered by 'pre-2026 claimant' status, this continues for as long as the claimant has UC entitlement which includes the LCWRA element.

[17] See *RM v SSWP* UA-2025-001101-ULCW, 19.3.26

Pre-2026 status will be lost if the claimant is found to no longer have LCWRA status (ie by reassessment) or loses entitlement to UC (eg because of capital, leaving the country for more than the allowed periods, or becoming a prisoner).

There is one exception where UC is lost due to income – entitlement to the higher LCWRA element is retained if the claimant returns to UC entitlement within six months.[18]

Severe conditions criteria

For those who are not pre-2026 claimants or meet the terminal illness criteria, even if assessed as having LCWRA, they will only be paid the lower LCWRA element rate unless they also meet the additional 'severe conditions criteria'.

The severe conditions criteria are similar to those that were already used by DWP in relation to some claimants determined to have LCWRA, but whose condition was held to be unlikely to improve and so were not subject to regular reassessment. The difference is that the criteria have now been put into law while previously they were just policy.

The criteria

The severe conditions criteria are set out in the amended UC Regs 2013 in the new reg 40A. To meet the severe conditions criteria, the first requirement is that the claimant has been 'assessed' as having LCWRA under Part 5 of the UC Regs 2013 and that one of the descriptors in schedule 7 will apply to them 'constantly' and for 'the rest of the claimant's life'. As such, being 'treated as' having LCWRA under schedule 9 appears not to meet these criteria as the determination of LCWRA is not on the basis of one of the schedule 7 descriptors. It is only someone who is determined to have LCWRA under the schedule 7 descriptors who can meet the severe conditions criteria.

'Constantly' is defined as 'all the time' or whenever the activity is attempted. While the former seems quite straight forward (and DWP in meetings attended by CPAG have used the term 'always' interchangeably with 'all the time'), the latter is more ambiguous. In response to questions at the committee stage of what became the UC Act 2025, DWP minister Stephen Timms suggested that, where a condition varied or fluctuated in its effects, it would be a question of whether you can complete the activity 'reliably, safely, repeatedly and in a reasonable time?"[19]

'The rest of the claimant's life' is not defined but will presumably depend on the clinical diagnosis and judgment (see below), plus treatments and therapy that is available and/or that the claimant is willing to have. For those with some conditions, it may be clear that the claimant will not have any improvement, although this may be subject to medical advances or new treatments or therapies. For others, it may depend on the judgement of a clinician or health care professional carrying out an assessment, and those might be challenged. In meetings, guidance shared by DWP, but not as yet made public, suggests this condition will

[18] Reg 27A(2) UC Regs

[19] https://hansard.parliament.uk/Commons/2025-07-09/debates/8EA073A9-13D1-4DFD-8BD9-2497133538D0/UniversalCreditAndPersonalIndependencePaymentBill#contribution-8AF94D2F-C046-4038-809F-7415A2085E64

be met where there is ‘no realistic prospect of recovery of function’. As such, while an illness or injury might be severe at the time, if it is treatable and it is likely the claimant will respond to that treatment, then if recovery is a prospect the severe conditions criteria will not be met. This may include many severe but treatable illnesses or conditions, even if improvement may take many years.

The next requirement is that the determination of LCWRA is on the basis of a ‘diagnosed’ ‘bodily disease or disablement’ or ‘mental disease or disablement’. This is the same as the standard LCWRA criteria and as such a diagnosis is required. But in addition, that diagnosed disease or disablement must cause the incapability to perform the activity for the rest of their life and have been diagnosed by an ‘appropriately qualified medical professional’ while carrying out NHS services. Again the ‘rest of their life’ requirement may raise issues of judgement and possible treatment/therapy, but what is clear is that those who only obtain a private medical diagnosis cannot meet these criteria, unless they also receive an NHS one as well. What counts as ‘NHS services’ is defined.

Severe conditions criteria assessments

Amendments have been made to regs 41, 43 and 44 UC Regs 2013 in relation to assessment of severe conditions criteria. This appears to allow that it forms either an additional stage of the normal WCA to determine just LCW/RA or that a further assessment can be carried out to determine severe conditions criteria separately. The WCA50 has been amended to include additional questions relevant to the severe conditions criteria.

Where someone is treated as having LCWRA or has been determined to have LCWRA but as assessed under the ESA regulations rather than UC (ie in dual entitlement cases where ESA may have been claimed first and no support component awarded before 6 April 2026), a separate severe conditions criteria assessment may be required. If such an assessment is not triggered by UC (eg a WCA50 is not sent), the claimant should request that the severe conditions criteria assessment is carried out.

As for the standard WCA, attendance at a medical or provision of additional information/evidence can be required for the severe conditions criteria assessment. Failure to submit to a medical or comply with the provision of the additional information/evidence without good reason can result in a finding that the severe conditions criteria are not met.

However, both a medical and provision of additional information/evidence are at the SSWP (ie decision maker’s) discretion. Just as for the standard WCA, a determination can be made without one or the other or both, if the SSWP decides they already have sufficient information/evidence to do so. As such, where in the SSWP’s judgement someone who is treated as having LCWRA for UC or who has been determined as such for ESA would meet the severe conditions criteria without further investigation, there is nothing to prevent that determination being made. It is often in the interests of claimants to provide additional information/evidence if available when a WCA is due to be carried out where that may provide strong evidence that the claimant will be found to have LCWRA without the need for a medical or further information/evidence. It may also be important that where someone meet the criteria to be treated as having LCWRA under schedule 9, they still fully complete a WCA50 to ensure they show they also meet the severe conditions criteria. Given the specific requirements to meet the severe conditions criteria, it may be more likely that such information/evidence will be available to those claimants who are likely to be found to meet the criteria. It may be worth reminding decision makers that they have the discretion to make a determination just based on this additional information/evidence.

Severe conditions criteria assessment outcomes

Like any other outcome of a WCA, the claimant should be informed whether they meet the severe conditions criteria. Information shared by DWP suggests that those who do meet the criteria may see this worded as them having a ‘severe lifelong health condition’. As such, it may not be entirely clear to claimants or their advisers whether the severe conditions criteria have been met as it has not been made explicit. This is probably most concerning for those determined not to meet the severe conditions criteria, who may see nothing other than that they have LCWRA, without even an indication that they will therefore only get the lower rate LCWRA element.

A determination that someone does not meet the severe conditions criteria should carry a right of appeal. This technically is against the ‘outcome decision’ that then only awards them the lower LCWRA element rate, rather than the WCA/ severe conditions criteria determination itself directly. However, claimants may not necessarily realise that they can or need to challenge the severe conditions criteria determination to get the higher rate.

Severe conditions criteria reassessment

Given the severe conditions criteria requirements, the general expectation is that once someone is determined to meet these criteria, they should not be routinely reassessed. This follows the previous policy on which the severe conditions criteria was based. This is stated in the amended regulations (reg 41) in the same way as it applies for the WCA generally, ie that no further assessment can be carried out unless the previous one may have been wrong (‘was made in ignorance of, or based on a mistake as to, some material fact’) or there has been a relevant change of circumstances. The expectation is of course that those who do meet the severe conditions criteria are unlikely to have the latter, but this is where advances in medical treatment or therapies may need considering.

Claimants should of course report anything that may be a relevant change of circumstances in relation to them continuing to meet the severe conditions criteria, even if they might still have LCWRA. Failure to do so promptly could potentially result in at least overpayment or a civil penalty or fraud investigation at worse.

What’s not changed

The work capability assessment still uses the same activities and descriptors to decide whether someone has LCW and LCWRA.[20] There is no change to the points-based scoring for LCW, and no change to the LCWRA descriptors. There is now an additional assessment power, to check whether those who meet an LCWRA descriptor also meet the severe conditions criteria (though much of this was previously considered when deciding whether to recommend that someone should not be reassessed). The ‘treated as’ routes to LCW and LCWRA remain the same.[21]

[20] Regs 39 and 40 and Schedules 6 and 7 UC Regs 2013

[21] Schedules 8 and 9 UC Regs 2013

More about the WCA is in the *CPAG Welfare Benefits Handbook 2026/27*, chapter 40, section 1.

There is still a ‘relevant period’ of three months before the LCWRA can be included, and the exceptions to this remain the same (eg claimant is terminally ill or already has LCW status).[22] The relevant period will still usually be started by the provision of fit notes.

Most WCAs will still be done by telephone. However, the government has stated its intention to increase the number of face-to-face assessments by 30 per cent.[23]

ESA remains the same. It does not involve an severe conditions criteria assessment. The rates and components of ESA are unaffected.

Who will get the lower rate?

The answer is simply anyone who does not fall within the protected groups who get the higher rate, will get the lower. But it is worth highlighting again some who may not fall within those protected groups even though they have LCWRA.

Those who are treated as having LCWRA under schedule 9 UC Regs 2013, may have been effectively exempt from the full WCA. Other than those meeting the terminal illness criteria or who were treated as having LCWRA before 6 April 2026 of course, these claimants are not protected. To be protected they will have to meet the severe conditions criteria. That may mean having to complete a full or at least a partial WCA, and for some of this group, even with their severe conditions, they may be unlikely to pass. For example, those receiving chemo or radiotherapy may be expected to respond very well to it in the long-term or at least to the extent that even if they might meet at least one of the schedule 7 descriptor now, they eventually won’t and as such not for the rest of their life.

Another group is those who are determined to have LCWRA for ESA (ie in the support group) but who have not had the support component included with their award prior to 6 April 2026. For UC, they have LCWRA too without the need for a further WCA.[24] But as no change has been made to the ESA regulations no determination will have been made as to whether they meet the severe conditions criteria. So for this group, a further determination will need to be made if they claim UC, which could include completing another WCA, attending a medical and providing additional information/evidence. If this process is not triggered, then only the lower rate might be paid, but if it is triggered might there be a risk, like any reassessment, that they could be found not to have LCWRA at all by UC?

Is it possible to count as a pre-2026 claimant even if only determined to have LCWRA after 5 April 2026?

It appears that some claimants determined to have LCWRA on or after 6 April 2026 can still meet the pre-2026 claimant criteria, even if the assessment leading to that determination did not start before 6 April 2026. This will be claimants who are part of a joint UC award as a

[22] Reg 28 UC Regs 2013

[23] https://www.gov.uk/government/news/reforms-to-welfare-system-set-to-save-19-billion-by-the-end-of-203031

[24] Reg 40(1)(a)(ii)

couple, where their partner is the one awarded the LCWRA element before 6 April 2026 and so at the higher rate.

In such cases, if the claimant had already been determined to have LCWRA before 6 April 2026 but not awarded the element as their partner had, or even if they are only determined to have LCWRA later on, if they subsequently become entitled to the LCWRA element themselves, and that is continuous with the higher rate being included for their partner as a pre-2026 claimant because their award included the LCWRA element before 6 April 2026, then they are also a pre-2026 claimant and will get the higher rate. This is due to how reg 27A defines a pre-2026 claimants in relation to 'an award' that has included the LCWRA element before 6 April 2026, and that not necessarily being the current award or saying who the element was awarded to. Below are how this might work in a few different situations:

- Couple with joint UC award, both have LCWRA, element included before 6 April 2026 for one partner. They separate and are treated as making two new single UC claims.[25] The joint award ends from the start of the assessment period in which they separate, and the new single awards start from the same date. As both were part of an award which included the LCWRA element before 6 April 2026, and the new awards are continuous with that and they immediately qualify for the LCWRA,[26] it is paid at the higher rate for both as pre-2026 claimants.
- The above but instead of separating, the partner awarded the LCWRA element dies. The joint award ends at the start of the assessment period in which the partner dies, but surviving partner is again treated as making a new single claim from the same date,[27] so as the new award is continuous the surviving partner is treated as a pre-2026 claimant and paid the higher rate (once no longer paid the LCWRA element for the deceased partner under the bereavement run-on rules).
- Couple with joint UC award, both have LCWRA, one element included at higher rate as pre-2026 claimant but only started to be paid after 5 April 2026. In either of the above scenarios, the partner who was not receiving the LCWRA element is not a pre-2026 claimant for their new UC award because the LCWRA in the old joint award was not paid before 6 April 2026. Therefore only the lower rate will be awarded, unless otherwise protected.
- Couple with joint UC award, both have LCWRA, element included before 6 April 2026 for one partner. The partner who has the LCWRA element awarded starts new treatment and their condition improves, a new WCA is carried out and they are found no longer to have LCWRA. The other partner should be awarded the LCWRA element instead, and as long as that starts from the next assessment period (ie

[25] Reg 9(6) The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

[26] Reg 28(3) and (4)(a) UC Regs 2013

[27] Reg 9(10) The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

they have already served the relevant period), then they are a pre-2026 claimant and paid at the higher rate.