

Annex A

Work Capability Assessment for claimants in employment

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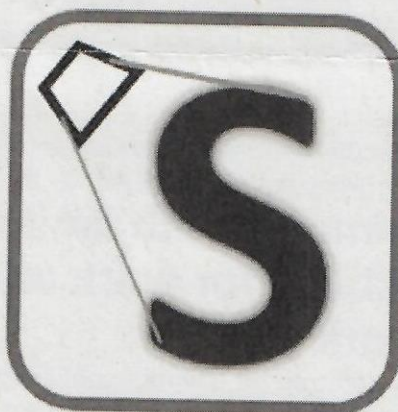
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Spotlight

Spotlight on: Sickness and self-employment

Introduction

This guidance covers employed people claiming on the grounds of a health condition or disability and their referral for a work capability assessment.

Work capability assessment referrals

The circumstances which mean an employed claimant can be referred for a work capability assessments depend on whether they are either:

- [employed people with a health condition who make a new claim](#)
- [existing claimants with limited capability for work or limited capability for work and work related activity who start work](#)

Employed people with a health condition who make a new claim

Claimants who are in work and declare a health condition which limits the amount of work they can do, can claim Universal Credit.

When we receive medical evidence and a declaration in support of a claim the claimant is placed on the health journey. At the appropriate time we consider if the claimant is eligible for a work capability assessments referral.

Refer to Day 1 to day 29 or Immediate work capability assessment for further information. If the employed claimant is eligible they are contacted and offered a work capability assessments (WCA). If they accept a referral is made. If contact is unsuccessful, the claimant's journal is updated informing them 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 are contacted and asked to update their account.

Refer to medical evidence including fit notes for other forms of acceptable medical evidence.

Eligibility criteria for a work capability assessment referral

An employed claimant with earnings:

- that equal or exceed the monthly earnings threshold may only be referred for a work capability assessment if they are in receipt of one of the below:
 - Disability Living Allowance (DLA)
 - Personal Independence Payment (PIP)
 - Armed Forces Independence Payment (AFIP)
 - Attendance Allowance (AA)
- below the monthly earnings threshold, can be referred for WCA, whether or not they are in receipt of DLA, PIP, AFIP or AA

Earnings threshold

The monthly earnings threshold which is calculated at 16 hours per week at the National Minimum or National Living 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 work capability assessment (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 in receipt of employment support allowance.

Universal Credit claimants who have been determined as having either limited capability for work or limited capability for work and work related activity are referred, as usual, for a WCA at the end of their review period irrespective of the amount they earn. These claimants do not need to be receiving disability living allowance, personal independence payment, armed forces independence payment or attendance allowance.

Failure to attend or participate in a work capability assessment

Any claimant who fails to attend or participate in a work capability assessment without good reason will be treated as not having limited capability for work or limited capability for work and work related activity.

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

Claimants who have been determined as having limited capability for work (LCW) or limited capability for work and work related activity (LCWRA) may be entitled to an additional amount of Universal Credit. Having LCW or LCWRA gives access to a Work Allowance and in couple claims it gives additional access to childcare costs. Refer to childcare costs - eligibility for help and limited capability for work after 3 April 2017.

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