

## The Employment and Support Allowance and Universal Credit ‘work capability assessment’

This factsheet looks at how your capability for work is assessed for Employment and Support Allowance (ESA) and Universal Credit (UC) under the ‘work capability assessment’ (WCA) and gives advice on completing the forms and the process.

The WCA is a test by the Department for Work and Pensions (DWP) to see how incapable of work you are. It determines whether you are entitled to ESA and at what rate. It is also used in UC to determine which ‘element’ (amount of money) you get in UC. And for both benefits, what level of work-related activity you are expected to do. The WCA in fact, consists of two tests. The ‘limited capability for work’ (LCW) and the ‘limited capability for work related activity’ (LCWRA).

For example, if you only satisfy the ‘limited capability for work test’ you are entitled to ESA and may have interviews and other work-related activity to take part in. But if you additionally satisfy the ‘limited capability for work related activity test’ you have no activity to do. Here is a table to explain it for both ESA and UC:

If you satisfy the:	Under ESA	Under UC	Work-related requirements
Limited capability for work test	You are entitled to ESA and you go into the ‘work related activity group’ and may* get an extra amount	You may* get the ‘limited capability for work element’ in your UC	Work focused interviews, mandatory work-related activity - as agreed in claimant commitment
Limited capability for work related activity test	You go into the ‘support group’ and get an extra amount	You get the ‘limited capability for work related activity element’ in your UC	None

\* The additional payment that was paid to claimants in the ESA work related activity group component and the UC ‘limited capability for work element’ was abolished for most new claims from April 2017. However, those who still receive it in their ESA or UC may lose it after a WCA reassessment. It is important therefore to challenge that decision to retain the extra amount.

**This factsheet is not a description of the full rules for ESA or UC, it is just the medical assessment part. For ESA, this is an essential part of deciding entitlement to ESA and then which group you go into. For UC, it is used to determine which element you may get, and which work related group you go into. See the above table.**

## **The process:**

### **Employment and Support Allowance (ESA)**

**At some point in the early stages of your claim (Supposed to be within 13 weeks but this may take longer) - or if your ESA is reassessed - you will have your capability for work assessed.**

This is done through a process called the work capability assessment (WCA) which assesses the way your condition affects your ability to perform a range of activities.

The process begins when you submit a Fit note (Previously called a Sicknote), declaring that you are not currently able to work. You will be sent a form ESA50 to complete. If you do not complete this form the DWP will automatically refuse or stop your ESA unless you show 'good cause' for failing to return it. The form ESA50 asks about the effects that any physical disabilities or any mental health problems and intellectual difficulties have on certain activities. Under each of these activities is a list of problems of varying degrees of severity. These are called 'descriptors'. The questionnaire asks you to select the descriptor in each activity that most closely matches how difficult you find it to perform the activity in question. You can also supply extra information from your GP, consultant or other professional.

You may then be asked to attend a medical examination which looks at what you wrote on the form ESA50 and the verbal evidence you give. Your completed ESA50, the medical assessment report and any other evidence you have provided is considered by a decision maker at the DWP. It may take four to six weeks after the assessment for you to receive the decision. Since the start of the COVID-19 Pandemic in 2020, a lot of medical assessments are carried out as telephone or video assessments.

The WCA needs to determine whether you are sick enough to be entitled to ESA and which 'group' you go into. This involves two tests. The first is the 'limited capability for work' test. Satisfying this entitles you to ESA. The second test determines whether you have 'limited capability for work related activity'. If so, you are placed in the 'support group'. If not, you go into the 'work related group'.

Details of the activities and descriptors in the two tests, the LCW and the LCWRA is given below.

### **Universal Credit (UC)**

The process is similar to the above ESA process in terms of being assessed for whether you satisfy the 'limited capability for work' test and the 'limited capability for work related activity' test. The form used is the UC50 instead of the form ESA50 but is very similar.

Unlike ESA, it does not determine your entitlement to receive UC but ensures you have the correct work-related activities to do and the correct element included in your UC. If you are incapable of work, you must tell the Jobcentre (via your UC

online journal or by phone or when speaking to your work coach) and ask for a UC50. You can do this either when you claim UC or during the UC award.

## **What happens if you satisfy these tests?**

### **If you satisfy the LCWRA test**

- For ESA, you go into the 'support group' and receive an extra £40.60 (2022/23 rate) a week on top of the basic rate of ESA, called the 'support component'
- For UC, you get the LCWRA element worth an extra £354.28 (2022/23 rate) a month in your Universal Credit
- You are not required to take part in any work-related activity.
- You are exempt from the 'household benefit cap' (a cap in Housing Benefit or Universal Credit for having benefits above a set level).
- Contribution based ESA payment is normally limited to 52 weeks. However, this limit does not apply if you are in the support group.

### **If you do not satisfy the LCWRA test and only satisfy the LCW test**

For ESA and UC, you are expected to take part in work related activity. The further detail of this is decided in the Claimant Commitment interview at the Jobcentre. You will get support to help you prepare for suitable work. You are not expected to apply for or undertake work or undergo medical treatment. Failure to attend or take in this work-related activity without good cause will result in your ESA or UC being reduced (sanctioned). Good cause could include being ill or having a hospital appointment that it would be unreasonable to rearrange.

You may get an ESA work related activity group component worth an extra £30.60 (2022/23 rate) a week or the UC 'limited capability for work element' worth an extra £132.89 a month (2022/23 rate). However, both were abolished for most new claims from April 2017. Those who still receive it in their ESA or UC may lose it after a negative WCA reassessment. It is important therefore to challenge that decision to retain the extra amount, as may not be regained later in a new claim.

## **Advice on completing the form ESA50 or UC50**

Take into account the following when completing the form:

- Be honest about the extent of your disability/ill health. You should not exaggerate, but neither should you underestimate your problems.
- If your condition is variable this should be explained in your own words, with examples of how variations in your health affect your ability to perform the WCA's activities.
- The test considers your abilities when using any aid or appliance you would normally use, e.g. glasses, walking stick, unless the activity specifies otherwise.
- Answer questions in terms of your ability to do them in the course of a normal day. For example, if you can only bend down once and not repeatedly this does not mean you can do the activity (this will not apply where the activity specifies the frequency of the activity in question).
- If performing an activity is a risk to your health, enough to put a reasonable person off doing it, it may be that you cannot reasonably be expected to perform

that activity. Make this clear.

- If a doctor has told you to avoid certain activities, make this clear.
- If a particular task gives you pain or discomfort this should be recorded on the ESA50/UC50 in detail.
- Give any extra relevant information in the additional space provided.

See also the guide on 'how to complete an ESA50 and UC50 form' on

## Returning the ESA50 or UC50

Return the form within **four weeks** of receiving it. If you know that you will be returning the form late, there is a section on the form that allows for an explanation of this. If you don't return it within four weeks your ESA may be stopped unless you show good cause for not returning the form. If you fail to return the UC50, the assessment provider may return the form to Universal Credit for them to determine if the process of assessing your fitness for work can continue.

After you have returned the form you will usually be asked to participate in a medical assessment with a health care professional who will give their opinion on how many points you should score (see below). You must attend this medical unless you can show good cause for failing to do so. Turning up at the assessment and not answering questions can mean that you are deemed to have not taken part in the assessment.

## Decision

After the WCA you will get a decision saying whether you satisfy the limited capability for work test (LCW) and the limited capability for work related activity (LCWRA). It can mean, for example, you are not entitled to ESA or you do not go into the support group or get the LCWRA element. If you disagree with these decisions, you have **one month** from the date on the decision letter in which make a challenge. This deadline can only be extended in special circumstances. See our factsheet 3 on "What to do if you disagree with a decision to stop your ESA."

## The limited capability for work (LCW) test

This test determines whether you have 'limited capability for work' under ESA and UC.

## The Activities, descriptors and their points

To be assessed as having limited capability for work you need to score 15 or more from a total of the two tables below. Add together the highest score from each activity 1 to 17.

Even if you do not score enough points, you can be **treated as** having done so (i.e. have 'limited capability for work'). The reasons are listed below this table.

## Physical activity descriptors:

## Points

### 1: Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally or could reasonably be worn or used

(a)	Cannot, unaided by another person, either: (i) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.	<b>15 points</b>
(b)	Cannot, unaided by another person, mount or descend two steps even with the support of a handrail.	<b>9 points</b>
(c)	Cannot, unaided by another person, either: (i) mobilise more than 100 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 100 metres within a reasonable timescale because of significant discomfort or exhaustion.	<b>9 points</b>
(d)	Cannot, unaided by another person, either: (i) mobilise more than 200 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (ii) repeatedly mobilise 200 metres within a reasonable timescale because of significant discomfort or exhaustion.	<b>6 points</b>
(e)	None of the above apply.	<b>0 points</b>

### 2: Standing and sitting

(a)	Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.	<b>15 points</b>
(b)	Cannot, for the majority of the time, remain at a work station: (i) standing unassisted by another person (even if free to move around); (ii) sitting (even in an adjustable chair); or (iii) a combination of (i) and (ii), for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion.	<b>9 points</b>
(c)	Cannot, for the majority of the time, remain at a work station: (i) standing unassisted by another person (even if free to move around); (ii) sitting (even in an adjustable chair); or (iii) a combination of (i) and (ii), for more than an hour, before needing to move away in order to avoid significant discomfort or exhaustion.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 3: Reaching

(a)	Cannot raise either arm as if to put something in the top pocket of a coat or jacket.	<b>15 points</b>
(b)	Cannot raise either arm to top of head as if to put on a hat.	<b>9 points</b>
(c)	Cannot raise either arm above head height as if to reach for something.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 4: Picking up and moving or transferring by the use of the upper body and arms.

(a)	Cannot pick up and move a 0.5 litre carton full of liquid.	<b>15 points</b>
(b)	Cannot pick up and move a one litre carton full of liquid.	<b>9 points</b>
(c)	Cannot transfer a light but bulky object such as an empty cardboard box.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 5: Manual dexterity.

(a)	Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.	<b>15 points</b>
(b)	Cannot pick up a £1 coin or equivalent with either hand.	<b>15 points</b>
(c)	Cannot use a pen or pencil to make a meaningful mark with either hand	<b>9 points</b>
(d)	Cannot single-handedly use a suitable keyboard or mouse.	<b>9 points</b>
(e)	None of the above apply.	<b>0 points</b>

### 6: Making self understood through speaking, writing, typing, or other means which are normally or could reasonably be used, unaided by another person.

(a)	Cannot convey a simple message, such as the presence of a hazard.	<b>15 points</b>
(b)	Has significant difficulty conveying a simple message to strangers.	<b>15 points</b>
(c)	Has some difficulty conveying a simple message to strangers.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 7: Understanding communication by:

- (i) verbal means (such as hearing or lip reading) alone;
- (ii) nonverbal means (such as reading 16-point print or Braille) alone; or
- (iii) a combination of (i) and (ii),  
using any aid that is normally, or could reasonably be used, unaided by another person.

(a)	Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.	<b>15 points</b>
(b)	Has significant difficulty understanding a simple message from a stranger due to sensory impairment.	<b>15 points</b>
(c)	Has some difficulty understanding a simple message from a stranger due to sensory impairment.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

**8: Navigation and maintaining safety using a guide dog or other aid if either or both are normally used or could reasonably be used.**

(a)	Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment.	<b>15 points</b>
(b)	Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment.	<b>15 points</b>
(c)	Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment.	<b>9 points</b>
(d)	None of the above apply.	<b>0 points</b>

**9: Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used.**

(a)	At least once a month experiences: (i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (ii) substantial leakage of the contents of a collecting device, sufficient to require cleaning and a change in clothing.	<b>15 points</b>
(b)	The majority of the time is at risk of loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder, sufficient to require cleaning and a change in clothing, if not able to reach a toilet quickly.	<b>6 points</b>
(c)	None of the above apply.	<b>0 points</b>

**10: Consciousness during waking moments.**

(a)	At least once a week, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration.	<b>15 points</b>
(b)	At least once a month, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration.	<b>6 points</b>
(c)	None of the above apply.	<b>0 points</b>

## Mental, cognitive and intellectual function descriptors Points

### 11: Learning tasks.

(a)	Cannot learn how to complete a simple task, such as setting an alarm clock.	<b>15 points</b>
(b)	Cannot learn anything beyond a simple task, such as setting an alarm clock.	<b>9 points</b>
(c)	Cannot learn anything beyond a moderately complex task, such as the steps involved in operating a washing machine to clean clothes.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 12: Awareness of everyday hazards (such as boiling water or sharp objects).

(a)	Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that the claimant requires supervision for the majority of the time to maintain safety.	<b>15 points</b>
(b)	Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that the claimant frequently requires supervision to maintain safety.	<b>9 points</b>
(c)	Reduced awareness of everyday hazards leads to a significant risk of: (i) injury to self or others; or (ii) damage to property or possessions, such that the claimant occasionally requires supervision to maintain safety.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

### 13: Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).

(a)	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.	<b>15 points</b>
(b)	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions for the majority of the time.	<b>9 points</b>
(c)	Frequently cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>



**14: Coping with change.**

(a)	Cannot cope with any change to the extent that day to day life cannot be managed.	<b>15 points</b>
(b)	Cannot cope with minor planned change (such as a pre-arranged change to the routine time scheduled for a lunch break), to the extent that, overall, day to day life is made significantly more difficult.	<b>9 points</b>
(c)	Cannot cope with minor unplanned change (such as the timing of an appointment on the day it is due to occur), to the extent that, overall, day to day life is made significantly more difficult.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

**15: Getting about.**

(a)	Cannot get to any place outside the claimant's home with which the claimant is familiar.	<b>15 points</b>
(b)	Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person.	<b>9 points</b>
(c)	Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

**16: Coping with social engagement due to cognitive impairment or mental disorder.**

(a)	Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant.	<b>15 points</b>
(b)	Engagement in social contact with someone unfamiliar to the claimant is always precluded due to difficulty relating to others or significant distress experienced by the claimant.	<b>9 points</b>
(c)	Engagement in social contact with someone unfamiliar to the claimant is not possible for the majority of the time due to difficulty relating to others or significant distress experienced by the claimant.	<b>6 points</b>
(d)	None of the above apply.	<b>0 points</b>

**17: Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.**

(a)	Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	<b>15 points</b>
(b)	Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	<b>15 points</b>
(c)	Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	<b>9 points</b>
(d)	None of the above apply.	<b>0 points</b>

## Treated as having ‘limited capability for work’.

Even if you do not satisfy enough points, you can ‘treated as having limited capability for work’ and pass the test without having to score the 15 points if you:

For ESA and UC

- are terminally ill. This means “a progressive disease and death in consequence of that disease can reasonably be expected within twelve months ”
- receive chemotherapy or radiotherapy treatment for cancer, or you are likely to receive such treatment within 6 months, or you are recovering from such treatment
- have been requested or given notice, under specific legislation, to refrain from work because you are a carrier of, or have been in contact with, an infectious disease
- are pregnant and there would be a serious risk to your health or your child’s if you did not refrain from work
- are receiving treatment as in an-patient in hospital or similar institution or are recovering from such treatment
- receive any of the following forms of medical treatment:
  - (i) plasmapheresis, or
  - (ii) weekly haemodialysis for chronic renal failure, or
  - (iii) weekly treatment by way of total parenteral nutrition for gross impairment of enteric function
- You suffer from a life-threatening disease that is uncontrollable by recognised procedures
- suffer from a specific disease or bodily or mental disablement and there would be a **substantial risk to yours or someone’s mental or physical health if you were found to have limited capability for work** (found fit for work/do not score 15 or more points).

This does not apply if the risk can be significantly reduced by adjustments at work or by prescribed medication. The DWP must provide evidence if they are to prove what work related activity there might be in your area

See Child Poverty Action Group’s guidance:

[www.cpag.org.uk/content/substantial-risk-and-incapacity-limited-capability-work](http://www.cpag.org.uk/content/substantial-risk-and-incapacity-limited-capability-work)

See DWP guidance, DMG Memo 01/18:

[www.gov.uk/government/publications/decision-makers-guide-memos-staff-guide](http://www.gov.uk/government/publications/decision-makers-guide-memos-staff-guide)

For ESA only

- are pregnant or have recently given birth but you are not entitled to maternity allowance or statutory maternity pay, from 6 weeks before the baby is due to 2 weeks after the birth
- are pregnant or have recently given birth, are entitled to maternity allowance and are within the maternity allowance payment period
- satisfy either descriptor 15 (conveying food or drink...) or 16 (chewing or swallowing...) in the ‘limited capability for work related activity assessment’ (LCWRA) (2nd table below)
- (for income related ESA only) are a qualifying student who receives any rate of Disability Living Allowance or Personal Independence Payment or Armed Forces

### Independence Payment

- (for contributory ESA only) are entitled to Universal Credit and already found to satisfy the WCA under that benefit

### For UC only

- have reached pension credit age and entitled to DLA or PIP
- if you are moving from ESA to UC, you should not be told to undergo a work capability test or sent a UC50 form. The decision from the previous ESA assessment should continue until your next planned review assessment

Other more detailed rules apply

## The limited capability for work related activity (LCWRA) test

This second test determines whether you are placed in the ESA Support Group and get the ESA support group component or for UC, get the limited capability for work related activity element. And for ESA and UC have no work-related activity.

### You only have to satisfy one of the descriptors

Even if you do not satisfy any of the descriptors, you can still be **treated as** satisfying them (i.e. have 'limited capability for work related activity'). The reasons are listed below this table.

### Activity and descriptors:

<b>1: Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally or could reasonably be worn or used.</b>
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Cannot either:
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(a) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or
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(b) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.
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<b>2: Transferring from one seated position to another.</b>
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Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.
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<b>3. Reaching</b>
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Cannot raise either arm as if to put something in the top pocket of a coat or jacket.
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<b>4: Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this table).</b>
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Cannot pick up and move a 0.5 litre carton full of liquid
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<b>5: Manual dexterity.</b>
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Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.
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<b>6: Making self understood through speaking, writing, typing, or other means which are normally, or could reasonably be, used unaided by another person.</b>
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Cannot convey a simple message, such as the presence of a hazard.
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**7: Understanding communication by:**

- (i) verbal means (such as hearing or lip reading) alone;
  - (ii) non-verbal means (such as reading 16 point print or Braille) alone; or
  - (iii) a combination of sub- paragraphs (i) and (ii),
- using any aid that is normally, or could reasonably, be used unaided by another person.

Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.

**8: Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or voiding of the bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally or could reasonably be worn or used.**

At least once a week experiences:

(a) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or

(b) substantial leakage of the contents of a collecting device sufficient to require the individual to clean themselves and change clothing.

**9: Learning tasks.**

Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder.

**10: Awareness of hazard.**

Reduced awareness of everyday hazards, due to cognitive impairment or mental disorder, leads to a significant risk of:

(a) injury to self or others; or

(b) damage to property or possessions,

such that the claimant requires supervision for the majority of the time to maintain safety.

**11: Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks).**

Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions.

**12: Coping with change.**

Cannot cope with any change, due to cognitive impairment or mental disorder, to the extent that day to day life cannot be managed.

**13: Coping with social engagement, due to cognitive impairment or mental disorder.**

Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant.

**14: Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder.**

Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.

**15: Conveying food or drink to the mouth.**

(a) Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else;

(b) Cannot convey food or drink to the claimant's own mouth without repeatedly stopping or experiencing breathlessness or severe discomfort;

(c) Cannot convey food or drink to the claimant's own mouth without receiving regular prompting given by someone else in the claimant's presence; or

(d) Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant's own mouth without receiving:

(i) physical assistance from someone else; or

(ii) regular prompting given by someone else in the claimant's presence.

**16: Chewing or swallowing food or drink.**

(a) Cannot chew or swallow food or drink;

(b) Cannot chew or swallow food or drink without repeatedly stopping or experiencing breathlessness or severe discomfort;

(c) Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant's presence; or

(d) Owing to a severe disorder of mood or behaviour, fails to:

(i) chew or swallow food or drink; or

(ii) chew or swallow food or drink without regular prompting given by someone else in the claimant's presence.

## **You are treated as having limited capability for work related activity if**

**Even if you do not satisfy one of the descriptors, you can be treated as satisfying the test if you:**

For ESA and UC unless specified

- are terminally ill (see above);
- are receiving chemotherapy or radiotherapy treatment for cancer, or you are likely to receive such treatment within 6 months, or you are recovering from such treatment
- are a pregnant woman, and there would be a substantial risk to your or your baby's health if you undertook work-related activity
- have a specific disease or bodily or mental disablement and there would be a **substantial risk to the mental or physical health of any person if you were placed in the Work-Related Activity Group**. This is similar to the rule for the limited capability for work test above.
- (for contributory ESA only) are entitled to Universal Credit and already found to have LCWRA under that benefit
- (for Universal Credit only) have reached pension age and entitled to Attendance

Allowance, the highest level of DLA care component, or the enhanced rate of PIP daily living component

- (for Universal Credit) if you are moving from ESA to UC, you should not be told to undergo a work capability test or sent a UC50 form. The decision from the previous ESA assessment should be accepted and continue until your next planned review assessment

Other more detailed rules apply

## What happens now?

After the WCA is completed, a decision maker will send you a written decision. This should tell you:

- Whether you have a limited capability for work and are entitled to ESA or not,
- If you are entitled to ESA, which group you will be placed in, the 'work related activity group' or the 'support group', as described above.

You can challenge these decisions. See factsheet: 'What to do if you disagree with a work capability (sickness) decision in Employment and Support Allowance or Universal Credit'.

## More information and advice

### Jobcentre Plus

Phone 0800 169 0310

### Universal Credit

Phone 0800 328 5644

### Gov.uk website

[www.gov.uk/employment-support-allowance](http://www.gov.uk/employment-support-allowance) and [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit)

### Newcastle Welfare Rights Service website

[www.newcastle.gov.uk/welfare-rights](http://www.newcastle.gov.uk/welfare-rights)

### Disability Rights UK website

[www.disabilityrightsuk.org/](http://www.disabilityrightsuk.org/)

### Work Capability Assessment handbook: for healthcare professionals

[www.gov.uk/government/publications/work-capability-assessment-handbook-for-healthcare-professionals](http://www.gov.uk/government/publications/work-capability-assessment-handbook-for-healthcare-professionals)

### ESA: the Work Capability Assessment: detailed guide

[www.gov.uk/government/publications/esa214-a-guide-to-employment-and-support-allowance-the-work-capability-assessment](http://www.gov.uk/government/publications/esa214-a-guide-to-employment-and-support-allowance-the-work-capability-assessment)

## This factsheet

was produced by the Newcastle City Council Active Inclusion Service and updated **February 2023**. For comments, please email [activeinclusion@newcastle.gov.uk](mailto:activeinclusion@newcastle.gov.uk)