

Benefits Bulletin

WCA Reform...

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WCA Reforms...

The Department for Work and Pensions (DWP) have announced plans to substantially reform the Work Capability Assessment (WCA) which will significantly impact on those claiming benefit with poor physical and/or mental health. The plans involve:

- removing the WCA altogether for Universal Credit purposes and replacing it with a 'health and disability functional assessment' aligned to PIP; and
- making changes to the existing WCA for those claiming Universal Credit and Employment and Support Allowance.

Plans for these reforms were first announced in the [Shaping Future Support The Health and Disability Green Paper](#) (July 2021). Further details were then shared in the [Transforming Support: The Health and Disability White Paper](#) (16th March 2023) - from hereafter referred to as the 'Transforming Support Paper'. We have seen confirmation of the proposed changes included in the [Government Response to the Work Capability Assessment: Activities and Descriptors Consultation](#) (22nd November 2023) - from hereafter referred to as the 'WCA Consultation Paper'.



Amongst the stated aims behind these reforms is the intention to enable disabled people to lead the most independent lives as possible; to support more disabled people to start, stay and succeed in work and to have a welfare system that encourages and supports disabled people into work, while providing a vital safety net for those who need it most.

Foreword: Shaping Future Support: The Health and Disability Green Paper / Executive Summary: Transforming Support: The Health and Disability White Paper / Background and Executive Summary: Government Response to the Work Capability Assessment: Activities and Descriptors Consultation.

Removing the WCA...

The 'Transforming Support Paper' confirmed:

- **158:** That the ambition is to abolish the Work Capability Assessment and replace it with a new 'health and disability functional assessment' as presently exists under Personal Independence Payment.
- **156:** That the level of change would require new legislation which would be put in place as time allowed by a new Parliament in 2026/2027.



- **145:** Plans to remove the existing Universal Credit Limited Capability for Work-related Activity Element (worth £390.06 per month and awarded to those who are assessed as having both 'limited capability for work' and 'limited capability for work-related activity') and replacing it with a new 'Health Element' (worth the same amount) dependent upon a person's entitlement to Personal Independence Payment ('daily living component' and/or 'mobility component' paid at either the standard rate or enhanced rate) meaning that there would be no need to be found to have 'limited capability for work' and 'limited capability for work-related activity' to get this additional income-related support.
- **156:** A pledge that any new measures would first be rolled out to new Universal Credit claimants on a 'staged' geographic basis but not before at the earliest 2026/2027.



- **156:** That it would not be until 2029 that this new assessment model would be applied to existing claimants.

- **148.** That entitlement to the new Universal Credit 'Health Element' would only end when either a person ceased to be entitled to Personal Independence Payment because a person's health condition improved; or they lost entitlement to Universal Credit because of the level of their earnings.
- **149:** That consideration will be given to how best to ensure that the Work Allowance incentive (which enables disabled workers to retain some of their earnings before impacting on the amount of Universal Credit) already in place in Universal Credit remains an integrated part of any new health and disability system.



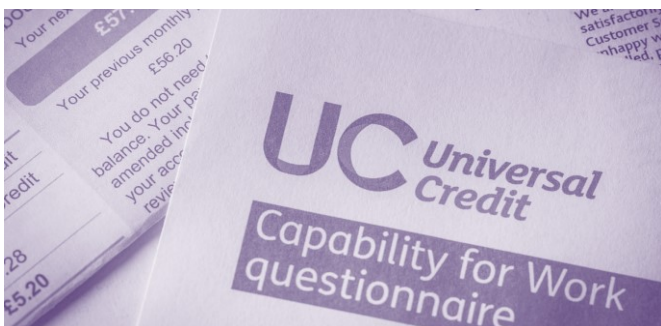
- **153:** That people who were pregnant or receiving cancer treatments whose health would be at risk by work and work-related activity would have access to the Health Element of Universal Credit in the same way as they may presently have access to the Limited Capability for Work-related Activity Element even if they were not entitled to Personal Independence Payment.



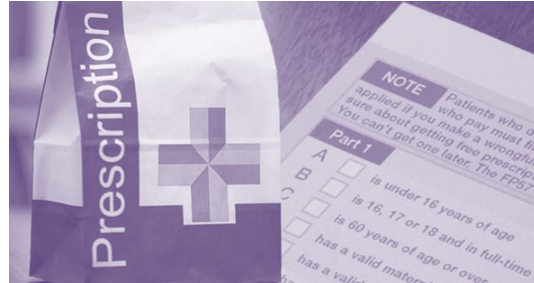
- **154:** That there would be special provision for people who are nearing the end of their life to maintain fast-tracked access to the benefits system and the exemption from face-to-face medical assessments.

The 'Transforming Support Paper' (paragraphs 138 to 140) confirmed that 1.8 million people presently claim both Personal Independence Payment / Disability Living Allowance with ESA / Universal Credit.

- **157:** That any Universal Credit claimants receiving the Limited Capability for Work-related Activity Element and Personal Independence Payment at the point that the new system is introduced will receive transitional protection aimed at ensuring that they did not lose out because of the introduction of the new Health Element.
- **158:** That under the new system a person's 'work-related requirements' would not be defined, as is now, simply by whether they have been assessed as having 'limited capability for work' and/or 'limited capability for work-related activity'.
- **159:** That instead of having a person's 'work-related requirements' pre-determined by how they fare under the WCA the plan is to introduce a new 'personalised health conditionality' approach that will provide more personalised levels of conditionality and 'employment support', with the aim of helping people to reach their potential and live a more independent life.
- **160:** That the aim will be for Work Coaches to 'build relationships' with claimants and determine what, if any, work-related activities they are able to participate in.
- **162:** That the new approach to the setting of both voluntary and mandatory 'work-related requirements' should mean there is a focus on what people can do, rather than what they cannot but also ensure where people are unable to work that the system will continue to support them in living independent lives.



The 'Transforming Support Paper' (paragraph 163) confirmed that the intention will be to keep Universal Credit and Personal Independence Payment as two separate benefits albeit that only people who receive both Universal Credit and Personal Independence Payment will be able to access the new Health Element.



The 'Transforming Support Paper' (paragraph 163) confirmed that Personal Independence Payment will remain a benefit for people irrespective of whether they are in or out of work. Moreover, it confirmed that Personal Independence Payment will stay separate from Universal Credit. This means that Personal Independence Payment will continue to provide support to cover some of the additional costs associated with having a health condition or disability, irrespective of a person's income.

The 'Transforming Support Paper' gave no real mention / detail as to what the future would hold for [New Style ESA](#) given the reform that was taking place to the WCA and Universal Credit. However, at paragraph 150 it did confirm a commitment to retaining a contributory based health and sickness benefit.

Reforming the WCA...

The 'WCA Consultation Paper' confirmed that:

- **18:** The DWP's view is that there has been a change in the labour market since the WCA activities were last reviewed in 2011, as evidenced by the increase in the availability of 'hybrid and home working' jobs.

- **4:** The consultation which has taken place was on the intention to remove or change the activities and descriptors under the 'limited capability for work' and the 'limited capability for work-related activity' assessments that related to:

- mobilising
- absence or loss of bowel/bladder control
- coping with social engagement due to cognitive impairment or mental disorder (Social Engagement)
- getting about

because these were considered the most likely to be affected by new opportunities for flexible and home working.

- **5:** That the consultation which took place was also on the proposals to amend or remove the 'substantial risk' clause of the 'limited capability for work-related activity' (not the 'limited capability for work') provision. This is the provision which provides a safety net where there would be a substantial risk to health if a claimant were found not to have 'limited capability for work-related activity'. This is because it has been considered that this provision had 'gone beyond' its original intent.
- **24:** That following the consultation it has been decided that from 2025 the following changes would be made to the WCA:
 - remove the 'mobilising' activity from the 'limited capability for work-related activity' (not the 'limited capability for work') provision
 - reduce the points score in the 'getting about' descriptors within the 'limited capability for work' assessment
- **24:** It was decided to remove the 'mobilising' activity on the understanding that new flexibilities in the labour market meant that many with limited mobility could now undertake some form of tailored and personalised work-related activity with the right support.

- **24:** It was decided to amend the points score in the 'getting about' descriptors as it was considered that new flexibilities in the labour market meant that there is less need to get to a place of work, and so limitations in getting about are less of a barrier to being able to work.

It confirmed (paragraph 24) that the 'substantial risk' clause of the 'limited capability for work-related activity' (not the 'limited capability for work') would be redesigned to align with the original intention of only applying in exceptional circumstances. The paper says that the redesign will include measures to protect and safeguard the most vulnerable, including those in crisis and those with active psychotic illness.

It confirmed (paragraph 25) that there would be no change to the 'limited capability for work' or 'limited capability for work-related activity' that relate to 'continence' or 'social engagement' given that incontinence can affect dignity / mental wellbeing and that engagement with others was a requirement of almost all work, even that in the modern workplace.

It is understood that the amendments to the WCA will at least at some point impact on all (both existing and new) claimants who are assessed for Employment and Support Allowance and/or Universal Credit on grounds that they have (or should be treated as having) 'limited capability for work' and/or 'limited capability for work-related activity'.

It is also understood that, given the stated timeline, these measures will be put in place before plans to scrap the WCA for new claimants will be put in place.

Please see our [Information Guide 7: Universal Credit the WCA Toolkit](#) for more information about the WCA and our [Information Guide 9: PIP Toolkit](#) for more information on how entitlement to Personal Independence Payment is assessed.

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