

# Universal Credit

A Guide for Disabled Claimants

April 2023

---

A guide to claiming universal credit,  
for people with a disability or long-term  
health condition

---

# UNIVERSAL CREDIT

## A Guide for Disabled Claimants

<b>1: What is universal credit?</b>	<b>3</b>
About the benefit	3
<b>2: Do you qualify?</b>	<b>4</b>
The basic conditions	4
<b>3: How do you claim?</b>	<b>6</b>
Starting the claim	6
Universal credit interviews	8
Delaying your claim	9
What if things change for you?	9
<b>4: How is universal credit worked out?</b>	<b>11</b>
Assessment periods	11
The maximum amount	11
The standard allowance	12
The amounts	12
Earnings	14
Other income	15
Savings or capital	15
The benefit cap	16
<b>5: Help with your housing costs</b>	<b>17</b>
What is the housing costs amount?	17
How many bedrooms do you need?	18
Non-dependant deductions	19
Discretionary housing payments	20
<b>6: If you are not able to work</b>	<b>21</b>
What is the work capability assessment?	21
The limited capability for work assessment	21
The limited capability for work-related activity assessment	22
Starting things off	22
The assessment	24
Challenging decisions	25
Further assessments	26
<b>7: Your responsibilities</b>	<b>27</b>
What is the claimant commitment?	27
The conditions	27
When no work-related conditions apply	29
Changing the claimant commitment	29
Sanctions	29
Challenging a sanction decision	31
Hardship payments	32

<b>8: Payments</b>	<b>33</b>
How is universal credit paid?	33
Universal credit advances	33
Backpayments	34
Deductions	34
Budgeting advances	35
<b>9: Moving from other benefits</b>	<b>36</b>
Are you on one of these benefits?	36
If your circumstances change	36
The migration	37
<b>10: What if you disagree with the universal credit decision?</b>	<b>38</b>
Mandatory reconsiderations	38
Appeals	38
<b>Appendix A</b>	<b>40</b>
Limited capability for work assessment descriptors	40
<b>Appendix B</b>	<b>44</b>
Treated as having a limited capability for work	44
<b>Appendix C</b>	<b>45</b>
Limited capability for work-related activity assessment descriptors	45
<b>Appendix D</b>	<b>47</b>
Treated as having a limited capability for work-related activity	47
<b>Appendix E</b>	<b>47</b>
Exceptional circumstances	47
<b>Glossary</b>	<b>48</b>
<b>Further help and information</b>	<b>50</b>
<b>Index</b>	<b>51</b>

**Universal Credit**

A Guide for Disabled Claimants

Published by Disability Rights UK © 2023

Publication date: April 2023

## 1: What is universal credit?

---

**Universal credit is a benefit paid to people of working age who are on a low income. You can claim it if you are looking for work, if you are unable to work through sickness or disability, if you are a lone parent, if you are caring for someone or if you are working and your wages are low.**

**Universal credit provides for your basic living expenses. You can claim it to cover just your needs if you are a single person, or those of your partner and/or children if you have a family. It can be paid on its own if you have no other income, or it can top up other benefits or earnings.**

---

### About the benefit

Universal credit is a '*means-tested*' benefit. It does not depend on your national insurance contributions and is not taxable.

It replaces the following earlier means-tested benefits if you are making a new claim:

- child tax credit;
- housing benefit;
- income-related employment and support allowance;
- income-based jobseeker's allowance;
- income support; *and*
- working tax credit

You may also have to claim universal credit if your circumstances change. Eventually everyone already on one of these benefits will be moved onto universal credit. See [Section 9](#) for details.

#### **What does this guide cover?**

This guide explains how you qualify for universal credit, how to claim it, how it is worked out and what you can do if you are unhappy with a decision about your claim.

**Section 6** describes what happens if you are not able to work because of a disability or health condition. It covers the way that your disability or health condition is assessed for universal credit. The result of this assessment is very important, as it can increase the amount of money that you get, and reduce the risk of a 'sanction'.

**Section 7** explains the conditions you must meet if you want to keep getting your benefit paid in full, and what you can do to avoid a sanction.

**Section 9** explains what happens when you are claiming one of the earlier benefits listed above, and you are asked to claim universal credit instead.

**Glossary:** At the end of the guide, we explain the terms and phrases that are used.

## 2: Do you qualify?

---

**To qualify for universal credit, you must meet a number of basic conditions. If you have a partner, you must normally make a joint claim and in this case you must normally both meet these conditions.**

---

### The basic conditions

To qualify for universal credit, you must:

- be aged 18 or over, or aged 16 or 17 in certain cases (see [below](#));
- be under pension age (currently 66). If you are claiming [jointly](#) as a couple, one of you must be under pension age;
- not be in full-time education – but there are exceptions (see [below](#));
- have accepted a claimant commitment (see [Section 7](#));
- be in Great Britain (see [below](#)); *and*
- not be subject to immigration control.

You (and your partner, if you are making a joint claim) must not have capital or savings of more than £16,000.

Any earnings or income you (and your partner, if you are making a joint claim) have, must not be too high for universal credit to be paid (see [Section 4](#)).

### Joint claims

If you have a partner (including a same-sex partner), you must normally make a *'joint claim'* for universal credit. In a joint claim, both you and your partner must meet the conditions listed above, unless an exception applies.

### Aged 16 or 17

You must normally be aged 18 or over to qualify for universal credit. However, if you are aged 16 or 17, and meet the other basic conditions, you will qualify for universal credit if you have a disability or health condition and as a result you have a *'limited capability for work'*; this is tested under the *'work capability assessment'* – see [Section 6](#). You can still qualify if you have a [fit note](#) and are waiting for a work capability assessment to be arranged. You may also qualify for universal credit if you have regular and [substantial caring responsibilities](#) for a severely disabled person.

### In Education

You may be able to claim universal credit if you are on a course of full-time advanced education. To do so, you must be entitled to attendance allowance, disability living allowance, child disability payment, personal independence payment or adult disability payment. You must also have been found to have a limited capability for work (see [Section 6](#)) before you started the course.

If you are making a joint claim and just one of you is in full-time education, you may still qualify for universal credit.

For more help, contact our Disabled Students Helpline: telephone 0330 995 0414 or email: [students@disabilityrightsuk.org](mailto:students@disabilityrightsuk.org)

### In hospital

If you go into hospital, your universal credit is not normally affected but the following situations will affect your award:

- If your hospital stay exceeds, or is expected to exceed, six months and you have no dependants living in your home, you will not be entitled to the housing costs amount.
- If you have a partner living in your home, and your hospital stay exceeds, or is expected to exceed, six months, they will need to claim universal credit as a single person.
- Universal credit will be reduced if your partner goes into hospital for more than six months. You will need to claim as a single person.
- If one of your children, or a qualifying young person you are responsible for, goes into hospital, your award will be reduced if they are in for more than six months.
- If the person you are caring for goes into hospital, the carer amount will no longer be included in your universal credit award once you no longer meet the qualifying conditions for carer's allowance.

### In Great Britain

To qualify for universal credit, you must:

- be present in Great Britain; *and*
- be habitually resident and have the right to reside in the UK, Channel Islands, Isle of Man or the Republic of Ireland.

'*Present*' means physically present in Great Britain. Sometimes you can be treated as present when you are abroad for a short period.

The term '*right to reside*' is not defined but is dependent on your immigration status and nationality. You might have a right to reside because you are a British citizen or because you are in a protected group with a European free movement right to reside. Work Rights Centre have made a free app that you can use to check your eligibility for universal credit where your right to reside is not certain: [www.workrightscentre.org/universal-credit](http://www.workrightscentre.org/universal-credit).

The '*habitual residence*' test will be applied if you have been living abroad. Habitual residence is not defined in law. Relevant factors are: where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from.

## 3: How do you claim?

---

**You are expected to claim universal credit online if you can. When you do so, you will set up an online account. You can use this to keep in touch with the officer who is dealing with your universal credit claim: your work coach.**

**If your condition means that you cannot work, you will need to get a 'fit note' from your GP or from someone else who is treating you.**

**Once you have claimed the benefit, you will need to book an interview with your work coach so that you can discuss your work prospects and the support you need.**

---

### Starting the claim

You can claim universal credit online at [www.gov.uk/universal-credit/how-to-claim](http://www.gov.uk/universal-credit/how-to-claim). If you have a partner (including a same-sex partner), you must normally make a *'joint claim'* for universal credit.

#### **If you need help with the claim**

If you need help with the claim, or need to make a telephone claim instead, you can ring the universal credit helpline (0800 328 5644; textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644); unfortunately this can be difficult to get through to. If you are deaf and use British Sign Language, you may be able to get help using a video relay service (details are at: [www.gov.uk/universal-credit/how-to-claim](http://www.gov.uk/universal-credit/how-to-claim)).

#### **Help to Claim service**

You can also use the Citizens Advice Help to Claim service ([www.citizensadvice.org.uk/helptoclaim](http://www.citizensadvice.org.uk/helptoclaim) – England: 0800 144 8444; Relay UK 18001 then 0800 144 8444; Wales: 08000 241 220; Relay UK 18001 then 08000 241 220; Scotland: 0800 023 2581; [www.cas.org.uk/helptoclaim](http://www.cas.org.uk/helptoclaim)).

When you apply for universal credit online, you will set up an 'online account'. Once you have done this, a code will be sent to you which will enable you to make the online claim.

If you are one of a couple, you each need to make a claim; one of you should claim first and you will then receive a linking code for your partner to use so that your claims can be joined up.

When you make the online claim, you will need to complete a series of questions on a 'to do' list, relating to your general situation. You do not need to complete the application in one go; you can save it and return to it later.

You must also confirm your identity. You can do this online using the Government Gateway service. You need two documents to confirm your identity online, which can include payslips from the last three months, your most recent P60, a valid UK passport or a recent self-assessment tax return. You can also confirm your identity at the universal credit interview.

## What information do you need?

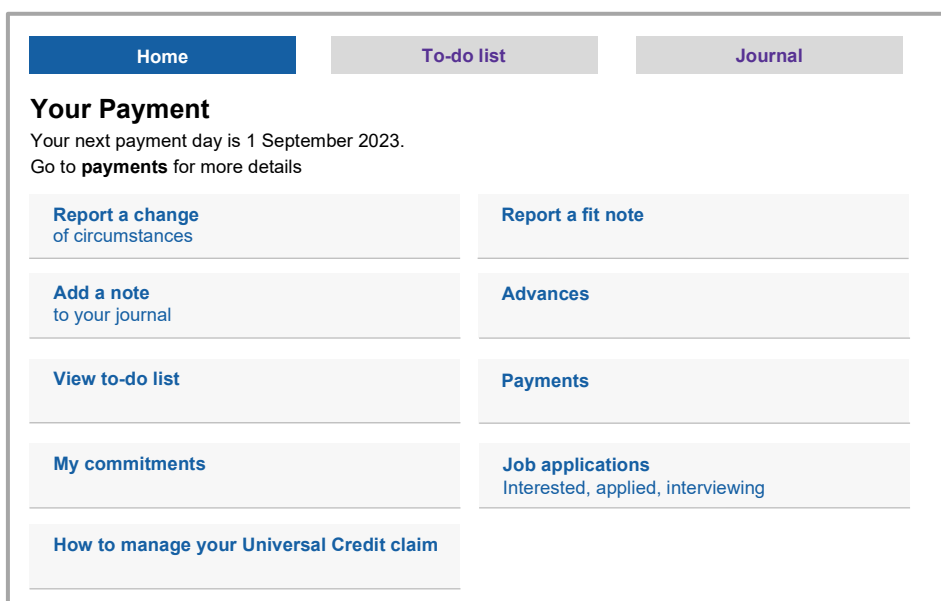
You (and your partner, if you are one of a couple) should have the following ready when you start:

- proof of identity (see above);
- an email address, if you have one. The email address cannot be the same as any other on the universal credit system (including your partner's);
- your postcode;
- your national insurance number. If you do not have a national insurance number, you can still claim universal credit; your claim will start the national insurance number application process – however payment may be withheld until a national insurance number has been allocated to you;
- proof of your nationality;
- details of your bank, building society or credit union account (if you have one);
- if you pay rent, your tenancy agreement and landlord's contact details;
- if you or your partner are working, details of the employer;
- details of your income, savings or capital;
- details of any earnings;
- if you pay for childcare, how much you pay and the childcare provider's registration number and contact details; *and*
- details of any other benefits you get (including your child benefit reference number, if you get that benefit).

## The online account

When you set up the online account, you will need to give an email address and create a username, password and security questions (and answers). Keep a record of these in a safe place; you can then use them to access your [online account](#) at any time.

You can use the online account to apply for a universal credit advance, check your [claimant commitment](#), report a change in your circumstances, set up and maintain an '[online journal](#)' and report a fit note (enter your fit note start and end dates).



Example of the home page for an online account when you are logged in.



If you stop claiming universal credit, your online account will remain for six months. So if you need to reapply for universal credit in that time, you will not need to set up a new account. If it is more than six months since you last claimed universal credit, you will need to set up a new online account.

### Claiming universal credit if you are nearing the end of your life

If your doctor or another medical professional has told you that you might have 12 months or less to live, you can let the DWP know this when you apply for universal credit. Once you have done this, you should be asked if you would like to receive a call back to discuss your illness, the claim process and the support that can be provided.

Ask your GP, consultant or specialist nurse for an SR1 form, which you should send to the DWP so that they can deal with your claim more quickly. If you have already sent an SR1 form for personal independence payment or employment and support allowance, you do not need to send it again – just note in your online journal that you have already sent it for the other benefit.

If it is accepted that you are nearing the end of your life, you will be treated as having a limited capability for work-related activity. In this case, you will not be expected to meet any work-related conditions to continue getting universal credit in full and your award will include a work capability amount.

### The online journal

You can use the online journal to maintain your claim, including:

- keeping in touch with your work coach;
- keeping a record of the jobs that you have applied for in your work search (see [Section 7](#));
- checking that you have done any tasks set by your work coach; *and*
- asking for a mandatory reconsideration if you are unhappy with a decision (see [Section 10](#)).

Keep a written copy or take a screenshot or photograph of any entry you make in your online journal in case it is deleted later.

### Universal credit interviews

Once you have claimed universal credit, you will be asked to take part in an interview with a DWP adviser called a '*work coach*'. These normally take place at your local Jobcentre Plus office.

You will need to book the interview within a week, otherwise your claim may fail.

The interview is to confirm the information that you have already provided online or over the phone, to discuss your work prospects and the support you need. A '*claimant commitment*' will be drawn up (see [Section 7](#)).

You will normally need to provide supporting documents at the interview (eg your passport or driving licence, to confirm your identity – photo ID is not essential, but will save you time if you have it with you).

If you are unfit for work, you will also need to provide a self-certificate (for the first seven days) or '[fit note](#)' after that.

You will be given a 16-digit personal security number after the interview. Keep a record of this in a safe place, as you will need it if you have to create a new password.

The outcome of the interview will be recorded in your [online journal](#).

### If you do not take part in the interview

If you do not attend or take part in the interview, your universal credit claim will be closed. If you cannot take part for any reason, get in touch with the office arranging the interview as soon as possible to explain the reason and re-arrange it.

If your claim is closed, you should make a new claim for universal credit as soon as possible. Once you have set up the [online journal](#) in the new claim, you can use this to ask for a mandatory reconsideration of the decision to close the first claim (see [Section 10](#)).

### Further interviews

If you need to [search for work](#) as part of the claimant commitment, you will need to take part in further interviews: '*work search reviews*'. These are to check your progress and to ensure that you are meeting your responsibilities as set out in your claimant commitment.

## Delaying your claim

You should consider delaying your universal credit claim if you finish work and you are due to receive your last wage or holiday pay. These are taken into account in the universal credit calculation (see [Section 4](#)) and will therefore reduce the amount that you get for the first month. However, if you claim universal credit the day after you have received these payments, they will not be taken into account.

If you are not sure whether or not you will be better off delaying your claim in these circumstances, get [advice](#).

## What if things change for you?

Once you have been awarded universal credit, if your circumstances change and this could affect your universal credit, you must let the DWP know as soon as you can.

Changes can include:

- finding or finishing a job, including voluntary work;
- changes to your earnings if you are self-employed;
- having a child;
- moving in with your partner or separating from them;
- starting to care for a child or disabled person;

- changing your mobile number or email address;
- moving to a new address;
- changing your bank, building society or credit union details;
- your rent going up or down;
- changes to your health condition, including becoming too ill to work;
- getting or losing another benefit;
- changes to your savings or capital; *and*
- changes to your immigration status, if you are not a British citizen.

### How do you report a change?

You can report the change in your online account. If you do not have an online account, you can do it in writing or by phone (0800 328 5644; textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644). If you are deaf and use British Sign Language, you may be able to use a video relay service (see [www.gov.uk/apply-universal-credit](http://www.gov.uk/apply-universal-credit)). If you report the change in writing, keep a copy of the letter.

If the change of circumstances means that you will get more universal credit, you may be able to claim a universal credit advance to tide you over until you receive the increased payment.

## 4: How is universal credit worked out?

---

To start off with, there is a standard allowance of universal credit. This is the basic amount of money that the law says that you, and your partner if you have one, can live on each month.

On top of this standard allowance, you may get extra amounts each month to cover different needs. There is an amount if you have a child, and an amount if you are caring for someone. If you have to pay rent, there is an amount towards that. If you have childcare costs, there is an amount that can cover some of these. If you are not able to work because of your condition, you may get an extra amount because of that.

The standard allowance and the extra amounts that apply to you are added up. The resulting figure is called your 'maximum amount'. From this figure, deductions are made if you have earnings or other income. Some of your earnings may be ignored. The result is your universal credit.

There is a cap on the total amount of benefits, including universal credit, that you can get each month.

---

### Assessment periods

Universal credit is worked out for each monthly 'assessment period'. The first assessment period will normally be the month beginning with the first day that you are entitled to universal credit; subsequent monthly assessment periods will follow for as long as you remain entitled to universal credit.

### The maximum amount

The amount of universal credit you are paid depends on your (and your partner's) circumstances. It is worked out on a monthly basis by comparing what the law says you need to live on – your 'maximum amount' – with your actual income, earnings and savings.

Your maximum amount is made up of a 'standard allowance' (see [below](#)) and 'amounts', paid to cover different needs. The amounts are:

- the carer amount;
- the child amount;
- the childcare costs amount;
- the housing costs amount; *and*
- the work capability amount.

From the maximum amount, deductions are then made for any earnings (some of which may not count) and other income you get. The resulting figure will be your universal credit, unless a 'cap' is applied to it.

## The standard allowance

This is the basic allowance, which is always included in your award.

The standard allowance is a monthly figure. The amount you are entitled to depends on your age and whether you are claiming as a single person or jointly with your partner:

- single person aged under 25 – £292.11
- single person aged 25 or over – £368.74
- joint claimants both aged under 25 – £458.51
- joint claimants where either is aged 25 or over – £578.82

## The amounts

### The carer amount

A ‘*carer amount*’ of £185.86 a month can be included in your award if you care for a severely disabled person. To be eligible, you must have ‘*regular and substantial caring responsibilities*’.

#### Are you caring for someone?

You have ‘*regular and substantial caring responsibilities*’ for a severely disabled person if you regularly spend at least 35 hours a week caring for a person who gets one of the following benefits:

- disability living allowance or child disability payment care component at the middle or highest rate;
- attendance allowance;
- personal independence payment or adult disability payment daily living component;
- constant attendance allowance (of £83.10 a week or more) paid with the Industrial Injuries or War Pensions schemes; *or*
- armed forces independence payment.

You must not be in full-time education. You must not receive any earnings for the care that you provide.

If you and someone else both care for the same person, only one of you can qualify for a carer amount. You can jointly decide which of you it will apply to.

You are not normally entitled to this amount as well as the ‘work capability amount’ if you would otherwise be eligible for both; only the highest paid amount is included in your award. However, if you have a ‘*limited capability for work-related activity*’ and your partner is a carer, both amounts could be payable.

### The child amount

A ‘*child amount*’ of £269.58 a month may be included in your award for each child or qualifying young person who normally lives with you.

A ‘*qualifying young person*’ is someone aged 16 to 18 (or 19 in some cases) who has enrolled on (or been accepted for) a course of full-time non-advanced education or

approved training, who is not getting employment and support allowance, jobseeker's allowance or universal credit themselves.

A two-child limit was introduced on 6 April 2017; you can only get a child amount for a third or subsequent child (or qualifying young person) if they were born before that date or if [special circumstances](#) apply.

The child amount is paid at a higher rate of £315 a month for your eldest child or qualifying young person if they were born before 6 April 2017; otherwise the standard rate of £269.58 will apply.

### **The disabled child addition**

An additional amount, the '*disabled child addition*', is included for each child or qualifying young person who is disabled. It is set at two different levels:

- a higher rate – £456.89 a month for a child/qualifying young person who gets the highest rate of the care component of disability living allowance (DLA) or child disability payment (CDP), the enhanced rate of the daily living component of personal independence payment (PIP) or adult disability payment (ADP), or who is certified as severely sight impaired or blind by a consultant ophthalmologist; *and*
- a lower rate – £146.31 for a child/young person who gets any other rate of DLA, CDP, PIP or ADP.

### **The childcare costs amount**

A '*childcare costs amount*' is included in your award if you pay for registered childcare to stay in work. There is no set number of hours you need to work to get this amount. You will get 85% of your [relevant childcare costs](#) met, up to a maximum amount of:

- £646.35\* for one child; *and*
- £1108.04\* for two or more children.

\* These figures will rise to £950.92 and £1,630.15 respectively in July 2023.

If you are claiming jointly, your partner must also be in paid work, unless they are unable to look after the child because they:

- 1 have a [limited capability for work](#). This is tested under a '*work capability assessment*' (see [Section 6](#));
- 2 have regular and substantial caring responsibilities for a severely disabled person (see above); *or*
- 3 are temporarily away from home (ie are in prison, hospital or a care home).

Generally, the childcare must be provided by someone who is registered for childcare or something similar. It does not include care provided by a close relative of the child wholly or mainly in the child's home or care provided by a foster parent.

### The housing costs amount

A '*housing costs amount*' may be included in your award if you pay rent. The amount can also cover some service charges. See [Section 5](#) for details.

### The work capability amount

A '*work capability amount*' of £390.06 a month is included in your award if you have a '*limited capability for work-related activity*'. This is tested under a '*work capability assessment*'. [Section 6](#) in this guide explains how the work capability amount can be included in your award and gives details of the work capability assessment.

The work capability amount cannot always be included in your award immediately; a '*waiting period*' of three months usually applies first of all. This will normally begin when you provide the DWP with a [fit note](#). During the waiting period, you should undergo the work capability assessment.

## Earnings

The calculation of your earnings is based on a net figure after tax, national insurance contributions and any contribution you make to an occupational or personal pension scheme has been deducted. This applies whether you are an employee or self-employed.

If you are claiming universal credit jointly with your partner, your combined earnings are taken into account.

Your earnings will reduce your universal credit by 55p in the pound. However, you may be able to keep some of your earnings up to a certain limit before your universal credit is affected. This limit is called the '*work allowance*'. The work allowance will only apply if you or your partner:

- have a '*limited capability for work*' (this is tested under the '*work capability assessment*' – see [Section 6](#)); *or*
- are responsible for a child or qualifying young person.

There are two different rates:

- a '*lower work allowance*' of £379 a month if a [housing costs amount](#) is included in your universal credit award (or, if you are in [temporary accommodation](#), you receive housing benefit); *and*
- a '*higher work allowance*' of £631 a month in any other case.

In each case, the same rate will apply, whether you are single or claiming jointly with your partner.

If a work allowance does apply to you, any earnings over that allowance will reduce your universal credit by 55p in the pound.

### Earnings from self-employment

If you are self-employed, you must report your earnings each month to the DWP; you can do this through your [online journal](#). If you have been in business for more than 12 months and your earnings in any month are below a certain amount, the '*minimum income floor*', your universal credit may be worked out using this figure instead.



## Payments if you finish work

If you finish work, the following are taken into account in the monthly assessment period in which they are paid:

- final earnings (even if they are paid late);
- arrears of pay;
- pay in lieu of notice; *and*
- holiday pay.

Redundancy payments are not treated as earnings, but as capital.

## Other income

If you have income other than earnings, such as other benefits, these will usually be taken into account in full, so that your universal credit is reduced pound for pound. If you are claiming universal credit jointly with your partner, your combined income is taken into account. Any income that your children have is ignored.

Some benefits are ignored, including the following:

- armed forces independence payment and guaranteed income payment paid under the Armed Forces Compensation scheme;
- attendance allowance;
- bereavement support payment;
- child benefit and guardian's allowance;
- constant attendance allowance and exceptionally severe disablement allowance paid under the Industrial Injuries or War Pensions schemes;
- disability living allowance and child disability payment;
- personal independence payment and adult disability payment; *and*
- war pension, war widow's and widower's pension.

## Savings or capital

Universal credit has a '*lower capital limit*' and an '*upper capital limit*'.

If you have savings or capital over the upper limit of £16,000, you cannot get universal credit. This figure applies if you are claiming as a single person or jointly as a couple.

If you have savings or capital at or below the lower limit of £6,000, your universal credit is unaffected. If your capital is between these limits, it is treated as generating a monthly income of £4.35 for each £250 (or part of £250) above the lower limit of £6,000. For instance, if you have capital of £6,300, it is treated as generating a monthly income of £8.70.

If you are claiming universal credit jointly, your partner's capital is added to yours. Otherwise, only your capital is taken into account. Capital belonging to your children is ignored.

Some capital is ignored. This includes the value of your home, as long as you occupy it. If you have been awarded compensation because of a personal injury and it is held in a trust, this will be ignored.



## Notional capital

If you have spent or given away some capital in order to get, or increase the amount of, universal credit, you will be treated as still having that capital. This is called '*notional capital*' and may reduce, or even end, your award of universal credit. You will not be treated as having notional capital if you used it to reduce or pay off a debt or to buy goods or services where this is reasonable.

## The benefit cap

There is a cap on the total amount of universal credit and other benefits that you can get. It is set at the following rates:

Within Greater London:

- £1,413.92 a month if you are a single person (with no children)
- £2,110.25 a month in all other cases

Outside Greater London:

- £1,229.42 a month if you are a single person (with no children)
- £1,835.00 a month in all other cases

Benefits that are taken into account when working out the cap are:

- child benefit;
- employment and support allowance;
- jobseeker's allowance;
- maternity allowance;
- widowed parent's allowance; *and*
- universal credit.

### When the cap does not apply

The benefit cap will not apply if you, your partner or a dependent child or qualifying young person are getting certain benefits, including:

- attendance allowance;
- carer's allowance;
- disability living allowance;
- personal independence payment;
- child disability payment;
- adult disability payment; *or*
- guardian's allowance.

The cap will not apply if the carer amount has been included in your universal credit award. Nor will it apply if you have a 'limited capability for work-related activity'.

### Earnings and the cap

The benefit cap will not apply if your (and your partner's) monthly earnings after tax and national insurance contributions are at least £722.

You may not be capped for nine consecutive months if you were previously working for a year and your monthly earnings (or combined earnings) were at or above the

earnings threshold (£722 from April 2023; £658 before that).

## 5: Help with your housing costs

If you have to pay rent, an amount can be included in your award to help cover this. This amount may be reduced if it is decided that your home has more bedrooms than you need. It may also be reduced if you have any adults staying with you (other than your partner).

### What is the housing costs amount?

A '*housing costs amount*' may be included in your award if you pay rent. The amount can also cover some service charges.

#### If you are a private tenant

If you are a private tenant, your housing costs amount will not necessarily cover all your rent but will be restricted to a set amount: the '*cap rent*'. This cap rent will depend on where your home is situated and the number of rooms you are considered to need.

Deductions will be made from the amount if you have non-dependants living with you.

#### If you are renting social housing

If you are renting social housing (from your local authority or a housing association), your housing costs amount may be reduced if your home is considered to be under occupied: the '*bedroom tax*'. The DWP will decide how many bedrooms your household needs; if they consider that you have more bedrooms than you need, a deduction will be made. The deduction will be 14% for one 'spare' bedroom and 25% for two or more spare bedrooms.

Deductions will also be made from the amount if you have non-dependants living with you.

#### If you are in temporary accommodation

If you are in temporary accommodation or '*specified accommodation*' housing support will continue to be met through housing benefit rather than universal credit.

'*Temporary accommodation*' is accommodation where:

- you pay rent to a local authority (or other provider of social housing); *and*
- they have provided you with the accommodation because you are homeless (or to prevent you becoming homeless).

'*Specified accommodation*' is:

- accommodation provided by a non-metropolitan county council, housing association, registered social landlord, registered charity or voluntary organisation, where you are given '*care, support or supervision*';
- a local authority hostel or accommodation provided by a housing association, registered charity, voluntary organisation or English county council in which you get care, support or supervision; *or*
- accommodation in a refuge provided by a local authority or a housing association,

registered charity, voluntary organisation or English county council because you have left home as a result of domestic violence.

### If you own or are buying your home

If you own or are buying your home, the housing costs amount can cover some service charges (eg payments for the upkeep of communal areas). There is normally a '*qualifying period*' of nine months before the amount can be included in your award. You will not be entitled to the amount if you are in paid work.

If you own your own home, you can, if you wish, get loans to cover the interest you pay on your mortgage: '*support for mortgage interest*'. You will have to pay this back when your property is sold.

### How many bedrooms do you need?

In calculating your housing costs amount, the DWP will decide how many bedrooms your household is considered to need, taking into account the number of people in your household, their ages, disabilities and genders.

You are allowed one bedroom for each of the following people in your household:

- you (and your partner, unless it is inappropriate for you to share a bedroom because of disability);
- a qualifying young person you or your partner are responsible for;
- a non-dependant aged 16 or over;
- two children aged under 10 (unless it is inappropriate for them to share a bedroom because of disability);
- two children aged under 16 of the same sex (unless it is inappropriate for them to share a bedroom because of disability); *and*
- any other child aged under 16.

#### Do you need extra bedrooms because of disability?

##### Couples

If you are not reasonably able to share a bedroom with your partner because of your (or their) disability, you will be allowed an additional bedroom. You (or your partner) must also be getting one of the following benefits:

- the care component of disability living allowance (DLA) at the middle or highest rate;
- attendance allowance at the higher rate;
- the daily living component of personal independence payment or adult disability payment; *or*
- armed forces independence payment.

##### Disabled children

If you have a child who is not reasonably able to share a bedroom because of their disability, you will be allowed an additional bedroom for them. They must also be getting the care component of DLA or child disability payment at the middle or highest rate. In such a case, the DWP must consider the nature and frequency of the care your child needs during the night, and the extent and regularity of the disturbance to

the sleep of the child who would normally have to share the bedroom with them.

You are allowed an additional bedroom for a carer or carers to sleep in if you, your partner, your child (including a foster or adopted child) or an adult non-dependant need overnight care and get one of the benefits listed in the box above. The carer or carers, who must not be living with you, must be engaged to provide the overnight care and must need to stay overnight at your home on a regular basis. Only one additional bedroom is allowed, even if more than one carer is needed.

You are also allowed an additional bedroom if you are a foster parent (or, in Scotland, a kinship carer) or adopter. You can still be treated as a foster parent for up to 12 months if you have been approved as a foster parent but do not currently have a child placed with you.

If you are renting in the private sector, two further rules apply:

- firstly, you are not allowed more than four bedrooms;
- secondly, you will normally be considered to need only 1-bedroom shared accommodation if you are single, under 35, have no children and do not live with a non-dependant (however, this will not apply if you get one of the benefits listed in the box above).

### **What if you cannot use a room as a bedroom?**

If the DWP counts one of the rooms in your home as a bedroom, but you cannot use it as a bedroom, you should contact the DWP and let them know why.

The room may be too small for a single bed, or for you to change into your nightclothes. You may need more space than the room allows because of your disability; eg to move around safely or to keep equipment which you need with you at night. The room may be needed by other members of the household for access, so you would not have privacy in it. Or the room may not have adequate natural light or ventilation.

### **Non-dependant deductions**

When your housing costs amount is worked out, a deduction of £85.73 a month is made for each '*non-dependant*' living in your home. A non-dependant is someone who normally lives in your home on a non-commercial basis. Typically, an adult son or daughter will be considered to be a non-dependant.

The following people do not count as non-dependants:

- your partner;
- any child or qualifying young person;
- a tenant, sub-tenant or joint tenant; *or*
- a resident landlord.

### **Non-dependant deductions: exceptions**

#### **Your (or your partner's) circumstances**

Non-dependant deductions are not made if you or your partner are certified as severely sight impaired or blind by a consultant ophthalmologist or are getting one of the following benefits:

- disability living allowance (DLA) or child disability payment (CDP) care component at the middle or highest rate;
- personal independence payment (PIP) or adult disability payment (ADP) daily living component;
- armed forces independence payment; *or*
- attendance allowance, constant attendance allowance or exceptionally severe disablement allowance.

#### **Your non-dependant's circumstances**

There is no deduction made for a non-dependant if they are under 21, responsible for a child under 5 or in prison. Nor is a deduction made if they get one of the following benefits:

- carer's allowance;
- pension credit;
- DLA or CDP care component at the middle or highest rate;
- PIP or ADP daily living component;
- attendance allowance, constant attendance allowance or exceptionally severe disablement allowance; *or*
- armed forces independence payment.

### **Discretionary housing payments**

You may be able to get '*discretionary housing payments*' if your universal credit does not cover all your housing costs and your local authority accepts that you need some further financial help.

You must claim a discretionary housing payment from your local authority; most local authorities will have a form on which to claim.

## 6: If you are not able to work

---

If you are not able to work because of your condition, you may get an extra amount in your universal credit award. You must first get a 'fit note' from your GP or from someone else who is treating you.

You will also need to be assessed before you can get the extra amount. This is called the 'work capability assessment'. This assessment will also decide what responsibilities you must meet to keep getting paid universal credit in full without being sanctioned.

---

### What is the work capability assessment?

The '*work capability assessment*' (WCA) is very important for universal credit. It finds out what work-related conditions, if any, you must meet to keep getting the benefit in full. It has two parts, which have quite similar names but do different things:

- If you are found to have a 'limited capability for work' in the assessment, your work-related responsibilities will be limited.
- If you are found to have a 'limited capability for work-related activity' in the assessment, you will have no work-related responsibilities, and you will also be entitled to an extra amount in your universal credit award: the work capability amount.

You can challenge a decision that you do not have a limited capability for work or a decision that you do not have a limited capability for work-related activity. See [Section 10](#).

### The limited capability for work assessment

The first part of the work capability assessment finds out if you have a '*limited capability for work*'. If you have a limited capability for work, restrictions can be applied to the work-related conditions that you must meet to keep getting the benefit in full.

In this assessment, a points system is used to see how well you can carry out a range of activities, both physical and 'mental, cognitive and intellectual'.

Each activity is divided into different '*descriptors*', which explain related tasks of varying degrees of difficulty. These have scores, ranging from 0 to 15 points. You score points when you are not able to complete a task described reliably and repeatedly. The highest points you score from each activity are added together.

For a list of the descriptors and the points that you get from each, see [Appendix A](#).

If you score 15 points, you qualify as having a limited capability for work. If you fail to score 15 points, you can challenge the decision (see [below](#)).

You will be automatically treated as having a limited capability for work in some circumstances (see [Appendix B](#)).

## The limited capability for work-related activity assessment

The second part of the work capability assessment finds out if you have a *'limited capability for work-related activity'*. If it is decided that you have a limited capability for work-related activity, you will have no work-related responsibilities. In addition, you will be entitled to the work capability amount.

The assessment has a list of descriptors, relating to both physical functions and mental, cognitive or intellectual functions. If you meet at least one of them, you will have a limited capability for work-related activity. For a list of the descriptors, see Appendix C.

You will be automatically treated as having a limited capability for work-related activity in some circumstances (see Appendix D).

If you are found not to have a limited capability for work-related activity, you can challenge the decision (see below).

## Starting things off

The work capability assessment should take place once you have provided the DWP with a fit note.

### The fit note

The *'fit note'* is a certificate that can be signed by your GP, as well as by a registered nurse, occupational therapist, pharmacist or a physiotherapist. On the fit note, the healthcare professional can state that either you are not fit for work or you may be fit for work after taking into account certain advice, eg a phased return to work, altered hours or duties, or workplace adaptations.

If you would have difficulty working (the official term is having a 'limited capability for work') when you first claim universal credit, you should let the DWP know about this in your application. You will normally need to show the fit note at your universal credit interview.

If you are already getting universal credit when you start to have a limited capability for work, you can enter the fit note dates into your online account.

The screenshot shows a web interface with three tabs: 'Home', 'To-do list', and 'Journal'. The 'To-do list' tab is active. Below the tabs, there is a section titled 'Report a change' with a sub-heading 'Dates on your fit note'. Under 'Start date', there is a text input field with the example '31 03 2018' and three separate input boxes for Day, Month, and Year. Under 'End date', there is another text input field with the example '31 03 2018' and three separate input boxes for Day, Month, and Year. At the bottom of the form is a green 'Continue' button.

Example of the page in the online account where you can enter your fit note dates.



If you do not have an online account, call the helpline (0800 328 5644; textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644).

After you have provided the DWP with the fit note (or fit note dates), you should be referred for a work capability assessment. Once you have been referred, you will normally be sent a form to complete: the UC50 'capability for work questionnaire'.

You will not be sent a UC50, however, if the DWP considers that it already has enough information to decide that you have (or can be treated as having) a limited capability for work and a limited capability for work-related activity; the DWP will let you know if this is the case.

If you have not received the UC50 within 6 weeks of providing the fit note (or fit note dates), contact the DWP through your online journal or the helpline (see above) or by speaking to your work coach to remind them to send it to you.

### **Completing the 'capability for work' questionnaire**

The capability for work questionnaire is divided into a number of sections which relate to the activities in the limited capability for work assessment. In each case, you are asked about your ability to complete different tasks related to each activity.

You need to consider whether or not you can complete each task reliably and repeatedly. The tasks, and the points that you can get for each one, are listed in Appendix A. Refer to this when you are completing the questionnaire. Note that the wording in the questionnaire is sometimes different from our wording (in which we use the exact wording of the law).

Each section in the questionnaire has a space to provide more detailed information about the difficulties you face.

Make it clear if you cannot complete a task as often as you need to do it or if it would take you a long time to complete it. Let them know about any pain, tiredness or discomfort you would feel completing the task.

Are there any risks involved in attempting the task? Have you previously had any injuries or accidents attempting it? Explain how often you would need to rest and whether you take painkillers. Explain the effects of exhaustion or pain on your ability to complete the task. If you take pain-killing medication, say whether it affects your ability to complete the task properly. If your condition varies, try to give an idea of how many days each week you would be able to complete the task and how many you would not.

The time limit for completing and returning the questionnaire is four weeks. Before you return the questionnaire, make a copy of it for future reference.



## What happens next?

Once the DWP has received your completed questionnaire, they will pass it on to a healthcare professional from the Health Assessment Advisory Service, who work on behalf of the DWP. They will consider all the evidence on your claim, including your completed questionnaire and may request further information from your GP (or any other professional treating you). In most cases, they will ask that you take part in an assessment.

You must be given at least seven days' notice of the date and time of the assessment, unless you agree to accept a shorter notice period; this may be arranged over the phone. If you cannot take part in the assessment, you should inform the office arranging it as soon as possible.

If you do not attend or take part in the assessment without a good reason, you will be treated as not having a limited capability for work.

## The assessment

The assessment can take place face-to-face at an assessment centre or over the phone or by video. You can have someone with you; if you are having difficulty answering the questions, they can help.

The healthcare professional should have read a copy of the capability for work questionnaire that you completed. During the assessment they will be trying to identify which descriptors apply to you with respect to both parts of the work capability assessment. They will ask you a series of questions about your day-to-day life, including hobbies or leisure activities.

When answering the healthcare professional, explain your abilities as fully as you can. Tell them about any pain or tiredness you feel, or would feel, while carrying out each task. Consider how you would feel if you had to do the same task repeatedly. Are you able to complete the task to a reasonable standard? Do you need prompting or encouragement? Let them know if there would be any risk if you tried to complete the task or if it would take you a long time to complete it. If your condition varies, let them know about the variability; and what you are like on bad days as well as on good days.

At a face-to-face assessment, the healthcare professional may then go on to give you a physical examination.

## Who makes the decisions?

The decisions on whether or not you have a limited capability for work and a limited capability for work-related activity will not, however, be taken by the healthcare professional. They will complete a report of the assessment, which will be sent to a DWP decision maker, who will make these two decisions.

The healthcare professional will also make recommendations as to when you should be re-tested under the work capability assessment.

## Exceptional circumstances

Even if the decision maker decides that you do not pass the limited capability for work assessment, they can still treat you as having passed it if one of the 'exceptional circumstances' applies to you. See [Appendix E](#).

## Challenging decisions

Once the decision maker has made the decision on the work capability assessment, they will let you know what it is in writing.

## Limited capability for work

If it is decided that you do not have a limited capability for work, you will be informed of this. The letter will say that you do not have a limited capability for work and that you may be able to do some work.

You cannot generally appeal straight away. You must first ask the DWP decision maker to look at the decision again, which you can do within one calendar month of the date of the decision letter. This is called a '*mandatory reconsideration*'.

Unfortunately, the decision letter only gives a list of the activities that were considered relevant to your condition, not the points that you scored with them. You will need to ask for the full healthcare professional's report to find out how many points you scored and from which activities you scored them. You can ask for the report when you ask for the mandatory reconsideration; you can do this using your [online journal](#) or by calling the universal credit helpline (see [Section 3](#)).

When you ask for the mandatory reconsideration, you need to make it clear which descriptors you believe should apply to you (if you have kept a copy of the 'capability for work questionnaire' that you completed – see [above](#) – you can use that to clarify which descriptors should apply). For instance, someone with severe arthritis in their arms may explain:

*"In Activity 3, I cannot raise either arm to the top of my head as if to put on a hat (which would give me 9 points), and in Activity 4, I cannot transfer a light but bulky object such as an empty cardboard box (which would give me 6 points)."*

For lists of descriptors and points, see [Appendix A](#).

Once the decision has been reconsidered, the decision maker will send you two copies of the 'mandatory reconsideration notice' to let you know the outcome. If you are not happy with the outcome, you can appeal – see [below](#).

## Limited capability for work-related activity

If it is decided that you do not have a limited capability for work-related activity and you think at least one of the descriptors listed in [Appendix C](#) applies to you, or that one of the circumstances where you can be treated as having a limited capability for work-related activity applies to you (see [Appendix D](#)), you may wish to ask for a mandatory reconsideration.

When you ask for a mandatory reconsideration, you need to make it clear which of the descriptors (or circumstances) applies to you.

## Appeals

In either case, once the decision has been reconsidered, the decision maker will send you two copies of the *'mandatory reconsideration notice'* to let you know the outcome. If you are not happy with the outcome, you can appeal to an independent tribunal (see [Section 10](#)).

### Medical evidence

Seek medical evidence before the appeal hearing. Note that your doctor may want to charge a fee for providing evidence. Ask your doctor, consultant, physiotherapist, etc to comment on the practical and functional problems you have regarding each descriptor that is at issue in your appeal.

- Where there is a dispute, what descriptors do they think should apply?
- Is your assessment of your limitations consistent with their understanding of your condition?
- Do any of the circumstances apply in which you can be treated as having a limited capability for work or a limited capability for work-related activity? (See Appendices [B](#) and [D](#).)

It is important that your evidence focuses on these things, not simply on what condition you have and the treatment you receive.

If your condition has changed since the decision that you are appealing against was made, the tribunal cannot take that into account. So make sure that your evidence is about your condition as it was at the time of the decision.

If you cannot get medical evidence, try to get evidence from another professional (eg a support worker). Evidence from carers and family members can also help.

Send a copy of your evidence to HM Courts & Tribunals Service (the body dealing with your appeal). Include a covering note with your contact details, national insurance number and the appeal reference number.

## Further assessments

If it is decided at the work capability assessment that you have a limited capability for work, you may be asked to take part in further work capability assessments at intervals in the future to find out if the restrictions on your work-related responsibilities should remain the same.

### Cases where only one assessment is needed

If you have a [limited capability for work-related activity](#), you will not have to be reassessed following your first work capability assessment if you have a severe, lifelong

disability, illness or health condition *and* are unlikely to ever be able to work again. You will be told if you will not be reassessed following your work capability assessment.

### **If your condition gets worse**

If you have been assessed as having a limited capability for work (but not for work-related activity), you can ask the DWP to arrange a work capability assessment if you think that your condition has worsened to the extent that you now have a limited capability for work-related activity.

The DWP has published [Guidance on Work Capability Assessment re-assessments](#).

## **7: Your responsibilities**

---

**You may need to meet work-related conditions to keep getting paid universal credit in full. You will agree these with your work coach, the DWP officer who is the contact for your universal credit claim. The conditions that you must meet are set out in a document called the ‘claimant commitment’.**

**If you do not meet one of the work-related conditions, your universal credit can be reduced over a period of time. This is called a sanction. If your universal credit is sanctioned, you can ask the DWP to look at the decision again. You can also apply for a hardship payment, if you are having difficulty making ends meet.**

---

### **What is the claimant commitment?**

To qualify for universal credit, you may need to meet certain work-related conditions. These are recorded in a ‘*claimant commitment*’. This is normally drawn up at the universal credit interview with your ‘*work coach*’. You must accept the claimant commitment to get universal credit.

Even if you do not need to meet any work-related conditions, you must still accept a claimant commitment; in this case, the commitment may simply say that you must notify the DWP of any change in your circumstances.

If you are claiming universal credit jointly with your partner, you both need to accept a claimant commitment.

If you fail to meet a work-related condition, your universal credit may be reduced or ‘*sanctioned*’.

Once your claimant commitment has been agreed, you can read it in your online account. If you do not have an online account, you should be sent a paper copy of the commitment.

### **The conditions**

There are four different types of work-related condition. Your circumstances will determine which of these applies to you.

### Work-focused interview condition

Work-focused interviews are designed to assess your prospects for work and help you to move into or stay in work.

### Work preparation condition

This can include taking part in training, work experience or an employment programme.

### Work search condition

This can include getting a reference, searching for work, creating and maintaining an online profile, applying for jobs and registering with employment agencies. You will need to agree with your work coach what you are capable of doing in your work search. How long would it take you to complete an application for a job? How many jobs could you apply for in a week? Can you use the internet at home to search for work or do you need to use a library?

You will normally be expected to search for work for at least 35 hours each week, but this can be less if you have caring responsibilities or a physical or mental condition.

#### Limiting your work search: your condition

If your condition, physical or mental, has a large effect on your ability to carry out work of a particular nature or in a set place, you cannot be expected to search for such work or in such a place.

### Work availability condition

You must normally be able and willing to attend job interviews and take up paid work immediately.

However, you may be allowed up to 48 hours to attend a job interview and up to one month to take up paid work if you are caring for a child or someone with a physical or mental condition, so that you can make alternative care arrangements.

You are also allowed up to 48 hours to attend a job interview and up to one week to take up paid work, if you are doing voluntary work.

In some circumstances, none of these conditions will apply to you.

If you have been assessed in a work capability assessment as having a limited capability for work, you will only have to take part in work-focused interviews and work preparation – you cannot be forced to take up paid work.

### Contacting your work coach

You can check which work-related conditions apply to you by reading your claimant commitment. Contact your work coach via your online journal if you have a question about your responsibilities; if you do not have an online account, call the universal credit helpline: 0800 328 5644 (textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644).

## When no work-related conditions apply

In certain circumstances, none of the work-related conditions apply to you. These include where you:

- have been assessed in a work capability assessment as having a limited capability for work-related activity;
- have regular and substantial caring responsibilities for a severely disabled person;
- are responsible for a child under the age of one;
- are pregnant and your baby is due within 11 weeks, or you have given birth in the last 15 weeks;
- have reached pension age; or
- are a student entitled to universal credit and have student income that is taken into account in your universal credit calculation.

If you are expected to meet some of the work-related conditions in your claimant commitment, but you believe that one of the groups above applies to you, contact your work coach (see above) to let them know.

## Changing the claimant commitment

Your claimant commitment can be changed at any time. To do so, contact your work coach (see above) and ask for an appointment with them so that the commitment can be reviewed. Explain your circumstances and why the commitment needs to be changed.

You can ask for your claimant commitment to be changed if your circumstances have changed, eg if you have moved into one of the groups above where none of the work-related conditions apply.

You can ask for your claimant commitment to be changed if you have problems in meeting the work-related conditions that have been set for you. For instance, they might not properly take into account your health condition or your caring responsibilities.

You can also ask for a temporary change to your claimant commitment, eg if you have a short illness or your childcare arrangements fall through.

## Sanctions

Sanctions can be applied if you fail to meet the work-related conditions that apply in your case. There are four different types of sanction: lowest, low, medium and higher.

In each case, your universal credit can be reduced over varying lengths of time, which vary from one week to 26 weeks.

If a sanction is applied, you may be able to apply for a 'hardship payment' of universal credit.

### Lowest-level sanctions

You can be given a lowest-level sanction if only the work-focused interview condition applies to you, and you do not take part in a work-focused interview without good reason.



### Low-level sanctions

You can be given a low level sanction if you fail, without good reason, to:

- take part in a work-focused interview (if only the work-focused interview condition applies to you, a lowest-level sanction will apply instead: see above);
- meet a work preparation condition; *or*
- do something as directed by your work coach to search for work (eg making a job application).

### Medium-level sanctions

You can be given a medium-level sanction if you fail to search for work or be available for work, without good reason.

### High-level sanctions

You can be given a higher-level sanction if you:

- lose your job or pay through misconduct;
- leave your job voluntarily or lose pay without good reason; *or*
- fail to apply for a job that is offered to you, take up an offer of paid work or take part in a work placement without good reason.

#### How to avoid a sanction

There are a number of ways of avoiding or reducing the risk of a benefit sanction.

You can avoid a sanction as long as none of the work-related conditions apply to you. This will be the case if you are found to have a 'limited capability for work-related activity' at a '*work capability assessment*'. If you are found not to have a limited capability for work-related activity, you can ask for the decision to be reconsidered and then appeal if this is unsuccessful.

If all the work-related conditions apply to you, you can reduce the risk of a sanction by ensuring that your work coach is aware of any problems you face in being available for and searching for work. For instance, you can restrict the number of hours you are expected to work (and to look for work) provided the restriction is reasonable given your physical or mental condition. If your condition has a large effect on your ability to carry out work of a particular nature or in a set place, you cannot be expected to search for such work or in such a place.

#### Keep in touch

If you are not able to take part in any interviews or appointments that have been arranged by the DWP or by training or work providers, get in touch (using your online journal – or by phone or email) with whoever has arranged the interview or appointment as soon as possible, giving your reasons. If you use the online journal, take a screenshot or photograph of your message and save this. If you phone, confirm your message in writing and keep a copy of your letter.

If you are sent on a training course or employment programme and find that it is not suitable for you, talk to the provider first, to see if they can alter the course or

programme so that it is more suitable. If you are not able to continue on the course or programme due to your condition, try to get a letter from your GP or practice nurse, confirming that this is the case.

### **Good reason**

A sanction will not be applied if you can show that there was a ‘*good reason*’ for the way that you acted or failed to act (this will not apply, however, if you lose your job through misconduct). The term is not defined in law. What matters is whether or not it was ‘*reasonable*’ for you to act in the way that you did.

## **Challenging a sanction decision**

### **Mandatory reconsideration**

If a sanction is applied to your universal credit, you can challenge the decision, first by asking the DWP to look at the decision again. This is called a ‘*mandatory reconsideration*’. If this is unsuccessful, you can then appeal.

When you ask for a mandatory reconsideration, keep your explanation simple. If your universal credit has been sanctioned because you did not turn up for a work-focused interview, state why you did not turn up for the interview and why you were not able to provide a good reason for the failure. For instance:

*“I did not turn up for the work-focused interview because I did not receive a notice that I had to turn up for it; I did not provide you with good reason for not attending the interview because the first time I was aware that there was a problem was three weeks later (on the 21st June) when I looked at my bank account and saw that my universal credit had been reduced.”*

If the failure was due to your condition (eg you did not turn up to an interview because you were unwell) try to get medical evidence (eg a letter from your GP) to back up your case.

If you have been sanctioned because the DWP did not consider that you were actively seeking work (eg they did not believe that you had applied for enough jobs in any given week) any evidence or argument should focus on this. For instance, you may not have had time to apply for any jobs because you were doing research into self-employment opportunities and possible funding support for them.

Do not wait until you have obtained the evidence before asking for the mandatory reconsideration. Ask for the reconsideration first, and let the DWP know that you will forward the evidence to them as soon as you have obtained it.

### **Appeals**

Once the decision has been reconsidered, a ‘*mandatory reconsideration notice*’ will be sent to you, informing you whether or not the sanction has been removed. If the reconsideration does not result in the removal of the sanction, you have a further



calendar month from the date of the mandatory reconsideration notice in which to appeal.

Do not be put off by a negative reconsideration decision. Not enough people are taking sanction decisions to appeal. Tribunals are independent of the DWP, and there is a good chance that a tribunal will reverse the DWP decision, particularly if you take part in the hearing.

See [Section 10](#) for more on appeals.

## Hardship payments

If a sanction is applied to your universal credit, and you are having difficulty managing, you may be able to apply for a recoverable '*hardship payment*' of universal credit, which you will normally have to repay. Payment is not automatic; you must apply for one and must be able to show that unless the hardship payment is made, you (or your family) will suffer hardship.

### What is hardship?

You (and your partner, if you are claiming jointly) can only be considered to be in hardship if you:

- cannot meet your (or your family's) immediate and most basic and essential needs of accommodation, heating, food and hygiene only because of the sanction;
- have made every effort to access alternative sources of support (such as contacting a local support group) to help meet those needs; *and*
- have made every effort to stop spending money on anything that does not relate to those needs. The DWP should accept that it is reasonable for you to spend money on things like a mobile phone contract and internet access which you can use to continue looking for work.

### Claiming a hardship payment

You should apply for a hardship payment as soon as you can, even if you are planning to challenge the sanction decision. You can ask for a hardship payment using your [online journal](#) or by ringing the universal credit helpline: 0800 328 5644 (textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644).

### Recovering hardship payments

Hardship payments can usually be recovered from you by the DWP. However, you can ask the DWP to exercise its discretion not to recover part or all of the payments if it would cause you hardship again.

The recovery of hardship payments can be suspended if you are earning over a set amount (equivalent to how much you would earn if you were paid the minimum wage for the [number of hours](#) you are expected to work each week). If you earn this amount for six months, the amount that you owe will be written off.

## 8: Payments

---

**Universal credit is normally paid once a month into a bank, building society or credit union account. If you have difficulty budgeting at the start of your claim, you can ask for an advance payment, which you will have to repay.**

**If you owe money to the DWP, deductions can be made from your universal credit award to recover the debt. Such deductions can also be made if you owe money elsewhere, eg rent to your landlord. If you are struggling because of these deductions, you can ask the DWP to reduce them.**

**If you have to pay for something that you need and would have difficulty budgeting for it, you can ask the DWP for a 'budgeting advance'.**

---

### How is universal credit paid?

Universal credit is normally paid into a bank, building society or credit union account. If you have a partner; you can choose who gets the payment.

In England and Wales, your universal credit is normally paid in arrears as a single payment each month. An alternative payment arrangement (eg payments twice a month) would only be made if the DWP considers that you could not manage with a single monthly payment; such an arrangement would usually only be made for a short period.

In Scotland, you can ask for your universal credit to be paid twice a month. If you get the universal credit housing costs amount, you can ask for this to be paid direct to your landlord.

In Northern Ireland, universal credit is paid twice a month in arrears, rather than once a month, and if you are renting, the housing costs amount is paid direct to your landlord. You can opt out of either arrangement.

It should normally take around five weeks to get your first payment of universal credit once you have made the claim. If you have difficulty budgeting at the start of your claim, you can ask for an advance payment, which you will have to repay.

You may also be able to get '*discretionary housing payments*' if your universal credit does not cover all your housing costs. You must claim a discretionary housing payment from your local authority.

### Universal credit advances

If you have difficulty budgeting at the start of your universal credit claim, you can ask for an advance payment of up to one month's universal credit, which you will have to repay.

If you are in the first month of your claim and you have had the universal credit interview, you can apply for a universal credit advance through your online account. Otherwise, you can apply for a universal credit advance through your work coach or by calling 0800 328 5644 (textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644). If you are deaf

and use British Sign Language, you may be able to apply using a [video relay service](#).

When you apply, you must explain your circumstances and let them know how much you want to borrow. You must also provide your bank or building society details and verify your identity.

You will have up to two years to repay the advance. The repayment rate is limited to 15% of your standard allowance of universal credit, or 25% if you have earnings.

## Backpayments

Claims for universal credit cannot normally be backdated to before you made the claim. However, a claim can be backdated for up to one month if any of the following apply to you (and your partner, if you are one of a couple):

- you have a disability;
- you had an illness that stopped you making the claim – you will need to give the DWP evidence of this (eg a letter from your GP);
- you could not claim online because the DWP system was down (and you made the claim as soon as it was back up again);
- you were previously getting jobseeker's allowance, employment and support allowance, income support, housing benefit or tax credit and you were not told that this was ending; *or*
- a joint claim has ended because your partner did not accept a [claimant commitment](#), you have separated from them, and you have now claimed universal credit as a single person.

If one of these applies, ask the DWP for your universal credit to be backdated when you make the claim, and give the reason why you did not claim on time. If you have already made the claim, you can do this in your [online journal](#).

## Deductions

Deductions can be made from your universal credit award to recover debts to the DWP and for direct payments to third parties. There are different rules for how much can be recovered for each debt. Generally, only three deductions can be made at any one time, but this limit does not apply to child support payments or the recovery of overpayments, universal credit advances or hardship payments.

The total of the deductions should not be more than 25% of your standard allowance. However, ongoing costs for fuel consumption and water are not included in this. The 25% limit can be exceeded to make payments for housing costs, rent and service charges or fuel arrears where it is in your '*best interests*'. It is not unusual for the DWP to deduct at the full 25% limit.

A new deduction for ongoing fuel consumption, or an increase to such an existing deduction, can only be made if your energy supplier applies for it and you give your consent.

If the rate of deduction is more than 10% of your standard allowance and includes a deduction for rent arrears or a debt to the DWP, you can ask for the amount of the deduction to be reconsidered because of financial hardship. Contact DWP Debt Management and explain your financial problems (0800 916 0647; if you are deaf and use British Sign Language, you may be able to use a video relay service – see: [www.gov.uk/government/publications/dwp-debt-management-performance-data/dwp-debt-management-customer-service-standards](http://www.gov.uk/government/publications/dwp-debt-management-performance-data/dwp-debt-management-customer-service-standards)). You can also contact a debt adviser, who can help you budget and can ask the DWP to change their decision on the level of deductions ([www.moneyhelper.org.uk/en/money-troubles/dealing-with-debt/debt-advice-locator](http://www.moneyhelper.org.uk/en/money-troubles/dealing-with-debt/debt-advice-locator)).

## Budgeting advances

Budgeting advances are interest-free loans from the DWP for people getting universal credit. They are intended to meet one-off expenses which it may be difficult to budget for, allowing the cost to be spread over time.

Unless you are applying for something that will help you to get or keep a job, you must have been getting one of the following benefits for at least six months:

- universal credit;
- income-related employment and support allowance;
- income support;
- income-based jobseeker's allowance; *or*
- pension credit.

You cannot get a budgeting advance if you had earnings of over £2,600 in the six months before your application if you are single, or joint earnings of over £3,600 if you are one of a couple. Nor can you get a budgeting advance if you are still paying off a previous advance.

### How much do you get?

The minimum award that can be made is £100. The maximum award is £348 if you are single, £464 if you are one of a couple without children, and £812 if you have children.

The amount of your award will be reduced on a £1-for-£1 basis by any savings you or your partner have over £1,000.

### How to apply

Contact your work coach; you can do this using your [online journal](#).

### Repayment

Repayment will normally be made over 12 months from your ongoing universal credit award. The DWP will write to you and tell you how much they will be deducting from you. If payments cannot be made from your ongoing award (eg if you come off universal credit), you will still be liable to pay back any remaining debt.

## 9: Moving from other benefits

---

**Universal credit replaces several benefits, including income-related employment and support allowance, housing benefit and child tax credit. If you are already getting one of these benefits, the DWP will ask you to claim universal credit instead at some point. You will not be able to stay on the old benefit.**

**If your old benefit paid out more than universal credit, your universal credit may be topped up so that you do not lose out straight away. This top-up will reduce over time.**

---

### Are you on one of these benefits?

If you are already getting one of the following benefits, you will be moved onto universal credit at some point:

- child tax credit;
- housing benefit;
- income-related employment and support allowance;
- income-based jobseeker's allowance;
- income support; *or*
- working tax credit.

These are called '*legacy benefits*'. The move will happen either when your circumstances change, or when the DWP decides to '*migrate*' you onto universal credit.

### If your circumstances change

If you are getting one of the legacy benefits and you have a change in your circumstances that would have involved claiming a different legacy benefit, you will need to claim universal credit instead.

For instance, if you are currently getting working tax credit and you become too ill to work, you will not be able to claim income-related employment and support allowance, but will need to claim universal credit.

Similarly, if you have moved home to another local authority area, you will not be able to claim housing benefit to cover your rent, but will need to claim universal credit.

Any other legacy benefit you are getting will normally stop once you are moved onto universal credit.

If you have claimed universal credit this way and are having difficult managing before your first payment, you can apply for a [universal credit advance](#).

### **The severe disability premium**

If you are moved onto universal credit following a change of circumstances and your legacy benefit award included a 'severe disability premium' (SDP), your universal credit award can include a '*transitional SDP amount*' to compensate for the fact that universal credit does not have an equivalent to the SDP.

You must claim universal credit within a month of the legacy benefit ending. The transitional SDP amount will not apply if you only qualified for the SDP as part of your housing benefit or if you have moved in with a partner who is already getting universal credit.

#### **Do you need to claim?**

You do not normally need to claim the transitional SDP amount; it should automatically be included in your universal credit award. However, you will need to claim it if you were previously one of a couple and your former partner was entitled to the SDP in a legacy benefit; you must claim within one month of separating from your partner. Ask for it using your [online journal](#) or the helpline (0800 328 5644; textphone 0800 328 1344; Relay UK 18001 then 0800 328 5644).

### **The migration**

If you are claiming any of the legacy benefits, at some point the DWP will write to you, inviting you to claim universal credit. The letter will inform you that your legacy benefits are due to end and that you will need to claim universal credit by a set deadline. You don't have the choice to stay on your legacy benefits. If you are one of a couple, you will both be sent a letter, with the same deadline. The DWP can extend the deadline if they consider that there is a good reason to do so. If you cannot claim universal credit by the deadline day, contact the DWP as soon as you can to explain why.

If you are getting housing benefit, income support, income-based jobseeker's allowance or income-related employment and support allowance, you can keep getting these for two weeks after you have claimed universal credit. These are called '*run-on payments*' and do not affect your universal credit.

If the level of universal credit you are entitled to is lower than that of your legacy benefits, your universal credit may be topped up through '*transitional protection*'.



## 10: What if you disagree with the universal credit decision?

---

**If you are unhappy with a decision on your universal credit, you can ask for it to be looked at again. Once it has been looked at again, if you are unhappy with the result, you can appeal to a tribunal. The tribunals are independent of the DWP.**

---

### Mandatory reconsiderations

You should be informed in writing of any decision made on your universal credit, either by letter or in your universal credit [online account](#). You will have one calendar month from the date of the decision to ask the DWP to look at your decision again. This is called a '*mandatory reconsideration*'.

You can ask for a mandatory reconsideration by using your [online journal](#); if you do so, take a screenshot or photograph of the reconsideration request and confirm the request over the phone or in writing. You can also use a [CRMR1 mandatory reconsideration request form](#), but you do not have to do so. If you write, include in the letter your national insurance number, the date of the disputed decision and why you believe the decision is incorrect. Keep a copy of the letter.

Once the decision has been reconsidered, the decision maker will send you two copies of the '*mandatory reconsideration notice*' to let you know the outcome.

### Appeals

If you disagree with a reconsidered decision, you can then take your case to an independent appeal tribunal. The tribunals are run by HM Courts & Tribunals Service, or The Appeals Service in Northern Ireland.

### Time limits

Your appeal must normally reach HM Courts & Tribunals Service or The Appeals Service within one calendar month of the date that the mandatory reconsideration notice was sent to you. If your appeal is late, you must explain why. The appeal tribunal will consider your reasons and can extend the time limit by up to 12 months. Longer delays need better reasons.

### How to appeal

Appeals for DWP-run benefits can be made on form [SSCS1](#). In Northern Ireland, use form [NOA1\(SS\)](#). In England, Scotland and Wales, you can submit an appeal online at [www.gov.uk/appeal-benefit-decision/submit-appeal](http://www.gov.uk/appeal-benefit-decision/submit-appeal).

Your appeal must normally include a copy of the mandatory reconsideration notice.

One of the questions on the appeal form asks if you want to take part in your appeal hearing. If you take part, it is an '*oral hearing*', and can be face-to-face or by telephone or video. If you do not take part, it is a '*paper hearing*'. With a paper hearing, the tribunal will study all the appeal papers and come to a decision based on these alone.

It is normally better to take part in your hearing, particularly if you are appealing against a decision relating to your disability or health condition.

### What happens after you make an appeal?

HM Courts & Tribunals Service, or The Appeals Service in Northern Ireland, will send a copy of your appeal to the DWP and ask them to provide a '*response*' to explain how they came to their decision. The DWP must do this within 28 days – although they can ask for an extension. The DWP will send you a copy of the response.

### The oral hearing

You must be given 14 days' notice of an oral hearing. The appeal should be informal. The appeal tribunal will be made up of a legally qualified judge and, in the case of an appeal over the work capability assessment, a doctor. Sometimes there is also a representative from the DWP, to put their case.

The judge will normally introduce the tribunal and explain its role. They usually go on to ask you questions about the issues related to your appeal. You should be given the opportunity to explain your case.

Once the tribunal is satisfied that everyone has had the chance to put their case, they will ask you to leave the tribunal room (or video link or phone call) while they make the decision.

### The appeal decision

You will get a decision notice on the day of the hearing or soon after. A copy of the decision notice is sent to the DWP so they can put the tribunal decision into effect and pay you any benefit owed.

If the appeal is unsuccessful, you can ask for a more detailed explanation: the '*statement of reasons*' for the decision. You have one month from the date of the tribunal decision in which to do this. Once you have read the statement of reasons, it should be clear to you how and why you have been unsuccessful.

If you disagree with the decision, you may be able to appeal further to an '*Upper Tribunal*'. You can only do this if the tribunal has made a legal error. For more on appealing to Upper Tribunals, see our *Disability Rights Handbook*.



## APPENDIX A

### Limited capability for work assessment descriptors

The first part of the work capability assessment finds out if you have a *'limited capability for work'*.

A points system is used to find out how well you can carry out a range of activities:

- physical (activities 1-10); *and*
- mental, cognitive and intellectual (activities 11-17).

Each activity heading is divided into different '*descriptors*' (*A, B, C etc*), which describe related tasks of varying degrees of difficulty.

You score points when you are not able to perform a task reliably and repeatedly.

Each descriptor (or task) gets a score, ranging from 0 to 15 points. Add together the highest score from each activity heading that applies to you. To be assessed as having a limited capability for work, you need to score 15 points or more.

The assessment takes into account your abilities when using any aid or appliance you would normally or could reasonably be expected to use.

If any task that applies to you is highlighted in *italics*, you will also be assessed as having a limited capability for work-related activity.

#### Part 1: Physical functions

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

**2. Standing and sitting**

A	<i>Cannot move between one seated position and another seated position which are located next to one another without receiving physical assistance from another person.</i>	15
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 paragraphs (i) and (ii) for more than 30 minutes, before needing to move away in order to avoid significant discomfort or exhaustion.	9
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.	6
D	None of the above applies.	0

**3. Reaching**

A	<i>Cannot raise either arm as if to put something in the top pocket of a coat or jacket.</i>	15
B	Cannot raise either arm to top of head as if to put on a hat.	9
C	Cannot raise either arm above head height as if to reach for something.	6
D	None of the above applies.	0

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

A	<i>Cannot pick up and move a 0.5 litre carton full of liquid.</i>	15
B	Cannot pick up and move a one litre carton full of liquid.	9
C	Cannot transfer a light but bulky object such as an empty cardboard box.	6
D	None of the above applies.	0

**5. Manual dexterity**

A	<i>Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.</i>	15
B	Cannot pick up a £1 coin or equivalent with either hand.	15
C	Cannot use a pen or pencil to make a meaningful mark with either hand.	9
D	Cannot single-handedly use a suitable keyboard or mouse.	9
E	None of the above applies.	0

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

A	<i>Cannot convey a simple message, such as the presence of a hazard.</i>	15
B	Has significant difficulty conveying a simple message to strangers.	15
C	Has some difficulty conveying a simple message to strangers.	6
D	None of the above applies.	0

**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 (i) and (ii)****using any aid that is normally, or could reasonably be, used, unaided by another person**

A	<i>Cannot understand a simple message, such as the location of a fire escape, due to sensory impairment.</i>	15
B	Has significant difficulty understanding a simple message from a stranger due to sensory impairment.	15
C	Has some difficulty understanding a simple message from a stranger due to sensory impairment.	6
D	None of the above applies.	0

**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.                               | 15 |
| B | Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment. | 15 |
| C | Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment.                             | 9  |
| D | None of the above applies.   | 0  |

**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:<br>(i) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or<br>(ii) substantial leakage of the contents of a collecting device, sufficient to require cleaning and a change in clothing. | 15 |
| 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.                                    | 6  |
| C | Neither of the above applies.   | 0  |

**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.  | 15 |
| B | At least once a month, has an involuntary episode of lost or altered consciousness resulting in significantly disrupted awareness or concentration. | 6  |
| C | Neither of the above applies.   | 0  |

**Part 2: Mental, cognitive and intellectual functions**

Activity	Points
<b>11. Learning tasks</b>	
A	15
B	9
C	6
D	0
<b>12. Awareness of everyday hazards (such as boiling water or sharp objects)</b>	
A	15
B	9
C	6
D	0

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

A	<i>Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.</i>	15
B	Cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions for the majority of the time.	9
C	Frequently cannot, due to impaired mental function, reliably initiate or complete at least two sequential personal actions.	6
D	None of the above applies.	0

**14. Coping with change**

A	<i>Cannot cope with any change to the extent that day-to-day life cannot be managed.</i>	15
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.	9
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.	6
D	None of the above applies.	0

**15. Getting about**

A	Cannot get to any place outside the claimant's home with which the claimant is familiar.	15
B	Is unable to get to a specified place with which the claimant is familiar, without being accompanied by another person.	9
C	Is unable to get to a specified place with which the claimant is unfamiliar without being accompanied by another person.	6
D	None of the above applies.	0

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

A	<i>Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the claimant.</i>	15
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.	9
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.	6
D	None of the above applies.	0

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

A	<i>Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.</i>	15
B	Frequently has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	15
C	Occasionally has uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace.	9
D	None of the above applies.	0

## APPENDIX B

### **Treated as having a limited capability for work**

You will be automatically treated as having a limited capability for work, without having to score 15 points, in the following circumstances:

- You are suffering from a progressive disease and consequently your death can reasonably be expected within 12 months.
- You are receiving chemotherapy or radiotherapy for cancer (or are likely to receive it within six months), or you are recovering from that treatment and the DWP is satisfied that you should be treated as having a limited capability for work.
- You have been given official notice not to work because you have been in contact with an infectious disease or contamination.
- You are pregnant and there would be a serious risk to the health of you or your child if you worked.
- You have reached pension age and are entitled to disability living allowance, personal independence payment or adult disability payment.

You are treated as having a limited capability for work on any day you are being treated in a hospital or similar institution (including residential rehabilitation for treatment of drug or alcohol addiction), having been medically advised to stay there for at least 24 hours. The DWP may also treat you as having a limited capability for work on any day you are recovering from such treatment.

You are treated as having a limited capability for work during any week in which you are receiving regular weekly haemodialysis for chronic renal failure, plasmapheresis or regular weekly total parenteral nutrition [being fed through a vein, instead of eating] for gross impairment of enteric function. The DWP may also treat you as having a limited capability for work during any week in which you have a day of recovery from such treatment.

## APPENDIX C

### Limited capability for work-related activity assessment descriptors

If one or more of the following descriptors applies to you, you will be assessed as having a limited capability for work-related activity. This will entitle you to the work capability amount and you will not have to meet work-related conditions to keep getting the benefit in full.

The assessment takes into account your abilities when using any aid or appliance you would normally or could reasonably be expected to use.

#### **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**

Cannot either:

- A mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; *or*
  - B repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion.
- 

#### **2. Transferring from one seated position to another**

Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person.

---

#### **3. Reaching**

Cannot raise either arm as if to put something in the top pocket of a coat or jacket.

---

#### **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 Schedule [ie this Appendix])**

Cannot pick up and move a 0.5 litre carton full of liquid.

---

#### **5. Manual dexterity**

Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.

---

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

Cannot convey a simple message, such as the presence of a hazard.

---

#### **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 two 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.
-



## APPENDIX D

### Treated as having a limited capability for work-related activity

You will be automatically treated as having a limited capability for work-related activity if you are:

- suffering from a progressive disease and consequently your death can reasonably be expected within 12 months;
- receiving chemotherapy or radiotherapy (or are likely to receive it within six months) or you are recovering from that treatment, and the DWP is satisfied that you should be treated as having a limited capability for work-related activity;
- suffering from some specific disease or bodily or mental disablement and consequently there would be a substantial risk to the mental or physical health of any person if you were found not to have a limited capability for work-related activity;
- pregnant and there would be a serious risk to the health of you or your child if you did work-related activity; *or*
- have reached pension age and are entitled to attendance allowance, the highest rate of the care component of disability living allowance or the enhanced rate of the daily living component of personal independence payment or adult disability payment.

## APPENDIX E

### Exceptional circumstances

Even if the DWP decision maker decides that you do not pass the limited capability for work assessment, they can still treat you as having passed it if one of the following '*exceptional circumstances*' applies:

- 1 You are suffering from a life threatening disease, for which there is medical evidence that it is uncontrollable or uncontrolled by a recognised therapeutic procedure (and in the latter case, there is a reasonable cause for this).
- 2 You suffer from some specific disease or bodily or mental disablement and because of that there would be a substantial risk to the mental or physical health of any person if you were found not to have a limited capability for work. This risk should be linked to work you could realistically do according to your education or skills. This circumstance will not apply to you if the risk could be significantly reduced by making reasonable adjustments to your workplace or by you taking medication as prescribed.

## GLOSSARY

Terms in *italics* are defined elsewhere in the glossary

**amounts** – extra allowances that can be included in your universal credit award to meet different needs.

**assessment periods** – universal credit is worked for each monthly ‘assessment period’. The first assessment period will normally be the month beginning with the first day that you are entitled to universal credit; subsequent monthly assessment periods will follow for as long as you remain entitled to universal credit.

**benefit cap** – a cap on the total amount of universal credit and other benefits that you can be awarded. Exceptions apply.

**budgeting advances** – interest-free loans to help meet one-off expenses which may be difficult to budget for, allowing the cost to be spread over time.

**‘capability for work’ questionnaire** – a form (the UC50) that you are normally asked to complete and return as part of the ‘*work capability assessment*’.

**carer amount** – an amount that is included in your universal credit award if you have ‘*regular and substantial caring responsibilities*’ for a severely disabled person.

**child amount** – an amount that is included in your universal credit award for each child or ‘*qualifying young person*’ who normally lives with you. A two-child limit applies in most cases.

**childcare costs amount** – an amount that is included in your universal credit award if you pay for registered childcare to stay in work.

**claimant commitment** – a record of the ‘*work-related conditions*’ that you may be expected to meet to continue getting paid universal credit in full. It is normally agreed at the universal credit interview with your ‘*work coach*’.

**couple** – you are considered to be one of a couple if you are married (including in a same-sex marriage), in a civil partnership, or cohabiting (whether with someone of the opposite or the same sex). If you are a couple, you must normally make a ‘*joint claim*’ for universal credit. When your universal credit is worked out, if your partner has income, earnings or savings, these are taken into account.

**decision maker** – the *DWP* officer who makes the decisions on your universal credit claim.

**disabled child addition** – an additional amount that is included in the ‘*child amount*’ for each child or ‘*qualifying young person*’ who is disabled.

**DWP** – the Department for Work and Pensions; the government department that runs universal credit.

**fit note** – a certificate signed by your GP, a registered nurse, occupational therapist, pharmacist or physiotherapist, where they can state that either you are not ‘*fit for work*’ or you may be fit for work after following certain advice.

**HM Courts & Tribunals Service** – is the body that runs appeals on social security benefits and tax credits in England, Scotland and Wales.

**hardship payments** – if you get a universal credit ‘*sanction*’, and you are having difficulty managing, you may be able to apply for a recoverable ‘hardship payment’ of universal credit.

**housing costs amount** – an amount that can be included in your universal credit award to cover some of your housing costs, such as rent.

**joint claim** – if you have a partner (including a same-sex partner), you must normally make a joint claim for universal credit. In this case, you must normally both meet the basic qualifying conditions for universal credit.

**legacy benefits** – there are six legacy benefits: child tax credit, housing benefit, income-related employment and support allowance, income-based jobseeker’s allowance, income support and working tax credit. These are being replaced by universal credit. If you are already on a legacy benefit, you will be asked to claim universal credit instead at some point.

**limited capability for work** – if you have a limited capability for work, restrictions can be applied to the ‘*work-related conditions*’ that you must meet to keep getting paid universal credit in full. This is considered at a ‘*work capability assessment*’.

**limited capability for work-related activity** – if you have a limited capability for work-related activity, you will have no work-related responsibilities; in addition, you will be entitled to the ‘*work capability amount*’. This is considered at a ‘*work capability assessment*’.

**mandatory reconsideration** – if you are unhappy with a decision on your universal credit, you can normally ask the DWP to look at it again. This is called a ‘mandatory reconsideration’.

**maximum amount** – the amount of money that the law considers you can live on. It is made up of a ‘*standard allowance*’, and ‘*amounts*’ paid to cover different needs.

**means-tested benefit** – a benefit where any income or savings that you have can affect your eligibility to it and the amount that you get.

**minimum income floor** – if you are self-employed, have been in business for more than 12 months and your earnings in any month are below a certain amount, the minimum income floor, your universal credit may be worked out using this figure instead.

**‘nearing the end of your life’** – where you have a progressive disease and as a result your death can reasonably be expected within 12 months.

**non-dependant deductions** – when your ‘*housing costs amount*’ is worked out, a deduction is made for each ‘*non-dependant*’ living in your home. Exceptions apply.

**non-dependant** – Someone who normally lives in your home on a non-commercial basis. Your partner and any children or ‘*qualifying young people*’ do count as non-dependants.

**online account** – when you apply for universal credit online, you set up an online account which you can use to apply for a ‘*universal credit advance*’, check your ‘*claimant commitment*’, and set up and maintain an ‘*online journal*’.

**online journal** – you can use the online journal to maintain your universal credit claim.

**pension age** – currently 66.

**qualifying young person** – someone aged 16 to 18 (or 19 in some cases) who has enrolled on (or been accepted for) a course of full-time non-advanced education or approved training, who is not getting employment and support allowance, jobseeker’s allowance or universal credit.

**regular and substantial caring responsibilities** – you are considered to have these if you regularly spend at least 35 hours a week caring for a severely disabled person who receives one of a list of disability benefits.

**run-on payments** – if you are getting housing benefit, income support, income-based jobseeker’s allowance or income-related employment and support allowance, you can keep getting these for two weeks after you have claimed universal credit.

**sanctions** – can be applied if you fail to meet the ‘*work-related conditions*’ that apply in your case. There are four types of sanction: lowest, low, medium and higher. In each case, your universal credit can be reduced over varying lengths of time, which vary from one week to 26 weeks.

**severe disability premium (SDP)** – an allowance found in ‘*legacy benefits*’. If you are moved onto universal credit following a change of circumstances and your legacy benefit award included an SDP, your universal credit award can include a ‘transitional SDP amount’ to compensate for the fact that universal credit does not have an equivalent to the SDP.

**standard allowance** – the basic allowance of universal credit, which is always included in your award.

**transitional protection** – if the level of universal credit you are entitled to is lower than that of your ‘*legacy benefits*’, your universal credit may be topped up through transitional protection.

**work allowance** – in some circumstances, you may be able to keep some of your earnings up to a certain limit before your universal credit is affected. This limit is called the work allowance.

**work capability amount** – an additional allowance that is included in your universal credit award if you are found to have a ‘*limited capability for work-related activity*’ at a ‘*work capability assessment*’.

**work capability assessment** – finds out what ‘*work-related conditions*’ you must meet to keep getting paid universal credit in full. It has two parts: a ‘*limited capability for work*’ assessment and a ‘*limited capability for work-related activity*’ assessment.

**work coach** – the DWP officer who is your contact for your universal credit claim. You will meet them at the universal credit interview and draw up your ‘*claimant commitment*’ with them.

**work-related conditions** – the work-related responsibilities that you must meet to keep getting paid universal credit in full.

**universal credit advances** – if you have difficulty budgeting at the start of your universal credit claim, you can ask for an advance payment, which you will have to repay.

## FURTHER HELP AND INFORMATION

### Disability Rights UK

We publish the *Disability Rights Handbook* which gives more details on personal independence payment and other benefits for disabled people, their families and carers. The handbook is updated every year. There is a section devoted to appeals, should your claim be unsuccessful.

You can order a copy of the book from our online shop at <https://shop.disabilityrightsuk.org/>, by emailing us on [shop@disabilityrightsuk.org](mailto:shop@disabilityrightsuk.org) or by writing to us. You can also subscribe to our digital version and can buy a subscription via our online shop.

Disability Rights UK also produce over 60 factsheets covering benefits, tax credits, independent living, education and other disability related subjects:

**W** [www.disabilityrightsuk.org/resources/resources-index](http://www.disabilityrightsuk.org/resources/resources-index)

### Government website

#### Gov.uk

**W** [www.gov.uk](http://www.gov.uk)

The government's online information service providing information on public services with links to government departments and agencies and a wide range of other organisations.

### Finding a local advice centre

If you need help with your universal credit claim or with appealing against a decision, you can contact a local advice centre. There may be times when seeing someone locally will be the best option to ensure you get the best advice. To see what is available in your area, go to <https://advice.local.uk/>

#### Citizens Advice

Citizens Advice helps people resolve legal, financial and other problems by providing free information and advice from over 3,500 locations.

Over-the-phone advice is available from every Citizens Advice.

#### UK:

**W** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

#### Northern Ireland:

**W** [www.citizensadvice.org.uk/about-us/northern-ireland](http://www.citizensadvice.org.uk/about-us/northern-ireland)

#### Scotland:

**W** [www.cas.org.uk](http://www.cas.org.uk)

Citizens Advice have also set up national phone services in England, Scotland and Wales.

#### Citizens Adviceline (England)

**T** 0800 144 8848; Relay UK – if you can't hear or speak on the phone, you can type what you want to say: 18001 then 0800 144 8884

#### Citizens Advice Scotland

**T** 0800 028 1456

#### Citizens Advicelink (Wales)

**T** 0800 702 2020; Relay UK (as for England above)

#### Law Centres

Law Centres are not-for-profit legal practices providing free legal advice and representation to disadvantaged people. There are around 40 Law Centres across the UK, staffed by solicitors and barristers who specialise in areas of civil law including employment, housing, discrimination, welfare benefits, education and immigration.

To find your nearest Law Centre:

**W** [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### Other sources of advice

#### Carers UK

20 Great Dover Street, London SE1 4LX

**T** 020 7378 4999; adviceline 0808 808 7777

**W** [www.carersuk.org](http://www.carersuk.org)

Provides information and advice on benefits, services and other support available to carers.

## INDEX

- age limits, 4**
- amounts, 12–14**
  - carer amount, 12
  - child amount, 12–13
  - childcare costs amount, 13
  - housing costs amount, 14
  - work capability amount, 14
- appeals, 25, 26, 31, 38–39**
  - medical evidence, 26
- backpayments, 34**
- bedroom tax, 17, 18–19**
- benefit cap, 16**
- budgeting advances, 35**
- calculation, 11–16**
  - benefit cap, 16
  - capital, 15–16
  - carer amount, 12
  - child amount, 12–13
  - childcare costs amount, 13
  - earnings, 14–15
  - housing costs amount, 14
  - income, 15
  - maximum amount, 11
  - minimum income floor, 14
  - savings, 15–16
  - standard allowance, 12
  - work allowance, 14
  - work capability amount, 14
- cap rent, 17**
- capability for work questionnaire, 23**
- capital, 15–16**
  - notional capital, 15
- carer amount, 12**
- change of circumstances, 7, 9–10, 29**
- child amount, 12–13**
  - disabled child addition, 13
- childcare costs amount, 13**
- Citizens Advice, 50**
  - Help to Claim service, 6
- claimant commitment, 27–30**
- claims, 6–10**
  - delaying your claim, 9–10
  - national insurance number, 7
  - reapplications, 8
- couple**
  - claims, 6
  - earnings, 14
  - joint claims, 4
- deductions, 34–35**
- disabled child addition, 13**
- discretionary housing payments, 20**
- earnings, 14–15**
  - if you finish work, 15
  - minimum income floor, 14
  - self-employment, 14
  - work allowance, 14
- education, 4–5**
- fit note, 9, 14, 22**
- habitual residence test, 5**
- hardship payments, 32**
- hospital, 5**
- housing costs amount, 14, 17–20**
  - bedroom tax, 17, 18–19
  - non-dependant deductions, 19–20
  - specified accommodation, 17
  - temporary accommodation, 17
- income, 15**
- interview, 8–9**
- joint claims, 4**
- Law Centres, 50**
- legacy benefits, 36**
  - change of circumstances, 36–37
  - migration, 37
  - severe disability premium, 37
- limited capability for work assessment, 21–22, 40–43**
  - appeals, 26
  - descriptors, 40–43
  - mandatory reconsiderations, 25
  - treated as having a limited capability for work, 44
- limited capability for work-related activity assessment, 22, 44–46**
  - appeals, 26
  - descriptors, 44–46
  - mandatory reconsiderations, 25
  - treated as having a limited capability for work-related activity, 47
- mandatory reconsiderations, 25, 31, 38**
  - limited capability for work, 25
  - limited capability for work-related activity, 25
- maximum amount, 11**
- medical evidence, 26**
- minimum income floor, 14**
- moving from other benefits, 36–37**
  - run-on payments, 37
- nearing the end of life, 8, 44, 47**
- non-dependant deductions, 19–20**
- online accounts, 7–8**
- online journal, 8**
- partner – see couple**
- payments, 32–34**



## INDEX

- backpayments, 34
- deductions, 34–35
- discretionary housing payments, 20
- run-on payments, 37
- universal credit advances, 33
- pension age, 4**
- qualifying conditions, 4–5**
- qualifying young person, 12**
- redundancy payments, 15**
- regular and substantial caring responsibilities, 12**
- residence and presence tests, 5**
- run-on payments, 37**
- sanctions, 29–31**
  - appeals, 31
  - mandatory reconsiderations, 31
- savings, 15–16**
  - lower capital limit, 15
  - upper capital limit, 15
- severe disability premium, 37**
- specified accommodation, 17**
- standard allowance, 12**
- tax, 3**
- temporary accommodation, 17**
- universal credit advances, 33–34**
- work allowance, 14**
- work capability amount, 14**
  - waiting period, 14
- work capability assessment, 21–32**
  - capability for work questionnaire, 23
  - exceptional circumstances, 47
  - face-to-face assessment, 24–25
  - further assessments, 26
  - limited capability for work assessment, 21–22
  - limited capability for work-related activity assessment, 22
- work coach, 8**
- work search reviews, 9**
- work-related conditions, 27–29**
  - work availability conditions, 28
  - work preparation condition, 27
  - work search condition, 27
  - work-focused interview condition, 27

## About Disability Rights UK

We are Disabled people leading change, working collaboratively and creatively for equal power, rights and equality of opportunity. Disability Rights UK is led by people with diverse experiences of disability and health conditions from different communities. We work with allies committed to equal participation for all. Together we can be stronger.

It has never been more important to have a strong organisation that stands up for Disabled people's rights and support. We enable Disabled people to have voice and influence. We 'show, not tell' how participation can be made real, working with other Disabled People's Organisations to showcase approaches to social, economic and public participation. We campaign to strengthen and protect Disabled people's rights, influencing national and local decision makers.

We produce user-friendly guides to benefits and independent living and publish the *Disability Rights Handbook* annually. Our website contains a wealth of information about benefit entitlement, independent living and careers, with free factsheets, as well as more detailed information for professional advisers – including briefings and policy reports on the issues that matter most to Disabled people.

We encourage individuals and all organisations – whether statutory, voluntary or corporate – to support our work by becoming members of Disability Rights UK.

### Acknowledgements

Thanks to Daphne Hall, Ben Kersey and Damien Montag for their comments and suggestions, these were extremely useful. Thanks also to Deb Kamofsky for her sterling work on production.



### Universal Credit

A Guide for Disabled Claimants

Authors: Ken Butler, Ian Greaves and Martin Inch

Published by Disability Rights UK © 2022

Registered charity 1138585

Disability Rights UK

Plexal, Here East, 14 East Bay Lane,  
Queen Elizabeth Olympic Park,  
Stratford, London E20 3BS.

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