# Information and Top Tips from RNIB on how to approach the Work Capability Assessment (WCA)

## Introduction

If you have sight loss, or provide care for someone who does, there are a number of welfare benefits you may be entitled to. Some of these benefits can help provide you with an income if you are not able to work, while others can help towards the extra costs that often make life more expensive if you have a disability.

We have produced various factsheets to help you learn more about the benefits that you are most likely to be entitled to if your life is affected by sight loss.

This factsheet is for claimants of Employment and Support Allowance (ESA) or Universal Credit (UC) who are undertaking the Work Capability Assessment (WCA).

## What is the WCA?

During your assessment phase for either Employment and Support Allowance (ESA) or Universal Credit (UC), if you are claiming the work capability element of UC due to illness or disability, you will have a medical assessment, known as a **Work Capability Assessment** (**WCA**).

The information on this factsheet will help you understand the WCA and provide you with information and tips that will help you manage the process.

We will focus on the two specific areas of this assessment that deal with visual impairment. The two activities in question are the ones relevant to many blind and partially sighted people. The principles behind our description of how to approach these activities are also applicable to all the other activities in the WCA.

After reading our “Top Tips” section of this factsheet for tips on dealing with the WCA, you should be in a good position to fill in the form in question and approach the medical assessment that follows.

## The WCA Process

There are two parts to the WCA process:

* the limited capability for work assessment (LCW); and
* the limited capability for work-related activity assessment (LCWRA).

The DWP has to make a decision on both of these, using:

* a form you fill in
* the findings of their medical assessment and
* any medical evidence you may be able to provide.

### Limited Capability for Work Questionnaire

The first stage of the WCA assessment process is when the Department of Work & Pensions (DWP) send you a form called the “Limited Capability for Work Questionnaire”.

This is either in the form of an **ESA50** or a **UC50**, depending on which benefit you are claiming. This form asks for information about your disabilities and the difficulties you have carrying out a number of “activities”.

You have four weeks to complete and return the form in question to the DWP Medical Services. If they do not receive your completed **ESA50** or **UC50** form at the end of the four weeks the DWP can treat you as being capable of work. If your claim was for ESA, this decision would effectively stop your ESA. For UC, you would then continue to be treated as being capable of work.

If this happens you can ask DWP to reconsider this decision and if necessary you can appeal against it. To do this you will need to show “good cause” why you were unable to return the form in time. It is therefore important to try to return the form within the required time limits.

### The Limited Capability for Work Assessment (LCW)

The LCW assessment is the test that determines whether you are entitled to ESA or the “work capability element” of UC.

The form sent to you contains questions on specified activities relating to the LCW test for both physical and mental health. The DWP call these “functional descriptors”. These activities relate to the following:

* Mobilising
* Standing and sitting
* Reaching
* Picking up and moving objects
* Manual dexterity
* Making yourself understood
* Understanding communication
* Navigation and Maintaining Safety
* Controlling bowel/bladder movements
* Involuntary losses of consciousness.

There are also activities relating to mental, cognitive and intellectual functions:

* Learning tasks
* Awareness of hazards
* Completing actions
* Coping with change
* Getting about
* Coping with social engagement
* Behaving appropriately.

For each of these activities, there are a series of statements called “activities” used to describe the difficulties that you may have in that activity.

You score points for each activity that applies to you, and points scored in each activity are added together.

You need to score 15 points to pass the test and continue receiving ESA or to be considered to have limited capability for work for UC. You may be able to score 15 points from just one activity.

### Activities in the Limited Capability for Work Assessment (LCW)

The two activities in the LCW assessment that are most likely to apply to you if you have a sight problem are:

* understanding communication and
* navigation and maintaining safety

These are the ones we will focus on in this factsheet. However, if you also have other disabilities, you may also score points for the other activities. Please call our Helpline for more information and advice on this.

Below we outline the descriptors for the “understanding communication” and “navigation and maintaining safety” activities. For each descriptor we give the points you would score if it applies to you and whether or not that descriptor alone would mean you pass the LCW assessment. Remember that you can score points from more than one activity.

#### Understanding Communication

|  |  |  |
| --- | --- | --- |
| **Understanding communication descriptor** | **Points** | **Pass on own?** |
| Cannot understand a simple message due to sensory impairment, such as the location of a fire escape  | 15 | Yes |
| Has significant difficulty understanding a simple message from a stranger due to sensory impairment | 15 | Yes |
| Has some difficulty understanding a simple message from a stranger due to sensory impairment |  6 | No |

This activity is about whether you can understand a simple message from other people by reading large size print (16-point print) or by using Braille.

If you have difficulty in understanding a message written in 16-point text, you should also score points for this. It is a test of your ability to read a “simple message”, not sustained reading over a long period.

If you can successfully read 16-point text with a hand-held magnifier you may score fewer points, but you should explain why it might not be “reasonable” to use a magnifier in certain circumstances. You should also explain any difficulties you may have, for example due to poor contrast, distortion or flashes of light.

If it is the case that you struggle to read 16-point print “repeatedly and reliably” you should not be deemed as being able to understand a simple message.

#### Ability to Read Braille

No points are awarded to someone who can use braille to understand a basic message. If you are a braille reader it is therefore very important to factor in any difficulties you may have reading braille in practice. It may be that you have not used braille for a very long time or are not proficient in using it for other reasons. We recommend contacting our Helpline if you have any queries about braille when undertaking the WCA.

#### Navigation and Maintaining Safety

The full description for this activity is “Navigation and maintaining safety, using a guide dog or other aid if either or both are normally or could reasonably be used, unaided by another person”.

|  |  |  |
| --- | --- | --- |
| **Navigation descriptor** | **Points** | **Pass on own?** |
| Unable to navigate around familiar surroundings, without being accompanied by another person, due to sensory impairment  | 15 | Yes |
| Cannot safely complete a potentially hazardous task such as crossing the road, without being accompanied by another person, due to sensory impairment | 15 | Yes |
| Unable to navigate around unfamiliar surroundings, without being accompanied by another person, due to sensory impairment  |  9 | No |

If you have significant difficulty getting around safely and have problems such as bumping into things or people, getting lost or having incidents with traffic it is important to give details of these.

You should explain the sort of practical problems you would have travelling independently and crossing the road in an unfamiliar area, such as finding a crossing and checking that it has audio or other indications of when to cross.

#### Top Tips

It is important when filling out these, or any of the activity sections on your form, that you consider all the following factors regarding your condition and how they affect you:

* Whether you have good and bad days.
* How different lighting conditions affect you (being indoors or outside).
* Whether you could carry out the activity regularly and repeatedly.
* Whether you could carry out the activity “most of the time”.
* Whether you experience any discomfort or fatigue when carrying out the activity and if this gets worse with time.
* If you feel there is any risk to your health by carrying out the activity.

For example, if you find it easier to read 16-point text earlier in the day but later in the day reading starts to give you a headache, or the text becomes blurry as you get tired, you should say you cannot carry out the activity.

Similarly, if you manage in good light conditions to get around outdoors, but struggle when it is darker or cloudier, you should argue that you cannot manage this activity most of the time.

## The Limited Capability for Work-Related Activity (LCWRA) Assessment

As well as assessing if you score enough points to qualify as having LCW, which helps limit the amount of work-related activity you have to carry out, the DWP will also assess you to determine whether you should be deemed as having Limited Capability for Work-Related Activity (LCWRA).

If this is the case, you will be placed in what’s known as the support group for ESA claimants. If you claim UC, you will be placed in the group of claimants where no work-related activity is required.

If you have LCWRA status you will get extra money in your benefit. In ESA this is called the support component. In UC it is called the work capability element.

The DWP will place you in the support group or award you LCWRA if any one of the descriptors from the LCWRA assessment applies to you.

“Understanding communication” (activity 7) is the descriptor in the LCWRA that is most likely to apply to a person with a serious sight loss. The full wording of this descriptor is:

Understanding verbal communication by:

1. verbal means (such as hearing or lip-reading) alone;
2. non-verbal means (such as reading 16-point print or braille) alone: or
3. a combination of 1 and 2 using any aid that is normally, or could reasonably be used unaided by another person.

If you have sight loss that means you cannot read either 16-point print or smaller **or** braille (while using any reasonable aid, including glasses), you should be deemed as having LCWRA and the DWP should place you in the support group.

Alternatively, if you have a severe hearing loss, and you have difficulty understanding verbal communication even when wearing a hearing aid, you may be granted LCWRA.

#### Being a braille-user

As mentioned earlier in relation to LCW qualification, if you can read braille you would equally be restricted from satisfying activity 7 on the LCWRA test.

If this is the case, or if you want to discuss if any of the other descriptors in the LCWRA assessment may apply to you, please call our Helpline for advice.

#### Medical Assessment

When the DWP Medical Services receive your ESA50 they will decide whether you need to attend or take part in a medical assessment. It is usual for most claimants to be invited for a medical assessment, however you may have sufficient medical information about your condition for them to make a decision based on the paperwork.

If a medical assessment is required it will be carried out by a health care professional, such as a doctor, nurse or another suitably qualified person. Most of these assessments are now carried out by telephone or by video link but face to face assessments can be arranged if required. This would normally be at an assessment centre but can be carried out in your home.

The DWP will probably ask you to take part in a medical assessment even if you feel you are highly likely to pass the limited capability for work assessment, for example, you have no sight at all. This is because they are required to carry out the limited capability for work-related activity assessment (to determine if you should be granted LCWRA status).

### What to take to your assessment

* A copy of your Certificate of Visual Impairment (CVI), or BP1 if you live in Scotland and have one or A655 if you live in Northern Ireland.
* Some form of identification, along with the letter about your appointment
* Additional evidence from your healthcare professional (if you have any) about your condition and how it affects you, such as a letter from your eye consultant, GP, carer or support worker.

You can also have someone with you for support, providing they are 16 or over, such as a friend, family member or carer.

#### Top tips

**Do:**

* Tell the assessor everything about your condition, even if you have written it down on the ESA50/UC50 form already
* Emphasise the difficulties you have and how you need help with the activity if you had to repeat it, do it at different times of the day and how much discomfort or fatigue it may cause
* Make sure you allow the assessor sufficient time to write down everything you say
* Take your time, don’t let the assessor rush you.

**Don’t:**

* Exaggerate your condition but don’t downplay it either
* Give just yes or no answers

### The Assessor

Assessors are given detailed guidance on how to carry out the medical examinations. They must take account of:

* Your clinical history.
* Your ability to manage the activities while using normal aids, such as spectacles, a white stick or guide dog.
* Your ability to carry out the activity in different places i.e., in and outdoors and with different light settings.
* Their observations of you in the assessment centre (whether you are accompanied for example).

The assessor may ask you to read from a chart using 16-point print. If you have a certificate showing you are registered as severely sight impaired or blind, the assessors are advised that you are unlikely to be able to read 16-point print. They should therefore consider whether you meet the criteria for the Support Group we described earlier.

They will ask whether you are able to read braille. They are aware however that fewer than 1% of visually impaired people use braille and of them only a very small minority are fluent in braille.

If you only understand a small amount of braille and struggle to use it “repeatedly and reliably” you should not say you can read braille.

### “Severe Conditions”

You may be able to avoid having to go through more medical assessments in the future if a decision is made to place you in the support group **and** you meet DWP’s “severe conditions guidance”. If you are placed in the support group, you may want to contact the RNIB Helpline for further information and advice about this.

## What happens next?

The assessor will produce a report based on your assessment and send it to a DWP decision-maker. They will then write to you with the decision.

### The outcome of your WCA

Whether claiming ESA or UC, if you are found to have LCWRA you will not have to carry out any work-related activity.

If you are not found to have LCWRA but are found to have LCWonly, you will then have to attend work-focused interviews with a “work coach”. These interviews are intended to explore your options for returning to work and the barriers that you might face in employment. You may also be expected to carry out “work-related activity”, such as skills training and drawing up a CV.

If you do not pass your WCA and are on ESA, your benefit will stop. If you do not apply for a reconsideration you will have to claim an alternative benefit such as UC instead.

If your claim is for UC and you fail your WCA you will then have to accept what is known as full “conditionality” and look for work to continue receiving your benefit.

#### Challenging the decision on your WCA

If you are granted LCW but think you should have been granted LCWRA (and placed in the Support Group) you need to request a **mandatory reconsideration**. This must be done **within one month** of the DWP’s initial decision and can be requested over the telephone or in writing. If you are close to your deadline it may be best to make a telephone request and send DWP any relevant information afterwards. If you can, you should send any additional evidence you have, like a supporting letter from a medical professional or a support worker you are in regular contact with, to help your case.

Please note, if you are initially awarded LCW but think LCWRA is appropriate in your case, you can be paid ESA during this mandatory reconsideration process.

If, after the DWP have reconsidered their decision, you are still unhappy with the outcome and wish to dispute it, you can make an appeal application to HM Courts and Tribunals Service.

#### Challenging a decision not to award LCW (failing the WCA)

If you are challenging a decision that you have failed the WCA completely and have not been granted LCW, **you can appeal to HM Courts and Tribunal Service straight away**, as this will ensure you receive the basic rate of ESA during the appeal process. You must make this request within one month of the DWP’s decision to refuse benefit.

For further information on the appeals process, please see our “Benefits appeals” factsheet. Contact our Helpline to order a copy.

**Please note** that if you were to claim Universal Credit instead and are then successful in challenging the DWP’s decision about your ESA at either the reconsideration or appeal stage, **you will have to remain on Universal Credit** and will not be able to return to your ESA claim. Unfortunately, some people with a disability will be worse off by claiming Universal Credit.

We therefore strongly suggest that you get advice if the above situation arises for you. Please contact our Helpline for further advice.

If you do have to proceed to the appeal stage, and do not claim Universal Credit during the reconsideration stage, you may receive ESA during the appeal process, as well as the ESA you were not paid during the reconsideration process. You will need to provide medical certificates from a doctor to enable this to happen.

## How we can help

If you would like any more information about Work Capability Assessment you can speak to our Advice service by calling our Helpline. Our advisors can also carry out a full benefit check with you and give you advice about applying for other benefits you may be missing out on.

Our Welfare Benefit Sight Loss Advisors are available to offer help if you would like to challenge a benefit decision or think you should be awarded more than you have been. Our advisers can help you with the mandatory reconsideration and First Tier Tribunal (appeals) process.

RNIB’s Legal Rights service is available to offer you help with more complex benefit queries and appeals, such as those to the Upper Tribunal, once the initial appeals process to the First Tier Tribunal has been completed.

To access any of our services, call our Helpline on **0303 123 9999**. You can also say, **“Alexa, call RNIB Helpline”** to an Alexa-enabled device. We’re ready to answer your call Monday to Friday 8am – 8pm and Saturday 9am – 1pm. Alternatively, email **helpline@rnib.org.uk** or visit **rnib.org.uk**.

#### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999.**

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

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