

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gov.uk

Our Ref: IR2020/45920

19 August 2020

Dear Andy Pennington,

Thank you for your Freedom of Information (Fol) internal review request received on 18 August. You asked:

Thank you for the quick response, really appreciated!

Unfortunately, it has not answered the request. The request related solely to is there any guidance exemplifying when the Work allowance begins, after a claimant has been found to have LCW/LCWRA?

In other words the effective date the Work allowance applies e.g. is it from the date the fit note is submitted i.e. the waiting period, the beginning of the 13 week assessment period or the end of the 13 week assessment period?

DWP Response:

In response to your request, I can confirm that the handling of your original request and response has now been appropriately reviewed unconnected with the handling of your original request.

I understand that you felt that we did not sufficiently answer your initial request surrounding eligibility for the Universal Credit Work Allowance following a decision about claimants having either a Limited Capability for Work (LCW) or a Limited Capability for Work and Work Related Requirement (LCWRA),

As a result of this review, I am satisfied that the original response was handled properly and that the outcome of your request was correct, although I accept our explanation could have been clearer. The reasoning behind this decision is that the Department previously supplied you with a copy of a guidance document titled 'Work Capability Assessment Outcomes'. On page 5 it confirms that: "Following the outcome of the WCA, if the claimant is determined as having LCW this is noted on the Service. The claimant is eligible for a Work Allowance but no additional amount can be awarded."

Beyond our responsibilities of the Act, there are a number of publicly available resources that provide additional information about Work Allowances and their operation including eligibility conditions. These are available through the links below.

- <https://www.gov.uk/government/publications/universal-credit-work-allowances/universal-credit-work-allowances>
- http://data.parliament.uk/DepositedPapers/Files/DEP2019-0980/146._Work_allowance_and_Earnings_Taper_rate.pdf

Finally, it may also be helpful to explain that an award of Universal Credit is calculated to reflect the claimant's circumstances at the end of their monthly assessment period. To do this, we treat all changes as applying from the beginning of the assessment period in which they take place (if reported in the assessment period within which they occurred). The award for that month is therefore wholly at the new rate and, where someone is working and has earnings in an assessment period, any entitlement to a Work Allowance will be for the whole period. This reflects the claimant's circumstances at the point of payment, and will better anticipate their needs over the forthcoming month.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely,

DWP Central FoI Team

Your right to complain under the Freedom of Information Act

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745