

04/26 - Universal Credit - Changes to the LCWRA Element

CONTENTS	PARAGRAPH
Introduction	1-2
The Lower Rate LCWRA Element	3
The Higher Rate LCWRA Element	4-5
Pre-2026 Claimant	6-8
Terminally Ill Claimant	9
Severe Conditions Criteria Claimant	10-14
Annotations	
Contacts	

INTRODUCTION

1. This Memo provides guidance on the Universal Credit Act 2025 and The Universal Credit and Employment and Support Allowance (Rates of Allowances) (Amendment) Regulations 2026, in so far as they relate to the Limited Capability for Work and Work-related Activity (LCWRA) Element of Universal Credit. The relevant sections of the Act and regulations come into force on **06/04/26** and the relevant regulations have effect only in relation to assessment periods commencing on or after **06/04/26**.¹

1 [UC Act 2025, s2\(3\)](#); [UC and ESA \(Rates\)\(Amndt\) Regs 2026, Reg 1\(2\), 1\(4\)](#)

2. The main change is that there will now be two rates for the LCWRA Element – a lower rate for those who are newly determined to have LCWRA **on or after** 06/04/26 and a higher rate for those who were already determined to have LCWRA prior to 06/04/26 (or who meet other criteria set out in paragraph 4).

THE LOWER RATE LCWRA ELEMENT

3. If a claimant has a determination of LCWRA made **on or after** 06/04/26, and they do not fall into any of the groups listed in paragraph 4 below, they will receive the lower rate of the LCWRA Element. From 06/04/26 to 05/4/27 that lower rate is **£217.26** per assessment period¹.

1 [UC Regs 2013, Reg 36](#)

THE HIGHER RATE LCWRA ELEMENT

4. The LCWRA Element will be paid at a higher rate for those claimants who are:

- 4.1. a 'pre-2026 claimant', **or**
- 4.2. terminally ill, **or**
- 4.3. a Severe Conditions Criteria (SCC) claimant¹.

5. From 06/04/26 to 05/04/27 that higher rate is **£429.80** per assessment period.²

1 [UC Regs 2013, Reg 27\(2\)](#); 2 [Reg 36](#)

PRE-2026 CLAIMANT

6. A pre-2026 claimant is someone who:

- 6.1. was entitled to the LCWRA Element before 06/04/26, **and**
- 6.2. has been entitled to an award of UC which included the LCWRA Element continuously.¹

1 [UC Regs 2013, Reg 27A\(1\)](#)

7. When deciding whether the UC award with the LCWRA Element is 'continuous' no account is to be taken of a period of non-entitlement due to not meeting the financial condition of entitlement (i.e. the award would be less than a penny), as long as that period of non-entitlement has a duration of fewer than six months¹.

1 [UC Regs 2013, Reg 27A\(2\)](#)

8. A claimant will also be classed as a pre-2026 claimant, where:

- 8.1 a claimant's pending assessment is yet to be undertaken on 05/04/26, and a determination of LCWRA is made on or after 06/04/26, **or**
- 8.2 a claimant has LCW and is awaiting a further assessment on 05/04/26, and a determination of LCWRA is made on or after 06/04/26, **or**
- 8.3. a claimant has been determined LCWRA but on 06/04/26 the relevant period is yet to be served, **or**
- 8.4. a claimant had an award of Employment and Support Allowance (ESA) which included the Support Component prior to 06/04/26 and continued to be entitled to ESA with the Support Component after 06/04/26 and up to the date on which a UC award which includes an LCWRA Element is made, **and**

the claimant has been continuously entitled to the LCWRA element since¹.

1 [UC Regs 2013, Schedule 5A](#)

TERMINALLY ILL CLAIMANT

9. A terminally ill person is someone suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 12 months.¹ A terminally ill person is treated as having LCWRA.²

1 [UC Regs 2013, Reg 2](#); 2 [Sch 9, Para 1](#)

SEVERE CONDITIONS CRITERIA CLAIMANT

10. An SCC claimant is someone who:

- 10.1. has been determined to have LCWRA on the basis of an assessment using the LCWRA

activity schedule¹, **and**

10.2. at least one of the descriptors in the LWCRA activity schedule will apply to the claimant constantly and for the rest of their life², **and**

10.3 the specific bodily disease or disablement, or specific mental illness or disablement, which gave rise to the satisfaction of the descriptor, must be one the claimant will have for the rest of their life³, **and**

10.4 the specific bodily disease or disablement, or specific mental illness or disablement, must have been diagnosed by an appropriately qualified health care professional in the course of the provision of NHS services⁴.

1 [UC Regs 2013, Reg 40A\(2\)\(a\), Sch 7](#); 2 [Reg 40A\(2\)\(b\)](#); 3 [Reg 40A\(3\)\(a\)\(i\), \(b\)\(i\)](#); 4 [Reg 40A\(3\)\(a\)\(ii\), \(b\)\(ii\)](#)

Note: 'NHS Services' means health care services provided under s1(1) of the National Health Service Act 2006, s1(1) of the National Health Service (Wales) Act 2006, s1(1) of the National Health Service (Scotland) Act 1978, and health and social care provided within the Health and Social Care (Reform) Act (Northern Ireland) 2009, provided for the purpose set out at s2(1) of that Act.¹

1 [UC Regs 2013, 40A\(5\)](#)

11. In **10.2.** 'constantly' means the descriptor applies to the claimant at all times or, as the case may be, on all occasions on which the claimant undertakes or attempts to undertake the activity described that descriptor¹.

1 [UC Regs 2013, Reg 40A\(4\)](#)

12. Once a claimant has been determined as being an SCC claimant, or as not being an SCC claimant, no further assessment for this purpose is to be carried out unless evidence suggests that

12.1. the determination was made in ignorance of, or based on a mistake as to, some material fact, **or**

12.2. there has been a relevant change of circumstances in relation to the claimant's physical or mental condition.¹

1 [UC Regs 2013, Reg 41\(4\), \(5\)](#)

13. Where a claimant fails to provide information requested for an SCC assessment (without good reason) the claimant may be treated as not being an SCC claimant (providing the claimant was sent a further request to provide the information at least 3 weeks after the date of first request and at least 1 week has passed since the further request was sent).¹

1 [UC Regs 2013, Reg 43](#)

14. A claimant can be called to attend a medical examination for the purposes of an SCC assessment and a failure to attend or submit to that examination (without good reason) will result in them being treated as not being an SCC claimant (providing notice of the date, time and place of the examination was given 7 days in advance, or if the notice was for fewer than 7 days the claimant had agreed to that).¹

1 [UC Regs 2013, Reg 44](#)

ANNOTATIONS

The number of this Memo (04/26) should be noted at paragraphs:

Para 3-5: [F5003](#), Para 6-14: New G4