

06-26: The 'Right to Try' Regulations

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INTRODUCTION

1. This Memo provides guidance on The Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026¹.

[1 UC, PIP and ESA \(Amndt\) Regs 2026](#)

2. These regulations make changes to the Secretary of State's (SoS) powers to conduct a fresh determination under the Work Capability Assessment (WCA) where a previous determination found a claimant to have Limited Capability for Work (LCW) or Limited Capability for Work-Related Activity (LCWRA) in respect of UC and ESA. They also amend similar provisions granting the power to determine afresh if a claimant continues to have limited ability or severely limited ability to carry out either or both daily living activities or mobility activities in respect of PIP. The regulations come into force on **30/04/26**.

3. The purpose of this legislation is to ensure paid and voluntary work will not, in and of itself, trigger a PIP award review or a WCA reassessment for ESA and UC health claimants. The amendments do not prevent reassessment if there is a relevant change in circumstances or in cases where fraud is suspected. The regulations seek to enshrine in the law the existing policy approach for UC, ESA and PIP.

ESA

4. Regulations make provision for reassessment under the WCA where the DM wishes to determine if there has been a relevant change in a claimant's physical or mental condition¹.

[1 ESA Regs 2013, Reg 15\(7\) & \(8\)\(a\), Reg 30\(4\) & 5\(a\)](#)

5. From 30/04/26, the discretion to reassess on the basis of a relevant change to a claimant's physical or mental condition is amended to exclude doing work for payment or in expectation of payment, or doing voluntary work, as a relevant change of circumstances.¹

[1 ESA Regs 2013, Reg 15\(9\) & 30\(5A\)](#)

6. This change makes no alteration to the SoS's powers to reassess where a doubt has arisen to the validity of the previous determination and neither does it remove the discretion to determine the WCA afresh without reasons providing a minimum of 3 months has passed.¹ The exempt work provisions, including permitted work are also not varied by this amendment.²

1 [ESA Regs 2013, Reg 15\(8\)\(b-c\), Reg 30\(5\)\(b-c\)](#) 2 [Reg 39](#)

7. The amendment establishes doing paid or voluntary work is not in of itself a relevant change of circumstances. However, it does not preclude a DM considering that the nature of the work undertaken may indicate that a change in functional ability has occurred and determining that a further WCA should be carried out in order to consider whether the claimant continues to have LCW or LCWRA.

Example

Trevor is entitled to ESA with the Support Component on the basis he is always unable to engage in social contact with others. Trevor commences permitted work of 12 hours per week as a Taxi Driver. The DM considers that the nature of this work may provide doubt as to whether Trevor continues to have LCWRA and determines that a further WCA should take place.

Example

Chloe is entitled to ESA and a member of the Work-Related Activity Group as at least once a month she suffers from a loss of control of bladder function sufficient to require cleaning and a change of clothing. Chole commences permitted work of 14 hours a week working remotely from home as an administrative assistant. Chole explains that as she is working from home, she has constant access to toilet and changing facilities and reasonable adjustments have been made by her employer to enable her to take breaks to address this need wherever necessary. The DM decides that a further WCA is not required.

UC

8. Regulations make provision for reassessment under the WCA where the DM wishes to determine if there has been a relevant change in a claimant's physical or mental condition.¹

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

9. From 30/04/26, the discretion to reassess on the basis of a relevant change to a claimant's physical or mental condition is amended to exclude doing work for payment or in expectation of payment, or doing voluntary work, as a relevant change of circumstances.¹

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

10. This provision does not prevent a claimant from being called for a reassessment for any other reason whilst they are working. The restriction is on using the fact of working as the sole reason.

11. When notified that a claimant is working DMs should continue to consider whether the nature of the work undertaken might indicate that a change in functional ability has occurred. Where this is the case, a determination can be made that a further WCA should be carried out in order to consider whether the claimant continues to have LCW or LCWRA. If already included, the LCWRA element continues to be included in the UC amount unless and until it is determined that the claimant does not have LCWRA.

Example

Peter is entitled to UC with the LCWRA element on the basis that he is unable to mobilise a distance exceeding 50m. Peter commences work for 35 hours per week as a labourer. The DM considers that the nature of this work may provide doubt as to whether Peter continues to have LCWRA and determines that a further WCA should take place.

12. DMs should continue to follow the guidance at ADM [G1036](#) where the claimant's work does not give rise to a doubt as to whether they still have LCW or LCWRA.

Example

Nigel is entitled to UC including the LCWRA element. He has LCWRA because he was born without hands and cannot press the buttons on a keypad or turn the pages of a book. Nigel starts office work, earning 16 x the NMW every week. The DM establishes that the job is in the family business where Nigel uses voice-activated equipment. The DM decides that a further WCA is not required, and Nigel's UC award continues to include the LCWRA element.

PIP

13. Where a claimant has been determined to have a limited or severely limited ability to carry out activities, the DM may re-determine whether a claimant still has limited or severely limited ability to carry out the required activities for the purposes of reviewing their award at any time and for any reason.¹

1 [SS \(PIP\) Regs. Reg 11\(1\)](#)

14. From 30/04/26, regulations are amended that doing work for payment or in expectation of payment, or doing voluntary work, will not be a reason for that purpose.¹

1 [SS \(PIP\) Regs. Reg 11\(2\)](#)

15. A claimant to PIP is not obliged to report commencing work but remains obliged to report any changes they might reasonably be expected to know might affect:

15.1 their continued entitlement to PIP

15.2 the amount of benefit awarded; or

15.3 the payment of benefit

as soon as possible after the change occurs.¹

1 [UC, PIP, JSA & ESA \(C&P\) Regs. Reg 38\(4\)](#)

16. The regulations as amended establish in law that undertaking work and/or volunteering alone are not grounds for the Secretary of State to instigate a PIP reassessment but do not preclude a DM from reassessing entitlement for other reasons (for example, a change in condition, improvement in functional ability or suspected fraud) which could be indicated, for example, by undertaking work of a particular nature.

Example

Mark was awarded the standard rate mobility component of PIP due to their mental health and anxiety leading to the satisfaction of mobility descriptor 1d Cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid. Mark reports they have started work in a job that involves frequent business travel. The DM decides an award review will be instigated by this information

Example

Sarah was awarded the standard rate daily living component of PIP due to a back injury meaning they required aids to complete a number of activities. Sarah reports that she has taken up work in a call centre, which requires only the use of a computer. The DM finds that nothing in the nature of that work, or the travel to that work, leads them to believe there has been an improvement in the claimant's abilities, nor that the previous assessment was mistaken in some manner. The DM decides an award review will not be instigated by this information.

ANNOTATIONS

The number of this Memo (06/26) should be noted at paragraphs:

[G1035-1036](#), [P2066-2067](#), [U2290-2291](#)

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, Existing arrangements for such referrals should be followed, as set out in Memo ADM [07/19](#) - Requesting case guidance from DMA Leeds for all benefits.

DMA LEEDS: April 2026