



Care  
Adviser  
Network

## **EXEMPTIONS (Treated as having limited capability for work)**

A claimant is treated as having limited capability for work if he/she is:

- Terminally ill – life expectancy is less than six months;
- Receiving chemotherapy or radiotherapy treatment for cancer, recovering from such treatment or are likely to receive such treatment within six months from the date the DWP determines whether or not you pass the work capability assessment
- Given official notice not to work because of being in contact with an infectious disease
- An inpatient in hospital where you have been medically advised to stay for at least 24 hours, or are recovering from treatment as an inpatient (and the DWP is satisfied that your condition remains sufficiently serious), including if you are attending a residential programme of rehabilitation for drug or alcohol addiction
- Receiving plasmapheresis, regular weekly treatment for haemodialysis for chronic renal failure, or regular weekly treatment for total parenteral nutrition for gross impairment of enteric function, or are recovering from such treatment Pregnant and there is a serious risk to your health or your baby's health if you do not refrain from work.
- Entitled to the support component on the basis that you meet one of the eating and drinking descriptors in the test for limited capability for work-related activity
- Entitled to statutory sick pay for the purpose of the 196-day qualifying period for ESA in youth
- Pregnant or have recently given birth, not entitled to maternity allowance (MA) or statutory maternity pay,

**Income-related ESA only**, you are in education, you are not a 'qualifying young person' and you are eligible for income-related ESA because you receive DLA, PIP or armed forces independent payment;

**Contributory ESA only**, you come under the UC system and have already been assessed as having limited capability for work for UC.