

[^{F1}SCHEDULE 3

Regulation 34(1)

ASSESSMENT OF WHETHER A CLAIMANT HAS LIMITED CAPABILITY FOR WORK-RELATED ACTIVITY

Textual Amendments

F1 Sch. 3 substituted (with application in accordance with reg. 2 of the amending S.I.) by [The Employment and Support Allowance \(Limited Capability for Work and Limited Capability for Work-Related Activity\) \(Amendment\) Regulations 2011 \(S.I. 2011/228\)](#), regs. 1(1), 4(2), **Sch. 2**

| <i>Activity</i> | <i>Descriptors</i> |
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| 1. [^{F2} Mobilising unaided by another person with or without a walking stick, manual wheelchair or other aid if such aid is normally, or could reasonably be, worn or used.] | Cannot either: (a) mobilise more than 50 metres on level ground without stopping in order to avoid significant discomfort or exhaustion; or (b) repeatedly mobilise 50 metres within a reasonable timescale because of significant discomfort or exhaustion. |
| 2. Transferring from one seated position to another. | Cannot move between one seated position and another seated position located next to one another without receiving physical assistance from another person. |
| 3. Reaching. | Cannot raise either arm as if to put something in the top pocket of a coat or jacket. |
| 4. Picking up and moving or transferring by the use of the upper body and arms (excluding standing, sitting, bending or kneeling and all other activities specified in this Schedule). | Cannot pick up and move a 0.5 litre carton full of liquid. |
| 5. Manual dexterity. | [^{F3} Cannot press a button (such as a telephone keypad) with either hand or cannot turn the pages of a book with either hand.] |
| 6. [^{F4} Making self understood through speaking, writing, typing, or other means which are normally, or could reasonably be, used, unaided by another person.] | Cannot convey a simple message, such as the presence of a hazard. |
| 7. [^{F5} Understanding communication by: (i) verbal means (such as hearing or lip reading) alone, (ii) non-verbal means (such as reading 16 point print or Braille) alone, or (iii) a combination of (i) and (ii), using any aid that is normally, or could reasonably be, used, unaided by another person.] | Cannot understand a simple message[^{F6} , such as the location of a fire escape,] due to sensory impairment ^{F7} |

Status: Point in time view as at 04/04/2022.

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, SCHEDULE 3. (See end of Document for details)

| <i>Activity</i> | <i>Descriptors</i> |
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| 8. [^{F8} Absence or loss of control whilst conscious leading to extensive evacuation of the bowel and/or voiding of the bladder, other than enuresis (bed-wetting), despite the wearing or use of any aids or adaptations which are normally, or could reasonably be, worn or used.] | At least once a week experiences: (a) loss of control leading to extensive evacuation of the bowel and/or voiding of the bladder; or (b) substantial leakage of the contents of a collecting device sufficient to require the individual to clean themselves and change clothing. |
| 9. Learning tasks. | Cannot learn how to complete a simple task, such as setting an alarm clock, due to cognitive impairment or mental disorder. |
| 10. Awareness of hazard. | Reduced awareness of everyday hazards, due to cognitive impairment or mental disorder, leads to a significant risk of: (a) injury to self or others; or (b) damage to property or possessions such that [^{F9} the claimant requires] supervision for the majority of the time to maintain safety. |
| 11. Initiating and completing personal action (which means planning, organisation, problem solving, prioritising or switching tasks). | Cannot, due to impaired mental function, reliably initiate or complete at least 2 sequential personal actions. |
| 12. Coping with change. | Cannot cope with any change, due to cognitive impairment or mental disorder, to the extent that day to day life cannot be managed. |
| 13. Coping with social engagement, due to cognitive impairment or mental disorder. | Engagement in social contact is always precluded due to difficulty relating to others or significant distress experienced by the [^{F10} claimant]. |
| 14. Appropriateness of behaviour with other people, due to cognitive impairment or mental disorder. | Has, on a daily basis, uncontrollable episodes of aggressive or disinhibited behaviour that would be unreasonable in any workplace. |
| 15. Conveying food or drink to the mouth. | (a) Cannot convey food or drink to the claimant's own mouth without receiving physical assistance from someone else; (b) Cannot convey food or drink to the claimant's own mouth without repeatedly [^{F11} stopping or] experiencing breathlessness or severe discomfort; (c) Cannot convey food or drink to the claimant's own mouth without receiving regular prompting given by someone else in the claimant's physical presence; or (d) Owing to a severe disorder of mood or behaviour, fails to convey food or drink to the claimant's own mouth without receiving: (i) physical assistance from someone else; or |

| <i>Activity</i> | <i>Descriptors</i> |
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| | (ii) regular prompting given by someone else in the claimant's presence. |
| 16. Chewing or swallowing food or drink. | (a) Cannot chew or swallow food or drink; (b) Cannot chew or swallow food or drink without repeatedly stopping, experiencing breathlessness or severe discomfort; (c) Cannot chew or swallow food or drink without repeatedly receiving regular prompting given by someone else in the claimant's presence; or (d) Owing to a severe disorder of mood or behaviour, fails to: <ul style="list-style-type: none"> (i) chew or swallow food or drink; or (ii) chew or swallow food or drink without regular prompting given by someone else in the claimant's presence.] |

Textual Amendments

- F2** Words in Sch. 3 substituted (28.1.2013) by [The Employment and Support Allowance \(Amendment\) Regulations 2012 \(S.I. 2012/3096\)](#), regs. 1(1), **6(a)** (with reg. 2)
- F3** Sch. 3 para. 5 substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(a)**
- F4** Words in Sch. 3 substituted (28.1.2013) by [The Employment and Support Allowance \(Amendment\) Regulations 2012 \(S.I. 2012/3096\)](#), regs. 1(1), **6(b)** (with reg. 2)
- F5** Words in Sch. 3 substituted (28.1.2013) by [The Employment and Support Allowance \(Amendment\) Regulations 2012 \(S.I. 2012/3096\)](#), regs. 1(1), **6(c)** (with reg. 2)
- F6** Words in Sch. 3 para. 7 inserted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(b)(i)**
- F7** Words in Sch. 3 para. 7 omitted (29.10.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(b)(ii)**
- F8** Words in Sch. 3 substituted (28.1.2013) by [The Employment and Support Allowance \(Amendment\) Regulations 2012 \(S.I. 2012/3096\)](#), regs. 1(1), **6(d)** (with reg. 2)
- F9** Words in Sch. 3 para. 10 substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(c)**
- F10** Word in Sch. 3 para. 13 substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(d)**
- F11** Words in Sch. 3 para. 15 substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **13(34)(e)**

Status:

Point in time view as at 04/04/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, SCHEDULE 3.