



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 1

#### EMPLOYMENT AND SUPPORT ALLOWANCE

##### *Conditionality*

#### **11 Work-focused health-related assessments**

- (1) Regulations may make provision for or in connection with imposing on a person who is—
- (a) entitled to an employment and support allowance, and
  - (b) not a member of the support group,
- a requirement to take part in one or more work-focused health-related assessments as a condition of continuing to be entitled to the full amount payable to him in respect of the allowance apart from the regulations.
- (2) Regulations under this section may, in particular, make provision—
- (a) prescribing circumstances in which such a person is subject to a requirement to take part in one or more work-focused health-related assessments;
  - (b) for notifying such a person of any such requirement;
  - (c) prescribing the work-focused health-related assessments in which a person who is subject to such a requirement is required to take part;
  - (d) for the determination, and notification, of the time and place of any such assessment;
  - (e) prescribing circumstances in which a person attending such an assessment is to be regarded as having, or not having, taken part in it;
  - (f) for securing that the appropriate consequence follows if a person who is required under the regulations to take part in a work-focused health-related assessment—
    - (i) fails to take part in the assessment, and

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*Status: Point in time view as at 27/10/2008. This version of this provision has been superseded.*

*Changes to legislation: Welfare Reform Act 2007, Section 11 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (ii) does not, within a prescribed period, show that he had good cause for that failure;
  - (g) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with the regulations;
  - (h) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.
- (3) For the purposes of subsection (2)(f), the appropriate consequence of a failure falling within that provision is that the amount payable to the person in question in respect of an employment and support allowance is reduced in accordance with regulations.
- (4) Regulations under subsection (3) may, in particular, make provision for determining—
- (a) the amount by which an allowance is to be reduced,
  - (b) when the reduction is to start, and
  - (c) how long it is to continue,
- and may include provision prescribing circumstances in which the amount of the reduction is to be nil.
- (5) Regulations under this section shall include provision for a requirement to take part in one or more work-focused health-related assessments to cease to have effect if the person subject to the requirement becomes a member of the support group.
- (6) Regulations under this section may include provision—
- (a) that in such circumstances as the regulations may prescribe a requirement to take part in a work-focused health-related assessment that would otherwise apply to a person by virtue of such regulations is not to apply, or is to be treated as not having applied;
  - (b) that in such circumstances as the regulations may prescribe such a requirement is not to apply until a prescribed time;
  - (c) that in such circumstances as the regulations may prescribe the time and place of a work-focused health-related assessment in which a person is required by regulations under this section to take part may be redetermined.
- (7) In this section, “work-focused health-related assessment” means an assessment by a health care professional approved by the Secretary of State which is carried out for the purpose of assessing—
- (a) the extent to which a person still has capability for work,
  - (b) the extent to which his capability for work may be improved by the taking of steps in relation to his physical or mental condition, and
  - (c) such other matters relating to his physical or mental condition and the likelihood of his obtaining or remaining in work or being able to do so, as may be prescribed.
- (8) In subsection (7), “health care professional” means—
- (a) a registered medical practitioner,
  - (b) a registered nurse,
  - (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999 (c. 8), or

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- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) as may be prescribed.

**Modifications etc. (not altering text)**

- C1** Pt. 1 modified by 1995 c. 18, Sch. 1 para. 2(2) (as inserted (27.10.2008) by [Welfare Reform Act 2007](#) (c. 5), s. 70(2), **Sch. 3 para. 12(6)**; S.I. 2008/787, art. 2(4)(f))
- C2** S. 11(1) modified (27.10.2008) by [Employment and Support Allowance Regulations 2008](#) (S.I. 2008/794), regs. 1(a), **66(2)**

**Commencement Information**

- I1** S. 11(1)(2)(a)-(g)(3)-(5)(6)(a)(7)(c) in force at 18.3.2008 for specified purposes by S.I. 2008/787, **art. 2(1)**
- I2** S. 11(1)(2)(a)-(g)(3)-(5)(6)(a)(7)(c) in force at 27.10.2008 in so far as not already in force by S.I. 2008/787, **art. 2(4)(a)**
- I3** S. 11(2)(h)(6)(b)(c)(7)(a)(b)(8) in force at 27.10.2008 by S.I. 2008/787, **art. 2(4)(a)**

**Status:**

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