Public Petitions Committee
Thursday 24 September 2026
3rd Meeting, 2026 (Session 7)

PE2222: Neutralise the Impact of Limited Capability for Work and Work-Related Activity (LCWRA) Cuts in Scotland

Introduction

Petitioner	Sviatoslav Rozenko
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to use its powers under the Social Security (Scotland) Act 2018 to introduce an automatic Scottish top-up payment that fully mitigates the UK Government's reduction of the Universal Credit LCWRA element for new claimants in Scotland from 6 April 2026.
Website	https://petitions.parliament.scot/petitions/PE2222

1. This is a new petition that was published on 24 June 2026.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. Every petition collects signatures while it remains under consideration. At the time of writing, 1,043 signatures have been received on this petition.

4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2026

Annexe A: Summary of petition

PE2222: Neutralise the Impact of Limited Capability for Work and Work-Related Activity (LCWRA) Cuts in Scotland

Petitioner:

Sviatoslav Rozenko

Date published:

24 June 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to use its powers under the Social Security (Scotland) Act 2018 to introduce an automatic Scottish top-up payment that fully mitigates the UK Government's reduction of the Universal Credit LCWRA element for new claimants in Scotland from 6 April 2026.

Background information:

From 6 April 2026, the UK Government's published LCWRA rates are £429.80 per month for protected claimants and £217.26 per month for most new claimants, a difference of £212.54 per month or £2,550.48 per year.

This creates a two-tier system in which disabled people who are newly assessed after 6 April 2026 receive substantially less support than those already protected. That reduction increases the risk of poverty, worsening health, housing insecurity, and social exclusion.

The Scottish Parliament already has powers to create new benefits in devolved areas and to top up reserved benefits, and Scotland already fully funds mitigation of the bedroom tax through Discretionary Housing Payments, with a published budget of £90.5 million in 2024/25.

This petition calls for an automatic, non-means-tested Scottish top-up payment that covers 100% of the £212.54 monthly gap for all new LCWRA awards in Scotland from 6 April 2026, without application or reassessment.

Annexe B: SPICe Briefing

SPICe Scottish Parliament Information Centre
Ionad Fiosrachaidh Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2222: Neutralise the Impact of Limited Capability for Work and Work Related Activity (LCWRA) Cuts in Scotland, lodged by Sviatoslav Rozenko

Brief overview of issues raised by the petition

The Limited Capability for Work and Work-Related Activity (LCWRA) element is an additional payment in Universal Credit for those who have completed the Work Capability Assessment and been assessed as having limited capability for work and work-related activity. It is also referred to as the Universal Credit 'health element'.

What was the cut to LCWRA?

Changes were introduced to LCWRA by the Universal Credit Act 2025. Since April 2026, new claimants have been receiving a lower rate of LCWRA which is to be frozen at 2026-27 rates until 2029-30. This change doesn't apply to those who claimed before April 2026, or to new claimants with severe, life-long conditions. The rates in 2026-27 are:

- £429.80 per month for those claiming before April 2026, or new claimants who are terminally ill or have a severe life-long condition.
- £217.26 per month for those claiming on or after April 2026, frozen until 2029-30.

These rates are paid in addition to the standard Universal Credit standard allowance for the household and any additions for children, housing costs, disabled child element and carer element.

At the same time, the Universal Credit Standard Allowance was increased for all claimants.

How many people are affected?

An impact assessment in July 2025 estimated that, by 2029-30 there would be 840,000 people across the UK affected by the cut, having become UC 'health' claimants since April 2026. As 10% of the LCWRA caseload are in Scotland (StatXplore, data for March 2026), this suggests that by 2029-30 there would be around 84,000 people in Scotland receiving the lower rate.

How much would mitigation cost?

In 2026-27 the difference between the two rates is: £212.54 per month. That difference will increase in subsequent years as the higher rate is uprated for inflation and the lower rate is not.

The Scottish Fiscal Commission's January 2026 forecasts estimated that devolved benefits will increase by around 7% between 2026-27 and 2029-30 due to inflation uprating.

Applying this to the higher LCWRA rate would increase it to around £460 per month in 2029-30, taking the difference between this and the frozen rate to £242.74 per month or £2,913 per year.

Paying an additional £2,913 to 84,000 people would cost around £245 million in 2029-30. This cost would continue to increase annually as more people are post-April 2026 claimants, and if uprating is not restored.

Policy Justification

At third reading in the House of Lords, Baroness Sherlock explained the policy of reducing the LCWRA rate as 're-balancing' Universal Credit, saying:

> "Someone labelled as "can work" is expected and supported to find a job, and given £92 a week to live on in the meantime—less if they are aged under 25. Someone classed as "can't work" is given more than twice as much money but little or no help to take any steps towards work." Lords Hansard, 22 July 2025.

Response to reforms

These changes were part of the Bill that initially also proposed cuts to Personal Independence Payment. These were strongly opposed and dropped from the Bill. The cut to LCWRA remained – albeit with uprating reinstated for existing claimants.

Disability charities opposed the changes. For example, Disability Rights UK said:

> "it will further push Disabled people on the health-element of Universal Credit into poverty."

Citizens Advice has commented that cutting the rate for new claimants creates a two-tiered system for disabled people, saying:

> "In reality, this bill will plunge more disabled people into poverty, or deeper poverty. The uplift to the UC standard allowance isn't large enough to offset cuts for disabled people and isn't the right way to encourage disabled people into work. And despite assurances to the contrary, as it stands, the bill is likely to leave many seriously disabled people without protection or support."

Creating a 'two-tier' system/ transitional protection

It is very common for welfare changes to only be applied to new claimants. This is known as 'transitional protection' and can result in very long transition periods until the new policy applies to the whole caseload. For example, there used to be a payment for those assessed as having Limited Capability for Work (LCW) operating alongside a payment for those assessed as having Limited Capability for Work and Work Related Activity (LCWRA). The LCW rate was abolished for new claimants from April 2017.

Scottish Government mitigation of other UK Government policies

The Scottish Government currently uses Discretionary Housing Payments to mitigate the bedroom tax and benefit cap. A recent PQ noted £115 million spend this year on DHPs.

The Scottish Government had planned to mitigate the two-child limit in Universal Credit until that was rendered unnecessary by its abolition in April 2026. The Scottish Fiscal Commission forecast that the mitigation would have cost £209 million by 2030-31.

Automatic Payment

The petitioner proposes that the top-up payment should be automatic, with no need for an application.

This was rejected as impractical for the Scottish Child Payment (which is a top-up to Universal Credit) but has been implemented for other Social Security Scotland benefits: Best Start Grant early learning and child payments are paid automatically if SCP is in payment for a child of the relevant age.

Legal Powers

The Scottish Parliament has the power to top-up reserved benefits, except for housing, under section 24, Scotland Act 2016 and a power to create new benefits in devolved areas (except pensions) under section 28 Scotland Act 2016. The top-up power was used to create the Scottish Child Payment through regulations made under section 79 Social Security (Scotland) Act 2018.

Key Organisations and relevant links

- Citizens Advice Scotland
- Child Poverty Action Group
- Glasgow Disability Alliance
- Publications and Debates on Universal Credit Act 2025 – including briefings and impact assessments on the UC ‘rebalancing’.

Camilla Kidner
Senior Researcher
15 July 2026

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C: Written Submissions

PE2222/A: Neutralise the Impact of Limited Capability for Work and Work-Related Activity (LCWRA) Cuts in Scotland

Scottish Government written submission, 31 July 2026

1. Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why

While the petition's proposals are legally possible, as the Scottish Government's 'top-up' powers could be used to provide an additional payment to Universal Credit recipients, they are not considered practical or readily affordable.

The cost implications of developing and administering a new payment would be significant, with implementation likely to take several years. In addition, the DWP has published plans to abolish the Work Capability Assessment (WCA) and the LCWRA element by 2029-30.

The DWP has indicated that, while the Personal Independence Payment (PIP) assessment may become the qualifying assessment for the Universal Credit Health Element / LCWRA from around 2029-30, a final decision has not yet been made and will not be taken until the conclusion of the Timms Review.

If this were to be the case, the DWP has yet to confirm whether the Adult Disability Payment (ADP) assessment would be treated in the same way as PIP for this purpose.

2. What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government has committed around £1.5bn mitigating the impacts of 15 years of UK Government social security policy such as the bedroom tax and benefit cap.

With the DWP plans to use disability benefits as a qualifier for the Universal Credit Health Element, it should also be noted that the Scottish Government has already made a deliberate choice through successive Budgets to prioritise support to disabled people, ensuring that more disabled people get the support they are entitled to. The Scottish Fiscal Commission's January 2026 forecast estimates that 2026-27 spending on Adult Disability Payment will exceed the Block Grant Adjustment funding received from the UK Government by around £200 million, representing a significant investment in this group.

3. Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

While the Scottish Government is opposed to the changes made to the Universal Credit LCWRA, we cannot mitigate every negative reform introduced by the UK Government.

Nevertheless, the Scottish Government remains committed to ensuring that its policies are founded on dignity, fairness and respect. This commitment is reflected in Adult Disability Payment, which was designed in partnership with disabled people to create a system that is fairer, more accessible and easier to navigate. We have introduced indefinite awards for people with severe disabilities whose needs are highly unlikely to change, fast-tracked applications for people with terminal illnesses, engaged directly with healthcare professionals to reduce barriers to access, and chosen not to use private sector providers to carry out consultations.

Supporting Access and Reserved Benefits Unit
Social Security Policy Directorate

PE2222/B: Neutralise the Impact of Limited Capability for Work and Work-Related Activity (LCWRA) Cuts in Scotland

Petitioner written submission, 21 August 2026

Written submission to the Public Petitions Committee: Official rebuttal to the Scottish Government's response on petition PE2222

1. Legal Feasibility Confirmed: A Question of Political Will, Not Power

The Scottish Government's official response (PE2222/A) begins with an explicit admission:

> "While the petition's proposals are legally possible, as the Scottish Government's 'top-up' powers could be used to provide an additional payment to Universal Credit recipients, they are not considered practical or readily affordable."

This admission dismantles any attempt to frame this issue as a constitutional barrier. The Scottish Parliament Information Centre (SPICe) briefing confirms that under Section 24 of the Scotland Act 2016 and Section 79 of the Social Security (Scotland) Act 2018, Ministers possess full statutory competence to top up reserved benefits—the precise power used to establish the Scottish Child Payment.

The Scottish Government has the legal mechanics. It has the administrative precedent. Its refusal to act is purely a political decision to allow a £2,550 annual income cut to fall directly on newly disabled people.

2. The 2026–2029 Protection Gap: Speculative Reforms Do Not Pay Bills

The Government justifies its refusal by pointing to hypothetical DWP plans to abolish the Work Capability Assessment (WCA) by 2029–30. This argument is an unacceptable evasion of immediate statutory duties:

- **A Speculative "Paper Dream":** The Government admits in its own response that the Timms Review is ongoing, no final decisions have been made, and it remains completely unconfirmed whether Scotland's Adult Disability Payment (ADP) would be accepted as a PIP equivalent by DWP. Constructing policy around unconfirmed UK proposals four years away is a failure of governance.

- **The Administrative Disconnect:** PIP does not exist in Scotland. The DWP has no jurisdiction over ADP assessments, making any DWP attempt to enforce PIP-based qualification criteria in Scotland administratively complex and politically unenforceable.

- **The Immediate Reality:** The LCWRA cut takes effect on **6 April 2026**, stripping £212.54 per month (£2,550.48 per year) from new claimants. SPICe estimates that by 2029–30, this gap will widen to £242.74 per month, leaving approximately 84,000 disabled people in Scotland stranded on reduced rates.

Pointing to potential reforms in 2029 is not an answer to how newly disabled people are expected to survive between 2026 and 2029.

3. The £200 Million ADP Diversion: Answer the Petition You Were Actually Asked About

The Scottish Government’s reference to its spending on Adult Disability Payment is completely irrelevant to the specific demands of PE2222.

ADP and the Universal Credit LCWRA Health Element are separate, non-interchangeable components of the benefit system. Spending more on ADP does not reimburse a newly assessed disabled person for the £212.54 per month stripped from their LCWRA entitlement.

This is not mitigation; it is bureaucratic sleight of hand. The Scottish Government was asked how it intends to replace £212.54 a month lost through LCWRA, and responds by pointing to money spent on an entirely different benefit. By that logic, a mechanic could strip the engine out of your family car, point to a set of gold alloy wheels he just fitted onto another customer’s sports car, and proudly declare that his overall investment in motoring remains exceptionally strong

A disabled person cannot pay their rent, electricity bill, or food bill with a press release celebrating overspend on a separate benefit. To claim that spending on ADP justifies ignoring a £2,550 annual cut to LCWRA is pure deflection.

4. The "Affordability" Fallacy: Reserves and Precedents

Claims that mitigation is "not readily affordable" do not withstand financial scrutiny:

- **Fiscal Reserves:** Provisional accounts for 2025–26 show a £358 million underspend carried forward into the Scotland Reserve, with annual drawdown limits permanently removed since 2023–24.

- **The £568 Million Precedent:** In February 2023, the Scottish Government identified £568 million for the NHS Agenda for Change pay deal, openly stating that Ministers took difficult decisions because NHS staff were treated as a priority.

When a policy is deemed a political priority, hundreds of millions are mobilised immediately. When newly disabled people face an immediate 50% cut to their health element, the Government hides behind claims of "affordability" and "implementation timescales."

5. Double Standards in Policy Mitigation

The Scottish Government routinely boasts of spending £1.5 billion to mitigate UK welfare policies, including full mitigation of the Bedroom Tax (£90.5m budget). Yet it offers zero policy justification for why victimising tenants through the Bedroom Tax warrants 100% mitigation, while stripping £212.54 a month from newly ill and disabled people is allowed to stand.

Creating a two-tier system where two disabled people with identical medical conditions receive drastically different support solely based on whether they applied before or after 6 April 2026 directly violates the Scottish Government's statutory commitment to "dignity, fairness, and respect."

Actions Required from the Public Petitions Committee

The Public Petitions Committee must not allow the Scottish Government to close this petition behind a wall of bureaucratic evasions. The Committee is urged to take the following two decisive steps:

1. **Keep Petition PE2222 Open Until 100% Implementation:** Refuse to close or dispose of the petition, keeping it under active parliamentary consideration until the Scottish Government fully implements the petition's demands and completely neutralises 100% of the LCWRA cut for disabled people in Scotland.

2. **Summon the Cabinet Secretary to Give Evidence:** Call the Cabinet Secretary for Social Justice to appear in person before the Public Petitions Committee for formal questioning. Let the Government publicly and directly explain to disabled people in Scotland why it claims to be incapable of delivering justice in this case, and why its commitment to "dignity, fairness, and respect" stops short when protecting them from a £2,550 annual cut.