

**Permitted work – a basic overview**

This factsheet is a basic introduction to work for people who are sick or disabled.

**Permitted work**

If you are getting employment and support allowance (ESA) , incapacity benefit (IB), severe disablement allowance (SDA), national insurance credits or income support (IS) because of incapacity for work you are allowed to do some permitted work.

Permitted work can include paid employment or self-employment.

You do not need the permission of a doctor to do permitted work but you should tell the Department for Work and Pensions (DWP) if you are working. Call the Job Centre Plus on 0345 604 3719 or DWP on 084357 123456 and request a form called **PW1** to complete and send this back to them

Permitted work for those on income support

If you are on incapacity benefit or severe disablement allowance and you are also on income support you can do permitted work but any earnings over £20 will be deducted from your income support.

Permitted work and universal credit

There is no permitted work under universal credit. Instead you will be encouraged to do some work, even if only for a few hours a week, if you can manage it. There is no time limit to how many weeks you work. However there are special rules which may affect how much you are paid.

Permitted work for those on ESA, incapacity benefit or severe disablement allowance

You have a choice of permitted work options depending on your circumstances:

* Permitted Work Lower Limit - under this option you can earn up to £20 a week for an unlimited period.
* Permitted Work Higher Limit - under this option you can earn up to £101.00 after tax and national insurance deductions if the work is for less than 16 hours a week. The Permitted Work Higher Limit is based on the current adult national minimum wage for a job of 16 hours a week, rounded up to the nearest 50p above. The national minimum wage normally goes up every year on 1 October and the Permitted Work Higher Limit goes up in line with it. You can work for up to 16 hours a week and earn up to £101.00 after deductions:

1. for a 52 week period. Once a period starts even weeks when you do no work count towards the 52 week limit. After you have done 52 weeks work there must be a gap of at least 52 weeks before you can earn the Higher Limit again, whereupon another 52 weeks work is permitted.
2. for an unlimited period if you are on ESA and you have limited capability for work-related activity (that is, you are in the support group).
3. for an unlimited period if you are exempt from the IB/IS personal capability assessment. (If you receive income support, your earnings over £20 a week will count as income).

Some permitted work has no restriction on the hours you work and can also be for an unlimited period. However you cannot earn more than £101.00 a week after tax and national insurance deductions. These are:

* supported permitted work - This is defined as work where you are supervised by someone who is employed by a public or local authority, a community interest organisation or voluntary organisation which provides or finds work for people with disabilities.
* work which is part of a treatment programme under medical supervision whilst you are an in-patient or regularly attending as an out-patient of a hospital or similar institution.

**Supported permitted work**

Guidance suggests that supported permitted work is work done by people who have a long term disability that has had "a significant impact on their ability to learn or sustain a traditional job which will always, or for a number of years, prevent them from working more than a few hours each week".

It should also be work that a person can do only with the support and supervision of someone other than their employer and be supervised by someone employed by a public or local authority or voluntary organisation which provides or finds work for people with disabilities.

The support worker must direct and oversee the performance of the worker regularly and the supervision must be more than the normal support provided in the workplace by employers.

Note: If you are on employment and support allowance, incapacity benefit or severe disablement allowance and are on housing benefit or council tax benefit you are allowed to keep all your permitted work earnings. These earnings will not affect your benefit.

**Other allowed work**

The following kinds of work are also allowed:

* care of a relative or domestic tasks carried out in your own home.
* work done as a councillor. If you receive a councillor’s allowance that pays more than £101.00 a week (excluding expenses), an amount equal to the extra money will be deducted from your contributory employment and support allowance, incapacity benefit or severe disablement allowance.
* any activity in an emergency, to protect another person, or to prevent serious damage to property or livestock.
* duties undertaken as an appeal tribunal disability member – one day a week is allowed (or two half days).
* an approved work trial arranged in writing with the employer by the DWP (or an organisation providing services to the DWP) for which you will receive no wages.
* self-employed work done whilst you are 'test trading' for up to 26 weeks with help from a self-employment provider arranged by Jobcentre Plus.
* work which is so minimal that it can be regarded as trivial or negligible.

**What about the minimum wage?**

Generally if you do permitted work you should be paid at least the minimum wage for any work you are allowed to do.

The Permitted Work Higher Limit is based on the current adult national minimum wage for a job of 16 hours a week, rounded up to the nearest 50p above. The national minimum wage normally goes up every year on 1 October and the Permitted Work Higher Limit goes up in line with it.

**Voluntary Work**

If you get employment and support allowance or income support, you are allowed to do voluntary work for anyone other than a relative.

You must not be paid for your work, other than expenses 'reasonably incurred by [you] in connection with that work'. Permitted expenses could include travel, meals, childminding, the costs of caring for a dependant, equipment needed for work and use of a telephone. There is no limit on the number of hours you can volunteer.

If you are working as a volunteer under universal credit – and under jobseeker’s allowance when you are subject to the ‘claimant commitment’ – the time you spend doing voluntary work can reduce by 50% the number of hours that Jobcentre Plus will require you to look and prepare for work. This doesn’t mean there’s a limit on how much voluntary work you can do. For example if you are volunteering for 35 hours a week and you are required to look and prepare for work for 35 hours a week, this requirement can be reduced by 50% to 17.5 hours, not the voluntary work.

**Stopping work**

If you stop claiming benefits to begin work but then stop working and reclaim you may be allowed to return to your previous benefit on the same rate or terms as before. You can return to your previous benefit on the same rate or terms as before if you reclaim employment and support allowance within 12 weeks of a previous award (as long as your previous award was not terminated because you were found not to have limited capability for work).

Note that new claims for incapacity benefit can no longer be made. Consequently the linking rules which allowed you to re-claim these benefits after a break in entitlement have been abolished. You will have to make a new claim for ESA instead.

**Where can I get more help or information?**

If you live in Edinburgh call Grapevine on 0131 475 2370 or email us at: grapevine@lothiancil.org.uk

There is a practical guide from Disability Rights UK called Doing Work Differently which explores practical solutions to real questions related to work. It is available at <https://crm.disabilityrightsuk.org/>

You can view the current minimum wage rates at [www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates)

You can find out more about volunteering at [www.gov.uk/volunteering](http://www.gov.uk/volunteering)

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**Contact details**

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