



WORK, LEARNING DISABILITY AND BENEFITS



One option for all young disabled people from the age of 16 is employment. Many people can be better off by working, keeping some benefits and claiming others for the first time.

The Benefit system can help people who want to work either full or part time, or even for just a couple of hours a week.

This leaflet outlines how your benefits are affected by work, and what new benefits you can claim. It should be read alongside the WWRAS leaflets Pb11 or Pb11ESA, which outline the benefits that can be claimed by disabled young people from 16.

Benefits and work are split into two broad themes:- working while staying on a “limited capability for work benefit”, and working full-time (16 or more hours a week).

DISABILITY LIVING ALLOWANCE (DLA)

If your care and/or mobility needs have not changed, the fact that you now want to work should not affect your entitlement to DLA.

A STAYING ON YOUR INCAPACITY BENEFIT OR EMPLOYMENT AND SUPPORT ALLOWANCE

Many disabled people claim “limited capacity for work” benefits, such as Incapacity Benefit, Severe Disablement Allowance, Income Support and Employment and Support Allowance (ESA). Working and staying on these benefits is called “Permitted Work”.

There are certain ways of doing Permitted Work:

1. You can work and earn a maximum of £20 per week, with no time limit
OR
2. If you are supported by an organisation who help people into employment (such as the Local Authority),
AND
you earn no more than the earnings limit (currently £95.00 per week),
you can work and continue to claim IB or ESA.

There is no limit on how many days you can work, but the National Minimum Wage will restrict the number of *hours* you can work whilst still keeping below the £95.00 limit. You must let the Jobcentre Plus know that you are working.

EXAMPLE

Simone claims ESA of £94.25 per week. Her key worker at the Employment Support Team helps her find a job in a market garden that pays £90.00 per week. Simone is allowed to continue to claim her ESA and keep all of her earnings.

It is possible to do Permitted Work without the support of an organisation, but the rules are stricter, e.g. a limit on how long you can work for and still keep your benefits.

If your earnings exceed the limit you lose all your “limited capability for work” benefits.

PLEASE NOTE:-

If you also claim Income Support, any earnings over £20 per week (£5 per week if not deemed ‘disabled’) will reduce your Income Support £ for £. If you earn too much you could float off Income Support. However, if you get the income-related ESA, the full £95.00 is ignored as income.

EXAMPLE

Vik (42) gets Incapacity Benefit with an Income Support top-up. He lives alone in a Housing Association flat. With the support of his key worker Vik gets a small job which brings in £55.00 per week. He keeps his Incapacity Benefit, but his new income, being the combination of his wages and the Incapacity Benefit, is enough to take him off Income Support. He also has to reapply for Housing Benefit (Rent Rebate), but he will still get some rebate as his earnings up to £95.00 are ignored for HB/CTB.

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| B WORKING FULL-TIME |
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If you want to work 16 hours a week or more, you can claim **Working Tax Credit**. Working Tax Credit tops up low wages for people already in work and is paid, amongst others, to those who are/have been on a qualifying disability or limited capability benefit, such as DLA, or Incapacity Benefit or ESA.

You can retain your DLA, but you have to give up your Incapacity Benefit and Income Support, or ESA, and any Housing Benefit you get will be reduced, so you need to get advice before you “take the plunge”.

Nevertheless, many young people with, for example learning disabilities, are better off working and claiming Working Tax Credit. This is particularly true of those who live with their families, as they won’t be claiming Housing Benefit where any extra income reduces the amount they get. If you work over 30 hours a week you can get even more Working Tax Credit.

EXAMPLE

Tom, 18, lives with his parents, and claims ESA. Through the Centre he finds a job of 24 hours a week at £120. He has to give up his ESA, but is eligible for £88.00 per week Working Tax Credit.

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|-------|----------------|
| Wages | £120.00 |
| WTC | <u>£ 88.00</u> |
| | <u>£208.00</u> |

Tom is then offered extra hours – up to 34 hours, for £170.00 per week.

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| Wages | £170.00 |
| WTC | <u>£ 83.00</u> |
| | <u>£253.00</u> |

TO CLAIM:- call 0845 300 3900 (HM Revenue and Customs) for a claim pack.

Remember that you will have to notify your local Jobcentre that you are about to start work so they can stop your Incapacity Benefit and/or Income Support or Employment and Support Allowance. If you also claim Housing Benefit you should separately notify your local district or borough Council and make a new claim.

WHAT IF THE JOB DOESN'T WORK OUT?

If you find that the job doesn't suit you, you can return to your "old" benefits if the gap is less than 8 weeks (or 12 weeks for ESA).

The eight/twelve week rule can be extended to up to 104 weeks if you are a "**welfare to work beneficiary**". This rule applies if: you have been incapable of work for at least 28 weeks and; you stop claiming benefit in order to start work and you start work/start a training course within a month of stopping claiming. You should notify the DWP as soon as possible.

EXAMPLE: Donna

Donna is on long-term Incapacity Benefit, topped up with Income Support. Her medical condition has been in remission, and she decides to go back to work. She terminates her claims and immediately informs the DWP that she is working. After 10 months of work her condition gets worse. Donna leaves work after 11 months, and reclaims benefit. Because she is Welfare to Work beneficiary, she can get straight back onto long-term Incapacity Benefit and Income Support.

C VOLUNTARY WORK

There is a third option that allows you to get a taste of the workplace.

You can do voluntary work without it affecting your benefits.

Voluntary work is where you volunteer, with the only payment being for "reasonable expenses". The work does not have to be with a charity, but it will be easier to show that you are volunteering for a non-profit organisation. It must not be for a close relative.

EXAMPLE

Dav is on Employment and Support Allowance and helps out at a charity shop's café for a couple of days each week.

Bus fares to and from the café are reimbursed, but no wages are paid. He keeps his Employment and Support Allowance.

It is possible therefore to work and either retain your allowances, or claim EXTRA benefits, as well as earn a wage.

D TRAINING

There are a number of work-related training schemes that young people with a learning disability can attend. The effect on your benefits depends on the type of scheme – get advice.

ADVICE AND ASSISTANCE

Your key worker (Social Worker etc) can contact Warwickshire Welfare Rights Advice Service (WWRAS) for advice on the advisers-only Benefit Enquiry Line.

For help with a benefit check or form filling contact your local advice agency.

NEED HELP?

For further help and advice contact your nearest advice agency

Rugby Citizens Advice Bureau
[CAB]
1st Floor, Chestnut House
North Street
Rugby, CV21 2AQ

North Warwickshire CAB
The Parish Rooms
Welcome Street
Atherstone,
CV9 1DU

Bedworth & District CAB
(Covers Nuneaton & Bedworth)
Old Market Tavern
25 Congreve Walk
Bedworth, CV12 8LX
To book an appointment in
Nuneaton call (024) 7635 1049

Warwick District CAB
10 Hamilton Terrace
Leamington Spa
CV32 4LY

Stratford-upon-Avon CAB
25 Meer Street
Stratford-upon-Avon, CV37 6QB

Switchboard number for ALL CABx: 0844 855 2322

For Disabled people.....

D.I.A.L.
(Nuneaton & Bedworth only)
New Ramsden Centre
School Walk
Attleborough
Nuneaton, CV11 4PJ
Tel: (024) 7634 9954

The Rowan Organisation
(Whole County)
Eliot Park Innovation Centre
Barling Way
Nuneaton
CV10 7RH
Tel: 0800 783 1755

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