



## **A guide to Permitted Work**

**April 2016**

The information in this factsheet is correct at the date of publication. However, the Government has announced a number of reforms that will affect welfare benefits over time.

Please get back in touch if you are reading this some months after the publication date, in case it has been updated.

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## Background

Permitted Work allows people to try out working whilst still getting their incapacity related benefit. You can do Permitted Work while you are on the following benefits (but you do need to be aware of the Permitted Work rules as outlined in this guide):

- Employment and Support Allowance (ESA) or
- Incapacity Benefit (IB) or
- Severe Disablement Allowance or
- Income Support because of incapacity for work or
- Housing Benefit with a disability premium.

You do not need to get permission from your doctor but it may be a good idea to keep your GP informed about any work that you are doing.

If you are getting **ESA, IB or Severe Disablement Allowance**, your benefits will not be affected by your earnings as long as they are below the earnings limit.

If you get **Housing Benefit** whilst claiming one of these benefits your earnings from Permitted Work will be disregarded and will not affect your housing benefit.

If you get **Council Tax Support** you will need to talk to your local authority about the effects of doing Permitted Work and whether it will affect the amount of council tax support that you get.

Earnings from Permitted Work will affect your **Income Support**. If you are getting a disability premium with your income support, you can keep £20 of your earnings before your income support is affected.

If you don't get the disability premium, you can keep the first £5 before your Income Support is affected if you are single and couples can keep £10 before their benefit is affected.

## Permitted Work rules

If you receive **Incapacity Benefit, Severe Disablement Allowance or Income Support, ESA** you can do work that meets the following criteria.

- **Lower level** Permitted Work is work of less than 16 hours per week and you can only earn up to £20 per week. You can do this work indefinitely.
- **Higher level** Permitted Work is work of less than 16 hours a week, on average, and you can earn up to £115.50 a week for a 52 week period. At the end of the 52 weeks you cannot do permitted work higher limit again until there has been a break of more than eight consecutive weeks (twelve weeks for ESA) when you are not receiving any of the benefits listed above or a full 52 weeks has passed since you last did this type of work. During this 52 weeks you are allowed to do lower limit Permitted Work. If you are in the ESA support group or are exempt from the personal capability assessment (see below) you can do higher level Permitted Work indefinitely.

You may be able to do Supported Permitted Work (see below) and earn up to £115.50 a week for as long as you are receiving Incapacity Benefit, Severe Disablement Allowance or Income Support.

Supported Permitted Work is work that is supervised by someone employed by a public or local authority or a voluntary organisation whose job it is to find work for a disabled person. It can also be carried out as part of a treatment programme under medical supervision whilst you are in hospital or when you are a regular outpatient of a hospital.

The support and supervision must come from an external organisation and not from the management structure found in the workplace. The support must be provided on an ongoing and regular basis.

It includes work in the community or in a sheltered workshop. It also includes work under medical supervision as part of a hospital treatment programme.

You may be able to do Supported Permitted Work and earn up to £115.50 a week for as long as you are receiving Incapacity Benefit, Severe Disablement Allowance or Income Support.

## **Exempt claimants**

Claimants in receipt of **Incapacity Benefit, Severe Disablement Allowance or Income Support** who are exempt from the Personal Capability Assessment (PCA) can work for an unlimited period, providing it is for less than 16 hours a week and earnings do not exceed £115.50 a week.

If you get Disability Living Allowance high rate care you are exempt.

If you are not sure whether you are exempt we would suggest that you write to the Department of Work and Pensions and ask them if you are exempt. There are very specific categories of people who are exempt from the Personal Capability Assessment. If you are exempt you should not have to fill in the IB50 form or attend medicals.

This exemption does not apply to people in receipt of ESA.

## **Permitted Work if you are migrated to ESA**

If you are migrated to ESA from Incapacity Benefit, Severe Disablement Allowance or Income Support you can continue with the Permitted Work you were doing. You will only be able to do Permitted Work at the higher level for longer than 52 weeks if you are in the support group.

## **Extra employment support**

If you need extra employment support because you are disabled and want to try some work, your local Jobcentre Plus office can put you in touch with one of their Disability Employment Advisers. If you are already involved in Jobcentre Plus interviews you may wish to discuss this with your adviser.

If you are an ESA claimant interested in Permitted Work you could discuss this with your personal adviser and check that the work you want to do is allowed under the Permitted Work rules.

## **Things to consider before starting permitted work**

You do not need to get permission from the Job center to do Permitted Work but starting work is a change of circumstance and so you need to tell them about it as soon as you start work or even before you begin.

You need to ensure that the work you are doing fits into the Permitted Work categories.

You will also need to tell your local council if you are in receipt of Housing Benefit or Council Tax Support.

It may be useful to keep a diary detailing any problems that arise in the course of the work that that you are doing, eg. if you are not always well enough to attend or if you have to work flexible hours. This may be useful you're your benefits are next assessed.

## **Current benefits and Permitted Work**

Taking part in Permitted Work should not lead to the DWP looking at your entitlement to benefit again. However, next time your entitlement to benefit is assessed they could take into account the work that you do and they could perceive that by starting work your condition has improved.

You will need to make it clear if there are limitations and problems that you experience whilst doing the Permitted Work. You may only be able to do very part time and flexible work for example. We would advise anyone considering Permitted Work to get advice from a Welfare Rights Adviser before starting work.

There is more information about Permitted Work on the Government's website: [www.gov.uk/employment-support-allowance/eligibility](http://www.gov.uk/employment-support-allowance/eligibility)

## Useful contacts

### Action for M.E.

Information and support for people with M.E. and their carers

General enquiries: 0117 927 9551 (Mon-Fri 9am-5pm)

Enquiries email: [admin@actionforme.org.uk](mailto:admin@actionforme.org.uk)

Welfare Rights Line: 0800 138 6544 (times vary)

Online M.E. Centre: [www.actionforme.org.uk](http://www.actionforme.org.uk)

### Citizens Advice Bureau

Offers advice on a range of issues and may complete a benefits check for you

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Civil Legal Advice

Help with some benefit appeals for eligible people.

[www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### Disability Information and Advice Line (DIAL)

To find your local DIAL office, contact Scope

6 Market Road, London N7 9PW

Tel: 0808 800 3333

[www.scope.org.uk/help-and-information/dial-groups](http://www.scope.org.uk/help-and-information/dial-groups)

### Disability Rights UK

Factsheets on benefits, tax credits and independent living

[www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

### Local councils

Some local councils employ welfare rights workers and may have information about other services that offer welfare rights advice in your area.

[www.gov.uk/find-your-local-council](http://www.gov.uk/find-your-local-council)



**If you have found the information in this factsheet helpful, please consider making a donation to Action for M.E. at [www.actionforme.org.uk](http://www.actionforme.org.uk) or by calling or 0117 927 9551. Thank you.**

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**Disclaimer** Welfare benefits law is complex and subject to change and the information is correct at the time of writing. We are updating this factsheet as changes occur. Whilst every care has been taken to ensure accuracy at the time of writing, this fact sheet can only be a general guide as the process will vary depending on the severity of the claimant's condition. Action for M.E. cannot accept responsibility for any loss experienced as a result of this document.