



Valuing Involvement

Making a Real Difference

**Strengthening Service User and Carer
Involvement in NIMHE and CSIP**

Payment and Reimbursement Policy Guidance

Overview

This policy guidance aims to support the NIMHE Programmes within the Care Services Improvement Partnership (CSIP) – National and Regional Development Centres, with the principles and practice of reimbursing and paying service users and carers for their involvement.

Its aim is to provide consistency of approach, nationally, and to ensure that service users and carers are treated fairly and appropriately according to their individual circumstances - enabling them to make an informed choice about the arrangements concerning their involvement.

Who is this policy guidance for?

This policy guidance is specifically for the NIMHE programmes within the CSIP - National and Regional Development Centres and their Host organisations that are involving service users and carers in service development programmes and related activities.

It should also be used as a template for the development of local payment and reimbursement policies for:

- Mental Health Trusts
- Primary Care Trusts
- Strategic Health Authorities
- Social Care Organisations
- Voluntary Sector Organisations

This guidance is also for service users and carers who are involved, or are considering their involvement in NIMHE programmes and related activities, on a voluntary or paid basis.

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Service User/Carer Involvement in CSIP/NIMHE Programmes

Payment and Reimbursement Policy Guidance

Foreword

The Making a Real Difference report from the Health and Social Care Advisory Service (HASCAS), in April 2005, identified 20 key areas that the National Institute for Mental Health in England (NIMHE) needed to address if it wished to improve the effectiveness of its service user and carer participation. One of the key areas HASCAS defined was the development of national payments policy guidance to establish some consistency in the way that service users and carers are rewarded and reimbursed for their participation.

This document has been designed to deliver that consistency, by providing a template from which CSIP/NIMHE Development Centres are able to produce policy documents tailored to their own needs. It has been compiled from many sources, however, principal among them is 'Reward and Recognition'¹ initially published by the Department of Health in January 2006 (updated August 2006). The document was the first to signal and articulate the roles, responsibilities, best practice and advice around all aspects of service user and carer involvement in health related activities.

We have built upon 'Reward and Recognition' and developed a document that includes all of the information necessary to answer user/carers participation related queries and misunderstandings for both regional development centres and service user/carers. However, effective service user and carer participation needs the co-operation and understanding of many organisations and government departments/agencies. To this end, we will be seeking endorsement from these agencies/organisations and a commitment from them to train all relevant staff.

¹ To download 'Reward & Recognition' click this link <http://xrl.us/qirr>

PART 1 - Developing policy

Section 1 - Introduction

1.1 Current government policy actively encourages the involvement of service users and carers in the development and delivery of local services. The purpose of involvement is to improve service user and carer experience of services and to make services more responsive to local needs.

1.2 Involvement of service users and carers is a central element of health and social care activity. The NHS is required to consult and involve service users and carers under Section 11 of the Health and Social Care Act 2001 (updated to Section 242 of the National Health Service Act 2006), which states:

This act places a duty on NHS trusts, Primary Care Trusts and Strategic Health Authorities - to make arrangements to involve and consult patients and the public in service planning and operation, and in the development of proposals for changes.

This is a new statutory duty, which means consulting and involving:

- not just when a major change is proposed, but in ongoing service planning
- not just in the consideration of a proposal, but in the development of that proposal; and
- in decisions about general service delivery, not just major changes.

The duty to involve and consult commenced on the 1 January 2003 and guidance was issued in February 2003 - 'Strengthening Accountability' (<http://xrl.us/u4wr>) .

1.3 This policy guidance aims to support the NIMHE Programmes within the Care Services Improvement Partnership (CSIP) – National and Regional Development Centres, with the principles and practice of reimbursing and paying service users and carers for their involvement. Its aim is to provide consistency of approach, nationally, and to ensure that service users and carers are treated fairly and appropriately according to their individual circumstances - enabling them to make an informed choice about the arrangements concerning their involvement.

1.4 This guide sets out:

1.4.1 The best practice for payment and reimbursement for involvement.

1.4.2 The roles and responsibilities for service users and carers, CSIP National and Regional Development Centres and their Host organisations.

- 1.4.3 Advice on the implications of paying and reimbursing service users and carers who are in receipt of benefits.
- 1.5 The focus of this policy guidance is on enabling and ensuring equitable access for service users and carers to involvement activities.

Who is this policy guidance for?

- 1.6 This policy guidance is specifically for the NIMHE programmes within the CSIP - National and Regional Development Centres and their Host organisations that are involving service users and carers in service development programmes and related activities. However, it can also be used as a template for the development of local payment and reimbursement policies for Mental Health Trusts, Primary Care Trusts and Strategic Health Authorities, Social Care and Voluntary Sector Organisations.
- 1.7 This guidance is also for service users and carers who are involved, or are considering their involvement in NIMHE programmes and related activities, on a voluntary or paid basis.

Terms used in this policy guidance

- 1.8 CSIP/NIMHE acknowledges that the term *service user* is not a term that is liked by everyone. Other terms that are used include survivors, clients, public, patients and consumers. However, for the purpose of the policy guidance we have chosen *service user* to refer to those people who have used or are using the services provided by health and social care organisations.
- 1.9 The term *carer* includes carers and/or family members of people who use services.
- 1.10 The term *DC or RDC* refers to any CSIP National, Regional Development Centre or Host organisation.
- 1.11 The term *payment* refers to a general fee payment to reward service users and carers for their time and expertise, unless otherwise stated.
- 1.12 The term *reimbursement* refers to the refunding of specific expenses or costs that service users and carers have incurred during their involvement.
- 1.13 The term *volunteer* refers to people who prefer to offer their time and skills on a voluntary basis i.e. not be paid.

Section 2 – Purpose and underpinning principles

This policy guidance has been designed to cover all aspects of service user and carer involvement. This includes Service Development, Improvement and Delivery; Conferences; Training and Training Events; Research and all other forms of participation.

- 2.1 CSIP/NIMHE values the input of service users and carers and consider it is essential that payments and reimbursements to this group of people are made in a manner that is acceptable to the individual.
- 2.2 Paying and reimbursing service users and carers for their expertise and time when contributing to the work of the NIMHE programmes is good practice, fair and is a means of increasing service user and carer involvement in the planning and delivery of health services. CSIP DCs must lead by example.
- 2.3 The principles of good practice for payment and reimbursement for service user and carer involvement are:
 - 2.3.1 Service users and carers are not to be left out of pocket or put at risk of being financially worse off because of their involvement in service development/improvement.
 - 2.3.2 DCs, service users and carers must discuss and agree on the terms of involvement prior to committing to it.
 - 2.3.3 Service users and carers must be given the right information at the right time to be able to make an informed choice about how and on what terms they want to be involved.
 - 2.3.4 The way that payment and/or reimbursement of expenses are settled should not needlessly create barriers that deter service users and carers from being involved.
 - 2.3.5 Service users and carers in receipt of benefits should have access to the right information and support to prevent a breach of their benefit conditions. Breach of benefit conditions may result, as a minimum, in benefits being stopped (*See Part 2 pages 32 - 37*).
 - 2.3.6 Service users and carers are paid according to open and consistent criteria that take into account the level of involvement, the type of work and the skills and expertise required.
 - 2.3.7 Paperwork to claim payment and reimbursement is kept to a minimum. Where paperwork is necessary to safeguard both the DC and the service user/carer, it should be easy to understand and simple to complete.

Section 3 - Roles and responsibilities

DCs and Host Organisations:

- 3.1 have a legal responsibility to ensure the health and safety of any individual under the Health & Safety at Work Act 1992.
- 3.2 have a responsibility under the Data Protection Act 1998 to ensure that the individuals rights regarding the use of personal data are protected.
- 3.3 have a responsibility to provide expertise, training, information, time, administrative and financial resource to support effective service user and carer involvement. The levels of support provided must be agreed between the DC and nominated service user and carer representatives.
- 3.4 will agree, review and monitor a payment and reimbursement policy that takes into account the potential impact of benefits entitlement, tax liabilities and employment law.
- 3.5 must ensure that the payment and reimbursement policy is written in plain English and made available in different languages and formats, if requested, to ensure they are fully accessible.
- 3.6 must seek advice from the Her Majesties Revenue and Customs (HMRC) before they pay service users and carers without deducting tax or national insurance contributions.
- 3.7 Example - Seeking advice from the HMRC

A number of service providers with developed service user and carer participation schemes have been advised that HM Revenue & Customs only requires the service user/carer to complete a P46 (if they do not have a P45 available). This simple form (*see Appendix I page 80*) is quick and easy to complete. Providing box either A or box B on the form is ticked and the income received by the service user/carer from the DC remains below the tax threshold (currently £97.00 per week/£420.00 per month) the form will not be sent to HMRC it will simply be retained as a reference by the DC.

Positive practice points:

It is recommended that:

- 3.8 this document should form the basis of each DC's payment and reimbursement policy and that the final version is drawn up in conjunction with the HR and Finance Departments and consulted on with the DC regional service users, carers, and user/carer groups. The DC's and Host

organisation's legal department should also review it. When a policy has been agreed, it should be shared with Jobcentre Plus District Teams ² for the region and with local Jobcentre Plus office staff to help ensure there is understanding and consistency in applying the principles and practices from national to local level.

- 3.9 a copy of the policy will be given to all individuals before they agree to become involved.
- 3.10 the DC produce easy to follow forms and paperwork and will provide support to complete them, if necessary.
- 3.11 records of any payment and/or reimbursement are kept by the DC and a copy can be obtained by the individual upon request.
- 3.12 processes are put in place to ensure that both policy and practice are regularly monitored and evaluated mainly through feedback from service users and carers.
- 3.13 where paid involvement is agreed, DCs should ideally provide role descriptions and be prepared to show criteria for the chosen rate and record it for audit purposes.
- 3.14 staff training is provided to ensure all relevant staff members are aware of the payment and reimbursement policy and follow it in practice.
- 3.15 ad-hoc arrangements that are not linked to the policy should not be tolerated.

Positive practice examples

- 3.16 Access to individual welfare rights advice for service users and carers on benefits

Currently, a number of service providers ensure service users and carers make an informed choice by arranging access to individual welfare rights advice before involvement. Advice is based on the service user/carer's individual circumstances such as benefit conditions, earnings allowed and impact of reimbursed monies. Some NHS Trusts have arranged for employed welfare rights advisers to perform this task. Others have chosen to access, on a seconded or sessional basis, the services and expertise of a local Citizens Advice Bureau or other professional advice service. As the current role of welfare rights advisers tends to involve a different function i.e. maximising income from benefits, this is likely to require a revised job brief and additional training.

² Jobcentre Plus District Teams - policy issues are dealt with by the Business Development Teams in each district

3.17 The role of a liaison co-ordinator

Service providers who are considered to have an effective payment policy in place often employ a liaison co-ordinator to assist service users and carers and to ensure that policy is implemented. The co-ordinator represents the organisation and develops policy and procedures. They would be responsible for liaising with the Jobcentre Plus District Team for the catchments area clarifying benefit rules and explaining how involvement is different from employment. Some service providers have successfully developed this role to provide training and ongoing liaison with relevant Jobcentre Plus staff. The purpose is to provide a named point of contact to both service user/carer and Jobcentre Plus staff who is familiar with the benefit system and who can deal effectively with enquiries. The co-ordinator aims to prevent any misunderstanding thereby minimising any potential risk to service users and carers' incapacity benefit income.

It is recommended that each DC should have a person responsible for undertaking this important role.

Service users and carers

Service users and carers:

- 3.18 need to understand and agree to the terms and conditions upon which they get involved.
- 3.19 are responsible for declaring any earnings to the tax and benefit agencies as appropriate.
- 3.20 if in receipt of a payment for their services, should be aware of what is expected of them and what support they are entitled to.
- 3.21 should choose the most cost-effective travel available to them whilst still meeting their individual needs.

Service users and carers in receipt of benefits

- 3.22 Service users and carers on benefits should not be expected to make any commitment to involvement work until they understand how it will affect their benefits. They should be encouraged to obtain welfare rights advice on their benefit conditions or to read the guidance in Part 2 of this document (from page 32) on their benefits and circumstances.
- 3.23 Service users and carers should keep to the benefit conditions that are required by Jobcentre Plus i.e. letting them know about voluntary or paid involvement.

Section 4 – Paid involvement

Who can expect to be paid?

- 4.1 The DC will offer payment to service users and carers who have made an agreement with the DC about getting involved e.g. be invited by the DC to take part in a meeting, training event, interview panel or a defined task or work programme.
- 4.2 Paid involvement will not routinely be offered to a service user/carer that chooses to attend a meeting, where they have not been specifically invited to attend or to contribute by the DC.

National Minimum Wage and employment law

- 4.3 Involvement activity that is intermittent, that is to say not every week, does not usually equate to paid employment, as that covered by a contract of employment between an employer and an employee. However, under current employment law regulations, there are certain rights that people (officially known as ‘workers’) who participate in this type of paid activity are entitled to, despite not having the status of employee.

These ‘worker’ rights are:

- 4.3.1 People who are paid for involvement have the right to independent employment advice, for instance CAB.
- 4.3.2 The National Minimum Wage applies.
- 4.3.3 People have employment rights including:
 - protection against unfair discrimination,
 - the right to join a union,
 - health & safety protection,
 - working time rights (including breaks, holidays, holiday pay and a limit on the working week) regardless as to whether they claim benefits or not.

However, people who earn less than the National Insurance threshold (£87 a week from 6 April 2007) do not have rights to:

- sick pay,
- maternity pay
- or a stakeholder pension.

- 4.3.4 Paid involvement attracts a minimum of 24 days pro-rata holiday pay as a statutory right. Previously, the law allowed the option of adding holiday pay to weekly pay. An EU ruling in 2006 found that this was illegal. Holiday pay must be made at a time that will allow for a holiday break to be taken. Your HR department will have a view on the simplest way of doing this.
- 4.4 Where involvement is paid and is continuing the DC must provide terms and conditions. These can be flexible such as an involvement registration agreement (*see the recommended example Appendix F on page 74*). The terms only become applicable during the specific times when the DC and service user/carer have agreed and committed to a specific piece of involvement. The terms set out what is expected of both parties without bringing into question the service user/carer's independence

Paid involvement and the benefits system

- 4.6 Service users and carers who receive benefits as their main income need to agree involvement which is paid at a rate allowed by their benefit conditions. The conditions for all benefits mean that the paid work must be for less than 16 hours a week. Earnings over £20 a week will lead to a reduction of most people's benefits. As a result, many service users and carers may choose to limit their involvement to an amount that will not affect their benefits. An offer of involvement at a rate that will lead to earnings over £20 in a week is likely to be declined by people on most benefits. The exception would be where the averaging rules might apply. (See page 18 paragraph 4.14)
- 4.7 The DC should review all payment rates annually (with any updates to be effective 6 April and communicated in writing to appropriate recipients).
- 4.8 Currently, payment rates across the country vary significantly. To determine the 'Average Rates' (below) a mean average of the rates paid by twenty national and regional organisations has been calculated. These rates should be used as a guide to the appropriate level for the work being undertaken.

Recommended payment levels

	FUNCTION	PAYMENT RANGE	AVERAGE RATE
1	Participation in working groups, committees, recruitment panels etc. Minimum hourly rate	£5.52 ³ - £15.00	£9.50
2	Participation in working groups, committees, recruitment panels etc. Sessional rate (a session can be up to 3 hours)	£15.00 - £24.00	£19.50
3	Preparation/follow-up. Sessional rate (a session can be up to 3 hours)	£10.00 - £20.00	£16.50
4	Short presentation (30 minutes)	£40.00 - £50.00	£45.00
5	Long presentation (60 minutes)	£75.00 - £80.00	£77.50
6	Running half day workshop/training	£125.00 - £150.00	£140.00
7	Running full day workshop/training	£250.00 - £300.00	£275.00
8	Participation in high-level working groups, committees etc. for instance meetings at National level. Day rate (for meetings exceeding 4 hours)	£75.00 - £250.00	£170.00
9	Consultancy and other substantive work	To be negotiated	

³ The minimum wage increased to £5.52 from October 2007.

Administering payments

- 4.8 Payments should be made as promptly as possible, normally within 15 working days and a maximum of 20 working days, normally by cheque or credit transfer to a nominated Bank or Building Society, following receipt of a completed form/invoice confirming attendance.
- 4.9 The Programme Managers at the DC must indicate in advance which meetings/activities attract payment. This must be identified on all publicity material.
- 4.10 The decision to allocate a meeting/activity as one that attracts payment will be authorised by a Director or the responsible Programme Manager of the DC.

Payments via a user/carer group

- 4.11 If a service user and/or carer organisation is commissioned by the DC to arrange for service users and/or carers to participate, then an agreement should be made with them as to the appropriate level of fee for, say, an annual contract. The service user/carer organisation thus becomes responsible for arranging the payments to service users/carers. If the DC does devolve payment in this way, they have a duty to support the group with advice on the complex issues and access to welfare rights advice for the service users and carers.

Self-employed

- 4.12 Service users and carers who work on a freelance basis and are registered with the HMRC as self-employed should not be treated less favourably than any other freelance consultants, trainers, etc. This may mean that fees outside the recommendations in this guidance are individually negotiated for specific projects.

Salaried service users and carers

- 4.13 Service users and carers who receive a salary from any source for the time they are participating in meetings and training activities would normally not receive individual fees for their involvement, but may require out of pocket expenses. In some circumstances, payments to the service user/carer's employer may be appropriate and are a matter for negotiation.

Use of the “averaging rules”

- 4.14 Jobcentre Plus may treat payments as averaged over a period or a cycle. This might allow a person on benefits to earn more than their weekly limit if the involvement is intermittent and not every week. (i.e. £80 could be paid at the end of a four-week period for a benefit claimant who is allowed to earn £20 a week if the payment is for at least two separate involvement events). The DC should discuss and agree such payments in advance with

Jobcentre Plus at a senior level as they have discretion as to whether averaging will be applied.

Where there is a cycle of work or where there is a pay period (say monthly), earnings over the period may be treated as being 'averaged'. If the weekly limit is £20 and pay is made every four weeks then up to £80 can be paid. In the same way if the weekly limit is £88.50 and pay is made every four weeks then up to £354 can be paid. The averaging can be applied where there at least two involvement events. Averaging is unlikely to apply where the earnings would only apply to one day in the pay period. Hours of paid work must be on average less than 16 hours each week.

Occasionally Jobcentre Plus has agreed to average earnings over a year where there is an annual arrangement and involvement is no more frequent than monthly or quarterly. It is for Jobcentre Plus to decide.

Section 5 – Voluntary involvement

Avoiding the ‘notional earnings’ rule

- 5.1 Service users and carers who receive benefits can do voluntary work or involvement for non-profit making organisations without affecting their benefits. It is good practice to offer the option of involvement on a voluntary basis, as some service users and carers may prefer to offer their skills and time as unpaid volunteers. Some service users and carers may be obliged to offer their help on a voluntary basis due to the adverse impact on their benefits if a payment is made and reimbursed expenses are treated as earnings.
- 5.2 Unfortunately the benefit system has a rule by which people who are offered paid involvement but who decline the payment, will be treated as if they had received the money. This is called ‘notional earnings’. Any ‘notional’ payment can be deducted from their benefits even though no money was paid.
- 5.3 For this reason a DC must provide a letter to the service users and carers involved on a voluntary basis that offers the opportunity of voluntary involvement (not the option of either voluntary or paid involvement). This letter can be provided to Jobcentre Plus. See Appendix C page 66.

Combining voluntary and paid involvement

- 5.4 If people are offered a combination of voluntary involvement and paid involvement two problems may arise:
 - 5.4.1 Jobcentre Plus may see this arrangement as a device to avoid benefit deductions. They are likely to attribute notional earnings to the part of involvement that is unpaid. They will deduct the notional amount from the service user’s or carer’s benefit if it exceeds the earnings disregard.
 - 5.4.2 The Minimum Wage Act is likely to apply to the voluntary involvement.
- 5.5 However, if the voluntary involvement is completely different to the paid involvement there should not be a problem:

For instance:

A NHS Trust arranges a public conference on involvement. The organiser invites service users and carers to attend. The Trust offers to reimburse necessary travel expenses. No payment is made for attending the conference.

The same NHS Trust sets up a steering committee to develop a new service. The organisation wants service users to commit to attending meetings every month for a year. They offer a payment per meeting.

As the involvement activities are completely different it is unlikely that Jobcentre Plus would say that people attending the conference should have been paid. The Minimum Wage Act does not apply if the activity is entirely voluntary and only exact expenses are reimbursed.

- 5.6 Service users and carers who receive incapacity-based benefits may prefer to keep their involvement to less than 16 hours a week. Voluntary work for 16 hours or more a week in some circumstances has been known to lead to Jobcentre Plus triggering a review of incapacity.

Section 6 – One-off events

- 6.1 Where a conference, seminar, focus group, or other form of involvement is a once-only event, people on benefits can be given a cash gift which is treated as capital. As long as the gift does not take a claimant's total capital above the allowed limit (the lowest limit is currently £3000.00), there is no effect on benefits.
- 6.2 The service user or carer can be provided with a note from the organisation thanking them for their participation with a gift of money. This can be provided to Jobcentre Plus.
- 6.3 HMRC have confirmed that a one off cash gift in these circumstances is not taxable. No tax and NI should be deducted. HMRC do not wish to be notified.
- 6.4 However, the service user or carer who has been involved before on a paid basis with the same organisation cannot be given a cash gift. Any payment made to them will be treated as their earnings.
- 6.5 This benefit rule is described in the Jobcentre Plus's own guide from their research department 'Doing the Right Thing' (<http://www.dwp.gov.uk/asd/asd5/WP11.pdf>).

Section 7 – Reimbursements for involvement activity

Benefit rules on reimbursements to people who are paid for involvement

- 7.1 Reimbursements of the following expenses are treated as earnings if these are made to the service user or carer who is paid for involvement (but not to people who are volunteering):
- Reimbursed travel expenses from home to the initial place of involvement (including mileage costs, taxis, fares etc);
 - Reimbursed costs of meals;
 - Reimbursed costs of a replacement carer (half the amount if the carer receives only non-means tested benefits and the whole amount if the carer receives means tested benefits);
 - Reimbursed costs of child care for those on means tested benefits;
 - Reimbursed costs of a personal assistant or support worker at the discretion of Jobcentre plus (in part or wholly, each case must be considered).
- 7.2 Where reimbursements and payment together exceed the weekly limit on earnings, the excess is deducted from benefits. The service user or carer can be left with a reduced level of benefits or none at all in the following week.
- 7.3 Reimbursements of other expenses are ignored, providing these are incurred 'wholly, exclusively and necessarily' in the course of the paid involvement. Expenditure for example may include postage, stationery, and the costs of phone calls etc where these are required for involvement.
- 7.4 Provision of accommodation and/or subsistence for the purpose of involvement is ignored.
- 7.5 Provision of travel tickets, travel cards, transport or petrol are ignored.
- 7.6 Direct payments to a replacement carer, a personal assistant or support worker are ignored.

Required practice for reimbursements to people in receipt of benefits who are paid for involvement

- 7.7 Some people will decline involvement if they learn that certain reimbursed expenses will be treated as earnings, and deducted from their benefits. Special administrative arrangements are required as a result to avoid this eventuality.
- 7.7.1 Travel costs between home and the initial place of involvement must be provided through the provision of travel tickets, travel

cards, petrol or fuel cards or the provision of transport (taxi). The DC must pre-plan all involvement with the service user or carer and make the necessary arrangements.

- 7.7.2 The costs of fees for child care or a replacement carer or a personal assistant or a support worker or child-carer, must be paid directly to the person concerned, not via the service user or carer or parent.
- 7.7.3 Administration arrangements should:
- Allow the service user or carer to provide their authority for the payment. See sample letter Part 3 Appendix E page 73.
 - Request the child carer, the replacement carer or personal assistant or support worker to complete a P46 form and supply an invoice that is countersigned by the service user or carer.
 - Or alternatively pay the fee directly to the agency supplying the personal assistant or support worker where an agency is used.

Reimbursed expenses for voluntary involvement

- 7.8 For service users and carers on benefits where involvement is not paid and is voluntary, most expenses can be reimbursed without benefits being affected providing these expenses were incurred 'wholly, exclusively and necessarily' in the course of involvement.
- 7.9 Reimbursements of expenses to volunteers that do not affect benefits include:
- travel expenses between home and involvement sites or between sites of involvement,
 - actual costs of lunch/tea/coffee during involvement,
 - the costs of child care or a replacement carer or the costs of a personal assistant or support worker,
- 7.10 It is however important to reimburse only actual expenses. If the amount is rounded up or a notional amount is set (e.g. a standard £10 for 'expenses' per meeting) or people are given vouchers or small gifts two problems may arise:
- 7.10.1 The benefit system treats *rounded up* expenses as earnings and some other non-cash payments such as vouchers as *notional earnings* or actual earnings. The volunteer would be treated as if they were in paid work and their earnings will be taken into account against their benefits that may affect benefit

payment. Rounded up expenses may also be treated as earnings by the HMRC.

7.10.2 The Minimum Wage Act states that voluntary workers (who are exempt from the Minimum Wage) “receive no benefits in kind” – if benefits in kind (such as rounded up expenses, vouchers and small gifts) are provided to voluntary workers the DC could be found liable to pay the National Minimum Wage.

What level of expenses may be reimbursed to users and carers if benefits are not affected?

Travel expenses

- Reimbursed travel costs between different sites of involvement do not affect the benefits of people who are paid for involvement
- Reimbursed travel costs between home and involvement sites and between different sites of involvement do not affect the benefits of people who volunteer for involvement
- If benefits are not claimed all expenses may be reimbursed

7.11 A receipt should be provided. Own transport costs should be reimbursed at the rates shown below. These are based upon those defined in Agenda for Change (January 2005)⁴.

Cars or Van:	Engine capacity:	Up to 1000cc	1001 to 1500cc	Over 1500cc
	Up to 3,500 miles	34.0p per mile	43.0p per mile	53.0p ⁵ per mile
	Thereafter	16.2p per mile	18.3p per mile	20.5p per mile
Motor Cycles:	Engine capacity:	125cc or less	Over 125cc	
	Up to 5,000 miles	16.2p per mile	25.3p per mile	
	Over 5,000 miles	6.1p per mile	9.0p per mile	
Cycle Passenger (each)		all	6.2p per mile	
		all	2.0p per mile	

⁴ Link to NHS Employers Organisation - Agenda for Change document: <http://xrl.us/szrf>

⁵ Income tax payers should note that tax is payable on car mileage rates of over 40p per mile.

Child care costs, replacement carer costs or for the cost of a personal assistant

- Reimbursements of child care costs, replacement carer costs or the cost of a personal assistant do not affect the benefits of people who volunteer for involvement
- If benefits are not claimed all expenses may be reimbursed

DCs will need to check the local level of fees and charges to determine your policy.

7.12 Reimbursement of child care costs should usually be limited to:

- Care provided by a Registered person or on Registered premises
- Children under school age
- Children age 13, or under, during the school holidays
- Children age 13, or under, during or after the school hours

Meal costs

- Reimbursements of the costs of meals during involvement do not affect the benefits of people who volunteer for involvement
- If benefits are not claimed all expenses may be reimbursed

7.13 Service users and carers who are involved on a voluntary basis or who are not claiming benefits may claim the actual cost of meals and/or refreshments, where the expenditure is not met directly by the meeting organiser/organisation being visited (e.g. where lunch is provided); and where the service user/carer necessarily incurs additional expenditure. Where people are in receipt of benefits the amount must be exact and not rounded up and receipts should be provided:

- up to a maximum of £5.00 for any one daytime claim where the total meeting/visit time, including travel, exceeds 5 hours and includes the lunchtime period 12pm to 2pm.
- up to a maximum of £15.00 for an evening meal if an overnight stay away from home is required, where the total meeting/visit time, including travel, exceeds 10 hours. Others who are not in receipt of benefits may be reimbursed if the return home is after 7pm.

Other out of pocket expenses that if reimbursed do not affect benefits

- 7.14 People who are paid for involvement and people who volunteer for involvement may be reimbursed other out of pocket expenses (other than those mentioned above) that are incurred 'wholly, exclusively and necessarily' in the course of involvement such as postage, stationery, phone; benefits will not be affected if only the exact amount is reimbursed.
- 7.15 Service users and carers should discuss allowable expenses with the Liaison Coordinator before incurring costs. Claims for expenses should be made on an expense claim form. Service users and carers should provide invoices or receipts to support the claim.

Section 8 – Jobcentre Plus and HM Revenue & Customs

Consultation with Jobcentre Plus

- 8.1 It is good practice to communicate or seek out prior agreement in principle on aspects of your payment and reimbursement policy with the Jobcentre Plus Business Development Team (for the district).
- 8.1.1 Jobcentre Plus have now issued staff guidance on involvement. There are two sets of guidance one covering people who are on non-means tested incapacity benefits and one covering those on means tested benefits.

Who to contact in Jobcentre Plus

- 8.2 Jobcentre Plus is the agency that administers claims to benefits for people of working age. It is also the name given to local offices that administer benefits and advertise jobs.
- 8.3 Liaison with Jobcentre Plus should initially be with the District Team that deals with general policy issues and has the authority to resolve problems. These are called Business Development Teams. Managers of local Jobcentre Plus offices do not have the authority to discuss arrangements over issues such as the reimbursement of replacement carer costs. Once liaison has been established with the Business Development Team they will be able to advise on further liaison at local level.
- 8.4 The DC must not identify any individual service users and/or carers to Jobcentre Plus without their express permission and agreement about the extent of the contact. Under the Data Protection Act, Jobcentre Plus will not discuss a third party without express authority. Staff should be aware that they could inadvertently cause problems for the service user/carer if there should be a misunderstanding over the nature of involvement.

HM Revenue and Customs

Who is responsible for tax and NI deductions?

- 8.5 A person who is genuinely self-employed and registered with HMRC, is responsible for their own tax and NI. They can be paid, without tax and NI being deducted. For more detailed information the service user or carer can go to <http://www.hmrc.gov.uk/employment-status> or use the Employment Status Indicator tool on <http://www.hmrc.gov.uk/calcs/esi.htm>.
- 8.6 Employers are responsible for deducting tax and NI where people are not self-employed (i.e. are employees/workers)

- 8.7 If a service user or carer is self-employed they must supply their registration number and details of their tax office. The DC or Trust can contact the tax office to check. If a service user or carer is considering going self-employed they can check the above criteria provided by HMRC. Further advice is also available from the Newly Self Employed Helpline on 08459 15 45 15.
- 8.8 Where the service user or carer provide their services completely voluntarily there will not be any employment or self-employment relationship and therefore no tax and NI consequences.

Service users and carers worry about tax forms

- 8.9 Some DCs may be legitimately concerned that service users and carers will not come forward if they are asked to fill in a tax form. DCs are, therefore, often tempted to make payments in cash to service users and carers without notifying HMRC. The reality is that if the DC does not properly deduct tax and national insurance contributions, the HMRC will hold the DC responsible for the back tax and National Insurance, regardless of whether such tax and/or NI was due.

Getting the tax code right

- 8.10 Your Finance Department should contact their tax office, and discuss their plans for paying people to become involved, some of whom may be in receipt of benefits. A number of service providers with developed service user and carer participation schemes have been advised that HM Revenue & Customs only requires the service user/carer to complete a P46 (if they do not have a P45 available). This simple form (*see Appendix I page 80*) is quick and easy to complete. Providing box either A or box B on the form is ticked and the income received by the service user/carer from the DC remains below the tax threshold (currently £97.00 per week/£420.00 per month) the form will not be sent to HMRC it will simply be retained as a reference by the DC. Other people who are not on benefits and have another income, or may have taxable benefits will not be exempt and will have tax deducted according to the tax code that HMRC allocates. The DC should remember that they must not identify any individual service users and carers to HMRC without express permission.

8.11 Getting NI deductions right

Where involvement is not every week of the year HMRC provide guidance on NI deductions in their leaflet CWG2 (2007) Employer Further Guidance to PAYE and NICS. Go to <http://www.hmrc.gov.uk/guidance/cwg2.pdf>.

Section 9 - Developing a protocol for involving people on benefits

Why is a protocol needed?

- 9.1 Public authorities that involve people have a duty of care. People who claim benefits must keep to benefit conditions. If they inadvertently breach conditions their only income may be stopped entirely. They may be subject to a fraud enquiry. They may have money that was reimbursed for expenses recovered from their benefit income.
- 9.2 People need the opportunity to make an informed decision about involvement. People need to be advised about their benefit conditions before deciding what involvement they can do without affecting their benefits. The benefit conditions are varied and very complicated. Most people are unaware of many of the conditions and benefit rules (*See Part 2 Sections 10 to 11*).
- 9.3 People need time to consider their options and in some instances make further enquiries.

What will a protocol for involvement include?

- 9.4 The protocol is likely to be in two stages.

Stage 1 Service user or carer meets with the Liaison Coordinator for Involvement or other staff member responsible. They discuss involvement and options; an initial informal offer of paid or voluntary involvement and reimbursed expenses is made.

- Advice on benefit conditions is provided on the basis of the informal offer of involvement.
- The minimum advice would be the provision of the relevant appendices on benefit conditions. Ideally advice should be provided by a professional welfare rights advisor who has specialised in involvement.
- Where people's situations are complex they should always get welfare rights advice. This may require the DC to make an arrangement with the Citizen's Advice Bureau or another professional advice agency to provide this service.

Stage 2 Service user or carer meets with Liaison Coordinator or other staff member to say what they have decided to do. They will have made an informed decision.

This will include:

- The amount they can receive without affecting their benefits and therefore the number of hours of involvement that they can do.

- If paid involvement is not possible, they may ask if they can volunteer and if there are any risks of notional earnings.
- They may ask about the manner in which their expenses can be covered or reimbursed so as not to affect benefit payments.

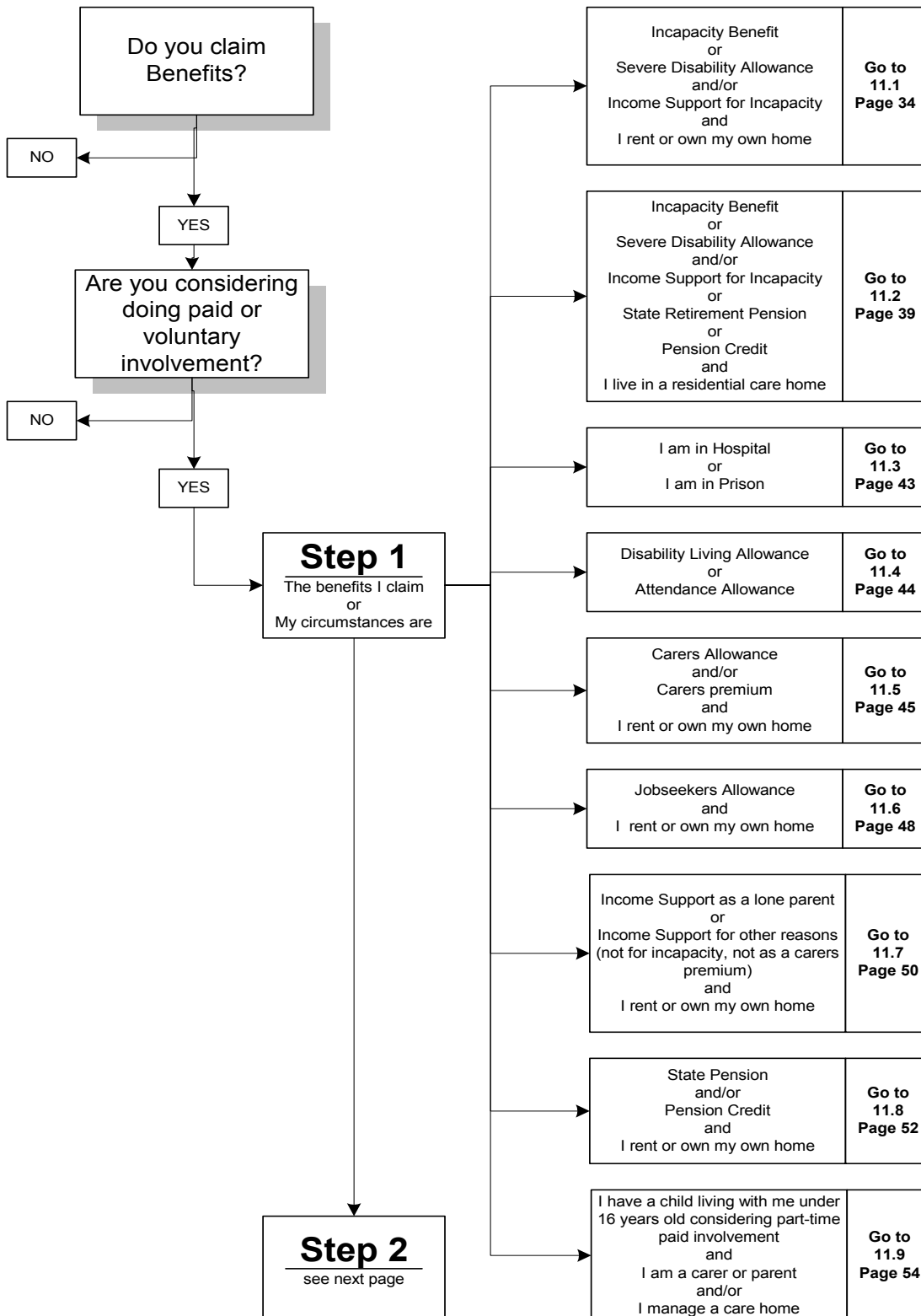
As and when these issues are agreed the liaison coordinator or staff member can provide a firm offer of involvement, in writing.

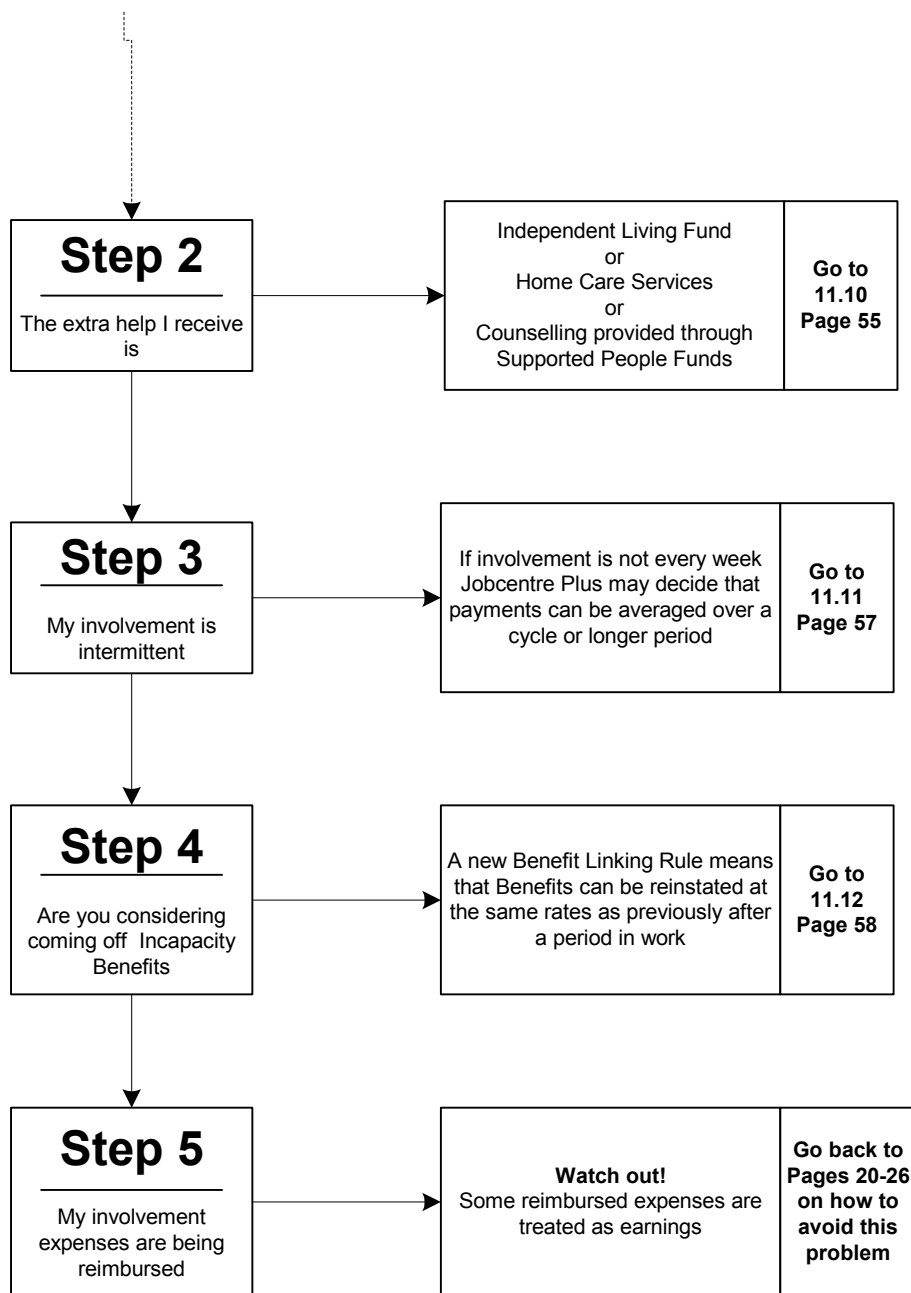
Standard format letters for an offer of involvement

- 9.5 Jobcentre Plus have agreed a standard format for letters that offer involvement. (*See Part 3, Appendix B and C*).
- There is one standard letter for paid involvement.
 - There is one standard letter for voluntary involvement.
 - Under no account must an offer of paid and voluntary involvement be made in the same letter, as notional earnings will be applied to people who offer to be involved as a volunteer rather than be paid.
- 9.6 The service user or carer should use a copy of the letter to attach to the Jobcentre Plus form when they notify Jobcentre Plus.
- 9.7 Jobcentre Plus have issued guidance to officials that explains about involvement and that it is not the same as work.
- 9.8 People on benefits and ill-health should not have their capacity questioned providing Jobcentre Plus is provided with a copy of the standard format letter.

PART 2 - Benefit conditions and systems

Section 10 – Pathways through the Benefit conditions and systems





Section 11 - Benefit conditions for voluntary or paid involvement

Step 1

11.1	<p>Do you claim Incapacity Benefit or Severe Disablement Allowance and/or Income support for incapacity?</p> <p>Do you rent your own home or pay mortgage interest?</p> <p>Are you considering paid involvement for less than 16 hours a week?</p> <p>Are you considering voluntary involvement?</p>
If so read on:	

Permitted Work rules

What is Permitted Work?

Permitted Work is part-time paid work that people on incapacity based benefits are allowed to do. Jobcentre Plus treat involvement that is paid in the same way as work that is paid. The benefit rules are the same.

Jobcentre Plus have now issued guidance to staff about involvement. The guidance explains that involvement is not the same as work. For this reason it is now important to let Jobcentre Plus know if you have been asked to be involved (rather than do paid work). This should avoid misunderstandings over capacity issues. See in Part 3, Appendix B & C for standard format letters that organisations that involve people can use.

Who do the Permitted Work rules apply to?

Permitted Work rules apply to people who are in receipt of:

- Incapacity Benefit, or
- Severe Disablement Allowance, and/or
- Income Support for incapacity.

The rules also apply to people getting:

- NI credits for incapacity,
- Housing Benefit or Local Housing Allowance with a disability premium, and
- Council Tax Benefit with a disability premium.

What are the rules?

There are three basic rules:

- Earnings must be within the lower limit of £20 a week or the higher limit of £88.50 a week. (The higher limit is increased in October in line with the minimum wage). These amounts are the net amount after tax deductions if these are applicable.
 - Hours of paid work must be less than 16 hours a week.
 - People starting part-time paid work must notify Jobcentre Plus that they are doing Permitted Work or paid involvement as soon as practicable after starting, on a form headed PW1. (This is a change that was introduced in April 2006; people who started Permitted Work under the previous rules should check the last paragraph on page 37 for more information).
- If people don't keep to these rules the work doesn't count as Permitted Work and benefits can be stopped.

What are the options in Permitted Work?

There are now four options in Permitted Work.

1. Permitted Work, lower limit

People can earn up to £20 a week for as long as they want.

2. Supported Permitted Work

People can earn up to £88.50 a week for as long as they want. But see below for the catch.

For Supported Permitted Work (or paid involvement using this rule) people must either:

- have a nominated support worker, or
- work within a sheltered employment scheme (unlikely for involvement), or
- work under medical supervision as part of hospital treatment (again very unlikely for involvement).

The support worker must be employed by a public or local authority, or a voluntary organisation. They should be providing support for people with ill-health or disabilities to get work, as part of their job.

The support can be provided in the form of meetings outside of the part-time work or involvement. It must be regular. The amount of the support is up to the person and their support worker to agree.

When the PW1 form is filled in there is a place for the support worker to provide their details and the name of the organisation that they work for. There is a question on the form about the support that will be provided. If the amount of support seems minimal Jobcentre Plus may not accept that it is Supported Permitted Work.

If you are doing paid involvement with a public authority the organisation may well have a staff member who could act as a support worker.

3. Permitted Work, exempt.

This means Permitted Work for people who are exempt from the Personal Capability Assessment because of a severe condition.

People can earn up to £88.50 a week for as long as they want. But see below for the catch.

This is a new category of Permitted Work that was introduced in October 2006. When people fill in the PW1 form to notify Jobcentre Plus of Permitted Work they should say if they are exempt from the Personal Capability Assessment.

4. Permitted Work, higher limit.

People can earn up to £88.50 a week for 12 months only. Permitted Work, higher limit is intended to prepare people for a move into full-time employment. For this reason Permitted Work, higher limit, is unlikely to be appropriate for involvement. See below for the catch.

After one year, people must stop earning up to £88.50 a week. They can earn up to £20 a week. After one year they are allowed to earn up to £88.50 a week in Permitted Work, higher level again, for a further 12 months.

The catch: only some people can earn and keep £88.50 a week

People who claim ONLY non-means tested benefits can earn and keep £88.50 a week. Non-means tested benefits are:

- Incapacity Benefit or
- Severe Disablement Allowance.

People who live with a partner or carer might claim only non-means tested benefits, because their partner or carer is working and pay for all the housing costs.

People who claim means tested benefits can earn up to £88.50 a week, but there is a second benefit rule that applies to them. Means tested benefits have an earnings disregard of £5 or £10 or £20 a week. Earnings of up to £88.50 are allowed but the means tested benefit is reduced penny for penny for any excess earnings over the disregard.

Means tested benefits are:

- Income Support,(which may also pay mortgage interest),
- Housing Benefit,
- Local Housing Allowance,
- Council Tax Benefit

Earning disregard amounts

- £5 a week: Income Support for incapacity in the first year of claiming.
- £20 a week: Income Support with a disability premium (after one year of claiming or if also receiving Disability Living allowance).
- £10 a week: Income Support with a disability premium for people with a partner who is also on Income support.
- £20 a week: Incapacity Benefit. Partners can both earn up to £20 a week.
- £20 a week: Severe Disablement Allowance. Partners can both earn up to £20 a week.
- £5 or £10 or £20 a week for Housing Benefit, Local Housing Allowance, Council Tax Benefit according to which of the above incapacity benefits are claimed.

Which benefits are reduced?

Income Support is reduced penny for penny if earnings exceed the earnings disregard amount.

For instance a person on Income Support with a disability premium who also claims Housing Benefit who earned £88.50 a week, would have £68.50 a week deducted from their Income Support. The same amount of Housing Benefit will continue to be paid as long as some Income Support continues to be paid. Housing Benefit and Council Tax Benefit may be affected if no Income Support is paid.

People who do NOT claim Income Support but who claim Incapacity Benefit or Severe Disablement Allowance plus Housing Benefit, or Local Housing Allowance and Council Tax Benefit, can earn up to £88.50 a week; but when they notify the local authority (as they must), their Housing Benefit will be reduced by 65 pence for

every £1 that they earn over £20 a week, and their Council Tax Benefit will be reduced by 20 pence for every £1 that they earn over £20 a week.

For instance a person who is living on their own and in receipt of Incapacity Benefit would if they earned £88.50 a week have their Housing Benefit reduced by £44.52 and their Council Tax Benefit reduced by £13.70.

Voluntary involvement for people claiming Incapacity Benefit or Severe Disablement Allowance and/or Income support for incapacity

- People claiming Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity can volunteer for non-profit making organisations for as many hours a week as they wish. Volunteering for profit making organisations is not allowed.
- Volunteering should be notified to Jobcentre Plus.

Might my incapacity benefits be reviewed when I notify Permitted Work or voluntary involvement to Jobcentre Plus?

Jobcentre Plus staff are no longer told to consider sending people for a medical review when they notify an activity that appears to indicate that their health condition may have improved. Jobcentre Plus staff have also been issued with a guide on involvement that states categorically that people are recruited for involvement because of their experience of using health and social care services rather than because they now have a capacity to work.

It is therefore unlikely that involvement will lead to your incapacity being reviewed. It is sensible to ensure that Jobcentre Plus are advised that the activity is involvement. See the standard covering letters in Part 3 Appendix B & C that the organisation involving you can provide when you send in your PW1 form notifying Permitted Work.

What if I started involvement according to the Permitted Work rules before April 2006?

Before April 2006, the rules for Permitted Work, lower limit, or Supported Permitted Work said that people should notify Jobcentre Plus 'sometime before the work ceased'.

When Jobcentre Plus made the change to the rules on notifying in April 2006 they did not inform people claiming benefits as they should have done.

As a result there will be many people who will be unsure as to what to do when they read about the new rules.

There is a risk that Jobcentre Plus may ask why they have not notified Permitted Work as required. People in this situation should ask the organisation that they are involved with to help and to get welfare rights representation.

People who were not told about the new rules cannot be expected in law to have notified Jobcentre Plus. But there is a risk of misunderstandings.

11.2	<p>Do you live in a residential care home?</p> <p>Do you claim Incapacity Benefit or Severe Disablement Allowance and/or Income support for incapacity?</p> <p>Do you claim State Pension and/or Pension Credit?</p> <p>Are you considering part-time or full-time paid or voluntary involvement?</p>
If so read on:	

Introduction

People who live in residential care homes, either registered or unregistered, can do part-time paid involvement or voluntary involvement.

Full-time paid work or involvement is also allowed. Only a small proportion of the care charges are funded through benefits. Therefore, people whose incapacity benefits stop when they do paid work for 16 hours or more in a week can stay in the care home and work and earn full-time; so can people who claim Pension Credit. People living in a care home can also claim Working Tax Credit.

Tax payable may be affected where benefits are taxable or a State Pension is claimed.

However, there is a catch. The local authority has the right to take any earnings over either £5 or £20 a week, whether from part-time or full-time work or involvement as a contribution towards care home charges. A resident may be no better off whether they earn £5 or £20 a week or a full-time wage.

A resident can negotiate to keep more of their earnings over £5 or £20 a week. The Department of Health gives local authorities discretion to consider a request on an individual basis. The local authority can decide to allow a resident to keep a greater proportion of their earnings if this would further their independence. See more below.

People who live in residential care homes say that local authority staff responsible for care home charging may need to be advised about the Department of Health guidance and their discretion to vary charging policy as they may be unaware of their discretionary powers.

Part-time paid work or involvement

If people claim Incapacity Benefit, Severe Disablement Allowance or Income Support for incapacity they may only do paid work or involvement if they follow the Permitted Work rules. (See Section 11 page 34). This means that they must keep to earnings of either £20 or £88.50 a week and hours of less than 16 hours a week.

If people receive a State Pension they can do paid work or involvement without any procedures or earning limits for any number of hours. State Pension is unaffected by work and earnings.

If people claim Pension Credit (for up to one year in a care home) earnings over either £5 or £20 a week may lead to a reduction of Pension Credit. If they receive a savings credit, earnings may not be affected.

The local authority has the right take any earnings over £5 or £20 a week and put this towards the cost of the care charges. This applies to those on Incapacity Benefit or Severe Disablement Allowance, as well as those on Income Support for incapacity and to those getting a State Retirement Pension and Pension Credit. See below on how to negotiate to keep more.

Voluntary involvement

If you are offered voluntary involvement and only exact out of pocket expenses will be reimbursed to you, you can accept. Your benefits cannot be affected. Notional earnings cannot be applied to people who live in a residential care home.

Full-time paid work or involvement

When people work and earn for more than 16 hours a week, incapacity benefits are stopped so the Permitted Work rules no longer apply. People can be involved or do paid work and earn any amount. People can claim the Working Tax Credit to top up low wages. People can be involved or work for as many hours as you want. People can continue to live in the care home.

State Pension is unaffected by work and earnings. Pension Credit is unaffected by work but earnings over £5 or £20 a week may lead to it being reduced.

But if you live in a care home and plan to do some paid involvement for more than 16 hours a week on a regular basis and want to keep more than £20 a week of what you are paid, you will need to negotiate with the local authority.

You must also check to see that your incapacity benefits are protected by a linking rule. (*See Step 4 page 58*).

Negotiating with the local authority to keep more of your earnings

- The local authority is required by the Department of Health to consider allowing a resident living in unregistered care home who earns some money to keep more or all of their earnings and any Working Tax Credit if this promotes independence.
- The Department of Health also requires the local authority to consider allowing a resident living in a registered residential care home to keep more of their earnings and any Working Tax Credit to allow for in-work expenses and promote independence.

You will need to use two documents for negotiation with the local authority:

- The local authority's policy on charging for residential accommodation,
- Department of Health's guidance to local authorities, 'Charging for Residential Accommodation Guide'. Type in CRAG 07 in the search box on the DH website.

The local authority can decide to increase the level of their personal expenses allowance in recognition of the resident's need to be more independent if they are in non-registered residential care home. If they live in a registered care home the local authority can allow the resident to keep more of their earnings for work related expenses.

The local authority is given discretion by CRAG 07 to vary the amount of the resident's earnings that can be retained.

Special rules on earnings for people on incapacity benefits in residential care homes:

Notional earnings

The notional earnings rule does not apply to people living in residential care homes. This means that people on incapacity benefits can offer to be involved as a volunteer if they want rather than be paid. Benefits will not be affected.

Earning disregard per person

£20 of earnings are allowed per person. If people live in a care home together with a partner they can each earn £20. This is unlike the rules for people who do not live in a care home.

Averaging earnings when you live in a residential care home

The Department of Health guidance to local authorities says:

Payments for regular periods

Where the earnings are paid at regular intervals the weekly amount should be calculated as follows:

- earnings paid for periods of a week or less should be taken into account for one week.
- earnings paid for a calendar month should be multiplied by 12 and divided by 52 to arrive at the weekly amount.
- earnings paid annually should be divided by 52.
- earnings paid at other regular intervals should be multiplied by 7 and divided by the number of days for which the payment is made.

Does the £5 or the £20 a week earning disregard apply?

The £20 disregard applies to people on the following benefits:

- Incapacity Benefit
- Severe Disablement Allowance
- Income Support for incapacity
- Pension Credit following a claim for one of the above, with a disability premium or entitlement to Disability Living Allowance or Attendance Allowance or a motability vehicle or a carer's premium or as a lone parent.

£5 disregard applies to all others. It is best to check with Jobcentre Plus.

11.3	<p>Are you in hospital or a similar institution?</p> <p>Are you in prison?</p> <p>Do you claim benefits?</p> <p>Are you considering part-time paid or voluntary involvement?</p>
If so read on.	

If you still receive benefits then the same benefit rules apply

If you are receiving benefits of any description, the same benefit rules on hours of work and earnings apply in exactly the same way as if you are not in hospital or a similar institution.

If you are detained in a secure institution or prison:

You may or may not be entitled to benefits if you count as a prisoner. You may, for instance, still get housing benefit.

If you get any benefits, you will be subject to the benefit rules on hours of work and earnings.

There is only one difference. The minimum wage rate does not apply to people who do paid work or involvement whilst detained in a secure hospital such as Broadmoor and Rampton or in prison.

The hospital or prison may also have rules on the amount that an inpatient/prisoner is allowed to receive.

11.4	<p>Do you claim Disability Living Allowance or Attendance Allowance?</p> <p>Are you considering part-time paid or voluntary involvement?</p>
<p>If so read on.</p>	

Payments for involvement do not affect Disability Living Allowance or Attendance Allowance

Disability Living Allowance and Attendance Allowance are non-means tested benefits and are not affected by earnings. This means that you can be paid any amount and these benefits are not affected.

Disability Living Allowance or Attendance Allowance are paid because of care and/or mobility needs

Disability Living Allowance or Attendance Allowance are paid because of the care or mobility needs that you have. If these needs change and become more or less than before you should notify the Disability and Carers Centre that pays your benefit so that they can consider whether you should be paid more or less than before.

Involvement activity whether paid or voluntary does not have to be notified to the Disability and Carer's Centre

Jobcentre Plus have confirmed that paid or voluntary involvement does not have to be notified to the Disability and Carer's Centre unless the activity demonstrates that your needs have changed.

11.5	<p>Are you a carer?</p> <p>Do you claim Carer's Allowance?</p> <p>Do you claim carer's premium or Pension Credit as an additional amount for carers?</p> <p>Do you rent your own home or pay mortgage interest?</p> <p>Are you considering part-time paid or voluntary involvement?</p>
If so read on.	

Do you claim Carer's Allowance?

Carer's Allowance is not affected by paid involvement provided that the carer continues caring for a disabled person for at least 35 hours a week (a carer's week runs from Sunday to Saturday) and net pay (after tax deductions) do not exceed £95 in a week (the rate increases in April each year). But if you also get carer's premium or Housing Benefit, check below for the lower earnings limit.

As long as the total number of hours spent in caring amounts to 35 hours or more a week, the claimant does not need to care for the disabled person every day of the week.

If net pay is more than £95 a week, this is considered to be 'gainful employment' and the Carer's Allowance is stopped.

Carer's Allowance is taxable (except for increases for children) so earnings may be taxable.

Do you also claim Carer's Premium (which is Income Support)?

If you are a carer and you

- claim carer's premium for your caring responsibilities, or
- you or your partner qualify for a disability premium

payments for involvement of up to £20 a week do not affect entitlement. (The £20 is shared with a partner).

Payments of more than £20 a week will result in carer's premium being reduced penny for penny over £20. Paid work or involvement for 16 hrs or more a week will lead to carer's premium being stopped.

Or do you also claim Pension Credit as an additional amount for a carer?

Check the rules for Pension Credit on page 52.

If you claim Income Support (but not carer's premium or a disability premium)

Payments of more than £5 a week will result in Income Support being reduced penny for penny over £5.

Which benefit is reduced first?

If you are claiming Carer's Allowance and carer's premium plus Housing Benefit and Council Tax Benefit and if you are paid more than £20 a week:

- Carer's Allowance is unaffected providing earnings are less than £95 a week net;
- your carer's premium will be reduced by any amount over £20 a week.

If the payment is for more than £47.15 in a week then your carer's premium may be wiped out altogether (£20 disregard plus Carer's premium of £27.15). Free prescriptions are lost if Income Support is no longer paid.

When your carer's premium is gone then Housing Benefit and Council Tax Benefit will be reduced next. Payments of more than £47.15 will result in Housing Benefit and Council Tax Benefit being reduced. Housing Benefit is reduced by 65 pence for every £1 over. Council Tax Benefit is reduced by 20 pence for every £1 over.

If you are paid more than £95 net in a week then Carer's Allowance is stopped.

Are you being offered reimbursed costs for a replacement carer?

If the organisation that pays you for involvement offers to pay for the costs of a replacement carer you should be aware of the following benefits rule.

All of the reimbursed costs of a replacement carer are treated as earnings if you claim Income Support. Half of the reimbursed costs of a replacement carer are treated as earnings if you claim only Carer's Allowance.

This means that if you accept £20 for involvement and this is the most you can get before your benefits are reduced, any additional amount of reimbursed costs of a replacement carer that you are given, will be deducted from your benefits entirely or in part.

If the organisation pays the replacement carer directly, then your benefits are not affected. For this reason, organisations are advised to offer to pay the replacement carer directly.

Are you being reimbursed other expenses?

Other reimbursed expenses do not affect benefits providing these are 'wholly, exclusively and necessarily' incurred during the course of the employment (or involvement).

11.6	<p>Do you claim Jobseeker’s Allowance?</p> <p>Do you rent your own home or pay mortgage interest?</p> <p>Are you considering paid or voluntary involvement for less than 16 hours a week?</p>
If so read on.	

General benefit rules for Jobseeker’s Allowance

Jobseeker’s Allowance (JSA) is a benefit for people who are deemed capable of work, are available for work and who are actively seeking work. A ‘jobseeker’s agreement’, made with Jobcentre Plus, sets out the conditions.

These requirements mean that any involvement activity, whether paid or voluntary, should not be seen to get in the way of availability for work or prevent actively seeking work.

Any proposed paid or voluntary involvement must be agreed in advance with Jobcentre Plus.

Jobseeker’s Allowance and paid involvement

People who claim Jobseeker’s Allowance (JSA) can only be paid £5 a week before benefits are reduced, penny for penny.

A couple on Jobseeker’s Allowance, can be paid £10 a week before their benefits are reduced. One partner can use the £10 if the other partner is not earning anything.

People who get Disability Living Allowance as well as Jobseeker’s Allowance can be paid up to £20 a week before their benefits are reduced.

The minimum wage rate per hour is £5.52 so unless the involvement is intermittent (not every week) and the averaging rule might apply, the lower earning amounts before benefits are reduced may deter people from agreeing to be involved. (See page 57 for the averaging rule).

Jobseeker’s Allowance and voluntary involvement

Voluntary involvement must be agreed in advance by Jobcentre Plus. Providing the number of hours per week of volunteering does not prevent availability for work nor actively seeking work Jobcentre Plus should agree. If you are doing regular voluntary work you can give one week’s notice to take up a job offer. 48 hrs notice is allowed for an interview.

Housing Benefit, Local Housing Allowance, Council Tax Benefit and mortgage interest, and involvement

These benefits will not be affected by paid or voluntary involvement providing Jobseeker's Allowance continues to be paid. If Jobseeker's Allowance is wiped out the housing cost benefits are reduced next.

11.7	<p>Do you claim Income Support as a lone parent?</p> <p>Or do you claim Income Support (not as a lone parent , not for incapacity, and not as a carer)?</p> <p>Do you rent your own home or pay mortgage interest?</p> <p>Are you considering paid or voluntary involvement for less than 16 hours a week?</p>
<p>If so read on.</p>	

Do you claim Income Support as a lone parent?

Income Support is not affected by paid involvement as long as it is for less than 16 hours a week on average. Earnings up to £20 a week do not affect Income Support. Earnings over £20 lead to Income Support being reduced penny for penny.

Unlike people who claim Carer's Allowance there are no separate rules about the hours that must be spent looking after the child(ren).

Unlike people who claim incapacity based benefits there are no separate rules about qualifying for Income Support that could be affected by a work related activity.

Jobcentre Plus must be advised about any planned involvement and the payments. The frequency (weekly/monthly etc) and expected duration of involvement activity should also be notified. Income Support will be reduced if the weekly average payment is above £20.

What if payments for involvement exceed the total amount Income Support?

If payments for involvement over £20 exceed the total payment of Income Support it will be wiped out altogether that week. Access to other entitlements can be lost also. These can include free prescriptions and other health benefits and free school meals.

Housing Benefit and Council Tax Benefit

Lone parents who receive Income Support and Housing Benefit and Council Tax Benefit who earn above the disregard will have the Income Support reduced first.

If and when Income Support is wiped out by earnings Housing Benefit and Council Tax Benefit are reduced next. Lone parents have £25 of earnings disregarded, before reductions of Housing Benefit and Council Tax Benefit.

Child Benefit and paid involvement

Child benefit is not affected by earnings.

Child Tax Credit and paid involvement

Child Tax Credit is unlikely to be affected providing earnings are below £13,910 per annum.

Do you claim Income Support (not as a lone parent, not for incapacity, and not as a carer)?

Income Support is not affected by paid involvement as long as it is for less than 16 hours a week on average. But usually only earnings up to £5 a week will not affect Income Support. Earnings over £5 a week will lead to Income Support being reduced penny for penny.

Couples have an earning disregard of £10 a week. Either partner can use this.

Voluntary involvement and Income support

People who receive Income Support for any reason can do any amount of voluntary work and this will not affect their entitlement. Voluntary involvement should be notified to Jobcentre Plus. Lone parents are not required by the benefit system to look after the child(ren) for a minimum number of hours per week (unlike carers).

11.8	<p>Are you claiming a State Pension?</p> <p>Are you claiming Pension Credit?</p> <p>Are you claiming Housing Benefit or Local Housing Allowance and Council Tax Benefit</p> <p>Are you claiming for mortgage interest?</p> <p>Are you considering paid or voluntary involvement?</p>
If so read on.	

State Pension

State Pension is not affected by earnings. State Pension is not affected by any amount of work or involvement, whether paid or voluntary.

State Pension is taxable so people who are paid for involvement may be subject to tax deductions on earnings.

Pension Credit

Pension Credit is not affected by hours of work or involvement, whether paid or voluntary. There is no restriction to less than 16 hours of paid work.

Pension Credit may be affected by earnings.

People who get Pension Credit may be able to earn either £5 a week, or £10 a week or £20 a week before Pension Credit is reduced penny for penny. But if they get a savings credit, earnings may not reduce Pension Credit.

If you have a partner, one of you can earn £10 a week without Pension Credit being affected.

If you had a disability premium before getting Pension Credit you might be able to earn £20 a week without Pension Credit being affected.

If in doubt, ask The Pension Service how much you can earn and keep.

Pension Credit does not have a notional earnings rule

People on Pension Credit can choose to volunteer for involvement even if offered paid involvement, because there is no notional earnings rule.

Housing Benefit (or Local Housing Allowance) or mortgage interest and Council Tax Benefit

People who receive Pension Credit, and Housing Benefit (or Local Housing Allowance) or mortgage interest and Council Tax Benefit who earn above the disregard, will have the Pension Credit reduced first. If Pension Credit is reduced to nil, housing cost benefits are reduced next.

Housing Benefit is reduced by 65 pence for every £1 over the earning disregard.
Council Tax Benefit is reduced by 20 pence for every £1 over the disregard.

11.9	<p>Is the child in your care considering part-time paid involvement?</p> <p>Is your child under 16 years old?</p> <p>Are you a parent or carer? Does your child live with you?</p> <p>Do you manage a care home?</p>
If so read on.	

Involving and making payments to young people

Young people of school age are only allowed to do work and work related activities (i.e. involvement) as long as it does not interfere with their education, health and physical development.

If a child in your care has been asked to help with paid involvement you will need to discuss it with the local educational welfare office. They may want the involvement to be registered and to carry out a risk assessment. The consent of both the parents or guardian and the school are required.

What happens if a child of school age is paid for involvement and has parents who are on benefits?

If Child Tax Credit is received and the amount of benefit for the child is not included in Income Support or Jobseeker's Allowance, the child's earnings are ignored.

Parents and guardians who still get the amount of benefit for their child included in Income Support or Jobseeker's Allowance will have their benefits reduced if the child's earnings are over the parents' or guardian's benefits personal earnings disregard.

What happens if a child of school age who lives in a children's home is offered paid involvement?

The local educational welfare officer must be consulted as must the manager of the children's home. They must give their consent as above.

Vouchers, mobile phone top up cards, etc.

Parents or guardians may prefer it if their child is offered vouchers or mobile phone top up cards rather than cash. However, if the involvement is ongoing, these will be treated as notional earnings, and as such may result in problems for parents on benefits. Even so, these may be preferred over cash for other reasons.

Step 2

11.10	<p>Do you receive money from the Independent Living fund?</p> <p>Do you have home care services?</p> <p>Do you have counselling provided through Supporting People funds? Are you considering involvement?</p>
If so read on.	

If you claim the Independent Living Fund

The Independent Living Fund works with local authorities to provide a package of care for severely disabled people in order that they may lead an independent life.

Independent Living Fund is paid on the basis of income but earnings are not taken in to account.

Involvement, whether paid or voluntary, will not affect entitlement to the Independent Living Fund.

If you claim other benefits as well

If you claim other benefits as well, such as Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity (with a Severe Disability Premium), and housing cost benefits, these benefits have limits on earnings and hours of work. See step1, page 34.

If you get Home Care services

Local authorities provide home care services to people who are assessed as needing services such as for practical help with domestic tasks, personal care, dressing etc.

The local authority will assess the income of the person assigned home care.

Benefit income is taken into account.

Earnings are not taken into account.

Involvement whether paid or voluntary will not affect entitlement to Home Care services.

If you get other benefits as well

If you claim other benefits as well, such as Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity (with a Severe Disability Premium), and housing cost benefits, these benefits have limits on earnings and hours of work. See step1, page 34.

Supporting People services

Supporting People services are provided by the local authority and other support agencies. The services are intended to complement the practical tasks of home care and provide vulnerable people with support and counselling in order to be more independent.

Guidance from the Office of Communities and Local Government is provided to local authorities on charging, but local authorities have discretion as to their policy. The guidance states that earnings are not chargeable where the Supporting People service is short-term (less than two years) or where Housing Benefit is paid.

However, earnings may be chargeable where the Supporting People service is long-term (more than two years), and no Housing Benefit is payable. This may vary between local authority policies because they have discretion on charging.

If you get Supporting People services and there is a possibility of keeping some earnings after your benefits have been reduced, you will need to use two documents for negotiation with the local authority:

- The local authority's policy on charging for Supporting People services,
- Guidance from the Office of Communities and Local Government local authorities on charging for Supporting People services.

If you get other benefits as well

If you claim other benefits as well, such as Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity (with a Severe Disability Premium), and housing cost benefits, these benefits have limits on earnings and hours of work. (See *step1, page 34*)

Step 3

11.11	<p>Is the paid involvement that you do, intermittent (not every week)?</p> <p>Would it be helpful if Jobcentre Plus treated your payments for involvement as ‘averaged’ over several weeks or longer?</p>
<p>If so read on.</p>	

When can earnings per week be averaged over several weeks or longer?

Involvement is not usually every week. As a result it can be helpful to ask Jobcentre Plus if the benefit averaging rules could be used for payments from involvement.

All types of earnings can be treated as averaged – including Permitted Work £20 a week or Permitted Work £88.50 a week or Carer’s Allowance £95 a week or carer’s premium £20 a week or Income Support or Jobseeker’s Allowance £5 a week.

The benefit rules on averaging are set out in the Jobcentre Plus guide for their staff:

The weekly amount of a person’s income may be averaged if the income varies or the regular pattern of work means that the claimant does not work every week.

The Decision Maker should average over:

- *A complete cycle if there is a recognisable cycle of work, **or***
- *Five weeks, **or***
- *Another period if this means a more accurate weekly amount can be calculated.*

Hours of work or paid involvement can be averaged as well.

Jobcentre Plus can advise if averaging can be applied in individual instances. Don’t assume that they will agree beforehand.

Step 4

11.12	<p>Are you considering regular paid involvement for 16 hours a week or more which will mean that your benefits stop?</p> <p>Do you claim Incapacity Benefit or Severe Disablement Allowance and/or Income support for incapacity and want to protect your benefit rates?</p>
<p>If so read on.</p>	

Incapacity benefit linking rules

Introduction

The new **104 week incapacity benefit linking rule** can protect incapacity benefit rates when you start paid work (or paid involvement) **16 hours a week**, or training that takes you off your benefits and provides a training allowance instead.

If the job or paid involvement or training doesn't work out and you need to make a new claim to incapacity benefits again, you will get the same rates as before, providing you make the claim before the 104 weeks are up, and your doctor will provide another sick certificate. You can self-certify for the first 7 days.

The 104 week benefit linking rule replaced the 52 week linking rule in October 2006. The 104 week linking rule is easier to use. It is an automatic entitlement – no need to register; only one qualifying period of 28 weeks on incapacity benefits is needed – there are no waiting periods to re-qualify.

There are a further two linking rules. See more below.

What benefits are protected by the 104 week benefit linking rule?

The linking rule protects the current amount of:

- Incapacity Benefit, or
- Severe Disablement Allowance, and/or
- Income Support with a disability premium

and if you claim one of the above benefits the linking rule also protects:

- Housing Benefit
- Council Tax Benefit
- Income Support for mortgage interest (immediate reinstatement)

How do I qualify for the 104 week linking rule protection?

You have to claim Incapacity Benefit or Severe Disablement Allowance or Income Support for incapacity for 28 weeks to qualify for linking rule benefit protection. You have to start work (or training) within one month of your benefits stopping.

Once you have been on these benefits for a 28 week period for a first time you don't need to be on benefits for another 28 weeks if you want to use the linking rule again.

If you move off benefits into work or training and are protected by the 104 week linking rule, and then subsequently the work or training ends and you have to claim benefits again, the linking rule benefit protection will be available from the first day your benefits are paid again. You have another 104 weeks of benefit protection available immediately.

Will I be sent for a medical test of my incapacity if I have been off benefits and earning?

If your benefits were protected by the linking rule then when you make a new claim you cannot be sent for a medical test of your incapacity for 91 days.

What are the procedures to use the 104 week benefit linking rule?

When you start work or regular paid involvement for 16 hours a week or more, you must let the Jobcentre Plus office that pays your benefits know so that your benefits are stopped. Providing you have been on incapacity based benefits for 28 weeks or more and the time between leaving benefits and starting work or training is less than a month, you will qualify automatically for the 104 week linking rule. There are no forms to fill in.

If or when you want to make a new claim to benefits, you will still need a doctor's certificate. It might be helpful to discuss this with your doctor before coming off benefits.

Does the reason the work or paid involvement ended affect my entitlement to use the 104 week benefit linking rule?

Providing your doctor will provide you with another medical certificate it doesn't matter why the work or paid involvement ended. It could have been a temporary contract, you could have resigned, and you could have been sacked. It doesn't matter.

Are all types of Housing Benefit protected?

A small group of people do not have their Housing Benefit protected by the 104 week linking rule. These are people who rent from a private landlord and who first claimed Housing Benefit for their current accommodation before 1996.

If you are in this group and stop claiming Housing Benefit, and then subsequently make a new claim, you will be transferred to the Local Housing Allowance when it is introduced to your area.

You might be worse off on the Local Housing Allowance if your rent is higher than average for the area or the local authority say that your accommodation is larger than you need.

You might be better off on the Local Housing Allowance if at the moment you are not getting Housing Benefit for all of your rent. The rates for the Local Housing Allowance are said to be better than Housing Benefit.

People in social housing (Housing Association and Council) will have their Housing Benefit rates protected.

What are the other linking rules?

The 8 week linking rule still applies. This is automatic as well and applies from day one of a claim. It protects the same benefits listed above for the 104 week linking rule.

The 52 week linking rule was abolished in October 2006 as it has been replaced by the 104 week Linking rule

The two year linking rule that is attached to a claim for Working Tax Credit with a disability element that ONLY protects Incapacity Benefit and Severe Disablement Allowance still applies. The two year linking rule does not protect Income Support or Housing Benefit or Council Tax Benefit. The 104 week linking rule is DIFFERENT from the two year linking rule.

PART 3

Administration, forms and letters

Appendix A - Sample reimbursement of expenses form

Note: Claims for expenses on this form can be used only by people who are either NOT in receipt of benefits or who are only undertaking voluntary involvement. Some reimbursements may be taxable. You are advised to check with HMRC.

Please ask for assistance from the CSIP office if you have any query in completing this form. Please ensure receipts, copies of bills etc are attached for any costs incurred.

Name:

Address:

Telephone number:

Email address:

Preferred payment method: Cash Cheque BACS

Are you registered on the CSIP Service User/Carer Involvement database? Yes No

LOCATION OF MEETING:

DATE:

PURPOSE OF MEETING:

Car, Rail, Bus, Taxi, Etc	From	To	Single/return	Total Distance	Passengers	Mileage Rate	Amount Claimed	
						43p/m	£ 0.00	
Other expenses (Receipted cost of meal, stationary, postage, telephone etc)		Quantity	Description					
						TOTAL AMOUNT CLAIMED	£ 0.00	

Declaration

I confirm that I have incurred the above expenses. And I also confirm that by claiming mileage I hold a valid driving licence, that the car is taxed, has a current MOT certificate and fully insured. Carer costs, where claimed, are in accordance with the NIMHE Eastern - Payments to Service Users and Carers Policy.

Signatures:

Claimant Carer (if relevant) Date

Name/Organisation Programme Manager Date

Programme Code Approved by.....,..... Date

Appendix B

Standard letter format for advising a service user or carer of the arrangements that have been agreed with them by the DC

Letter for paid involvement

Letter to: name of person who uses services or carer

Purpose: for person who uses services or carer to provide to Jobcentre Plus or the Pension Service when notifying paid involvement

Dear

Thank you for agreeing to participate with (public authority name). As a person who uses social care services/ health services/a carer your knowledge and experience of social care services will be making an important contribution towards maintaining and raising standards for others.

We are offering you paid involvement at a rate of £ per (meeting or other function) that you will attend. Please note that the payment is intended to cover involvement in preparation that is required before you attend, and any follow up after the meeting such as your notes.

The (meetings or other function) will be held (once a week / once a month / quarterly / annually)

We will make payments by automated bank credit monthly in arrears.

Our policy is to reimburse expenses that are incurred necessarily, wholly and exclusively in the course of paid involvement.

We have agreed to reimburse your travel expenses that are necessary for involvement.

OR

We will provide you with travel tickets/cards/transport so that your benefits are not affected.

We discussed the costs that you will incur for child care/replacement carer/ personal assistant/support worker/facilitator/communicator.

We have has agreed to reimburse you these necessary costs. This will amount to £ per meeting/event.

OR

You have said that we should pay the person directly and will provide us with their name and address so that we can make arrangements with them directly.

I look forward to hearing from you. Please let me know if you need any more information.

Yours sincerely

Summary of offer

Payments for involvement offered:

£ x for preparation, participation in meeting/other event of x hours, follow up notes/feedback

Frequency of meetings/other event:

once off on (date) or

weekly / monthly / quarterly / other (please state)

1. Travel costs offer

Necessary travel costs for involvement will be reimbursed

OR

You will not incur travel costs as we will provide you with travel tickets / card / transport.

2. Reimbursed expenses offer

The costs of:

- child care
- replacement carer
- personal assistant
- support worker
- facilitator
- communicator
- other

will be funded.

3. Manner of funding necessary expenses

We will provide child care vouchers up to £

OR

We will fund the costs of replacement childcare directly to the child carer. Please provide us with contact details so that we can make the arrangements.

We will refund the costs of a replacement carer directly to you. This will amount to £x per meeting/event

OR

We will fund the costs of a replacement carer directly to them. Please provide us with contact details so that we can make the arrangements.

We will fund the costs of (please circle):

- personal assistant
- support worker
- facilitator
- communicator
- other

We will refund the exact costs of a personal assistant/support worker / facilitator / communicator / other to you. This will amount to £x per meeting/event

OR

We will fund the exact costs of a personal assistant/support worker / facilitator / communicator / other to them. Please provide us with contact details so that we can make the arrangements.

Important

Any payment that you receive, other than reimbursement of allowable expenses, may affect your entitlement to benefits and must be declared to your Jobcentre Plus office.

If you claim incapacity based benefits, (Incapacity Benefit, Severe Disablement Allowance and/or Income Support for incapacity) you must complete the form PW1 about Permitted Work.

We suggest that you show Jobcentre Plus a copy of this letter when you notify payments or Permitted Work.

Appendix C

Standard letter format for advising a service user or carer of the arrangements that have been agreed with them by the DC / NHS Trust / Public Authority

Letter for voluntary involvement

Letter to: name of person who uses services or carer

Purpose: for person who uses services or carer to provide to Jobcentre Plus or the Pension Service when notifying voluntary involvement

Dear

Thank you for your interest in becoming involved with (public authority name). As a person who uses social care services /a carer your knowledge and experience of social care services will be making an important contribution towards maintaining and raising standards for others.

We are offering you involvement on a voluntary basis. This means that we will not be paying you for your time.

The (meetings or other function) will be held (once a week / once a month / quarterly / annually).

Our policy is to reimburse expenses that are incurred necessarily, wholly and exclusively in the course of voluntary involvement.

We have agreed to reimburse your travel expenses. We will refund the exact amount so that this does not affect your benefits. We will ask you for the ticket or payment slip.

We discussed the costs that you will incur for childcare/replacement carer/ personal assistant/support worker/facilitator/communicator and (public authority name) has agreed to cover these costs.

You have said that you would prefer that these expenses should be paid to you to pay the person concerned.

OR

You have said that we should pay the person directly.

I look forward to hearing from you. Please let me know if you need any more information.

Yours sincerely

Summary of offer

1. No payment is offered:

The involvement is voluntary.

Frequency of meetings/other event:

once off on (date) or

weekly / monthly / quarterly / other (please state)

2. Travel costs offer

All necessary travel costs will be reimbursed to you. Please retain and provide your tickets or receipts.

3. Reimbursed expenses offer

The costs of:

- child care
- replacement carer
- personal assistant
- support worker
- facilitator
- communicator
- other

will be funded.

4. Manner of funding necessary expenses

We will provide child care vouchers up to £

OR

We will fund the costs of replacement childcare directly to the child-carer. Please provide us with contact details so that we can make the arrangements.

We will refund the costs of a replacement carer to you. This will amount to £x per meeting / event

OR

We will refund the costs of a replacement carer directly to them. Please provide us with contact details so that we can make the arrangements.

We will fund the costs of (please circle):

- personal assistant
- support worker
- facilitator
- communicator
- other

We will refund the exact costs of a personal assistant / support worker / facilitator / communicator / other to you. This will amount to £x per meeting/event

OR

We will fund the exact costs of a personal assistant / support worker / facilitator communicator / other to them. Please provide us with contact details so that we can make the arrangements.

Important

Any payment that you receive, other than reimbursement of allowable expenses, may affect your entitlement to benefits and must be declared to your Jobcentre Plus office.

Voluntary work or voluntary involvement must be notified to Jobcentre Plus

We suggest that you show Jobcentre Plus a copy of this letter when you notify them of your involvement.

Appendix D

Service User and Carer Involvement Registration Form

CSIP/NIMHE is setting up a database of service users and carers who have experience of using health and social care services in (state the area) and who would like to help us improve the services for the benefit of others.

Some involvement is voluntary and some may be paid. We always pay for any expenses so that you are not out of pocket.

If you get benefits we can offer you access to welfare rights advice so you can check that involvement won't affect your income.

If you would like to help and might consider being involved in the work CSIP/NIMHE, could you fill in this form?

We would like:

- to tell you about what is going on in CSIP/NIMHE and about new opportunities as they arise;
- to involve a wide range of people – with experience of using all types of health and social care services, including men and women of all ages, especially people with health problems or disabilities, people from different ethnic groups, people who are gay, lesbian, bisexual; we hope to involve people with experience of drug and alcohol problems and people with all forms of mental health conditions including personality disorder.

If you need some help to fill in the form please ask.

Title: (please circle): **Mr / Mrs / Miss / Ms / Other (please specify)**

Name: _____

Address: _____

Preferred Postal Address: (where you would like to be contacted, if different from the above) _____

Postcode: _____

Telephone: _____ **Mobile:** _____

Email: _____

I prefer to be contacted by post: Telephone: Email: (please tick)

Age group (please circle) :

Under 10 years

Between 10 and 16 years

Between 16 and 20 yrs

Between 20 and 30 years

Between 30 and 40 years

Between 40 and 50 years

Between 50 and 60 years

Between 60 and 70 years.

Between 70 and 80 years

Over 80 years

Male _____ Female _____

Sexuality (please circle if you wish) Hetero, Gay, Lesbian, Bisexual, Transgender.

Do you have experience of using or caring for someone using health or social care services? Would you like to use your experience to help improve the quality of services? If so please could you tell us about the services that you would like to help improve through involvement.

Ethnic Background: (Please Tick)

White

British	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Any other white background	<input type="checkbox"/>

Mixed

White and Black Caribbean	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>
White and Asian	<input type="checkbox"/>
Any other mixed background	<input type="checkbox"/>

Asian or Asian British

Indian	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>
Bangladeshi	<input type="checkbox"/>
Any other Asian background	<input type="checkbox"/>

Black or Black British

Caribbean	<input type="checkbox"/>
African	<input type="checkbox"/>
Any other black background	<input type="checkbox"/>

Other Ethnic Groups

Chinese	<input type="checkbox"/>
Any other ethnic group: please say which	

Would you consider yourself to have a [health problem](#) or a disability that makes it difficult for you to carry out some normal day-to-day activities? This could be physical, sensory, a learning disability or of a mental health nature.

If Yes, please say what kind of adjustments could help you get involved.

CSIP/NIMHE needs people with ill-health or who are disabled to be involved because you are best placed to offer us the benefit of your experience of using health and social care services.

We are looking for **your** advice on how we can best involve you.

We could for instance offer the following help if your circumstances mean that:

- I cannot travel by myself – a Personal Assistant can be provided to help get to and from meetings
- I cannot use public transport - a cab can be provided for local journeys
- My hearing is not good – would a signer help or would a loop be better?
- I am not used to meetings – we will provide training beforehand

- I don't understand the professional jargon – we promise that meetings will not use jargon and there will be plenty of time for questions if some things are not clear
- I get very stressed in meetings – we can arrange for meeting breaks every hour
- My speech is not always understood by others – we can pay for an advocate to come with you to meetings

If you do not need any special arrangements please tick here.

I understand that my details will be kept on a database so that I can be offered the opportunity to help through getting involved. This information will be confidential to CSIP/NIMHE and will not be shared with any other organisation. If, at any time, I do not wish to receive information from CSIP/NIMHE about involvement opportunities I can ask for my details to be removed.

Signed:

Date:

Please return this form to: [insert appropriate person]

Please let [insert appropriate person] know if any of your details change.

Appendix E

Letter of authority from the service user or carer to CSIP/NIMHE/NHS Trust re direct payments to a replacement carer, a child care worker, a support worker or a personal assistant

TO: CSIP / NIMHE / X NHS TRUST

From: (name and address).....

.....

I hereby confirm that (name and address of replacement carer, child care worker, support worker, personal assistant)

.....

.....

Acted as a re replacement carer, child care worker, support worker, personal assistant (delete as appropriate) so that I could be involved on:

Date for x hours (including travelling time)

I authorise the payment to (name) for x hours @ the rate agreed of £ per hour.

Thank you

Signed

Date

Appendix F: Service User and Carer Paid Involvement Registration Agreement

Dear *[insert name of participant]*

Thank you for your interest in being involved in developing and informing the work of CSIP/NIMHE from a service user or carer perspective. Your registration details have now been entered on our Service User/Carer Involvement Register and copies of these details are attached, for your records.

We value your experiences and the contribution you will bring to CSIP/NIMHE.

In line with the organisation's payments policy you are entitled to be paid for the agreed time you are involved with us. This document outlines the terms on which this payment is offered.

In order to receive payment you should read this letter, sign and return the enclosed duplicate to the *(insert job title)*, keeping the original for yourself. If you need help in having this document explained too you please contact the *(insert job title & Name)*.

You are not obliged to undertake any involvement offered to you, nor is CSIP/NIMHE obliged to offer you any involvement. Each task is self-contained and once the task is over, you are not obliged to undertake any further tasks, nor are CSIP/NIMHE obliged to offer you any. During periods of engagement, your relationship with CSIP/NIMHE shall be that of an independent adviser. This is not employment.

We set out the amount that you will be paid and the arrangements for covering the costs of any expenses that you may incur, in the attached letter.

Payment will be made as quickly as possible, normally by credit transfer to a nominated Bank or Building Society, within 20 working days following receipt of a completed form confirming your attendance. Payment will be conditional upon your carrying out any involvement that has been offered to you, which you have agreed to carry out.

In some cases, if we are concerned about you taking on any responsibilities that could **impact on** your health, we will discuss this with you and it may require you to be referred to our occupational health team who will provide advice.

If you undertake any involvement that brings you into contact with children or vulnerable adults this may mean that you will be required to have a criminal records bureau check. CSIP/NIMHE is obliged by the Department of Health to ensure people working with us have this clearance. CSIP/NIMHE will pay any costs involved with obtaining this clearance. Please note that a criminal record in itself will not mean that you will not be accepted onto the Register.

In accordance with the Asylum & Immigration Act 1996, you must be able to demonstrate you are able to legally work in the United Kingdom.

Whilst involved with any involvement for *CSIP/NIMHE*, you should comply with the general protocols, standards and conduct applicable to the area in which you are working, including showing respect for others and maintaining confidentiality. Details of these standards will be explained to you by the (*insert job title*), who is co-ordinating the task you are involved with. If you fail to comply with applicable protocols, standards and conduct, *CSIP/NIMHE* has the right to end your engagement and/or remove you from the Register.

You must be aware of your own responsibilities for Health and Safety and you must comply with *NIMHE*'s Health and Safety Policy, including any instructions given to you on this matter. You should report all accidents or incidents to the manager co-ordinating your project/tasks.

In order to ensure that the Involvement Register is up to date you must notify the (*insert job title*) of any change in circumstances e.g. change of address, bank details, etc.

You are advised that *CSIP/NIMHE* does not accept responsibility for articles lost or damaged on its premises, whether by fire, theft or otherwise; with the exception of money or valuables which have been handed in for safekeeping and for which a receipt has been given.

When you are involved you may have access to, see or hear information of a confidential nature and you are required not to disclose such information, particularly that relating to service users, carers and staff. Any breach of confidentiality is likely to result in the end of your engagement and/or your removal from the Involvement Register.

You should notify the (*insert job title*) in writing if you are no longer available and no longer wish to remain on the Involvement Register.

If you have any complaint or grievance relating to your registration or the involvement you are undertaking on specific engagements, you should raise the matter, in writing, with the (*insert job title*), (*insert full postal address*).

For the avoidance of doubt, it is agreed and understood that registering on the Involvement Register does not constitute a contract of employment between you and *CSIP/NIMHE*. Registering on the Involvement Register does not imply any obligation to provide you with paid involvement nor does it imply any obligation on your part to accept any involvement offered.

CSIP/NIMHE reserves the right to make such changes to these terms from time to time at its discretion as may reasonably be required.

CSIP/NIMHE agrees to provide you with access to a Welfare Rights Adviser prior to you deciding to agree to any paid involvement so that you can check that your benefits will be unaffected before agreeing to be involved. We agree to provide such further access as may reasonably be required when taking up future engagements.

Yours sincerely,

[contact name and position]

I have read and understood the above together with STANDARDS OF BEHAVIOUR; STANDARDS OF BUSINESS CONDUCT & POLICIES – SUMMARY SHEET documents and, by countersigning and returning it to the *(insert job title)*, I agree to the terms of this letter and these documents.

Signed.....Date.....

Print Name.....

Please complete the following

Name of person to be contacted in an emergency

Phone

Address

Appendix G: Application for Service User and Carer Involvement Opportunities

<p>Opportunity:</p> <p>Ref No:</p>	<p>Please return to:</p>
<p>Closing Date:</p>	
<p>Personal Details:</p> <p>Title: Mr/Mrs/Miss/Ms/Other (Please Specify) (Please circle)</p> <p>Family Name: _____</p> <p>Forename(s): _____</p> <p>Involvement Registration No: _____</p>	<p>Address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Tel No: (home) _____</p> <p style="padding-left: 100px;">(work) _____</p>
<p>Please read the role description and personal specification and say why you are interested in this involvement opportunity and what relevant knowledge, experience, skills you have <i>(use a separate piece of paper if necessary)*</i>.</p> 	

***Please ask for help if you need it.**

Please Turn Over

Rehabilitation of Offenders Act/Criminal Records Bureau (CRB)

Involvement opportunities in CSIP/NIMHE are exempt from the Rehabilitation of Offenders Act 1974. **If it is relevant to the involvement opportunity you have applied for, you will be asked to provide details of all previous criminal convictions.** If you are advised and you do not declare the convictions you have (whether “spent” under the Rehabilitation of Offenders Act or not) this could lead to the withdrawal of a provisional offer of involvement. If you are asked to give details of your criminal convictions a “Disclosure”, application via the CRB will be made prior to a firm offer of involvement.

Please complete/do not complete the following section:

Have you ever had any criminal convictions? Yes/No

If yes, please give details:

Have you any criminal convictions that are not yet “spent”

Under the Act? Yes/No

If yes, please give details: :

Are you involved in any cases for which proceedings are pending? Yes/No

If yes, please give details:

Appendix H: Service User and Carer Involvement Agreement

<p>Involvement to be undertaken:</p> <p>Ref No: _____</p>	<p>CSIP/NIMHE Programme:</p> <p>Manager: _____</p> <p>Email: _____</p> <p>Phone: _____</p>
<p>Personal Details:</p> <p>Title: Mr/Mrs/Miss/Ms/Other (Please Specify) (Please circle)</p> <p>Family Name: _____</p> <p>Forename(s): _____</p> <p>Involvement Registration No: _____</p>	<p>Address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Tel No: (home) _____</p> <p>(work) _____</p>
<p>Start Date: _____ Duration: _____</p> <p>_____</p>	
<p>Payment Rate: _____ per _____</p> <p>During the course of undertaking, the work defined above I will be bound by the Code of Conduct and Standards of Behaviour attached to this document.</p>	
<p> </p>	

Appendix I - HM Revenue and Customs form P46



P46: Employee without a Form P45

Section one To be completed by the employee

Please complete section one and then hand back the form to your present employer.
If you later receive a form P45 from your previous employer, please hand it to your present employer.

Your details Please use capitals

National Insurance number

This is very important in getting your tax and benefits right.

Name

Title - enter MR, MRS, MISS, MS or other title

Surname or family name

First or given name(s)

Are you male or female?

Male Female

Date of birth

Address

Postcode

House or flat number

Rest of address including house name or flat name

Your present circumstances

Please read all the following statements carefully and tick **the one** that applies to you.

A - This is my first job since last 6 April and I **have not** been receiving taxable Jobseeker's Allowance or taxable Incapacity Benefit or a state or occupational pension.

OR

B - This is now my only job, but since last 6 April I **have** had another job, or have received taxable Jobseeker's Allowance or Incapacity Benefit. I do not receive a state or occupational pension.

OR

C - I have another job or receive a state or occupational pension.

Student Loans

If you left a course of Higher Education before last 6 April and received your first Student Loan instalment on or after 1 September 1998 and you have not fully repaid your student loan, tick box D. (If you are required to repay your Student Loan through your bank or building society account do **not** tick box D.)

Signature and date

I can confirm that this information is correct

Signature

Date

Appendix J - Further advice and information on benefits

The Involvement Helpline for benefits advice

provides free advice to people who are involved with the Commission for Social Care Inspection (CSCI), Social Care Institute for Excellence (SCIE), General Social Care Council (GSCC), or Skills for Care (SfC), and to organisations that are supporting their work.

Advice is given to service users or carers according to individual circumstances on:

- how much can be paid for involvement, without benefits being affected;
- making sure that Jobcentre Plus understand that involvement is different to work;
- how to avoid reimbursed expenses being treated as earnings;
- how to keep to benefit conditions.

If CSCI or SCIE or GSCC or SfC or an organisation that is supporting their work, asks a service user or carer to become involved with them, the member of staff can offer access to this free confidential telephone service provided by CAB advisors who are trained in involvement.

Health and social care organisations can subscribe to the Involvement Helpline so that service users and carers they involve can also get free specialist advice on involvement and benefits. See [http://www.mkweb.co.uk/Citizens Advice](http://www.mkweb.co.uk/Citizens_Advice) for further details on the Involvement Helpline.

Citizens Advice Bureaux (CAB)

provide free legal advice and free benefits advice to the public.

If your organisation wishes to discuss arranging an involvement benefits advice service locally, the national CAB office on 020 7833 2181 can provide the number of your local CAB office manager. A local CAB will usually need some additional training in order to provide specialist advice on benefits and involvement.

Alternatively the web site provides general information on

<http://www.citizensadvice.org.uk>

Community Legal Services

provide free legal advice and free general benefits advice to people on benefits or other low income.

If you want advice on your benefits phone 0845 345 4 345 and you will be put through to an advisor. This is not a specialist benefits and involvement advice service, but a general advice service. Alternatively the website provides general information on <http://www.clsdirect.org.uk/index.jsp>