

Freedom of Information request 1968/2014

Received 23 April 2014

Published

Information request

I'd like to know if there are any barriers to an elected MP, MSP or local councillor, receiving Access To Work funding once they become elected.

DWP response

A basic eligibility criteria for Access to Work is that the applicant must be in paid employment or self employment and be earning, at least, the national minimum wage for the hours worked. This criteria is relaxed a little for councillors and elected officials, as detailed in the following paragraphs of the guidance for staff delivering Access to Work.

Local councillors and elected officials

174. Councillors are not required to meet the national minimum wage requirements as they are not defined as workers in the National Minimum Wage Act 1998.

175. Councillors elected to office in Scotland since 2007 have been paid a salary rather than an allowance and are able to claim Access to Work providing all the other eligibility conditions are satisfied excluding the NMW requirement.

176. In England and Wales, Councillors who receive reimbursement of travel and meal allowances only, continue to be treated as voluntary workers and are not eligible for Access to Work.

177. Where Councillors receive allowances over and above this amount, for Access to Work purposes, they are treated as in employment and may be eligible for Access to Work support provided they meet the other eligibility conditions excluding the NMW requirement.

178. Other elected officials, for example tribunal members, political party workers, volunteer groups, clubs, for which allowances and expenses are paid, are not generally regarded as in paid employment.

179. HM Revenue and Customs have confirmed that although subsistence and other similar payments are made and attract Tax/National Insurance,

these are not treated as paid employment where they are paid as reimbursement for expenses incurred in carrying out duties.

180. Local Councillors and other volunteers who have AtW equipment supplied for use in other jobs may use this equipment in their council or voluntary duties, provided the owner of the equipment (their employer) agrees.