

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: 4495

DATE: 30 October 2014

Dear Mr Townsend-Handscombe,

Thank you for your Freedom of Information (Fol) request received on 08 October 2014. Please accept my apologies for the delay in responding. You asked:

*Currently a number of AtW customers who are self-employed or work for their own limited companies have had their AtW support stopped. Reasons stated include not earning the national minimum wage, or not paying Class 2 or 4 NI contributions.*

*Having looked at AtW Guidance v 24 (20-25, 34-42, 570, 577, and 614) it is not clear on what basis these decisions are being made.*

*I've summarised a previous related Fol request re this matter below:*

*Fol question: Please provide copies of all policies and other relevant documentation that are used by Access to Work (ATW) staff in relation to eligibility rules in relation to Deaf customers who are self-employed or directors in a limited company. (Made 27/5/14 through [whatdotheyknow.com](http://whatdotheyknow.com))*

*AtW answer: There are no specific eligibility rules for deaf people. Access to Work Advisers use the following guidance. (The reply gives the full text from Guidance under the following headings - Eligibility conditions for Access to Work? What is employment? What is self-employment?)*

*This Fol request asks related but different questions. Can I ask for all written information at AtW / DWP re the following questions. If there is no written information, please confirm that, and in your reply address the questions raised.*

- 1) Other than 'The Guidance' what policy and/or guidance documents set out the eligibility criteria or gateway criteria for ATW support for people who are self employed, or employed by their own limited company, and specifically that deals with minimum income requirements and NI contributions where income is below the threshold for NI contributions?*
- 2) What information leaflets/guidance notes/standard information (published or sent to customers) exist that explain eligibility rules to customers and are, in particular those who are*

*employed by their own limited company or self employed, to assist customers in understanding how to become and remain eligible for ATW support?*

3) *If AtW customers are found not to meet eligibility requirements, but were not informed of the eligibility requirements when being assessed and/or reviewed and/or when their AtW support was awarded, what procedures or guidance exist to enable customers to be able to make changes to become eligible (including retrospectively) so as not to lose or have a break in their support?*

1. There is no additional written guidance/policy specifically dealing with minimum income requirements and NI contributions where income is below the threshold for NI contributions.
2. The AtW eligibility criteria are published on gov.uk and are communicated to customers during their application process with their AtW Adviser. The eligibility criteria are also published on many leaflets in the public domain including some produced by customer representative groups. However, none of these are aimed specifically at customers employed by their own limited company or self employed.
3. Eligibility questions are asked at the outset of every application and printed questions are used where customers are unable to use the telephone. All AtW applications are looked at on an individual basis. Decisions on whether support can be awarded or whether it can be backdated are dependent on a case by case basis. There is no specific guidance on this area of decision making.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy FoI Team

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#### **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.gsi.gov.uk) or by writing to DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.org.uk/Global/contact\\_us](http://www.ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745