

Department for Work and Pensions (DWP)
Central Freedom of Information Team

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: VTR

Date: 31 March 2015

Dear F Williams

Thank you for your Freedom of Information request received on 17/03/15.
You asked:-

I wonder if you could possibly help me. I am a severely disabled person on ESA Support, but I am lucky enough to be able to drive a Motability Wheelchair Access Vehicle. I have been told by Motability that I can no longer renew my Lease for a new vehicle unless I am employed or do 12 hours voluntary work a week out side my home.

The question I would like to ask is, Are severely disabled people who are in ESA Support Group allowed to do 12 hours voluntary work at week without it affecting their benefit?

To put this response into context I should explain a little about the Freedom of Information Act. The Act provides people with a right of access to recorded information held by public authorities such as DWP. The Act does not extend to requests for views, comments or questions about a particular matter. Your request can be in the form of a question, but DWP does not have to answer if this would mean creating information that is not already held in a recorded form.

However, in the interests of customer service, if we don't hold recorded information that directly answers a question, where possible we do our utmost to provide the information we believe to be most pertinent.

For ESA, a volunteer is defined as someone who, without any legal obligation, performs a service for another person, other than for a relative, without expectation of payment.

There is no restriction on who can undertake voluntary Work, irrespective of whether someone is in the ESA Support Group or the Work Related Activity Group.

Whether or not work can be treated as voluntary is considered on a case by case basis. Provided any work is treated as voluntary, there is no set number of hours someone can work.

In order for us to confirm work could be treated as voluntary we would need to see:-

- A letter from the person or organisation worked for detailing hours worked, the service provided, and if the work is for a charitable or voluntary body. We will also need to see details and verification of any expenses incurred, e.g. food or travel to perform the service.

Where it would be unreasonable to treat a claimant or their partner as providing a free service, the value of some unpaid work may need to be treated as 'notional earnings' and this could affect a claimant's benefit.

A Decision Maker will consider whether work can be treated as voluntary and whether or not that work affects the claimant's conditions of entitlement to ESA.

I have attached a link to the Decision Makers Guide which explains Notional earnings.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412666/dmgch15.pdf

Please see paragraph 15014 onwards for notional earnings.

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

Yours sincerely,

DWP Central Fol Team

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@dwpgsi.gov.uk or by writing to: DWP, Central Fol 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, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745