

Job Seeker's Allowance Regulations relating to volunteering pg1/3

The Job Seeker's Allowance Regulations (1996) define voluntary work as being for a not-for-profit organisation or a person unrelated to the volunteer.

Statutory Instrument 1996 No. 207 The Jobseeker's Allowance Regulations 1996

SI 1996/207 Regulation 4

4. "voluntary work" means work for an organisation the activities of which are carried on otherwise than for profit, or work other than for a member of the claimant's family, where no payment is received by the claimant or the only payment due to be made to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged;

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_3.htm#mdiv4]

The Job Seeker's Allowance Regulations (1996) said that 'notional earnings' should not apply to a volunteer or when someone was working for a charitable or voluntary organisation.

Statutory Instrument 1996 No. 207 The Jobseeker's Allowance Regulations 1996

SI 1996/207 Regulation 103(2) Schedule 7 103(2)

SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

1. Any amount paid by way of tax on income which is taken into account under regulation 103 (calculation of income other than earnings).

2. Any payment in respect of any expenses incurred by a claimant who is—

- (a) engaged by a charitable or voluntary organisation; or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under regulation 105(13) (notional income).

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_21.htm#sdiv7]

SI 1996/207 (105(13))

105 (13) Where-

- (a) a claimant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the adjudication officer shall treat the claimant as possessing such earnings (if any) as is reasonable for that employment unless the claimant satisfies him that the means of that person are insufficient for him to pay or to pay more for the service; but this paragraph shall not apply to a claimant who is engaged by a charitable or voluntary organisation or is a volunteer if the adjudication officer is satisfied in any of those cases that it is reasonable for him to provide his services free of charge.

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_9.htm#mdiv105]

Job Seeker's Allowance Regulations relating to volunteering pg2/3

The Job Seeker's Allowance Regulations (1996) cited specific notice periods for volunteers relating to their availability for interview and to take up employment.

Statutory Instrument 1996 No. 207

The Jobseeker's Allowance Regulations 1996

SI 1996/207 Regulation 5(1) to 5(5)

Exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice

5.—(1) In order to be regarded as available for employment, a person who has caring responsibilities or who is engaged in voluntary work is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 48 hours' notice.

(2) In order to be regarded as available for employment, a person who is engaged, whether by contract or otherwise, in providing a service with or without remuneration, other than a person who has caring responsibilities or who is engaged in voluntary work, is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 24 hours' notice.

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_3.htm#mdiv5]

SI 1996/207 Regulation 12

Volunteers

12. If in any week a person is engaged in voluntary work and

(a) he has restricted the total number of hours for which he is available in accordance with regulation 7(2), 13(4) or 17(2) and

(b) the hours in which he is engaged in voluntary work fall in whole or in part within his pattern of availability in determining whether he is available for employment no matter relating to his voluntary work shall be relevant providing he is willing and able to re-arrange the hours in which he is engaged in voluntary work in order to take up employment on being given 48 hours' notice at times falling within his pattern of availability and providing he complies with the requirements of regulation 6.

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_3.htm#mdiv12]

The JSA Amendment Regulations (2002) confirmed that the notice period for a volunteer to attend an interview was 48 hours. The 2002 regulations revised the notice period for a volunteer to take up employment to one week (defined as seven consecutive days).

Statutory Instrument 2002/3072

The Jobseeker's Allowance (Amendment) Regulations 2002

SI 2002/3072 (2)

Amendment of the Jobseeker's Allowance Regulations

2. The Jobseeker's Allowance Regulations 1996[4] shall be amended in accordance with the following regulations.

SI 2002/3072 (3)

Amendment of regulation 5: exceptions to requirement to be available immediately

3. In regulation 5 -

(a) for paragraph (1) there shall be substituted the following paragraph -

" (1) In order to be regarded as available for employment -

(a) a person who has caring responsibilities is not required to be able to take up employment immediately, providing he is willing and able to take up employment on being given 48 hours' notice; and

(b) a person who is engaged in voluntary work is not required to be able to take up employment immediately, providing he is willing and able -

(i) to take up employment on being given one week's notice; and

(ii) to attend for interview in connection with the opportunity of any such employment on being given 48 hours' notice.";

(b) in paragraph (5) after the words "take up employment immediately, the" there shall be inserted the words "one week,";

(c) after paragraph (5) there shall be inserted the following paragraph -

" (6) In this regulation "week" means any period of seven consecutive days.".

[Read the regulation at: <http://www.opsi.gov.uk/si/si2002/draft/20022996.htm#n2>]

Job Seeker's Allowance Regulations relating to volunteering pg3/3

The Job Seeker's Allowance Regulations (1996) stated that voluntary work involves no payment other than for expenses incurred.

Statutory Instrument 1996 No. 207 The Jobseeker's Allowance Regulations 1996

SI 1996/207 Regulation 4

4. "voluntary work" means work for an organisation the activities of which are carried on otherwise than for profit, or work other than for a member of the claimant's family, where **no payment is received by the claimant or the only payment due to be made to him by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by him in the course of being so engaged;**

[Read the regulation at: http://www.opsi.gov.uk/si/si1996/Uksi_19960207_en_3.htm#mdiv4]

The Social Security Amendment (Volunteers) Regulations (2001) altered this so that expenses to be incurred could be paid in advance. The explanatory note makes a clear reference to volunteers.

Statutory Instrument 2001 No. 2296 The Social Security Amendment (Volunteers) Regulations 2001

SI 2001/2296 (2)

Income support, jobseeker's allowance, housing benefit and council tax benefit: disregard of expenses

2. - (1) In each of the provisions specified in paragraph (2) below (which relate to sums to be disregarded in the calculation of income other than earnings), **after the word "incurred", there shall be inserted the words ", or to be incurred",**

(2) The provisions specified for the purposes of paragraph (1) above are -

- (a) paragraph 2 of Schedule 4 to the Council Tax Benefit (General) Regulations 1992[5];
- (b) paragraph 2 of Schedule 4 to the Housing Benefit (General) Regulations 1987[6];
- (c) paragraph 2 of Schedule 9 to the Income Support (General) Regulations 1987[7];
- (d) paragraph 2 of Schedule 7 to the Jobseeker's Allowance Regulations 1996[8].

EXPLANATORY NOTE

(This note is not part of the Regulations)

In particular, regulation 2 of these Regulations allows payments in respect of expenses to be incurred by a claimant for those benefits to be disregarded where he is engaged by a charitable or voluntary organisation or is a volunteer.

[Read the regulation at: <http://www.opsi.gov.uk/si/si2001/20012296.htm#n2>]

Incapacity Benefit Regulations relating to volunteering pg1/1

The Social Security (Incapacity for Work) General Regulations (1995) confirmed that volunteering falls within the category of 'exempt work' and doesn't affect a person's status of being incapable of work.

Statutory Instrument 1995/311

The Social Security (Incapacity for Work) (General) Regulations 1995

SI 1995/311 (17)

GENERAL PROVISIONS RELATING TO INCAPACITY FOR WORK

Exempt work

17.—(1) The categories of exempt work referred to in regulation 16(1)(a) are—

(a) work undertaken on the advice of a doctor which—

- (i) helps to improve, or to prevent or delay deterioration in, the disease or bodily or mental disablement which causes that person's incapacity for work; or
- (ii) is part of a treatment programme and is done under medical supervision while that person is an in-patient or regularly attending as an out-patient of a hospital or similar institution; or
- (iii) is done while that person is attending an institution which provides sheltered work for people with disabilities;

(b) work done as a volunteer;

(c) duties undertaken as a member of a disability appeal tribunal or the Disability Living Allowance Advisory Board.

(2) The weekly limits in relation to exempt work are—

- (a) that earnings from work referred to in paragraph (1)(a) do not exceed £43;
- (b) that, subject to paragraph (3), the combined total of the number of hours spent doing work referred to in paragraph (1)(a)(i) or (b) is less than 16;
- (c) that work referred to in paragraph (1)(c) is not undertaken on more than one day.

(3) A person shall not be treated as capable of work because he has exceeded the limit referred to in paragraph (2)(b) in any week, if he has worked or would be expected to work, as the case may be, an average of less than 16 hours a week—

(a) in a case where a recognisable cycle in respect of that person's work has been established, in the period of that cycle in which the week in question falls; or

(b) in any other case, in the period which comprises that week and the 4 weeks preceding it.

[Read the regulation at: http://www.opsi.gov.uk/si/si1995/Uksi_19950311_en_6.htm#mdiv17]

The Social Security (Welfare to Work) Regulations (1998) altered this so that the weekly limit for exempt work was removed. It used to be 16 hours per week, now there is no limit.

Statutory Instrument 1998/2231

The Social Security (Welfare to Work) Regulations 1998

SI 1998/2231 (4)

Amendment of the Social Security (Incapacity for Work) (General) Regulations 1995

4. - (1) The Social Security (Incapacity for Work) (General) Regulations 1995[12] shall be amended in accordance with the following paragraphs of this regulation.....

(3) In regulation 17(2)(b)[18] (exempt work), the words "or (b)" shall be omitted.

[Read the regulation at: <http://www.opsi.gov.uk/si/si1998/19982231.htm#div4>]