



Access to Work Briefing Sheet

This briefing sheet is designed to give a brief overview of what Access to Work (ATW) is and how it works. If you are an Equity member who requires more detailed information on ATW, Social security, National Insurance or Tax, please contact the Tax and Welfare Rights helpline on 020 7670 0223 or email helpline@equity.org.uk. The helpline is open on Mondays from 10 am-1pm (message only basis) and 2-5pm and Thursdays from 10am-1pm and 2-5pm.

What is Access To Work (ATW)?

Access to Work is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support if you have a disability or long term physical or mental health condition.

An Access to Work grant can pay for practical support to help you:

- start working
- stay in work

How much you get depends on your circumstances. The money doesn't have to be paid back and will not affect your other benefits.

Your employer may also be responsible for some of the costs of your claim. Access to Work can give practical advice and guidance to employers, to help them understand physical and mental ill health and how they can support employees.

Am I eligible?

To be eligible for AtW you must:

- have a disability or health condition (physical or mental) that makes it hard for you to do parts of your job or get to and from work
- be 16 or over
- live in England, Scotland or Wales - the Channel Islands and the Isle of Man are not covered by Access to Work and there is a different service in Northern Ireland.

You also need to have a paid job, or be about to start or return to one. A paid job could include:

- work paid on a **self-employment** (freelance) basis (see below)
- work paid on an **employment** (PAYE) basis (see below)
- an apprenticeship

Self-employment

For AtW purposes, self-employment is:

- operating a business either on the customer's own account or in partnership, or working for an employer on a self-employed contractual basis or
- operating a franchised business on a self-employed basis
- possessing a Unique Tax Reference Number (UTR) and
- satisfying the AtW **business viability test** (see below)

The **business viability test** requires the AtW claimant to achieve a minimum level of turnover each year, set at [Lower Earnings Limit \(LEL\)](#), which changes most years. In tax year 2020/21 and 2021/22 the LEL is £6240 per year.

IMPORTANT NOTE: turnover = the entire amount of earnings achieved without any deductions for expenses, tax, national insurance, etc.

If you do not meet the threshold within a given year, you may still be able to qualify for AtW. For example, if your business is within its first year of trading, or if it has previously met the threshold but is currently subject to a downturn. See section *headed 'What is self-employment?'* paragraphs 15 and 18 of the latest AtW staff guidance as of February 2021: <https://www.gov.uk/government/publications/access-to-work-staff-guide/access-to-work-staff-guide>

Even if the conditions do not apply to you, AtW is a discretionary scheme, which means that each case must be considered on its own merits. In cases like these, it is worth challenging a negative decision with the help of your MP. To find your local MPs contact details see <https://www.parliament.uk/mps-lords-and-offices/mps/>

AtW staff often ask entertainers who claim AtW to a **business plan** in support of their self-employed AtW application. This is a mistake. We advise that you point them to paragraph 5 in the *'What is self-employment?'* section of the ATW staff guide where it is clearly stated that a UTR (self-employment number) and CV are more appropriate than a business plan in the case of a self-employed entertainer.

Employment

For Access to Work (AtW) purposes, employment is:

- full or part-time paid work, whether permanent, casual or temporary;
- with tax and National insurance applied and/or taken at source from pay (known as PAYE - Pay as you earn)

To get AtW support as an employee you must:

- have a contract of employment
- be paid at least the [National Minimum Wage](#) or
- have proof of pay or job offer

Company Directors

Company directors will generally be classed as employed. They will not be expected to meet the national minimum wage condition however they will be expected to satisfy the business viability test in order to qualify for AtW support.

What can it offer me in my work as an actor?

IMPORTANT NOTE: There is no definitive list of items that you either can or cannot be provided with financial support for. Each request should be assessed on a case by case basis. However examples of support that actors and/or other performers have received in the past are as follows:

- Travel costs
- Accommodation costs
- BSL interpreters
- Personal assistants
- Support workers
- Equipment and aids/adaptations

Success stories

A self-employed actress and wheelchair user was awarded funding to purchase a lightweight wheelchair in order to help her manoeuvre on stage easier.

Deaf actors have been able to secure funding for interpreters to help with rehearsal and performance in both live performance and recorded media work.

An actor was able to receive help with the extra costs of more expensive accommodation closer to the venue to which he was performing at the Edinburgh Festival, rather than use cheaper digs on the outskirts of the city.

AtW support has been provided to pay for support workers for actors with both physical and or mental health issues in order to help them to travel to and work at various venues, festivals or to work in tours in the UK and abroad.

How do I apply?

See link <https://www.gov.uk/access-to-work/apply> for information on how to apply online, by phone or BSL text relay.

Is there anyone that can help me apply?

Citizens Advice - <https://www.citizensadvice.org.uk/>
Disability Rights UK - <https://www.disabilityrightsuk.org/>

If you require adjustments to making an AtW claim and they are not made for you by DWP, it is advisable to consult the Equality Advisory and Support service for further advice (<http://www.equalityadvisoryservice.com/app/ask>)

When do I need to apply?

It is advisable to apply as soon as possible to AtW in advance of your work/opportunity as they can take some time to process your application. Applications must be made in advance.

If your claim is not processed within a reasonable timescale, we recommend that you complain (see below). If your complaint is not resolved, we recommend that you contact your MP.

Do I have to make the application myself, or can my employer?

The DWP ask that the application is made by the claimant unless they are unable to do so. If this is not possible they can nominate a third party to do this on their behalf.

You will need to sign a form of authority to allow for someone else to act on your behalf for AtW purposes.

Can I use ATW for support for auditions (i.e. before I have secured employment)?

AtW can provide communication support at job interview, including auditions.

AtW does not contribute to fares to job interviews. The Flexible Support Fund at your local Job Centre may be able to help. For more info see:

<https://www.turn2us.org.uk/About-Us/News/What-is-the-Flexible-Support-Fund>

How much support am I entitled to?

The amount of support that you are able to receive will depend on the following factors:

The Cap

From 1 April 2018, all new applications are subject to a maximum annual award limit of twice the national average salary. This is currently £60,700 from April 2020. Note: The figure will be updated annually each April.

The cap applies to all new AtW claimants.

Self-employment

Most entertainers work on a self-employment basis. They incur business expenditure on this basis.

Access to work will not pay for standard business expenditure. It will only pay for expenditure and above that which a non-disabled freelance worker would usually incur when undertaking work.

For example, a freelance worker may need to pay for accommodation when working away from home. A disabled worker may need to pay for accommodation closer to the work venue due to disability, which may be more expensive, or may require an additional room for a support worker. Access for Work would pay for the difference between the average cost of accommodation in the area and the cost of the more expensive accommodation - or for the additional room for the support worker

Employment

AtW will not cover costs that should be met by your employer as a 'reasonable adjustment' under the Equality Act 2010.

In all other cases, AtW support is provided subject to a mandatory employer 'cost share' that is assessed in accordance with how large the employer is. This is set out at paragraphs 695-701 of the AtW Staff Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752179/access-to-work-staff-guide.pdf

Category of employer	No. of employees	Employer contribution threshold
Micro	1 - 9	Nil cost share
Small	10 – 49	Nil cost share
Medium	50 - 249	£500
Large	250+	£1000

Do I have to book my own support workers/interpreters etc?

Access to Work does not procure support including the use of interpreters. It is either the claimant or their employer who is expected to do this. Access to Work can assist with the costs incurred in the recruitment of a Support Worker but does not undertake the recruitment activity itself.

If so, how do I find support workers/interpreters/coaches?

Access to Work advises applicants to contact recruitment agencies or charitable organisations that may be able to assist with this. They do not hold a recommended list.

What happens if my application is unsuccessful?

Unfortunately it is a discretionary scheme so there is no right of appeal against decisions although you can request a review of the decision. Your Access to Work decision will set out how you can request this.

It is important to note that the rules of Access to Work are not set out in law therefore individual decisions cannot be appealed through the courts as legal decisions; however there are other ways that you can challenge an AtW decision:

1. Request AtW review their decision; it is a good idea to set this out in writing with reference to where the decision is either incorrect in accordance with AtW guidance, and/or and preventing you from accessing work, contrary to the purpose of the scheme.
2. If your review is not accepted, it is then a good idea to contact your MP to assist you to make a complaint to the AtW scheme.
3. If, after following steps 1 and 2, the decision is not overturned, we would suggest you seek further legal advice by either contacting the Equality Advisory and Support service (<http://www.equalityadvisoryservice.com/app/ask>) or a disability discrimination solicitor (<http://solicitors.lawsociety.org.uk>)

IMPORTANT NOTE: it is very important to make sure that you access legal advice as soon as possible following a final negative review decision - ideally within 3 months of a negative decision.

Complaints

You can complain about AtW if you feel that you have been unfairly treated or your application has been unreasonably delayed, etc. See <https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

Any other tips?

For further support if you are having difficulties accessing AtW help see <https://stopchanges2atw.com/>
<https://dpac.uk.net/>

Is there anyone I can speak to for more advice on how I can use Access to Work?

Equity Tax and Welfare Rights Advice Team (for Equity members only) - helpline open on Mondays 2-5pm and Thursdays 10am-1pm and 2-5pm on 0207 670 0223 or email helpline@equity.org.uk

Citizens Advice - <https://www.citizensadvice.org.uk/>

Disability Rights UK - <https://www.disabilityrightsuk.org/>

Re-making claims

For longer term support, it is important to note the date that your support is going to run out and to make another claim in advance of that date. We would recommend a couple of months beforehand if possible.