



The Information Exchange

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Returning to work

The majority of people who are HIV positive maintain a good state of health for long periods. Even those who have experienced a number of 'life threatening' HIV related diseases recover a high degree of health and fitness. Confidence is high and a substantial section of the HIV affected community have returned to work or further education. There are a number of considerations, which should be examined before any decision is made in this direction. Dropping out of the Social Security benefits regime, whilst maintaining your standard of living, is not easy to achieve. It should not be done without prior discussion with a benefits expert (see the list at the end of this factsheet).

Some key points for consideration are:

- What would you gain by returning to work or further education?
- Do you think your health is stable enough to allow such a move?
- If you are taking combination therapy, how will you integrate your treatment regime with a working day?
- When applying for jobs, how will you account for the gaps in your CV when you were not working due to illness?
- Will you be able to earn enough to compensate for the loss of Social Security benefits?
- Will you need to tell your employer about your HIV status?
- Would voluntary work be a good first option to help you test out the potential benefits or disadvantages of returning to work?
- Would you require some training before applying for jobs?

The above are only a few of the many issues to be considered. Individual circumstances will determine the conclusion you eventually arrive at.

Social Security Benefits, Employment and Further Education

Benefit regulations are very complex but there follows a brief guide to how your benefits may be affected.

Disability Living Allowance

DLA is awarded according to your level of disability or serious illness, is non-taxable and not means tested. Returning to work will not necessarily affect your eligibility to claim, but the mere fact that you might wish to do so may raise questions about your level of ability and accordingly the amount of DLA you receive. It is possible to continue to claim whilst studying. As with all benefits it is your responsibility to inform the relevant benefit department of any change in circumstance.

Incapacity Benefit

You would lose this benefit upon returning to work as you will no longer be seen as incapable of work. You can undertake a limited amount of work called permitted work. There are rules attached to undertaking permitted work and it would be advisable to speak to a benefits expert to explain these.

Income Support

If you are claiming on the basis that you are incapable of work, then you may no longer be entitled if you return to work. These are certain exceptions on which a benefits expert will be able to advise. It is normally not possible to claim Income Support while studying unless you are responsible for a child.

Job Seekers Allowance

If you work less than 16 hours per week, you may be able to claim Job Seekers Allowance to top up your wages to your DSS applicable amount. However, you must be available for and actively seeking work.

Employment and Support Allowance, (ESA) replaced Incapacity Benefit and Income Support that is paid because of an illness or disability for new claimants from 27 October 2008. If you are already receiving Incapacity Benefit, your payments will continue as long as you are eligible. The government plans to migrant all claimants of Income Support and Incapacity Benefit onto ESA in the near future. For further information go to the Directgov website, www.direct.gov.uk and look under the heading Disabled People then go to Financial Support.

Housing and Council Tax Benefit for Social tenants and Local Housing Allowance for private tenants

These may still be claimed when you are working, provided you are on a low wage, the amount payable depends on the level of your earnings. Accommodation occupied solely by students is exempt from Council Tax.

Working Tax Credit

If you are over 25 and work 30 hours per week, 50 or over and work 16 hours per week, are responsible for a child and work 16 hours per week or have a disability and work 16 hours or more per week you may be entitled to claim Working Tax Credit.

Benefit Linking Rules

If you have attempted to return to work but decide that you are unable to continue, the Benefit Linking Rules will allow you to re-claim benefits at the same rates as before you returned to work. For Incapacity Benefit and Income Support it is currently up to 104 weeks though this will change from January 2011 and you will be treated as if claiming Employment & Support Allowance. These rules also apply to Housing and Council tax benefit. Various rules apply so it would be worth speaking to a benefits expert to explain your individual circumstances.

Benefit run-on's

You may be entitled to continue being paid some benefits when you first take up employment. Examples include four weeks Housing Benefit or Mortgage Payments. Again you should speak to a benefit expert.

Benefits Advisors

THT Direct Helpline 0845 1221 200. **DSS** Benefits Enquiry Line 0800 88 22 00. **Citizen's Advice Bureau**, look on line or in your local telephone directory for nearest branch. If you are a resident of Kensington & Chelsea the local **Citizen's Advice Bureau** have a dedicated **Welfare Benefits service** for client's living with HIV – 020 7 361 4191. **Hospital based Social Worker** for patients in the Kensington and Chelsea Borough 020 3315 8797. For comprehensive information and guidance on working and benefits go to the Directgov website, www.direct.gov.uk. **Job Centres** those with a Disability Employment Advisor provide specialist help and advice to disabled people and their employers. They will discuss your employment background and prospects and help you to draw up an action plan to help you move into work, education or training. You can find your nearest Job Centre by looking in the telephone book under *Employment Services*.

Starting Your Own Business

The following organisations may be able to help you if you are thinking of setting up your own business.

- **The National Federation of Small Businesses.** Gives advice produces an information pack - 01253 336000

Information Technology

There are a number of IT training courses available through Positive Futures, the details for which can be found at the end of this fact sheet. Currently these services are only for those living in London. **Learn Direct** – large number of courses which can be completed at home or at a Learn Direct Centre (National) - 0800 101 901

Publications

The Terrence Higgins Trust has two booklets which provide further reading and information about returning to work and your future options. They are called "Positive about Work" and "Thinking about the Future". You can contact the THT National helpline on 0845 1221 200 (10am - 10pm Monday - Friday, and 12 noon - 6pm on Saturday and Sunday)

Other sources of Information

The Globe Centre 020 7791 2855, **Oasis North London** 020 7791 2855, **THT/London Lighthouse** 020 7792 1200 and **Positively Women** 020 7713 0444.

