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S O C I A L
S E C U R I T Y
A G E N C Y

Mr Derek McCallan
Chief Executive
Northern Ireland Local Government Association
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25 August 2015

Dear *Mr McCallan*

I am writing to bring to your attention an important issue relating to cases where individual local councillors are making a claim or are currently receiving a social security benefit. You may already be aware of a recent court case involving a local councillor from media coverage in the Irish News and Belfast Telegraph. The purpose of my writing to you is to both highlight the issue and to ask for your co-operation in bringing the advice contained in this letter to the attention of all local councillors to help ensure they are fully aware of their legal responsibilities.

The issue concerns how payments made to local councillors are treated where those individuals make a concurrent claim or are in receipt of social security benefit. The rules affecting contribution based and income based benefits are different but the obligation is on the individual to make themselves aware of the conditions of entitlement and to comply with the Department's requirements even if their circumstances change.

When making a claim to, or when in receipt of social security benefit, local councillors, as with all other claimants, must satisfy particular conditions relating

to the benefit. Specifically, one such condition may be the receipt of earnings or other income. For details of what information is required in any particular case you may find information on the claim form, NI Direct, the Department's website, a Citizens Advice Bureau or by contacting the local social security office.

All councillors are reminded that, in the event social security benefits are claimed, or are in payment, it is a requirement to declare all paid and unpaid work. It is a personal responsibility of every individual councillor who claims benefit to make a full and accurate declaration at the outset and through any period to which the claim relates. It is important they understand that earnings or income includes any expenses or allowance they may receive as a councillor. Where applicable, such a declaration must include disclosure of all earnings or other income, irrespective of whether the income/earnings are received directly by the individual or whether he or she chooses to have them paid to a third party.

Failure to give accurate information to obtain a social security benefit and to notify the Department promptly when or if circumstances change may constitute a criminal offence and lead to criminal proceedings.

I would be obliged if this information could be brought to the attention of all councillors so they are aware of what action they need to take when claiming social security benefits. Compliance with these responsibilities will help to ensure the protection of public funds and to avoid unwanted criticism for individuals, and the local government institutions.


TOMMY O'REILLY
CHIEF EXECUTIVE