Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

SOCIAL SECURITY

The Jobseeker's Allowance (18-21 Work Skills Pilot Scheme) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1(1)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 136(5)(a) and (b), 137(1) and 175(1), (3), (4) and (6) of the Social Security Contributions and Benefits Act 1992(**1**), sections 12(4)(a) and (b), 17A(1), (2), (5)(a) and (b), 20E(3)(a), 29, 35(1) and 36(2), (4) and (4A) of the Jobseekers Act 1995(**2**) and sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(**3**).

These Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, make it more likely that persons will obtain or remain in work or be able to do so(**4**).

These Regulations are made with the consent of the Treasury in respect of provisions relating to section 30(**5**) of the Housing Grants, Construction and Regeneration Act 1996.

In respect of provisions in these Regulations relating to housing benefit, organisations appearing to the Secretary of State to be representative of the authorities concerned have agreed that consultations need not be undertaken(**6**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**7**).

(**1**) 1992 c.4. Section 137(1) is an interpretation provision and is cited for the definition of "prescribed". Section 175(1) and (4) was amended by paragraph 29(1), (2) and (4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 175(6) was amended by paragraph 10 of Schedule 9 to the Local Government Finance Act 1992 (c.14).

(**2**) 1995 c.18. Section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c.24) ("the 2009 Act"). Section 20E was inserted by section 32(1) and (2) of the 2009 Act and subsection (3)(a) was amended by Schedule 14 to the Welfare Reform Act 2012 (c.5). Relevant amendments to section 29 are made by section 28(1)(a) and (b) of the 2009 Act and Schedule 6 to the Tax Credits Act 2002 (c.21). Sections 35(1) and 36(4) were amended by paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999. Section 35(1) is an interpretation provision and is cited for the definition of "prescribed" and "regulations". Section 36(4A) was inserted by section 1(1) and (3) of the 2009 Act.

(**3**) 1996 c.53. Section 30 was amended by S.I. 2002/1860 and by paragraph 62 of Schedule 8 to the Civil Partnership Act 2004 (c.33). Section 146 was amended by section 138(1) and (4)(a) of the Local Democracy, Economic Development and Construction Act 2009 (c.20).

(**4**) See section 29(8) of the Jobseekers Act 1995 (c.18) ("the Act"), as amended by section 28 of the 2009 Act.

(**5**) See section 30(9) of the Housing Grants, Construction and Regeneration Act 1996.

(**6**) See section 176(2) of the Social Security Administration Act 1992 (c.5).

(**7**) See section 173(1)(b) of the Social Security Administration Act 1992.

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by a resolution of each House of Parliament.

PART 1

GENERAL

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (18-21 Work Skills Pilot Scheme) Regulations 2014 and come into force on the day after the day on which they are made.

(2) They cease to have effect at the end of the period of 24 months beginning with the day on which they come into force.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Jobseekers Act 1995;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**8**);

"the Housing Renewal Grants Regulations" means the Housing Renewal Grants Regulations 1996(**9**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations 2006(**10**);

"claimant" means a person who claims a jobseeker's allowance, except that in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, it means either or both of the members of the couple;

"Level 2 qualification" means—

(a) a qualification defined as a Level 2 qualification within the National Qualification Framework regulated by the Office of Qualifications and Examinations Regulation; or

(b) an equivalent qualification within the European Qualifications Framework; or

(c) any other qualification that the Secretary of State considers is equivalent to a qualification mentioned in paragraphs (a) or (b)(**11**);

"Phase One" has the meaning given to it in regulation 3(3) to (6);

"Phase Two" has the meaning given to it in regulation 3(7);

"pilot area" means a Jobcentre Plus district of the Department for Work and Pensions, by whatever name it is from time to time known, which is identified by reference to its name at the date these Regulations come into force as listed below—

(a) Black Country;

(b) Devon, Somerset and Cornwall;

(**8**) S.I. 1996/207.
(**9**) S.I. 1996/2890.
(**10**) S.I. 2006/213.
(**11**) Copies of the National Qualification Framework and the European Qualification Framework as they stand on the date that these Regulations come into force are available from any of the Jobcentre Plus offices in the pilot areas.

(c) Kent;

(d) Mercia;

"the Scheme" has the meaning given to it in regulation 3(2);

"the Scheme provider" means the person or persons delivering the Scheme pursuant to arrangements made by the Secretary of State(**12**).

(2) For the purpose of these Regulations, where a written notice is given by sending it by post it is taken to have been received on the second working day (which means any day except for a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(**13**) in England) after posting.

The 18-21 Work Skills Pilot Scheme

3.—(1) The 18-21 Work Skills Pilot Scheme is prescribed for the purposes of section 17A(1) (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc) of the Act.

(2) The 18-21 Work Skills Pilot Scheme ("the Scheme") is a scheme that consists of two phases as described in paragraphs (3) to (7).

(3) Phase One is designed to provide claimants selected in accordance with regulation 4 with skills training in English or Maths (or both) for up to 16 hours per week for a cumulative period of up to 6 months to help claimants develop skills in one or both subjects in order to assist them to obtain employment.

(4) Phase One begins with an assessment of a claimant by the Scheme provider.

(5) A claimant participating in Phase One may be required to undertake skills training in English or Maths (or both) where, following that assessment, the Secretary of State is satisfied that the claimant does not possess skills in one or both subjects at a standard equivalent to that required to obtain a Level 2 qualification.

(6) Phase One may also include further assessments of claimants' skills.

(7) Phase Two is designed to provide claimants selected in accordance with regulation 9 with work-related activity or skills training (or both) for up to 30 hours per week for a cumulative period of up to 6 months to help claimants develop skills or gain experience (or both) relevant to the work place in order to assist them to obtain employment.

PART 2

SELECTION FOR AND PARTICIPATION IN PHASE ONE OF THE 18-21 WORK SKILLS PILOT SCHEME

Selection for participation in Phase One of the Scheme

4.—(1) The Secretary of State may select on a sampling basis a claimant ("C") for participation in Phase One of the Scheme if the following circumstances are met.

(2) The first circumstance is that C has reached the age of 18 and has not yet reached the age of 22 on the day on which C makes or is treated as making a claim for a jobseeker's allowance.

(3) The second circumstance is that C's claim for a jobseeker's allowance is made or treated as made on or after the date that these Regulations come into force.

(**12**) See section 17B of the Act. Section 17B was inserted by section 1 of the Welfare Reform Act 2009.
(**13**) 1971 c.80.

(4) The third circumstance is that C is registered at a Jobcentre Plus office that is located within a pilot area.

(5) The fourth circumstance is that C is required to meet the jobseeking conditions(**14**).

(6) The fifth circumstance is that C has not provided evidence of a Level 2 qualification in English or Maths or both.

Requirement to participate in Phase One of the Scheme and initial notification

5.—(1) Subject to regulation 7, a claimant ("C") selected in accordance with regulation 4 is required to participate in Phase One of the Scheme, including attending an assessment with the Scheme provider, where the Secretary of State gives C a notice in writing complying with paragraph (2).

(2) The notice must specify—

(a) that C is required to participate in Phase One of the Scheme, including attending an assessment with the Scheme provider;

(b) a description of Phase One of the Scheme in which C is required to participate;

(c) the day on which C is required to start participation in Phase One of the Scheme;

(d) the date, time and location at which the assessment will take place;

(e) the purpose of the assessment;

(f) that the requirement to participate in Phase One of the Scheme will continue until any of the circumstances in sub-paragraphs (a) to (d) of regulation 7(2) apply; and

(g) the consequences of failing to participate in Phase One of the Scheme, including failing to attend an assessment with the Scheme provider.

(3) Any changes to the details mentioned in paragraph (2) must be notified by the Secretary of State to C in writing.

Subsequent notifications

6.—(1) Subject to regulation 7, a claimant ("C") who, following an assessment in accordance with regulation 5 or 8, the Secretary of State is satisfied does not possess skills in English or Maths or both at a standard equivalent to the skills required to obtain a Level 2 qualification is required to—

(a) attend skills training in English or Maths or both; and

(b) participate in further assessments if appropriate;

where the Secretary of State gives C a notice in writing complying with paragraph (2).

(2) The notice must specify—

(a) details of what C is required to do by way of continued participation in Phase One of the Scheme; and

(b) information about the consequences of failing to continue to participate in Phase One of the Scheme.

(3) Any changes to the details mentioned in paragraph (2) must be notified by the Secretary of State to C in writing.

(**14**) See section 17A(10) of the Act for the meaning of "jobseeking conditions".

Circumstances in which requirement to participate in Phase One of the Scheme is suspended or ceases to apply

7.—(1) The requirement for C to participate in Phase One of the Scheme does not apply for any period during which the Jobseeker's Allowance Regulations apply so that C is not required to meet the jobseeking conditions.

(2) A requirement to participate in Phase One of the Scheme ceases to apply to C if—

(a) the Secretary of State gives C notice in writing that C is no longer required to participate in Phase One of the Scheme; or

(b) C has ceased to be registered at a Jobcentre Plus office that is located within a pilot area; or

(c) C has participated in Phase One of the Scheme for a cumulative period of 6 months; or

(d) C ceases to be entitled to a jobseeker's allowance.

(3) If the Secretary of State gives C a notice in writing under paragraph (2)(a), the requirement to participate in Phase One of the Scheme ceases to apply on the date specified in the notice.

Requirement to recommence participation in Phase One of the Scheme

8.—(1) Where—

(a) a claimant's ("C") requirement to participate in Phase One of the Scheme ceases to apply in accordance with regulation 7(2)(a), (b) or (d); and

(b) the circumstances specified in regulation 4(2) to (6) are met;

the Secretary of State may require C to recommence participation in Phase One of the Scheme, including attending an assessment, by giving C a notice in writing complying with paragraph (2).

(2) The notice must comply with regulation 5(2)(b), (f) and (g) and specify—

(a) that C is required to recommence participation in Phase One of the Scheme, including—

(i) where C has not previously had an assessment with a Scheme provider in accordance with regulation 5(1), that C is required to attend an assessment with the Scheme provider; or

(ii) where C has previously had an assessment with a Scheme provider in accordance with regulation 5(1), that C is required to attend an additional assessment;

(b) the day on which C is required to recommence participation in Phase One of the Scheme;

(c) the date, time and location at which the assessment will take place; and

(d) the purpose of the assessment.

(3) Any changes to the details mentioned in paragraph (2) must be notified by the Secretary of State to C in writing.

PART 3

SELECTION FOR AND PARTICIPATION IN PHASE TWO OF THE 18-21 WORK SKILLS PILOT SCHEME

Selection for participation in Phase Two of the Scheme

9.—(1) The Secretary of State may select a claimant ("C") for participation in Phase Two of the Scheme if the following circumstances are met.