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

2010 No. 000

SOCIAL SECURITY

The Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010

Made - - - -	*000*
	22nd November
Coming into force - -	*2010*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4) , 7(4), 12(1) , (4)(a) and (b), 17A(1), (2), (5)(a), (d) and (f), (6) to (9), 20B(4), (5) and (6), 29, 35(1) and 36(2) and (4) of the Jobseekers Act 1995(**1**), sections 123(1) (d) and (e), 136(3) and (5)(a) and (b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(**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 (means testing in case of application by owner-occupier or tenant) of the Housing Grants, Construction and Regeneration Act 1996(**5**).

(**1**) 1995 c. 18 ("the 1995 Act"). Section 6 was amended by section 86 of, and Schedule 7 to, the Social Security Act 1998 (c. 14) ("the 1998 Act"); section 7 was amended by section 86 of, and Schedule 7 and 8 to, the 1998 Act; section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c. 24) ("the 2009 Act"); section 20B was inserted by section 59 and Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30) and is substituted by the 2009 Act from a date to be appointed; section 29 was amended by section 28(1) of the 2009 Act; sections 35(1) and 36(4) of the 1995 Act were amended by section 2 of, and paragraphs 62 and 63 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 35(1) is an interpretation provision and is cited because of the meaning it gives to the words "prescribed" and "regulations".

(**2**) 1992 c. 4. Section 123(1) was amended by section 103 of, and Schedule 9 to, the Local Government Finance Act 1992 (c. 14), by section 60 of, and Schedule 6 to, the Tax Credits Act 2002 (c. 21) and by sections 9, 58 and 61 of, and Schedule 7 to, the 2009 Act from a date to be appointed; section 137(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed"; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**3**) 1996 c. 53 ("the 1996 Act"). Section 30 was amended by S.I. 2002/1860 and by section 81 of, and Schedule 8 to, the Civil Partnership Act 2004 (c. 33); the functions of the Secretary of State and the Treasury, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Schedule 1; section 146 was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20) on a day to be appointed and the functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Schedule 1.

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

(**5**) *See* section 30(9) of the 1996 Act.

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

This Instrument contains only regulations made by virtue of, or consequential upon, section 1 of the Welfare Reform Act 2009 and is made before the end of the period of 6 months beginning with the coming into force of that section (**7**).

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 (Work for Your Benefit Pilot Scheme) Regulations 2010.

(2) They come into force on 22nd November 2010.

(3) They cease to have effect on 21st November 2013.

Interpretation

2. In these Regulations—

"appropriate consequence" means the consequence referred to in section 17A(6) or (7) (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.) of the Act;

"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;

"the Council Tax Benefit Regulations" means the Council Tax Benefit Regulations 2006(**8**);

"the Flexible New Deal" means the employment programme specified in regulation 75(1)(a)(v) (interpretation) of the Jobseeker's Allowance Regulations(**9**);

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

"the Housing Renewal Grants Regulations" means the Housing Renewal Grants Regulations 1996(**11**);

"the Act" means the Jobseekers Act 1995;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**12**);

"pilot area" means any of the following Jobcentre Plus districts—

(**6**) *See* section 176(2) of the Security Administration Act 1992 (c. 5) ("the 1992 Act").
(**7**) *See* section 173(5) of the 1992 Act.
(**8**) S.I. 2006/215.
(**9**) Regulation 75(1)(a)(v) was inserted by S.I. 2009/480.
(**10**) S.I. 2006/213.
(**11**) S.I. 1996/2890.
(**12**) S.I. 1996/207.

(a) Cambridgeshire and Suffolk(**13**);

(b) Greater Manchester Central(**14**);

(c) Greater Manchester East and West(**15**);

(d) Norfolk(**16**);

"Scheme" means the Work for Your Benefit Pilot Scheme;

"Work for Your Benefit Pilot Scheme" means a scheme within section 17A(1) (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.) of the Act known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants to obtain employment, including self-employment, and which includes for any individual work experience and job search.

PART 2

SELECTION FOR AND PARTICIPATION IN THE WORK FOR YOUR BENEFIT PILOT SCHEME

Selection on sampling basis for participation in the Scheme

3.—(1) An officer of the Secretary of State may select a claimant ("C") on a sampling basis for participation in the Scheme if the following conditions are met.

(2) The first condition is that C is aged at least 18.

(3) The second condition is that C is ordinarily resident in a pilot area or the address for payment of C's jobseeker's allowance is located within such an area.

(4) The third condition is that C has participated in the Flexible New Deal for a total of at least 12 months.

(5) The fourth condition is that C has not already completed 26 weeks' participation in the Scheme.

Selection for early entry to the Scheme

4.—(1) An officer of the Secretary of State may select a claimant ("C") otherwise than on a sampling basis for participation in the Scheme if the following conditions are met.

(2) The first condition is that C is aged at least 18.

(3) The second condition is that C is ordinarily resident in a pilot area or the address for payment of C's jobseeker's allowance is located within such an area.

(4) The third condition is that C is not a lone parent within the meaning of regulation 1(3) (citation, commencement and interpretation) of the Jobseeker's Allowance Regulations.

(5) The fourth condition is that C has been in receipt of a jobseeker's allowance for a total of at least 6 months but less than 12 months.

(**13**) Details of Cambridgeshire and Suffolk Jobcentre Plus District may be obtained by writing to the District Office, St Felix House, Silent Street, Ipswich, IP1 1TF.
(**14**) Details of Greater Manchester Central Jobcentre Plus District may be obtained by writing to the District Office, Ontario House, 2, Furness Quay, Salford, Lancashire M50 3XZ.
(**15**) Details of Greater Manchester East and West Jobcentre Plus District may be obtained by writing to the District Office, Othen House, 7, Oldham Road, Middleton M24 1BE.
(**16**) Details of Norfolk Jobcentre Plus District may be obtained by writing to Kiln House, Pottergate, Norwich NR2 1BZ.

Requirement to participate in the Scheme and notification

5.—(1) Subject to regulation 6, a claimant ("C") selected in accordance with regulation 3 or 4 is required to participate in the Scheme where C is given or sent a notice in writing by an officer of the Secretary of State stating that C is required to do so.

(2) Subject to regulation 6, C is required to participate in the Scheme for a total of 26 weeks, beginning with the day specified in the notice.

(3) The notice must specify that if C fails to participate in the Scheme, C's jobseeker's allowance could cease to be payable or could be payable at a lower rate.

(4) Where C participated in the Scheme on a previous occasion for less than 26 weeks, C is to be treated as having completed so much of the Scheme as is equal to the period of C's previous participation.

Circumstances in which requirement to participate in the Scheme does not apply or ceases to apply

6.—(1) A claimant who is not (apart from these Regulations) required to meet the jobseeking conditions is not required to participate in the Scheme(**17**).

(2) A requirement to participate in the Scheme ceases to apply to a person ("P") where—

(a) the Secretary of State is satisfied that P no longer resides in a pilot area or the address for payment of P's jobseeker's allowance is no longer within such an area;

(b) P ceases to be entitled to a jobseeker's allowance on or after the first day on which P was required to participate in the Scheme and 13 or more weeks have elapsed beginning with the relevant day applicable in P's case and ending with the day on which P again becomes entitled to a jobseeker's allowance; or

(c) the Secretary of State decides for other reasons that P is no longer required to participate in the Scheme.

(3) The Secretary of State must notify P in writing that P is no longer required to participate in the Scheme.

(4) The requirement ceases to apply on the day specified by the Secretary of State in the notification.

(5) In paragraph (2), the "relevant day" means—

(a) the last day on which P participated in the Scheme, or

(b) if P failed to participate in the Scheme, the first day on which P was due to participate.

PART 3

SANCTIONS

Failure to participate in the Scheme

7.—(1) A person ("P") is to be regarded as having failed to comply with these Regulations where P—

(a) refused or failed to accept or take up a place on the Scheme notified to P by an officer of the Secretary of State;

(b) gave up a place on the Scheme;

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

(c) lost a place on the Scheme as the result of misconduct;

(d) failed to attend at a place or time notified to P by a Scheme provider;

(e) failed to provide answers to questions asked by a Scheme provider and appropriate information about—

(i) P's educational qualifications;

(ii) P's employment history;

(iii) any vocational training P has undertaken;

(iv) any skills or experience P has acquired which fit P for employment or self-employment;

(v) the steps taken by P to obtain employment or to improve P's chances of obtaining employment;

(vi) P's aspirations for future employment or self-employment; and

(vii) P's work-related abilities;

(f) refused or failed to participate in a work experience placement of which P was notified by a Scheme provider;

(g) refused or failed to participate in arrangements made by a Scheme provider to assist participants with job search; or

(h) refused or failed to carry out a reasonable instruction given to P by a Scheme provider with a view to assisting P to obtain employment.

(2) In this regulation—

"Scheme" includes any element of the Scheme provided in connection with arrangements made by the Secretary of State in accordance with section 17B(1) (section 17A: supplemental) of the Act;

"Scheme provider" means a person with whom the Secretary of State has made arrangements in relation to P in accordance with that section or who is providing facilities(**18**) in relation to P under the arrangements.

Consequences of failure to participate in the Scheme

8.—(1) Subject to paragraph (2), the appropriate consequence follows where—

(a) the Secretary of State determines that a person ("P") has failed to comply with these Regulations, and

(b) P has not shown good cause for the failure within the period prescribed in regulation 9.

(2) The appropriate consequence does not follow where P brings facts to the notice of the Secretary of State within one month of the date on which the Secretary of State notifies P of the failure and—

(a) those facts could not reasonably have been brought to the Secretary of State's notice within the period prescribed in regulation 9; and

(b) those facts show that P had good cause for the failure.

(3) Subject to paragraph (10), the prescribed period for the purposes of section 17A(6) and (7) of the Act ("the prescribed period for section 17A(6) and (7)") is set out in paragraphs (4) to (7).

(4) The prescribed period for section 17A(6) and (7) is 2 weeks in a case which does not fall within paragraph (5), (6) or (7).

(**18**) *See* section 17B(5) of the Act for the meaning of "facilities".