STATUTORY RULES OF NORTHERN IRELAND

2014 No. 150

HOUSING; RATES; SOCIAL SECURITY

The Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014

Made - - - -	*30th May 2014*
Coming into operation	*2nd June 2014*

The Department for Social Development makes the following regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3), (4)(a) and (b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Articles 14(1) and (4)(a) and (b), 19A(1), (2), (5)(a), (b), (d) to (f) and (6) to (9), 22, 22A, 22B(4) to (6), 22E(3)(a) and 36(2) of the Jobseekers (Northern Ireland) Order 1995 [F2], Articles 10, 11 and 74(1) of the Social Security (Northern Ireland) Order 1998 [F3], and now vested in it [F4], Articles 61 and 148(1) of the Housing (Northern Ireland) Order 2003 [F5] and section 17(1), (3)(a) and (b) of the Welfare Reform Act (Northern Ireland) 2007 [F6].

Regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c) and 17(4) and (5) are made with the consent of the Department of Finance and Personnel [F7].

The Social Security Advisory Committee has agreed that proposals in respect of regulations 13(1)(c), 14(1)(c), 15(1)(c), 16(1)(c) and 17(4) and (5) should not be referred to it [F8].

Annotations:

F1 1992 c. 7
;
section 171(1)
was amended by paragraph 5 of Schedule 4 to the
Tax Credits Act 2002 (c. 21)

F2 S.I. 1995/2705 (N.I. 15)
;
Article 19A
was inserted by section 1 of the
Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))
,
Article 22
was amended by paragraph 27(5) of Schedule 8 and Articles 22A and 22B were inserted by paragraph 14 of Schedule 7 to the
Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

,
Article 22E
was inserted by section 26 of the Welfare Reform Act (Northern Ireland) 2010 and Article 36(2) was amended by paragraph 55 of Schedule 3 to the
Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

F3 S.I. 1998/1506 (N.I. 10)
;
Article 74(1)
was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002

F4 *See* Article 8(b) of S.R.
1999 No. 481

F5 S.I. 2003/412 (N.I. 2)

F6 2007 c. 2 (N.I.)

F7 *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the
Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))
; *see also* Article 6(b) of S.R.
1999 No. 481

F8 *See* section 150(1)(b) of the
Social Security Administration (Northern Ireland) Act 1992 (c. 8)

PART 1

Schemes for Assisting Persons to Obtain Employment

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014 and shall come into operation on 2nd June 2014.

Interpretation

2.—(1) In these Regulations—

"claimant" means a person who claims a jobseeker's allowance, except that in relation to a joint-claim couple [F9] claiming a joint-claim jobseeker's allowance, it means either or both of the members of the couple;

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006 [F10];

"the Housing Renewal Grants Regulations" means the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 [F11];

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996 [F12];

"the Order" means the Jobseekers (Northern Ireland) Order 1995;

"working day" means any day except for a Saturday, Sunday, Christmas Day, Good Friday or bank holiday under the Banking and Financial Dealings Act 1971 [F13] in Northern Ireland.

(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 after posting.

(3) The Interpretation Act (Northern Ireland) 1954 [F14] shall apply to these Regulations as it applies to an Act of the Assembly.

Annotations:

F9 "joint-claim couple" is defined in Article 2(1) of the Jobseekers (Northern Ireland) Order 1995 as inserted by Article 56 and paragraphs 2(3) and 3(4) of Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999

F10 S.R. 2006 No. 405 ; relevant amending Regulations are S.R. 2008 Nos. 112 and 428, S.R. 2010 No. 69 , S.R. 2011 No. 357 and S.R. 2012 No. 44

F11 S.R. 2004 No. 8

F12 S.R. 1996 No. 198 ; relevant amending Rules are S.R. 1996 No. 358 , S.R. 1998 No. 326 , S.R. 1999 Nos. 428 (C. 32) and 391, S.R. 2000 No. 350 , S.R. 2001 No.120 , S.R. 2002 No. 80 , S.R. 2003 No. 195 , S.R. 2004 Nos. 163, 308 and 389, S.R. 2005 No. 550 , S.R. 2006 No. 97 , S.R. 2008 Nos. 112 and 428, S.R. 2009 Nos. 107 and 141, S.R. 2010 No. 69 , S.R. 2011 Nos. 291 and 357 and S.R. 2012 No. 44

F13 1971 c. 80

F14 1954 c. 33 (N.I.)

Schemes for Assisting Persons to Obtain Employment

3.—(1) The scheme described in the following paragraph is prescribed for the purposes of Article 19A(1) of the Order (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc).

(2) Steps 2 Success is a scheme designed to assist claimants who are unemployed, to find and sustain employment by offering such support as the Steps 2 Success Provider considers reasonable

and appropriate in the claimant's circumstances for a period of 12 or 18 months. This support is subject to a Service Guarantee and may include work search support, provision of skills training and work experience placements.

Selection for participation in a Scheme

4.—(1) The Department or the Department for Employment and Learning may select a claimant for participation in a scheme described in regulation 3.

(2) The scheme in which the claimant is selected to participate is referred to in these Regulations as "the Scheme".

Requirement to participate and notification

5.—(1) Subject to regulation 6, a claimant selected under regulation 4 is required to participate in the Scheme where the Department or the Department for Employment and Learning gives the claimant a notice in writing complying with paragraph (2).

(2) The notice must specify—

(a) that the claimant is required to participate in the Scheme;

(b) the day on which the claimant's participation will start;

(c) details of what the claimant is required to do by way of participation in the Scheme;

(d) that the requirement to participate in the Scheme will continue until the claimant is given notice by the Department or the Department for Employment and Learning that the claimant's participation is no longer required, or the claimant's award of jobseeker's allowance terminates, whichever is earlier; and

(e) information about the consequences of failing to participate in the Scheme.

(3) Any changes made to the requirements mentioned in paragraph (2)(c) after the date on which the claimant's participation starts must be notified to the claimant in writing.

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

6.—(1) Paragraph (2) applies where a claimant is—

(a) subject to a requirement to participate in the Scheme; and

(b) while the claimant is subject to such a requirement, the Jobseeker's Allowance Regulations apply so that the claimant is not required to meet the jobseeking conditions [F15].

(2) Where this paragraph applies the claimant's requirement to participate in the Scheme is suspended for the period during which the claimant is not required to meet the jobseeking conditions.

(3) A requirement to participate in the Scheme ceases to apply to a claimant if—

(a) the Department or the Department for Employment and Learning gives the claimant notice in writing that the claimant is no longer required to participate in the Scheme; or

(b) the claimant's award of jobseeker's allowance terminates,

whichever is earlier.

(4) If the Department or the Department for Employment and Learning gives the claimant a notice in writing under paragraph (3)(a), the requirement to participate in the Scheme ceases to apply on the day specified in the notice.

Annotations:
F15 See Article 19A(10) of the Order for the meaning of the "jobseeking conditions"

Exemptions from requirement to meet the jobseeking conditions

7.—(1) A claimant who is participating in the Scheme is not required to meet the conditions set out in Article 3(2)(a) and (c) of the Order (conditions for entitlement to a jobseeker's allowance: available for and actively seeking employment) if the claimant is a full-time student.

(2) In this regulation "full-time student" has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

PART 2

Sanctions

Failure to participate in the Scheme

8. A claimant who fails to comply with any requirement notified under regulation 5 is to be regarded as having failed to participate in the Scheme.

Good cause

9.—**[**[F16](1) A claimant who fails to participate in the Scheme must show good cause for that failure within 5 working days of the date on which the Department notifies the claimant of the failure.

(2) The Department must determine whether the claimant has failed to participate in the Scheme and, if so, whether the claimant has shown good cause for the failure.

(3) In deciding whether the claimant has shown good cause for the failure, the Department must take account of all the circumstances of the case, including in particular the claimant's physical or mental health or condition.**]**

Annotations:
F16 Reg. 9 omitted (for specified purposes and with effect in accordance with reg. 1(1) of the amending Rule) by virtue of
The Jobseekers Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/241)
,
regs. 1(1)
,
6(3)(a)

Consequences of failure to participate in the Scheme

10.—(1) Where the Department determines that a claimant has failed to participate in the Scheme, and the claimant has not shown good cause for the failure in accordance with regulation 9, the appropriate consequence for the purpose of Article 19A of the Order is as follows.

(2) In the case of a jobseeker's allowance other than a joint-claim allowance, the appropriate consequence is that the claimant's allowance is not payable for the period specified in paragraphs (4) to (7) ("the specified period").