STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 155

# SOCIAL SECURITY

## The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations (Northern Ireland) 2012

*Made - - - -* *30th March 2012*

*Coming into operation* *23rd April 2012*

*Approved by resolution of the Assembly on 9th October 2012*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 8(4), 9(4), 11(10) and 36(2)(a) of, and paragraph 8B of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(**1**), and now vested in it(**2**).

### Citation and commencement

**1.** These Regulations may be cited as the Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 23rd April 2012.

### Amendment of the Jobseeker's Allowance Regulations

**2.**—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**) are amended in accordance with paragraphs (2) to (4).

(2) After regulation 14(**4**) (circumstances in which a person is to be treated as available) insert—

"**14A.**—(1) Paragraph (2) applies where a person (V) notifies the Department, in such manner as the Department specifies, that—

(a) domestic violence has been inflicted on or threatened against V by V's partner or former partner or a family member, during the period of 26 weeks ending on the date of the notification; and

(b) at the time of the notification, V is not living at the same address as the person who inflicted domestic violence on or threatened it against V.

(**1**) S.I. 1995/2705 (N.I. 15); 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) and paragraph 8B of Schedule 1 was inserted by section 23(1) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))

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

(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2000 No. 350 and S.R. 2006 No. 234

(**4**) Regulation 14 has amendments which are not relevant to these Regulations

(2) Where this paragraph applies V is to be treated as available for employment for a period of 4 weeks ("the 4 week exemption period") beginning on and including the date of V's notification to the Department under paragraph (1).

(3) V is to be treated as available for employment under paragraph (2)—

(a) whether or not V is entitled to a jobseeker's allowance for the whole or part of the 4 week exemption period; and

(b) on only one occasion in any 12 month period.

(4) Paragraph (6) applies where domestic violence has been inflicted on or threatened against V by V's partner or former partner or a family member.

(5) Domestic violence is only to be regarded as having been inflicted on or threatened against V for the purpose of paragraph (4) if V provides relevant evidence to the Department during the 4 week exemption period.

(6) Where this paragraph applies, V is to be treated as being available for employment for a period of 13 weeks ("the 13 week exemption period") beginning on and including the date of V's notification to the Department under paragraph (1).

(7) Subject to paragraphs (8) and (9), the 13 week exemption period shall apply for 13 consecutive weeks, whether or not V is entitled to a jobseeker's allowance for the whole or part of that period.

(8) After the first 4 weeks of the 13 week exemption period, V may notify the Department that V no longer wishes to be treated as available for employment by virtue of paragraph (6).

(9) Where V gives such a notification to the Department, the 13 week exemption period—

(a) shall be suspended from and including the date of the notification until the date on which V gives a further notification to the Department that V wishes again to be treated as available for employment by virtue of paragraph (6); and

(b) shall not apply at anytime after the expiry of 12 months from and including the date of the notification referred to in paragraph (1).

(10) For the purpose of this regulation—

"domestic violence" means abuse of a kind specified as follows—

(a) physical including but not restricted to shaking, smacking, punching, kicking, presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation "honour violence";

(b) sexual including but not restricted to forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practice safe sex, sexual insults, sexually transmitted diseases, preventing breast feeding;

(c) psychological including but not restricted to intimidation, insulting, isolating a person from friends and family, criticising, denying the abuse, treating the person as an inferior, threatening to harm children or take them away, forced marriage;

(d) financial including but not restricted to not letting the person work, undermine efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making the person beg for money, gambling, not paying bills;

(e) emotional including but not restricted to swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling the person stupid or useless, eroding their confidence;

"family member" means the following members of the family of V, V's partner or V's former partner – grandparent, grandchild, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, brother-in-law, sister, sister-in-law, or, if any of the preceding persons is a member of a couple, the other member of that couple;

"health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**5**);

"person acting in an official capacity" means a health care professional, a police officer, a registered social worker, V's employer or a representative of V's trade union and any public, voluntary or charitable body which has had direct contact with V in connection with domestic violence;

"registered social worker" means a person registered as a social worker in a register maintained by—

(a) the Northern Ireland Social Care Council, established by section 1 of the Health and Personal Social Services Act (Northern Ireland) 2001(**6**),

(b) the General Social Care Council,

(c) the Care Council for Wales, or

(d) the Scottish Social Services Council;

"relevant evidence" means written evidence from a person acting in an official capacity showing that—

(a) V's circumstances are consistent with those of a person who has had domestic violence inflicted on or threatened against them during the period of 26 weeks ending on the date of the notification referred to in paragraph (1); or

(b) V has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period.".

(3) In regulation 19(1) (circumstances in which a person is to be treated as actively seeking employment) after sub-paragraph (v)(**7**) add—

"(w) in any week during which he is treated as available for employment under regulation 14A.".

(4) In regulation 34 (jobseeker's agreement treated as having been made) after paragraph (f)(**8**) add—

"(g) in any period during which he is treated as available for employment under regulation 14A if the claimant has not entered into a jobseeker's agreement before that period begins.".

(**5**) 2002 c.17; section 25(3) was amended by the Health and Social Care Act 2008 (c. 14) and S.I. 2010/231
(**6**) 2001 c. 3 (N.I.)
(**7**) Sub-paragraph (v) was added by regulation 3(4)(b) of S.R. 2006 No. 234
(**8**) Paragraph (f) was inserted by paragraph 9 of Schedule 2 to S.R. 2000 No. 350