STATUTORY RULES OF NORTHERN IRELAND

# 2009 No. 141

# SOCIAL SECURITY

## The Social Security (Steps to Work) Regulations (Northern Ireland) 2009

*Made - - - - 27th March 2009*

*Coming into operation in accordance with regulation 1*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 14(4)(a) and (b), 21(2), (8)(b) and (10)(c), 22(4), 22A(3), 22B(4) and 36(2) of, and paragraph 3(b) 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 Social Security (Steps to Work) Regulations (Northern Ireland) 2009 and shall come into operation—

(a) for the purposes of this regulation and regulation 2(2)(a), (3)(a), (b) and (c), (6)(a) and (c) and (8)(a) and (c) on 6th April 2009 in so far as those provisions relate to a Back to Work Session, and

(b) for all other purposes on 5th October 2009.

### 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 (10).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "attendance allowance" insert—

> ""Back to Work Session" means a seminar or appointment referred to as "a Back to Work Session" arranged by or on behalf of the Department for Employment and Learning, the purpose of which is to provide a person who attends with

(**1**) S.I. 1995/2705 (N.I. 15); Article 22(4) was amended by paragraph 27(5) of Schedule 8 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Articles 22A and B were inserted by paragraph 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 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)

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

(**3**) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 541, S.R. 1998 No. 198, S.R. 1999 No. 428 (C. 32), S.R. 2000 Nos. 9, 197 and 350, S.R. 2001 No.151, S.R. 2002 No. 275, S.R. 2007 No. 262 and S.R. 2008 No. 112

information, support and advice with a view to assisting him to find employment or to improve his chances of finding employment;";

(b) in the definition of "the New Deal options"(**4**) for "regulation 75(1)(a)" substitute "regulation 75(1)(a)(i) to (iii)", and

(c) before the definition of "terminal date" insert—

""Steps to Work" means the employment programme specified in regulation 75(1)(a)(vi);".

(3) In regulation 69(**5**) (prescribed period for purposes of Article 21(2))—

(a) in paragraph (1)(a)(**6**) for "or (d)" substitute ", (d), (e) or (f)";

(b) in paragraph (1)(b)(**7**)—

(i) after "75(1)(a)(iv)" insert "or a case which falls within sub-paragraph (f)";

(ii) in head (ii)(aa) after "regulation 75(1)(a)(v)" insert "or Steps to Work";

(iii) in head (ii)(cc) at the end omit "and", and

(iv) at the end of head (ii)(cc) insert "or" and the following sub-head—

"(dd) where the determination in head (i) relates to Steps to Work, on a previous occasion the jobseeker's allowance was determined not to be payable to him in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order that relate to any element of that programme, and";

(c) after paragraph (1)(d)(**8**) add—

"(e) 26 weeks in any case (other than a case where a jobseeker's allowance is determined not to be payable in circumstances relating to the employment programme known as "Core Gateway" specified in regulation 75(1)(a)(iv)) in which—

(i) a jobseeker's allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order and the determination relates to an act or omission arising after this regulation comes into operation in respect of Steps to Work, and

(ii) on two or more previous occasions a jobseeker's allowance has been determined not to be payable to the claimant in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order and each such determination relates to Steps to Work, and

(iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in head (i) is made and the beginning of the first day on which a jobseeker's allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—

(aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in sub-paragraph (b)(ii)(dd) apply, or

(bb) itself an earlier determination falling within head (i);

(**4**) The definition of "New Deal options" was inserted by regulation 2(2) of S.R. 2000 No. 9
(**5**) Regulation 69 was substituted by regulation 2(3) of S.R. 2000 No. 9
(**6**) Paragraph (1)(a) was amended by regulation 4(a) of S.R. 2001 No. 151
(**7**) Paragraph (1)(b) was amended by regulation 2(2) of S.R. 2000 No. 197, paragraph 25(a)(ii) of Schedule 2 to, S.R. 2000 No. 350 and regulation 4(b) to (d) of S.R. 2001 No. 151
(**8**) Paragraph (1)(d) was inserted by regulation 4(e) of S.R. 2001 No. 151

(f) one week in a case where a jobseeker's allowance is determined not to be payable in circumstances—

(i) relating to a Back to Work Session, and

(ii) falling within Article 21(5)(a) or 22A(2)(a) of the Order.";

(d) in paragraph (3)(**9**)—

(i) for "(1)(c) or (d)" substitute "(1)(c), (d) or (e)", and

(ii) in sub-paragraph (c) after "regulation 75(1)(a)(v)" insert "or Steps to Work", and

(e) for paragraph (4)(a) substitute—

"(a) begin on either—

(i) the day specified in a notice by the Department for Employment and Learning as being the day on which the claimant is or was no longer required to participate in—

(aa) any of the New Deal options,

(bb) the Preparation for Employment Programme specified in regulation 75(1)(a)(v), or

(cc) Steps to Work, or

(ii) the day four weeks after the first day on which a jobseeker's allowance was not payable as a result of the first determination mentioned in paragraph (3),

whichever is the later;".

(4) In regulation 73(2A)(a)(**10**) (good cause for the purposes of Article 21(5)(b) of the Order) for "75(1)(a)" substitute "75(1)(a)(i) to (iii), (v) or (vi)".

(5) In regulation 75(**11**) (interpretation)—

(a) in paragraph (1)(a)—

(i) for "Department of Economic Development" substitute "Department for Employment and Learning", and

(ii) for "head (iv)" substitute "heads (iv) to (vi)", and

(b) at the end of paragraph (1)(a)(v) insert "and" and the following head—

"(vi) Steps to Work, being the programme known by that name and provided pursuant to arrangements made by or on behalf of the Department for Employment and Learning under section 1 of the Employment and Training Act (Northern Ireland) 1950(**12**), which lasts for up to 78 weeks for any individual and consisting for that individual of one or more of the following elements—

(aa) assisting in the completion of an action plan to record the activity that he will undertake whilst attending the programme in order to improve his employment prospects or to obtain employment;

(**9**) Paragraph (3) was amended by paragraph 25(c) of Schedule 2 to, S.R. 2000 No. 350 and regulation 4(f) of S.R. 2001 No. 151

(**10**) Paragraph (2A) was inserted by regulation 7 of S.R. 1997 No. 541 and amended by paragraph 28(b) and (c) of Schedule 2 to, S.R. 2000 No. 350

(**11**) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 8 of S.R. 1998 No. 198, regulation 2(4) of S.R. 2000 No. 197, paragraph 32 of Schedule 2 to, S.R. 2000 No. 350, regulation 5 of S.R. 2001 No. 151, regulation 2(4) of S.R. 2002 No. 275, regulation 2 of S.R. 2007 No. 262 and regulation 4(8) of S.R. 2008 No. 112

(**12**) 1950 c. 29 (N.I.); section 1 was amended by section 8 of the Youth Employment Service (Northern Ireland) Order 1974 (S.I. 1974/2144 (N.I. 7)) Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))