
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 150

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

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.—(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.

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").

(3) In the case of joint-claim jobseeker's allowance, the appropriate consequence is that the claimant is to be treated as subject to sanctions for the purposes of Article 22A of the Order (denial or reduction of a joint-claim jobseeker's allowance) for the specified period.

(4) The period is 2 weeks in a case which does not fall within paragraph (5), (6) or (7).

(5) The period is 4 weeks where—

(a) on a previous occasion the Department determined that the claimant's jobseeker's allowance was not payable or was payable at a lower rate because the claimant failed without good cause to participate in the Scheme ("the first determination"), and

(b) a subsequent determination is made no more than 12 months after the date on which the claimant's jobseeker's allowance was not payable or was payable at a lower rate following the first determination.

- (6) Subject to paragraph (7), the period is 26 weeks where—
- (a) on two or more previous occasions the Department determined that the claimant's jobseeker's allowance was not payable or was payable at a lower rate because the claimant failed without good cause to participate in the Scheme, and
 - (b) a subsequent determination is made no more than 12 months after the date on which the claimant's jobseeker's allowance was not payable or was payable at a lower rate following the most recent previous determination.

(7) Where paragraph (6) applies but the Department is satisfied that the claimant has re-complied in accordance with paragraph (8), the period is either—

- (a) 4 weeks, or
- (b) 4 weeks plus a period which ends with the last day of the benefit week in which the claimant re-complies,

whichever is longer.

(8) The claimant will be taken to have re-complied where, on the same day as or before or after the date on which the Department determines that the claimant has failed to participate in the Scheme, the claimant complies with—

- (a) the requirement as to participation in the Scheme to which the determination relates, or
- (b) such other requirement as to participation as may be made by the Department or the Department for Employment and Learning and notified to the claimant in accordance with regulation 5.

(9) The specified period begins—

- (a) where, in accordance with regulation 26A(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽¹⁾ (jobseeker's allowance), the claimant's jobseeker's allowance is paid otherwise than fortnightly in arrears, on and including the day following the end of the last benefit week in respect of which that allowance was paid, and
- (b) in any other case, on and including the first day of the benefit week following the date on which the claimant's jobseeker's allowance is determined not to be payable at a lower rate.

(10) Paragraphs (4) to (7) are subject to paragraph (11).

(11) Where the Department or the Department for Employment and Learning notifies the claimant during the specified period that the claimant is no longer required to participate in the Scheme, the specified period terminates at the end of—

- (a) one week beginning with the date of the notice, or
- (b) the benefit week in which the requirement to participate ceases to apply,

whichever is later.

(12) In this regulation "benefit week"⁽²⁾ has the same meaning as in regulation 1(2) of the Jobseeker's Allowance Regulations.

(1) S.R. 1987 No. 465; regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354 and amended by regulation 3(4) of S.R. 2000 No. 215

(2) The definition of "benefit week" was substituted by regulation 3 of S.R. 2009 No. 107