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STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 3

Working-age benefits

CHAPTER 1

Jobseeker's allowance

Claimant responsibilities for interim period

Claimant commitment for jobseeker's allowance

50.—(1) The Jobseekers Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), after the definition of “employment” insert—
““employment officer”, for any purpose of this Order, means an officer of the Department or the Department for Employment and Learning or such other person as may be designated for that purpose by an order made by the Department;”.

(3) In Article 3 (the jobseeker's allowance), in paragraph (2)(b) for “entered into a jobseeker's agreement which remains in force” substitute “accepted a claimant commitment”.

(4) For Article 11 (the jobseeker's agreement) substitute—

“Claimant commitment

11.—(1) For the purposes of this Order a “claimant commitment” is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment shall—

- (a) be prepared by an employment officer,
- (b) be in such form as the Department thinks fit,
- (c) include any prescribed information, and
- (d) include any other information an employment officer considers it appropriate to include.

(3) Information included in a claimant commitment under paragraph (2)(d) may include—

- (a) information in respect of the conditions mentioned in Article 3(2)(a) and (c);
- (b) details of any requirement imposed on the claimant by virtue of regulations under Article 10 or 19A, or under a jobseeker's direction;
- (c) details of any consequences of a failure to comply with such a requirement.

(4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in Article

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3(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Department for it to determine—

(a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c), and

(b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.

(6) A reference under paragraph (5) may only relate to information included in the proposed claimant commitment under paragraph (3)(a).

(7) On a reference under paragraph (5) the Department—

(a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Department considers appropriate;

(c) may direct that, if such conditions as it considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.

(8) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (7)(c), and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of the Department under this Article;

(ii) any direction given by the Department under this Article.

(9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in Article 3(2)(b).

(10) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.”

(5) For Article 12 (variation of jobseeker's agreement) substitute—

“Variation of claimant commitment

12.—(1) A claimant commitment may be varied by an employment officer.

(2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.

(3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.

(4) For the purposes of this Article a “relevant variation” of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in Article 3(2)(a) and (c).

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- (5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Department to determine—
- (a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—
 - (i) the condition mentioned in Article 3(2)(a), or
 - (ii) the condition mentioned in Article 3(2)(c), and
 - (b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.
- (6) On a reference under paragraph (5) the Department—
- (a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference,
 - (b) shall give such directions as it considers appropriate as to—
 - (i) whether the claimant commitment should be varied, and
 - (ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and
 - (c) may direct that, if such conditions as it considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (7) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (6)(b) or (c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Department under this Article;
 - (ii) any direction given by the Department under this Article.”

Commencement Information

II Art. 50(1)(3) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(3\)\(a\)\(i\)](#)

VALID FROM 01/06/2016

Interviews

51. In Article 10 of the Jobseekers Order (attendance, information and evidence), in paragraphs (1)(a) and (1A)(a) for “attend at such place and at such time” substitute “ participate in an interview in such manner, time and place ”.

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VALID FROM 01/06/2016

Sanctions

52.—(1) For Article 21 of the Jobseekers Order (circumstances in which a jobseeker's allowance is not payable) substitute—

“Higher-level sanctions

21.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

- (a) through misconduct loses employment as an employed earner;
- (b) without a good reason voluntarily leaves such employment;
- (c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;
- (d) without a good reason neglects to avail himself of a reasonable opportunity of employment;
- (e) without a good reason fails to participate in any scheme within Article 19A(1) which is prescribed for the purposes of this Article.

(3) For the purposes of paragraph (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(5) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

- (a) the number of failures by the claimant sanctionable under this Article;
- (b) the period between such failures.

(6) Regulations may provide—

- (a) for cases in which no reduction is to be made under this Article;
- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

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Other sanctions

21A.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

- (a) without a good reason fails to comply with regulations under Article 10(1) or (1A);
- (b) without a good reason fails to comply with regulations under Article 19A;
- (c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;
- (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
- (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
- (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
- (g) through misconduct loses a place on such a scheme or programme.

(3) But a failure is not sanctionable under this Article if it is also sanctionable under Article 21.

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

- (a) a period continuing until the claimant meets a compliance condition specified by the Department,
- (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Department, or
- (c) a combination of both.

(6) In paragraph (5)(a) “compliance condition” means—

- (a) a condition that the failure ceases, or
- (b) a condition relating to—
 - (i) future compliance with a jobseeker's direction or any requirement imposed under Article 10(1) or (1A) or 19A, or
 - (ii) future avoidance of the failures referred to in paragraph (2)(d) to (g).

(7) A compliance condition specified under paragraph (5)(a) may be—

- (a) revoked or varied by the Department;
- (b) notified to the claimant in such manner as the Department may determine.

(8) The period fixed under paragraph (5)(b) may in particular depend on either or both of the following—

- (a) the number of failures by the claimant sanctionable under this Article;

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(b) the period between such failures.

(9) Regulations may provide—

- (a) for cases in which no reduction is to be made under this Article;
- (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

(11) In this Article—

- (a) “jobseeker's direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
 - (i) assisting the claimant to find employment;
 - (ii) improving the claimant's prospects of being employed;
- (b) “training scheme” and “employment programme” have such meaning as may be prescribed.

Claimants ceasing to be available for employment etc.

21B.—(1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—

- (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and
- (b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—

- (a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and
- (b) ceased to be so entitled by failing to comply with the condition in Article 3(2) (a) or (c).

(3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—

- (a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in Article 3(2)(a) or (c), or
- (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in Article 3(2)(a) or (c).

(4) Regulations are to provide for—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect.

(5) The period referred to in paragraph (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.

(6) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

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- (a) the number of occasions on which a claimant's entitlement has ceased as specified in paragraph (1), (2) or (3);
- (b) the period between such occasions.

(7) Regulations may provide for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants to comply with the condition in Article 3(2)(a) or (c), the allowance is payable to the other member of the couple.

Hardship payments

21C.—(1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker's allowance to a claimant where—

- (a) the amount of the claimant's award is reduced under Articles 21 to 21B, and
- (b) the claimant is or will be in hardship.

(2) Regulations under this Article may in particular make provision as to—

- (a) circumstances in which a claimant is to be treated as being or not being in hardship;
- (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
- (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made;
- (f) whether hardship payments are recoverable.”

(2) In Schedule 1 to that Order—

- (a) in the heading preceding paragraph 14B for “or just cause” substitute “ reason ”;
- (b) before paragraph 14B insert—

“**14AA.** For any purpose of this Order regulations may provide for—

- (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
- (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.”;

(c) in paragraph 14B, in sub-paragraph (1)—

- (i) for “this Order” substitute “ paragraph 14AA ”;
- (ii) for “good cause or just cause” substitute “ a good reason ”.

(3) In Schedule 3 to the Social Security (Northern Ireland) Order 1998 (decisions against which an appeal lies), in paragraph 3, sub-paragraphs (ca) and (d) are repealed.

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Procedure for regulation-making powers

53. In Article 37 of the Jobseekers Order (Assembly, etc. control), in paragraph (1)(c) (regulations subject to confirmatory procedure), “8, 9,” is repealed.

Commencement Information

I2 [Art. 53](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(2\)\(a\)](#)

Consequential amendments

54. Schedule 7 contains consequential amendments relating to Articles 50 to 52.

Commencement Information

I3 [Art. 54](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(3\)\(a\)\(ii\)](#)

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