

## EXPLANATORY MEMORANDUM TO

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

S.R. 2012 No. 181

#### 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2012 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and is subject to the negative resolution procedure before the Assembly.
- 1.3 The rule is due to come into operation on 16th May 2012.

#### 2. Purpose

- 2.1 The purpose of the regulations is to make amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to ensure that Jobseeker's Allowance claimants are only able to cite excessive travel time in support of a claim that they had good cause for:

- failing to comply with a jobseeker's direction,
- refusing or failing to apply for or accept a job vacancy notified to them by an employment officer, or
- failing to avail themselves of an opportunity of employment which was a qualifying former employment<sup>1</sup>,

where the normal travel time to and from the place of employment or place specified in a jobseeker's direction (by a route and means appropriate to the claimant's circumstances and those of the employment or jobseeker's direction) is 90 minutes or more, except in cases where travel time of 90 minutes (or less) would be unreasonable in view of the claimant's health or caring responsibilities.

#### 3. Background

- 3.1 Currently, the regulations state that a Jobseeker's Allowance claimant is not to be regarded as having good cause in relation to some specific kinds of failure – e.g. failing to accept or apply for employment – on grounds of travel time where the travel time is less than 60 minutes either way during

---

<sup>1</sup> Qualifying former employment means employment with an employer for whom the claimant previously worked, or with an employer who has succeeded that employer, where not more than 12 months have elapsed between the date on which the claimant last worked for the employer and the date when the failure to apply for.

the first 13 weeks of Jobseeker's Allowance entitlement or, after that period, less than 90 minutes each way. This is subject to the travel time being reasonable in view of any health or caring responsibilities.

- 3.2 In a Written Ministerial Statement on 6th October 2011, the Minister for the Department for Work and Pensions, Lord Freud, announced a number of measures that would be introduced to strengthen the requirements placed on Jobseeker's Allowance claimants. The aim of the changes is to ensure that benefit claimants are clear on the expectations they must meet in return for receiving their benefits and the consequences for them if they fail to meet those expectations.
- 3.3 The requirement to travel up to 90 minutes is already in place for those claiming Jobseeker's Allowance after 13 weeks. This policy change brings forward the requirement to day one of a claim, ensuring Jobseeker's Allowance claimants are not treated differently during their first 13 weeks of entitlement.
- 3.4 The change will affect all Jobseeker's Allowance claimants who, within the first 13 weeks of entitlement, are notified of vacancies within a 90 minute travel distance or required to comply with a jobseeker's direction or to avail themselves of former qualifying employment which would require them to travel up to 90 minutes. These claimants will no longer be able to cite travel time, which is more than 60 minutes, as good cause for failing to comply with the relevant requirement, (unless travel time would be unreasonable in their case because of their health or caring responsibilities). They will therefore be required to comply with the relevant requirement or be sanctioned for failing to comply.
- 3.5 While the aim of the change is to support claimants into work more quickly, there is a risk that the extended travel time requirement will not be suitable for all claimants. In particular, claimants with health issues or caring responsibilities may find the requirement to travel up to 90 minutes to potential employment very difficult. The regulations currently provide the right to raise travel time of any length in support of good cause for the types of failure listed in paragraph 2.1, for claimants with health conditions or caring responsibilities, and this provision is retained under the revised regulations.

#### **4. Consultation**

- 4.1 The Social Security Advisory Committee discussed the corresponding Great Britain proposals at their meeting on 1st February 2012 and decided that they did not consider it necessary that the proposed regulations be formally referred.

#### **5. Equality Impact**

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these

legislative proposals and has concluded that the proposals do not have any significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

- 5.2 Every social security policy by its very nature has a differential impact in that the policy is designed to meet a specific need, in this case to encourage individuals from the beginning of their entitlement to Jobseeker's Allowance to consider opportunities in a slightly wider geographical area than they might ordinarily consider, and so broaden their chances of finding work quickly and will apply to all Jobseeker's Allowance claimants regardless of religious belief, political opinion, race, sexual orientation, gender or disability.

## **6. Regulatory Impact**

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1 No financial implications

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2012 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. E.U. Implications**

- 9.1 Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1 The Regulations mirror the Great Britain Regulations which are to come into force on 16th May 2012.

## **11. Additional Information**

- 11.1 Not applicable