

## **EXPLANATORY MEMORANDUM TO**

### **The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations (Northern Ireland) 2012**

**SR 2012 No. 44**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995, the Social Security (Northern Ireland) Order 1998 and the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. These Regulations introduce benefit sanctions for those customers who fail to attend a mandatory appointment or interview within the Jobseeker's Allowance regime and who return to Social Security Office/Jobs and Benefits Office within a period of 5 working days, but are unable to provide a good reason for non attending. Benefit sanctions are being introduced to encourage jobseekers to attend these interviews and appointments because they are proven to help and support them in job-search activity and finding sustained employment.

#### **3. Background**

- 3.1. The Welfare Reform Act (Northern Ireland) 2010 amends current legislation and provides for a benefit sanction where a jobseeker fails to attend a mandatory appointment or interview within the Jobseeker's Allowance regime. The sanction has been introduced to meet the policy objective of encouraging jobseekers to attend their appointments or interviews at the Social Security Office/Jobs and Benefits Office. These are important in engaging and supporting jobseekers in job-search activity and finding sustained employment, thus preventing the high personal and social costs of unemployment and long-term unemployment.
- 3.2. Currently, when a jobseeker fails to attend an interview or sign on without good reason, their entitlement to claim Jobseekers Allowance is brought into question. If the jobseeker provides the reason for their failing to attend within 5 working days of the interview, a decision is made about their entitlement to Jobseeker's Allowance. Where the jobseeker shows good cause for failing to attend, their claim will continue. For those who are unable to show a good reason their entitlement to Jobseeker's Allowance will end from the day they failed to attend. The jobseeker then has to reclaim benefit, typically leading to a loss of 2 days benefit. Where a customer fails to provide a reason within 5 days their benefit is automatically disallowed and their claim closed.

- 3.3. The key changes that were introduced from 6 March 2012, are a fixed one week sanction for failure to attend a mandatory interview, where the customer is unable to show good cause within 5 working days, a 2 week sanction for subsequent instances during the same claim and hardship provisions to protect vulnerable customers.
- 3.4. If the Jobseeker shows good cause for failing to attend within 5 working days a sanction will not be imposed. Where a jobseeker fails to provide a reason within 5 working days, their entitlement to Jobseeker's Allowance will cease, as is the case now.
- 3.5. The Jobseeker's Allowance regulations will be amended to allow payment of income-based Jobseeker's Allowance, at a reduced rate, for the duration of the sanction period to jobseekers who are currently defined as a "person in hardship". Some examples of a "person in hardship" are; the claimant or their partner is pregnant or responsible for a child under 16, or in receipt of a disability premium.
- 3.6. These sanctions reflect the importance the Department places on engaging and supporting Jobseekers in job-search activity and finding sustained employment. Regular contact with the benefits office through signing on and Personal Adviser interviews are the cornerstone of the Jobseekers regime.

#### **4. Consultation**

- 4.1. The Social Security Advisory Committee discussed the corresponding proposed changes at their meeting on 3 February 2010 and raised a few minor points for clarification and consideration. The main issue concerned those people who failed to attend due to some type of domestic emergency. Members were assured that individual circumstances would be carefully considered before imposing a sanction. There is comprehensive procedural guidance for staff explaining circumstances when flexibility should be used. This includes domestic emergencies, such as a family trauma, serious illness of a relative or circumstances where a jobseeker is detained by the police or temporary childcare issues.

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

- 5.1. 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 allow the introduction of benefit sanctions for those customers who fail to attend a mandatory appointment for interview within the jobseeker's regime and who return to their benefits office within a period of 5 working days but are unable to provide a good reason for not attending.
- 5.2. The impact of these proposals on equality of opportunity among those groups listed in section 75 of the Northern Ireland Act 1998, has already been assessed as part of the equality screening of the Welfare Reform Act (Northern Ireland) 2010 and these regulations, which are necessary to give effect to section 27 of that Act, do not have any additional implications for equality of opportunity.

## **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. There are no financial implications.

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

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Jobseeker's Allowance (Sanctions for Failure to Attend) 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. EU Implications**

- 9.1. Not applicable.

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

- 10.1. The proposals for the regulations mirror those which were made in Great Britain on 25th February 2010 and are in keeping with the principal of parity between Northern Ireland and Great Britain in social security matters.

## **11. Additional Information**

- 11.1. Not applicable.