
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that lone parents of children over the age of 3 but under the age of 5 who are entitled to income support may be required to undertake work-related activity as a condition of entitlement to the full amount of benefit. “Work-related activity” is defined in section 2D(9)(d) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8).

Further, these Regulations also amend provisions relating to work-focused interviews for certain lone parents contained in the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 152) and the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 274).

Regulation 2 provides that persons who are lone parents aged over 18, who have a youngest child aged older than 3 but younger than 5 and who are entitled to income support solely on the basis of being a lone parent may be required to undertake work-related activity as a condition of entitlement to the full amount of benefit. Regulation 2(3) provides that the requirement to undertake work-related activity must be reasonable in the opinion of the Department and that a person may not be required to apply for a job or undertake work.

Regulation 3 provides that the Department must notify persons of their requirement to undertake work-related activity under these Regulations by including the requirement in a written action plan which is given to the person. Action plans must also contain particulars of the work-related activity which the person is to undertake and any other information that the Department considers appropriate. Regulation 5 provides that a person may request the reconsideration of an action plan and that on receipt of such a request the Department must reconsider the action plan and give its decision in writing to the person.

Regulation 4 enables the Department to determine that a requirement to undertake work-related activity at or by a particular time is not to apply, or is to be treated as not having applied, if the Department considers that the requirement to undertake the activity at or by a particular time is, or would have been, unreasonable.

Regulation 6 provides that the Department is to determine whether a person has failed to undertake work-related activity and, if so, whether the person had good cause for that failure. A person has 5 working days, beginning with and including the date on which they were notified by the Department of their failure to undertake work-related activity, to demonstrate good cause for that failure. The period within which good cause must be provided is extended to one month if it is not reasonably possible for the claimant to have provided good cause within 5 working days. This regulation also provides that notices sent under this regulation are deemed served 2 working days after they are sent.

Regulation 7 specifies the matters to be taken into account by the Department in determining whether a person has good cause for failing to undertake work-related activity under regulation 6(2).

Regulation 8 sets out that where a person to whom regulation 2 applies fails without good cause to undertake work-related activity, their income support is paid at a reduced rate until one of the dates specified in regulation 9 is reached. An exception is made in the case of persons whose benefit is already being paid at a reduced rate and where the person’s benefit was last reduced not more than 2 weeks before the current failure. Regulation 9 provides that the reduction set out in regulation 8(1) ceases to apply where the person is no longer required to undertake work-related activity or meets the requirement to undertake work-related activity or take part in a work-focused interview.

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Regulation 10 allows a person to restrict the times at which they are required to undertake work-related activity. A person is not able to exclude their child's normal school hours or any time during which they temporarily entrust the supervision of their child to a person over the age of 18, not including health care for the child, from the times at which they are required to undertake work-related activity.

Regulation 11 provides for the contracting out of certain of the Department's functions under Part 2 of these Regulations.

Regulation 12 makes consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 162) relating to revision and supersession of decisions made under Part 2 of these Regulations and provides that a person's income support reduced under regulation 8(1) of these Regulations is to be reduced from the first day of the next benefit week following the date on which the determination was made.

Regulations 13 and 14 amend respectively the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 152) and the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 274).

Regulations 13(2) and 14(3) provide that lone parents who are aged 18 or over, have a child aged between 1 and 4 years and who are entitled to income support solely on the basis of being a lone parent are required to take part in one or more work-focused interviews as a condition of their continuing entitlement to the full amount of income support.

Regulations 13(3) and 14(4) provide for the removal of the requirement for interviews for such claimants to take place at set intervals during the course of an award and replace this with a provision allowing officers to determine at their discretion when an interview should take place.

Regulations 13(5) and 14(5) remove the provision enabling interviews to be waived for lone parents with a child aged 1 to 4 who are entitled to income support solely on the basis of being a lone parent. Officers remain able to defer interviews until a specified date.

Regulations 13(6)(a) and 14(7)(a) provide that the period within which good cause must be shown by a claimant begins on the date that the claimant was notified of their failure to take part in an interview.

Regulations 13(6)(b) and 14(7)(b) provide that where a notification to a claimant that he has failed without good cause to attend a work-focused interview is sent by post it is deemed received on the second working day after it is sent.

Regulations 13(6)(d) and 14(9) insert an exception to the requirement that the claimant's benefit be reduced if they fail without good cause to attend at a work-focused interview if their benefit is already subject to a reduction and the current failure is within 2 weeks of that reduction first having effect.

Regulations 13(7) and 14(8) provide that a reduction of the claimant's benefit is to cease to apply where the claimant meets the requirement to take part in a work-focused interview or undertake work-related activity.

Regulation 15 amends the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011 (S.R. 2011/265) so that parents whose youngest child is aged 3 or older may be required to undertake work-related activity as a condition of entitlement to the full amount of the benefit.

Regulation 16 amends the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) to change the work-related requirements that can be imposed on certain claimants for that benefit. A single person who is responsible for a child aged 3 or 4 can be required to comply with a work-focused interview requirement.

Regulation 17 amends the Employment and Support Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No. 219) to make the same change for that benefit as regulation 16 makes for Universal Credit.

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An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.