

*Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2010 No. 000**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010**

*Made* - - - - *000*  
*Coming into force* - - *22nd November 2010*

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The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4) , 7(4), 12(1) , (4)(a) and (b), 17A(1), (2), (5)(a), (d) and (f), (6) to (9), 20B(4), (5) and (6), 29, 35(1) and 36(2) and (4) of the Jobseekers Act 1995(a), sections 123(1)(d) and (e), 136(3) and (5)(a) and (b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(b) and sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(c).

These Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, make it more likely that persons will obtain or remain in work or be able to do so(d).

These Regulations are made with the consent of the Treasury in respect of provisions relating to section 30 (means testing in case of application by owner-occupier or tenant) of the Housing Grants, Construction and Regeneration Act 1996(e).

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- (a) 1995 c. 18 ("the 1995 Act"). Section 6 was amended by section 86 of, and Schedule 7 to, the Social Security Act 1998 (c. 14) ("the 1998 Act"); section 7 was amended by section 86 of, and Schedule 7 and 8 to, the 1998 Act; section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c. 24) ("the 2009 Act"); section 20B was inserted by section 59 and Schedule 7 to the Welfare Reform and Pensions Act 1999 (c.30) and is substituted by the 2009 Act from a date to be appointed; section 29 was amended by section 28(1) of the 2009 Act; sections 35(1) and 36(4) of the 1995 Act were amended by section 2 of, and paragraphs 62 and 63 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 35(1) is an interpretation provision and is cited because of the meaning it gives to the words "prescribed" and "regulations".
- (b) 1992 c. 4. Section 123(1) was amended by section 103 of, and Schedule 9 to, the Local Government Finance Act 1992 (c. 14), by section 60 of, and Schedule 6 to, the Tax Credits Act 2002 (c. 21) and by sections 9, 58 and 61 of, and Schedule 7 to, the 2009 Act from a date to be appointed; section 137(1) is an interpretation provision and is cited because of the meaning given to the word "prescribed"; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
- (c) 1996 c. 53 ("the 1996 Act"). Section 30 was amended by S.I. 2002/1860 and by section 81 of, and Schedule 8 to, the Civil Partnership Act 2004 (c. 33); the functions of the Secretary of State and the Treasury, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Schedule 1; section 146 was amended by the Local Democracy, Economic Development and Construction Act 2009 (c. 20) on a day to be appointed and the functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672, art 2, Schedule 1.
- (d) See section 29(8) of the 1995 Act, as amended by section 28 of the 2009 Act.
- (e) See section 30(9) of the 1996 Act.

In respect of provisions in these Regulations relating to housing benefit and council tax benefit, organisations appearing to the Secretary of State to be representative of the authorities concerned have agreed that consultations need not be undertaken(a).

This Instrument contains only regulations made by virtue of, or consequential upon, section 1 of the Welfare Reform Act 2009 and is made before the end of the period of 6 months beginning with the coming into force of that section (b).

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by a resolution of each House of Parliament.

## PART 1 GENERAL

### Citation, commencement and duration

1.—(1) These Regulations may be cited as the Jobseeker’s Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010.

(2) They come into force on 22nd November 2010.

(3) They cease to have effect on 21st November 2013.

### Interpretation

2. In these Regulations—

“appropriate consequence” means the consequence referred to in section 17A(6) or (7) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Act;

“claimant” means a person who claims a jobseeker’s allowance, except that in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance, it means either or both of the members of the couple;

“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006(c);

“the Flexible New Deal” means the employment programme specified in regulation 75(1)(a)(v) (interpretation) of the Jobseeker’s Allowance Regulations(d);

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006(e);

“the Housing Renewal Grants Regulations” means the Housing Renewal Grants Regulations 1996(f);

“the Act” means the Jobseekers Act 1995;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(g);

“pilot area” means any of the following Jobcentre Plus districts—

(a) Cambridgeshire and Suffolk(h);

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(a) See section 176(2) of the Security Administration Act 1992 (c. 5) (“the 1992 Act”).

(b) See section 173(5) of the 1992 Act.

(c) S.I. 2006/215.

(d) Regulation 75(1)(a)(v) was inserted by S.I. 2009/480.

(e) S.I. 2006/213.

(f) S.I. 1996/2890.

(g) S.I. 1996/207.

(h) Details of Cambridgeshire and Suffolk Jobcentre Plus District may be obtained by writing to the District Office, St Felix House, Silent Street, Ipswich, IP1 1TF.

- (b) Greater Manchester Central(a);
- (c) Greater Manchester East and West(b);
- (d) Norfolk(c);

“Scheme” means the Work for Your Benefit Pilot Scheme;

“Work for Your Benefit Pilot Scheme” means a scheme within section 17A(1) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Act known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants to obtain employment, including self-employment, and which includes for any individual work experience and job search.

## PART 2

### SELECTION FOR AND PARTICIPATION IN THE WORK FOR YOUR BENEFIT PILOT SCHEME

#### **Selection on sampling basis for participation in the Scheme**

3.—(1) An officer of the Secretary of State may select a claimant (“C”) on a sampling basis for participation in the Scheme if the following conditions are met.

(2) The first condition is that C is aged at least 18.

(3) The second condition is that C is ordinarily resident in a pilot area or the address for payment of C’s jobseeker’s allowance is located within such an area.

(4) The third condition is that C has participated in the Flexible New Deal for a total of at least 12 months.

(5) The fourth condition is that C has not already completed 26 weeks’ participation in the Scheme.

#### **Selection for early entry to the Scheme**

4.—(1) An officer of the Secretary of State may select a claimant (“C”) otherwise than on a sampling basis for participation in the Scheme if the following conditions are met.

(2) The first condition is that C is aged at least 18.

(3) The second condition is that C is ordinarily resident in a pilot area or the address for payment of C’s jobseeker’s allowance is located within such an area.

(4) The third condition is that C is not a lone parent within the meaning of regulation 1(3) (citation, commencement and interpretation) of the Jobseeker’s Allowance Regulations.

(5) The fourth condition is that C has been in receipt of a jobseeker’s allowance for a total of at least 6 months but less than 12 months.

#### **Requirement to participate in the Scheme and notification**

5.—(1) Subject to regulation 6, a claimant (“C”) selected in accordance with regulation 3 or 4 is required to participate in the Scheme where C is given or sent a notice in writing by an officer of the Secretary of State stating that C is required to do so.

(2) Subject to regulation 6, C is required to participate in the Scheme for a total of 26 weeks, beginning with the day specified in the notice.

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- (a) Details of Greater Manchester Central Jobcentre Plus District may be obtained by writing to the District Office, Ontario House, 2, Furness Quay, Salford, Lancashire M50 3XZ.
  - (b) Details of Greater Manchester East and West Jobcentre Plus District may be obtained by writing to the District Office, Othen House, 7, Oldham Road, Middleton M24 1BE.
  - (c) Details of Norfolk Jobcentre Plus District may be obtained by writing to Kiln House, Pottergate, Norwich NR2 1BZ.

(3) The notice must specify that if C fails to participate in the Scheme, C's jobseeker's allowance could cease to be payable or could be payable at a lower rate.

(4) Where C participated in the Scheme on a previous occasion for less than 26 weeks, C is to be treated as having completed so much of the Scheme as is equal to the period of C's previous participation.

### **Circumstances in which requirement to participate in the Scheme does not apply or ceases to apply**

**6.**—(1) A claimant who is not (apart from these Regulations) required to meet the jobseeking conditions is not required to participate in the Scheme<sup>(a)</sup>.

(2) A requirement to participate in the Scheme ceases to apply to a person ("P") where—

- (a) the Secretary of State is satisfied that P no longer resides in a pilot area or the address for payment of P's jobseeker's allowance is no longer within such an area;
- (b) P ceases to be entitled to a jobseeker's allowance on or after the first day on which P was required to participate in the Scheme and 13 or more weeks have elapsed beginning with the relevant day applicable in P's case and ending with the day on which P again becomes entitled to a jobseeker's allowance; or
- (c) the Secretary of State decides for other reasons that P is no longer required to participate in the Scheme.

(3) The Secretary of State must notify P in writing that P is no longer required to participate in the Scheme.

(4) The requirement ceases to apply on the day specified by the Secretary of State in the notification.

(5) In paragraph (2), the "relevant day" means—

- (a) the last day on which P participated in the Scheme, or
- (b) if P failed to participate in the Scheme, the first day on which P was due to participate.

## PART 3 SANCTIONS

### **Failure to participate in the Scheme**

**7.**—(1) A person ("P") is to be regarded as having failed to comply with these Regulations where P—

- (a) refused or failed to accept or take up a place on the Scheme notified to P by an officer of the Secretary of State;
- (b) gave up a place on the Scheme;
- (c) lost a place on the Scheme as the result of misconduct;
- (d) failed to attend at a place or time notified to P by a Scheme provider;
- (e) failed to provide answers to questions asked by a Scheme provider and appropriate information about—
  - (i) P's educational qualifications;
  - (ii) P's employment history;
  - (iii) any vocational training P has undertaken;
  - (iv) any skills or experience P has acquired which fit P for employment or self-employment;

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(a) See section 17A(10) of the Act for the meaning of the "jobseeking conditions".

- (v) the steps taken by P to obtain employment or to improve P’s chances of obtaining employment;
- (vi) P’s aspirations for future employment or self-employment; and
- (vii) P’s work-related abilities;
- (f) refused or failed to participate in a work experience placement of which P was notified by a Scheme provider;
- (g) refused or failed to participate in arrangements made by a Scheme provider to assist participants with job search; or
- (h) refused or failed to carry out a reasonable instruction given to P by a Scheme provider with a view to assisting P to obtain employment.

(2) In this regulation—

“Scheme” includes any element of the Scheme provided in connection with arrangements made by the Secretary of State in accordance with section 17B(1) (section 17A: supplemental) of the Act;

“Scheme provider” means a person with whom the Secretary of State has made arrangements in relation to P in accordance with that section or who is providing facilities<sup>(a)</sup> in relation to P under the arrangements.

### Consequences of failure to participate in the Scheme

8.—(1) Subject to paragraph (2), the appropriate consequence follows where—

- (a) the Secretary of State determines that a person (“P”) has failed to comply with these Regulations, and
- (b) P has not shown good cause for the failure within the period prescribed in regulation 9.

(2) The appropriate consequence does not follow where P brings facts to the notice of the Secretary of State within one month of the date on which the Secretary of State notifies P of the failure and—

- (a) those facts could not reasonably have been brought to the Secretary of State’s notice within the period prescribed in regulation 9; and
- (b) those facts show that P had good cause for the failure.

(3) Subject to paragraph (10), the prescribed period for the purposes of section 17A(6) and (7) of the Act (“the prescribed period for section 17A(6) and (7)”) is set out in paragraphs (4) to (7).

(4) The prescribed period for section 17A(6) and (7) is 2 weeks in a case which does not fall within paragraph (5), (6) or (7).

(5) It is 4 weeks where—

- (a) on a previous occasion the Secretary of State determined that a jobseeker’s allowance was not payable or was payable at a lower rate because P failed without good cause to comply with these Regulations; and
- (b) the period beginning with the first date on which P’s jobseeker’s allowance was not payable or was payable at a lower rate on that previous occasion and ending with the determination mentioned in paragraph (1) is no more than 12 months.

(6) Subject to paragraph (7), it is 26 weeks where—

- (a) the Secretary of State determined that a jobseeker’s allowance was not payable or was payable at a lower rate on two or more previous occasions;
- (b) the period beginning with the date of the determination mentioned in paragraph (1) and ending with the first date on which P’s jobseeker’s allowance was not payable or was payable at a lower rate as the result of the determination that most recently preceded it is no more than 12 months; and

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(a) See section 17B(5) of the Act for the meaning of “facilities”.

- (c) each determination mentioned in sub-paragraph (a) and the preceding determination mentioned in sub-paragraph (b) relate to a failure by P without good cause to comply with these Regulations.

(7) Where the Secretary of State is satisfied that the claimant has complied with the condition in paragraph (8), paragraph (6) applies as if the reference to 26 weeks were a reference to either—

- (a) 4 weeks, or
- (b) the period beginning with the day when the prescribed period specified in paragraph (11) begins and ending with the last day of the benefit week in which the claimant complies with the condition,

whichever is the longer.

(8) The condition is that, after the date on which the determination mentioned in paragraph (1) is made, the claimant agrees in writing to comply with the requirement to which the determination relates.

(9) Paragraph (10) applies where the Secretary of State notifies P in writing that P is no longer required to participate in the Scheme with effect from a day specified in the notice which falls within a period prescribed by paragraph (4), (5) or (6).

(10) Where this paragraph applies, the prescribed period for section 17A(6) and (7) is—

- (a) one week, or
- (b) the period beginning with the day when the period specified in paragraph (11) begins and ending with the last day of the benefit week in which the requirement ceases to apply,

whichever is the longer.

(11) The prescribed period for section 17A(6) and (7) begins—

- (a) where, in accordance with regulation 26A(1) of the Social Security (Claims and Payments) Regulations 1987(a), a jobseeker's allowance is paid otherwise than fortnightly in arrears, on 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 the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable or to be payable at a lower rate.

(12) In this regulation “benefit week” has the same meaning as in regulation 1(3)(b) of the Jobseeker's Allowance Regulations.

### **Good cause**

**9.**—(1) The period prescribed for the purposes of section 17A(5)(d) of the Act (within which the appropriate consequence follows unless a person (“P”) shows good cause for a failure to comply with these Regulations) is 5 working days.

(2) That period begins with the day on which the Secretary of State notifies P of the failure.

(3) The notification must be in writing.

(4) Regulation 73 (good cause for the purposes of section 19(5)(b) of the Jobseeker's Allowance Regulations)(c) applies for the purposes of these Regulations as it applies for the purposes of sections 19(5)(b) and 20A(2)(b) of that Act but as if the references to an employment programme were to the Scheme.

(5) In this regulation, “working day” means any day except for a Saturday, Sunday, Christmas Day, Good Friday or bank holiday under the Banking and Financial Dealings Act 1971 in England (d).

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(a) S.I. 1987/1968. Regulation 26A was inserted by S.I. 1996/1460.

(b) A relevant amending instrument is S.I. 2009/604.

(c) Regulation 73 was amended by S.Is. 1996/1516, 1997/2863, 1998/1274, 2000/1978, 2001/1029 and 2009/480.

(d) 1971 c. 80.

## PART 4 HARDSHIP

### Hardship

**10.**—(1) This paragraph applies to a person (“P”) if P is a person in hardship within the meaning of regulation 140(1) (meaning of “person in hardship”)(a) of the Jobseeker’s Allowance Regulations.

(2) Regulations 140, 141 and 143 to 146 of the Jobseeker’s Allowance Regulations have effect in relation to a person to whom paragraph (1) applies subject to the following modifications.

(3) Regulation 140 has effect as if—

(a) in paragraph (2) “, (4A), (4B) or (4C)” were substituted for “or (4A) or (4B)”;

(b) after paragraph (4B) there were inserted—

“(4C) In paragraph (2), a “person in hardship” does not include a claimant who is required at that time to participate in the Work for Your Benefit Pilot Scheme.”.

(4) Regulation 141(6) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship)(b) has effect as if “regulations made under section 17A (“work for your benefit” schemes etc.) or ” were inserted after “even though”.

### Hardship for joint-claim couples

**11.**—(1) This paragraph applies to a joint-claim couple if they are a couple in hardship within the meaning of regulation 146A(1) (meaning of “couple in hardship”)(c) of the Jobseeker’s Allowance Regulations.

(2) Regulations 146A, 146C and 146E to 146H of the Jobseeker’s Allowance Regulations have effect in relation to a couple to whom paragraph (1) applies subject to the following modifications.

(3) Regulation 146A has effect as if—

(a) in paragraph (2) “, (5A) or (5B)” were substituted for “or (5A)”;

(b) after paragraph (5A) there were inserted—

“(5B) In paragraph (2), a “couple in hardship” does not include a joint-claim couple either or both of whom are at that time required to participate in the Work for Your Benefit Pilot Scheme.”.

## PART 5 JOBSEEKING CONDITIONS

### Jobseeking conditions

**12.**—(1) A claimant who is participating in the Scheme (whether or not pursuant to a requirement imposed by these Regulations) is to be treated as meeting the condition set out in section 1(2)(c) (the jobseeker’s allowance)(d) of the Act in any week during which the person is undertaking work experience as part of the Scheme.

(2) Regulation 5 (exceptions to requirement to be available immediately: carers, voluntary workers, persons providing a service and persons under an obligation to provide notice)(e) of the

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(a) Regulation 140 was amended by S.Is. 1996/1516, 1997/2863, 1999/2860, 2000/239, 2000/1987, 2001/1029, 2003/445, 2005/2877, 2008/1554, 2008/3051 and 2009/480.

(b) Regulation 141 was amended by S.Is. 1996/1517, 1996/2538 and 1999/2860.

(c) Regulation 146A was inserted by S.I. 2000/1978 and was amended by S.Is. 2001/1029, 2005/2877, 2005/2687, 2008/1554 and 2009/480.

(d) Section 1(2) is substituted by section 2(a) and 4(1) of the 2009 Act on a day to be appointed.

(e) Regulation 5 was amended by S.Is. 2002/3072, 2006/1402, 2007/2618 and 2008/3051.



Jobseeker's Allowance Regulations has effect in relation to a person participating in the Scheme (whether or not pursuant to a requirement imposed by these Regulations) as if—

- (a) in the heading the words “participants in the Work for Your Benefit Pilot Scheme,” were inserted after “workers,”;
- (b) in paragraph (1)(b) the words “or who is participating in the Work for Your Benefit Pilot Scheme” were inserted after “voluntary work”;
- (c) in paragraph (2) the words “or who is participating in the Work for Your Benefit Pilot Scheme” were inserted after “caring responsibilities”.

## PART 6

### CONSEQUENTIAL MODIFICATIONS

#### Definitions

13.—(1) Paragraph (2) applies to the following provisions (which relate to interpretation)—

- (a) regulation 2(1) of the Council Tax Benefit Regulations;
- (b) regulation 2(1) of the Housing Benefit Regulations;
- (c) regulation 2(1) of the Housing Renewal Grants Regulations;
- (d) regulation 1(3) of the Jobseeker's Allowance Regulations<sup>(a)</sup>.

(2) Each of the provisions to which this paragraph applies has effect as if the following definition were inserted in the appropriate place—

““the Work for Your Benefit Pilot Scheme” means a scheme within section 17A(1) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants to obtain employment, including self-employment, and which includes for any individual work experience and job search;”.

(3) The definition of “the self-employment route” in each of the provisions mentioned in paragraph (1)(a), (b) and (d) above has effect as if—

- (a) at the end of sub-paragraph (a) “or” were omitted; and
- (b) at the end of sub-paragraph (b) “; or” and the following sub-paragraph were inserted—  
“(c) the Work for Your Benefit Pilot Scheme;”.

(4) The definition of “self-employment route” in the provision mentioned in paragraph (1)(c) above has effect as if—

- (a) in head (iii) “or” were omitted; and
- (b) at the end of head (iv) “; or” and the following head were inserted—  
“(v) the Work for Your Benefit Pilot Scheme;”.

#### Notional income

14.—(1) This regulation applies to the following provisions (which relate to notional income)—

- (a) regulation 32(7) of the Council Tax Benefit Regulations<sup>(b)</sup>;
- (b) regulation 42(7) of the Housing Benefit Regulations<sup>(c)</sup>;
- (c) regulation 31(9A) of the Housing Renewal Grants Regulations<sup>(d)</sup>;

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(a) Relevant amending instruments are S.Is. 2001/739 and 2002/530 which relate to the definition of “self-employment route” in the Jobseeker's Allowance Regulations.

(b) Regulation 32(7) was amended by S.Is 2006/588, 2008/698, 2008/2767 and 2009/480.

(c) Regulation 42(7) was amended by S.Is 2006/588, 2008/698, 2008/2767 and 2009/480.

(d) Paragraph (9A) was inserted by S.I. 1998/808, was substituted by S.I. 1999/1523 and was amended by S.Is 2000/973, 2000/531, 2000/2798 and 2002/530.

(d) regulation 105(10A) of the Jobseeker's Allowance Regulations(a).

(2) Each of the provisions to which this regulation applies has effect as if the following sub-paragraph were inserted after sub-paragraph (c)—

“(ca) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;”.

### **Notional capital**

**15.**—(1) This regulation applies to the following provisions (which relate to notional capital)—

- (a) regulation 39(4) of the Council Tax Benefit Regulations(b);
- (b) regulation 49(4) of the Housing Benefit Regulations(c);
- (c) regulation 38(3A) of the Housing Renewal Grants Regulations(d);
- (d) regulation 113(3A) of the Jobseeker's Allowance Regulations(e).

(2) Each of the provisions to which this regulation applies has effect as if the following sub-paragraph were inserted after sub-paragraph (b)—

“(ba) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;”.

### **Income to be disregarded**

**16.**—(1) This regulation applies to the following Schedules (which relate to sums to be disregarded in the calculation of income other than earnings)—

- (a) Schedule 4 to the Council Tax Benefit Regulations;
- (b) Schedule 5 to the Housing Benefit Regulations;
- (c) Schedule 3 to the Housing Renewal Grants Regulations;
- (d) Schedule 7 to the Jobseeker's Allowance Regulations.

(2) Each Schedule to which this regulation applies has effect as if the following paragraph were inserted at the beginning—

“**A1.** Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.”.

### **Capital to be disregarded**

**17.**—(1) This regulation applies to the following Schedules (which relate to capital to be disregarded)—

- (a) Schedule 5 to the Council Tax Benefit Regulations;
- (b) Schedule 6 to the Housing Benefit Regulations;
- (c) Schedule 4 to the Housing Renewal Grants Regulations;
- (d) Schedule 8 to the Jobseeker's Allowance Regulations.

(2) Each Schedule to which this regulation applies has effect as if the following paragraph were inserted at the beginning—

“**A1.** Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for

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(a) Paragraph (10A) was inserted by S.I. 1998/2117 and was amended by S.Is 1999/2640, 2003/455, 2006/588 , 2008/698 and 2009/480.  
(b) Regulation 39(4) was amended by S.Is 2006/588, 2008/698, 2008/2767 and 2009/480.  
(c) Regulation 49(4) was amended by S.Is 2006/588, 2008/698, 2008/2767 and 2009/480.  
(d) Paragraph (3A) was inserted by S.I. 1999/1523 and was amended by S.Is 2000/531, 2000/973, 2002/530 and 2002/2798.  
(e) Paragraph (3A) was inserted by S.I. 1998/2117 and was amended by S.Is 1999/2640, 2001/1029, 2004/2308, 2005/3391, 2006/588, 2008/698 and 2009/480.

Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.”.

### **Further modifications of the Jobseeker’s Allowance Regulations**

**18.** The Jobseeker’s Allowance Regulations have effect as if—

- (a) in the definition of “relevant notification” in regulation 25(1A) (entitlement ceasing on a failure to comply)(a), the words “or under the Work for Your Benefit Pilot Scheme” were added after “scheme”;
- (b) in regulation 47(4)(b)(ii) (jobseeking period)(b) the words “regulations made under section 17A or by virtue of” were inserted before “section 19”;
- (c) in regulation 55(1)(a) (short periods of sickness)(c) before “; and” there were inserted—  
“or who failed without good cause to comply with regulations made under section 17A”;
- (d) in regulation 55A(1)(a) (periods of sickness and persons receiving treatment outside Great Britain)(d) before “; and” there were inserted—  
“or who failed without good cause to comply with regulations made under section 17A”
- (e) in regulation 140(1)(f)(i) (meaning of “person in hardship”)(e), before “section 19” were inserted “regulations made under section 17A or because”.
- (f) in regulation 152(1)(c) (relevant week)(f), before “section 19” insert “regulations made under section 17A or in accordance with”.

### **Consequential modifications relating to sanctions**

**19.**—(1) Paragraph (2) applies to the following provisions—

- (a) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit Regulations;
- (b) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(g);
- (c) regulation 3(j) (circumstances in which discretionary housing payments may be made) of the Discretionary Financial Assistance Regulations 2001(h);
- (d) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit Regulations;
- (e) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(i);

(2) Each of the provisions to which this paragraph applies has effect as if the words “or regulations made under section 17A” were inserted after “section 19 or 20A”.

(3) Regulation 5(3)(b) (meaning of “person in hardship”) of the Social Security (Loss of Benefit) Regulations 2001(j) has effect as if the words “regulations made under section 17A or pursuant to” were inserted after “pursuant to”.

(4) Regulation 8A(5) (credits for unemployment) of the Social Security (Credits) Regulations 1975(k) has effect as if after sub-paragraph (b) there were inserted—

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(a) Regulation 25(1) was amended by S.Is 1999/530, 2000/1978 and 2000/2194. Paragraph (1) was amended and paragraph (1A) was inserted by the Jobseeker’s Allowance (Sanctions for Failure to Attend) Regulations 2010 (S.I. 2010/.....).

(b) Regulation 47(4) was amended by S.Is. 1996/1514, 2001/518, 2001/1711 and 2002/490.

(c) Regulation 55(1) was amended by S.Is. 1996/1517, 1999/2860, 2000/1978 and 2008/1534.

(d) Regulation 55A was inserted by S.I. 2004/1869 and was amended by S.I. 2008/1554.

(e) Relevant amending instruments are S.I. 1999/2860 and 2000/1978.

(f) A relevant amending instrument is S.I. 2000/1978.

(g) S.I. 2006/216.

(h) S.I. 2001/1167.

(i) S.I. 2006/214.

(j) S.I. 2001/4022.

(k) S.I. 1975/556. Regulation 8A was inserted by S.I. 1996/2367 and paragraph (5) was amended by S.I. 2001/518.

“(ba) a week in respect of which, because of regulations made under section 17A of that Act, a jobseeker’s allowance was not payable to the person concerned even though he satisfied the conditions for entitlement to that allowance; or”.

### **Consequential modifications relating to decisions and appeals**

**20.** The Social Security and Child Support (Decisions and Appeals) Regulations 1999(a) have effect as if—

- (a) in regulation 3(6) (revision of decisions)(b), the words “, or with regulations made under section 17A of that Act” were inserted after “Jobseekers Act”;
- (b) in regulation 6(2) (supersession of decisions)(c) the following sub-paragraph were inserted after sub-paragraph (f)—
  - “(fa)is a decision that a jobseeker’s allowance is payable to a claimant where that allowance ceases to be payable or is reduced by virtue of regulations made under section 17A of the Jobseekers Act;”;
- (c) the following paragraph were inserted after regulation 7(8) (date from which a decision superseded under section 10 takes effect)(d)—
  - “(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect as from the beginning of the period specified in regulation 8(11) of the Jobseeker’s Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010.”.

Signed by authority of the Secretary of State for Work and Pensions

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

We consent

Date

Two of the Lords Commissioners of Her Majesty’s Treasury

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations establish a pilot scheme, known as the Work for Your Benefit Pilot Scheme, under the Jobseekers Act 1995 (“the Jobseekers Act”). They are made in reliance on the power to pilot regulations in section 29 of that Act. The Scheme, which is defined in regulation 2, is a scheme within section 17A(1) of the Jobseekers Act that is designed to assist jobseeker’s allowance claimants to obtain employment, including self-employment, and which includes for any individual work experience and job search.

Part 1 contains general provisions, including provisions concerning interpretation.

Part 2 concerns the circumstances in which jobseeker’s allowance claimants are required to participate in the Scheme. Regulation 3 provides that claimants who meet certain conditions can be selected for participation on a sampling basis. In particular, the claimant must be aged at least

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(a) S.I. 1999/991.

(b) Regulation 3 was revoked, in so far as it related to child benefit or guardian’s allowance, by S.I. 2003/916. Regulation 3(6) was amended by S.I. 2000/1982.

(c) Regulation 6 was revoked, in so far as it related to child benefit or guardian’s allowance, by S.I. 2003/916. Relevant amending I instruments are S.I. 1999/2677.

(d) Regulation 7 was revoked, in so far as it related to child benefit or guardian’s allowance, by S.I. 2003/916. Regulation 7(8) was substituted by S.I. 1999/2677 and was amended by S.I.s. 2000/1982 and 2008/2677.

18, have participated in the Flexible New Deal employment programme for at least 12 months, must not have already completed in the Scheme and must reside, or have a jobseeker's allowance address for payment, in a pilot area. The pilot areas are set out in regulation 2.

Regulation 4 sets out the conditions that must be met before a claimant who is not selected on a sampling basis can be selected for participation in the Scheme. In particular, in addition to conditions relating to age and connection with a pilot area, the person must have been in receipt of a jobseeker's allowance for at least 6 months and must not be a lone parent.

Regulation 5 requires a person so selected to participate in the scheme upon being notified by an officer of the Secretary of State, and to do so for a period of 26 weeks from the date specified in the notice.

Regulation 6 concerns the circumstances in which a claimant is not required (or no longer required) to participate in the Scheme. They include where the claimant no longer resides in a pilot area, where the claimant's jobseeker's allowance address for payment is no longer in such an area and where a participant reclaims a jobseeker's allowance and at least 13 weeks has passed since the person last participated in the Scheme or, if the person failed to participate, the first day on which the person was due to do so. Regulation 6 also provides that a claimant who is not (apart from these Regulations) required to meet the jobseeking conditions is not required to participate in the Scheme.

Part 3 deals with failure to participate in the Scheme and good cause for failure to participate.

Regulation 7 sets out the circumstances in which a participant is to be regarded as having failed to comply with these Regulations. They include where a participant has refused, failed to apply for or to accept a place on the Scheme and where a participant has failed to participate in the work experience element of the Scheme.

Regulation 8 provides that claimants who fail without good cause to comply with these Regulations may have their jobseeker's allowance stopped or reduced for 2, 4 or 26 weeks. However, those consequences do not follow where there are facts which show that the person had good cause and which could not reasonably have been brought to the attention of the Secretary of State within 5 days, beginning with the day on which the Secretary of State notifies the person of the failure. Where a claimant whose jobseeker's allowance would otherwise be stopped or reduced for 26 weeks agrees in writing to comply with the requirement to which the determination relates, the prescribed period for the purposes of section 17A(6) or (7) of the Jobseekers Act will be either 4 weeks or the period beginning with the sanction determination and ending with the claimant's agreement (whichever is the longer). Otherwise the period will last for 26 weeks.

Regulation 8 also makes provision for bringing the sanction period to an end in the case of claimants who are no longer required to participate in the Scheme.

Regulation 9 provides that a participant has 5 working days to show good cause for failing to comply with these Regulations. Regulation 9 also makes provision for the circumstances in which a participant is to be regarded as having good cause. It does this by applying the good cause provisions of regulation 73 (good cause for the purposes of section 19(5)(b) of the Jobseeker's Allowance Regulations) of the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207).

Part 4 sets out the circumstances in which an income-based jobseeker's allowance is payable even though the claimant failed without good cause to participate in the Scheme. The effect of regulation 10 is that a person who is required to participate in the Scheme is not eligible for hardship payments unless the person is in a vulnerable group (*see* regulation 140 (meaning of "person in hardship") of the Jobseeker's Allowance Regulations 1996). It also makes provision for the amount of any hardship payment to be calculated in accordance with Part IX of those Regulations. Regulation 11 makes similar provision in the case of joint-claim couples.

Part 5 (regulation 12) modifies the requirement of participants to be available for and actively seeking employment. A claimant is to be treated as actively seeking employment in any week in which the person is undertaking work experience as part of the Scheme. Also, a participant is not required to be available for employment immediately provided that the person is willing and able

to take up employment on being given one week's notice and to attend a job interview on being given 48 hour's notice.

Part 6 makes various consequential modifications in relation to a person's participation in the Scheme.

Regulation 13 inserts a definition of the Work for Your Benefit Pilot Scheme in various Regulations and it ensures that the existing definition of "self-employment route" includes assistance in pursuing self-employment whilst participating in the Scheme. Regulations 14 and 15 ensure that certain payments made to participants are not treated as notional income or notional capital and regulations 16 and 17 ensure that travel, childcare and other expenses paid to participants are disregarded as income and capital for the purposes of certain income-related benefits.

Regulations 18 and 19 make consequential modifications relating to sanctions. This is to ensure that a claimant who fails without good cause to comply with these Regulations is treated consistently with a claimant who incurs a sanction under section 19 of the Jobseekers Act.

Regulation 20 deals with consequential changes relation to decisions and appeals. Again, the effect is to ensure that provision is made for sanctions imposed under section 17A of the Jobseekers Act as well as those incurred under section 19 or 20A of that Act.

This Instrument contains only regulations made by virtue of, or consequential upon, section 1 of the Welfare Reform Act 2009, and is made before the expiry of the period of 6 months beginning with the coming into force of that section. These Regulations are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee, and are made without reference to that Committee.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the voluntary or private sectors.

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*Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.*

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**2010 No. 000**

**SOCIAL SECURITY**

**The Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010**

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