
DRAFT STATUTORY INSTRUMENTS

2013 No.

The Jobseeker's Allowance Regulations 2013

PART 2

Claimant responsibilities

Interpretation

4.—(1) In this Part—

“relevant carer” means—

- (a) a parent of a child who is not the responsible carer, but has caring responsibilities for the child; or
- (b) a person who has caring responsibilities for a person who has a physical or mental impairment which makes those caring responsibilities necessary;

“responsible carer”, in relation to a child, means—

- (a) a person who is the only person responsible for the child; or
- (b) a person who is a member of a couple where—
 - (i) both members of the couple are responsible for the child; and
 - (ii) the person has been nominated by the couple jointly as responsible for the child;

“responsible foster parent”, in relation to a child, means—

- (a) a person who is the only foster parent in relation to the child; or
- (b) a person who is a member of a couple where—
 - (i) both members of the couple are foster parents in relation to the child; and
 - (ii) the person has been nominated by the couple jointly as the responsible foster parent;

“voluntary work preparation” means particular action taken by a claimant and agreed by the Secretary of State for the purpose of making it more likely that the claimant will obtain paid work, but which is not specified by the Secretary of State as a work preparation requirement under section 6C of the Act.

(2) The nomination of a responsible carer or responsible foster parent for the purposes of paragraph (1) may be changed—

- (a) once in a 12 month period, beginning with the date of the previous nomination; or
 - (b) on any occasion where the Secretary of State considers that there has been a change of circumstances which is relevant to the nomination.
- (3) Only one person may be nominated as a responsible carer or a responsible foster parent.
- (4) The nomination applies to all of the children for whom the claimant is responsible.

Application of regulations where there is dual entitlement

5.—(1) This regulation applies where a person is entitled to universal credit and a jobseeker's allowance.

(2) The work-related requirements under sections 6B to 6I of the Act(1) and regulations 9 to 16 of these Regulations do not apply to such a person.

(3) Reductions relating to the award of a jobseeker's allowance under section 6J or 6K of the Act(2) and regulations 17 to 29 of these Regulations do not apply to such a person.

Sanction ceases to apply to jobseeker's allowance

6.—(1) This regulation applies where—

- (a) a person is entitled to a jobseeker's allowance;
- (b) there is a reduction relating to the person's award of a jobseeker's allowance under section 6J or 6K of the Act;
- (c) the person becomes entitled to universal credit; and
- (d) the person remains entitled to a jobseeker's allowance.

(2) Any reduction relating to the person's award of the jobseeker's allowance is to cease being applied to the award of the jobseeker's allowance.

Claimant commitment – date and method of acceptance

7.—(1) For the purposes of section 1(2)(b) of the Act(3), a claimant who has accepted a claimant commitment within such period after making a claim for a jobseeker's allowance as the Secretary of State specifies is to be treated as having accepted that claimant commitment on the first day of the period in respect of which the claim is made.

(2) The Secretary of State may extend the period within which a claimant is required to accept a claimant commitment or an updated claimant commitment where the claimant requests that the Secretary of State review—

- (a) any action proposed as a work search requirement or a work availability requirement; or
- (b) whether any limitation should apply to those requirements,

and the Secretary of State considers that the request is reasonable.

(3) A claimant must accept a claimant commitment by one of the following methods, as specified by the Secretary of State—

- (a) electronically;
- (b) by telephone; or
- (c) in writing.

Claimant commitment – exceptions

8. A claimant may be entitled to a jobseeker's allowance without having accepted a claimant commitment if the Secretary of State considers—

- (a) the claimant cannot accept a claimant commitment because they lack capacity to do so; or
- (b) there are exceptional circumstances in which it would be unreasonable to expect the person to accept a claimant commitment.

(1) Sections 6B to 6I were inserted by section 49 of the Welfare Reform Act 2012.

(2) Section 11J was inserted by section 57 of the Welfare Reform Act 2012.

(3) Section 1(2)(b) was amended by section 44 of the Welfare Reform Act 2012.

Expected hours

9.—(1) The expected number of hours per week in relation to a claimant for the purposes of determining any limitations on work search or work availability requirements is 35 unless some lesser number of hours applies in the claimant's case under paragraph (2).

(2) The lesser number of hours referred to in paragraph (1) is—

(a) where—

- (i) the claimant is a relevant carer, a responsible carer or a responsible foster parent; and
- (ii) the Secretary of State is satisfied that the claimant has reasonable prospects of obtaining paid work,

the number of hours, being less than 35, that the Secretary of State considers is compatible with those caring responsibilities;

- (b) where the claimant is a responsible carer or a responsible foster carer for a child under the age of 13, the number of hours that the Secretary of State considers is compatible with their caring responsibilities for the child during the child's normal school hours (including the normal time it takes the child to travel to and from school); or
- (c) where the claimant has a physical or mental impairment, the number of hours that the Secretary of State considers is reasonable in light of the impairment.

Purposes of a work-focused interview

10. The purposes of a work-focused interview are any or all of the following—

- (a) assessing the claimant's prospects for remaining in or obtaining work;
- (b) assisting or encouraging the claimant to remain in or obtain work;
- (c) identifying activities that the claimant may undertake that will make remaining in or obtaining work more likely;
- (d) identifying training, educational or rehabilitation opportunities for the claimant which may make it more likely that the claimant will remain in or obtain work or be able to do so;
- (e) identifying current or future work opportunities for the claimant that are relevant to the claimant's needs and abilities.

Work search requirement: interviews

11. A claimant is to be treated as not having complied with a work search requirement to apply for a particular vacancy for paid work where the claimant fails to participate in an interview offered to the claimant in connection with the vacancy.

Work search requirement: all reasonable action

12.—(1) A claimant is to be treated as not having complied with a work search requirement to take all reasonable action for the purpose of obtaining paid work in any week unless—

(a) either—

- (i) for the purpose of obtaining paid work, the claimant takes action for the claimant's expected hours per week minus any relevant deductions; or
- (ii) the Secretary of State is satisfied that the claimant has taken all reasonable action for the purpose of obtaining paid work despite the number of hours that the claimant spends taking such action being lower than the expected number of hours per week; and

(b) that action gives the claimant the best prospects of obtaining work.

(2) In this regulation “relevant deductions” means the total of any time agreed by the Secretary of State—

- (a) for the claimant to carry out paid work in that week;
- (b) for the claimant to carry out voluntary work in that week;
- (c) for the claimant to carry out a work preparation requirement, or voluntary work preparation, in that week; or
- (d) for the claimant to deal with temporary child care responsibilities, a domestic emergency, funeral arrangements or other temporary circumstances.

(3) For the purpose of paragraph (2)(b) the time agreed by the Secretary of State for the claimant to carry out voluntary work must not exceed 50% of the claimant’s expected number of hours per week.

Work availability requirement: able and willing immediately to take up paid work

13.—(1) Subject to paragraph (2), a claimant is to be treated as not having complied with a work availability requirement if the claimant is—

- (a) not able and willing immediately to attend an interview offered to the claimant in connection with obtaining paid work;
- (b) a prisoner on temporary release in accordance with the provisions of the Prison Act 1952(4) or rules made under section 39(6) of the Prisons (Scotland) Act 1989(5).

(2) A claimant is to be treated as having complied with a work availability requirement despite not being able immediately to take up paid work, if paragraph (3), (4) or (5) applies.

(3) This paragraph applies where—

- (a) a claimant is a responsible carer or a relevant carer;
- (b) the Secretary of State is satisfied that as a consequence the claimant needs a period of up to one month to take up paid work, or up to 48 hours to attend an interview in connection with obtaining paid work, taking into account alternative care arrangements; and
- (c) the claimant is able and willing to take up paid work, or attend such an interview, on being given notice for that period.

(4) This paragraph applies where—

- (a) a claimant is carrying out voluntary work;
- (b) the Secretary of State is satisfied that as a consequence the claimant needs a period of up to one week to take up paid work, or up to 48 hours to attend an interview in connection with obtaining paid work; and
- (c) the claimant is able and willing to take up paid work, or attend such an interview, on being given notice for that period.

(5) This paragraph applies where a claimant is—

- (a) employed under a contract of service;
- (b) required by section 86 of the Employment Rights Act 1996(6), or by the contract of service, to give notice to terminate the contract;
- (c) able and willing to take up paid work once the notice period has expired; and

(4) 1952 c.52.

(5) 1989 c.45.

(6) 1996 c.18. Section 86 was amended by S.I. 2002/2034.

- (d) able and willing to attend an interview in connection with obtaining paid work on being given 48 hours notice.

Work search requirement and work availability requirement: limitations

14.—(1) Paragraphs (2) to (5) set out the limitations on a work search requirement and a work availability requirement.

(2) A work search requirement and a work availability requirement must be limited to work that is in a location which would normally take the claimant—

- (a) a maximum of one hour and 30 minutes to travel from home to the location; and
- (b) a maximum of one hour and 30 minutes to travel from the location to home.

(3) Where a claimant has previously carried out work of a particular nature, or at a particular level of remuneration, a work search requirement and a work availability requirement must be limited to work of a similar nature, or level of remuneration, for such period as the Secretary of State considers appropriate; but

- (a) only if the Secretary of State is satisfied that the claimant will have reasonable prospects of obtaining paid work in spite of such limitation; and
- (b) the limitation is to apply for no more than three months beginning on the date of claim.

(4) Where a claimant has a physical or mental impairment that has a substantial adverse effect on the claimant's ability to carry out work of a particular nature, or in particular locations, a work search requirement or work availability requirement must not relate to work of such a nature or in such locations.

(5) In the case of a claimant who is a relevant carer or a responsible carer or has a physical or mental impairment, a work search and work availability requirement must be limited to the number of hours that is determined to be the claimant's expected number of hours per week in accordance with regulation 9(2).

Victims of domestic violence

15.—(1) Where a claimant has recently been a victim of domestic violence and the circumstances set out in paragraph (3) apply—

- (a) a requirement imposed on that claimant under sections 6 to 6G of the Act ceases to have effect for a period of 13 consecutive weeks starting on the date of the notification referred to in paragraph (3)(a); and
- (b) the Secretary of State must not impose any other such requirement on that claimant during that period.

(2) A person has recently been a victim of domestic violence if a period of six months has not expired since the violence was inflicted or threatened.

(3) The circumstances are that—

- (a) the claimant notifies the Secretary of State, in such manner as the Secretary of State specifies, that domestic violence has been inflicted on or threatened against the claimant by a person specified in paragraph (4) during the period of six months ending on the date of the notification;
- (b) this regulation has not applied to the claimant for a period of 12 months before the date of the notification;
- (c) on the date of the notification the claimant is not living at the same address as the person who inflicted or threatened the domestic violence; and

- (d) as soon as possible, and no later than one month, after the date of the notification the claimant provides evidence from a person acting in an official capacity which demonstrates that—
- (i) the claimant's circumstances are consistent with those of a person who has had domestic violence inflicted on or threatened against them during the period of six months ending on the date of the notification; and
 - (ii) the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period.
- (4) A person is specified in this paragraph if the person is—
- (a) where the claimant is, or was, a member of a couple, the other member of the couple;
 - (b) the claimant's grandparent, grandchild, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, step-brother, brother-in-law, sister, step-sister or sister-in-law; or
 - (c) where any of the persons listed in sub-paragraph (b) is a member of a couple, the other member of that couple.
- (5) In this regulation—
- “domestic violence” means abuse of a kind specified on page 11 of section 2.2 of ‘Responding to domestic abuse: a handbook for health professionals’ published by the Department of Health in December 2005(7);
- “health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(8);
- “person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the claimant's employer, a representative of the claimant's trade union or any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence;
- “registered social worker” means a person registered as a social worker in a register maintained by—
- (a) the General Social Care Council;
 - (b) the Care Council for Wales;
 - (c) the Scottish Social Services Council; or
 - (d) the Northern Ireland Social Care Council.

Circumstances in which requirements must not be imposed

- 16.**—(1) Where paragraph (3), (4) or (5) applies—
- (a) the Secretary of State must not impose a work search requirement on a claimant; and
 - (b) “able and willing immediately to take up work” under a work availability requirement means able and willing to take up paid work, or attend an interview, immediately once the circumstances set out in paragraph (3), (4) or (5) no longer apply.
- (2) A work search requirement previously applying to the claimant ceases to have effect from the date on which the circumstances set out in paragraph (3), (4) or (5) apply.

(7) The handbook is available on the Department of Health website www.dh.gov.uk at [/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4126161](http://en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4126161) and from Department of Health Publications, PO Box 777, London SE1 6XH.

(8) 2002 c.17. Section 25(3) was amended by paragraph 17 of Schedule 10 to the Health and Social Care Act 2008 (c.14) and paragraph 56 of Schedule 15 to the Health and Social Care Act 2012 (c.7) and S.I. 2010/231.

- (3) This paragraph applies where—
- (a) the claimant is attending a court or tribunal as a party to any proceedings or as a witness;
 - (b) the claimant is temporarily absent from Great Britain because they are—
 - (i) taking their child outside Great Britain for medical treatment;
 - (ii) attending a job interview outside Great Britain; or
 - (iii) receiving medical treatment outside Great Britain;
 - (c) it is within six months of the death of—
 - (i) where the claimant is a member of a couple, the other member;
 - (ii) a child for whom the claimant or, where the claimant is a member of a couple, the other member, is responsible; or
 - (iii) a child, where the claimant is the child's parent;
 - (d) the claimant is receiving and participating in a structured, recovery-orientated, course of alcohol or drug dependency treatment, for a period of up to six months (where the course is for more than six months, this sub-paragraph only applies for the first six months);
 - (e) the claimant is a person for whom arrangements have been made by a protection provider under section 82 of the Serious Organised Crime and Police Act 2005⁽⁹⁾, for a period of up to three months (where the arrangements are for more than three months, this sub-paragraph only applies for the first three months).
- (4) This paragraph applies where the Secretary of State is satisfied that it would be unreasonable to require the claimant to comply with a work search requirement, including if such a requirement were limited in accordance with section 6D(4) of the Act, because the claimant—
- (a) has temporary child care responsibilities;
 - (b) is subject to temporary circumstances;
 - (c) is carrying out a public duty; or
 - (d) is carrying out a work preparation requirement or voluntary work preparation.
- (5) This paragraph applies where the claimant—
- (a) is unfit for work—
 - (i) for a maximum of 14 consecutive days after the date on which the evidence referred to in sub-paragraph (b) is provided; and
 - (ii) on no more than two such periods in any period of 12 months; and
 - (b) provides to the Secretary of State the following evidence—
 - (i) for the first seven days when they are unfit for work, a declaration made by the claimant in such manner and form as the Secretary of State approves that the claimant is unfit for work; and
 - (ii) for any further days when they are unfit for work, a statement given by a doctor in accordance with the rules set out in Part 1 of Schedule 1 to the Social Security (Medical Evidence) Regulations 1976⁽¹⁰⁾ which advises that the person is not fit for work.
- (6) In this regulation, “tribunal” means any tribunal listed in Schedule 1 to the Tribunal and Inquiries Act 1992⁽¹¹⁾.

⁽⁹⁾ 2005 c.15. Section 82 was amended by paragraph 13 of Schedule 6 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10) and S.I. 2010/976.

⁽¹⁰⁾ S.I. 1976/615.

⁽¹¹⁾ 1992 c.53.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Jobseeker's Allowance Regulations 2013 No. 378
