
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Welfare Reform (Northern Ireland) Order 2015

PART 3

Working-age benefits

CHAPTER 1

Jobseeker's allowance

Claimant responsibilities after introduction of universal credit

Claimant responsibilities for jobseeker's allowance

55.—(1) The Jobseekers Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), at the appropriate places insert—

““work availability requirement” has the meaning given by Article 8E;”;

““work preparation requirement” has the meaning given by Article 8C;”;

““work search requirement” has the meaning given by Article 8D;”;

““work-focused interview requirement” has the meaning given by Article 8B;”;

““work-related requirement” has the meaning given by Article 8;”.

(3) In Article 3(2) (conditions of entitlement), sub-paragraphs (a) and (c) are repealed.

(4) For Articles 8 to 12 (and the italic heading preceding Article 8) substitute—
“Work-related requirements

Work-related requirements

8.—(1) The following provisions provide for the Department to impose work-related requirements with which claimants must comply for the purposes of this Order.

(2) In this Order “work-related requirement” means—

(a) a work-focused interview requirement (see Article 8B);

(b) a work preparation requirement (see Article 8C);

(c) a work search requirement (see Article 8D);

(d) a work availability requirement (see Article 8E).

Claimant commitment

8A.—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

- (3) A claimant commitment is to be in such form as the Department thinks fit.
- (4) A claimant commitment is to include—
 - (a) a record of the requirements that the claimant must comply with under this Order (or such of them as the Department considers it appropriate to include),
 - (b) any prescribed information, and
 - (c) any other information the Department considers it appropriate to include.
- (5) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-focused interview requirement

- 8B.**—(1) In this Order a “work-focused interview requirement” is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.
- (2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.
 - (3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).
 - (4) The Department may specify how, when and where a work-focused interview is to take place.

Work preparation requirement

- 8C.**—(1) In this Order a “work preparation requirement” is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).
- (2) The Department may under paragraph (1) specify the time to be devoted to any particular action.
 - (3) Action which may be specified under paragraph (1) includes in particular—
 - (a) attending a skills assessment;
 - (b) improving personal presentation;
 - (c) participating in training;
 - (d) participating in an employment programme;
 - (e) undertaking work experience or a work placement;
 - (f) developing a business plan;
 - (g) any action prescribed for the purpose in paragraph (1).

Work search requirement

- 8D.**—(1) In this Order a “work search requirement” is a requirement that a claimant take—
 - (a) all reasonable action, and
 - (b) any particular action specified by the Department,for the purpose of obtaining paid work (or more paid work or better-paid work).
- (2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

- (a) carrying out work searches;
- (b) making applications;
- (c) creating and maintaining an online profile;
- (d) registering with an employment agency;
- (e) seeking references;
- (f) any other action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

Work availability requirement

8E.—(1) In this Order a “work availability requirement” is a requirement that a claimant be available for work.

(2) For the purposes of this Article “available for work” means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

- (a) work of a particular nature,
- (b) work with a particular level of remuneration,
- (c) work in particular locations, or
- (d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by able and willing immediately to take up work.

Imposition of work-related requirements

8F.—(1) The Department must, except in prescribed circumstances, impose on a claimant—

- (a) a work search requirement, and
- (b) a work availability requirement.

(2) The Department may, subject to this Order, impose either or both of the following on a claimant—

- (a) a work-focused interview requirement;
- (b) a work preparation requirement.

Connected requirements

8G.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the claimant;
- (b) verifying the claimant's compliance with a work-related requirement;
- (c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

- (a) provide to the Department information and evidence specified by the Department in a manner so specified;
- (b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

- (a) the imposition of work-related requirements on the claimant;
- (b) the claimant's compliance with a work-related requirement.

Imposition of work-related and connected requirements: supplementary

8H.—(1) Regulations may make provision—

- (a) where the Department may impose a requirement under the preceding provisions, as to when the requirement must or must not be imposed;
- (b) where the Department may specify any action to be taken in relation to a requirement under the preceding provisions, as to what action must or must not be specified;
- (c) where the Department may specify any other matter in relation to such a requirement, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under Article 8C(1) or 8D(1)(b), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under the preceding provisions, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under the preceding provisions, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under the preceding provisions (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

- (a) a requirement imposed on the claimant under the preceding provisions ceases to have effect for a period of 13 weeks, and
- (b) the Department may not impose any other requirement on the claimant during that period.

(8) For the purposes of paragraph (7)—

- (a) “domestic violence” has such meaning as may be prescribed;
- (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
- (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with work-related and connected requirements

8I. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

- (a) complied with or not complied with any requirement imposed under the preceding provisions or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Higher-level sanctions

8J.—(1) The amount of an award of jobseeker’s allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

- (a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;
- (b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;
- (c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;
- (d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—

- (a) for no good reason failed to take up an offer of paid work, or
- (b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.

(4) For the purposes of paragraphs (2) and (3) regulations may provide—

- (a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;
- (b) for loss of pay below a prescribed level to be disregarded.

(5) Regulations are to specify—

- (a) the amount of a reduction under this Article;
- (b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(6) Regulations under paragraph (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

- (a) the number of failures by the claimant sanctionable under this Article;

- (b) the period between such failures.
- (7) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this Article;
 - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this Article.

Other sanctions

- 8K.**—(1) The amount of an award of a jobseeker’s allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.
- (2) It is a failure sanctionable under this Article if a claimant—
 - (a) fails for no good reason to comply with a work-related requirement;
 - (b) fails for no good reason to comply with a requirement under Article 8G.
 - (3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 8J.
 - (4) Regulations must specify—
 - (a) the amount of a reduction under this Article;
 - (b) the period for which such a reduction has effect.
 - (5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—
 - (a) a period continuing until the claimant meets a compliance condition specified by the Department,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Department, or
 - (c) a combination of both.
 - (6) In paragraph (5)(a) “compliance condition” means—
 - (a) a condition that the failure ceases, or
 - (b) a condition relating to future compliance with a work-related requirement or a requirement under Article 8G.
 - (7) A compliance condition specified under paragraph (5)(a) may be—
 - (a) revoked or varied by the Department;
 - (b) notified to the claimant in such manner as the Department may determine.
 - (8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—
 - (a) the number of failures by the claimant sanctionable under this Article;
 - (b) the period between such failures.
 - (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this Article;
 - (b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
 - (c) for the termination or suspension of a reduction under this Article.

Concurrent exercise of certain functions by Department for Employment and Learning

8L.—(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Part specified in paragraph (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

- (a) Article 8A(2) and (4)(a) and (c);
- (b) Article 8B(1), (3) and (4);
- (c) Article 8C(1) and (2);
- (d) Article 8D(1)(b), (2) and (4);
- (e) Article 8E(3);
- (f) Article 8G(1), (2), (3) and (4);
- (g) Article 8H(1)(b) and (c), (3) and (5);
- (h) Article 8I(b).

Delegation and contracting out

8M.—(1) The functions of the Department under Articles 8 to 8I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Department;
- (c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, and
- (b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This Article applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of Article 8L as it applies in relation to the functions of the Department mentioned in paragraph (1); and references to the Department in paragraphs (1) to (6) are to be construed accordingly.”

(5) In Article 31 (pilot schemes), in paragraph (8), for the words from “ascertaining” to the end substitute—

“testing the extent to which the provision made by the regulations is likely to promote—

- (a) people remaining in work, or
- (b) people obtaining or being able to obtain work (or more work or better-paid work).”