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STATUTORY INSTRUMENTS

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**1997 No. 1909**

**The Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997**

**PART II**

**Part-Time Students**

**Application of Part II**

**5.** This Part applies to a qualifying person who is required to attend an office of the Department for Education and Employment which is listed in Part I of the Schedule in accordance with a notice under regulation 23 of the Jobseeker's Allowance Regulations and who is undertaking a workskill course as a part-time student.

**Availability for employment in term-time**

**6.—(1)** In any week which falls wholly or partly in term-time, regulations 6 and 7 of the Jobseeker's Allowance Regulations shall not apply to a person who has restricted the total number of hours for which he is available for employment in that week in accordance with paragraph (2).

(2) A person to whom this Part applies may restrict the total number of hours for which he is available for employment to less than 40 hours in any week which falls wholly or partly in term-time providing

- (a) in that week the total number of hours during which he is undertaking the workskill course and is available for employment is at least 40 unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations;
- (b) the times at which he is available to take up employment (his "pattern of availability") are such as to afford him reasonable prospects of securing employment unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations;
- (c) his pattern of availability is recorded in his jobseeker's agreement and any variations in that pattern are recorded in a varied agreement;
- (d) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and
- (e) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer.

(3) For the purposes of this regulation, in the case of a person who is undertaking a course of study which is funded in whole or in part by the FEFC, the number of hours during which he is undertaking a workskill course in any week shall be the number of guided learning hours per week set out, in the case of a course funded by the FEFC for England, in his learning agreement signed on behalf of the establishment which is funded by the FEFC for the delivery of that course or, in the case of a course funded by the FEFC for Wales, in a document signed on behalf of the establishment which is funded by the FEFC for the delivery of that course.

(4) For the purposes of this regulation, in the case of a person who is undertaking a course of study (not being higher education) which is funded in whole or in part by the Secretary of State for Scotland at a college of further education, the number of hours during which he is undertaking a workskill course in any week shall be the number of hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and of any additional hours using structured learning packages supported by the teaching staff, according to the number of hours set out in a document signed on behalf of the college.

(5) In this regulation, “college of further education”, “the FEFC” and “higher education” have the same meaning as they have in regulation 1(3) of the Jobseeker’s Allowance Regulations.

#### **Availability of carers in term-time**

7.—(1) In any week which falls wholly or partly in term-time, regulations 6, 7 and 13(4) of the Jobseeker’s Allowance Regulations shall not apply to a person who has restricted the total number of hours for which he is available for employment in any week in accordance with paragraph (2).

(2) A person to whom this Part applies who has caring responsibilities may restrict the total number of hours for which he is available for employment to less than 16 hours in any week which falls wholly or partly in term-time in which he is undertaking a workskill course providing

- (a) in that week he is available for employment for as many hours as his caring responsibilities and his course allow;
- (b) in that week he is available for the specific hours that those responsibilities and his course allow;
- (c) the times at which he is available to take up employment (his “pattern of availability”) are recorded in his jobseeker’s agreement and any variation in that pattern are recorded in a varied agreement;
- (d) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and
- (e) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer.

#### **Availability and active seeking during examinations**

8. A person to whom this Part applies shall be treated as available for and actively seeking employment in any week during any part of which he is taking an examination relating to his workskill course.

### **Availability during vacations**

**9.** In any week which falls wholly in a vacation, a person to whom this Part applies shall be treated as available for employment in that week if he is willing and able to take up immediately any casual employment and any permanent part-time employment for which he is available in accordance with regulation 6 in any week or part of a week in term-time, providing the times at which he is available to take up employment are such as to afford him reasonable prospects of securing employment unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations.

### **Active seeking during vacations**

**10.** In any week which falls wholly in a vacation, a person who is treated as available for employment in accordance with regulation 9 shall be treated as actively seeking employment in that week if he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 9.