

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INCOME SUPPORT AND JOBSEEKER'S
ALLOWANCE) AMENDMENT REGULATIONS 2006

2006 No. 1402

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Regulations amend the Jobseeker's Allowance Regulations 1996 and the Income Support Regulations 1987 in respect of availability. The changes will allow those involved in court or tribunal proceedings to be treated as available for and actively seeking work for up to 8 weeks. Those temporarily detained in police custody for a period of 96 hours or less will be treated as available for and actively seeking employment for this period. The regulations also extend the availability rules for those with caring responsibilities to allow them up to one week to take up an offer of employment.
3. **Matters of Special Interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Unlike other benefits, Jobseeker's Allowance has an attendance regime; JSA claimants usually attend the office each fortnight to sign a declaration confirming they have been available for and actively seeking employment for the preceding 14 days. Failure to attend, for whatever reason, can lead to loss of benefit and closure of an ongoing claim.
 - 4.2 The changes to the Jobseeker's Allowance Regulations by the Social Security (Income Support & Jobseekers Allowance) Amendment Regulations 2006 will allow those customers unable to attend through jury service or because they were temporarily detained in custody for up to 96 hours, to continue their benefit claim without disruption. This will reduce the administrative time and costs currently incurred in stopping and re-starting benefit payments to these customers.
5. **Extent**
 - 5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

James Plaskitt, Parliamentary Under-Secretary of State, has made the following statement regarding Human Rights:

In my view the provisions of the Social Security (Income Support and Jobseeker's Allowance) Amendment Regulations 2006 are compatible with the Convention rights.

7. Policy background

- 7.1 This change follows Lord Justice Auld's review of the criminal courts in England and Wales. His report recommended that juries should reflect all sections of society by improving the practical support provided to jurors. These regulations will minimise disruption to jobseeker's benefit payments during jury service by treating jobseekers as available for and actively seeking employment for up to 8 weeks.
- 7.2 Following a recommendation from the Court of Appeal Ministers agreed that those who are temporarily detained in custody for up to 96 hours and subsequently released should not lose benefit due to circumstances outside their control. Because Jobseeker's Allowance is a weekly benefit with an attendance regime, jobseekers in custody on their attendance day can lose benefit for the whole week, even when they are released without charge. These regulations will allow jobseekers to be treated as available for and actively seeking employment during detention for up to 96 hours and will treat detention for this period as good cause for non-attendance. These changes will reduce the current administrative processes, and the associated costs, of stopping and re-starting payments of Jobseeker's Allowance.
- 7.3 The Equal Opportunities Commission asked that the time allowed for jobseekers with caring responsibilities to take up an offer of employment be extended from 48 hours. These regulations extend that period of time from 48 hours to one week. This will allow carers additional time to make alternative care arrangements and should therefore make Jobseeker's Allowance more accessible to those with caring responsibilities.
- 7.4 At the meeting on the 2nd November 2005, the Social Security Advisory Committee (SSAC) was presented with details of these regulation changes. The committee decided they should not be referred for further consultation.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 There is no impact on the public sector.

9. Contact

Peter Loosley at the Department for Work and Pensions Tel: 0114 259 6729 or e-mail: peter.loosley@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.