
STATUTORY INSTRUMENTS

2010 No. 1222

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

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;
 - (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⁽¹⁾ 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
- (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.

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

(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⁽²⁾, 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)⁽³⁾ 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)⁽⁴⁾ 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 ⁽⁵⁾.

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

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

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

(5) 1971 c. 80.