
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (the 1996 Regulations) so as to enable claimants who have just been released from prison or custody to be required to participate in the Employment, Skills and Enterprise Scheme.

Under regulation 14(1)(h) of the 1996 Regulations, such claimants are treated as being available for employment for the first week after their release. By virtue of s.17A(4) of the Jobseekers Act 1995, regulations under that section cannot require a person to participate in a scheme unless the person would (apart from the regulations) be required to meet the jobseeking conditions. The jobseeking conditions include the condition of being available for and actively seeking work. This means that, without an amendment to regulation 14, these claimants could not be referred to a scheme under s.17A immediately on their release.

These Regulations therefore amend regulation 14(1)(h) so that claimants who are referred to the Employment, Skills and Enterprise Scheme when they are discharged from a prison, remand centre or youth custody institution will not be treated as being available for work by virtue of regulation 14.

Regulation 19(1)(h) of the 1996 Regulations (circumstances where a person will be treated as actively seeking employment) operates by reference to regulation 14(1)(h). As a result, the amendment to regulation 14(1)(h) also means that claimants just released from prison or custody who are referred to participate in the Employment, Skills and Enterprise Scheme are not treated as being available for employment by virtue of regulation 19 for the first week after their release.

Instead of being treated as available for employment under regulation 14 or treated as actively seeking employment under regulation 19 for the first week after their release, these claimants will be the subject of a similar provision in the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 and an amendment is made to regulation 5A of those Regulations to achieve this.

The Regulations also revoke the Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector and civil society organisations.