

2012 No. 874

SOCIAL SECURITY

**The Social Security (Lone Parents and Miscellaneous
Amendments) Regulations 2012**

<i>Made</i> - - - -	<i>20th March 2012</i>
<i>Laid before Parliament</i>	<i>22nd March 2012</i>
<i>Coming into force</i> - -	<i>21st May 2012</i>

The Secretary of State for Work and Pensions makes the following regulations, in exercise of the powers conferred by—

—sections 2A(1), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(a),

—sections 123(1), 124(1)(e), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(b),

—sections 6(4), 7(4) 35(1) and 36(2) of the Jobseekers Act 1995(c);

—section 2(4)(a), 4(6)(a) and 24(1) of the Welfare Reform Act 2007(d).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2012.

(2) These Regulations come into force on 21st May 2012.

(3) Paragraph (2) is subject to the provisions in the Schedule.

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- (a) 1992. c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30). Section 189(1), (4) and (5) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21); section 191 is cited because of the meaning it gives to the word “prescribe”.
- (b) 1992. c.4. Section 124(1)(e) was inserted by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995 (c.18); section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions etc) Act 1999 (c.2). Section 175(5) was amended by section 11(1) of, and Schedule 1, paragraph 36 to, the Social Security (Incapacity for Work) Act 1994 (c.18).
- (c) 1995. c.18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”.
- (d) 2007. c.5. Section 24(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”.

(4) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987(a);

“the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(b);

“the Jobcentre Plus Regulations” means the Social Security (Jobcentre Plus Interviews) Regulations 2002(c); and

“lone parent” has the same meaning as in regulation 2(1) of the Income Support Regulations.

Amendment of the Income Support Regulations

2.—(1) Schedule 1B (prescribed categories of person)(d) to the Income Support Regulations is amended as follows.

(2) For paragraph 1, substitute—

“Lone Parents

1.—(1) A lone parent who is responsible for, and a member of the same household as—

(a) a single child aged under 5, or

(b) more than one child where the youngest is aged under 5.

(2) A lone parent who is under the age of 18.”

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(e) are amended as follows.

(2) After regulation 17A (further circumstances in which a person is to be treated as available: full-time students participating in a qualifying course)(f), insert—

“Further circumstances in which a person is to be treated as available: lone parents with children aged 5 not in full-time education

17B A lone parent shall be treated as available for employment in any week where—

(a) the lone parent is responsible for, and a member of the same household as, a child who is aged 5;

(b) the child—

(i) is not receiving full-time education by regular attendance at school or otherwise; and

(ii) is not required by law to receive full-time education; and

(c) it would be unreasonable for the lone parent to make other arrangements for the care of that child.”

(3) After regulation 21A (further circumstances in which a qualifying person is to be treated as actively seeking employment; full-time students participating in a qualifying course)(g), insert—

(a) S.I. 1987/1967.

(b) S.I. 2000/1926.

(c) S.I. 2002/1703.

(d) Schedule 1B was inserted by S.I. 1996/206. Paragraph 1 of Schedule 1B was substituted by S.I. 2008/3051.

(e) S.I. 1996/207.

(f) Regulation 17A was inserted by S.I. 1998/1274.

(g) Regulation 21A was inserted by S.I. 1998/1274.

“Further circumstances in which a person is to be treated as actively seeking employment: lone parents with children aged 5 not in full-time education

21B. A lone parent who is treated for any period as being available for employment under regulation 17B shall be treated as actively seeking employment for the same period”.

Amendment of the Lone Parents Regulations

4.—(1) The Lone Parents Regulations are amended as follows.

(2) In regulation 2ZA(1)(c) (requirement for certain lone parents to take part in an interview)(a), for “4,5 or 6” in both places, substitute “4”.

Amendment of the Jobcentre Plus Regulations

5.—(1) The Jobcentre Plus Regulations are amended as follows.

(2) In regulation 4A(1)(c) (requirement for certain lone parents to take part in an interview)(b), for “4,5 or 6” in both places, substitute “4”.

Amendment of the Employment and Support Allowance Regulations 2008

6.—(1) The Employment and Support Allowance Regulations 2008(c) are amended as follows.

(2) In regulation 7(1)(c)(iii) (circumstances where the condition that the assessment phase has ended before entitlement to the work-related activity component or support component arises does not apply)(d), for “2008”, substitute “2012(e)”.

Savings and transitional provisions applicable to certain lone parents following a full-time course

7.—(1) This regulation applies to a lone parent if the following conditions are met.

(2) The first condition is that—

- (a) immediately before the specified day the lone parent was entitled to income support and fell within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support Regulations;
- (b) no other paragraph of Schedule 1B applies to the lone parent; and
- (c) on and after the specified day, the lone parent is responsible for and a member of the same household as—
 - (i) a single child aged 5 or over, or
 - (ii) more than one child where the youngest child is aged 5 or over.

(3) The second condition is that immediately before the specified day, and on and after that day, the lone parent is also—

- (a) a full-time student attending or undertaking a full-time course of advanced education, a full-time course of study or a sandwich course, or
- (b) following a full-time course of training or instruction provided pursuant to arrangements made by the Secretary of State or pursuant to a scheme which has been approved by the Secretary of State as supporting the objectives set out in section 2 of the Employment and Training Act 1973(f).

(a) Regulation 2ZA was inserted by S.I. 2008/3051; paragraph (1) was amended by S.I. 2011/2425.
(b) Regulation 4A was inserted by S.I. 2008/3051. Paragraph (1) was amended by S.I. 2011/2425.
(c) S.I. 2008/794.
(d) Sub-paragraph (c) of regulation 7(1) was inserted by S.I. 2008/3051.
(e) S.I. 2012/874.
(f) 1973. c. 50.

(4) This regulation does not apply, or (as the case may be) it ceases to apply, to a lone parent if the lone parent makes a further claim for income support on or after the specified day.

(5) Where this regulation applies to a lone parent—

- (a) paragraph 1 of Schedule 1B to the Income Support Regulations as in force in relation to the lone parent at the beginning of the period of study referred to in paragraph (3)(a) shall continue to have effect in relation to the lone parent for so long as the lone parent remains a full-time student;
- (b) paragraph 1 of Schedule 1B to the Income Support Regulations as in force at the beginning of the particular course of training or instruction referred to in paragraph (3)(b) shall continue to have effect in relation to the lone parent for so long as the lone parent is following that full-time course; and
- (c) any requirement to take part in a work-focused interview every 13 weeks in accordance with regulation 2ZA of the Lone Parents Regulations or regulation 4A of the Jobcentre Plus Regulations shall continue to apply in relation to the lone parent at a time when, apart from this paragraph, the requirement would cease to apply because the lone parent's child's or youngest child's, age exceeds the age specified in those regulations.

(6) For the purposes of this regulation—

“full-time course of advanced education”, “full-time course of study” and “sandwich course” have the same meaning as in regulation 61 of the Income Support Regulations;

“full-time student” and “period of study” have the same meaning as in regulation 2(1) of the Income Support Regulations;

“specified day” means 21st May 2012.

Signed by authority of the Secretary of State for Work and Pensions

20th March 2012

Maria Miller
Parliamentary Under Secretary of State
Department for Work and Pensions

SCHEDULE

Regulation 1(3)

Special Commencement Provisions for Certain Existing Claimants

Application and interpretation

- 1.—(1) A lone parent falls within this Schedule if—
- (a) the lone parent has attained the age of 18;
 - (b) the lone parent was entitled to income support on grounds of falling within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support Regulations immediately before the commencement day;
 - (c) no other paragraph of Schedule 1B applies to the lone parent: and
 - (d) on the commencement day, the lone parent is responsible for and a member of the same household as—
 - (i) a single child who is aged 5 or 6 or who will attain the age of 5 before 19th November 2012; or
 - (ii) more than one child where the youngest child is aged 5 or 6 or will attain the age of 5 before 19th November 2012.
- (2) A lone parent does not fall within this Schedule if on or after the commencement day—
- (a) the lone parent makes a further claim for income support; or
 - (b) regulation 7 applies to the lone parent.
- (3) In this Schedule—
- “benefit week” has the same meaning as in regulation 2(1) of the Income Support Regulations(a);
- “child” means a person aged under 16;
- “child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002(b);
- “commencement day” means 21st May 2012;
- “voluntary interview appointment” means an appointment for a lone parent who falls within this Schedule to attend an interview voluntarily for the purpose of discussing the changes to income support entitlement for lone parents which are made by these Regulations; and
- “work-focused interview” means a work-focused interview conducted in accordance with regulations made under section 2A(1) of the Social Security Administration Act 1992(c).

Lone Parent responsible for a child who has attained the age of 6 before 21st May 2012

- 2.—(1) This paragraph applies to lone parent who falls within this Schedule if, before the commencement day, the lone parent is responsible for and a member of the same household as—
- (a) a single child who has attained the age of 6; or
 - (b) more than one child, the youngest of whom has attained the age of 6.
- (2) Subject to paragraphs 6 and 7, regulations 2, 4 and 5 come into force in relation to a lone parent to whom this paragraph applies on the first day of the benefit week in which a requirement to take part in a work-focused interview would, apart from these Regulations, next have arisen in relation to the lone parent on or after 21st May 2012.

(a) The definition of “benefit week” in regulation 2(1) was amended by S.I. 1988/1445.

(b) 2002. c.21.

(c) Section 2A(1)(a) was amended by the Welfare Reform Act 2009 (c.24), section 35(1) and (2)(a).

Lone parent responsible for a child who will attain the age of 6 after 20th May 2012 and before 20th August 2012

3.—(1) This paragraph applies to a lone parent who falls within this Schedule if, on the commencement day, the lone parent is responsible for and a member of the same household as—

- (a) a single child who will attain the age of 6 after 20th May 2012 and before 20th August 2012; or
- (b) more than one child, the youngest of whom will attain the age of 6 after 20th May 2012 and before 20th August 2012.

(2) Subject to paragraphs 6 and 7, regulations 2, 4 and 5 come into force in relation to a lone parent to whom this paragraph applies at the end of the last day of the benefit week in which the child in question attains the age of 6.

Lone Parent responsible for a child who attained the age of 5 after 19th August 2011 or will attain the age of 5 before 20th August 2012

4.—(1) This paragraph applies to a lone parent who falls within this Schedule if, on the commencement date, the lone parent is responsible for and a member of the same household as—

- (a) a single child who attained the age of 5 after 19th August 2011 or will attain the age of 5 before 20th August 2012; or
- (b) more than one child, the youngest of whom attained the age of 5 after 19th August 2011 or will attain the age of 5 before 20th August 2012.

(2) Subject to paragraphs 6 and 7, regulations 2, 4 and 5 come into force in relation to a lone parent to whom this paragraph applies on the first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from these Regulations, next have arisen in relation to the lone parent on or after 20th August 2012.

Lone Parent responsible for child who will attain the age of 5 after 19th August 2012 and before 19th November 2012

5.—(1) This paragraph applies to a lone parent who falls within this Schedule if, on the commencement day, the lone parent is responsible for and a member of the same household as—

- (a) a single child who will attain the age of 5 after 19th August 2012 and before 19th November 2012; or
- (b) more than one child, the youngest of whom will attain the age of 5 after 19th August 2012 and before 19th November 2012.

(2) Subject to paragraphs 6 and 7, regulations 2, 4 and 5 come into force in relation to a lone parent to whom this paragraph applies at the end of the last day of the benefit week in which the child in question attains the age of 5.

Circumstances where the Secretary of State is not satisfied that a decision has been made in relation to the lone parent's claim for child tax credit at the time of the voluntary interview appointment

6.—(1) Where subparagraph (2) applies, regulation 2 comes into force in relation to a lone parent at the end of the period of 4 weeks beginning with the day mentioned in sub-paragraph (2) of paragraphs 2, 3, 4 or 5, as would be applicable to the lone parent apart from this paragraph (“the relevant day”).

(2) This paragraph applies where—

- (a) a lone parent to whom this Schedule applies has been invited in writing by the Secretary of State to attend a voluntary interview appointment on a date during the two month period before the relevant day;
- (b) at the time of the voluntary interview appointment, the lone parent has claimed, or is treated as having made a claim for, child tax credit; and

- (c) the Secretary of State is not satisfied that a decision has been made in relation to that claim at the time of the voluntary interview appointment.

Lone parents not invited to a voluntary interview during the two month period before the relevant day

7. Where a lone parent to whom this Schedule applies has not been invited in writing, before the day mentioned in sub-paragraph (2) of paragraphs 2, 3, 4 or 5, as would be applicable to the lone parent apart from this paragraph (“the relevant day”), to attend a voluntary interview appointment regulations 2, 4 and 5 come into force in relation to the lone parent at the end of a period of 6 weeks beginning with the date on which the Secretary of State invites the lone parent in writing to attend a voluntary interview appointment.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (“the Income Support Regulations”), the Jobseekers Allowance Regulations 1996 (“the JSA Regulations”), the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (“the Lone Parents Regulations”), the Social Security (Jobcentre Plus Interviews) Regulations 2002 (“the Jobcentre Plus Regulations”) and the Employment and Support Allowance Regulations 2008 (“the ESA Regulations”).

Regulation 2 replaces paragraph 1 of Schedule 1B to the Income Support Regulations with the result that a lone parent is entitled to income support solely on grounds of being a lone parent, only if they are under 18 or if their youngest child is under the age of 5.

Regulation 3 amends the JSA Regulations so as to treat a lone parent who is responsible for, and a member of the same household as, a child aged 5 who is not receiving and is not required to receive full-time education as being available for, and actively seeking employment, where it would be unreasonable for the lone parent to make other arrangements for the child’s care.

Regulation 4 amends the Lone Parents Regulations so that lone parents are required to take part in work-focused interviews every 13 weeks under regulation 2ZA of those Regulations only if their youngest child is aged 4.

Regulation 5 amends the Jobcentre Plus Regulations, so that lone parents are required to take part in work-focused interviews every 13 weeks under regulation 4A of those Regulations, only if their youngest child is aged 4.

Regulation 6 amends the ESA Regulations to extend the circumstances in which entitlement to the support or work-related activity components of Employment and Support Allowance can arise even though the assessment phase has not ended to include cases where a lone parent’s entitlement to income support ends as result of these Regulations.

Regulation 7 makes transitional provision for lone parents, who are existing income support claimants and who are also full-time students or following certain full time courses, so that paragraph 1 of Schedule 1B to the Income Support Regulations, as in force immediately before these Regulations come into force, continues to apply to them until their youngest child reaches the age when they would otherwise have ceased to be entitled to income support, or until they cease to take part in a course that is covered by the provision or makes a new claim for income support. During that time the lone parent will continue to be required to take part in work-focused interviews every 13 weeks.

The Schedule makes provision for the changes to paragraph 1 of Schedule 1B to the Income Support Regulations, to regulation 2ZA of the Lone Parents Regulations and to regulation 4A of the Jobcentre Plus Regulations to take effect at a later date in the case of certain existing claimants linked to the age of the claimant’s youngest child and the date on which the child’s birthday falls. It also provides for the change to income support entitlement to take effect later for some lone

parents, and in certain circumstances, for the changes made to the Lone Parents Regulations and the Jobcentre Plus Regulations to also be postponed.

These Regulations have no impact on the private sector and civil society organisations. However, an assessment of the impact of these Regulations on the public sector has been made and is included in the impact assessment that accompanied the Welfare Reform Bill. A copy of this impact assessment is available in the libraries of both Houses of Parliament, and an updated version of the relevant extract is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies of the impact assessment may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, Caxton House, Tothill Street, London, SW1H 9NA, or from the DWP website: <http://www.dwp.gov.uk/resourcecentre/ria/asp>.

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