

**EXPLANATORY MEMORANDUM TO  
THE SOCIAL SECURITY (LONE PARENTS AND MISCELLANEOUS AMENDMENTS)  
REGULATIONS 2012**

**2012 No. 874**

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. Purpose of the instrument**

2.1 These Regulations amend the Income Support (General) Regulations 1987 (“the IS Regulations”) with the result that lone parents will be able to claim Income Support (IS) solely on the grounds of being a lone parent only if they are under 18 years or if they have a child under the age of five years. The Regulations will come into force on **21 May 2012** for new claimants and in phases from **21 May 2012** for existing claimants.

2.2 The Regulations ensure that lone parents who are entitled to IS immediately before the change, on grounds of being a lone parent, will be treated in the same way as those who were affected by earlier changes to the child age threshold and can:

- remain in receipt of IS, if they are undertaking certain types of full-time course or training; and
- receive the work-related activity component from the start of their Employment and Support Allowance (ESA) claim if their entitlement to IS ends and they were entitled to the IS disability premium. (This is achieved by amendment to the Employment Support Allowance Regulations 2008.)

2.3 The Regulations also amend the Jobseeker’s Allowance Regulations 1996 so as to introduce an easement into Jobseeker’s Allowance (JSA) under which lone parents will be treated as being available for and actively seeking work in circumstances where their child is aged five years, is not receiving and is not required to receive full-time education and where it would be unreasonable for the lone parent to make other arrangements for the care of the child.

2.4 A number of other Regulations relating to work-focused interviews for lone parents on income support are amended as a consequence of the amendment described above to the IS Regulations.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Context**

4.1 Before November 2008, lone parents with a youngest child up to the age of 16 years could claim IS on the grounds of lone parenthood. Since then, this age threshold has been reduced first to 12 years, then 10 years and from October 2010, to age seven years. As a result, if a lone parent’s youngest child reaches seven years they now have to claim JSA if they are capable of work or ESA if they have limited capability for work, if they want to remain entitled to benefit. However, they can continue to receive IS if they are entitled on some other ground, for example, as a foster carer.

4.2 The Government announced, in the June 2010 Budget, its intention to make a further change so lone parents would cease to be entitled to IS solely on grounds of lone parenthood when their youngest child reaches the age of five years. It has since been decided that lone parents aged under 18 years should remain entitled to Income Support (IS) irrespective of the age of their youngest child. This is because it would be impractical given the scale of administrative change needed to require this small group of lone parents (approximately 20) to claim JSA or ESA.

4.3 The Welfare Reform Act 2009 included a provision in section 3 (1) which, when in force, would require that income support is made available to lone parents on sole grounds of lone parenthood if they have a child under the age of seven years. The Welfare Reform Act 2012 amended section 3 (1) (and the amendment to section 3 (1) is now in force) so it will not be possible without further amendment to primary legislation to remove IS entitlement from a lone parent with a child under 5. [We intend to bring section 3 (1) into force at the same time as these Regulations.]

## 5. Territorial Extent and Application

This instrument applies to Great Britain.

## 6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- *What is being done and why*

7.1 Currently lone parents whose youngest child is aged below seven years are entitled to claim Income Support (IS) on the sole grounds of lone parenthood. When in receipt of IS they are required to take part in six monthly or three monthly work-focused interviews (WFIs), depending on the age of their youngest child. The purpose of these WFIs is to provide lone parents with information so they can decide whether moving closer to the labour market for example, by undertaking work-related training, is appropriate for them, based on their personal circumstances. These lone parents are required to take part in WFIs, but they are not required to look for work in order to receive IS, nor are they required to undertake work-related activities or training, although they may choose to do so voluntarily.

7.2 If a lone parent still wishes to receive benefit when their youngest child reaches seven years, they can claim Jobseeker's Allowance (JSA) if they are capable of working, or Employment and Support Allowance (ESA) if they have limited capability for work, unless they remain entitled to IS on other grounds, for example, as a carer. When claiming JSA or ESA they may be required to undertake work-related activity or training to improve their employability (unless they are in the ESA support group) and in the case of JSA have to be actively seeking and available for work.

7.3 The intention to further reduce the age threshold to age five as part of the Government's welfare reforms was announced in the June 2010 Budget. The Government White Paper Universal Credit: Welfare that Works [1] (November 2010) re-inforced the Government intent. The Government consider that it is reasonable to expect lone parents to take up work once their children are in full-time education. "We want to encourage lone parents to enter work but not at the expense of the crucial role they play as parents. We intend to carry forward the current safeguard that allows those with children aged 12 or under to restrict their availability for work to school hours. It is worth reminding noble Lords of the powerful impact that this policy has. When the age was brought down to 12, 16 per cent of lone parents leaving income support went straight into work and 56 per cent went on to JSA, many of whom will have subsequently gone in to work. We estimate that bringing the age down to five could lead to an extra 20,000 to 25,000 lone parents in work. Children in workless lone parent households are almost three times more likely to be in relative poverty than those where the lone parent works part-time, and five times more likely to be living in relative poverty than children of lone parents working full-time"[2] Once the entitlement conditions are changed if lone parents with a youngest child aged five years or over want to claim benefit, they will need to claim JSA or ESA

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1 <http://www.dwp.gov.uk/docs/universal-credit-full-document.pdf>

2 (Lord Freud, Clause 57, 12<sup>th</sup> Day of Committee House of Lords, 10 November).

unless they remain entitled or have transitional protection as set out in paragraph 7.6. Those with a youngest child aged below five years will still be entitled to IS and required to take part in WFIs as outlined in paragraph 7.1.

7.4 Lone parents claiming JSA will still have access to existing flexibilities to enable them to comply with the conditions of this benefit as well as meet their caring responsibilities. These flexibilities include the right for a lone parent to: restrict their availability to school hours if they have a child aged below 13 years; limit the hours they are available in accordance with their childcare responsibilities and down to a minimum of 16 hours per week and have childcare taken into account in assessing the reasonableness of jobsearch activity.

7.5 To support lone parents whose youngest child is aged five years, where their child has not started or is not yet required to start full-time education, an additional flexibility will be introduced into JSA so they can be treated as being actively seeking and available for work if it would be unreasonable for them to make childcare arrangements for their child. The rationale for this is to give lone parents affected by the change the best opportunity to take advantage of being closer to the labour market, whilst providing a safeguard for those lone parents whose child is not in school at age five years. This approach enables there to be a predictable point of transition to JSA/ ESA for lone parents and minimises the risk of lone parents deliberately holding their children back from starting school by enabling lone parents to meet JSA conditions of entitlement to be treated as available for and actively seek work, for the short period until their youngest child age 5 starts school in the circumstances described above in this paragraph.

7.6 When the original changes were made to reduce the IS entitlement conditions based on the age of a lone parents youngest child, certain protections were also made available for some lone parents. The regulations maintain these protections by:

- providing transitional arrangements for certain existing lone parent claimants who are undertaking certain types of course as a full-time student<sup>3</sup> so they can continue to receive IS until their youngest child reaches seven years or their course ends, whichever comes first. As before, these lone parents will be required to take part in WFIs every 13 weeks; and
- amending the Employment and Support Allowance Regulations 2008 so lone parents who leave IS because of the regulations, make a claim for ESA within 12 months and, before they stopped receiving IS, were entitled to the disability premium, do not have to wait until the end of the assessment phase (usually 13 weeks) to receive the work-related activity component but do so from the start of their ESA claim.

7.7 As with previous changes, the age threshold change outlined in these regulations will be introduced via a phased roll-out and is provided for in these Regulations. Subject to Royal Assent, the roll-out will start from **21 May 2012** for new claimants with the first phase of roll-out also starting on **21 May 2012** for the first tranche of existing claimants. Changes for existing claimants will be substantially complete by **18 November 2012**.

7.8 The Department will take steps to ensure that all lone parents with a child of 5 or over who are claiming IS as a lone parent on **20 May 2012** have been identified. The Regulations include provision to ensure that the change will not come into effect for lone parents until after they have been invited to attend a voluntary interview to discuss the change. They also make provision so that, if a lone parent with an existing award has been invited to attend a voluntary interview to discuss the changes, has made a claim (or is deemed to have made a claim) for Child Tax Credit for the lone parent and the Jobcentre Plus is not satisfied that the claim has been decided by the time of the interview, their IS entitlement will continue for 4 weeks after the date when it would have otherwise ended. Systems have been put in place to facilitate this change.

- **Consolidation**

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<sup>3</sup> Or following a full-time course provided pursuant to arrangements made by the Secretary of State or approved by the Secretary of State as supporting the objectives set out in section 2 of the Employment and Training Act 1973. <http://www.legislation.gov.uk/ukpga/1973/50/section/2>

7.9 Informal consolidation of this instrument will be provided in due course in the ‘Law Relating to Social Security’ (referred to as “The Blue Books”) which are regularly updated and are available to the public at no cost via the internet at:  
<http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/>

## 8. Consultation Outcome

8.1 The Department carried out an extensive consultation exercise when developing the original plans for reducing the child age threshold, where lone parents could be entitled to IS on the grounds of lone parenthood. In the Green Paper “*In Work, Better Off: Next Steps to Full Employment*”<sup>4</sup> published in July 2007 the Government of the day sought views from the public on its proposals to move lone parents who can undertake paid work from a passive benefit regime to a benefit which requires more active steps to look for paid work and greater engagement with the labour market. They sought feedback on options to change the circumstances in which lone parents are entitled to Income Support, depending on the age of their youngest child. A summary of responses to the Green paper was that “There was strong support for enabling lone parents to work, but this was conditional on there being quality, affordable childcare and flexible, local employment. Many questioned the existence of evidence to underpin the introduction of conditionality for lone parents and how old the youngest child should be if it is brought in.

8.2 Since the Budget announcement in June 2010 external stakeholders have been informally consulted on a regular basis as the Department has developed this proposal for implementation. Stakeholders have included: Gingerbread; Child Poverty Action Group; Citizen’s Advice Bureau; Trade Union Congress; Scoopaid and the Single Parent Action Network.

8.3 The Social Security Advisory Committee (SSAC) also considered the proposal to make the Regulations and wrote to the Secretary of State confirming their intention not to take the Regulations on formal referral. They expressed some concerns including that the change is being introduced in advance of a full evaluation of earlier phases; that there may be insufficient flexible working opportunities available for parents affected by the change and that the changes may negatively impact on children and their parents at the time when the child is just starting school.

8.4 Stakeholders have also raised the issue that introducing this change when children have just started school and will be settling into their school environment will add further strain to their family circumstances. The Department has, however, assured both SSAC and stakeholders that advisers would be given guidance and training to allow them to take this into account. During the Lords Committee stage of the Welfare Reform Bill external stakeholders also lobbied for this change to be delayed until the introduction of Universal Credit because of the current economic situation and so lone parents could access the enhanced childcare support offered by Universal Credit. During debate on Clause 57 in Committee stage Lord Freud said “The key question asked by the noble Lord, Lord McKenzie, was whether it is right to make this change now rather than waiting for the introduction of universal credit. Introducing this change before introducing universal credit will help more lone parents into work, with knock-on reductions on child poverty.” Lord Freud went on to say that “On the state of the economy, we have to bear in mind that even in difficult times-which I accept that we are in-Jobcentre Plus holds an average of 275,000 unfilled vacancies at any one time, around a quarter of which are part-time opportunities. Clearly those figures are a snapshot which hides the number of new job opportunities that come up all the time. On average, about 10,000 new vacancies are reported to Jobcentre Plus alone every working day, while many more come up through other recruitment channels” (Welfare Reform Bill 12th Day of Committee House of Lords, 10 November 2011)

## 9. Guidance

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<sup>4</sup><http://www.dwp.gov.uk/docs/in-work-better-off.pdf>.

9.1 Detailed guidance on both regulatory and operational changes will be provided to Jobcentre Plus staff and decision makers. In particular, comprehensive guidance, support material and training will be provided concerning the application of the Jobseekers Allowance regime to parents.

9.2 Letters will be issued to all claimants affected by these changes. Jobcentre Plus will also put in place a range of extra steps to contact lone parents to ensure they are aware of the changes, these include:

- discussing this change when they take part in mandatory WFIs every 13 weeks, in the last year before they lose entitlement to IS; and
- inviting all of those lone parents receiving IS affected by the change to a voluntary interview six weeks in advance of their loss of entitlement to IS.

9.3 Prior to the implementation of these regulations, changes will also be to the Decision Makers Guide (DMG) which is also available free on the DWP internet at: <http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

## **10. Impact**

10.1 This instrument has no impact on the private sector or civil society organisations.

10.2 There is an administrative cost impact on the public sector.

10.3 An assessment of the impact of these regulations is included in the impact assessment for the Welfare Reform Bill. The relevant extract is attached to this memorandum; the figures have been updated.

## **11. Regulating small business**

This legislation does not apply to small business.

## **12. Monitoring & review**

12.1 There is an existing evaluation and monitoring programme in place for the initial age threshold reductions made from November 2008 and this is helping to inform the extension of the policy to lone parents with children aged five years and over and later into Universal Credit. Any future identified need for research will be considered as part of the Department's overall research priorities and procedures.

12.2 The Department also has in place a mechanism, involving a range of policy and operational staff, for considering and taking forward any recommendations arising from the evaluation and monitoring. This ensures that the policy is continually reviewed and refined and that issues raised through the evaluation are fed back to those delivering the current policy changes.

## **13. Contact**

Alison Evans at the Department for Work and Pensions (Tel: 020 7449 5758); email: [ALISON.EVANS@DWP.GSI.GOV.UK](mailto:ALISON.EVANS@DWP.GSI.GOV.UK) can answer any queries regarding this instrument.