EXPLANATORY MEMORANDUM TO

THE JOBSEEKER'S ALLOWANCE (JOBSEEKER MANDATORY ACTIVITY) PILOT REGULATIONS 2005

2005 No.

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 support the Jobseeker Mandatory Activity Pilot (JMA). This is an employment programme that will be introduced in 10 Jobcentre Plus districts. The programme will help unemployed customers within these districts with their jobsearching skills and the steps they need to take to gain employment.

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

3.1. None.

4. Legislative Background

4.1. The Chancellor announced in the Pre-Budget Report 2003 that the Government would build on existing measures by piloting a mandatory short intensive work-focused course, followed by three mandatory personal adviser interviews, for all JSA claimants aged 25 or over, at the six-month stage of their unemployment, in order to support them back into the labour market.

4.2. The Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2005 will make changes to the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207). The amendments provide for the pilot of a new employment programme, Jobseeker Mandatory Activity, which will provide assistance to individuals to move them nearer to employment through arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973.

4.3. The Regulations also provide for a 1 week sanction to be imposed where a claimant who is selected for the Jobseeker Mandatory Activity Pilot fails to attend any part of the Pilot.

5. Extent

5.1. This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1. The Minister of State for Employment and Welfare Reform, Margaret Hodge, has made the following statement regarding Human Rights:

In my view the provisions of the Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2005 are compatible with the Convention rights.

7. Policy Background

7.1. At present there are 595,600 unemployed people aged 25 or over. Existing employment provision, New Deal 25 plus, is available to them at the 18 month stage of a claim. Currently people leave benefit faster after the New Deal Gateway than before it.

7.2. The Jobseeker Mandatory Activity programme will build on present back to work help and provide an opportunity to test the effectiveness of an early mandatory intervention sitting before the current 18 month trigger point. This fits in with the Government's commitment to ensuring that people have the support they require to return to the labour market.

7.3. Non-attendance or non-completion of any part of the JMA course or follow-up interviews could result in loss of benefit, including Housing Benefit and Council Tax Benefit, for one week. The sanction may be applied each and every time the customer fails to comply with the JMA programme. Customers have a normal right of appeal against decisions to impose a sanction.

7.4. Customers to whom a sanction is applied may be able to get a reduced rate of JSA on the grounds of hardship, subject to existing criteria.

7.5. The Social Security Advisory Committee (SSAC) considered the draft regulations at their meeting on 3 November 2004. They decided not to refer 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

9.1. Barry Sinclair at the Department for Work and Pensions Tel: 0113 232 7602 or e-mail: barry.sinclair@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.