EXPLANATORY MEMORANDUM TO

THE JOBSEEKER'S ALLOWANCE (JOBSEEKER MANDATORY ACTIVITY) PILOT REGULATIONS 2007

2007 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 pilot scheme for jobseeker's allowance claimants whereby claimants who meet certain qualifying conditions are referred to a three-day course and three follow up interviews. The Jobseeker Mandatory Activity Pilot (JMA) is designed to assist these claimants obtain sustainable employment.

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

3.1 None

4. Legislative Background

4.1 The Jobseekers Act 1995 permits regulations made under section 29(1) to last for a period not exceeding 12 months. Section 29(5) of the Act allows for the replacement of a pilot scheme by a further scheme making the same or similar provision.

4.2 The Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2007 replace the Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2005 (S.I. 2005 No 3466) which expire on 2 April 2007.

4.3 The Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2007 enable the pilot programme operated in ten areas to continue for a further, 12 month period.

4.4 The Regulations to support this programme amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207). The effect of these Regulations is:

- to provide that a claimant can be sanctioned one week's benefit for failure to take part in the JMA pilot (there is a right of appeal against a decision to impose a sanction and hardship payments may be available depending on existing criteria),
- to specify the criteria that makes a claimant's participation in JMA mandatory,
- to make provision for claimants who cease to be resident in a JMA pilot area, and

- to allow any sanction imposed under the Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2005 to continue under these Regulations.

5. Extent

5.1 This instrument applies to certain areas across Great Britain.

5.2 The programme is running within ten Jobcentre Plus districts. The sites were selected to provide the best possible information on the effect of national rollout. The selected districts are:

- Bedfordshire
- Buckinghamshire, Berkshire and Oxfordshire
- Cheshire and Warrington
- Cumbria
- Lanarkshire and East Dunbartonshire
- South East Wales
- Staffordshire
- Surrey and Sussex
- West Yorkshire
- South London

6. European Convention on Human Rights

The Minister for Employment and Welfare Reform, Jim Murphy, has made the following statement regarding Human Rights:

In my view the provisions of the Jobseeker's Allowance (Jobseeker Mandatory Activity) Pilot Regulations 2007 are compatible with the Convention rights.

7. Policy background

Policy

7.1 Jobseeker Mandatory Activity (JMA) is a pilot that builds on existing back to work help and is testing the effectiveness of a mandatory, short, intensive work-focused course with three, also mandatory, follow-up Personal Adviser interviews at the 6 month stage of a JSA claim.

7.2 The 6-month stage was chosen because existing evidence shows that the longer someone is unemployed the more their confidence and motivation reduce, putting them at a greater disadvantage in the search for work. The same evidence also shows that many people entering JSA leave soon after joining so it would not be cost effective to help them before 6 months. Therefore intervening at 6 months will support people in finding work before their chances of leaving JSA fall significantly.

7.3 The JMA programme is testing help for these claimants to identify their own barriers to getting work and to plan how they will overcome these and the positive steps they will take to secure work.

7.4 The JMA programme is mandatory to ensure participation, to include those who may be unlikely to attend current voluntary provision

7.5 The Regulations are required to make the JMA programme a compulsory employment programme as per the policy intent. Without the regulations the programme would be voluntary.

Consultation

7.6 For both the original set of Regulations, and these, the Department has formally consulted the Social Security Advisory Committee who have given formal approval to proceed.

Guidance

7.7 Guidance has been produced for staff in the pilot areas in order for them to effectively implement and run the programme.

7.8 Customers have access to two information leaflets. The first leaflet is issued at the 13-week stage on benefit and informs them of the need to participate in JMA should they still be on benefit after six months. The second leaflet is issued after the 6-month interview with a Jobcentre Plus Adviser and explains in detail the content of the programme and the penalties for not attending or participating.

7.9 Both leaflets are available in Welsh as standard and in other languages on demand to meet the needs of all our customers.

Consolidation

7.10 The JMA Programme is a pilot programme. At this point no decision has been made as to it's extension or expansion, this will follow the results of the evaluation. The Regulations will cease to have effect in April 2008. Consolidation is therefore not applicable.

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 The regulations do not give rise to new public expenditure.

9. Contact

Richard Jackson at the Department for Work and Pensions Tel: 0114 2596398 or e-mail: richard.jackson@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.