Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No. 0000

SOCIAL SECURITY

The Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014

Made - - - - 2014

Coming into force for the purpose of regulation 1(1)

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The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 136(5)(a) and (b), 137(1) and 175(1), (3), (4) and (6) of the Social Security Contributions and Benefits Act 1992(**a**), sections 12(4)(a) and (b), 17A(1), (2), (4) and (5)(a), 20E(3)(a), 29, 35(1) and 36(2), (4) and (4A) of the Jobseekers Act 1995(**b**) and sections 30 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(**c**).

These Regulations are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain or remain in work or will, or will be likely to, make it more likely that persons will obtain or remain in work or be able to do so(**d**).

These Regulations are made with the consent of the Treasury in respect of provisions relating to section 30(**e**) of the Housing Grants, Construction and Regeneration Act 1996.

In respect of provisions in these Regulations relating to housing benefit, organisations appearing to the Secretary of State to be representative of the authorities concerned have agreed that consultations need not be undertaken(**f**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**g**).

A draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995 and approved by a resolution of each House of Parliament.

(**a**) 1992 c.4. Section 137(1) is an interpretation provision and is cited for the definition of "prescribed". Section 175(1) and (4) was amended by paragraph 29(1), (2) and (4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 175(6) was amended by paragraph 10 of Schedule 9 to the Local Government Finance Act 1992 (c.14).

(**b**) 1995 c.18. Section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c.24) ("the 2009 Act"). Section 20E was inserted by section 32(1) and (2) of the 2009 Act and subsection (3)(a) was amended by Schedule 14 to the Welfare Reform Act 2012 (c.5). Section 29 was amended by section 28(1)(a) and (b) of the 2009 Act, Schedule 6 to the Tax Credits Act 2002 (c.21) and section 49(1) and (4) of the Welfare Reform Act 2012. Sections 35(1) and 36(4) were amended by paragraphs 62 and 63 respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999. Section 35(1) is an interpretation provision and is cited for the definition of "prescribed" and "regulations". Section 36(4A) was inserted by section 1(1) and (3) of the 2009 Act.

(**c**) 1996 c.53. Section 30 was amended by S.I. 2002/1860 and by paragraph 62 of Schedule 8 to the Civil Partnership Act 2004 (c.33). Section 146 was amended by section 138(1) and (4)(a) of the Local Democracy, Economic Development and Construction Act 2009 (c.20).

(**d**) *See* section 29(8) of the Jobseekers Act 1995 (c.18) ("the Act"), as amended by section 28 of the 2009 Act.

(**e**) *See* section 30(9) of the Housing Grants, Construction and Regeneration Act 1996.

(**f**) *See* section 176(2) of the Social Security Administration Act 1992 (c.5).

(**g**) *See* section 173(1)(b) of the Social Security Administration Act 1992.

PART 1

GENERAL

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014 and come into force on the day after the day on which they are made.

(2) They cease to have effect on 30th April 2015.

Interpretation

2.—(1) In these Regulations—

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations 1996(**a**);

"the Housing Renewal Grants Regulations" means the Housing Renewal Grants Regulations 1996(**b**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations 2006(**c**);

"claimant" means a person who claims a jobseeker's allowance, except that in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, it means either or both of the members of the couple;

"the Scheme" has the meaning given to it in regulation 3(2);

"the Scheme provider" means the person or persons delivering the Scheme pursuant to arrangements made by the Secretary of State(**d**);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(**e**) in England.

(2) For the purpose of these Regulations, where a written notice is given by sending it by post it is taken to have been received on the second working day after posting.

PART 2

SELECTION FOR AND PARTICIPATION IN THE SUPERVISED JOBSEARCH PILOT SCHEME

The Supervised Jobsearch Pilot Scheme

3.—(1) The Supervised Jobsearch Pilot Scheme is prescribed for the purposes of section 17A(1) (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc) of the Jobseekers Act 1995.

(2) The Supervised Jobsearch Pilot Scheme ("the Scheme") is a scheme—

(a) that is designed to provide support and assistance to a claimant in their search to find employment, in a supervised environment, for up to 35 hours per week over a period of up to 13 weeks; and

(b) which involves an initial interview with the Scheme provider to discuss what the claimant is required to do by way of participation in the Scheme and may also involve training or

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(**a**) S.I. 1996/207.
(**b**) S.I. 1996/2890.
(**c**) S.I. 2006/213.
(**d**) *See* section 17B of the Act. Section 17B was inserted by section 11 of the 2009 Act.
(**e**) 1971 c.80.

other activity to help improve a claimant's job search skills, help preparing for job interviews and assistance with job applications and preparing a curriculum vitae.

Selection for participation in the Scheme

4. The Secretary of State may select a claimant ("C") for participation in the Scheme either—

(a) in accordance with regulation 5, where C has never been selected for participation in the Work Programme within the meaning of regulation 3(8) of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013(**a**); or

(b) in accordance with regulation 6, in all other cases.

5. Where the Secretary of State is satisfied that the claimant ("C") is not taking sufficiently effective steps to secure employment (for example, because C is failing to secure job interviews), the Secretary of State may select C on a sampling basis, for participation in the Scheme if the conditions in regulation 6(2) to (4) are met.

6.—(1) The Secretary of State may select a claimant ("C") on a sampling basis for participation in the Scheme if the following conditions are met.

(2) The first condition is that C has reached the age of 18.

(3) The second condition is that C is registered at a Jobcentre Plus office within a Jobcentre Plus district of the Department for Work and Pensions, by whatever name it is from time to time known, which is identified by reference to its name at the date these Regulations come into force as listed below—

(a) East Anglia;

(b) Black Country;

(c) Mercia;

(d) Surrey & Sussex;

(e) West Yorkshire.

(4) The third condition is that C is required to meet the jobseeking conditions(**b**).

(5) The fourth condition is that C is not under a current requirement to participate in the Work Programme under regulation 5 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013(**c**).

Requirement to participate in the Scheme and initial notification

7.—(1) Subject to regulation 9, a claimant ("C") selected in accordance with regulation 4 is required to participate in the Scheme where the Secretary of State gives C a notice in writing complying with paragraph (2).

(2) The notice must specify—

(a) that C is required to participate in the Scheme;

(b) that C is required to attend an initial interview with the Scheme provider;

(c) a description of the Scheme in which C is required to participate;

(d) the day on which C is required to start participation in the Scheme;

(e) the day on which the requirement for C to participate in the Scheme will end; and

(f) the consequences of failing to attend the interview with the Scheme provider or failing to participate in the Scheme.

(**a**) S.I. 2013/276.
(**b**) *See* section 17A(10) of the Act for the meaning of "jobseeking conditions".
(**c**) S.I. 2013/276.

(3) Any changes to the details mentioned in paragraph (2), must be notified by the Secretary of State to C in writing.

Subsequent notifications

8.—(1) The Scheme provider must hold an initial interview with a claimant ("C") required to participate in the Scheme.

(2) At the initial interview the Scheme provider must discuss with C what C is required to do by way of participation in the Scheme.

(3) The Scheme provider must give C a notice in writing at C's initial interview or within 4 working days of the interview, complying with paragraph (4).

(4) The notice must specify—

(a) what C is required to do by way of participation in the Scheme; and

(b) the consequences of C failing to participate in the Scheme.

(5) Any changes to the details mentioned in paragraph (4), must be notified by the Scheme provider to C in writing.

Circumstances in which requirement to participate in the Scheme is suspended or ceases to apply

9.—(1) The requirement for a claimant ("C") to participate in the Scheme does not apply for any period during which C is not required to meet the jobseeking conditions.

(2) Where the Scheme provider fails to give a notice in writing in accordance with regulation 8, the requirement for C to participate in the Scheme is treated as not applying until such a notice is issued by the Scheme provider.

(3) A requirement to participate in the Scheme ceases to apply to C if—

(a) the Secretary of State gives C notice in writing that C is no longer required to participate in the Scheme; or

(b) C ceases to be entitled to jobseeker's allowance.

(4) If the Secretary of State gives the claimant a notice in writing under paragraph (3)(a), the requirement to participate in the Scheme ceases to apply on the day specified in the notice.

Requirement to recommence participation in the Scheme

10.—(1) Where—

(a) the claimant's ("C") requirement to participate in the Scheme ceased to apply in accordance with regulation 9(3); and

(b) the requirement ceased before the date specified in the notice given to C in accordance with regulation 7(2)(e),

(c) the Secretary of State may require C to recommence participation in the Scheme by giving C a new written notice complying with regulation 7(2).

(2) Where C is required to recommence participation in the Scheme, the Scheme provider must give a new notice to C in accordance with regulation 8.

PART 3

CONSEQUENTIAL AMENDMENTS

Notional Income

11.—(1) This regulation applies to the following provisions (which relate to notional income)—

(a) regulation 42(7)(**a**) of the Housing Benefit Regulations;

(b) regulation 31(9A)(**b**) of the Housing Renewal Grants Regulations;

(c) regulation 105(10A)(**c**) of the Jobseeker's Allowance Regulations.

(2) In each of the provisions to which this regulation applies, after sub-paragraph (cc) insert—

"(cd) in respect of a person's participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014;".

Notional Capital

12.—(1) This regulation applies to the following provisions (which relate to notional capital)—

(a) regulation 49(4)(**d**) of the Housing Benefit Regulations;

(b) regulation 38(3A)(**e**) of the Housing Renewal Grants Regulations;

(c) regulation 113(3A)(**f**) of the Jobseeker's Allowance Regulations.

(2) In each of the provisions to which this regulation applies, after sub-paragraph (bc) insert—

"(bd) in respect of a person's participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014;".

Income to be disregarded

13.—(1) This regulation applies to the following Schedules (which relate to sums to be disregarded in the calculation of income other than earnings)—

(a) Schedule 5 to the Housing Benefit Regulations;

(b) Schedule 3 to the Housing Renewal Grants Regulations;

(c) Schedule 7 to the Jobseeker's Allowance Regulations.

(2) In each of the Schedules to which this regulation applies, after paragraph A3 insert(**g**)—

"**A4**. Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by the claimant in respect of the claimant's participation in a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014.".

Capital to be disregarded

14.—(1) This regulation applies to the following Schedules (which relate to capital to be disregarded)—

(a) Schedule 6 to the Housing Benefit Regulations;

(b) Schedule 4 to the Housing Renewal Grants Regulations;

(c) Schedule 8 to the Jobseeker's Allowance Regulations.

(2) In each of the Schedules to which this regulation applies, after paragraph A3(**h**) insert—

(**a**) The relevant amending S.I.s are 2006/588, 2008/698, 2008/2767 and 2009/480. Regulation 42(7) was also modified by S.I.s 2010/1222, 2011/688 and 2013/276.

(**b**) Paragraph (9A) was inserted by S.I. 1998/808 and was substituted by S.I. 1999/1523. The relevant amending S.I.s are 2000/973, 2000/531, 2000/2798 and 2002/530. Paragraph (9A) was also modified by 2010/1222, 2011/688 and 2013/276.

(**c**) Paragraph (10A) was inserted by S.I. 1998/2117. The relevant amending S.I.s are 1999/2640, 2003/455, 2006/588, 2008/698 and 2009/480. Paragraph (10A) was also modified by 2010/1222, 2011/688 and 2013/276.

(**d**) The relevant amending S.I.s are 2006/588, 2008/698, 2008/2767 and 2009/480. Regulation 49(4) was also modified by S.I.s 2010/1222, 2011/688 and 2013/276.

(**e**) Paragraph (3A) was inserted by S.I. 1999/1523. The relevant amending S.I.s are 2000/531, 2000/973, 2002/530 and 2002/2798. Paragraph (3A) was also modified by S.I.s 2010/1222, 2011/688 and 2013/276.

(**f**) Paragraph (3A) was inserted by S.I. 1998/2117. The relevant amending S.I.s are 1999/2640, 2001/1029, 2004/2308, 2005/3391, 2006/588, 2008/698 and 2009/480. Paragraph (3A) was also modified by 2010/1222, 2011/688 and 2013/276.

(**g**) Each of the Schedules listed in regulation 13(1) was modified by S.I.s 2010/1222, 2011/688 and 2013/276.

(**h**) Each of the Schedules listed in regulation 14(1) was modified by S.I.s 2010/1222, 2011/688 and 2013/276.

"**A4**. Any payment made to the claimant in respect of any child care, travel or other expenses incurred, or to be incurred, by the claimant in respect of the claimant's participation in a scheme prescribed by regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014, but only for 52 weeks beginning with the date of receipt of the payment.".

Further modifications of the Jobseeker's Allowance Regulations

15. In regulation 25(1A)(**a**) of the Jobseeker's Allowance Regulations, in the definition of "relevant notification", after "2013" insert the words ", under a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014".

PART 4

CONTRACTING OUT

Contracting out certain functions

16.—(1) Any function of the Secretary of State specified in paragraph (2) may be exercised by, or by employees of, such person (if any) as may be authorised by the Secretary of State.

(2) The functions are any function under—

(a) regulation 7 (requirement to participate in the Scheme and notification);

(b) regulation 9(3)(a) (notice that requirement to participate ceases);

(c) regulation 10 (requirement to recommence participation in the Scheme).

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

Esther McVey
Minister of State
Date Department for Work and Pensions

We consent *Name*
Name
Date Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a pilot scheme, known as the Supervised Jobsearch Pilot Scheme ("the Scheme"), under the Jobseekers Act 1995 ("the Jobseekers Act"). The Scheme which is prescribed in regulation 3, is a scheme within section 17A(1) of the Jobseekers Act that is designed to assist jobseeker's allowance claimants to obtain employment by supporting them in their job search activities. A benefit sanction can be applied under section 19A of the Jobseekers Act, where a claimant selected for participation in the Scheme fails to do so without good reason.

Part 1 contains general provisions, including provisions concerning interpretation.

(**a**) Paragraph (1A) was inserted by S.I. 2010/509 and was amended by S.I.s 1999/530, 2000/1978, 2000/2194 and 2010/509. Regulation 25(1A) was also modified by S.I.s 2010/1222, 2011/688 and 2013/276.

Part 2 concerns the circumstances in which jobseeker's allowance claimants are required to participate in the Scheme.

Regulation 3 prescribes the Supervised Jobsearch Pilot Scheme.

Regulation 4 provides that the Secretary of State can select a claimant for participation in the Scheme in accordance with regulations 5 and 6 or regulation 6.

Regulation 5 provides that the Secretary of State may identify claimants who have not been selected for the Work Programme as suitable for selection for the Scheme on a sampling basis if the Secretary of State is satisfied that the claimant is a person who is in need of further support.

Regulation 6 provides that claimants who meet certain conditions can be selected for participation on a sampling basis. In particular, the claimant must be aged at least 18 and be registered at a Jobcentre Plus office in a pilot area. The pilot areas are set out in regulation 6(3).

Regulation 7 requires a person who has been selected to participate in the Scheme to attend an interview with the Scheme provider upon being notified by the Secretary of State and sets out the content of the initial notice.

Regulation 8 requires the Scheme provider to discuss what the claimant is required to do by way of participation in the Scheme and sets out the content of subsequent notices issued by the Scheme provider.

Regulation 9 sets out the circumstances in which a requirement to participate in the Scheme is suspended and circumstances in which a claimant is not required (or no longer required) to participate in the Scheme. These are where a participant's award of jobseeker's allowance terminates or where the Secretary of State gives the participant notice in writing that his or her participation is no longer required. Where the Scheme provider fails to notify the claimant of what they are required to do by way of participation in the Scheme, the requirement for the claimant to participate in the Scheme is treated as not applying until such a notice is issued.

Regulation 10 enables a person who was selected to participate in the Scheme to be referred back to the Scheme where their participation stopped before the end date as specified in their initial notice.

Part 3 makes various consequential amendments to other regulations in relation to a person's participation in the Scheme.

Regulations 11 and 12 ensure that persons will not be treated as having notional income or notional capital by virtue of their participation in the Scheme prescribed in regulation 3 for the purposes of housing benefit, housing renewal grants and jobseeker's allowance. Regulations 13 and 14 provide that travel and other expenses paid to participants are disregarded as income and capital for the purposes of housing benefit, housing renewal grants and jobseeker's allowance.

Regulation 15 makes a consequential amendment to the Jobseeker's Allowance Regulations 1996.

Regulation 16 makes provision for contracting out functions of the Secretary of State under the Regulations.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. This instrument has no impact on the public sector.

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