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

DRAFT STATUTORY INSTRUMENTS

2011 No. 000

SOCIAL SECURITY

The Jobseeker's Allowance (Work Experience) (Amendment) Regulations 2011

Made - - - -	*2011*
Coming into force - -	*5th April 2011*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 7(4), 19(8) and (10)(c), 35(1) and 36(2) and (4) of, and paragraph 1(2)(b) of Schedule 1 to, the Jobseekers Act 1995(**a**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**b**), 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.

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.

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Work Experience) (Amendment) Regulations 2011 and come into force on 5th April 2011.

Amendments to the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(**c**) are amended as follows.

(2) In regulation 1(3)(**d**) (citation, commencement and interpretation) after the definition of "welfare to work beneficiary" insert the following definition—

> ""Work Experience" means the employment programme specified in regulation 75(1)(a)(vi);".

(3) In regulation 19(1)(q) (circumstances in which a person is to be treated as actively seeking employment) after "programme" insert "(other than Work Experience)".

(**a**) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning it gives to the words "prescribed" and "regulations". The definitions of "prescribed" and "regulations" were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
(**b**) 1992 c. 5.
(**c**) S.I. 1996/207.
(**d**) Relevant amending instrument is S.I. 1998/2231; there are other amending instruments, but none is relevant.

(4) At the end of regulation 53(**a**) (persons treated as not engaged in remunerative work) insert—

"(k) he is engaged in the programme known as Work Experience.".

(5) In regulation 73 (good cause for the purposes of section 19(5)(b))—

(a) in paragraph (2A)(a)(**b**), for "or (iv) or (v)" substitute ", (iv), (v) or (vi)";

(b) after paragraph (2B)(**c**) insert—

"(2C) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) or section 20A(2)(b), a person is to be regarded as having good cause for failing to attend or giving up Work Experience provided that the person—

(a) attends the first day of Work Experience,

(b) gives up not later than one week after the date on which the person begins Work Experience, and

(c) does not lose the Work Experience place through misconduct.".

(6) In regulation 75 (interpretation)—

(a) at the end of paragraph (i)(a)(iv) (the Intensive Activity Period) delete "and";

(b) in paragraph (1)(a)(v) (the Flexible New Deal), in subparagraph (cc) after "suitable employment;" insert "and";

(c) at the end of paragraph (1)(a)(v) insert—

"(vi) Work Experience, being a programme consisting of work experience, job search skills and job skills, provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973, of between two and eight weeks' duration for which only persons who are aged 18 years or over prior to entry are eligible.".

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

Minister of State,
2011 Department for Work and Pensions

(**a**) Relevant amending instruments are S.I. 1999/2165, 3156, 2000/1978, 2910, 2004/963, 3168, 2005/2060, 2929, 2006/2378, 2009/3228 and 2010/641.

(**b**) Paragraph (2A) was inserted by S.I. 1997/2863. Relevant amending instruments are S.I. 2000/1978, 2001/1029 and 2009/480.

(**c**) Inserted by S.I. 1998/1274.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 ("the Jobseeker's Allowance Regulations") on account of the introduction of the employment programme, established under section 2 of the Employment and Training Act 1973, known as Work Experience.

Work Experience is an employment programme that offers jobseeker's allowance claimants aged 18 and over the opportunity to gain experience in a workplace for between 2 and 8 weeks. The amendment to regulation 19 of the Jobseeker's Allowance Regulations means that whilst on Work Experience they must still actively seek employment.

The Regulations amend regulation 53 of the Jobseeker's Allowance Regulations to provide that someone on Work Experience will not be regarded as being in remunerative work for the purposes of section 1(2)(e) of the Jobseekers Act 1995 ("the 1995 Act"). Section 1(2) of the 1995 Act sets out the eligibility criteria for receipt of jobseeker's allowance, and paragraph (e) provides that a claimant is not eligible if they are in remunerative work.

The Regulations also amend regulation 75 of the Jobseeker's Allowance Regulations so as to designate Work Experience an employment programme for the purposes of sections 19 and 20A of the 1995 Act and the Jobseeker's Allowance Regulations. The effect is that if a person, without good cause, refuses or fails to participate in the programme, or loses their place on the programme due to misconduct, that person will receive a sanction under section 19 or 20A of the 1995 Act.

The Regulations amend regulation 73 of the Jobseeker's Allowance Regulations so that:

— a sanction will only be imposed where an employment officer has previously provided the claimant with written notice informing them of the implications of failing to complete the Work Experience without good cause , and

—a claimant who during the first week leaves their Work Experience for any reason will not be subject to the sanctioning regime (unless the claimant fails to attend at all or loses the place through misconduct).

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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