EXPLANATORY MEMORANDUM
The Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010

S.R. 2010 No. 144

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Jobseeker's Allowance (Lone Parents) (Available for Work) Regulations (Northern Ireland) 2010 which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by the Jobseekers (Northern Ireland) Order 1995 and is subject to the confirmatory resolution procedure before the Assembly.

1.3 The rule is due to come into operation on 26 April 2010.

2. Purpose

2.1 The purpose of the regulations is to make amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 so that lone parents receiving Jobseeker's Allowance who are responsible for, and a member of the same household as, a child of 12 or under, have the right to restrict their availability for work to the child's normal school hours.

3. Background

3.1 From 2 December 2008, the Social Security (Lone Parents and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 amended the Income Support (General) Regulations (Northern Ireland) 1987. The amendments introduced changes to the entitlement conditions for Income Support so that lone parents who are claiming solely on the grounds of being a lone parent, and are capable of work, are to claim Jobseeker's Allowance when their youngest child is:

- aged 12 years old or over from 2 December 2008
- aged 10 years or over from 26 October 2009; and
- aged 7 years or over from 25 October 2010.

3.2 It is recognised that lone parents on Jobseeker's Allowance need to be able to fit work around their caring responsibilities. This change will enable lone parents to maintain important contact with their child's school as they will be able to collect their children from school. The threshold of age 12 has been chosen because at this age virtually every child will have moved to secondary school and the family will have made adjustments to this next stage of the child's life. For the vast majority of lone parents whose children attend school regularly. It

makes sense to provide clarity that availability for work can and should be within that normal pattern of school attendance.

3.3 The new right to be introduced by the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 builds on an existing flexibility in the Jobseeker's Allowance Regulations (Northern Ireland) 1996 which allows parents with caring responsibilities for a child to restrict their availability for work to 16 hours a week in agreement with an adviser. Such customers may restrict their availability even if there is no reasonable prospect of finding employment within their restricted hours. The regulations extend this flexibility into a new right for lone parents with a youngest child aged 12 years and under to restrict their availability for work to their child's normal school hours.

4. Consultation

The Social Security Advisory Committee considered and cleared the Great Britain proposals at their meeting on 9 December 2009. They did not consider it necessary that the proposed regulations be formally referred.

5. Equality Impact

In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

7. Financial Implications

There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Jobseeker's Allowance (Lone Parents) (Availability for Work) Regulations (Northern Ireland) 2010 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. E.U. Implications

Not applicable.

10. Parity or Replicatory Measure

The Regulations mirror the Great Britain Regulations and are in keeping with the principal of parity between Northern Ireland and Great Britain in social security matters.

11. Additional Information

Not applicable