EXPLANATORY MEMORANDUM TO

The Jobseeker's Allowance (Work Experience) (Amendment) Regulations (Northern Ireland) 2012

S.R. 2012 No. 14

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Jobseeker's Allowance (Work Experience) (Amendment) Regulations (Northern Ireland) 2012 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 (S.I. 1995/2705 (N.I. 15)) and is subject to the confirmatory resolution procedure before the Assembly.

1.3 The rule is due to come into operation on 13 February 2012.

2. Purpose

2.1 The purpose of the regulations is to make amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 so as to set out the rules on entitlement to Jobseeker's Allowance for claimants who are offered a place on a "Work Experience" programme. This is an employment programme established under section 1 of the Employment and Training Act (Northern Ireland) 1950 which aims to offer Jobseeker's Allowance claimants aged initially 16 to 24 but expanding to claimants from all age groups the opportunity to gain experience in a workplace for between 2 and 8 weeks and in certain cases can be extended to 12 weeks.

3. Background

3.1 The Department for Employment and Learning (DEL) is introducing a Work Experience programme in response to the rise in youth and long-term unemployment which has resulted from the economic downturn. This is the first in a series of initiatives being introduced by DEL in an overall reform of back to work support for recipients of out of work benefits. The new schemes will mirror those introduced earlier in the year in Great Britain and form part of an overall reform of back-to-work support for recipients of out of work benefits (Jobseeker's Allowance (JSA), Employment and Support Allowance (ESA) and Income Support (IS)). Central to this overall reform is increasing the personalisation of back to work support for these claimants by giving advisors from the public, private and voluntary sectors, the freedom to offer claimants support that meets their individual needs.

3.2 The aims of the Work Experience programme are to maximise the number of young people moving into employment and provide young unemployed people with quality work experience. It will initially be targeted at young people aged 16 to 24 who are first time jobseekers and /or furthest away from the labour market but will be expanded to claimants from all age groups and other age benefit recipients as additional placements are secured.

3.3 Businesses who host Work Experience will offer a period of between 2 to 8 weeks. The duration will be determined by looking at the needs of the participant alongside those of the business. Where a host business offers a young person an apprenticeship (and the offer is accepted) the Work Experience placement will be extended for a further 4 weeks to provide time to allow the employer to formally set up the apprenticeship. To maximise effectiveness, opportunities will be targeted at customers who have little or no work history, and/or have a low skills base.

3.4 Once a placement has been agreed attendance will become mandatory and apart from a one week probationary period will be subject to sanction for non-attendance.

3.5 Jobseekers will be subject to full Jobseeker's Allowance conditionality when they attend the programme. This will minimize the risk of Work Experience participants becoming distanced or removed altogether from the labour market by maintaining the current conditionality requirements of the Jobseeker's Allowance regime. While claiming this benefit for the duration of their placement, participants will be required to actively seek employment, be available for employment, and attend face-to-face interviews with their Personal adviser.

3.6 By invoking a sanctions regime, a message is being promoted to the participant that the world of work demands discipline, maturity and commitment. Ensuring that there are consequences for the participant for non-compliance also ensures host businesses that the risk to the time and resources they invest in an individual is minimised. Sanctioning claimants for non-compliance also protects an increasingly stretched public purse by ensuring programme spend is focused on those who are most willing and motivated to participate.

3.7 The existing structure of sanctions for current employment programmes will apply to the Work Experience programme and the current provisions for access to Jobseeker's Allowance Hardship payments for those who receive a sanction in current employment programmes will also apply.

3.8 The regulations will also enable 16/17 year olds to have access to the programme. Although the main policy intention for these young people is to support them back into education or training, it is hoped that giving them access to the Work Experience programme will provide an opportunity to sample potential career paths and enable them to identify where they may need further education or an apprenticeship to begin their

chosen career. Due to the vulnerability of this claimant group the regulations will ensure that young people aged 16/17 will be exempt from sanctions for non-attendance or compliance.

4. Consultation

4.1 The Social Security Advisory Committee discussed the corresponding Great Britain proposals at their meeting on 18 November 2010 and the amending proposals on 6 July 2011. On both occasions they did not consider it necessary that the proposed regulations be formally referred.

5. Equality Impact

5.1 Every social security policy by its very nature has a differential impact in that the policy is designed to meet a specific need. In this case to set out the rules on entitlement to Jobseeker's Allowance for claimants who are offered a place on a Work Experience programme run by the Department for Employment and Learning. There are no equality implications for this change because no services are being withdrawn, support will still be available to help these groups into work on a voluntary basis.

5.2 The Department for Employment and Learning conducted a Preliminary Equality Impact Assessment on the planned introduction of the programme which concluded that the proposal would have a positive impact on equality as it widened access to provision to groups not previously targeted for assistance. The Work Experience programme will deliver support and guidance tailored to individuals' needs and circumstances on a fair and equal basis and will apply to all claimants regardless of religious belief, political opinion, race, sexual orientation, gender or disability.

6. Regulatory Impact

6.1 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

7.1 No financial implications

8. Section 24 of the Northern Ireland Act 1998

8.1 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 (Work Experience) (Amendment) Regulations (Northern Ireland) 2012 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

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Regulations mirror the Great Britain Regulations which came into force on 5 April 2011. The corresponding regulations were not brought in at that time as a decision had not been made by the Minister for Employment and Learning to introduce the Work Experience programme in Northern Ireland. The Regulations come into operation on 13 February 2012.

11. Additional Information

11.1 Not applicable