EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (INFORMATION SHARING IN RELATION TO WELFARE SERVICES ETC.) (AMENDMENT) REGULATIONS 2017

2017 No. 1016

1. Introduction

1.1 This explanatory memorandum has been prepared by Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012 allowing the Department for Work and Pensions (DWP) to provide information on people aged between 18 and 25 who are in receipt of Jobseeker's Allowance, Employment and Support Allowance or Universal Credit to Careers Wales (a wholly owned subsidiary of the Welsh Government) and to allow Careers Wales to hold such information to allow them to provide advice, assistance and support to such persons.

3. Matters of special interest to Parliament

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

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument amends the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012[1] so as to prescribe Careers Wales as a "qualifying person" so that the Secretary of State can provide information to Careers Wales for "qualifying purposes". Those purposes are to enable the Welsh Government (through Careers Wales) to identify and monitor people aged between 18 and 25 who are NEET (not in employment and not receiving education or training) and provide advice, assistance and support to those persons so as to facilitate their entry into education, training or employment. There is no existing legislative gateway which would enable this information to be shared.

5. Extent and Territorial Application

5.1 This instrument extends to Great Britain.

5.2 The territorial application of this instrument is Great Britain

[1] http://www.legislation.gov.uk/uksi/2012/1483/contents

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 Social Security is a matter reserved to the United Kingdom Parliament; however the Welsh Government has devolved powers in relation to the delivery of skills and training. At present, the Secretary of State is unable to share social security data relating to employment and training with the Welsh Government, or bodies providing associated services in Wales such as Careers Wales, because there is no specific legal gateway to enable this.

7.2 The absence of a legal gateway to effect such data sharing is creating practical barriers for the Welsh Government's work to support young people who are not in Employment Education or Training (or "NEET"). Therefore, DWP needs to create a legal gateway to enable data to be shared for this specific purpose.

7.3 Tracking the employment and training outcomes for young people aged between18 and 25 is a key role for Careers Wales and DWP through Jobcentre Plus (JCP) under the Welsh Government's Youth Progression and Engagement Framework. The aim of the Framework is to reduce the number of young people who are NEET. Having arrangements in place to share data will strengthen the ability of Careers Wales and JCP to work together to provide joined-up employment, education and training support for young people in Wales.

7.4 This instrument also adds Careers Wales as a Welsh body within the definition in section 131(12) of the Welfare Reform Act 2012[2]. This has the effect of preventing the Secretary of State from making provision under that section which would otherwise allow Careers Wales to supply information it received from others to other qualifying persons about a purpose within the legislative competence of the Welsh Ministers or the Welsh Government. It also corrects a minor error.

Consolidation

7.5 Informal consolidated text of instruments is available to the public free of charge via the National Archives website legislation.gov.uk .

8. Consultation outcome

8.1 No formal consultation has taken place to inform this instrument. This instrument is in response, however, to discussions with the Welsh Government and other stakeholders about the desirability of sharing young persons' data, particularly as comparable data share takes place routinely with local authorities within England.

9. Guidance

9.1 A Memorandum of Understanding will be prepared for agreement by the Department and Careers Wales, setting out detailed arrangements in relation to the sharing and use of the data, including reference to organisational and technical security measures to be adopted.

[2] http://www.legislation.gov.uk/ukpga/2012/5/section/131

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 These Regulations do not apply to small businesses.

12. Monitoring and review

12.1 Careers Wales will provide Welsh Government with quarterly updates, providing data on cohorts in each local authority against the Careers Wales five tier model of engagement[3]. This will show how the numbers are changing and movement between the five tiers in year. Welsh Government will discuss any emerging trends which the data reveals with local authorities. In particular Welsh Government will be keen to see the number of young people in tier 1, whose status is unknown, reduced. DWP will be consulted throughout this process. This data share agreement will continue to be a standing agenda item for discussion at the monthly liaison meetings between Welsh Government and DWP.

13. Contact

13.1 Huw Thomas at the Department for Work and Pensions Telephone: 01443 484753 or email: Huw.Thomas2@dwp.gsi.gov.uk can answer any queries regarding the instrument.

[3] Annex of the National Youth Work Strategy for Wales 2014-2018