STATUTORY INSTRUMENTS

# 2017 No. 987

# SOCIAL SECURITY

## The Social Security (Qualifying Young Persons Participating in Relevant Training Schemes) (Amendment) Regulations 2017

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| *Made - - - -* | *11th October 2017* |
| *Laid before Parliament* | *16th October 2017* |
| *Coming into force - -* | *6th November 2017* |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4), 7(4), 35(1) and 36(4)(a) and paragraph 14(b) of Schedule 1 to the Jobseekers Act 1995(**a**), section 24(1) and paragraph 6(4)(a) and (5) of Schedule 1 to the Welfare Reform Act 2007(**b**) and sections 4(6)(b), 15(2), 17(4), 19(2)(d), 25, 40 and 42(2) and (3) of the Welfare Reform Act 2012(**c**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**d**), the Social Security Advisory Committee has agreed that the proposals for these regulations need not be referred to it.

### Citation and Commencement

**1.** These Regulations may be cited as the Social Security (Qualifying Young Persons Participating in Relevant Training Schemes) (Amendment) Regulations 2017 and come into force on 6th November 2017.

### Amendment of the Jobseeker's Allowance Regulations 1996

**2.** In regulation 1(3) of the Jobseeker's Allowance Regulations 1996 (interpretation)(**e**), in paragraph (a)(ii) of the definition of "traineeship" for "Skills Funding" substitute "Education and Skills Funding".

### Amendment of the Employment and Support Allowance Regulations 2008

**3.**—(1) The Employment and Support Allowance Regulations 2008(**f**) are amended as follows.

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(**a**) 1995 c. 18. Section 35(1) is cited for the meaning of "prescribed" and "regulations". There are amendments to sections 35(1) and 36(4) which are not relevant to these regulations.
(**b**) 2007 c. 5. Section 24(1) is cited for the meaning of "prescribed" and "regulations". There are amendments to section 24(1) which are not relevant to these regulations.
(**c**) 2012 c. 5. Section 40 is cited for the meaning of "prescribed".
(**d**) 1992 c. 5.
(**e**) S.I. 1996/207. The definition of "traineeship" was inserted by regulation 2(2) of the Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015/336. There are other amendments to regulation 1(3) which are not relevant to these regulations.
(**f**) S.I. 2008/794.

(2) In regulation 2(1) (interpretation)(**a**), in the appropriate place insert—

""traineeship" means a course which—

(a) is funded (in whole or in part) by, or under arrangements made by, the—

(i) Secretary of State under section 14 of the Education Act 2002, or

(ii) Chief Executive of Education and Skills Funding;

(b) lasts for no more than 6 months;

(c) includes training to help prepare the participant for work and a work experience placement, and

(d) is open to persons who on the first day of the course have reached the age of 16 but not the age of 25;".

(3) In regulation 14 (meaning of education)(**b**), after paragraph (2A) insert—

"(2B) Paragraph (2) does not apply to a traineeship.".

(4) In regulation 15 (claimants to be treated as receiving education)—

(a) regulation 15 becomes paragraph (1) of that regulation;

(b) in paragraph (1) after the words "regulation 18" insert "and paragraph (2)";

(c) after paragraph (1) insert—

"(2) A qualifying young person is not to be treated as receiving education if they are participating in a traineeship.".

**Amendment of the Universal Credit Regulations 2013**

**4.**—(1) The Universal Credit Regulations 2013(**c**) are amended as follows.

(2) In regulation 12 of (meaning of "receiving education")(**d**)—

(a) in paragraph (1A) for "traineeship" substitute "relevant training scheme";

(b) in paragraph (1B)—

(i) before the definition of "traineeship" insert —

""relevant training scheme" means—

(a) a traineeship, or

(b) a course or scheme which—

(i) comprises education or training designed to assist a claimant to gain the skills needed to obtain paid work (or more paid work or better-paid work);

(ii) is attended by a claimant falling within section 22 of the Act as a work preparation requirement or as voluntary work preparation, and

(iii) the claimant has been referred to by the Secretary of State;";

(ii) in paragraph (a)(ii) of the definition of "traineeship", for "Skills Funding" substitute "Education and Skills Funding".

(3) In regulation 87 (references to paid work) for the words "better paid work" substitute "better-paid work".

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(**a**) There are amendments to regulation 2(1) which are not relevant to these regulations.

(**b**) Regulation 14(2A) was inserted by regulation 20(3) of the Social Security (Miscellaneous Amendments) Regulations 2012/757.

(**c**) S.I. 2013/376.

(**d**) Regulation 12 was amended by regulation 4 of the Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015/336.

**Amendment of the Jobseeker's Allowance Regulations 2013**

**5.** In regulation 45(1A) of the Jobseeker's Allowance Regulations 2013 (relevant education)(**a**), in paragraph (a)(ii) of the definition of "traineeship" for "Skills Funding" substitute "Education and Skills Funding".

**Saving in relation to regulation 4**

**6.**—(1) The amendments made by regulation 4(1), (2)(a), (2)(b)(i) and (3) of these Regulations do not apply to an award of universal credit unless it is an award falling within sub-paragraphs (a) to (d) of regulation 5(1) (saving) of the Universal Credit (Digital Service) Amendment Regulations 2014(**b**).

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

*Damian Hinds*
Minister of State
11th October 2017 Department for Work and Pensions

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the JSA Regulations 1996"), the Employment and Support Allowance Regulations 2008 (S.I. 2008/794) ("the ESA Regulations 2008"), the Universal Credit Regulations 2013 (S.I. 2013/376) ("the UC Regulations") and the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) ("the JSA Regulations 2013").

Regulation 2 makes a minor amendment to the definition of "traineeship" in the JSA Regulations 1996 to reflect the fact that the Skills Funding Agency was replaced by the Education and Skills Funding Agency in April 2017. Regulations 4(2)(b)(ii) and 5 make equivalent amendments to the same definition in the UC Regulations and the JSA Regulations 2013 respectively.

Regulation 3 inserts a definition of "traineeship" into the ESA Regulations 2008 and amends those regulations to clarify that traineeships do not constitute "education" and that qualifying young persons who are claiming income-based Employment and Support Allowance ("ESA") and participating in traineeships are not to be treated as "receiving education". These changes ensure that ESA claimants who are participating in traineeships are not prevented from claiming ESA by virtue of the rules related to receiving education.

Regulation 4 inserts a new definition of "relevant training scheme" into regulation 12 of the UC Regulations and makes a further change to that regulation to ensure that qualifying young persons participating in relevant training schemes are not deemed to be "receiving education". These changes ensure that any Universal Credit ("UC") claimant who is a qualifying young person participating in a relevant training scheme remains eligible to claim UC and is not prevented from claiming UC by virtue of the rules related to receiving education.

Regulation 6 is a savings provision which specifies savings in relation to certain of the changes made by regulation 4. It provides that the amendments made by regulation 4(1), (2)(a), (2)(b)(i) and (3) of these Regulations only have effect in relation to an award of UC if it is a "digital service" award falling within sub-paragraphs (a) to (d) of regulation 5(1) of the Universal Credit

(**a**) S.I. 2013/378. The definition of "traineeship" was inserted by regulation 5(b) of the Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015/336. There are other amendments to regulation 45 which are not relevant to these regulations.
(**b**) S.I. 2014/2887.

(Digital Service) Amendment Regulations 2014, which arises from a claim made by persons living in the areas specified in that regulation or from such persons subsequently forming new couples or being part of a couple who separate.

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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