EXPLANATORY MEMORANDUM TO

THE UNIVERSAL CREDIT AND JOBSEEKER'S ALLOWANCE (WORK SEARCH AND WORK AVAILABILITY REQUIREMENTS - LIMITATIONS) (AMENDMENT) REGULATIONS 2022

2022 No. 108

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument amends the Universal Credit Regulations 2013[1] and the Jobseeker's Allowance Regulations 2013[2] to reduce the period for which limitations on work-related requirements are permitted, from three months to four weeks.

2.2 These Regulations will be amended to require jobseekers who are capable of work to search more widely for available jobs beyond those of a similar nature or level of remuneration to that of previous work following the fourth week of their claim, rather than the thirteenth week as is currently the case. This is known as the permitted period.

2.3 The Regulations will include a transitional provision for claimants who have a permitted period in place on the date the Regulations come into force. This provision will mean that any existing permitted periods will end either four weeks from the coming into force date or the end of the previously agreed permitted period, whichever is the earliest.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These are urgent Regulations to support the 'Way to Work' campaign launched by the Government on 26 January 2022 to enable half a million people currently out of work into jobs in the next five months. The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(2)(b) of the Social Security Administration Act 1992 ("the 1992 Act")[3]. The Regulations will invoke the urgency provisions and will be made without first submitting them to the Social Security Advisory Committee. The department is looking to undertake Social Security Advisory Committee engagement retrospectively.

3.2 The Regulations breach the 21 day rule as they will come into force on the day after they are laid. The regulations could not have been made and laid sooner as the policy was only formulated very recently, and they had to come into effect as quickly as possible in order to achieve the target of getting 500,000 people into work by the end

[1] https://www.legislation.gov.uk/ukdsi/2013/9780111531938/contents
[2] https://www.legislation.gov.uk/uksi/2013/378/contents
[3] https://www.legislation.gov.uk/ukpga/1992/4/contents/enacted

of June. Any delay to the legislation in order to meet the 21 day rule could impact the Department's ability to achieve that target.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is Great Britain.

4.2 The territorial application of this instrument is Great Britain.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 These Regulations amend regulation 97(5) of the Universal Credit Regulations 2013 and regulation 14(3)(b) of the Jobseeker's Allowance Regulations 2013. These Regulations apply where a claimant has previously carried out work of a particular nature, or at a particular level of remuneration. In such cases, the Secretary of State is required to limit work search and work availability requirements to work of a similar nature or level of remuneration, but only where the Secretary of State is satisfied that the claimant will have reasonable prospects of obtaining paid work in spite of the limitation. Any such limitation is for such period as the Secretary of State thinks appropriate up to a maximum of 3 months. This statutory instrument amends the maximum period of the limitation to 4 weeks.

6.2 A transitional provision is also included so that all limitations that apply on the date that the regulations come into force will end no later than 4 weeks beginning with the date that the regulations come into force.

7. Policy background

What is being done and why?

7.1 Existing regulations give discretion to allow jobseekers to look for work in their chosen field for up to 13 weeks. This is known as the 'permitted period'.

7.2 These Regulations will reduce the maximum permitted period to 4 weeks.

7.3 Claimants with skills and experience for a specific type of role will be permitted up to four weeks to secure employment in that sector from their date of claim. After this period, they will be expected to widen their job search into other suitable sectors where they may find employment that can support them whilst they consider their longer-term career options. This will be part of their work-related requirements for receiving their benefit payment.

7.4 This change will enable jobcentres to promote wider employment opportunities for claimants, working with employers to fill local vacancies, supporting people back into work more quickly. This could reduce the time claimants spend out of work, thus preventing them from moving further away from the labour market – a factor that makes it increasingly difficult to get a job.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

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

10. Consultation outcome

10.1 A formal consultation has not been carried out on these Regulations. The policy area is reserved, and thus the Regulations will impact on Scotland and Wales. The policy is devolved to Northern Ireland and the Department for Communities has been notified of this statutory instrument.

11. Guidance

11.1 Operational instructions will be updated to reflect the new permitted period in line with the provisions in this statutory instrument. The amended guidance will be available from 8 February 2022 when the statutory instrument comes into force.

12. Impact

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

12.2 There is no significant impact on the public sector.

12.3 A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 We will use existing quality assurance processes to monitor and review the impact of these changes to identify and capture any errors in delivery on an on-going basis.

15. Contact

15.1 Archie McCreath at the Department for Work and Pensions, email: archie.mccreath@dwp.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Victoria Hogan, Deputy Director for Employment Policy, at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

15.3 Thérèse Coffey, Secretary of State at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.