
STATUTORY INSTRUMENTS

2011 No. 688

SOCIAL SECURITY

**The Jobseeker's Allowance (Mandatory
Work Activity Scheme) Regulations 2011**

<i>Made</i>	- - - -	<i>9th March 2011</i>
<i>Laid before Parliament</i>		<i>14th March 2011</i>
<i>Coming into force</i>	- -	<i>25th April 2011</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d) and (e), 136(3) and (5)(a) and (b), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(1), sections 30 and 146(1) and (2) of the [Housing Grants, Construction and Regeneration Act 1996](#)(2), sections 9 and 10 of the Social Security Act 1998(3) and sections 12(1), (4)(a) and (b), 17A(1), (2), (5)(a), (d) and (e) and (6) to (9), 20, 20A, 20B(4) to (6), 20E(3)(a), 21, 35(1) and 36(2) and (4) of, and Schedule 1 to, the Jobseekers Act 1995(4).

These Regulations are made with the consent of the Treasury in respect of provisions relating to section 30 (means testing in case of application by owner-occupier or tenant) of the [Housing Grants, Construction and Regeneration Act 1996](#)(5).

In respect of provisions in these Regulations relating to housing benefit and council tax benefit, organisations appearing to the Secretary of State to be representative of the authorities concerned have agreed that consultations need not be undertaken(6).

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- (1) [1992 c. 4](#). Section 123(1) was amended by section 103 of, and Schedule 9 to, the Local Government Finance Act [1992 \(c. 14\)](#), by section 60 of, and Schedule 6 to, the Tax Credits Act [2002 \(c. 21\)](#); section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”; section 175(1) and (4) were amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#).
- (2) [1996 c. 53](#) (“the 1996 Act”). Section 30 was amended by [S.I. 2002/1860](#) and by section 81 of, and Schedule 8 to, the Civil Partnership Act [2004 \(c. 33\)](#); the functions of the Secretary of State and the Treasury, so far as exercisable in relation to Wales were transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, [SI 1999/672](#), art 2, Schedule 1; section 146 was amended by the Local Democracy, Economic Development and Construction Act [2009 \(c. 20\)](#) on a day to be appointed and the functions of the Secretary of State, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999, [SI 1999/672](#), art 2, Schedule 1.
- (3) [1998 c. 14](#).
- (4) [1995 c. 18](#). Section 17A was inserted by section 1 of the Welfare Reform Act [2009 \(c. 24\)](#); section 20B was inserted by section 59 and Schedule 7 to the Welfare Reform and Pensions Act [1999 \(c. 30\)](#); sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#). Section 35(1) is an interpretation provision and is cited because of the meaning it gives to the words “prescribed” and “regulations”.
- (5) See section 30(9) of the 1996 Act.
- (6) See section 176(2) of the Social Security Administration Act 1992.

In accordance with section 172(1) of the Social Security Administration Act 1992(7), the Secretary of State referred the proposals for these Regulations to the Social Security Advisory Committee.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 and shall come into force on 25th April 2011.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Jobseekers Act 1995;

“claimant” means a person who claims a jobseeker's allowance, except that in relation to a joint-claim couple claiming a joint-claim jobseeker's allowance, it means either or both of the members of the couple;

“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006(8);

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006(9);

“the Housing Renewal Grants Regulations” means the Housing Renewal Grants Regulations 1996(10);

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996(11);

“the Mandatory Work Activity Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Act known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;

“the Scheme” means the Mandatory Work Activity Scheme; and

“working day” means any day except for a Saturday, Sunday, Christmas Day, Good Friday or bank holiday under the Banking and Financial Dealings Act 1971(12) in England, Wales or Scotland.

(2) For the purpose of these Regulations, where a written notice is given by sending it by post is taken to have been received on the second working day after posting.

(7) 1992 c.5.

(8) S.I. 2006/215.

(9) S.I. 2006/213.

(10) S.I. 1996/2890.

(11) S.I. 1996/207.

(12) 1971 c. 80.

PART 2

Selection for and participation in the Mandatory Work Activity Scheme

Selection for participation in the Scheme

3.—(1) The Secretary of State may select a claimant who is aged at least 18 for participation in the Scheme.

(2) Only a claimant who is required to meet the jobseeking conditions⁽¹³⁾ may be required to participate in the Scheme.

Requirement to participate and notification

4.—(1) Subject to regulation 5, a claimant (“C”) selected under regulation 3 is required to participate in the Scheme where the Secretary of State gives C a notice in writing complying with paragraph (2).

(2) The notice must specify—

- (a) that C is required to participate in the Scheme;
- (b) the day on which C’s participation will start;
- (c) that C’s participation will be for four weeks;
- (d) details of what C is required to do by way of participation in the Scheme;
- (e) that the requirement to participate in the Scheme will continue until C is given notice by the Secretary of State that C’s participation is no longer required, or C’s award of jobseeker’s allowance terminates, whichever is earlier;
- (f) information about the consequences of failing to participate in the Scheme.

(3) Any changes made to the requirements mentioned in paragraph (2)(d) after the date on which C’s participation starts must be notified to C in writing.

Circumstances in which requirement to participate in the Scheme ceases to apply

5.—(1) A requirement to participate in the Scheme ceases to apply to a claimant (“C”) if—

- (a) the Secretary of State gives C notice in writing that C is no longer required to participate in the Scheme, or
- (b) C’s award of jobseeker’s allowance terminates,

whichever is earlier.

(2) The requirement ceases to apply on the day specified in the notice.

PART 3

Sanctions

Failure to participate in the Scheme

6. A claimant (“C”) is to be regarded as having failed to participate in the Scheme in accordance with these Regulations where C fails to comply with any requirement notified under regulation 4.

⁽¹³⁾ See section 17A(10) of the Act for the meaning of the “jobseeking conditions”.

Good cause

7.—(1) A claimant (“C”) who fails to participate in the Scheme must show good cause for that failure within 5 working days of the date on which the Secretary of State notifies C of the failure.

(2) The Secretary of State must determine whether C has failed to participate in the Scheme and, if so, whether C has shown good cause for that failure.

(3) In deciding whether C has shown good cause for the failure, the Secretary of State must take account of all the circumstances of the case, including in particular C’s physical or mental health or condition.

Consequences of failure to participate in the Scheme

8.—(1) Where the Secretary of State determines that a claimant (“C”) has failed to participate in the Scheme, and C has not shown good cause for the failure in accordance with regulation 7, the appropriate consequence for the purpose of section 17A of the Act is as follows.

(2) In the case of a jobseeker’s allowance other than a joint-claim allowance, the appropriate consequence is that C’s allowance is not payable for the period specified in paragraph (4) or (5) (“the specified period”).

(3) In the case of a joint-claim jobseeker’s allowance, the appropriate consequence is that C is to be treated as subject to sanctions for the purposes of section 20A of the Act (denial or reduction of a joint-claim jobseeker’s allowance) for the specified period.

(4) The period is 13 weeks in a case which does not fall within paragraph (5).

(5) The period is 26 weeks where—

(a) on a previous occasion the Secretary of State determined that C’s jobseeker’s allowance was not payable or was payable at a lower rate because C failed without good cause to participate in the Scheme (“the first determination”); and

(b) a subsequent determination is made not more than 12 months after the date on which the first determination took effect.

(6) The specified period begins—

(a) where, in accordance with regulation 26A(1) of the Social Security (Claims and Payments) Regulations 1987⁽¹⁴⁾, C’s jobseeker’s allowance is paid otherwise than fortnightly in arrears, on the day following the end of the last benefit week in respect of which that allowance was paid; and

(b) in any other case, on the first day of the benefit week following the date on which C’s jobseeker’s allowance is determined not to be payable or to be payable at a lower rate.

(7) In this regulation “benefit week” has the same meaning as in regulation 1(3)⁽¹⁵⁾ of the Jobseeker’s Allowance Regulations.

PART 4

Hardship

Hardship

9.—(1) This paragraph applies to a claimant (“C”) if, during the period in which C’s jobseeker’s allowance is not payable by virtue of regulation 8(2), C is a person in hardship within the meaning

⁽¹⁴⁾ S.I. 1987/1968. Regulation 26A was inserted by S.I. 1996/1460.

⁽¹⁵⁾ A relevant amending instrument is S.I. 2009/604.

of regulation 140(1) or (2) (meaning of “person in hardship”) of the Jobseeker’s Allowance Regulations(16).

(2) Regulations 140 to 146 of the Jobseeker’s Allowance Regulations have effect in relation to a person to whom paragraph (1) applies.

(3) In regulation 141(6) (circumstances in which an income-based jobseeker’s allowance is payable to a person in hardship) of the Jobseeker’s Allowance Regulations(17) insert “regulations made under section 17A (“work for your benefit” schemes etc.),” after “even though”.

Hardship for joint-claim couples

10.—(1) This paragraph applies to a joint-claim couple if, during the period in which the sanctions referred to in regulation 8(3) apply, they are a couple in hardship within the meaning of regulation 146A(1) or (2) (meaning of “couple in hardship”) of the Jobseeker’s Allowance Regulations(18).

(2) Regulations 146A and 146C to 146H of the Jobseeker’s Allowance Regulations have effect in relation to a couple to whom paragraph (1) applies.

(3) In regulation 146C(6) (circumstances in which a joint-claim jobseeker’s allowance is payable where a joint-claim couple is a couple in hardship) of the Jobseeker’s Allowance Regulations(19) insert “regulations made under section 17A (“work for your benefit” schemes etc.),” after “even though”.

PART 5

Consequential amendments

Definitions

11.—(1) Paragraph (2) applies to the following provisions (which relate to interpretation)—

- (a) regulation 2(1) of the Council Tax Benefit Regulations;
- (b) regulation 2(1) of the Housing Benefit Regulations;
- (c) regulation 2(1) of the Housing Renewal Grants Regulations;
- (d) regulation 1(3) of the Jobseeker’s Allowance Regulations.

(2) In each of the provisions to which this paragraph applies insert the following definition in the appropriate place—

““the Mandatory Work Activity Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;”.

(16) Regulation 140 was amended by S.I. 1996/1516, 1997/2863, 1999/2860, 2000/239, 2000/1987, 2001/1029, 2003/445, 2005/2877, 2008/1554, 2008/3051 and 2009/480.

(17) Regulation 141 was amended by S.I. 1996/1517, 1996/2538 and 1999/2860 and modified by S.I. 2010/1222.

(18) Regulation 146A was inserted by S.I. 2000/1978 and was amended by S.I. 2001/1029, 2005/2877, 2005/2687, 2008/1554 and 2009/480.

(19) Regulation 146C was inserted by S.I. 2000/1978, amended by S.I. 2010/509 and modified by S.I. 2010/1222.

Notional income

12.—(1) This regulation applies to the following provisions (which relate to notional income)—

- (a) regulation 32(7) of the Council Tax Benefit Regulations(**20**);
- (b) regulation 42(7) of the Housing Benefit Regulations(**21**);
- (c) regulation 31(9A) of the Housing Renewal Grants Regulations(**22**);
- (d) regulation 105(10A) of the Jobseeker’s Allowance Regulations(**23**).

(2) In each of the provisions to which this regulation applies insert the following sub-paragraph after sub-paragraph (ca)—

“(cb) in respect of a person’s participation in the Mandatory Work Activity Scheme;”.

Notional capital

13.—(1) This regulation applies to the following provisions (which relate to notional capital)—

- (a) regulation 39(4) of the Council Tax Benefit Regulations(**24**);
- (b) regulation 49(4) of the Housing Benefit Regulations(**25**);
- (c) regulation 38(3A) of the Housing Renewal Grants Regulations(**26**);
- (d) regulation 113(3A) of the Jobseeker’s Allowance Regulations(**27**).

(2) In each of the provisions to which this regulation applies insert the following sub-paragraph after sub-paragraph (ba)—

“(bb) in respect of a person’s participation in the Mandatory Work Activity Scheme;”.

Income to be disregarded

14.—(1) This regulation applies to the following Schedules (which relate to sums to be disregarded in the calculation of income other than earnings)—

- (a) Schedule 4 to the Council Tax Benefit Regulations;
- (b) Schedule 5 to the Housing Benefit Regulations;
- (c) Schedule 3 to the Housing Renewal Grants Regulations;
- (d) Schedule 7 to the Jobseeker’s Allowance Regulations.

(2) In each Schedule to which this regulation applies insert the following paragraph after paragraph A1.(**28**)—

“**A2.** Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.”.

(20) Regulation 32(7) was amended by [S.I. 2006/588](#), [2008/698](#), [2008/2767](#) and [2009/480](#) and modified by [S.I. 2010/1222](#).

(21) Regulation 42(7) was amended by [S.I. 2006/588](#), [2008/698](#), [2008/2767](#) and [2009/480](#) and modified by [S.I. 2010/1222](#).

(22) Paragraph (9A) was inserted by [S.I. 1998/808](#), was substituted by [S.I. 1999/1523](#), was amended by [S.I. 2000/973](#), [2000/531](#), [2000/2798](#) and [2002/530](#) and was modified by [S.I. 2010/1222](#).

(23) Paragraph (10A) was inserted by [S.I. 1998/2117](#), was amended by [S.I. 1999/2640](#), [2003/455](#), [2006/588](#), [2008/698](#) and [2009/480](#) and was modified by [S.I. 2010/1222](#).

(24) Regulation 39(4) was amended by [S.I. 2006/588](#), [2008/698](#), [2008/2767](#) and [2009/480](#) and modified by [S.I. 2010/1222](#).

(25) Regulation 49(4) was amended by [S.I. 2006/588](#), [2008/698](#), [2008/2767](#) and [2009/480](#) and modified by [S.I. 2010/1222](#).

(26) Paragraph (3A) was inserted by [S.I. 1999/1523](#) and was amended by [S.I. 2000/531](#), [2000/973](#), [2002/530](#) and [2002/2798](#) and modified by [S.I. 2010/1222](#).

(27) Paragraph (3A) was inserted by [S.I. 1998/2117](#) and was amended by [S.I. 1999/2640](#), [2001/1029](#), [2004/2308](#), [2005/3391](#), [2006/588](#), [2008/698](#) and [2009/480](#) and modified by [S.I. 2010/1222](#).

(28) Each of the Schedules listed in regulation 15(1) was modified by [S.I. 2010/1222](#) so as to insert paragraph A1.

Capital to be disregarded

15.—(1) This regulation applies to the following Schedules (which relate to capital to be disregarded)—

- (a) Schedule 5 to the Council Tax Benefit Regulations;
- (b) Schedule 6 to the Housing Benefit Regulations;
- (c) Schedule 4 to the Housing Renewal Grants Regulations;
- (d) Schedule 8 to the Jobseeker’s Allowance Regulations.

(2) In each Schedule to which this regulation applies insert the following paragraph after paragraph A1.(29)—

“A2. Any payment made to the claimant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.”.

Further amendments of the Jobseeker’s Allowance Regulations

16. The Jobseeker’s Allowance Regulations are amended as follows—

- (a) in the definition of “relevant notification” in regulation 25(1A) (entitlement ceasing on a failure to comply)(30), insert the words “or under the Mandatory Work Activity Scheme” after “scheme”;
- (b) in regulation 47(4)(b)(ii) (jobseeking period)(31) insert the words “regulations made under section 17A or by virtue of” before “section 19”;
- (c) at the end of regulation 53(32) (persons treated as not engaged in remunerative work) insert—
 - “(l) he is participating in the Mandatory Work Activity Scheme.”;
- (d) in regulation 55(1)(a) (short periods of sickness)(33) before “; and” insert—
 - “or who failed without good cause to comply with regulations made under section 17A”;
- (e) in regulation 55A(1)(a) (periods of sickness and persons receiving treatment outside Great Britain)(34) before “; and” insert—
 - “or who failed without good cause to comply with regulations made under section 17A”;
- (f) in regulation 140(1)(f)(i) (meaning of “person in hardship”)(35), after “case”, insert “or because a jobseeker’s allowance is not payable pursuant to regulations made under section 17A”;
- (g) in regulation 152(1)(c) (relevant week)(36), before “section 19” insert “regulations made under section 17A or in accordance with”.

(29) Each of the Schedules listed in regulation 16(1) was modified by S.I. 2010/1222 so as to insert paragraph A1.

(30) Relevant amending instruments are S.I. 1999/530, 2000/1978, 2000/2194 and 2010/509; regulation 25(1A) was also modified by S.I. 2010/1222.

(31) Regulation 47(4) was amended by S.I. 1996/1517, 2001/518, 2001/1711, 2002/490, 2010/424, 2010/509 and 2010/1160 and modified by S.I. 2010/1222.

(32) Relevant amending instruments are S.I. 1999/2165, 1999/3156, 2000/1978, 2000/2910, 2004/963, 2004/3168, 2005/2060, 2005/2929, 2006/2378, 2009/3228 and 2010/641; regulation 53 was also modified by S.I. 2010/1222.

(33) Regulation 55(1) was amended by S.I. 1996/1517, 1999/2860, 2000/1978 and 2008/1534 and modified by S.I. 2010/1222.

(34) Regulation 55A was inserted by S.I. 2004/1869, was amended by S.I. 2008/1554 and was modified by S.I. 2010/1222.

(35) Relevant amending instruments are S.I. 1999/2860 and 2000/1978; regulation 140(1)(f)(i) was also modified by S.I. 2010/1222.

(36) A relevant amending instrument is S.I. 2000/1978; regulation 152(1)(c) was also modified by S.I. 2010/1222.

Consequential amendments relating to sanctions

17.—(1) Paragraph (2) applies to the following provisions⁽³⁷⁾—

- (a) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit Regulations;
- (b) regulation 2(4)(a) and (b) (interpretation) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽³⁸⁾;
- (c) regulation 3(j) (circumstances in which discretionary housing payments may be made) of the Discretionary Financial Assistance Regulations 2001⁽³⁹⁾;
- (d) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit Regulations;
- (e) regulation 2(3)(a) and (b) (interpretation) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽⁴⁰⁾.

(2) In each of the provisions to which this paragraph applies insert the words “or regulations made under section 17A” after “section 19 or 20A”.

(3) In regulation 5(3)(b) (meaning of “person in hardship”) of the Social Security (Loss of Benefit) Regulations 2001⁽⁴¹⁾, after “8” insert “, 17A”.

(4) In regulation 8A(5) (credits for unemployment) of the Social Security (Credits) Regulations 1975⁽⁴²⁾, after sub-paragraph (b) insert—

- “(ba) a week in respect of which, because of regulations made under section 17A of that Act, a jobseeker’s allowance was not payable to the person concerned even though he satisfied the conditions for entitlement to that allowance; or”.

Consequential amendments relating to decisions and appeals

18. The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽⁴³⁾ are amended as follows—

- (a) in regulation 3(6) (revision of decisions)⁽⁴⁴⁾, after “Jobseekers Act” insert the words “, or with regulations made under section 17A of that Act”;
- (b) in regulation 6(2) (supersession of decisions)⁽⁴⁵⁾, after sub-paragraph (f) insert the following sub-paragraph—
 - “(fa) is a decision that a jobseeker’s allowance is payable to a claimant where that allowance ceases to be payable or is reduced by virtue of regulations made under section 17A of the Jobseekers Act;”;
- (c) after regulation 7(8) (date from which a decision superseded under section 10 takes effect)⁽⁴⁶⁾ insert the following paragraph—

⁽³⁷⁾ Each of the Regulations listed in regulation 17(1) was modified by [S.I. 2010/1222](#).

⁽³⁸⁾ [S.I. 2006/216](#).

⁽³⁹⁾ [S.I. 2001/1167](#).

⁽⁴⁰⁾ [S.I. 2006/214](#).

⁽⁴¹⁾ [S.I. 2001/4022](#). Relevant amending instruments are [S.I. 2010/424](#) and [1160](#); regulation 5(3)(b) was also modified by [S.I. 2010/1222](#).

⁽⁴²⁾ [S.I. 1975/556](#). Regulation 8A was inserted by [S.I. 1996/2367](#), paragraph (5) was amended by [S.I. 2001/518](#) and modified by [S.I. 2010/1222](#).

⁽⁴³⁾ [S.I. 1999/991](#).

⁽⁴⁴⁾ Regulation 3 was revoked, in so far as it related to child benefit or guardian’s allowance, by [S.I. 2003/916](#). Regulation 3(6) was amended by [S.I. 2000/1982](#) and modified by [S.I. 2010/1222](#).

⁽⁴⁵⁾ Regulation 6 was revoked, in so far as it related to child benefit or guardian’s allowance, by [S.I. 2003/916](#). A relevant amending instrument is [S.I. 1999/2677](#); regulation 6(2) was also modified by [S.I. 2010/1222](#).

⁽⁴⁶⁾ Regulation 7 was revoked, in so far as it related to child benefit or guardian’s allowance, by [S.I. 2003/916](#). Regulation 7(8) was substituted by [S.I. 1999/2677](#), was amended by [S.I. 2000/1982](#) and [2008/2677](#) and modified by [S.I. 2010/1222](#).

“(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect on the day specified in regulation 8(6)(a) or (b) of the Jobseeker’s Allowance (Mandatory Work Activity Scheme) Regulations 2011.”.

Consequential amendments relating to the Jobseeker’s Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010

19. The following regulations of the Jobseeker’s Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010(47) are revoked—

- (a) regulation 10(4) (hardship);
- (b) regulation 18(b) to (f) (further modifications of the Jobseeker’s Allowance Regulations);
- (c) regulation 19 (consequential modifications relating to sanctions); and
- (d) regulation 20(a) and (b) (consequential modifications relating to decisions and appeals).

PART 6

Contracting Out

Contracting out certain functions in relation to the Scheme

20.—(1) Any functions of the Secretary of State specified in paragraph (2) may be exercised by, or by employees of, such person (if any) as may be authorised by the Secretary of State.

(2) The functions are any function under—

- (a) regulation 4 (requirement to participate and notification);
- (b) regulation 5(1)(a) (notice that requirement to participate ceases).

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

9th March 2011

Chris Grayling
Minister of State,
Department for Work and Pensions

We consent

9th March 2011

Michael Fabricant
Angela Watkinson
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the Mandatory Work Activity Scheme, under section 17A of the Jobseekers Act 1995 (“the Jobseekers Act”), which is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting jobseeker’s allowance claimants to improve their prospects of obtaining employment.

Part 1 contains general provisions, including provisions concerning interpretation.

Part 2 concerns the circumstances in which jobseeker’s allowance claimants are required to participate in the Scheme. Regulation 3 provides that any claimant who is aged at least 18 can be selected. It also provides that a claimant who is not required to meet the jobseeking conditions is not required to participate in the Scheme.

Regulation 4 requires a person so selected to participate in the Scheme upon being notified by the Secretary of State, and to do so for a period of four weeks from the date specified in the notice. It also prescribes the contents of the notice.

Regulation 5 concerns the circumstances in which a claimant is not required (or no longer required) to participate in the Scheme. They are where a claimant’s award of jobseeker’s allowance terminates or where the Secretary of State gives the claimant notice in writing that participation is no longer required.

Part 3 deals with failure to participate in the Scheme and good cause for failure to participate.

Regulation 6 provides that a claimant who fails to comply with any of the requirements notified under regulation 4, is to be regarded as having failed to participate in the Scheme.

Regulation 7 provides that a person who fails to participate in the Scheme must show good cause for that failure within 5 working days. It is then for the Secretary of State to determine whether that person has shown good cause, taking into account his or her circumstances.

Regulation 8 provides that where a claimant fails without good cause to participate in the Scheme, the claimant’s jobseeker’s allowance will not be payable for 13 or 26 weeks.

Part 4 allows for an income-based jobseeker’s allowance to be payable even though a sanction applies to the claimant because of a failure without good cause to participate in the Scheme. It does so by applying the hardship provisions in Parts 9 and 9A of the Jobseeker’s Allowance Regulations 1996.

Part 5 makes various consequential amendments to other Regulations in relation to a person’s participation in the Scheme.

Regulation 11 inserts a definition of the Mandatory Work Activity Scheme in the Jobseeker’s Allowance Regulations 1996, the Housing Renewal Grants Regulations 1996, the Council Tax Benefit Regulations 2006 and the Housing Benefit Regulations 2006. Regulations 12 and 13 ensure that persons will not be treated as having notional income or notional capital by virtue of their participation in the Scheme, and regulations 14 and 15 provide that travel and other expenses paid to participants are disregarded as income and capital for the purposes of certain income-related benefits.

Regulations 16 and 17 make consequential amendments to other Regulations to ensure that, where a sanction is imposed on a claimant for failure without good cause to participate in the Mandatory Work Activity Scheme, the claimant is treated consistently with a claimant who incurs a sanction under section 19 or 20A of the Jobseekers Act.

Regulation 18 deals with consequential changes in relation to decisions and appeals. The effect is to ensure that provision is made for sanctions imposed under these Regulations as well as those incurred under section 19 or 20A of that Act.

Regulation 19 revokes certain provisions of the Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010. Those Regulations modify various regulations to make provision in relation to schemes under section 17A of the Jobseekers Act 1995. The modifications cease to have effect on 21st November 2013. In order to avoid duplication and to ensure that the provisions relating to schemes under section 17A of that Act are permanent, these Regulations amend the relevant provisions and regulation 19 revokes the unnecessary modifications.

Regulation 20 makes provision for contracting out the Mandatory Work Activity Scheme functions (with the exception of functions relating to good cause and the imposition of sanctions).

A full impact assessment has not been published for this instrument as it has no impact on the private sectors and civil society organisations.