

SCHEDULES

SCHEDULE 1

AMENDMENTS CONNECTED TO SECTION 4

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

Work-focused interviews etc.

3. After Article 13 insert—

“Work-focused interviews etc.

Persons not required to meet the jobseeking conditions

13A.—(1) Regulations may make provision for or in connection with imposing on a person—

(a) who makes a claim for a jobseeker’s allowance (other than a joint-claim jobseeker’s allowance), and

(b) to whom Article 10(1) does not apply,

a requirement to take part in a work-focused interview as an additional condition which the person must meet before the person becomes entitled to the allowance.

(2) Regulations may make provision for or in connection with imposing on a person—

(a) who is entitled to a jobseeker’s allowance (other than a joint-claim jobseeker’s allowance), and

(b) to whom Article 10(1) does not apply,

a requirement to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount of the allowance payable apart from the regulations.

(3) No requirement may be imposed by virtue of this Article on a person who—

- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child under the age of one.

(4) In this Article and Articles 13B and 13C “work-focused interview”, in relation to any person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be prescribed

- (5) The purposes which may be so prescribed include—
- (a) purposes connected with a person’s existing or future employment or training prospects or needs; and
 - (b) (in particular) assisting or encouraging a person to enhance the person’s employment prospects.

Provision which may be made by regulations under Article 13A

13B.—(1) Regulations under Article 13A(1) or (2) may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to a requirement to take part in one or more work-focused interviews (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the work-focused interviews in which a person who is subject to a relevant requirement is required to take part;
- (d) for determining, in relation to work-focused interviews under the regulations, when and how the interview is to be conducted and, if it is to be conducted face to face, where it is to take place;
- (e) for notifying persons who are subject to a relevant requirement of what is determined in respect of the matters mentioned in subparagraph (d);
- (f) prescribing circumstances in which a person who is a party to a work-focused interview under the regulations is to be regarded as having, or not having, taken part in it;
- (g) for securing that the appropriate consequence follows if a person who is subject to a relevant requirement—
 - (i) fails to take part in the work-focused interview, and
 - (ii) does not, within a prescribed period, show that the person had good cause for that failure;
- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person has good cause for any failure to comply with the regulations;

Status: This is the original version (as it was originally enacted).

- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.
- (2) For the purposes of paragraph (1)(g) “the appropriate consequence” means—
 - (a) in the case of regulations under Article 13A(1), that the person is to be regarded as not having made a claim for the allowance or, if the allowance has already been awarded (because the case is within paragraph (6)), the entitlement to it is to cease immediately;
 - (b) in the case of regulations under Article 13A(2), that the amount of the allowance is to be reduced by the prescribed amount until the prescribed time
- (3) Regulations under Article 13A(2) may, in relation to any such reduction, provide—
 - (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person is also entitled to one or more relevant benefits, for determining the extent, and the order, in which the jobseeker’s allowance and the relevant benefits are to be reduced in order to give effect to the required reduction.
- (4) Regulations under Article 13A(1) or (2) may provide that a relevant requirement that would otherwise apply to a person by virtue of the regulations—
 - (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is prescribed;
 - (b) is not to apply if the Department or the Department for Employment and Learning determines that a work-focused interview would not be of assistance to the person or would otherwise not be appropriate in the circumstances;
 - (c) is not to apply until such time as the Department or the Department for Employment and Learning determines, if that Department determines that a work-focused interview would not be of assistance to the person, or would otherwise not be appropriate in the circumstances, until that time.
- (5) The regulations may make provision for treating a person in relation to whom a relevant requirement does not apply, or does not apply until a particular time, as having complied with the requirement to such extent and for such purposes as may be prescribed.
- (6) Where—

- (a) a person is subject to a relevant requirement as a result of regulations under Article 13A(1), and
- (b) the interview is postponed by or under provision of the regulations made as a result of paragraph (4)(a) or (c),

the time to which it is so postponed may be a time falling after an award of the allowance.

(7) In this Article “relevant benefit”, in relation to any person, means any benefit in relation to which the person is required to take part in a work-focused interview by virtue of regulations made under section 2A of the Administration Act.

Action plans in connection with work-focused interview

13C.—(1) The Department or the Department for Employment and Learning must in prescribed circumstances provide an action plan to a person subject to a requirement imposed under Article 13A to take part in a work-focused interview.

(2) In this Article an “action plan” means a document prepared for such purposes as may be prescribed.

(3) Regulations may make provision about—

- (a) the form of action plans;
- (b) the content of action plans;
- (c) the review and updating of action plans.

(4) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—

- (a) the circumstances in which reconsideration may be requested;
- (b) the period within which any reconsideration must take place;
- (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
- (d) notification of the decision on reconsideration;
- (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.

(5) In preparing any action plan, the Department or the Department for Employment and Learning must have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.”.