
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”) on account of the introduction of the employment programme, known as Work Experience, established under section 1 of the Employment and Training Act (Northern Ireland) 1950.

Work Experience is an employment programme that offers jobseeker’s allowance claimants the opportunity to gain experience in a workplace for between 2 and 8 weeks. The Work Experience programme can be extended from 8 weeks to 12 weeks where during the course of the Work Experience an apprenticeship is offered to and accepted by a participant. The amendment to regulation 19 of the Jobseeker’s Allowance Regulations means that whilst on Work Experience they must still actively seek employment.

The Regulations amend regulation 53 of the Jobseeker’s Allowance Regulations to provide that someone on Work Experience will not be regarded as being in remunerative work for the purposes of Article 3(2)(e) of the Jobseekers (Northern Ireland) Order 1995 (“the 1995 Order”). Article 3(2) of the 1995 Order sets out the eligibility criteria for receipt of jobseeker’s allowance, and paragraph (e) provides that a claimant is not eligible if they are in remunerative work.

The Regulations amend regulation 73 of the Jobseeker’s Allowance Regulations so that:

- 16 and 17 year olds who participate in Work Experience will not be sanctioned for failing to complete the programme,
- a sanction will only be imposed where an employment officer has previously provided the claimant with written notice informing them of the implications of failing to complete the Work Experience without good cause, and
- a claimant who during the first week leaves their Work Experience for any reason will not be subject to the sanctioning regime (unless the claimant fails to attend at all or loses the place through misconduct).

The Regulations also amend regulation 75 of the Jobseeker’s Allowance Regulations so as to designate Work Experience as an employment programme for the purposes of Articles 21 and 22A of the 1995 Order and the Jobseeker’s Allowance Regulations. The effect is that if a person, without good cause, refuses or fails to participate in the programme, or loses their place on the programme due to misconduct, that person will receive a sanction under Article 21 or 22A of the 1995 Order (subject to the provisions of regulation 73).

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.