

EXPLANATORY MEMORANDUM TO

The Jobseeker's Allowance (Members of the Reserve Forces) Regulations (Northern Ireland) 2012

S.R. 2012 No. 284

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Jobseeker's Allowance (Members of the Reserve Forces) Regulations (Northern Ireland) 2012 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and is subject to the confirmatory resolution procedure before the Assembly.
- 1.3 The rule is due to come into operation on 30th July 2012.

2. Purpose

- 2.1 The purpose of the regulations is to make amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to enable Jobseeker's Allowance (JSA) claimants, who are members of the reserve forces, to attend the 15 day annual continuous training period required of them without the need to terminate their claim to JSA. They are designed to:
 - reduce the administrative burden of requiring reservists to make a repeat claim for JSA after their annual training has been completed;
 - ensure their JSA claim will be kept open by treating them as available for, and actively seeking, employment for the duration of their training; and
 - remove payment delays associated with the claimant otherwise needing to make a new claim for JSA.

3. Background

- 3.1 Currently entitlement to JSA comes into question when a claimant who is a member of the reserve forces, attends annual continuous training. Reservists are unlikely, during this period of training, to be able to meet the basic JSA jobseeking conditions of being available for and actively seeking employment. The proposed changes to the regulations will enable JSA claimants, who are members of the reserve forces, to attend the 15 day annual continuous training period without the need to terminate their award of JSA.
- 3.2 Regulations currently allow claimants to be treated as available for employment while they are:

- engaged in crewing or launching a life boat,
- on duty as part-time members of the fire brigade; or
- engaged in emergency duties for the benefit of others.

They are also treated as actively seeking employment in any benefit week in which they carry out these duties for at least 3 days within that week. There is currently no similar easement for members of the reserve forces.

3.3 To ensure that members of the reserve forces are not treated less favourably than those mentioned above, entitlement to JSA will continue for reservists during annual training by treating the individual as available for and actively seeking employment during the compulsory training period.

3.4 The changes also ensure that reserve force members can retain their entitlement to income-based JSA when they are paid for their participation in annual training. The earnings (approximately £532) when received would generally exceed JSA rates and therefore result in a loss of entitlement to JSA (whether contribution or income-based), and to Housing Benefit where applicable. The amendment will preserve a minimum weekly amount of JSA by disregarding so much of the earnings to guarantee that the claimant will be entitled to at least 10p JSA per week.

3.5 The regulation changes are designed to make it easier for JSA claimants who are required to attend their annual training commitment. The changes will mean that their JSA claim can be kept open whilst on annual training as they will be treated as available for, and actively seeking, employment and they can continue to receive JSA upon returning from annual training (assuming the conditions of entitlement continue to be met) without the need to make a new benefit claim. This will generate far less disruption for claimants than the termination of their claims followed by the requirement to make a repeat claim to JSA when they have completed their training.

4. Consultation

4.1 The Social Security Advisory Committee discussed the corresponding Great Britain proposals at their meeting on 1st February 2012 and decided that they did not consider it necessary that the proposed regulations be formally referred.

5. Equality Impact

5.1 JSA claimants who are members of the reserve forces are the only volunteers who are required to do compulsory training which cannot be restricted to evening and weekends. These changes address this anomaly without having an adverse impact on other volunteering groups. The changes are seen as entirely beneficial and will apply to all Jobseeker's Allowance claimants regardless of religious belief, political opinion, race, sexual orientation, gender or disability.

5.2 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has concluded that the proposals do not have any significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

7. Financial Implications

7.1 No financial implications

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Jobseeker's Allowance (Members of the Reserve Forces) Regulations (Northern Ireland) 2012 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. E.U. Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The Regulations mirror the Great Britain Regulations which are to come into force on 30th July 2012.

11. Additional Information

11.1 Not applicable