

EXPLANATORY MEMORANDUM TO

The Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015

S.R. 2015 No. 184

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995 and the Welfare Reform Act (Northern Ireland) 2007, and is subject to the confirmatory resolution procedure.
- 1.3 The rule is due to come into operation on 6th April 2015.

2. Purpose

- 2.1 The purpose of the regulations is to make provision to allow Jobseeker's Allowance (JSA) and Income Support (IS) claimants, or their partners, who are new members of the Reserve Forces to attend a maximum of 43 days training in their first year of reservist training while maintaining their benefit entitlement. It also makes provision to allow the partners of Employment and Support Allowance (ESA) claimants who are new members of the Reserve Forces to attend a maximum of 43 days training in their first year of reservist training while maintaining their benefit entitlement.

3. Background

- 3.1 Currently provisions allow for IS or JSA claimants or their partners or the partners of ESA claimants to remain entitled to benefit for a continuous period of 15 days for training. During this period earnings are disregarded and claimants remain entitled to 10p of benefit and any passported benefits already in payment. In addition, JSA claimants maintain entitlement to JSA by being treated as available for and actively seeking seeking employment.

What is being done and why?

- 3.2 This rule will provide that JSA and IS claimants and their partners and the partners of ESA claimants who are new members of the Reserve Forces will be able to attend up to 43 days intensive training in their first year of reservist training while maintaining their benefit entitlement. This change will support the delivery of up to 43 days training for reservists so that

unemployed reservists can continue to receive benefits and be trained more quickly. After the first year of training claimants will be permitted an on-going continuous training concession of 15 days a year for further reservist training.

- 3.3 Training for first year reservists will consist of 3 or 4 blocks, of between 5 and 16 days, but may differ according to training needs. This rule amends JSA, IS and ESA regulations to allow for up to 17 continuous days of earnings to be treated within the previous 14 days of benefit. Training that exceeds 3 days in the benefit week will be counted as a full week for benefit purposes, repeating the pattern over subsequent weeks up to 43 days. The purpose of the provision is to ensure that claimants who undertake reservist training do not lose a disproportionate amount of benefit when training extends into a new benefit week, but that benefits are reduced if training for more than 3 days in any benefit week.
- 3.4 This rule also removes the reference to “territorial” forces from the regulations it amends following the renaming of the Territorial Army in section 44 of the Defence Reform Act 2014.
- 3.5 These changes will support the Ministry of Defence to train reservists more quickly and increase trained reserve strength by enabling unemployed reservists to receive up to 43 days training in their first year without losing benefit entitlement.

4. Consultation

- 4.1 The Social Security Advisory Committee discussed the corresponding Great Britain Regulations at their meeting on 28th January 2015 and advised that they did not require these regulations to be formally referred.

5. Equality Impact

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the introduction of the 15 day annual training benefit easement in July 2012 and concluded that the changes did not have any significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment was not necessary.
- 5.2 Further screening of this increase to the existing benefit concession has not been conducted as it should not impact negatively on the section 75 groups of JSA or IS claimants or partners of ESA claimants, indeed it is entirely beneficial, supporting part time volunteer reservists, who by their very definition have chosen to take part. Claimants who take up public duty have the opportunity to learn new skills, obtain valuable networking opportunities and maintain/increase motivation which in turn may bring wider benefits e.g. increased employability. The changes are seen as entirely positive and will apply to all JSA or IS claimants or partners of

ESA claimants regardless of religious belief, political opinion, race, sexual orientation, gender or disability.

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 Social Security (Members of the Reserve Forces) (Amendment) Regulations (Northern Ireland) 2015 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 6th April 2015.

11. Additional Information

- 11.1 Not applicable