

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (LONE PARENTS AND MISCELLANEOUS
AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2016

2016 No. 67

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Social Development (Northern Ireland) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends the entitlement conditions underpinning income support for lone parents in Northern Ireland, the circumstances in which lone parents will be treated as being available for and actively seeking work, and makes consequential changes as necessary. These changes restore parity between social security systems in Northern Ireland and Great Britain as the instrument makes the equivalent changes for Northern Ireland that were made in Great Britain by [The Social Security \(Lone Parents and Miscellaneous Amendments\) Regulations 2012](#) (SI 2012/874).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 [Section 87 of the Northern Ireland Act 1998](#) places a statutory duty on the Minister for Social Development and the Secretary of State for Work and Pensions to consult with one another with a view to securing a single social security system for the United Kingdom. Section 88 of the 1998 Act makes provision for financial adjustments to support the maintenance of these parity arrangements.
- 4.2 Underpinning the parity principle is the arguments that as people in Northern Ireland pay the same rates of income tax and National Insurance contributions as people in Great Britain; they are entitled to the same rights and benefits paid at the same rates.
- 4.3 [The Welfare Reform Act 2012](#) introduced a number of reforms including Universal Credit, Personal Independence Payment, the Jobseeker's Allowance Claimant Commitment and a cap on the amount of benefits working age people can receive. It also reassessed incapacity benefits claimants for Employment and Support Allowance, improved the Work Capability Assessment and made sure housing support is fair.

- 4.4 On 17 November 2015 “[A Fresh Start: The Stormont Agreement and Implementation Plan](#)” was agreed by the main political parties in Northern Ireland. Included in this agreement was the approach agreed by the Executive and HM Government to implementing welfare reform in Northern Ireland. The Northern Ireland (Welfare Reform) Act 2015 provides a power for Her Majesty to legislate on social security, child support and certain matters related to employment and training in Northern Ireland by Order in Council. Any such Order in Council may then confer power on the Secretary of State or a Northern Ireland department to make further provision regarding these matters by regulations or order. The Welfare Reform (Northern Ireland) Order 2015 was made on 9 December 2015 and regulations stemming from the Order to implement the various welfare reforms set out in the Welfare Reform Act 2012 in Northern Ireland are now being brought forward.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Northern Ireland.
- 5.2 The territorial application of this instrument is Northern Ireland.
- 5.3 These regulations replicate for Northern Ireland the legislation that applies to Great Britain.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 The objective of the policy is to help more lone parents prepare and move into work. For most people work is the best route out of poverty. In March 2015 the [3rd annual report of the Office of the First Minister and Deputy First Minister Committee on child poverty](#) acknowledged that children living in families where the parent(s) were unemployed were much more likely to be in low income families compared to families with a least one adult in work. Those children living in out of work households were twice as likely to be in low income households as those children living in households where at least one adult was in work, and more than five times as likely to be in low income households as those children living in households where all adults were in work.
- 7.2 These Regulations mirror those made in Great Britain and are in keeping with the principal of parity between Northern Ireland and Great Britain in social security matters and will apply to Northern Ireland citizens in the same way as it applied to those in Great Britain. They make changes to when lone parents are entitled to support solely because they are lone parents or are exempted from certain conditions on entitlement because of being lone parents.
- 7.3 Currently lone parents in Northern Ireland whose youngest child is aged below seven years are entitled to claim Income Support (IS) on the sole grounds of lone parenthood. When in receipt of IS they are required to take part in six monthly or three monthly work-focused interviews (WFIs), depending on the age of their youngest child. The purpose of these WFIs is to provide lone parents with information so they can decide whether moving closer to the labour market for example, by

undertaking work-related training, is appropriate for them, based on their personal circumstances. These lone parents are required to take part in WFIs, but they are not required to look for work in order to receive IS, nor are they required to undertake work-related activities or training, although they may choose to do so voluntarily.

- 7.4 If a lone parent still wishes to receive benefit when their youngest child reaches seven years, they can claim Jobseeker's Allowance (JSA) if they are capable of working, or Employment and Support Allowance (ESA) if they have limited capability for work, unless they remain entitled to IS on other grounds, for example, as a carer. When claiming JSA or ESA they may be required to undertake work-related activity or training to improve their employability (unless they are in the ESA support group) and in the case of JSA have to be actively seeking and available for work.
- 7.5 These Regulations amend the [Income Support \(General\) Regulations \(Northern Ireland\) 1987](#) (S.R. 1987 No. 459) ("the IS Regulations") with the result that lone parents in Northern Ireland will be able to claim Income Support (IS) solely on the grounds of being a lone parent only if they are under the age of 18, or if they have a child under the age of 5 years. The Regulations will come into force on 16 January 2017 for new claimants and in phases from 16 January 2017 for existing claimants.
- 7.6 The Regulations also amend the [Jobseeker's Allowance Regulations \(Northern Ireland\) 1996](#) (S.R. 1996 No. 198) so as to introduce a revised conditionality rule into Jobseeker's Allowance (JSA) under which lone parents will be treated as being available for and actively seeking work in circumstances where their child is aged five years, is not receiving and is not required to receive full-time education, and where it would be unreasonable for the lone parent to make other arrangements for the care of the child.
- 7.7 The Regulations include provision to ensure that the change will not come into effect for lone parents until after they have been invited to attend a voluntary interview to discuss the change. The Regulations also make provision so that, if a lone parent with an existing award has been invited to attend a voluntary interview to discuss the changes, has made a claim (or is deemed to have made a claim) for Child Tax Credit and the Jobs and Benefit officer is not satisfied that the claim has been decided by the time of the interview, their IS entitlement will continue for 4 weeks after the date when it would have otherwise ended. Systems have been put in place to facilitate this change.
- 7.8 The Department for Social Development will take steps to ensure that all lone parents with a child of 5 or over who are claiming IS as a lone parent on 15 January 2017 have been identified. In Northern Ireland there are approximately 21,360 lone parents claiming IS. Around 3,390 are lone parents claiming IS with a youngest child aged five or six and of those 860 lone parents are in receipt of carer's allowance.

Consolidation

- 7.9 This instrument will not be informally consolidated in the GB Law Relating to Social Security (or "Blue Volumes"), as the legislation applies only to Northern Ireland.
- 7.10 However it will be available to the public at no cost via the internet at:
<https://www.dsdni.gov.uk/services/law-relating-social-security>

8. Consultation outcome

- 8.1 The Department for Social Development consulted extensively about the implications of the wider reforms in the [Welfare Reform Bill](#) consultation process, and has also discussed informally with stakeholders to ensure that the operational implications are fully understood and that processes are in place to ensure that the change is implemented correctly in Northern Ireland.
- 8.2 The Department for Social Development published an [Equality Impact Assessment](#) on the proposals contained in the draft Bill.

9. Guidance

- 9.1 Detailed guidance on both regulatory and operational changes will be provided to Jobs and Benefit Office or Social Security Office staff and decision makers. In particular, comprehensive guidance, support material and training will be provided concerning the application of the Jobseekers Allowance regime to parents.
- 9.2 Letters will be issued to all claimants affected by these changes 10 weeks before the changes come into effect. This is the same period of notification that was given to claimants in previous phases where lone parents entitlement to benefit based on the age of the youngest child was changed.
- 9.3 Jobs and Benefit or Social Security Office staff will also put in place a range of extra steps to contact lone parents to ensure they are aware of the changes, these include:
- discussing this change when lone parents take part in mandatory WFIs every 13 weeks, in the last year before they lose entitlement to IS; and
 - inviting all of those lone parents receiving IS affected by the change to a voluntary interview six weeks in advance of their loss of entitlement to IS.
- 9.4 Prior to the implementation of these regulations, changes will also be made to the Decision Makers Guide (DMG) which is also available free on the DSD internet at: <https://www.dsdni.gov.uk/articles/decision-makers-guide>

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 Impact on public sector is negligible. This measure is part of the welfare reform package that will restore parity with the rest of the UK and contribute toward sustainable finances for the executive.
- 10.3 An Impact Assessment has been prepared for this instrument. This shows that there are an estimated 3,390 lone parents with children aged 5 and 6 who will be affected by this change. They will not be cash losers, but will no longer be eligible for Income Support, where they do not move into work immediately the group will be subject to the conditionality and the support and that is associated with the benefit which that move on to. Implementation of this policy in GB has been successful in moving many lone parents into work.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The operation of the Regulations will continue to be reviewed through the normal avenues of guidance enquiries received from the Northern Ireland Department's offices and correspondence from members of the public.

13. Contact

- 13.1 Anne McCleary at the Department of Social Development Telephone: 02890819984 or email: anne.mccleary@dndni.gov.uk can answer any queries regarding the instrument.