



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 1

JOBSEEKER'S ALLOWANCE

Claimant responsibilities for interim period

44 Claimant commitment for jobseeker's allowance

- (1) The Jobseekers Act 1995 is amended as follows.
- (2) In section 1 (the jobseeker's allowance), in subsection (2)(b) for "entered into a jobseeker's agreement which remains in force" there is substituted "accepted a claimant commitment".
- (3) For section 9 (the jobseeker's agreement) there is substituted—

"9 Claimant commitment

- (1) For the purposes of this Act a "claimant commitment" is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.
- (2) A claimant commitment shall—
 - (a) be prepared by an employment officer,
 - (b) be in such form as the Secretary of State thinks fit,
 - (c) include any prescribed information, and
 - (d) include any other information an employment officer or the Secretary of State considers it appropriate to include.

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- (3) Information included in a claimant commitment under subsection (2)(d) may include—
- (a) information in respect of the conditions mentioned in section 1(2)(a) and (c);
 - (b) details of any requirement imposed on the claimant by virtue of regulations under section 8 or 17A, or under a jobseeker’s direction;
 - (c) details of any consequences of a failure to comply with such a requirement.
- (4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in section 1(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.
- (5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Secretary of State for him to determine—
- (a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.
- (6) A reference under subsection (5) may only relate to information included in the proposed claimant commitment under subsection (3)(a).
- (7) On a reference under subsection (5) the Secretary of State—
- (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference;
 - (b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Secretary of State considers appropriate;
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (8) Regulations may provide—
- (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (7)(c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.
- (9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(2)(b).
- (10) For the purposes of this Act a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.”

(4) For section 10 (variation of jobseeker’s agreement) there is substituted—

“10 Variation of claimant commitment

- (1) A claimant commitment may be varied by an employment officer.
- (2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in section 1(2) (a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.
- (3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.
- (4) For the purposes of this section a “relevant variation” of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in section 1(2)(a) and (c).
- (5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Secretary of State to determine—
 - (a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—
 - (i) the condition mentioned in section 1(2)(a), or
 - (ii) the condition mentioned in section 1(2)(c), and
 - (b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.
- (6) On a reference under subsection (5) the Secretary of State—
 - (a) shall, so far as practicable, dispose of it in accordance with this section before the end of the period of 14 days from the date of the reference,
 - (b) shall give such directions as he considers appropriate as to—
 - (i) whether the claimant commitment should be varied, and
 - (ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and
 - (c) may direct that, if such conditions as he considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.
- (7) Regulations may provide—
 - (a) for such matters as may be prescribed to be taken into account by the Secretary of State in giving a direction under subsection (6)(b) or (c), and
 - (b) for such persons as may be prescribed to be notified of—
 - (i) any determination of the Secretary of State under this section;
 - (ii) any direction given by the Secretary of State under this section.”

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- (5) In section 35 (interpretation), in subsection (1), after the definition of “employment” there is inserted—

““employment officer”, for any purpose of this Act, means an officer of the Secretary of State or such other person as may be designated for that purpose by an order made by the Secretary of State;”.

45 Interviews

In section 8 of the Jobseekers Act 1995 (attendance, information and evidence), in subsections (1)(a) and (1A)(a) for “attend at such place and at such time” there is substituted “participate in an interview in such manner, time and place”.

46 Sanctions

- (1) For section 19 of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable) there is substituted—

“19 Higher-level sanctions

- (1) The amount of an award of a jobseeker’s allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
- (a) through misconduct loses employment as an employed earner;
 - (b) without a good reason voluntarily leaves such employment;
 - (c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of employment;
 - (e) without a good reason fails to participate in any scheme within section 17A(1) which is prescribed for the purposes of this section.
- (3) For the purposes of subsection (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of section 139(1) of the Employment Rights Act 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect, not exceeding three years in relation to any failure sanctionable under this section.
- (5) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
- (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (6) Regulations may provide—

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- (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (7) During any period for which the amount of a joint-claim jobseeker’s allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.

19A Other sanctions

- (1) The amount of an award of a jobseeker’s allowance is to be reduced in accordance with this section in the event of a failure by the claimant which is sanctionable under this section.
- (2) It is a failure sanctionable under this section if a claimant—
- (a) without a good reason fails to comply with regulations under section 8(1) or (1A);
 - (b) without a good reason fails to comply with regulations under section 17A;
 - (c) without a good reason refuses or fails to carry out a jobseeker’s direction which was reasonable having regard to his circumstances;
 - (d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;
 - (e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;
 - (f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;
 - (g) through misconduct loses a place on such a scheme or programme.
- (3) But a failure is not sanctionable under this section if it is also sanctionable under section 19.
- (4) Regulations are to provide for—
- (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) Regulations under subsection (4)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
- (a) a period continuing until the claimant meets a compliance condition specified by the Secretary of State,
 - (b) a fixed period not exceeding 26 weeks which is—
 - (i) specified in the regulations, or
 - (ii) determined in any case by the Secretary of State, or
 - (c) a combination of both.
- (6) In subsection (5)(a) “compliance condition” means—
- (a) a condition that the failure ceases, or

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- (b) a condition relating to—
 - (i) future compliance with a jobseeker’s direction or any requirement imposed under section 8(1) or (1A) or 17A of this Act, or
 - (ii) future avoidance of the failures referred to in subsection (2) (d) to (g).
- (7) A compliance condition specified under subsection (5)(a) may be—
 - (a) revoked or varied by the Secretary of State;
 - (b) notified to the claimant in such manner as the Secretary of State may determine.
- (8) The period fixed under subsection (5)(b) may in particular depend on either or both of the following—
 - (a) the number of failures by the claimant sanctionable under this section;
 - (b) the period between such failures.
- (9) Regulations may provide—
 - (a) for cases in which no reduction is to be made under this section;
 - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (10) During any period for which the amount of a joint-claim jobseeker’s allowance is reduced under this section by virtue of a failure by one of the claimants which is sanctionable under this section, the allowance is payable to the other member of the couple.
- (11) In this section—
 - (a) “jobseeker’s direction” means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—
 - (i) assisting the claimant to find employment;
 - (ii) improving the claimant’s prospects of being employed;
 - (b) “training scheme” and “employment programme” have such meaning as may be prescribed.

19B Claimants ceasing to be available for employment etc

- (1) Regulations may make provision for reduction of the amount of an award of a jobseeker’s allowance other than a joint-claim jobseeker’s allowance if the claimant—
 - (a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker’s allowance, and
 - (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c) (availability for employment and actively seeking employment).
- (2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker’s allowance if one of the claimants—
 - (a) was previously entitled to a jobseeker’s allowance other than a joint-claim jobseeker’s allowance, and

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- (b) ceased to be so entitled by failing to comply with the condition in section 1(2)(a) or (c).
- (3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker’s allowance if—
 - (a) the couple were previously entitled to a joint-claim jobseeker’s allowance but ceased to be so entitled by either or both of them failing to comply with the condition in section 1(2)(a) or (c), or
 - (b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in section 1(2)(a) or (c).
- (4) Regulations are to provide for—
 - (a) the amount of a reduction under this section;
 - (b) the period for which such a reduction has effect.
- (5) The period referred to in subsection (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant’s previous entitlement ceased.
- (6) Regulations under subsection (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—
 - (a) the number of occasions on which a claimant’s entitlement has ceased as specified in subsection (1), (2) or (3);
 - (b) the period between such occasions.
- (7) Regulations may provide for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.
- (8) During any period for which the amount of a joint-claim jobseeker’s allowance is reduced under this section by virtue of a failure by one of the claimants to comply with the condition in section 1(2)(a) or (c), the allowance is payable to the other member of the couple.

19C Hardship payments

- (1) Regulations may make provision for the making of payments (“hardship payments”) by way of a jobseeker’s allowance to a claimant where—
 - (a) the amount of the claimant’s award is reduced under sections 19 to 19B, and
 - (b) the claimant is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
 - (a) circumstances in which a claimant is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a claimant is or will be in hardship;
 - (c) requirements or conditions to be met by a claimant in order to receive hardship payments;
 - (d) the amount or rate of hardship payments;
 - (e) the period for which hardship payments may be made;

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- (f) whether hardship payments are recoverable.”
- (2) In section 37 of that Act (parliamentary control), in subsection (1), before paragraph (b) there is inserted—
 - “(ab) the first regulations to be made under sections 19 to 19C;”.
- (3) In Schedule 1 to that Act—
 - (a) in the heading preceding paragraph 14B for “or just cause” there is substituted “reason”;
 - (b) before paragraph 14B there is inserted—
 - “14AA For any purpose of this Act regulations may provide for—
 - (a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;
 - (b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.”;
 - (c) in paragraph 14B, in sub-paragraph (1)—
 - (i) for “this Act” there is substituted “paragraph 14AA”;
 - (ii) for “good cause or just cause“ there is substituted “a good reason”.
- (4) In Schedule 3 to the Social Security Act 1998 (decisions against which an appeal lies), in paragraph 3, paragraphs (d) and (da) are repealed.

47 Procedure for regulation-making powers

In section 37 of the Jobseekers Act 1995 (parliamentary control), in subsection (1)(c) (regulations subject to affirmative procedure), “6, 7,” is repealed.

48 Consequential amendments

Schedule 7 contains consequential amendments relating to sections 44 to 46.