



Welfare Reform Act 2012

2012 CHAPTER 5

PART 2

WORKING-AGE BENEFITS

CHAPTER 2

EMPLOYMENT AND SUPPORT ALLOWANCE

Claimant responsibilities for interim period

54 Claimant commitment for employment and support allowance

- (1) The Welfare Reform Act 2007 is amended as follows.
- (2) In section 1(3) (employment and support allowance: basic conditions) after paragraph (a) there is inserted—
 - “(aa) has accepted a claimant commitment.”
- (3) After section 1B (as inserted by section 52 above) there is inserted—

“1C Claimant commitment

- (1) For the purposes of this Part a “claimant commitment” is a record of the claimant’s responsibilities in relation to an award of an employment and support allowance.
- (2) A claimant commitment is to be prepared by the Secretary of State and may be reviewed and updated as the Secretary of State thinks fit.
- (3) A claimant commitment is to be in such form as the Secretary of State thinks fit.
- (4) A claimant commitment is to include—

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- (a) any prescribed information, and
 - (b) any other information the Secretary of State considers it appropriate to include.
- (5) For the purposes of this Part 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.
- (6) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(3)(aa)."
- (4) In section 15(2)(b) (directions about work-related activity) for the words from "by" to "14" there is substituted "in such manner as the Secretary of State thinks fit".
- (5) In section 16(1) (contracting out) before paragraph (a) there is inserted—
- “(za) any function under section 1C in relation to a claimant commitment;”.
- (6) In Schedule 2 (supplementary provisions) after paragraph 4 there is inserted—
- Regulations may prescribe circumstances in which a person may be entitled to employment and support allowance without having accepted a claimant commitment.”
- (7) In section 31(2) of the Welfare Reform Act 2009 (action plans: well-being of children), in subsection (5) inserted into section 14 of the Welfare Reform Act 2007, after “preparing any” there is inserted “claimant commitment or”.

55 Work experience etc

In section 13 of the Welfare Reform Act 2007 (work-related activity), after subsection (7) there is inserted—

- “(8) The reference to activity in subsection (7) includes work experience or a work placement.”

56 Hardship payments

In the Welfare Reform Act 2007 after section 16 there is inserted—

“16A Hardship payments

- (1) Regulations may make provision for the making of payments (“hardship payments”) by way of an employment and support allowance to a person where—
- (a) the amount otherwise payable to the person in respect of an employment and support allowance is reduced by virtue of regulations under section 11(3), 12(3) or 13(3), and
 - (b) the person is or will be in hardship.
- (2) Regulations under this section may in particular make provision as to—
- (a) circumstances in which a person is to be treated as being or not being in hardship;
 - (b) matters to be taken into account in determining whether a person is or will be in hardship;

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- (c) requirements or conditions to be met by a person in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made.”