

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Social security

Section 10: Power to direct claimant to undertake specific work-related activity

This section allows the Department or the Department for Employment and Learning to specify a work-related activity which a claimant of employment and support allowance, in the work-related activity group, must undertake to meet the requirements of the claim. Work-related activity is activity aimed at helping the claimant obtain work, remain in work or to be more likely to obtain or remain in work. This will not apply to claimants whose condition limits them to the extent that they could not reasonably be required to undertake work-related activity as a condition of receiving their benefit.

Section 10 amends section 15 of the Welfare Reform Act (Northern Ireland) 2007 which provides a power for the Department or the Department for Employment and Learning to direct that a specific activity in the case of an individual is not to count as work-related activity under the requirements imposed by section 13 of that Act. This is intended to stop claimants seeking to satisfy the requirement to undertake work-related activity by undertaking activity considered inappropriate for their circumstances.

New subsection (1)(a) provides that in addition to the existing power under section 13 of the Welfare Reform Act (Northern Ireland) 2007, the Department or the Department for Employment and Learning can, in prescribed circumstances, direct that a specific activity is the only activity which can, in the person's case, be regarded as work-related activity. This is intended to enable the Department and the Department for Employment and Learning to require claimants to undertake a specific activity in certain circumstances.

New subsection (1A) provides that the direction may not specify medical or surgical treatment as the only activity which is to be regarded as work-related activity.

New subsection (2)(a) requires that any direction given to the claimant must be reasonable, having regard to the person's circumstances. New subsection (2)

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(b) requires that any direction given to the claimant under subsection (1) must be recorded in the claimant's action plan. Failure to undertake the specified activity without showing good cause for this within the allowed time would be sanctionable.