

# WELFARE REFORM ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Working-age benefits**

##### ***Section 54: Claimant commitment for employment and support allowance***

285. *Section 54* amends WRA 2007 to introduce claimant commitments for people claiming ESA.
286. Accepting a claimant commitment is a condition of entitlement for ESA under *subsection (2)*.
287. *Subsection (3)* inserts new *section 1B* into WRA 2007. Section 1B provides that the claimant commitment is a record of the claimant's responsibilities and may contain particular prescribed information as well as any other information the Secretary of State considers it appropriate to include. This may include information about any requirement which can be imposed on a claimant of ESA, such as the requirement to take part in a work-focused interview or undertake work-related activity and the consequences of failing to comply with these requirements.
288. *Subsections (2) and (5)* of the new section 1B allow for the commitment to be reviewed and updated by the Secretary of State, and provide that to meet the conditions of entitlement the claimant must accept the most up-to-date version. *Subsection (6)* enables the Secretary of State to make regulations setting out circumstances in which a person may be treated as having accepted a claimant commitment.
289. *Subsection (4)* of section 54 amends section 15(2)(b) of WRA 2007, inserted by section 10 of WRA 2009, to enable the Secretary of State to include directions about work-related activity in the claimant commitment or in an action plan or communicate them in such other manner as the Secretary of State thinks fit.
290. *Subsection (5)* allows for any function relating to claimant commitments to be carried out by third party providers.
291. *Subsection (6)* inserts a new *paragraph 4A* into Schedule 2 of WRA 2007 to enable the Secretary of State to make regulations setting out circumstances in which a person can be entitled to ESA without having accepted a claimant commitment.
292. *Subsection (7)* amends WRA 2009 so that the wellbeing of any child affected must be considered when a claimant commitment is prepared.