

**EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS) (No. 2) REGULATIONS
2011**

2011 No. 1707

1. This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument amends regulations relating to four policy areas. The changes are designed to widen access to training and work experience, remove complexities and therefore make it easier for claimant's to move into work.

- to allow Jobseeker's Allowance (JSA) claimants who are required by Jobcentre Plus or Work Programme providers to attend training of over 16 hours and up to and including 30 hours per week to remain in receipt of JSA rather than transferring to a Training Allowance (TA);
- to extend Work Experience placements (maximum 8 weeks) for up to a further four weeks where a host business offers the young person an Apprenticeship (and the offer is accepted) to provide extra time to allow the employer formally to set up the Apprenticeship. Work Experience is an employment programme which gives Jobseeker's Allowance claimants aged 18-24 the opportunity to gain experience in a workplace;
- to enable 16-17 year olds who are claiming Jobseeker's Allowance to access the Work Experience programme;
- to remove the requirement for Jobseeker's Allowance claimants participating in the New Enterprise Allowance initiative (NEA) to be actively seeking employed earner's employment, and replace this with a more appropriate entitlement condition. The New Enterprise Allowance is an employment initiative which enables a claimant to prepare for self-employment as a route off benefits; and
- to amend the Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 and the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011, to ensure that all the rules for assessing a claimant's notional income exclude expenses paid while participating in these schemes. It corrects an inadvertent, but obscure omission in the Regulations referred to above.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative context

4.1 This miscellaneous package of amendments makes changes to regulations which have already been put in place to support the *Get Britain Working* and wider employment measures which aim to provide additional support to help people into employment.

4.2 The proposed legislative changes amend:

- the Income Support (General) Regulations 1987¹;
- the Jobseeker's Allowance Regulations 1996²;
- the Employment and Support Allowance Regulations 2008³;
- the Jobseeker's Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011⁴ (Employment, Skills and Enterprise Scheme Regulations) ;and
- the Jobseeker's Allowance (Mandatory Work Activity) Regulations 2011⁵ (the Mandatory Work Activity Scheme Regulations).

The Keeling Schedule (Annex 1) shows how the relevant legislation will look when amended.

4.3 Some of these changes are to regulations which have only recently been introduced. The changes to the regulations on full-time study and the changes to Work Experience reflect changes to the policies which have been made since the original regulations were laid. It was always the intention to make further changes to the regulations to cover the New Enterprise Allowance requirement for tailored conditionality. Further details on the changes to the policies are provided in section 7. One of the changes is to correct an inadvertent omission in the original Employment Skills and Enterprise Scheme Regulations and Mandatory Work Activity Scheme Regulations. This omission was not identified until after the regulations had been laid and the Department now wishes to correct it as soon as possible, and will only affect a small minority of claimants.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

Policy context

7.1 Jobcentre Plus offers a regime based on regular face-to-face contact with claimants. These meetings are crucial, and underpin all of the support that Jobcentre Plus offers. They allow Jobcentre Plus to keep in close contact with claimants, and ensure that they remain actively searching for or preparing for employment. As part of this regime, Jobcentre Plus offers a wide range of support to claimants who are not participating in the Work Programme. From April 2011, Jobcentre Plus moved to an approach which gives advisers and District Managers greater autonomy to tailor the support offered to claimants, and to require increased engagement from those who are not doing enough to look for work. To support this approach, the Department has developed a suite of 'Get Britain Working' measures, which bring together local representatives from business, the voluntary sector,

¹ S.I. 1987/1967.

² S.I. 1996/207.

³ S.I. 2008/794.

⁴ S.I. 2011/917.

⁵ S.I. 2011/688.

and employers to work with claimants and encourage them to engage actively with work. In parallel, Jobcentre Plus managers have greater freedom to work with local skills providers to ensure that training courses are tailored to meet local need. This may include the length, format and content of provision.

7.2 The Work Programme will be delivered by contracted providers. The entry points to the Work Programme are from nine months for JSA customers aged 18-24 and from 12 months for JSA customers aged 25 or over. Entry points may be earlier for some customers. Income-related ESA customers in the work related activity group will be referred to the Work Programme when they are expected to be work ready within three months. Other Employment Support Allowance customers will be able to volunteer to the Work Programme. Work Programme providers are given flexibility to innovate, and to tailor support to the needs of the individual.

Participation in full-time training

7.3 The instrument will allow Jobseeker's Allowance (JSA) claimants required by a Jobcentre Plus adviser or a Work Programme provider to undertake employment-related training for up to and including 30 hours per week and to remain on JSA. Annually we expect around 60,000 JSA claimants to start on training of over 16 hours per week. Currently claimants taking part in training of over 16 hours per week and for more than two weeks per year have their JSA claim stopped and are moved onto a training allowance. JSA and training allowances are paid at the same rate, so there is no material effect to the customer. If the Department did not pay a training allowance, the effect of the Jobseeker's Allowance Regulations 1996 would be to exclude claimants from eligibility for Jobseeker's Allowance.

7.4 To be eligible for a Jobseeker's Allowance, a person must be available for and actively seeking work (section (1)(a) and (c) of the Jobseekers Act 1995). Regulation 15 of the Jobseeker's Allowance Regulations 1996 provides that a claimant is not available for work if they are a full time student (although there are limited exceptions, one being a person in receipt of a training allowance). The definition of full-time student is to be found at regulation 1(3) of the Jobseeker's Allowance Regulations 1996. This provides that a person is a full-time student, in so far as relevant here, if they attend a course involving more than 16 hours a week.

7.5 The changes would only apply to claimants who enter training provided under the Employment Skills and Enterprise Scheme Regulations. That is those claimants:

- who are mandated to attend skills provision by a Jobcentre Plus adviser or a Work Programme provider; or
- who take up training through a sector-based work academy.

Sector-based work academies are an employment initiative of the Department which aims to support jobseekers who are close to the labour market into employment by providing pre-employment training and work experience with a service sector organisation leading to a guaranteed interview.

7.6 The reasons for making these changes are:

- to facilitate and reduce the costs of administration, both of benefits and for training providers, by reducing the number of claimants moving from JSA to a training allowance;

- to enable claimants who are participating in the Employment, Skills and Enterprise Scheme and who would otherwise have been moved onto a training allowance, to remain eligible for Jobseeker's Allowance;
- to ensure that claimants on the Employment, Skills and Enterprise Scheme taking up training remain actively engaged with the labour market; and
- to ensure greater flexibility in enabling benefit claimants to take up appropriate full-time work-focussed training at the right time.

7.7 To achieve the aims set out above, these Regulations remove claimants participating in the Employment, Skills and Enterprise Scheme (who would otherwise become full-time students) from the requirements to be available and actively seeking work. This means that all requirements relevant to such claimants will be imposed using the powers in the Employment, Skills and Enterprise Scheme Regulations.

7.8 Requirements imposed under the Employment, Skills and Enterprise Scheme could include taking part in training and work experience available under the Work Programme or the sector-based work academies initiative. They could also include requirements to take specific steps to improve employment prospects and to access employment opportunities. Such requirements will be included in the written notice participants receive telling them what they must do to participate in the Employment, Skills and Enterprise Scheme. A review of the evidence⁶ shows that the best approach to moving claimants into work is a combined one where claimants can improve their skills at the same time as being actively engaged with the labour market.

Work Experience

7.9 The Work Experience initiative was introduced on 24 January 2011 as one of the responses to the rise in youth unemployment. Currently nearly 1.4 million people aged under 25 are not working or in full-time education and 600,000 people aged under 25 have not found sustained work since leaving education. The current policy enables unemployed jobseekers aged 18-24 with little or no work experience to take part in a period of work experience up to a maximum of 8 weeks. Since the policy was introduced, the Government has announced further changes to the policy and this instrument will enable those changes to be implemented.

7.10 Work Experience placements will be extended for up to a further four weeks where a host business has decided that they would like to offer the young person an Apprenticeship (and that offer is accepted). An Apprenticeship combines a paid job with training to industry standards. In England, the Government provides 100% of the funding for training for 16-18 year old apprentices and 50% for 19-24 year olds. In Wales, an all-age Apprenticeship programme is 100% funded by the Welsh Government whatever the person's age. The Scottish Government provides support for all 16-19 year olds following an approved framework, and limited funding is available for Apprentices aged 20 and over. Funding represents a contribution towards the cost of training the apprentice, with funding for those aged 20 or over approximately 50% of that for 16-19 year olds. Extending the Work Experience placement for four weeks would give the host business the opportunity to hold initial discussions with the National Apprenticeship Service or their contracted training providers, making it easy for the individual to go from the Work Experience placement into the Apprenticeship. During the extended period, the young person will remain on

⁶ 'DfES and DWP: A shared evidence base: The role of skills in the labour market' 2007
<http://research.dwp.gov.uk/asd/asd5/rports2007-2008/roleofskillsreport.pdf>

Jobseeker's Allowance and will be required to be available for and actively seeking employment and to attend the Work Experience placement. We expect around 5% of Work Experience places to be extended in this way.

7.11 This instrument will also enable the Work Experience programme to be extended to young people aged 16-17 who are claiming Jobseeker's Allowance. There are currently approximately 5,000 16 and 17 year olds claiming Jobseeker's Allowance and we expect that around 10% will take advantage of the Work Experience programme. This will be funded out of the existing 100,000 Work Experience places. The main policy intent is to support these young people back into education or training, but opening up the Work Experience programme to them from day one of their claim will provide a real opportunity for them to sample potential career paths. They will also be able to identify where they may need further education or a job with training (an Apprenticeship) to begin their chosen career. Due to the vulnerability of this claimant group, young people aged 16-17 who participate in Work Experience will be exempt from sanctions for non-attendance or compliance. However, they will continue to be required to satisfy Jobseeker's Allowance conditionality, including actively seeking employment and training opportunities to remain eligible for JSA.

7.12 In terms of the legislation, the policy aim in relation to those persons aged 16 and 17 participating in Work Experience is that they should be subject to the requirements to be available for, and actively seeking, employment. In addition, the policy intent is to ensure that regulation 65 (active seeking: young persons) of the Jobseeker's Allowance Regulations 1996 also applies. Regulation 65 provides that the actively seeking employment requirement in the Jobseekers Act 1995, shall have effect in relation to a young person (including 16/17 year olds) as if the requirement to actively seek employment included a requirement to actively seek training.

7.13 To give effect to this policy, we have needed to ensure that regulation 19(1)(q) (treated as actively seeking where participating in an employment programme) of the Jobseeker's Allowance Regulations 1996 does not apply to 16/17 year olds on the Work Experience. If regulation 19(1)(q) were to apply, that young person would not be required to be actively seeking employment or training.

7.14 The way in which regulation 19(1)(q) is dis-applied for those on Work Experience is by reference to the definition of Work Experience in regulation 75(1)(a)(vi) of the Jobseeker's Allowance Regulations 1996. To ensure that regulation 19(1)(q) is also dis-applied in relation to young persons we have amended the definition of Work Experience in regulation 75(1)(a)(vi) so that the 16/17 year olds are included in that employment programme.

7.15 A consequence of amending the definition of Work Experience to include 16/17 year olds is that section 19 (sanctions) of the Jobseekers Act 1995 engages for this group and sanctions could be applied to them. The policy is not to apply sanctions to this group, so we have also amended regulation 73(2C) of the Jobseeker's Allowance Regulations 1996 to ensure that where a person aged 16 or 17 fails to participate in Work Experience they will automatically have a good cause reason for the failure, and never be sanctioned.

7.16 Regulation 75(1)(a)(vi) is being amended to:

- remove the lower age limit of those who are covered by the sanctioning provisions and ensuring that the exception to the deeming provision in Reg 19(1)(q) (circumstances in

which a person is to be treated as actively seeking employment - participation in an employment or training provision where a training allowance is not payable) still applies to 16 and 17 year olds, so that they are still required to seek training under Reg 65 (active seeking);

- extend the maximum period for Work Experience to 12 weeks where an Apprenticeship is offered and accepted as a result of participation in the Work Experience; and
- clarify that Work Experience does not include employment.

The New Enterprise Allowance

7.17 The New Enterprise Allowance (NEA) is an employment initiative which helps claimants prepare for self-employment as a way to move off benefits. Claimants taking part in the initiative are referred to a mentoring service organisation and remain on Jobseeker's Allowance while they prepare for self-employment. They will stop claiming Jobseeker's Allowance when their business plan is approved by the mentoring organisation and they register as self-employed with HMRC and then start trading or move into self-employment. The current regulations support NEA by enabling conditions relevant to their self-employment to be imposed (regulation 4(2) (c)). However, they have two limitations which the amendments to the regulations will address. First, the period for which someone can be treated as actively seeking employment is limited to eight weeks. While we expect this to be sufficient for most participants, for some a longer period to prepare their business plan may be needed and we would not want a person in such circumstances to be required to seek employed earner's employment during that time. Second, the current regulations only enable self-employment related conditions to be set out at the point of referral to the scheme and it is preferable to have the flexibility to vary those conditions during the time a participant is preparing their business plan. This instrument will address both these shortcomings. It does this in a similar way to the changes set out in paragraph 7.9 by removing the requirement to be actively seeking employment, allowing more appropriate conditions relating to self-employment to be imposed using the powers in the Employment, Skills and Enterprise Scheme Regulations and subsequently varied where necessary.

Disregards

7.18 The final change included in this instrument is to correct an inadvertent omission which occurred in the Employment Skills and Enterprise Scheme Regulations and the Mandatory Work Activity Scheme Regulations. This change ensures that any money received by a claimant to cover expenses is excluded for the purpose of benefit calculation. Although this was the original intention, there were some obscure circumstances in which it would not have been applied correctly.

7.19 The issue we have identified arises where both members of a couple have claimed benefits. For example, where partner A is entitled to a contribution-based Jobseeker's Allowance as a single person and partner B is entitled to either Income Support or income-related Employment and Support Allowance on behalf of both of them, partner A is referred to one of the schemes. At the moment any expenses paid in respect of partner A's participation on the Mandatory Work Activity Scheme or the Employment, Skills and Enterprise Scheme cannot be excluded in assessing partner B's entitlement. This was not the intention when the regulations were drafted, so the Department is introducing this amendment at the earliest opportunity to correct this error and ensure that claimants are not adversely affected. The omission does not affect a large number of claimants.

Timescale

7.20 These regulations will be laid on 15 July and will come into force on 5 August. The Department recognises that this timescale does not allow Merits Committee and the Joint Committee on Statutory Instruments the necessary time to scrutinise the regulations before they come into force.

7.21 These regulations need to come into force so soon to support the introduction of sector-based work academies from August 2011.

7.22 Sector-based work academies will be delivered with further education colleges so we need to begin at the start of the academic year. Not implementing this initiative until part-way through the academic year could create resource-planning problems for the further education colleges and training providers who will, in most instances, be responsible for delivering the training. August is the start of the operational year for colleges. Jobcentre Plus will negotiate with colleges to agree what training provision will be available for Jobcentre Plus claimants. This planning process would become complicated if the flexibilities around participation in full-time training are not in place at the start of the operational year with the risk that sufficient training might not be available for Jobcentre Plus claimants.

7.23 If we were to delay the introduction of these regulations, the sector-based work academies programme would not initially be attractive to Jobcentre Plus District Managers, local training providers and employers. Jobcentre Plus would not be able to agree with local partners or employers to set up any sector-based work academies that might require training for a longer period or number of hours than is allowed under current Jobseeker's Allowance Regulations without transferring individuals to Training Allowances. If the regulation changes were to come into force after the initiative has rolled out it would mean an operational burden on Jobcentre Plus staff having to implement two separate approaches to JSA entitlement during the training element of a sector-based work academy. Jobcentre Plus is keen that sector-based work academies are in place in order for claimants to gain full benefit from training and exploit recruitment for the Christmas season job opportunities, which start from the beginning of October. This opportunity could be limited if there was a delay to getting the regulations in place.

7.24 There is funding to provide up to 50,000 places on sector-based work academies over the next two years. All of sector-based work academies will include pre-employment training. We cannot estimate exactly how many training places will require full-time training of more than two weeks as this will be subject to local negotiations between Jobcentre Plus, training providers and employers but we expect the vast majority to do so. As the Department has no funding to pay for training allowances for participants of sector-based work academies, the only alternative option to having the regulations in place, would be to limit participation in training to two weeks full time or up to 16 hours per week. This would exclude any claimants who had already done two weeks full-time training in the previous twelve months.

7.25 This is the only element of the regulation which requires introduction before October. It was not possible to introduce these regulations any earlier because sector-based work academies are a cross-government initiative requiring considerable discussion involving HMT, BIS, DFEE, Scottish Government, Welsh Government, Delivery Agencies, Employer Representatives, Training Providers and Skill Sector bodies. The cross-Whitehall clearance of the policy and financial implications has only recently been received.

Consolidation

7.26 Informal consolidation will be included in due course in the Department's "The Law Relating to Social Security" (the Blue Volumes) which are available on the internet at: www.dwp.gov.uk/publications/specialist-guides/law-volumes/ at no cost to the public.

8. Consultation

8.1 The Department decided that it was not necessary to undertake a full formal consultation for these regulations because they do not represent a major policy shift. Some of the changes, for example the technical amendments to the Mandatory Work Activity and Employment, Skills and Enterprise Scheme Regulations bring the regulations in line with the original policy intention, which has already been the subject of consultation and parliamentary approval. The changes to Training Allowances and Work Experience do introduce minor changes to policy and we have undertaken some informal consultation on the specifics.

8.2 For the changes on Training Allowances we took into account feedback from the public consultation on Skills Conditionality where a number of stakeholders made the suggestion that the Department should consider changing the "16-hour rule". The "16 hour rule" refers to the limitation on participation in training whilst in receipt of Jobseeker's Allowance. Claimants are only permitted to take part in training of up to and including 16 hours per week whilst in receipt of JSA and those taking part in training of more than 16 hours per week need to transfer to Training Allowance. In particular, this issue was raised by Jobcentre Plus staff as being something that could reduce administration costs.

8.3 For the changes on Work Experience we held informal discussions with five employers and three young people. They were happy to support an expansion of Work Experience to 16-17 year olds, and could see the benefits of additional support, such as the four-week extension, to facilitate Apprenticeships.

8.4 The changes in respect of the New Enterprise Allowance do not change the policy intention to ensure claimants are actively taking steps towards self-employment while participating in the Scheme, and they simply ensure that these requirements are made clearer to claimants.

8.5 The draft regulations were referred to the Social Security Advisory Committee on 6 July 2011, who decided not to refer them for formal consultation.

9. Guidance

9.1 To implement these policies successfully, DWP has developed a marketing and information strategy to ensure that the right message gets to the right people at the right time. Jobcentre Plus will use existing channels and processes to communicate the activity required to introduce the changes. Consideration will be given to the design and delivery of effective communications, products and guidance to support Jobcentre Plus staff at all levels. For example, key messages on the regulation changes and impact on delivery of services will be sent to Jobcentre Plus districts via the weekly 'Get Britain Working Update' which goes to Jobcentre Plus Customer Service Directors and District Managers.

9.2 Jobcentre Plus will communicate the proposed changes to the regulations and the impact this has on delivery of sector-based work academies through detailed operational guidance for both Jobcentre Plus Advisers and District Employer and Partnerships Teams.

The operational guidance will be published on 8 July. Adviser guidance will include references to the new regulations, particularly around the requirements on availability for work and actively seeking work for JSA claimants. The Employer and Partnerships Team guidance will focus on work with employers and training providers, because JCP Districts will need to communicate the effect and requirements of the regulations under which sector-based work academies are set up to their partners.

9.3 Guidance on Work Experience is currently being updated and this will include information for advisers being put onto the Jobcentre Plus intranet. Advisers dealing with 16 and 17 year olds will get additional training to inform them of the extension of Work Experience to 16 and 17 year olds.

9.4 For the New Enterprise Allowance, the Department has developed adviser fact sheets, as well as specific guidance for Jobcentre Plus to administer the NEA processes. Awareness sessions for Jobcentre Plus have supplemented these written communications. The guidance will be updated to reflect the amended regulations which will bring into force a more tailored conditionality regime for claimants pursuing self-employment through NEA, including notifying claimants of what is required of them whilst participating in NEA. For claimants and other stakeholders information on NEA is available on the internet, on the DWP website and on the Direct Gov website.

9.5 The Department will continue to ensure that claimants are informed of the Work Experience, the New Enterprise Allowance and skills offers at the most appropriate time, encouraging participation and outlining what is expected of them. We will continue to ensure that claimants understand their rights, responsibilities and the support that will be available to them. This will be achieved via clear wording in claimant referral letters and through Jobcentre Plus Advisers or Work Programme Providers explaining the details of participation to claimants during interviews.

9.6 There will be a low key national marketing campaign due to commence in July/August targeting employers to support the Get Britain Working measures – primarily Work Experience and sector-based work academies. Joint work is being done with the National Apprenticeship Service to inform stakeholders about the links between Work Experience and apprenticeships.

10. Impact

10.1 The regulations impose no regulatory burdens on the private sector or civil society organisations, although their voluntary participation will help build on the existing *Get Britain Working* employer engagement strategy.

10.2 The impact on the public sector is negligible; though there will be reduced administration costs on both benefit processing and for training providers.

10.3 A full impact assessment has not been published for this instrument.

10.4 Equality impact assessments were carried out as part of the initial development of all the policies covered by this regulation. The original Equality Impact Assessments are available on the Departmental website <http://www.dwp.gov.uk/docs/eia-mandatory-work-activity.pdf> and <http://www.dwp.gov.uk/docs/eia-jsa-regulations-2011.pdf>. We do not expect the changes introduced as a result of this regulation to have any additional impact on the basis of age, disability, gender, ethnicity, religious belief or sexual orientation.

10.5 For the changes to rules on full-time study we have no reason to believe that changing the source from which payments are made (Jobseeker's Allowance rather than a Training Allowance) will have any significant effect on claimants. There may be a small number of claimants who will be marginally worse off because income from Training Allowances is not treated as taxable income whereas Jobseeker's Allowance is. The main impact on claimants will be that once the changes are in place, claimants will be required to actively seek employment whilst on training of up to 30 hours per week.

10.6 The proposed changes will have no new impact on the JSA claimant's participation in the New Enterprise Allowance or on the JSA claimant's customer journey. The proposed changes to extend the Work Experience programme will have no new impact on the young person's eligibility for benefit, participation in the programme or customer journey.

11. Regulating small business

This legislation does not apply to small business.

12. Monitoring & review

12.1 The primary aim of all the policies covered by this instrument is to help claimants move off benefits and into work. As part of the *Get Britain Working* measures, data recorded on participation in training, Work Experience and the New Enterprise Allowance will be built into the overall assessment of the Jobcentre Plus offer support, in line with the new Jobcentre Plus Performance Framework.

12.2 Jobcentre Plus will collect data on the number of claimants participating in training of between 16 and 30 hours per week while remaining on Jobseeker's Allowance. This will help us analyse subsequent employment and benefit outcomes. We will also carry out qualitative research to look at how the changes work in practice.

12.3 As part of the evaluation strategy for the Jobcentre Plus offer support, there will be a qualitative and quantitative analysis to look at delivery, impact and value for money for both Work Experience and the New Enterprise Allowance.

13. Contact

Jacqui Hansbro at the Department for Work and Pensions (Tel: 0114 294 8275); email: Jacqui.hansbro@dwp.gsi.gov.uk can answer any queries regarding this instrument.

Annex 1 Keeling Schedule for the Get Britain Working (Miscellaneous Amendments) (No. x) Regulations 2011

Income Support (General) Regulations 1987 (S.I. 1987/1967)

2 Interpretation

(1) In these Regulations, unless the context otherwise requires—

....

“the Employment, Skills and Enterprise Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements by the Secretary of State that is designed to assist claimants to obtain employment or self-employment, and which may include for any individual work-related activity (including work experience or job search); *[to be inserted by Reg 2(3)]*

.....

“the Mandatory Work Activity Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment;
[to be inserted by Reg 2(3)]

....

42(4ZA) Notional Income

(4ZA) Paragraph (4) [payment of income made to a third party to be treated as income] shall not apply in respect of a payment of income made—

(ca) in respect of a person’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme; *[inserted by Reg 2(4)(a) and (5)]*

51 Notional capital

...

[(3A) Paragraph (3) [payment of capital made to a third party to be treated as capital] shall not apply in respect of a payment of capital made—

(ba) in respect of a person’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme; *[inserted by Reg 2(5)(a) and (6)]*

...

SCHEDULE 9 SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

Regulation 40(2)

...

1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that person's participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme. *[inserted by Reg 2(8)(a) and (9)]*

...

SCHEDULE 10 CAPITAL TO BE DISREGARDED

Regulation 46(2)

...

1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that person's participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme, but only for 52 weeks beginning with the date of receipt of the payment. *[inserted by Reg 2(10)(a) and (11)]*

...

73 Good Cause for the purposes of section 19(5)(b)

...

[(2C) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) or section 20A(2)(b), a person is to be regarded as having good cause for failing to attend or giving up Work Experience ~~provided that the person—~~

~~(a) attends the first day of Work Experience,~~

~~(b) gives up not later than one week after the date on which the person begins Work Experience, and~~

~~(c) does not lose the Work Experience place through misconduct.]~~

provided that either—

(a) that person is aged 16 or 17 on the first day of Work Experience; or

(b) that person—

(i) attends on the first day of Work Experience,

(ii) ceases to participate in Work Experience not later than one week after the day mentioned in paragraph (i); and

(iii) has not, or would not have been, dismissed from participation in Work Experience through misconduct. *[substituted by Reg 3(2)]*

...

[75 Interpretation]

[(1) For the purposes of section 19[, section 20A] and of this Part:

(a) "an employment programme" means—

...

~~(vi) Work Experience, being a programme consisting of work experience, job search skills and job skills, provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973, of between two and eight weeks' duration for which only persons who are aged 18 years or over prior to entry are eligible;]~~

(vi) Work Experience, being a programme consisting of work experience, job search skills and job skills (and which is not employment), provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973, and which is of between two and eight weeks duration, unless, as a result of the claimant's participation in Work Experience and while the claimant is participating, the claimant is offered and accepts an Apprenticeship, made under Government arrangements made respectively for England, Wales or Scotland, in which case it is of between two and twelve weeks duration; *[substituted by Reg 3(3)]*

2 Interpretation

(1) In these Regulations—

...

“the Employment, Skills and Enterprise Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements by the Secretary of State that is designed to assist claimants to obtain employment or self-employment, and which may include for any individual work-related activity (including work experience or job search); *[inserted by Reg 2(2)(b)]*

...

“the Mandatory Work Activity Scheme” means a scheme within section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995, known by that name and provided pursuant to arrangements by the Secretary of State that is designed to provide work or work-related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment; *[inserted by Reg 2(2)(b)]*

...

107 Notional income—income due to be paid or income paid to or in respect of a third party

...

(5) Paragraphs (3) and (4) [payment of income made to a third party or in respect of a third party to be treated as income] do not apply in respect of a payment of income made—

...

(ca) in respect of a person’s participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme; *[inserted by Reg 2(4)(b) and (5)]*

...

115 Notional capital

...

(5) Paragraphs (3) and (4) [payment of capital made to a third party or in respect of a third party to be treated as capital] will not apply in respect of a payment of capital made—

...

(ba) in respect of a person's participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme; *[inserted by Reg 2(6)(b) and (7)]*

...

SCHEDULE 8 SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

Regulation 104(2)

...

1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that person's participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme. *[inserted by Reg 2(8)(b) and (9)]*

...

SCHEDULE 9 CAPITAL TO BE DISREGARDED

Regulation 111(2)

...

1A. Any payment in respect of any travel or other expenses incurred, or to be incurred, by the claimant in respect of that person's participation in the Employment, Skills and Enterprise Scheme or the Mandatory Work Activity Scheme, but only for 52 weeks beginning with the date of receipt of the payment. *[inserted by Reg 2(9)(b) and (10)]*

...

2 Interpretation

(1) In these Regulations—
“the Act” means the Jobseekers Act 1995;

...

“the New Enterprise Allowance” means an employment initiative provided in pursuance of arrangements made by or on behalf of the Secretary of State under section 2 of the Employment and Training Act 1973 designed to assist claimants into self-employed earner's employment; *[inserted by Reg 4(2)]*

...

Requirement to meet the jobseeking conditions

5A.—(1) A claimant who is participating in the Scheme is not required to meet the condition set out in section 1(2)(c) of the Act (conditions for entitlement to a jobseeker's allowance: actively seeking employment) if the claimant is also participating in New Enterprise Allowance.

(2) A claimant who is participating in the Scheme is not required to meet the conditions set out in section 1(2)(a) and (c) of the Act (conditions for entitlement to a jobseeker's allowance: available for and actively seeking employment) if the claimant is a full-time student during their period of study.

(3) For the purposes of this regulation, “full-time student” has the meaning given to that expression in regulation 1(3) of the Jobseeker's Allowance Regulations 1996.

[inserted by Reg 4(3)]