

2009 No. 141

SOCIAL SECURITY

The Social Security (Steps to Work) Regulations (Northern Ireland) 2009

Made - - - - - 27th March 2009

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 14(4)(a) and (b), 21(2), (8)(b) and (10)(c), 22(4), 22A(3), 22B(4) and 36(2) of, and paragraph 3(b) of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(a) and now vested in it(b).

Citation and commencement

1. These Regulations may be cited as the Social Security (Steps to Work) Regulations (Northern Ireland) 2009 and shall come into operation—

- (a) for the purposes of this regulation and regulation 2(2)(a), (3)(a), (b) and (c), (6)(a) and (c) and (8)(a) and (c) on 6th April 2009 in so far as those provisions relate to a Back to Work Session, and
- (b) for all other purposes on 5th October 2009.

Amendment of the Jobseeker's Allowance Regulations

2.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(c) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) after the definition of “attendance allowance” insert—

““Back to Work Session” means a seminar or appointment referred to as “a Back to Work Session” arranged by or on behalf of the Department for Employment and Learning, the purpose of which is to provide a person who attends with information, support and advice with a view to assisting him to find employment or to improve his chances of finding employment;”;
- (b) in the definition of “the New Deal options”(d) for “regulation 75(1)(a)” substitute “regulation 75(1)(a)(i) to (iii)”, and

(a) S.I. 1995/2705 (N.I. 15); Article 22(4) was amended by paragraph 27(5) of Schedule 8 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Articles 22A and B were inserted by paragraph 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 and Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 No. 541, S.R. 1998 No. 198, S.R. 1999 No. 428 (C. 32), S.R. 2000 Nos. 9, 197 and 350, S.R. 2001 No.151, S.R. 2002 No. 275, S.R. 2007 No. 262 and S.R. 2008 No. 112

(d) The definition of “New Deal options” was inserted by regulation 2(2) of S.R. 2000 No. 9

- (c) before the definition of “terminal date” insert—
 ““Steps to Work” means the employment programme specified in regulation 75(1)(a)(vi);”.
- (3) In regulation 69(a) (prescribed period for purposes of Article 21(2))—
- (a) in paragraph (1)(a)(b) for “or (d)” substitute “, (d), (e) or (f)”;
- (b) in paragraph (1)(b)(c)—
- (i) after “75(1)(a)(iv)” insert “or a case which falls within sub-paragraph (f)”;
- (ii) in head (ii)(aa) after “regulation 75(1)(a)(v)” insert “or Steps to Work”;
- (iii) in head (ii)(cc) at the end omit “and”, and
- (iv) at the end of head (ii)(cc) insert “or” and the following sub-head—
- “(dd) where the determination in head (i) relates to Steps to Work, on a previous occasion the jobseeker’s allowance was determined not to be payable to him in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order that relate to any element of that programme, and”;
- (c) after paragraph (1)(d)(d) add—
- “(e) 26 weeks in any case (other than a case where a jobseeker’s allowance is determined not to be payable in circumstances relating to the employment programme known as “Core Gateway” specified in regulation 75(1)(a)(iv)) in which—
- (i) a jobseeker’s allowance is determined not to be payable to the claimant in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order and the determination relates to an act or omission arising after this regulation comes into operation in respect of Steps to Work, and
- (ii) on two or more previous occasions a jobseeker’s allowance has been determined not to be payable to the claimant in circumstances falling within Article 21(5) or 22A(2)(a) to (c) of the Order and each such determination relates to Steps to Work, and
- (iii) no more than 12 months have elapsed between the beginning of the day on which the determination mentioned in head (i) is made and the beginning of the first day on which a jobseeker’s allowance was not payable to the claimant as a result of the determination which most recently preceded it whether the preceding determination is either—
- (aa) a determination falling within sub-paragraph (b)(i) to which the circumstances in sub-paragraph (b)(ii)(dd) apply, or
- (bb) itself an earlier determination falling within head (i);
- (f) one week in a case where a jobseeker’s allowance is determined not to be payable in circumstances—
- (i) relating to a Back to Work Session, and
- (ii) falling within Article 21(5)(a) or 22A(2)(a) of the Order.”;

(a) Regulation 69 was substituted by regulation 2(3) of S.R. 2000 No. 9
 (b) Paragraph (1)(a) was amended by regulation 4(a) of S.R. 2001 No. 151
 (c) Paragraph (1)(b) was amended by regulation 2(2) of S.R. 2000 No. 197, paragraph 25(a)(ii) of Schedule 2 to, S.R. 2000 No. 350 and regulation 4(b) to (d) of S.R. 2001 No. 151
 (d) Paragraph (1)(d) was inserted by regulation 4(e) of S.R. 2001 No. 151

- (d) in paragraph (3)(a)—
 - (i) for “(1)(c) or (d)” substitute “(1)(c), (d) or (e)”, and
 - (ii) in sub-paragraph (c) after “regulation 75(1)(a)(v)” insert “or Steps to Work”, and
 - (e) for paragraph (4)(a) substitute—
 - “(a) begin on either—
 - (i) the day specified in a notice by the Department for Employment and Learning as being the day on which the claimant is or was no longer required to participate in—
 - (aa) any of the New Deal options,
 - (bb) the Preparation for Employment Programme specified in regulation 75(1)(a)(v), or
 - (cc) Steps to Work, or
 - (ii) the day four weeks after the first day on which a jobseeker’s allowance was not payable as a result of the first determination mentioned in paragraph (3), whichever is the later;”.
- (4) In regulation 73(2A)(a)(b) (good cause for the purposes of Article 21(5)(b) of the Order) for “75(1)(a)” substitute “75(1)(a)(i) to (iii), (v) or (vi)”.
- (5) In regulation 75(c) (interpretation)—
- (a) in paragraph (1)(a)—
 - (i) for “Department of Economic Development” substitute “Department for Employment and Learning”, and
 - (ii) for “head (iv)” substitute “heads (iv) to (vi)”, and
 - (b) at the end of paragraph (1)(a)(v) insert “and” and the following head—
 - “(vi) Steps to Work, being the programme known by that name and provided pursuant to arrangements made by or on behalf of the Department for Employment and Learning under section 1 of the Employment and Training Act (Northern Ireland) 1950(d), which lasts for up to 78 weeks for any individual and consisting for that individual of one or more of the following elements—
 - (aa) assisting in the completion of an action plan to record the activity that he will undertake whilst attending the programme in order to improve his employment prospects or to obtain employment;
 - (bb) a work placement, training or other work-related activity lasting for a continuous period of at least four weeks;
 - (cc) other work experience or training, guidance, support, motivation, assistance with job search or in pursuing self-employed earner’s employment or other activity designed to assist him to select, train for, obtain and retain suitable employment.”.

(a) Paragraph (3) was amended by paragraph 25(c) of Schedule 2 to, S.R. 2000 No. 350 and regulation 4(f) of S.R. 2001 No. 151

(b) Paragraph (2A) was inserted by regulation 7 of S.R. 1997 No. 541 and amended by paragraph 28(b) and (c) of Schedule 2 to, S.R. 2000 No. 350

(c) Regulation 75 was substituted by regulation 8 of S.R. 1997 No. 541 and amended by regulation 8 of S.R. 1998 No. 198, regulation 2(4) of S.R. 2000 No. 197, paragraph 32 of Schedule 2 to, S.R. 2000 No. 350, regulation 5 of S.R. 2001 No. 151, regulation 2(4) of S.R. 2002 No. 275, regulation 2 of S.R. 2007 No. 262 and regulation 4(8) of S.R. 2008 No. 112

(d) 1950 c. 29 (N.I.); section 1 was amended by section 8 of the Youth Employment Service (Northern Ireland) Order 1974 (S.I. 1974/2144 (N.I. 7)) Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

- (6) In regulation 140 (meaning of “person in hardship”)—
- (a) in paragraph (2)(a) for “or (4A)” substitute “, (4A) or (4B)”;
 - (b) in paragraph (4A)(b) after “New Deal options” add “, the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”, and
 - (c) after paragraph (4A) insert—

“(4B) In paragraph (2) a “person in hardship” does not include a claimant to whom Article 21(5)(a) of the Order applies by virtue of any refusal or failure relating to a Back to Work Session.”.
- (7) In regulation 140A(c) (period when a person is not a person in hardship)—
- (a) in paragraph (1)(a) after “New Deal option,” insert “or the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”, and
 - (b) in paragraph (4) after “New Deal options” add “or the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”.
- (8) In regulation 146A(d) (meaning of “couple in hardship”)—
- (a) in paragraph (2) for “or (5)” substitute “, (5) or (5A)”;
 - (b) in paragraph (5) after “New Deal option” add “or the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”, and
 - (c) after paragraph (5) insert—

“(5A) In paragraph (2) a “couple in hardship” does not include a joint-claim couple where Article 22A(2)(a) of the Order applies to either or both members by virtue of any refusal or failure relating to a Back to Work Session.”.
- (9) In regulation 146B(e) (period when a joint-claim couple is not in hardship)—
- (a) in paragraph (1)(a) after “New Deal option” insert “or the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”, and
 - (b) in paragraph (4) after “New Deal options” add “or the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”.
- (10) In Schedule 2 (housing costs)—
- (a) in paragraph 13(1)(ee)(i)(f) for “75(1)(a)” substitute “75(1)(a)(i) to (iii), the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”, and
 - (b) in paragraph 13(3A)(a)(g) for “75(1)(a)” substitute “75(1)(a)(i) to (iii), the Preparation for Employment Programme specified in regulation 75(1)(a)(v) or Steps to Work”.

Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations

3. In paragraph 11(c) of Schedule 3 (sums to be disregarded in the determination of income other than earnings) to the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(h) for “the Preparation for Employment Programme for 50 plus” substitute “in Steps to Work specified in regulation 75(1)(a)(vi) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996.”.

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- (a) Paragraph (2) was amended by regulation 11(a) of S.R. 1997 No. 541, Article 9(5)(i) of S.R. 1999 No. 428 (C. 32) and paragraph 45(b) of Schedule 2 to, S.R. 2000 No. 350
 - (b) Paragraph (4A) was inserted by regulation 11(b) of S.R. 1997 No. 541 and amended by regulation 8 of S.R. 2001 No. 151
 - (c) Regulation 140A was inserted by regulation 12 of S.R. 1997 No. 541 and amended by regulation 2(5) of S.R. 2000 No. 9
 - (d) Regulation 146A was inserted by regulation 2(3) of S.R. 2000 No. 350 to which there are amendments not relevant to these Regulations
 - (e) Regulation 146B was inserted by regulation 2(3) of S.R. 2000 No. 350
 - (f) Paragraph 13(1)(ee) was inserted by regulation 13(3)(a) of S.R. 1997 No. 541 and amended by regulation 4(14)(a) of S.R. 2008 No.112
 - (g) Paragraph 13(3A) was inserted by regulation 13(3)(b) of S.R. 1997 No. 541 and amended by paragraph 54(8)(e) of Schedule 2 to, S.R. 2000 No. 350, regulation 9(b)(ii) of S.R. 2001 No. 151 and regulation 4(14)(a) of S.R. 2008 No. 112
 - (h) S.R. 2004 No. 8

Revocation

4. Regulation 4(f)(i) and (g) of the Social Security (New Deal Amendment) Regulations (Northern Ireland) 2001(a) is revoked.

Sealed with the Official Seal of the Department for Social Development on 27th March 2009

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

(a) S.R. 2001 No. 151

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the Jobseeker's Allowance Regulations") on account of the introduction of the employment programme known as Steps to Work and the attendance by jobseeker's allowance claimants at a Back to Work Session.

In particular, they amend regulation 75 of the Jobseeker's Allowance Regulations so that the employment programme known as Steps to Work is an employment programme for the purposes of Articles 21 and 22A of the Jobseekers (Northern Ireland) Order 1995 ("the 1995 Order") and the Jobseeker's Allowance Regulations (see regulation 2(5) of these Regulations). The effect is that if a person, without good cause, refuses or fails to participate in the programme, or loses their place on the programme due to misconduct, that person will receive a sanction under Article 21 or 22A of the 1995 Order.

These Regulations amend regulation 69 of the Jobseeker's Allowance Regulations to provide for the sanction period for an act or omission relating to Steps to Work. A sanction may be of 2, 4 or 26 weeks duration (see regulation 2(3)).

They also amend regulation 69 with the effect that a person who fails to take part in a Back to Work Session when directed to do so by an employment officer may lose one week's benefit for each failure (see regulation 2(3)).

These Regulations provide for an additional case where a person is to be regarded as having good cause for the purposes of Article 21(5)(b) and 22A(2)(b) of the 1995 Order. The circumstances relate to where the person is not notified that they are required to take part in Steps to Work (see regulation 2(4)).

Where a jobseeker's allowance is not payable to a person as a result of an act or omission relating to their participation in Steps to Work or as the result of a failure to take part in a Back to Work Session when directed to do so, these Regulations amend the Jobseeker's Allowance Regulations to provide that the person shall not be a person in hardship (see regulation 2(6) and (8)). Where the sanction relates to Steps to Work, they also amend those Regulations to prescribe the period during which a person shall not be a person in hardship (see regulation 2(7) and (9)). The effect of these amendments is that the allowance that would otherwise be available to a person in hardship is not available to a person who is subject to a sanction during the period they are required to take part in Steps to Work or for 14 days, whichever is the longer.

Regulation 3 makes a consequential amendment to the Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004 to ensure that certain payments of child care expenses reimbursed in consequence of a person's participation in Steps to Work shall be disregarded in the calculation of income.

Regulation 4 makes consequential revocations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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