

Draft Regulations laid before Parliament under section 37(2) of the Jobseekers Act 1995, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2008 No. 000

SOCIAL SECURITY

**The Social Security (Lone Parents and Miscellaneous
Amendments) Regulations 2008**

Made - - - - *000*

Coming into force in accordance with regulation 1

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The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by—

– sections 2A, 2B, 189(1), (4) to (6) and (7A) and 191 of the Social Security Administration Act 1992(a),

– sections 123(1)(a), 124(1)(e), 137(1), and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992(b),

– sections 6(2) and (4), 7(4), 8(2)(d)(ii), 19(8)(a), 35(1) and 36(2) and (4) of, and paragraphs 8 and 10(1)(a) and (2)(a) of Schedule 1 to, the Jobseekers Act 1995(c),

– sections 2(4)(a), 4(6)(a) and 24(1) of the Welfare Reform Act 2007(d).

The Secretary of State referred the proposals for these Regulations to the Social Security Advisory Committee(e).

A draft of these Regulations was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(f) and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008.

(2) These Regulations come into force on the day after the day on which they are made, except that—

(a) regulations 3, 6 and 9 come into force on 26th October 2009;

(b) regulations 4, 7 and 10 come into force on 25th October 2010.

(3) Paragraph (2) is subject to the provisions in the Schedule.

(4) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987(g);

“the Jobcentre Plus Regulations” means the Social Security (Jobcentre Plus Interviews) Regulations 2002(h);

“the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(i);

“lone parent” has the same meaning as in regulation 2(1) of the Income Support Regulations.

(a) 1992 c. 5 (“the 1992 Act”). Sections 2A and 2B were inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30) (“the 1999 Act”); section 2A(2) was amended by S.I. 2002/1457; section 189(1) and (4) to (6) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c. 14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act 2002 (c. 21); section 189(7A) was inserted by paragraph 82 of Schedule 12 to the 1999 Act; section 191 is cited because of the meaning it gives to the word “prescribed”.

(b) 1992 c. 4. Section 124(1)(e) was inserted by paragraph 30(5) of Schedule 2 to the Jobseekers Act 1995 (c. 18); section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”; section 175(1) and (4) was amended by section 2 of, and paragraph 29(1) and (2) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(c) Section 36(4) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 2, Schedule 3, paragraph 63; section 35(1) is an interpretation provision and is cited because of the meaning it gives to the word “prescribed” and “regulations”; sections 35(1) and 36(4) were amended by section 2 of, and paragraphs 62 and 63 respectively of, Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

(d) 2007 c. 5. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.

(e) See section 172(1) of the 1992 Act.

(f) 1995 c. 18.

(g) S.I. 1987/1967.

(h) S.I. 2002/1703; relevant amending instrument is S.I. 2007/1034.

(i) S.I. 2000/1926; relevant amending instrument is S.I. 2007/1034.

Amendment of the Income Support Regulations from the day after the day on which these Regulations are made

2.—(1) Schedule 1B (prescribed categories of person)(a) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 substitute—

“Lone Parents

1. A person who is a lone parent and responsible for—

- (a) a single child aged under 12, or
- (b) more than one child where the youngest is aged under 12,

who is a member of that person’s household.”.

Amendment of the Income Support Regulations from 26th October 2009

3.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 (as substituted by regulation 2 of these Regulations) substitute—

“Lone Parents

1. A person who is a lone parent and responsible for—

- (a) a single child aged under 10, or
- (b) more than one child where the youngest is aged under 10,

who is a member of that person’s household.”.

Amendment of the Income Support Regulations from 25th October 2010

4.—(1) Schedule 1B (prescribed categories of person) to the Income Support Regulations is amended as follows.

(2) For paragraph 1 (as substituted by regulation 3 of these Regulations) substitute—

“Lone Parents

1. A person who is a lone parent and responsible for—

- (a) a single child aged under 7, or
- (b) more than one child where the youngest is aged under 7,

who is a member of that person’s household.”.

Amendment of the Lone Parents Regulations from the day after the day on which these Regulations are made

5.—(1) The Lone Parents Regulations are amended as follows.

(2) In regulation 2(1) (general requirement for lone parents claiming or entitled to income support to take part in an interview)(b), after “regulations” insert “2ZA,”.

(3) After regulation 2 insert—

(a) Schedule 1B was inserted by S.I. 1996/206.
(b) Regulation 2 was substituted by 2007/1034.

“Requirement for certain lone parents to take part in an interview

2ZA.—(1) This regulation applies to a lone parent if—

- (a) he is entitled to income support and is a person to whom paragraph 1 (lone parents) of Schedule 1B to the Income Support (General) Regulations 1987 applies;
- (b) no other paragraph of that Schedule applies to him; and
- (c) he is responsible for and living in the same household as—
 - (i) a single child aged 9, 10 or 11, or
 - (ii) more than one child where the youngest is aged 9, 10 or 11.

(2) Subject to regulations 4 to 6, a lone parent to whom this regulation applies is required to take part in an interview every 13 weeks after he—

- (a) last took part,
- (b) last failed to take part, or
- (c) was last treated as having taken part,

in an interview.

(3) A lone parent who—

- (a) is required to take part in an interview under this regulation, or
- (b) has had a requirement to take part in an interview under this regulation waived or deferred,

is not required to take part in an interview under regulation 2 unless this regulation ceases to apply to him.”.

(4) In regulation 4 (circumstances where requirement to take part in an interview does not apply)(a)—

- (a) in paragraph (3) for “2A and 2B” substitute “2ZA, 2A and 2B”;
- (b) in paragraph (4), at the end add “, under regulation 2ZA of these Regulations or regulation 4A of the Social Security (Jobcentre Plus Interviews) Regulations 2002”.

(5) In regulations 5(2) (deferment of requirement to take part in an interview)(b) and 6(2)(a)(waiver), for “2, 2A and 2B” substitute “2, 2ZA, 2A and 2B”.

(6) In regulation 7(3)(b) (consequences of failure to take part in an interview)(c), after “2(3) or (4),” insert “2ZA,”.

Amendment of the Lone Parents Regulations from 26th October 2009

6. In regulation 2ZA(1) of the Lone Parents Regulations, as inserted by regulation 5(3), for “9, 10 or 11” in both places substitute “6, 7, 8, or 9”.

Amendment of the Lone Parents Regulations from 25th October 2010

7. In regulation 2ZA(1) of the Lone Parents Regulations, as amended by regulation 6, for “6, 7, 8 or 9” in both places substitute “6”.

Amendment of the Jobcentre Plus Regulations from the day after the day on which these Regulations are made

8.—(1) The Jobcentre Plus Regulations are amended as follows.

(2) In regulation 4(1) (continuing entitlement to specified benefit dependent on an interview)(a), for “6 to 9” substitute “4A and 6 to 9”.

(a) Regulation 4 was substituted by S.I. 2005/2727 and amended by S.I.s. 2006/909 and 2007/1034.

(b) Regulation 5 was amended by S.I.s. 2001/1189, 2005/2727 and 2007/1034.

(c) Regulation 7 was amended by S.I.s. 2005/2727 and 2007/1034.

(3) After regulation 4 insert—

“Requirement for certain lone parents to take part in an interview

4A.—(1) This regulation applies to a lone parent who—

- (a) is entitled to income support and is a person to whom paragraph 1 (lone parents) of Schedule 1B to the Income Support (General) Regulations 1987 applies;
- (b) does not fall within any other paragraph of that Schedule; and
- (c) is responsible for and living in the same household as—
 - (i) a single child aged 9, 10 or 11, or
 - (ii) more than one child where the youngest is aged 9, 10 or 11.

(2) Subject to regulations 6 to 9, a lone parent to whom this regulation applies is required to take part in an interview every 13 weeks after he—

- (a) last took part,
- (b) last failed to take part, or
- (c) was last treated as having taken part,

in an interview.

(3) A lone parent who—

- (a) is required to take part in an interview under this regulation, or
- (b) has had a requirement to take part in an interview under this regulation waived or deferred,

is not required to take part in an interview under regulation 4 unless this regulation ceases to apply to him.”.

(4) In regulation 5(b) (time when interview is to take place)(b), after “4(1)” insert “or 4A(2)”.

(5) In regulation 6(2)(a) (waiver of a requirement to take part in an interview), for “3 or 4” substitute “3, 4 or 4A”.

(6) In regulation 8(1) (exemptions)(c), for “4 or 7(2)” substitute “4 or 4A or 7(2)”.

(7) In regulation 12(2)(c)(failure to take part in an interview)(d), for “4” substitute “4 or 4A”.

Amendment of the Jobcentre Plus Regulations from 26th October 2009

9. In regulation 4A(1) of the Jobcentre Plus Regulations, as inserted by regulation 8(3), for “9, 10 or 11” in both places substitute “6, 7, 8 or 9”.

Amendment of the Jobcentre Plus Regulations from 25th October 2010

10. In regulation 4A(1) of the Jobcentre Plus Regulations, as amended by regulation 9, for “6, 7, 8 or 9” in both places substitute “6”.

Amendment of the Jobseeker’s Allowance Regulations 1996

11.—(1) The Jobseeker’s Allowance Regulations 1996(e) are amended as follows.

(2) In regulation 5 (exceptions to requirement to be available immediately: carers etc.)(f)—

- (a) in paragraph (1) at the beginning, insert “Subject to paragraph (1A),”;
- (b) after paragraph (1), insert—

(a) Regulation 4 was amended by S.I.s. 2002/2497, 2004/959, 2005/2727 and 2007/1034.

(b) Regulation 5 was amended by S.I. 2005/2727.

(c) Regulation 8 was amended by S.I.s. 2003/2439, 2005/2727 and 2007/1034.

(d) Regulation 12 was amended by S.I. 2005/2727.

(e) S.I. 1996/207.

(f) Regulation 5(1) was substituted by S.I. 2002/3072 and amended by S.I. 2006/1402.

“(1A) In order to be regarded as available for employment, a person who has caring responsibilities in relation to a child is not required to take up employment or attend for interview within the periods referred to in paragraph (1) if those responsibilities make it unreasonable for him to do so, providing he is willing and able—

- (a) to take up employment on being given 28 days notice; and
- (b) to attend for interview in connection with the opportunity of any such employment on being given 7 days notice.

(1B) For the purposes of paragraph (1A), it is for the claimant to show that it is unreasonable for him to take up employment or attend for interview within the periods referred to in paragraph (1). ”.

(c) in paragraph (5)(a)—

- (i) for “(1) or (2)” substitute “(1), (1A) or (2)”; and
- (ii) omit “one week, 48 hour and 24 hour”.

(3) In regulation 6 (employment of at least 40 hours per week), for “(3) or (4)” in both places substitute “(3), (3A) or (4)”.

(4) In regulation 8 (other restrictions on availability), for “13(2), (3), (4)” substitute “13(2), (3), (3A) or (4)”.

(5) In regulation 11(1) (part-time students)(b)—

- (a) in sub-paragraph (b) for “13(3) or (4)” substitute “13(3), (3A) or (4)”; and
- (b) for “(1), (2) or (3)” substitute “(1), (1A), (2) or (3)”.

(6) In regulation 12(1)(a) (volunteers)(c) for “13(3) or (4)”, substitute “13(3), (3A) or (4)”.

(7) In regulation 13 (additional restrictions on availability for certain groups)—

- (a) in paragraph (2), for “(3) or (4)” substitute “(3), (3A) or (4)”; and
- (b) after paragraph (3) insert—

“(3A) A person who has caring responsibilities in relation to a child and who—

- (a) is the subject of a parenting order concerning that child under section 8 of the Crime and Disorder Act 1998(d), section 20 of the Anti-social Behaviour Act 2003(e) (“the 2003 Act”), or in relation to Scotland, under section 102 of the Antisocial Behaviour etc. (Scotland) Act 2004(f), or
- (b) has entered into a parenting contract concerning that child under section 19 of the 2003 Act,

may restrict his availability in any way providing the restrictions are reasonable in the light of the terms of the order or contract.”;

(c) after paragraph (5), insert—

“(6) This paragraph applies to a person who has caring responsibilities in relation to a child if an employment officer determines that, due to the type and number of employment vacancies within daily travelling distance of the person’s home, he would not satisfy the condition in paragraph (4)(b).

(7) Paragraph (4) has effect in relation to a person to whom paragraph (6) applies as if sub-paragraph (b) were omitted.”.

(8) In regulation 14 (circumstances in which a person is to be treated as available)—

- (a) after sub-paragraph (1)(s)(g), add—

(a) Regulation 5(5) was amended by S.I. 2002/3072.
(b) Regulation 11(1) was amended by S.I. 1996/1517.
(c) Regulation 12 was substituted by S.I. 2002/3072.
(d) 1998 c. 37.
(e) 2003 c. 38.
(f) 2004 asp 8.
(g) Regulation 14(1)(s) was inserted by S.I. 2006/1402.

- “(t) he is looking after a child for whom he has caring responsibilities during the child’s school holidays or another similar vacation period and it would be unreasonable for him to make other arrangements for the care of that child;
- (u) he is looking after a child for whom he has caring responsibilities at a time when the child—
 - (i) is excluded from school or another educational establishment, and
 - (ii) is not receiving education pursuant to arrangements made by a local education authority or (in Scotland) an education authority, and
 there are no other arrangements for the care of that child it would be reasonable for him to make”;
- (b) in paragraph (2) at the beginning, insert “Subject to paragraph (2ZB),”;
- (c) after paragraph (2), insert—

“(2ZA) A person who has caring responsibilities in relation to a child may be treated as available for employment for more than one week, but for no more than 8 weeks, on the occurrence of any of the circumstances set out in paragraph (2)(a) or (b), or any combination of those circumstances, but on no more than one occasion in any period of 12 months.

(2ZB) Where a claimant has been treated as available for employment under paragraph (2ZA) in any period of 12 months, the first week in which he is so treated shall count towards the 4 periods allowable under paragraph (2).”; and
- (d) in paragraph (2A), in both places for “13(3) or (4)” substitute “13(3), (3A) or (4)”.
- (9) In regulation 17(1) (laid-off and short-time workers) for “(1) or (2)” substitute “(1), (1A) or (2)”.
- (10) In regulation 19(1)(o) (circumstances in which a person is to be treated as actively seeking employment), for “14(2)” substitute “14(2) or (2ZA)”.
- (11) In regulation 30 (circumstances in which a claimant is to be regarded as having good cause for failing to comply with a notification under regulation 23)(a)—
 - (a) after paragraph (a) insert—

“(aa) where, if regulation 5(1A) applies in his case, he was required to attend on a date less than 7 days from receipt by him of the notification.”;
 - (b) in paragraph (c), for “(r) or (s) or 14(2)” substitute “(r) to (u) or 14(2) or (2ZA)”.
- (12) In regulation 72 (good cause for the purposes of section 19(5)(a) and 6(c) and (d))(b)—
 - (a) after paragraph (2)(f) add—

“(g) any child care expenses which were, or would be, necessarily incurred by the person as a result of his being in the employment or of carrying out the jobseeker’s direction if those expenses did, or would, represent an unreasonably high proportion of—

 - (i) in the case of employment, the remuneration which it is reasonable to expect that he would derive from that employment; or
 - (ii) in any other case, the income which he received, or would receive, while carrying out the jobseeker’s direction.”.
 - (b) after paragraph (2) insert—

“(2A) For the purposes of paragraph (2)(d), where the person has caring responsibilities in relation to a child, in considering whether those responsibilities would, or did, make it unreasonable for him to undertake a particular employment or carry out the jobseeker’s direction, regard shall be had, in particular, to the following matters—

(a) Regulation 30 was amended by S.I s. 2000/2194, 2000/1978, 2002/3072 and 2006/1402.
 (b) Regulation 72(2) was amended by S.I s. 1998/1274 and 2000/1978.

- (a) child care would not be, or was not, reasonably available to him, or
 - (b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.”;
 - (c) in paragraph (3), after “(2)(f)” insert “and (g)”;
 - (d) in paragraph (6)(a)(a), after “(2)(f)” insert “or (g)”.
- (13) After regulation 73 (good cause for the purposes of section 19(5)(b)) insert—

“Just cause for the purpose of sections 19(6)(b) and 20A(2)(e)

73A.—(1) This regulation applies for the purposes of section 19 (circumstances in which a jobseeker’s allowance is not payable) and section 20A (denial or reduction of joint-claim jobseeker’s allowance).

(2) In determining whether a person has just cause for any act or omission for the purposes of section 19(6)(b) and section 20A(2)(e), the matters which are to be taken into account shall include the following—

- (a) any caring responsibilities for a child which made it unreasonable for the person to remain in his employment;
- (b) any child care expenses which were necessarily incurred by the person as a result of his being in the employment if those expenses represented an unreasonably high proportion of the remuneration which he derived from the employment.

(3) For the purposes of paragraph (2)(a), in considering whether the caring responsibilities made it unreasonable for the person to remain in his employment, regard shall be had, in particular, to the following matters—

- (a) child care would not be, or was not, reasonably available to him or,
- (b) if it would be, or it was, available, it would be, or was, unsuitable due to his particular needs or those of the child.

(4) For the purposes of paragraph (2)(b), in considering whether child care expenses represented an unreasonably high proportion of remuneration, the principle shall apply that the greater the level of remuneration the higher the proportion which it is reasonable should be represented by such expenses.”.

(14) In regulation 140(1)(b) (meaning of “person in hardship”)(b), for “young person” in both places substitute “child or young person”.

Amendment of the Employment and Support Allowance Regulations 2008

12.—(1) The Employment and Support Allowance Regulations 2008(c) are amended as follows—

(2) In regulation 7(1) (circumstances where the condition that the assessment phase has ended before does not apply)—

- (a) at the end of sub-paragraph (a), omit “or”; and
- (b) at the end of sub-paragraph (b), insert—

“or

- (c) (i) the claimant’s entitlement to an employment and support allowance commences within 12 weeks of the claimant’s entitlement to income support coming to an end;
- (ii) in relation to that entitlement to income support, immediately before it ended the claimant’s applicable amount included the disability premium by virtue of

(a) Regulation 72(6) was amended by S.I s. 2000/1978 and 2004/1008.

(b) Regulation 140(1) was amended by S.I s.1996/1516, 1999/2860, 2000/239, 2000/1978 and 2005/2877.

(c) S.I. 2008/794.

satisfying the conditions in paragraphs 11 and 12 of Schedule 2 to the Income Support Regulations; and

- (iii) that entitlement to income support ended solely by virtue of the coming into force, in relation to the claimant, of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008.”.

Savings and transitional provisions applicable to certain full-time students and full-time participants in New Deal for Lone Parents

13.—(1) This regulation applies to a lone parent if the following two conditions are met.

(2) The first condition is that —

- (a) immediately before the specified day the person was entitled to income support as a lone parent;
- (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to him or her; and
- (c) on and after the specified day the person is responsible for—
 - (i) a single child aged 6 or over, or
 - (ii) more than one child where the youngest child is aged 6 or over, who is a member of that person’s household.

(3) The second condition is that immediately before the specified day applicable in that person’s case, and on and after that day, he or she is also—

- (a) a full-time student attending or undertaking a full-time course of advanced education or a full-time course of study or on a sandwich course, or
- (b) following a full-time course of training or instruction provided pursuant to arrangements made by the Secretary of State known as the New Deal for Lone Parents or pursuant to a scheme which has been approved by the Secretary of State as supporting the objectives of those arrangements.

(4) This regulation does not apply to a person or (as the case may be) it ceases to apply to a person if he or she makes a further claim to income support on or after the specified day applicable in that person’s case.

(5) Notwithstanding regulation 2, 3 or 4 (as the case may be), where this regulation applies to a lone parent—

- (a) paragraph 1 of Schedule 1B to the Income Support Regulations as in force in relation to that person at the beginning of the period of study referred to in paragraph (3)(a) shall continue to have effect in relation to that person during that period for so long as he or she remains a full-time student;
- (b) paragraph 1 of Schedule 1B to the Income Support Regulations as in force at the beginning of the particular course of training or instruction referred to in paragraph (3)(b) shall continue to have effect in relation to that person for so long as the person is following that full-time course; and
- (c) any requirement to take part in a work-focused interview every 13 weeks in accordance with the Lone Parents Regulations or the Jobcentre Plus Regulations (as amended by regulations 5 to 10) shall continue to apply in relation to that person after a time when, apart from this paragraph, the requirement would cease to apply because of an increase in the age of that person’s child or youngest child.

(6) Where a lone parent ceases to be a full-time student or to follow a full-time course of training or instruction for the purpose of this regulation, the application of this regulation in relation to that person shall not prejudice the application in relation to him or her of the provisions specified in the Schedule.

(7) For the purposes of this regulation—

“full-time course of advanced education”, “full-time course of study” and “sandwich course” have the same meaning as in regulation 61 of those Regulations;

“full-time student” and “period of study” have the same meaning as in regulation 2(1) of the Income Support Regulations;

“specified day” means—

- (a) the day after the day on which these Regulations are made, in relation to a lone parent who, on the day after the day on which they are made, is responsible for—
 - (i) a single child aged 11, 12, 13, 14 or 15, or
 - (ii) more than one child where the youngest child is aged 11, 12, 13, 14 or 15, who is a member of that person’s household;
- (b) 26th October 2009, in relation to a lone parent who, on that day, is responsible for—
 - (i) a single child aged 9, 10 or 11, or
 - (ii) more than one child where the youngest child is aged 9, 10 or 11, who is a member of that person’s household;
- (c) 25th October 2010, in relation to a lone parent who, on that day, is responsible for—
 - (i) a single child aged 6, 7, 8 or 9, or
 - (ii) more than one child where the youngest child is aged 6, 7, 8 or 9, who is a member of that person’s household.

Signed by authority of the Secretary of State for Work and Pensions.

Address	<i>Name</i>
Date	Minister of State, Department for Work and Pensions

SCHEDULE

Regulation 1(3)

Special commencement provisions for certain existing claimants

PART 1

Provisions relating to regulations 2, 5 and 8

Application

- 1.—(1) A lone parent falls within this Part of the Schedule if—
- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
 - (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) which applies to that person; and
 - (c) on the relevant day that person is responsible for—
 - (i) a single child aged 11, 12, 13, 14 or 15, or
 - (ii) more than one child where the youngest child is aged 11, 12, 13, 14 or 15, who is a member of that person’s household.
- (2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if on or after the relevant day—
- (a) that person makes a further claim to income support; or

(b) regulation 13 applies to that person.

(3) In this Part of this Schedule, “relevant day” means the day after the day on which these Regulations are made.

Lone parent responsible for a child aged 15 who attains the age of 16 on or before 1st March 2009

2.—(1) This paragraph applies to a person who falls within this Part of this Schedule if, on the relevant day, that person is responsible for—

- (a) a single child aged 15 whose 16th birthday occurs on or before 1st March 2009, or
- (b) more than one child aged 15, the youngest of whom will attain the age of 16 on or before that date,

who is a member of that person’s household.

(2) Paragraph 1 of Schedule 1B to the Income Support Regulations shall continue to have effect in relation to a lone parent to whom this paragraph applies as if regulation 2 had not come into force.

Lone parent responsible for a child aged 15 who attains the age of 16 after 1st March 2009

3.—(1) This paragraph applies to a person who falls within this Part of this Schedule if, on the relevant day, that person is responsible for—

- (a) a single child aged 15 whose 16th birthday occurs after 1st March 2009, or
- (b) more than one child aged 15, the youngest of whom will attain the age of 16 after that date,

who is a member of that person’s household.

(2) Regulation 2 comes into force in relation to a person to whom this paragraph applies on the earlier of—

- (a) the first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 2nd March 2009, or
- (b) the day on which the child in question attains the age of 16.

Lone parent responsible for a child aged 11, 12, 13 or 14

4.—(1) Regulation 2 comes into force in relation to a person who falls within this Part of this Schedule (and to whom neither paragraph 2 nor paragraph 3 applies) in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into force (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

(3) Where—

- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
- (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 2 comes into force in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Description</i>	<i>Day regulation 2 takes effect</i>
<p>1. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 14, or aged 13 and whose 14th birthday occurs on or before 1st March 2009, or (b) more than one child where the youngest child is aged 14, or aged 13 and whose 14th birthday occurs on or before that date, <p>who is a member of that person’s household</p>	<p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 2nd March 2009.</p>
<p>2. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 13 whose 14th birthday occurs after 1st March 2009, or (b) more than one child where the youngest child is aged 13 and whose 14th birthday occurs after that date, <p>who is a member of that person’s household.</p>	<p>The day on which the child in question attains the age of 14.</p>
<p>3. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 12, or aged 11 and whose 12th birthday occurs on or before 5th July 2009, or (b) more than one child where the youngest child is aged 12, or aged 11 and whose 12th birthday occurs on or before that date, <p>who is a member of that person’s household.</p>	<p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 6th July 2009.</p>
<p>4. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 11 whose 12th birthday occurs after 5th July 2009, or (b) more than one child where the youngest child is aged 11 and whose 12th birthday occurs after that date, <p>who is a member of that person’s household.</p>	<p>The day on which the child in question attains the age of 12.</p>

Lone Parents and Jobcentre Plus Regulations: lone parent responsible for child aged 11

- 5.—(1) This paragraph applies to a lone parent who—
- (a) falls within this Part of this Schedule; and
 - (b) on the relevant day, is responsible for—
 - (i) a single child aged 11 whose 12th birthday occurs on or before 5th July 2009, or
 - (ii) more than one child where the youngest child is aged 11 and whose 12th birthday occurs on or before that date,

who is a member of that person’s household.

(2) The Lone Parents Regulations and the Jobcentre Plus Regulations shall continue to have effect in relation to a lone parent to whom this paragraph applies as they had effect in relation to that person immediately before the relevant day.

PART 2

Provisions relating to regulation 3

Application

- 6.—(1) A lone parent falls within this Part of this Schedule if—
- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
 - (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to the lone parent; and
 - (c) on the relevant day that person is responsible—
 - (i) a single child aged 9, 10 or 11, or
 - (ii) more than one child where the youngest child is aged 9, 10 or 11, who is a member of that person’s household.
- (2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if—
- (a) that person falls within Part 1 of this Schedule; or
 - (b) on or after the relevant day—
 - (i) that person makes a further claim to income support, or
 - (ii) regulation 13 applies to that person.
- (3) In this Part of this Schedule, “relevant day” means 26th October 2009.

Lone parent responsible for child aged 9, 10 or 11

7.—(1) Regulation 3 comes into force in relation to a person who falls within this Part of this Schedule in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into force (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

- (3) Where—
- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
 - (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 3 comes into force in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Description</i>	<i>Day regulation 3 takes effect</i>
1. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child aged 11, or aged 10 and whose 11th birthday occurs on or before 31st January 2010, or (b) more than one child where the youngest child is aged 11, or aged 10 and whose 11th birthday occurs on 	The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 1st February 2010.

or before that date,
who is a member of that person's household.

2. A lone parent who, on the relevant day, is responsible for—

- (a) a single child aged 10 whose 11th birthday occurs after 31st January 2010, or
- (b) more than one child where the youngest child is aged 10 and whose 11th birthday occurs after that date,

who is a member of that person's household.

The day on which the child in question attains the age of 11.

3. A lone parent who, on the relevant day, is responsible for—

- (a) a single child aged 9 whose 10th birthday occurs on or before 6th June 2010, or
- (b) more than one child where the youngest child is aged 9 and whose 10th birthday occurs on or before that date,

who is a member of that person's household.

4. A lone parent who, on the relevant day, is responsible for—

- (a) a single child aged 9 whose 10th birthday occurs after 6th June 2010, or
- (b) more than one child where the youngest child is aged 9 and whose 10th birthday occurs after that date,

who is a member of that person's household.

The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 7th June 2010.

The day on which the child in question attains the age of 10.

PART 3

Provisions relating to regulation 4

Application

8.—(1) A lone parent falls within this Part of this Schedule if—

- (a) the person was entitled to income support as a lone parent immediately before the relevant day;
- (b) paragraph 1 is the only paragraph of Schedule 1B to the Income Support Regulations (prescribed categories of person) that applies to the lone parent; and
- (c) on the relevant day that person is responsible for—
 - (i) a single child aged 6, 7, 8 or 9, or
 - (ii) more than one child where the youngest child is aged 6, 7, 8 or 9,who is a member of that person's household.

(2) A person does not fall or (as the case may be) ceases to fall within this Part of this Schedule if—

- (a) that person falls within Part 2 of this Schedule; or

- (b) on or after the relevant day—
 - (i) that person makes a further claim to income support, or
 - (ii) regulation 13 applies to that person.
- (3) In this Part of this Schedule, “relevant day” means 25th October 2010.

Lone parent responsible for a child aged 6, 7, 8 or 9

9.—(1) Regulation 4 comes into force in relation to a person who falls within this Part of this Schedule in accordance with the following provisions.

(2) In the case of a person described in column (1) of the table, it comes into force (subject to sub-paragraph (3)) on the day specified in the corresponding entry in column (2).

(3) Where —

- (a) that person has claimed, or is treated as having made a claim, for a child tax credit, and
- (b) the award is not decided before the day mentioned in the corresponding entry in column (2),

regulation 4 comes into force in relation to that person at the end of the period of 4 weeks beginning with the day mentioned in that entry.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Description</i>	<i>Day regulation 4 takes effect</i>
1. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child aged 9 whose 9th birthday occurred before 25th October 2010, or (b) more than one child where the youngest child is aged 9 and whose 9th birthday occurred before that date, who is a member of that person’s household.	The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 25th October 2010.
2. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child who attains the age of 9 on 25th October 2010, or (b) more than one child where the youngest child attains the age of 9 on that date, who is a member of that person’s household.	25th October 2010.
3. A lone parent who, on the relevant day, is responsible for— <ul style="list-style-type: none"> (a) a single child aged 8 whose 9th birthday occurs after 25th October 2010, or (b) more than one child where the youngest child is aged 8 and whose 9th birthday occurs after that date, who is a member of that person’s household.	The day on which the child in question attains the age of 9.

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|--|---|
| <p>4. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 7, or aged 6 and whose 7th birthday occurs on or before 2nd January 2011, or (b) more than one child where the youngest child is aged 7, or aged 6 and whose 7th birthday occurs on or before that date, <p>who is a member of that person’s household.</p> | <p>The first day of the first benefit week in which a requirement to take part in a work-focused interview would, apart from this Schedule, next have arisen in relation to that person on or after 3rd January 2011.</p> |
| <p>5. A lone parent who, on the relevant day, is responsible for—</p> <ul style="list-style-type: none"> (a) a single child aged 6 whose 7th birthday occurs after 2nd January 2011, or (b) more than one child where the youngest child is aged 6 and whose 7th birthday occurs after that date, <p>who is a member of that person’s household.</p> | <p>The day on which the child in question attains the age of 7.</p> |
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PART 4

Interpretation

10. In this Schedule—

- “benefit week” has the same meaning as in regulation 2(1) of the Income Support Regulations;
- “child” means a person aged under 16;
- “child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002^(a); and
- “work-focused interview” means a work-focused interview conducted in accordance with regulations made under section 2A(1)(a) of the Social Security Administration Act 1992.

^(a) 2002 c.21.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations 1996 (“the Jobseeker’s Allowance Regulations”), the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (“the Lone Parents Regulations”), the Social Security (Jobcentre Plus Interviews) Regulations 2002 (“the Jobcentre Plus Regulations”) and the Employment and Support Allowance Regulations 2008.

These Regulations substitute and amend paragraph 1 of Schedule 1B to the Income Support Regulations with the result that the entitlement of a lone parent to income support will depend on the age of his or her youngest child.

The changes made by these Regulations take effect in stages, beginning on the day after the day on which they are made. Regulation 2 substitutes a new paragraph 1 in Schedule 1B with the result a lone parent falls within that paragraph if he is responsible for a youngest child aged under 12 who is a member of his or her household. From 26th October 2009, paragraph 1 of that Schedule applies to a lone parent with a youngest child aged under 10 (regulation 3), and on 25th October 2010 it applies to those with a youngest child aged under 7 (regulation 4).

In each case, these Regulations make savings and transitional provisions in relation to certain existing claimants (regulations 13 and 14).

Regulations 5 to 10 amend the Lone Parents Regulations and the Jobcentre Plus Regulations concerning the frequency of work-focused interviews. They require certain lone parents who are entitled to income support to take part in an interview every 13 weeks depending on the age of their youngest child in a particular year.

Except for certain existing claimants, the requirement first applies on the day after the day these Regulations are made in the case of lone parents with a youngest child aged 9, 10 or 11 and who only fall within paragraph 1 of Schedule 1B to the Income Support Regulations.

On 26th October 2009 the requirement to take part in a work-focused interview every 13 weeks applies to lone parents with a youngest child aged 6, 7, 8 or 9 (regulations 6 and 9), and on 25th October 2010 it applies to those with a youngest child aged 6 (regulations 7 and 10). Again, the additional requirements apply to those who are entitled to income support only because they are a lone parent.

These Regulations also provide that certain lone parents who are entitled to income support immediately before the day on which these Regulations first come into force and who are responsible for a youngest child aged 11 whose 12th birthday occurs on or before 5th July 2009 are not required to meet the requirement, imposed by these Regulations, to take part in a work-focused interview every 13 weeks (*see* paragraph 5 of Part 1 of the Schedule).

Regulation 11 makes various amendments to the Jobseeker’s Allowance Regulations so as to make additional provision concerning the circumstances in which claimants who have caring responsibilities in relation to a child are required to be available for and actively seeking employment.

In particular, it amends regulation 72(2) of the Jobseeker’s Allowance Regulations concerning good cause for refusing or failing to carry out a jobseeker’s direction, or to apply for or accept employment to which a jobseeker has been referred by an employment officer, by setting out the circumstances in which child care expenses must be taken into account. Those circumstances relate to where the person necessarily incurs, or would incur, unreasonable child care expenses as the result of the employment or direction.

Regulation 11 also provides that for the purposes of determining good cause the availability and suitability of child care must be taken into account when considering whether a claimant’s caring responsibilities for a child make it unreasonable for the person to undertake a particular

employment or carry out the jobseeker's direction. It further provides that those matters must also be considered in relation to just cause for voluntarily leaving employment.

In addition, regulation 11 inserts a new regulation 73A into those Regulations. It provides that any caring responsibilities for a child or necessary child care expenses which represent an unreasonable amount of that person's earnings must be taken into account in determining whether or not a person has just cause for leaving employment.

It also amends the Jobseeker's Allowance Regulations so as to provide that a single person who is responsible for a child may be treated as a person in hardship for the purposes of Part 9 of those Regulations if the child will suffer hardship unless a jobseeker's allowance is paid to the person.

Regulation 12 amends the Employment and Support Allowance Regulations 2008 to remove the requirement that a claimant's assessment phase must have ended before entitlement to either the support component or work-related activity component under those Regulations can arise. This provision applies to certain lone parents who were in receipt of a disability premium as part of their income support and who lose their entitlement to that benefit by virtue of these Regulations.

Regulation 13 makes provision for additional transitional protection to be given for a limited period to lone parents who are existing claimants and who are also full-time students or following a full-time course pursuant to the New Deal for Lone Parents or relevant scheme approved by the Secretary of State. It also provides that any requirement to take part in a work-focused interview every 13 weeks imposed by these Regulations continues to apply to a person in this group notwithstanding an increase in the age of his or her youngest child.

Finally, the Schedule makes provision for the changes to paragraph 1 of Schedule 1B of the Income Support Regulations made by these Regulations to take effect at a later date in the case of certain existing claimants linked to the age of that person's youngest child and the date on which the child's birthday falls. In addition, where certain lone parents with a youngest child aged under 16 have claimed, or are treated as having made a claim, for a Child Tax Credit but no award has been made by the date on which the change in entitlement would otherwise take effect, that date is extended by a further 4 weeks.

The Report of the Social Security Advisory Committee dated 13th August 2008 on the proposals referred to them in respect of these Regulations together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 7480 published by the Stationery Office Ltd.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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DRAFT STATUTORY INSTRUMENTS

2008 No. 000

SOCIAL SECURITY

**The Social Security (Lone Parents and Miscellaneous
Amendments) Regulations 2008**

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