

2004 No. 934

SOCIAL SECURITY

**The Employment Zones (Allocation to Contractors) Pilot
Regulations 2004**

Made - - - - - *29th March 2004*

Coming into force - - - - - *26th April 2004*

Whereas a draft of this instrument was laid before Parliament in accordance with section 37(2) of the Jobseekers Act 1995(a) and approved by a resolution of each House of Parliament.

Whereas these Regulations, so far as section 29(1) of the Jobseekers Act 1995 applies to them, are made with a view to ascertaining whether their provisions will, or will be likely to, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work(b).

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 60(1), (2) and (9) and 83(4) and (6) of the Welfare Reform and Pensions Act 1999(c) and sections 19(10) and 29(1) and (3) and 36(2) and (4) of the Jobseekers Act 1995(d), and all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Employment Zones (Allocation to Contractors) Pilot Regulations 2004 and shall come into force on 26th April 2004.

(2) These Regulations shall cease to have effect on 25th April 2005 unless revoked with effect from an earlier date.

(a) 1995 c.18.

(b) See section 29(8) of the Jobseekers Act 1995.

(c) 1999 c.30; subsection (9) is an interpretation provision cited for the meaning given to the words “employment” and “prescribed”.

(d) 1995 c.18.

(e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; section 84(1) of and Schedule 12 Part II (paragraphs 79 and 81 (a)) to the Welfare Reform and Pensions Act 1999 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

Interpretation

2. In these Regulations, except where the context otherwise requires—

“the 1999 Act” means the Welfare Reform and Pensions Act 1999(a);

“claimant” means a claimant for a jobseeker’s allowance(b);

“employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of sections 8 and 19 of the Jobseekers Act 1995 by an order made by the Secretary of State;

“employment zone” means an area within Great Britain subject to a designation for the purposes of these Regulations signed by authority of the Secretary of State on or before the date on which these Regulations are made pursuant to section 60 of the 1999 Act as an area wherein an employment zone programme subject to these Regulations is established and which is available for inspection at the offices of the Secretary of State for Work and Pensions(c);

“employment zone contractor” means a person who is providing an employment zone programme on behalf of the Secretary of State;

“employment zone programme” means a scheme which is designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment and which is established by the Secretary of State pursuant to section 60 of the 1999 Act for an employment zone.

Referral to an employment zone programme

3.—(1) An employment officer may, on a sampling basis, select a claimant who is aged 25 years or over and ordinarily resident within an employment zone to participate in an employment zone programme with a particular employment zone contractor if, in the period immediately preceding the date on which the selection is made, the claimant—

- (a) was entitled to a jobseeker’s allowance for a continuous period of at least 18 months; or
- (b) was entitled to a jobseeker’s allowance for a cumulative total of at least 18 months out of the previous 21 months; or
- (c) had participated in an employment zone programme pursuant to the Employment Zones Regulations 2000(d), the Employment Zones Regulations 2003(e) or these Regulations in the previous twelve months but did not complete the programme.

(2) An employment officer may, on a sampling basis, select a claimant who is aged 18 years or over but less than 25 years who has participated in a programme of training known as New Deal for Young People(f) and is ordinarily resident within an employment zone to participate in an employment zone programme with a particular employment zone contractor if, in the period immediately preceding the date on which the selection is made, the claimant—

- (a) was entitled to a jobseeker’s allowance for a continuous period of at least six months;

(a) 1999 c.30.

(b) Jobseeker’s allowance is a social security benefit paid in accordance with the provisions of the Jobseekers Act 1995 and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/ 207) as amended.

(c) The designation may be inspected at the offices of the Secretary of State at Richmond House, 79, Whitehall, London SW1A 2NS. Copies can be obtained from Partnerships, Unemployed, Skills and Hardest to Help Division, Department for Work and Pensions, Room N1108, Moorfoot, Sheffield S1 4PQ. The list of areas is published on the internet at www.employmentzones.gov.uk

(d) S.I. 2000/721 as amended by S.I. 2000/1279; S.I. 2000/1305; S.I. 2001/261; S.I. 2001/1865 and S.I. 2001/2521.

(e) S.I. 2003/2438.

(f) New Deal for Young People is a programme of training and assistance provided in accordance with section 2 of the Employment and Training Act 1973 (c.50) to assist people claiming for a jobseeker’s allowance aged 18 years or more but less than 25 years of age to obtain employment.

- (b) was entitled to a jobseeker's allowance for a cumulative period of at least six months provided that any breaks in that period of entitlement do not exceed a period of 28 days in total; or
- (c) had participated in an employment zone programme pursuant to the Employment Zones Regulations 2003 or these Regulations in the previous twelve months but did not complete the programme.

(3) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme provided by that employment zone contractor.

Early entry to an employment zone programme

4.—(1) An employment officer may, on a sampling basis, select a claimant to participate in an employment zone programme with a particular employment zone contractor provided that the claimant has asked to participate in an employment zone programme and—

- (a) his personal circumstances place him at a significant disadvantage in obtaining employment; and
- (b) he is ordinarily resident within an employment zone or his address for payment of his jobseeker's allowance is located within an employment zone.

(2) The employment officer shall notify the claimant in writing that he is required to participate in the employment zone programme provided by that employment zone contractor.

Stages of an employment zone programme

5.—(1) An employment zone programme shall consist of two stages—

- (a) the first stage shall last for a maximum period of four weeks;
- (b) the second stage shall last for a maximum period of 26 weeks.

(2) A claimant begins to participate in the first stage of an employment zone programme on the day when he attends an initial interview with an employment officer who is an employment zone programme adviser following a written notification of his selection for participation given under regulation 3 or 4.

(3) Subject to paragraph (1)(a), the claimant shall cease to participate in the first stage on the day specified by an employment officer in a written notification to the claimant.

(4) A claimant begins to participate in the second stage of an employment zone programme on the day specified by an employment officer in a written notification to the claimant.

(5) Subject to paragraph (1)(b), the claimant shall cease to participate in the second stage on the day specified by an employment officer in a written notification to the claimant.

Suspension of the requirements of the Jobseekers Act 1995

6.—(1) During the claimant's participation in the first stage of an employment zone programme the condition for receipt of a jobseeker's allowance specified in section 1(2)(b) of the Jobseekers Act 1995(a) that the claimant has entered into a jobseeker's agreement which remains in force is suspended.

(2) During the claimant's participation in the second stage of an employment zone programme the conditions for receipt of a jobseeker's allowance specified in section 1(2) of the Jobseekers Act 1995 shall apply with the suspension of the conditions in section 1(2)(a) to (c) of that Act that the claimant—

- (a) is available for employment;
- (b) has entered into a jobseeker's agreement which remains in force; and

(a) 1995 c.18, subsection (2) was amended by s.59 of and Schedule 7 to the Welfare Reform and Pensions Act 1999 c.30.

(c) is actively seeking employment.

Amendment of the Jobseeker's Allowance Regulations 1996

7.—(1) In the case of a person who is selected on a sampling basis to participate in an employment zone programme with a particular employment zone contractor under regulation 3 or 4, regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996^(a) shall apply with the addition of the words “or the Employment Zones (Allocation to Contractors) Pilot Regulations 2004” after the words “the Employment Zones Regulations 2003”.

(2) Where a person to whom paragraph (1) would otherwise apply informs the Secretary of State of a change of address that results in that person no longer being ordinarily resident within an employment zone or, in the case of a person to whom regulation 4 applies, his address for payment of his jobseeker's allowance is no longer within an employment zone, then—

- (a) any sanction incurred by that person under sections 19 or 20A of the Jobseekers Act 1995 as a result of his refusing or failing to participate in, or giving up a place on an employment zone programme as specified in regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 as amended by paragraph (1) shall end and, subject to subparagraph (b), these Regulations shall cease to apply to that person; and
- (b) where that person asks to complete an employment zone programme in which he is participating, these Regulations, other than paragraph (1) of this regulation, shall continue to apply.

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

29th March 2004

Des Browne
Minister of State,
Department for Work and Pensions

^(a) S.I. 1996/207. The definition of an employment zone in regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 was inserted by regulation 6 of the Employment Zones Regulations 2003 (S.I. 2003/2438).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a pilot scheme for jobseeker's allowance claimants who fulfil the criteria in regulation 3 or 4 and are selected to participate in an employment zone programme with a particular employment zone contractor.

The six areas of Great Britain designated as employment zones for the purpose of these Regulations are located in Birmingham, Glasgow, Liverpool and Sefton, the London Boroughs of Tower Hamlets and Newham, the London Boroughs of Brent, Camden, Haringey and Westminster and the London Borough of Southwark. The areas are described in a designation signed by authority of the Secretary of State. The designation is available for inspection at the offices of the Secretary of State at Richmond House, 79, Whitehall, London SW1A 2NS. Copies can be obtained from the Partnerships, Unemployed, Skills and Hardest to Help Division, Department for Work and Pensions, Room N1108, Moorfoot, Sheffield S1 4PQ. The list is published on the internet at www.employmentzones.gov.uk

Regulation 1 provides for citation and for the Regulations to come into force on 26th April 2004. The Regulations will expire on 25th April 2005 unless revoked earlier.

Regulation 2 defines terms used in the Regulations.

Regulation 3 specifies those people who may be selected by an employment officer to participate in an employment zone programme with a particular employment zone contractor. Subject to certain conditions, these are jobseeker's allowance claimants who are aged 25 years or over who live within an area designated as an employment zone and jobseeker's allowance claimants who are aged 18 years or more but under 25 years of age who have participated in the programme of assistance for such jobseekers known as 'New Deal for Young People' and who live in an area designated as an employment zone.

Regulation 4 makes provision for certain jobseeker's allowance claimants who are at a significant disadvantage in the labour market to voluntarily apply to an employment officer for selection to participate in an employment zone programme with a particular employment zone contractor.

Regulation 5 sets out the two stages of an employment zone programme.

Regulation 6 makes provision for certain conditions for entitlement to a jobseeker's allowance relating to availability for work, a jobseeker's agreement and actively seeking work to be suspended whilst people are participating in an employment zone programme.

Regulation 7(1) provides that regulation 75(1)(a)(iii) of the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) shall apply to people selected on a sampling basis to participate in an employment zone programme with a particular contractor in accordance with these Regulations. The effect is to enable a sanction to be imposed under section 19 or 20A of the Jobseekers Act 1995 if a person without good cause refuses or fails to participate in an employment zone programme with a particular employment zone contractor. Where a person informs the Secretary of State of a change of address and thus is no longer ordinarily resident in, or his address for payment is no longer in, an employment zone paragraph (2) provides that if a sanction has been incurred it shall end and the Regulations shall cease to apply except where a person who has already begun an employment zone programme requests to be allowed to complete that programme.

A full regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business.

STATUTORY INSTRUMENTS

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