

2015 No. 336

SOCIAL SECURITY

The Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015

<i>Made</i> - - - -	<i>23rd February 2015</i>
<i>Laid before Parliament</i>	<i>27th February 2015</i>
<i>Coming into force</i> - -	<i>27th March 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(4), 7(4), 17A(1), 35(1), 36(2)(a) and (4)(a) of, and paragraph 14(b) of Schedule 1 to, the Jobseekers Act 1995(a) and sections 4(6)(b) and 42(2) and (3) of the Welfare Reform Act 2012(b):

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(c).

Citation and commencement

1. These Regulations may be cited as the Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015 and come into force on 27th March 2015.

Amendment of the Jobseeker's Allowance Regulations 1996

2.—(1) The Jobseeker's Allowance Regulations 1996(d) are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation)(e), insert in the appropriate place—

““traineeship” means a course which—

- (a) is funded (in whole or in part) by, or under arrangements made by, the—
 - (i) Secretary of State under section 14 of the Education Act 2002(f), or
 - (ii) Chief Executive of Skills Funding(g);

(a) 1995 c. 18. Section 17A was inserted by section 1 of the Welfare Reform Act 2009 (c. 24). Sections 35(1) and 36(4) were amended by paragraph 62 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.

(b) 2012 c. 5.

(c) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(d) S.I. 1996/207.

(e) To which there are amendments not relevant to these Regulations.

(f) 2002 c.32. Section 14 was amended by the Children Act 2004 (c.31), the Education Act 2005 (c.18), the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) and the Education Act 2011 (c.21).

(g) The Office of the Chief Executive of Skills Funding was established by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

- (b) lasts no more than 6 months;
 - (c) includes training to help prepare the participant for work and a work experience placement; and
 - (d) is open to persons who on the first day of the course have attained the age of 16 but not 25;”
- (3) In regulation 14 (circumstances in which a person is to be treated as available)(a)—
- (a) in paragraph (1)—
 - (i) omit “, other than one to whom regulation 15(1)(a), (b), (bc) or (c) applies,”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) notwithstanding regulation 15(1)(a), if he is participating in a traineeship;”
 - (b) in paragraph (2) omit “, other than one to whom regulation 15 applies,”
- (4) In regulation 15 (circumstances in which a person is not to be regarded as available)(b)—
- (a) in paragraph (1)(a) omit “subject to paragraph (2),”;
 - (b) in paragraph (2) for the words from “Notwithstanding” to “employment” substitute “Paragraph (1)(a) shall not apply to a full-time student”;
 - (c) after paragraph (4) insert—
 - “(5) Any provision of these Regulations under which a person is treated as available for employment is subject to paragraph (1) except to the extent that these Regulations expressly provide otherwise.”
- (5) After regulation 19(1)(a) (circumstances in which a person is to be treated as actively seeking employment)(c) insert—
- “(aa) for any period for which he is treated as available for employment under regulation 14(1)(aa) (traineeships);”.
- (6) In regulation 54 (relevant education)—
- (a) after paragraph (4) insert—
 - “(4A) A young person who is participating in a traineeship shall not be treated as receiving relevant education;.”
 - (b) omit paragraph (5)(d).

Amendment of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013

3. In regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013(e) (schemes for assisting persons to obtain employment), omit paragraph (8B).

Amendment of the Universal Credit Regulations 2013

4. In regulation 12 of the Universal Credit Regulations 2013(f) (meaning of “receiving education”)—

- (a) for paragraph (1) substitute—
 - “(1) This regulation applies for the basic condition in section 4(1)(d) of the Act (not receiving education).

(a) Relevant amending instruments S.I. 1997/563, 2008/1826 and 3051 and 2014/1623.
 (b) Paragraph (1)(a) was substituted by S.I. 2008/1826.
 (c) To which there are amendments not relevant to these Regulations.
 (d) Paragraph (5) was inserted by S.I. 1997/2863.
 (e) S.I. 2013/276. Regulation 3(8B) was inserted by S.I. 2013/2584.
 (f) S.I. 2013/376.

(1A) A qualifying young person is to be treated as receiving education, unless the person is participating in a traineeship.

(1B) In paragraph (1A) “traineeship means a course which—

- (a) is funded (in whole or in part) by, or under arrangements made by, the—
 - (i) Secretary of State under section 14 of the Education Act 2002, or
 - (ii) Chief Executive of Skills Funding;
 - (b) lasts no more than 6 months;
 - (c) includes training to help prepare the participant for work and a work experience placement; and
 - (d) is open to persons who on the first day of the course have reached the age of 16 but not 25;”
- (b) in paragraph (2) for “In any other case” substitute “Except in circumstances where paragraph (1A) applies”.

Amendment of the Jobseeker’s Allowance Regulations 2013

5. In regulation 45 of the Jobseeker’s Allowance Regulations 2013(a) (relevant education)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “qualifying young person” insert “, unless the person is participating in a traineeship”;
 - (ii) in sub-paragraph (b) before “the following” insert “except in circumstances where sub-paragraph (a) applies”;
- (b) after paragraph (1) insert—

“(1A) In paragraph (1) “traineeship” means a course which—

- (a) is funded (in whole or in part) by, or under arrangements made by, the—
 - (i) Secretary of State under section 14 of the Education Act 2002, or
 - (ii) Chief Executive of Skills Funding;
- (b) lasts no more than 6 months;
- (c) includes training to help prepare the participant for work and a work experience placement; and
- (d) is open to persons who on the first day of the course have reached the age of 16 but not 25.”

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

23rd February 2015

Esther McVey
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) ("the 1996 Regulations"), the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013 (S.I. 2013/276) ("the SAPOE Regulations"), the Universal Credit Regulations 2013 (S.I. 2013/376) ("the Universal Credit Regulations") and the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) ("the 2013 Regulations") in so far as they relate both to traineeships and certain young persons claiming jobseeker's allowance (JSA) or universal credit (UC).

Regulation 2(2) to (5) amends the 1996 Regulations, both to define a "traineeship" and provide that claimants for JSA who are participating in a traineeship are to be treated as available for, and actively seeking, work. This allows these claimants both to participate in a traineeship and remain entitled to JSA.

Regulations 4(a) and 5(b) respectively insert the same definition of 'traineeship' into the 2013 Regulations and the Universal Credit Regulations.

Regulation 3 removes the employment scheme 'Traineeships' from the SAPOE Regulations. This means that it is no longer a scheme prescribed for the purpose of section 17A(1) of the Jobseekers Act 1995 (c.18) as a scheme designed to assist person to obtain employment which the Secretary of State may require a JSA claimant to participate in.

Regulations 2(6), 4 and 5 amend the 1996 Regulations, the Universal Credit Regulations and the 2013 Regulations to provide that certain young persons who are participating in a traineeship are not treated, in respect of those claiming JSA, as receiving relevant education or, in respect of those claiming UC, receiving education. The effect of this is that young claimants participating in a traineeship may be entitled to JSA or, as the case may be, UC in their own right.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. This instrument has no impact on the public sector.

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