

2012 No. 853

SOCIAL SECURITY

**The Jobseeker's Allowance (Domestic Violence)
(Amendment) Regulations 2012**

Made - - - -

15th March 2012

Coming into force -

23rd April 2012

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 6(4), 7(4), 9(10), 35(1), 36(2) and (4)(a) of, and paragraph 8B of Schedule 1 to the Jobseekers Act 1995(a).

A draft of these Regulations was laid before Parliament in accordance with section 37(1)(c) of the Jobseekers Act 1995.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to them.

Citation and commencement

1. These Regulations may be cited as the Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2012 and come into force on 23rd April 2012.

[Regulation 2 inserts regulation 14A, 19(1)(x) and 34(g) into S.I. 1996/207.]

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

15th March 2012

C. Grayling
Minister for Employment
Department for Work and Pensions

(a) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning given to "prescribed" and "regulations". Those definitions were amended by the Social Security Contributions and Benefits (Transfer of Functions, etc) Act 1999 (c. 2), section 2, Schedule 3, paragraph 62. Paragraph 8B of Schedule 1 to the Jobseekers Act 1995 was inserted by section 29(1) of the Welfare Reform Act 2009 (c. 24).

(b) 1992 c. 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (the JSA Regulations) to enable certain victims of domestic violence who are claiming a jobseeker's allowance to be treated as being available for and actively seeking employment, and as having a jobseeker's agreement (if they do not have one already). This will be the case for an initial period of 4 weeks and then, on production of relevant evidence, for a 13 week period, beginning on the date of the initial notification.

Paragraph (2) of regulation 2 inserts a new regulation 14A into the JSA Regulations.

Paragraphs (1) and (2) of new regulation 14A make provision for a JSA claimant to be treated as meeting the requirement to be available for work for a period of 4 weeks on notifying the Secretary of State in the specified manner that they have had domestic violence inflicted on or threatened against them at any time in the 26 weeks before that notification, by their partner or former partner or a family member. The person who inflicted or threatened the violence must not be living at the same address as the claimant at the time of the notification. Paragraph (3)(b) provides that a claimant can only be treated as available for employment under paragraph (2) once in a 12 month period. Where they apply, both the 4 week and the 13 week exemption periods continue to run whether or not the claimant is entitled to a jobseeker's allowance for the whole or only parts of the 4/13 week period (paragraphs (3)(a) and (7)).

Paragraphs (4) to (9) have the effect of extending the 4 week period to 13 weeks if the claimant produces relevant evidence that they have been threatened with or had domestic violence inflicted on them by their partner or former partner or a family member. The 13 week period will start from the date of the initial notification and will run consecutively except where the claimant gives notification that they wish to return to jobseeking. They can only do this after the first 4 weeks of the 13 week period. If they do so, the exemption period is suspended until such time as they again notify the Secretary of State that they want it to apply. However, where the suspension ends and the balance of the exemption period is reapplied, the exemption period will not continue beyond the expiry of 12 months from the date of the initial notification of domestic violence.

Paragraph (10) defines "domestic violence", "family member", "health care professional", "person acting in an official capacity", "registered social worker" and "relevant evidence". It makes clear that "domestic violence" means abuse of a kind specified on page 11 in section 2.2 of the Department of Health publication "Responding to domestic abuse: a handbook for health professionals" (2005) (physical, sexual, psychological, financial or emotional abuse), regardless of the gender or sexuality of the victim.

Paragraph (3) of regulation 2 amends regulation 19(1) of the JSA Regulations to provide for a claimant to be treated as meeting the requirement to be actively seeking employment for any period when they are treated as being available for work under new regulation 14A.

Paragraph (4) of regulation 2 amends regulation 34 of the JSA Regulations to provide for a claimant to be treated as having entered into a jobseeker's agreement for any period when they are treated as being available for work under new regulation 14A, if the claimant does not already have a jobseeker's agreement when the exemption period under regulation 14A begins.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.