

1997 No. 1909

SOCIAL SECURITY

The Jobseeker's Allowance (Workskill Courses)
Pilot (No. 2) Regulations 1997

Made - - - -

29th July 1997

Coming into force

1st September 1997

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 resolution of each House of Parliament:

Now, therefore, the Secretary of State for Education and Employment, in relation to Parts I to V and VII of these Regulations, and the Secretary of State for Social Security, in relation to Part VI of these Regulations, in exercise of the powers conferred by sections 6(2) and (4), 7(4), 19(8)(b) and (10)(c), 29(1), (3), (4) and (6), 35, 36(2) and (4) and 40 of the Jobseekers Act 1995 and by sections 123(1)(d) and (e) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992^(b), and of all other powers enabling each of them in that behalf, and after agreement, in respect of Part VI of these Regulations, by organisations appearing to the Secretary of State for Social Security to be representative of the authorities concerned, that consultations should not be undertaken^(c) and, in respect of all Parts of these Regulations, by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it^(d) and whereas these Regulations 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, hereby makes the following Regulations:

PART I

General

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997 and shall come into force on 1st September 1997.

(2) These Regulations (other than the transitional provisions of regulation 26) shall cease to have effect on 31st August 1998, unless revoked with effect from an earlier date.

(a) 1995 C.18.

(b) 1992 C.4.

(c) See section 176(2)(b) of the Social Security Administration Act 1992, 1992 c.5.

(d) See section 170 and section 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Jobseekers Act 1995;

“benefit” means income support, unemployment benefit or jobseeker's allowance and “receiving benefit” means receiving benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act, but does not include jobseeker's allowance received by virtue of an entitlement under regulation 170 of the Jobseeker's Allowance Regulations;

“caring responsibilities” has the same meaning as in regulation 4 of the Jobseeker's Allowance Regulations;

“casual employment” means employment from which the employee can be released without his giving any notice or, if he is required to give notice, employment from which he can be released before the end of the vacation;

“employment officer” means an officer of the Secretary of State;

“employment-related course” has the same meaning as it has in regulation 1(3) of the Jobseeker's Allowance Regulations;

“examination” means an examination which is specified as an examination related to the workskill course in a document signed on behalf of the establishment at which the workskill course is being undertaken;

“full-time employment” means remunerative work as defined in regulation 51(1)(a) of the Jobseeker's Allowance Regulations;

“full-time student” has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 1996(a);

“jobseeking period” has the meaning prescribed in regulations 47 and 47A of the Jobseeker's Allowance Regulations(b);

“made a claim for jobseeker's allowance” includes treated as having made a claim for the allowance and treated as having an award of the allowance in accordance with regulation 5, 6 or 7 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1996(c);

“part-time employment” means employment which is not full-time employment;

“part-time student” has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations;

“period of study” has the same meaning as it has in regulation 4 of the Jobseeker's Allowance Regulations;

“qualifying person” has the meaning given in regulation 3(1);

“region” means a region set out in Part I or Part II of the Schedule to these Regulations;

“term-time” means the period specified as term-time in relation to a qualifying person in a document signed on behalf of the establishment at which the workskill course is being undertaken;

“vacation” means any period falling within the period of study, as defined in regulation 4 of the Jobseeker's Allowance Regulations, which is not term-time;

“week” means benefit week as defined in regulation 1(3) of the Jobseeker's Allowance Regulations except in Part IV where it means any period of seven consecutive days;

“workskill course” has the meaning given in regulation 3(2).

(2) In these Regulations, unless the context otherwise requires, a reference

(a) to a numbered Part is to the Part of these Regulations bearing that number;

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- (a) S.I. 1996/207, as amended by the Jobseeker's Allowance (Amendment) Regulations 1996, S.I. 1996/1516, the Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996, S.I. 1996/1517, the Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538, the Social Security (Miscellaneous Amendments) Regulations 1997, S.I. 1997/454 and the Social Security (Jobseeker's Allowance and Mariners' Benefits) (Miscellaneous Amendments) Regulations 1997, S.I. 1997/563.
- (b) Regulation 47A was inserted by regulation 2 of the Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538.
- (c) S.I. 1996/2567.

- (b) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (c) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number; and
- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Application

3.—(1) For the purposes of these Regulations, a qualifying person is a person—

- (a) who is undertaking a workskill course,
- (b) who has undertaken a workskill course and had good cause for any act or omission in relation to that course or who has not previously undertaken a workskill course,
- (c) with whom an employment officer has agreed that he may undertake a workskill course, having regard to the factors listed in paragraph (3), and
- (d) who has made a claim for jobseeker's allowance and has been receiving benefit within a jobseeking period for six months or more at the time he started the workskill course or is due to start the course, and for the purposes of this regulation, the linking provision set out in regulation 48 of the Jobseeker's Allowance Regulations^(a) shall apply.

(2) A workskill course is a course which

- (a) is an employment-related course,
- (b) lasts no more than 12 consecutive months, and
- (c) is a course of a description falling within Schedule 2 to the Further and Higher Education Act 1992^(b) or is a programme of learning falling within section 6 of the Further and Higher Education (Scotland) Act 1992^(c).

(3) The factors which an employment officer must take into account when deciding whether to agree that the claimant may undertake a workskill course are:

- (a) his skills, qualifications and abilities;
- (b) whether the course would assist him to acquire new skills and qualifications;
- (c) whether he would have to give up a course of study as defined in regulation 1(3) of the Jobseeker's Allowance Regulations in order to undertake this course;
- (d) any needs arising from his physical or mental condition;
- (e) the time which has elapsed since he was last employed;
- (f) his work experience;
- (g) the number of jobs in the labour market and, if relevant, the local labour market, which require the skills and qualifications which he would acquire on the course;
- (h) any evidence about whether this course or this type of course has facilitated the obtaining by persons of work; and
- (i) the number of persons attending an office of the Department for Education and Employment in the same region as him in accordance with a notice under regulation 23 of the Jobseeker's Allowance Regulations to whom Part II or Part III applies, which number shall not normally significantly exceed 2000 in any region.

Modification of Jobseeker's Allowance Regulations

4. These Regulations modify the Jobseeker's Allowance Regulations to the extent prescribed in Parts II, III, IV, V and VII in so far as those Regulations apply to a person to whom these Regulations apply.

(a) Regulation 48 was amended by regulation 2 of the Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538.

(b) 1992 c.13.

(c) 1992 c.37.

PART II

*Part-Time Students***Application of Part II**

5. This Part applies to a qualifying person who is required to attend an office of the Department for Education and Employment which is listed in Part I of the Schedule in accordance with a notice under regulation 23 of the Jobseeker's Allowance Regulations and who is undertaking a workskill course as a part-time student.

Availability for employment in term-time

6.—(1) In any week which falls wholly or partly in term-time, regulations 6 and 7 of the Jobseeker's Allowance Regulations shall not apply to a person who has restricted the total number of hours for which he is available for employment in that week in accordance with paragraph (2).

(2) A person to whom this Part applies may restrict the total number of hours for which he is available for employment to less than 40 hours in any week which falls wholly or partly in term-time providing

- (a) in that week the total number of hours during which he is undertaking the workskill course and is available for employment is at least 40 unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations;
- (b) the times at which he is available to take up employment (his "pattern of availability") are such as to afford him reasonable prospects of securing employment unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations;
- (c) his pattern of availability is recorded in his jobseeker's agreement and any variations in that pattern are recorded in a varied agreement;
- (d) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and
- (e) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer.

(3) For the purposes of this regulation, in the case of a person who is undertaking a course of study which is funded in whole or in part by the FEFC, the number of hours during which he is undertaking a workskill course in any week shall be the number of guided learning hours per week set out, in the case of a course funded by the FEFC for England, in his learning agreement signed on behalf of the establishment which is funded by the FEFC for the delivery of that course or, in the case of a course funded by the FEFC for Wales, in a document signed on behalf of the establishment which is funded by the FEFC for the delivery of that course.

(4) For the purposes of this regulation, in the case of a person who is undertaking a course of study (not being higher education) which is funded in whole or in part by the Secretary of State for Scotland at a college of further education, the number of hours during which he is undertaking workskill course in any week shall be the number of hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and of any additional hours using structured learning packages supported by the teaching staff, according to the number of hours set out in a document signed on behalf of the college.

(5) In this regulation, "college of further education", "the FEFC" and "higher education" have the same meaning as they have in regulation 1(3) of the Jobseeker's Allowance Regulations.

Availability of careers in term-time

7.—(1) In any week which falls wholly or partly in term-time, regulations 6, 7 and 13(4) of the Jobseeker's Allowance Regulations shall not apply to a person who has restricted the total number of hours for which he is available for employment in any week in accordance with paragraph (2).

(2) A person to whom this Part applies who has caring responsibilities may restrict the total number of hours for which he is available for employment to less than 16 hours in any week which falls wholly or partly in term-time in which he is undertaking a workskill course providing

- (a) in that week he is available for employment for as many hours as his caring responsibilities and his course allow;
- (b) in that week he is available for the specific hours that those responsibilities and his course allow;
- (c) the times at which he is available to take up employment (his "pattern of availability") are recorded in his jobseeker's agreement and any variations in that pattern are recorded in a varied agreement;
- (d) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and
- (e) he provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer.

Availability and active seeking during examinations

8. A person to whom this Part applies shall be treated as available for and actively seeking employment in any week during any part of which he is taking an examination relating to his workskill course.

Availability during vacations

9. In any week which falls wholly in a vacation, a person to whom this Part applies shall be treated as available for employment in that week if he is willing and able to take up immediately any casual employment and any permanent part-time employment for which he is available in accordance with regulation 6 in any week or part of a week in term-time, providing the times at which he is available to take up employment are such as to afford him reasonable prospects of securing employment unless he has restricted the number of hours for which he is available for employment in accordance with regulation 13(3) of the Jobseeker's Allowance Regulations.

Active seeking during vacations

10. In any week which falls wholly in a vacation, a person who is treated as available for employment in accordance with regulation 9 shall be treated as actively seeking employment in that week if he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 9.

PART III

Full-Time Students

Application of Part III

11. This Part applies to a qualifying person who is required to attend an office of the Department for Education and Employment listed in Part II of the Schedule and who is undertaking a workskill course as full-time student.

Circumstances in which a full-time student is to be treated as available for employment during term-time

12.—(1) A person to whom this Part applies shall be treated as available for employment in any week which falls wholly or partly in term-time providing he

- (a) is undertaking a workskill course as a full-time student;
- (b) provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is attending the establishment when required to attend, in such form as may be required by the employment officer; and
- (c) provides evidence as often as may be required by an employment officer within five days of being so required by the employment officer consisting of a document signed by him and on behalf of the establishment at which he is undertaking the workskill course confirming that he is making satisfactory progress on the course, in such form as may be required by the employment officer.

Disapplication of regulation 15(a) of the Jobseeker's Allowance Regulations

13. In any week which falls wholly or partly in the period of study, regulation 15(a) of the Jobseeker's Allowance Regulations shall not apply to a person to whom this Part applies.

Circumstances in which a full-time student is to be treated as actively seeking employment during term-time

14. A person to whom this Part applies shall be treated as actively seeking employment in any week during which he is undertaking a workskill course as a full-time student and which falls wholly or partly in term-time.

Circumstances in which a full-time student is to be treated as available for and actively seeking employment during examinations

15. A person to whom this Part applies shall be treated as available for employment and as actively seeking employment in any week in which he is taking examinations relating to his workskill course.

Availability during vacations

16. In any week which falls wholly in a vacation, a person to whom this Part applies shall be treated as available for employment in that week if he is willing and able to take up immediately any casual employment.

Active seeking during vacations

17. In any week which falls wholly in a vacation, a person who is treated as available for employment in accordance with regulation 16 shall be treated as actively seeking employment in that week if he takes such steps as he can reasonably be expected to have to take in order to have the best prospects of securing employment for which he is available under regulation 16.

PART IV*Part-Time and Full-Time Students***“Training Scheme” in section 19**

18. In relation to a person to whom Part II or Part III applies, “training scheme” in subparagraphs (iii) and (iv) of paragraph (b) and in paragraph (c) of subsection (5) of section 19 of the Act means, in addition to the scheme listed in regulation 75(1)(b) of the Jobseeker's Allowance Regulations, a workskill course.

Good cause for the purposes of section 19(5)(b)

19.—(1) Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(5)(b) of the Act and in addition to the circumstances listed in regulation 73 of the Jobseeker's Allowance Regulations, a person to whom Part II or Part III applies is to be regarded as having good cause for any act or omission for the purposes of section 19(5)(b)(iii) and (iv) where

- (a) the act or omission was in relation to a workskill course undertaken by him and occurred less than four weeks after the first day of the period of study;
- (b) the act or omission was in relation to a workskill course undertaken by him and was due to his lack of ability;
- (c) the workskill course was not suitable; or
- (d) the act or omission was in relation to an employment programme and he was or would have been required to attend the employment programme at a time which would have prevented him from attending the workskill course.

(2) In this regulation, a workskill course is suitable if it is suitable for that person in vocationally relevant respects, namely his personal capacity, aptitude, his preference, the level of qualification aimed at, duration of the course and proportion of time, if any, which the person has spent on the training in relation to the length of the course.

Good cause for the purposes of section 19(6)(c) and (d)

20. Without prejudice to any other circumstances in which a person may be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) of the Act, and in addition to the circumstances listed in regulation 72 of the Jobseeker's Allowance Regulations, a person is to be regarded as having good cause for any act or omission for the purposes of section 19(6)(c) and (d) where

- (a) the act or omission took place within a period of four weeks before the end of his workskill course or of his examinations;
- (b) the employment consists of employment for which he is not required to be available in accordance with these Regulations unless it is permanent full-time employment; or
- (c) in the case of a person to whom Part II applies, the employment consists of casual full-time employment and he would have to resign from permanent part-time employment to do it.

Modification of regulation 72

21.—(1) Regulation 72(2)(a) shall read, in relation to a person who has restricted his availability in accordance with Part II or Part III, as if after the word “8” the words “and 13” were deleted and the words “, 13 and the Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997” were inserted.

(2) Regulation 72(5A) of the Jobseeker's Allowance Regulations^(a) shall not apply to a person falling within Part II.

PART V

Other Persons

Modification of regulations 11 and 18(3)(f)(vi) of the Jobseeker's Allowance Regulations

22. Subject to regulations 23 and 25, regulations 11 and 18(3)(f)(vi) of the Jobseeker's Allowance Regulations shall not apply to any person who is required to attend an office of the Department for Education and Employment which is listed in the Schedule in accordance with a notice under regulation 23 of the Jobseeker's Allowance Regulations.

(a) Regulation 72(5A) was inserted by regulation 2 of the Social Security (Miscellaneous Amendments) Regulations 1997, S.I. 1997/454.

**JOBSEEKER'S ALLOWANCE (WORKSKILL COURSES) PILOT (NO. 2)
REGULATIONS 1997**

Application of regulations 11 and 18(3)(f)(vi) of the Jobseeker's Allowance Regulations

23. Regulations 11 and 18(3)(f)(vi) of the Jobseeker's Allowance Regulations may apply to a person notwithstanding the fact that he is required to attend an office of the Department for Education and Employment which is listed in the Schedule in accordance with a notice under regulation 23 of those Regulations if he would have been eligible to undertake a workskill course but for the fact that an employment officer did not agree that he might undertake that course because the number of persons attending an office of the Department for Education and Employment in the same region as him to whom Part II or Part III applied significantly exceeded 2000.

PART VI

Modification of other Social Security Regulations

Modification of the Council Tax Benefit (General) Regulations 1992 and of the Housing Benefit (General) Regulations 1987

24. Part V of the Council Tax Benefit (General) Regulations 1992^(a) (students) and Part VII of the Housing Benefit (General) Regulations 1987^(b) (students) shall have effect in relation to a qualifying person to whom Part III applies as if, in both regulation 38 of the Council Tax Benefit (General) Regulations 1992 (interpretation of Part V) and regulation 46 of the Housing Benefit (General) Regulations 1987 (interpretation of Part VII)–

- (a) in the definition of "course of study", after the words "any course of study" there were inserted the words "including a workskill course as defined for the purposes of the Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997";
- (b) in the definition of "student", the words "at an educational establishment" were omitted.

PART VII

Transitional Provisions

Continuation of existing modifications for part-time students

25. A part-time student who prior to 1st September 1997 had embarked on a course of study which continues after 1st September 1997 may take advantage of regulations 11 and 18(3)(f)(vi) of the Jobseeker's Allowance Regulations in respect of that course of study for any remaining period of his period of study or until his award of jobseeker's allowance has terminated, if sooner.

Transitional Provisions

26. On the expiry of these Regulations, the Jobseeker's Allowance Regulations shall apply to any person to whom these Regulations applied with the modifications to those Regulations made by these Regulations for any remaining period of his period of study.

Signed for the purposes of Parts I-V and VII of these Regulations on behalf of the Secretary of State for Education and Employment.

28th July 1997

Andrew Smith
Minister of State,
Department for Education and Employment.

(a) S.I. 1992/1814.

(b) S.I. 1987/1971.

Signed for the purposes of Part VI of these Regulations on behalf of the Secretary of State for Social Security.

29th July 1997

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security.

SCHEDULE

PART I

London and South East Region

The following Jobcentres:

Borough
Camberwell Green
Thornton Heath
London Bridge
Croydon
New Addington
Orpington
Peckham
Purley
Dulwich
Bexleyheath
Catford
Dartford
Deptford
Eltham
Erith
Greenwich
Sidcup
Woolwich Arsenal
Woolwich Riverside

South West Region

The following Jobcentres:

Bath
Clevedon
Keynsham
Midsomer Norton
Shirehampton
Weston Super Mare
Westbury-on-Trym
Bedminster
Bristol Central
Broadweir
Easton
Filton
Hartcliffe
Knowle
Yate
Bridgewater
Burnham-on-Sea
Chard
Frome
Street
Taunton
Wellington
Wells
Amesbury
Corsham
Devizes
Melksham
Salisbury
Swindon
Trowbridge
Warminster
West Swindon

PART II

Scotland Region

The following Jobcentres:

Bridgeton
Cambuslang
Glasgow Central
Glasgow City
Govan
Langside
Laurieston
Rutherglen
Shawlands
South Side
Hillington
Easterhouse
Shettleston
Parkhead
Springburn
Cumbernauld
Kilsyth
Annie'sland
Clydesbank
Drumchapel
Maryhill
Oban
Partick

North West Region

The following Jobcentres:

Burnley
Padiham
Colne
Nelson
Rawtenstall
Bacup
Accrington
Great Harwood
Clitheroe
Blackpool South
Kirkham
Fleetwood
Thornton Cleveleys
Preston
Chorley
Bamber Bridge
Leyland
Blackburn
Darwen
Carlisle
Cleator Moor
Cockermouth
Keswick
Maryport
Penrith
Whitehaven
Workington
Barrow-in-Furness
Kendal
Lancaster
Millom
Morecambe
Ulverston
Windermere

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for two further pilot schemes which modify certain jobseeking regulations in the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207). One scheme, which applies to persons who are required to attend one of the offices listed in Part I of the Schedule in order to claim jobseeker's allowance, modifies the regulations on availability, active seeking and sanctions for part-time students (regulations 6 to 10 and 18 to 21). The other scheme, which applies to persons who are required to attend one of the offices listed in Part II of the Schedule, modifies the regulations on availability, active seeking and sanctions for full-time students (regulations 11 to 21). In order to qualify for these concessions, a person must satisfy the conditions set out in regulation 3.

A person who is required to attend an office listed in Part I or II of the Schedule may not normally rely on the existing concessions for part-time students in the Jobseeker's Allowance Regulations, subject to two exceptions (regulations 23 and 25). Regulation 26 makes a transitional provision in respect of persons who embarked on a course of study before these Regulations otherwise cease to have effect.

These Regulations also provide for full-time students to whom these Regulations apply to be treated in the same way as students for the purpose of entitlement to housing benefit and council tax benefit (regulation 24).

These Regulations do not impose a charge on business.