

1996 No. 1252**SOCIAL SECURITY****The Income Support (Pilot Scheme) Regulations 1996***Made* - - - -*8th May 1996**Coming into force**8th July 1996*

Whereas a draft of this Instrument was laid before Parliament in accordance with section 37(2) of the Jobseeker's Act 1995(**a**) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by section 137(2)(d)(ii) and 175 (1) to (4) of the Social Security Contributions and Benefits Act 1992(**b**) and section 29(1), (3)(a), (b), (c)(i) and (6)(c) and 35(1)(**c**) of the Jobseekers Act 1995, and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it (**d**), by this Instrument, which contains Regulations 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, encourage persons to obtain work or will, or will be likely to, facilitate the obtaining by persons of work (**e**), hereby makes the following Regulations:-

Citation, commencement and duration

1.—(1) These Regulations may be cited as the Income Support (Pilot Scheme) Regulations 1996 and shall come into force on 8th July 1996.

(2) These Regulations shall have effect for the period beginning on 8th July 1996 and ending on 4th July 1997.

Interpretation

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

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(**f**);

“benefit” means income support, unemployment benefit or any earnings credited to a person in respect of a week of unemployment pursuant to regulation 9(1) of the Social Security (Credits) Regulations 1975(**g**) or, if income support is received in respect of the same benefit week as unemployment benefit, both of those benefits and “receiving benefit” means receiving benefit which that person has claimed and received as an unemployed person;

“benefit week” has the same meaning as in paragraph 4 of Schedule 7 to the Claims and Payments Regulations;

“employment interview” means an interview in respect of which a relevant person has received written notice, requesting him to report at a specific time, place and date to an employment officer for an interview in connection with that person's prospects of employment and “first employment interview”

(**a**) 1995 c.18.

(**b**) 1992 c.4.

(**c**) Section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(**d**) See the Social Security Administration Act 1992 (c.5), section 173(1)(b).

(**e**) See the Jobseekers Act 1995 (c.18), section 29(8).

(**f**) S.I. 1987/1968.

(**g**) S.I. 1975/556; relevant amending instruments are S.I. 1977/778, 1987/414 and 1988/1545

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means the first employment interview attended by the relevant person on or after 9th April 1996;

“employment officer” means a person who is an employment officer for the purposes of section 9 or 10 of the Jobseekers Act 1995;

“Project Work” means the programme provided in pursuance of arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(a) and known as Project Work;

“relevant person” means a person to whom regulation 3 applies.

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

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

Application

3.—(1) These Regulations shall apply to any person who-

- (a) receives, or has received, a written request to attend an employment interview to take place on or after 9th April 1996 at an appropriate office an is, or was, aged 18 or over but under 51 as at the date upon which he receives or received that written request; and
- (b) is, or was, receiving income support as at the date upon which he receives or received the written request referred to in sub-paragraph (a) and has, or had been, receiving benefit for a period of not less than two years as at that date-
 - (i) without any period of interruption; or
 - (ii) with a period of interruption which did not exceed 14 days; or
 - (iii) with a number of periods of interruption, none of which exceeded 14 days; and
- (c) attends an appropriate office, or is required to attend such an office at any time during the period no earlier than 13 weeks following the date upon which he attended a first employment interview but no later than 26 week following that date.

(2) In this regulations, “appropriate office” means an office of the Department for Education and Employment which is identified in the Schedule to these Regulations and at which the person to whom paragraph (1) applies is required to attend in accordance with a direction given pursuant to regulation 8 of the Claims and Payments Regulations (b) (attendance in person).

Requirement to participate in Project Work

4.—(1) Subject to paragraph (3) and except where the relevant person’s failure to participate in Project Work is attributable to the circumstances specified in regulation 6(2), a relevant person shall be required to participate in Project Work for the period specified in paragraph (4) where-

- (a) he has attended an employment interview (other than a first employment interview) on or after the date these Regulations come into force; and
- (b) at that interview, he was given a notice in writing advising him that if he failed to participate in Project Work, he would be liable to be not treated as available for employment for the purpose of entitlement to income support.

(a) 1973 c.10; section 2 was amended by section 25 of the Employment Act 1988 (c.19).

(b) Regulation 8 was amended by S.I. 1992/247.

(2) The requirement in paragraph (1) to participate in Project Work shall apply from the date specified in the notice referred to in sub-paragraph (b) of that paragraph.

(3) Paragraph (1) shall not apply in the case of a person-

- (a) for whom there is not place available on Project Work; or
- (b) who has already participated in Project Work for the period specified in paragraph (4).

(4) The specified period is-

- (a) one continuous period of 13 weeks; or
- (b) two or more periods amounting in total to 13 weeks.

Sanction for not participating in Project Work

5.—(1) Where a relevant person, without good cause and except where any of the circumstances specified in regulation 6(2) apply in his case-

- (a) refuses to accept a place on Project Work when offered to him after that place has been notified to him by an employment officer as vacant or about to become vacant; or
- (b) gives up a place on Project Work before the expiry of the period during which he is required to participate in the programme; or
- (c) fails to participate, or to continue to participate, in Project Work,

he shall not be treated as available for employment for the purpose of entitlement to income support for the period specified in paragraph (5).

(2) A relevant person shall also not be treated as available for employment for the purpose of entitlement to income support for the period specified in paragraph (5) where he loses his place on Project Work through his misconduct.

(3) For the purposes of paragraph (1)(c) and of regulation 6(2), a relevant person shall be taken to have failed to participate or to continue to participate in Project Work where he fails to attend at the time and at the place where he is required to attend for the purposes of Project Work.

(4) A determination that a relevant person is not to be treated as available for employment under paragraph (1) or (2) shall apply from the first day of the benefit week following the date of that determination for a period not exceeding the appropriate period determined in accordance with paragraph (5).

(5) The determination referred to in paragraph (4) shall apply-

- (a) on the first occasion the circumstances specified in paragraph (1) or (2) apply to a relevant person-
 - (i) for the number of days corresponding with the number of days during which the relevant person had failed to participate, or to continue to participate in Project Work; or
 - (iii) for 14 days,

whichever amounts to the shorter period;

- (b) on any subsequent occasion the circumstances specified in paragraph (1) or (2) apply to a relevant person-
 - (i) for the number of days corresponding with the number of days during which the relevant person had failed to participate, or to continue to participate in Project work; or
 - (ii) for the number of days specified in head (i) of this sub-paragraph and preceding the date upon which the relevant person expressed an

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intention to resume or commence participation in Project Work and there was no place available on Project Work for that person on that date; or

(iii) for 28 days,

whichever amounts to the shorter period.

(6) A person not treated as available for employment in accordance with this regulation shall, for the purposes of the Income Support (General) Regulations 1987(a), be treated as if he was a person not treated as available for employment in accordance with regulation 10(1) of those Regulations(b) (persons not treated as available for employment).

Circumstances in which a relevant person is not required to participate or to continue to participate in Project Work

6.—(1) This regulation shall have effect for the purposes of regulations 4(1) and 5(1).

(2) Without prejudice to any other circumstances in which a person may not be required to participate in Project Work, a relevant person shall into be required to participate, or to continue to participate, in Project Work if, and to the extent that, his failure to participate or to continue to participate, is attributable to any of the following circumstances-

- (a) the relevant person in question was suffering from some disease or bodily or mental disablement on account of which-
 - (i) he was not able to participate or to continue to participate in Project Work;
 - (ii) if he had participated or continued to participate in Project Work he would have put at risk his health; or
 - (iii) if he had participated or continued to participate in project Work, he would have put at risk the health of other persons;
- (b) the relevant person had given up a place on Project Work and, had he continued to participate in Project Work, he would have, or would have been likely to have, put his health and safety seriously at risk;
- (c) the relevant person's failure to participate or to continue to participate resulted from a religious or conscientious objection sincerely held;
- (d) the time it took, or would normally have taken, for the relevant person to travel from his home to the place where Project Work was taking place and back to his home by a route and means appropriate to his circumstances and to the programme exceeded, or would normally have exceeded, one hour in either direction or, where no appropriate place on Project Work is available within one hour of his home, such greater time as is necessary in the particular circumstances of the nearest appropriate place on Project Work;
- (e) the relevant person had caring responsibilities and-
 - (i) no close relative of the person he cared for and not other member of that person to make other arrangements for the care of that person;
- (f) the relevant person was attending court as a party to any proceedings, or as a witness as a juror;
- (g) the relevant person was arranging or attending the funeral of a close relative or close friend;
- (h) the relevant person was engaged in-
 - (i) the manning or launching of a lifeboat; or
 - (ii) the performance of duty as a part-time member of a fire brigade;

(a) S.I. 1987/1967.

(b) Regulation 10(1) is amended by S.I. 1988/1843, 1989/1323, 1990/1549 and 1657, 1991/236.

- (i) the relevant person was required to deal with some domestic emergency; or
- (j) the relevant person was engaged during an emergency in duties for the benefit of others.

(3) For the purposes of paragraph (2)(e)-

“caring responsibilities” means responsibility for caring for a child or for an elderly person or for a person whose physical or mental condition requires him to be cared for, who is either in the same household or a close relative;

“close relative” means a spouse or other member of an unmarried couple, parent, step-parent, grandparent, parent-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, sister, grandchild, or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple.

(4) For the purposes of paragraph (2)(j)-

- (a) a person is engaged in duties for the benefit of others while-
 - (i) providing assistance to any person whose life may be endangered or who may be exposed to the risk of serious bodily injury or whose health may be seriously impaired;
 - (ii) protecting property of substantial value from imminent risk of serious damage or destruction; or
 - (iii) assisting in measures being taken to prevent a serious threat to the health of the people;
 - (iv) acting as a member of a group of persons organised wholly or partly for the purpose of providing such assistance or, as the case may be, protection;
- (b) events which may give rise to an emergency include-
 - (i) a fire, flood or an explosion;
 - (ii) a natural catastrophe;
 - (iii) an accident at sea;
 - (iv) a railway or other transport accident;
 - (v) a cave or mountain accident;
 - (vi) a person being reported missing and the organisation of a search for that purpose.

(5) for the purposes of paragraph (2), a relevant person shall not be required to participate, or to continue to participate, in Project Work only for so long as the circumstances specified in that paragraph continue to apply.

Signed by authority of the Secretary of State for Social Security.

8th May 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE

Regulation 3(2)

APPROPRIATE OFFICES

Beverley ESJ
Bransholme ESJ
Hessle ESJ
Hull (Essex House)
Hull (Market Place)
Hull (Queen's House)
Chatham ESJ
Gillingham ESJ
Gravesend ESJ
Maidstone A ESJ
Maidstone B ESJ
Strood ESJ

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a pilot scheme under the Jobseekers Act 1995. The scheme relates to persons who claim income support and who fulfil the criteria in regulation 3 as to age, the period over which such persons have been receiving benefit (as defined) continuously and location of appropriate offices at which such persons are required to attend (as identified in the Schedule) ("relevant persons").

Regulation 4 provides that relevant persons must participate in Project Work (a programme established by the Secretary of State for Education and Employment) if they are, or have been receiving benefit during a requisite period following an employment interview and are required to do so by written notice. That regulation also prescribes the period during which relevant persons must participate in Project Work and exceptions to the rule that relevant persons must participate in Project Work.

Regulation 5 provides that relevant persons will be treated as not available for employment if they refuse or fail to participate in Project Work or lose their place on Project Work due to misconduct and prescribes the periods during which the sanction is to apply.

This regulation also provides that the Income Support (General) Regulations 1987 (S.I. 1987/1967) shall have effect as if persons treated as not available for employment under this regulation were also treated as not available for employment under those Regulations.

Regulation 6 prescribes circumstances where a relevant person is not required to participate in Project Work.

These Regulations do not impose a charge on business.