

The Draft Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014

Report by the Social Security Advisory Committee under Section 174(1) of the Social Security Administration Act 1992 and statement by the Secretary of State for Work and Pensions in accordance with Section 174(2) of that Act.

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Presented to Parliament by the Secretary of State for Work and Pensions pursuant to Section 174(2) of the Social Security Administration Act 1992

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Statement by the Secretary of State for Work and Pensions in accordance with Section 174(1) of the Social Security Administration Act 1992.

Introduction

1. Proposals for regulations were referred to the Social Security Advisory Committee (“the Committee”) on 8 July 2013 for consideration in accordance with Section 174 (1) of the Social Security Administration Act 1992.
2. The Regulations mean that advisers can use their discretion to determine the frequency, timing and duration of Income Support Work- focused Interviews (WFI), based on the needs of each individual. The changes would apply to lone parents, aged 18 and over, with a youngest child aged 1 – 4 who is entitled to Income Support solely on the basis of being a lone parent. These changes are known as the Work-focused Interview (WFI) changes.
3. In addition employment support advisers would have the powers to require lone parents with a youngest child aged 3 or 4 to undertake mandatory Work-Related Activity (WRA) if they are entitled to Income Support solely on the basis of being a lone parent or if they are entitled to old Employment and Support Allowance (under the Employment and Support Allowance Regulations 2008) and are in the ESA Work-Related Activity Group (WRAG). The change will also apply to lone parents and nominated responsible carers with a youngest child aged 3 or 4 if they are awarded Universal Credit (UC) or new ESA (under the Employment and Support Allowance 2013). These are known as the Work-Related Activity (WRA) changes.
4. The measures, which were announced in the 2013 Spending Review, aim to increase these parents’ prospects of a prompt return to sustainable work through an improved offer of employment support. They support the Government’s aim of delivering a welfare system that recognises work as the primary route out of poverty, and reduces the number of children in workless households.
5. The changes also reflect the Government’s emphasis on personalised support into work. They recognise that in order to return to work, the level of support required will vary from one person to the next, and acknowledge that advisers and local managers are best placed to identify the support and guidance that is appropriate to each claimant. Advisers will have the flexibility to engage with the diverse group of claimants who comprise lone and couple parents in a way which best suits each individual.

The Social Security Advisory Committee's Report

6. The Social Security Advisory Committee (SSAC) conducted a consultation exercise on the draft Income Support (Work – Related Activity) and Miscellaneous Amendments Regulations 2014, with a broad range of organisations and individuals between 13 July and 13 September 2013. In particular the Committee sought further evidence relating to the impact of the previous changes for Income Support and an insight into the experiences of those parents. The background to these earlier changes is that, before November 2008, lone parents were able to claim Income Support (IS) as a lone parent until their youngest child reached 16. Since then, the age of the youngest child has been reduced over time, so that since May 2012 lone parents with a youngest child aged five or over are no longer entitled to claim IS solely on the grounds of being a lone parent.

7. The Committee received six responses from individuals and organisations in response to the consultation exercise. The report reflects, on the whole, the summary of these responses and contains thirteen recommendations. Three of the recommendations were concerned with overarching issues that the Committee asked to be considered; a further ten recommendations focused on the key issues upon which the Committee consulted as set out in their report. The thirteen recommendations had four main themes:
 - Overarching issues
 - Innovation and good practice
 - Conditionality and sanctions
 - Childcare

8. On 9 October 2013, the Committee delivered its report on the above named Regulations to the Secretary of State for Work and Pensions. The Committee's report is included in this document and follows the statement by the Secretary of State for Work and Pensions.

Government Response

9. The Secretary of State for Work and Pensions welcomes the Committee's report on the draft Income Support (Work Related Activity) and Miscellaneous Amendments Regulations 2014 and the constructive nature of the recommendations. The Government is also grateful to the Committee and its Secretariat for working closely with officials throughout the referral and consultation process. The Secretariat helpfully provided some separate informal comments, which were on the drafting of the Regulations rather than the proposal themselves. DWP officials have responded to those comments provided by Secretariat.

10. The Committee were concerned that a number of potentially negative impacts on customers arising from the proposed mandatory nature of the arrangements were identified, and the views of interested individuals and organisations were sought.
11. The Government has considered the views of the Committee; a full response to each recommendation is provided.

The report of the Committee makes the following recommendations:-

General

12. **The consequences of mandation for lone parents with very young children – and in particular the imposition of sanctions on them - are disproportionate. Nonetheless we recognise the value of flexible and personalised support being made available to lone parents to ensure that any unresolved barriers to employment have been addressed by the point their youngest child reaches age five. Therefore the Committee recommends that an incremental approach be adopted – for example with an increased emphasis on work-related activity when the claimant’s youngest child turns four. This would permit a seamless, supportive and constructive transition back into employment at the point at which the child reaches school age. Those lone parents who wish to access this support earlier should be encouraged to do so on a voluntary basis.**
13. **Response** - The Government believes it is reasonable to expect lone parents to prepare for the time when they can return to work. However it recognises the Committee has concerns about some aspects of the change including the potential impacts of failing to meet requirements associated with this change. We have decided to include an easement in Regulations. This provision will ensure that lone parents that claim Income Support cannot be sanctioned if a failure without ‘good cause’ to meet a requirement to attend either a work-focused interview or participate in work-related activity occurs within two weeks of the lone parent’s benefit being reduced as the result of a previous failure and their award of Income Support is currently subject to a sanction.
14. The Department’s direction of travel, for delivering support to claimants, is a clear move away from a nationally determined structure to more locally-determined processes which focus on helping claimants to return to work. The work-related activity changes build on this approach for support particularly in the year before many lone parents will lose entitlement to claim Income Support if claimed solely on the basis of being a lone parent, when their youngest child reaches age 5. However the Government believes it is right for Jobcentre Plus advisers to assess the individual

needs of claimants, given that they work most closely with claimants on a day to day basis. Advisers should have the discretion to make decisions in such a way that they can, as far as possible, provide lone parents with the individually tailored package of support that they need to improve their prospects of a return to sustainable employment.

- 15. The welfare of a child is paramount and the Department should take steps to bring forward secondary legislation which gives effect to the requirements set out in section 9 of the Jobseekers Act 1995 and section 14 of the Welfare Reform Act 2007 that an officer, when drawing up a jobseeker's agreement or an action plan for work-related activities, is to have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.**
- 16. Response** - The Government agrees that it must have regard to the welfare of the child but does not agree that further legislation needs to be enacted. The provisions of the Jobseekers Act are not relevant as the Work Related Activity (Amendment) Regulations do not affect Jobseeker's Allowance. In relation to Income Support, Section 2E(6) of the Social Security Administration Act 1992 obliges the Secretary of State to have regard of the impact of an action plan on the welfare of any child. There is also an express requirement in the Regulations that the requirement to undertake work-related activity must be reasonable having regard to the claimant's circumstances, which would include any child the claimant has. Section 14 of the Welfare Reform Act 2007 relates to Employment and Support Allowance, although it is not yet in force. The ESA Work-Related Activity Regulations 2011, which are amended by these Regulations, provide that the requirement to undertake work-related activity must be reasonable having regard to the claimant's circumstances. Further, the Children and Young Person Act 2008 places a general duty on the Secretary of State to promote the well-being of children in England and so would require the Department to have regard to these matters in taking conditionality and sanctions decisions.
- 17. It is essential that the Department (and the devolved administrations where the delivery of the policy will be different) undertake robust monitoring and evaluation of the changes to ensure that there is a good understanding of the effect of these provisions in terms of the consistency of decision-making, the impact on claimants, the level of sanctions being imposed, the level of employment uptake and child poverty. An evaluation should be designed to determine what changes can be attributed to the policy, and include an assessment of its cost effectiveness. The evaluation should be used to facilitate informed responses to emerging challenges or inconsistencies that may be identified.**

18. **Response** - The Government agrees with the recommendation and is committed to assessing the effects of this change. We will use DWP administrative data to monitor the change, particularly in terms of lone parents' access to support, the incidence of sanctions and appeals and any employment outcomes. We will also draw on broader DWP research where appropriate. In addition, we will consider the need for research commissioned specifically to evaluate the change, particularly qualitative research with Jobcentre Plus staff and lone parent claimants, to understand delivery of the change and explore how this influences the behaviours and attitudes of lone parents. Any new research though, would need to be prioritised and agreed as part of the Department's wider research programme. We will also use feedback from stakeholder groups through the Department's regular consultation forum with lone parent voluntary groups. Our approach to reviewing the change is intended to enable us to learn lessons and reflect them in future delivery.

The impact of previous changes regarding eligibility to Income Support on lone parent households where the youngest child is aged between five and ten.

19. **The Committee has received examples of positive interventions by employment advisers, and we would encourage the Department to ensure that steps are taken to ensure that best practice is shared and that standards routinely meet those of the very best. The Committee would welcome sight of DWP's plans – and associated timetable – for achieving that.**

20. **Response** - The Government welcomes the Committee's acknowledgement that Jobcentre Plus advisers are already working effectively with customers to provide them with effective employment support interventions. The Department already has well established tools for sharing good practice and ensuring standards are maintained through the National Partnership Team and the Jobcentre Plus adviser site and the Quality Assurance Framework (QAF). Jobcentre Plus will engage with the relevant parts of the Business through its key stakeholders to ensure that assurance frameworks are adapted to reflect the changes and to capture feedback including good practice.

The potential impact of the proposed mandation of work-related activity for those households with a youngest child aged three or four.

21. **The Department should explore innovative solutions to support lone parents to undertake work-related activity, including by examining the opportunities to co-locate the provision of childcare with facilities that support work-related activity.**

22. **Response** - The Government promotes innovation through its approach to delivering support to our customers. Broadly speaking Jobcentre Plus District managers have responsibility to make decisions about the way in which provision is delivered in their area to help claimants return to work. Jobcentre Plus Partnership managers specialise in working with local partners to help carers, including those with childcare needs, to address their barriers to work by developing locally tailored solutions. As part of this change Partnership Managers will be asked to promote, wherever possible, opportunities for lone parents to undertake work-related activity co-located with the provision of childcare.
23. **The Department should review the effectiveness of its operational staff exercising flexibility to provide tailored support through the Jobcentre Plus Offer to help move lone parent claimants to paid work, including the financial assistance for childcare costs that is available through the Flexible Support Fund. This should include assessing the merits of specialist support provided by lone parent advisers or in partnership with local organisations that support lone parents.**
24. **Response** - The Government is committed to reviewing and evaluating the way Jobcentre Plus delivers its services. The Jobcentre Plus Offer is a flexible support model that is made up of three elements: a core regime of regular face-to-face meetings, flexible adviser support and a flexible menu of support options. The Department will use findings from the evaluation of this change together with findings from other relevant evaluations to help ensure that the change successfully delivers to lone parents taking part in flexible work-focused in interviews and work-related activity. The Department met with stakeholders in the summer to discuss lone parent barriers to work; we are currently reviewing the findings. These include exploring the merits of specialist support for lone parents. We will feed findings from this work into the evaluation of these changes.

The removal from the Income Support legislation of the list of 'good causes'

25. **The Committee has been unable to identify any persuasive evidence supporting the removal of the illustrative list of issues to be considered when determining good cause as traditionally expressed in regulations, therefore our preference would be to retain it in legislation as doing so would provide a higher level of authority, certainty and transparency to claimants.**
26. **The Committee notes the Department's commitment in its Explanatory Memorandum that 'we will ensure that the original policy and safeguard which allows consideration of 'good cause' will be retained with regulations'. This commitment needs to be supplemented with clear guidance and effective training for decision-makers in order that they have a good understanding of their responsibilities and the scenarios that would constitute good cause.**

27. **To provide further clarity, the list of circumstances which are taken into account when decision-makers are considering whether there is good cause for failing to participate in a work-focused interview should be extended to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity.**
28. **The Committee would welcome the opportunity to comment on the draft decision-maker's guidance as soon as it is available. The Committee also seeks a commitment from the Department that its views would be sought on changes proposed to any of the guidance relating to good cause in the same way that it would have been if the list had remained in regulations.**
29. **Response** - The Government stated its intention to remove the list of matters to be considered when determining Good Cause. Our long term policy is to simplify regulations and remove the illustrative list of examples of 'good cause' in regulations to avoid the risk such a list might be used exclusively. This is consistent with our overall desire to simplify regulations where this would add value. Examples of good cause would have been maintained in the Decision Makers Guidance (DMG). However we have listened to the Committee's views. We have decided to retain the existing good cause provisions in Income Support Regulations. We have also ensured that the new provisions in these Regulations relating to good cause for not undertaking work-related activity refer to the availability of child care in line with requirements of section 2H of the Social Security Administration Act (SSAA) 1992. However, we maintain that the good cause provisions should not be further extended. They are not exhaustive, with each "Good Cause" determination being considered on a case by case basis. As such we consider there is no need to extend the list in regulations or related guidance in connection with failure to take part in a work-focused interview to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity.

The broader potential impacts

30. **We recommend that DWP provides timely and clear communications regarding the application of these provisions to Jobcentre Plus staff as well as to lone parent claimants and stakeholder organisations supporting lone parent claimants. The Department should also, by the end of 2013, ensure appropriate training is provided to Jobcentre Plus staff so that they are well placed to respond to queries and to follow correctly the requirements of the new legislation and guidance.**

31. **Response** - The Government agrees that the communication strategy for this change should be clear and well timed. The changes will however be subject to the timetable for the passage of the legislation which may restrict the timing and content of communications. The Department will be developing a suite of communication and implementation products well in advance of introducing this change. This will include amending claimant letters and developing a factsheet for lone parents, awareness products and updated operational guidance for staff and communications for external organisations. A detailed communication plan is being developed by the Department which will be reviewed throughout the implementation period. Communications produced for this change will meet Departmental standards and will have been reviewed and signed off by stakeholders, including Legal Group and the Department's Communications team to ensure that they conform to the standards. No formal training is being planned as this change is mainly built around Business as Usual but the Department will be developing awareness products to highlight and communicate changes for staff. The proposed communication plan outlining the products being developed for this change will be shared with the Committee, the legislative timetable dictates this will be in early 2014

The implications for childcare provision for both lone parents and different types of childcare provider

32. **The Committee recommends that the Department requires its advisers to ensure that individual lone parents are made aware of their entitlement to 15 hours of free childcare per week, and that they are encouraged to make use of it when participating in mandatory work-related activity.**

33. **Similarly, where a lone parent's requirements in relation to mandatory work related activity exceed the 15 hours of free childcare, they should be made aware of the potential availability of further help through the Flexible Support Fund. While this is discretionary and cannot be relied upon as a matter of course, it is important that lone parents are at least made aware of its existence.**

34. **Response** - The Government agrees with the recommendation. The Department will ensure that, as part of this change, advisers will be required to tell lone parents about the availability of the 15 hours of free childcare (England only) or the equivalent offer in Scotland and Wales. Lone parents will be encouraged to take up this free offer if they are participating in work-related activity. Additionally, in circumstances where work-related activity exceeds the free childcare offer to which they are entitled advisers will be required, as part of this change, to tell lone parents about discretionary funding for childcare that may be available to them through the Flexible Support Fund in order to support their participation in

work-related activity. This requirement will form part of the communication strategy for the change within Jobcentre Plus guidance, implementation products and adviser guidance.

Rt Hon Iain Duncan Smith MP
Secretary of State for Work and Pensions
Caxton House
Tothill Street
London SW1H 9NA

9 October 2013

Dear Secretary of State,

The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013

Introduction

The Committee considered the above draft regulations at its meeting on 8 July 2013.

The Explanatory Memorandum notes that these regulations seek to *'improve the level of employment support available to lone parents (and nominated responsible carers under Universal Credit) with pre-school aged children, to better prepare them for the full work-related requirements they will face when their child turns five'*.

The changes proposed relate to:

- the requirement to participate in work-focussed interviews for parents with a child aged between one and four; and
- the requirement to undertake work-related activity for parents whose youngest child is three or four.

During the Committee's discussion we reached the conclusion that it would be helpful to have further evidence relating to the impact of previous changes to eligibility for Income Support, and also to have a greater insight to the experiences of lone parents following some of those earlier reforms.

Therefore, as part of our consideration of these regulations, we decided that there would be merit in seeking such evidence from a broad range of organisations and individuals. Accordingly, we advised the Department that we required formal reference of the draft proposals, and put them out for consultation between 11 July and 13 September 2013. The call for evidence sought input, in particular, on the following issues:

1. the impact of changes previously introduced regarding eligibility to Income Support on lone parent households where the youngest child is aged between five and sixteen. In particular, what impact has the increase in work-related requirements for households where the youngest child is aged between five and ten had in terms of enhancing employability;
2. the potential impact of the proposed mandation of work related activity for those households with a youngest child aged three or four;
3. whether the removal from the Income Support legislation of the list of 'good causes' for failing to attend a work-focused interview is likely to have an impact, for example in terms of interpretation and consistent application;
4. the potential implications of the proposals - for the Department for Work and Pensions; The Department for Business, Innovation and Skills; the devolved administrations; and other organisations - in terms of costs, administration and their other priorities (for example the arrangements under Universal Credit to make 16-17 year olds subject to work related requirements and the power to mandate basic skills training for England but not where it would be funded by Scotland and Wales); and
5. the implications for childcare provision for both lone parents and different types of childcare provider. For example, what are the potential implications of having to arrange or provide childcare for young children (aged three or four) while lone parents participate in more frequent work-focused interviews or undertake mandatory work-related activity?

We are grateful to the six respondents (listed at annex A) who took the time to provide thoughtful and well-informed written evidence to the Committee. We would also like to thank Departmental officials for their assistance throughout the process.

The Committee's view

Having considered all of the evidence presented to us, we make the following observations.

1. The impact of previous changes regarding eligibility to Income Support on lone parent households, particularly where the youngest child is aged between five and ten

In considering the proposal that lone parents with a youngest child aged three or four may be required to undertake mandatory work-related activity, the Committee was keen to understand the impact of changes previously introduced regarding eligibility to Income Support on lone parent households where the youngest child is aged between five and ten. The Committee was especially interested to understand the impact in relation to employability.

The evidence presented to us makes clear that these changes have produced variable results.

The changes were designed to support lone parents back into work. Inevitably this includes some claimants who have been absent from the labour market for a substantial period of time. In these cases, we understand that the specific needs of individuals have not always been appropriately catered for, and that this has resulted in lone parents moving into employment that did not take account of their personal circumstances, for example their skill levels or childcare requirements. This, almost inevitably, has resulted in periods of short term, low paid jobs with repeat claims to Jobseeker's Allowance, rather than delivering stable long-term employment.

A key challenge for lone parents is to find work that fits in with their childcare responsibilities. The challenge of doing so was highlighted by the Joseph Rowntree Foundation¹ in 2012 when they noted that *'there is only one part-time vacancy paying £20k FTE for every 18 full-time vacancies at this level'*. Single Parent Action Network advised us that, while a number of lone parents they have spoken to have qualifications relevant to, and experience of, nursing, social work and teaching, they simply have been unable to find flexible appointments that would fit with their caring responsibilities. It is suggested that these parents have often been put under pressure by Jobcentre Plus and Work Programme providers to take any work offered to them *'irrespective of whether it would secure them a decent wage or fit in with the caring responsibilities for their child'*.

¹ Building a sustainable quality part-time recruitment market (2012)

The Committee has also received examples of positive interventions by employment advisers, and **we would encourage the Department to ensure that steps are taken to ensure that best practice is shared and that standards routinely meet those of the very best, and we would welcome sight of DWP's plans – and associated timetable – for achieving that.** For example, the Peabody Trust suggest that high quality advice, basic skills programmes and confidence building exercises can greatly enhance employability.

2. The potential impact of the proposed mandation of work-related activity for those households with a youngest child aged three or four

It is acknowledged, not least in research commissioned by DWP,² that lone parents are motivated to work. The respondents to the Committee's consultation therefore argued that focusing resources on improving skills would be preferable to spending money on increased conditionality, increased sanctions and the inevitable appeals activity that would follow.

The government estimates these proposals will cost £1.5 million to deliver; a third of which will be spent in relation to increased decision making activity and tribunals.³ Bearing in mind that the most successful labour market interventions for single parents have been premised on voluntary engagement, Gingerbread questions the efficacy of spending money on introducing increased amounts of conditionality and its associated bureaucracy. In a constrained funding environment, this money would be better spent on interventions already shown to work, such as:

- *Access to specialist lone parent advisers*
- *Opportunities to voluntarily engage in good quality work experience initiatives*
- *Supporting single parents to gain further qualifications.*

Gingerbread

Turning to the delivery of the proposal to introduce mandatory work-related activity for parents with a youngest child aged three or four, a number of concerns have been highlighted to the Committee by respondents, in particular the availability of childcare.

The lack of flexibility in available childcare while a lone parent is engaged on work-related activity was identified as a particular challenge that would be faced by lone parents. For example, the 15 hours of free childcare provision currently available for three and four year olds often has to be taken in fixed

² Tu, T. and Ginnis, S. (2012) *Work and the Welfare System: a survey of benefit and tax credits recipients* (DWP)

³ Page 23, para 9.3, Explanatory Memorandum for the Social Security Advisory Committee: The Draft Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013.

blocks, booked in advance to a stable pattern, and in some cases may only be available during school terms (38 weeks per year).

In addition, the level of demand on approved childcare places is high, especially in London. These proposals will add to the pressure in the competition to find a suitable childcare place, making it more challenging for other lone parents with children over the age of five, who are already required to be available for and actively seeking work.

It is also worth emphasising that, while a child may be eligible for 15 hours a week free childcare, that would rarely equate to a lone parent being available for 15 hours a week, as there is a need to factor in travelling time to and from both the childcare placement and the work-related activity.

The Committee was particularly pleased to receive from respondents some practical suggestions for overcoming these potential barriers. For instance, it was suggested that consideration should be given to offering lone parents occasional home-based tasks as part of the work-related activity (for example preparing a CV), although the Committee recognises the day-to-day challenges faced by parents caring for young children in the home and that this will not always be the answer. Another suggestion was to co-locate childcare facilities and the work-related activity.

The ideal solution would be to have a crèche facility at the work related activity venue. This could be complemented at lower cost by having some of the lone parents training up in child care alongside trained staff, which is often a popular route for lone parents as it “fits” with their existing childcare responsibilities. Obviously there would be cost implications, but in the longer term, employment could be created with more childcare provision being expanded at the same time, so that some lone parents could provide the childcare that other lone parents need in order to take up employment.

Peabody Trust

The Committee recommends that the Department explores innovative solutions to support lone parents to undertake work-related activity, including by examining the opportunities to co-locate the provision of childcare with facilities that support work-related activity.

It will be important to ensure that the mandatory work-related activity is delivered effectively and in a way that is beneficial and supportive to the lone parent. Lone parents themselves place considerable value on support provided to them that is flexible, tailored to the individual and holistic.

...we feel that the proposed new powers could have a positive impact in helping lone parents to prepare for work, provided they are used constructively by advisers. However, for some lone parents the journey into the labour market will be quite a long one, and we would stress that the key to success is not simply giving advisers the ability to mandate work related activity at an earlier stage, but ensuring that this is used in a way that is

appropriate and meaningful for the claimant...this reflects the importance of DWP's emphasis on 'personalised support into work'...

...we believe that Government's ultimate aim should be the delivery of a genuinely 'holistic' package of support for lone parents, which recognises the challenges that they face in the round, and not simply their employment prospects in isolation.

4 Children

The continuity provided by a single adviser with whom they can build an effective relationship is particularly valued by lone parents, as is having sufficient time with the adviser so that they can build a comprehensive understanding of the needs of the claimant. The lack of availability of dedicated lone parent advisers, who have the expertise to appreciate a lone parent's situation and also the intended operational delivery of the regulations, was highlighted as a concern by some respondents. Without this dedicated expertise to deliver the policy, there were concerns that areas such as the mandatory work related activity would not be delivered in a way that was beneficial to, and supportive of, the lone parent.

There was also a concern that focusing resources on lone parents considered to be furthest from the employment market also results in focusing conditionality – and therefore potentially sanctions – on the most vulnerable claimants, some of whom may have complex barriers to employment. DWP research has shown, for example, that lone parents also experience issues related to poor health, disability or mental health, are more likely to have a child with a long-standing illness disability or infirmity, and are more likely to face numeracy or literacy problems and to have difficulty managing financially.⁴

Concerns were also raised over the availability of relevant courses that could be accessed at no cost to the lone parent, and whether lone parents would be expected to take on loans to acquire level 3 or 4 further education courses. Respondents questioned whether there would be adequate use of the Flexible Support Fund to access courses, particularly given its discretionary nature and calls upon its resources from other areas of Jobcentre Plus work.

The Department should review the effectiveness of its operational staff exercising flexibility to provide tailored support through the Jobcentre Plus Offer to help move lone parent claimants to paid work, including the financial assistance for childcare costs that is available through the Flexible Support Fund. This should include assessing the merits of specialist support provided by lone parent advisers or in partnership with local organisations that support lone parents.

⁴ Coleman, N and Lanceley, L (2011) Lone Parent Obligations: supporting the journey into work, DWP Research Report No 736.

3. *The removal from the Income Support legislation of the list of 'good causes'*

The Department's Explanatory Memorandum outlines the proposal to remove from Income Support legislation the list of circumstances which are to be taken into account when decision-makers are considering whether there is good cause for failing to participate in a work-focused interview. The intention is that decision-makers will have a wider discretion to ensure that personal circumstances are fully considered in each case, and that the temptation to simply undertake a tick box exercise against the current good cause list (which is not intended to provide an exhaustive list) will be removed.

The introduction of an entirely discretionary good cause test has the potential to lead to inconsistent decision-making. There is also a risk that poor decisions could be made if the individual decision-maker is unable to understand fully, or unwilling to accept, the extent of the challenges faced by some lone parents with very young children.

For example, the Single Parent Action Network has advised us that there are examples of lone parents being sanctioned for not attending interviews which have been arranged for a time at which it would be reasonable to have anticipated that they would be dropping off or collecting their child(ren) from school. We understand that there are also examples of parents being threatened with a sanction when they have been unable to attend because they need to care for a child that is not at school because he or she is unwell.

Lone parents have also expressed concern that the discretion being given to advisers may lead to unfair outcomes if the particular circumstances that led to an interview being missed were not fully understood or acknowledged.

I would be very worried about how my adviser viewed me and if he/she understood my situation, would I be at risk if they didn't?

It would be very stressful knowing that it was down to the individual adviser if something went wrong, if a parent had low confidence they may not be able to stand up for themselves and may be sanctioned unfairly.

I think it's important to recognise things change very quickly, if my child was sick at the last minute or was suffering behavioural problems as a result of their condition. I may have to cancel very last minute...would I be sanctioned? If it was up to the advisor they may not realise how my child can change as a result of their condition as one interview they may be fine, the next they may not.

Lone Parents (consulted by The Poverty Alliance)

A number of respondents to our consultation also expressed fears that Jobcentre staff may be under increasing pressure to deliver higher levels of sanctions and speculated whether that would unduly influence the decisions being made.

The Committee acknowledges, however, that the guidance which has previously been put in place by the Department sets out comprehensively the circumstances in which good cause is appropriate and that it addresses specifically a number of the circumstances that respondents to this consultation have highlighted. It also notes that setting out the good cause parameters in guidance rather than in legislation would be consistent with recent developments within the benefits system generally.

However, the Committee has been unable to identify any persuasive evidence supporting the removal of the illustrative list of issues to be considered when determining good cause as traditionally expressed in regulations. **Therefore our preference would be to retain it in legislation as doing so would provide a level of authority, certainty and transparency to claimants that cannot be provided by guidance alone.**

Nonetheless, in the event that the Department proceeds with its proposed approach, it will be important that the concerns raised by respondents are addressed, for example by:

- Ensuring that there are clear and transparent parameters of the types of situations which can be regarded as good cause. There needs to be clarity about the interpretation of the scenarios that would satisfy the good cause test to help ensure a level of consistency throughout the country. Delivering such clarity would also provide a measure of confidence to lone parents and their representatives that they will be treated fairly based on their own personal circumstances and that external factors, for example Jobcentre performance measures, will not unduly influence those decisions.
- Undertaking robust monitoring and evaluation of the change to ensure that there is a good understanding of the impact in terms of the consistency of decisions being made, the impact on claimants, the level of sanctions being imposed and the level of employment uptake.
- Ensuring that communications with claimants set out clearly what is required of them and the consequences of not complying.
- Putting in place robust training and support for decision-makers to ensure that they have a good understanding of some of the practical challenges that lone parents are likely to be facing, that the guidance is not subject to misinterpretation, and that the discretionary and flexible provision is delivered in an appropriate and consistent way.

The Committee notes the Department's commitment in its Explanatory Memorandum that *'we will ensure that the original policy and safeguard which allows consideration of 'good cause' will be retained with regulations'*. This commitment needs to be supplemented with clear guidance and effective training for decision-makers in order that they have a good understanding of their responsibilities and the scenarios that would constitute good cause.

To provide further clarity, the list of circumstances which are taken into account when decision-makers are considering whether there is good cause for failing to participate in a work-focused interview should be extended to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity.

The Committee would welcome the opportunity to comment on the draft decision-maker's guidance as soon as it is available. The Committee also seeks a commitment from the Department that its views would be sought on changes proposed to any of the guidance relating to good cause in the same way that it would have been if the list had remained in regulations.

4. The broader potential impacts

The Committee is clear that the consistent application of these provisions - and the availability of training to Jobcentre Plus staff - is essential. It will be important for the Department to keep this under close review, including in the devolved administrations where the delivery of the policy will be different.

It has also been suggested to the Committee that some Jobcentre advisers have misinterpreted the proposals, and are placing inappropriate and incorrect requirements on lone parents, some of whom have children who are not yet one year old. Gingerbread has provided examples of calls to its helpline which demonstrate this. The Committee was extremely concerned to learn of these cases which clearly would have fallen short of the standards that the Department itself would expect from its operational staff. It is unacceptable for any benefit claimant to have to rely on the support and advice of Jobcentre advisers who do not fully understand the requirements themselves.

Caller A: has a three year old child and is being asked to attend fortnightly interviews as part of the pilot described as 'Flexible support single parent intervention interviews' and is being pressured by her adviser to apply for jobs.

Caller B: has a five month old baby and has been required to attend two work focused interviews since her baby was four months old. She is being pressured to find work by her adviser.

Caller C: has a six month old baby and was required to attend a work focused interview when her baby was three months old. She has another work focused interview coming up and is being pressured to find a job by her adviser.

Caller D: has a two year old child. She is under constant pressure from her Jobcentre adviser to get a job. She has been told she must attend the Jobcentre every month and must attend CV workshops and apply for jobs. Her adviser has told her that her benefits will be affected if she doesn't comply with these instructions.

**Examples of calls to Gingerbread's helpline
from single parents in receipt of Income Support**

The timeliness and clarity of the Department's communications - to its advisers, lone parent claimants and organisations representing lone parents - will therefore be important in ensuring the successful delivery of these provisions. The Committee has recently undertaken its own study of communications in the benefit system,⁵ and has made a number of recommendations to help the Department strengthen its performance in this area. Respondents to this consultation also acknowledge the importance of communications, not least in terms of ensuring that Jobcentre Plus staff are sufficiently informed of the changes in advance so that they can effectively explain to lone parent claimants how they will be affected. Linked to this, Professor Walker has highlighted the importance of ensuring that Action Plans and Claimant Commitments contain appropriate and clear detail of the requirements being placed upon an individual.

We recommend that DWP provides timely and clear communications regarding the application of these provisions to Jobcentre Plus staff as well as to lone parent claimants and stakeholder organisations supporting lone parent claimants. The Department should also, by the end of 2013, ensure appropriate training is provided to Jobcentre Plus staff so that they are well placed to respond to queries and to follow correctly the requirements of the new legislation and guidance.

5. The implications for childcare provision for both lone parents and different types of childcare provider.

In addition to the concerns already raised in section 2, the Committee acknowledges the following issues that have been raised by respondents in relation to childcare provision:

- The implementation of mandatory work-related activity has the potential to disrupt the various informal childcare arrangements that currently exist within local communities, such as lone parents providing childcare cover for each other (something which may not be possible should two claimants be asked to participate in mandatory activity at the same time).
- Childcare providers may be likely to be unable to accommodate short-term placements, or changes to current arrangements, resulting from work-related activity requirements (for example to cover a short course at college).

The Committee recommends that the Department requires its advisers to ensure that individual lone parents are made aware of their entitlement to 15 hours of free childcare per week, and that they are encouraged to make use of it when participating in mandatory work-related activity.

⁵ Communications in the benefit system: a study by the Social Security Advisory Committee (2013)

Similarly, where a lone parent's requirements in relation to mandatory work-related activity exceed the 15 hours of free childcare, they should be made aware of the potential availability of further help through the Flexible Support Fund. While this is discretionary and cannot be relied upon as a matter of course, it is important that lone parents are at least made aware of its existence.

Conclusion and recommendations

In the event that the Government proceeds with these proposals, the Committee is of the view that they should be amended to take account of the following recommendations. The majority (ten) focus on the specific issues addressed earlier in the report. However the Committee is of the view that there are a number of important overarching issues to consider, and the first three recommendations below address these.

General

1. The consequences of mandation for lone parents with very young children – and in particular the imposition of sanctions on them - are disproportionate. Nonetheless we recognise the value of flexible and personalised support being made available to lone parents to ensure that any unresolved barriers to employment have been addressed by the point their youngest child reaches age five. Therefore the Committee recommends that an incremental approach be adopted – for example with an increased emphasis on work-related activity when the claimant’s youngest child turns four. This would permit a seamless, supportive and constructive transition back into employment at the point at which the child reaches school age. Those lone parents who wish to access this support earlier should be encouraged to do so on a voluntary basis.
2. The welfare of a child is paramount and the Department should take steps to bring forward secondary legislation which gives effect to the requirements set out in section 9 of the Jobseekers Act 1995 and section 14 of the Welfare Reform Act 2007 that an officer, when drawing up a jobseeker’s agreement or an action plan for work-related activities, is to have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.
3. It is essential that the Department (and the devolved administrations where the delivery of the policy will be different) undertake robust monitoring and evaluation of the changes to ensure that there is a good understanding of the effect of these provisions in terms of the consistency of decision-making, the impact on claimants, the level of sanctions being imposed, the level of employment uptake and child poverty. An evaluation should be designed to determine what changes can be attributed to the policy, and include an assessment of its cost effectiveness. The evaluation should be used to facilitate informed responses to emerging challenges or inconsistencies that may be identified.

The impact of previous changes regarding eligibility to Income Support on lone parent households where the youngest child is aged between five and ten

4. The Committee has received examples of positive interventions by employment advisers, and we would encourage the Department to ensure that steps are taken to ensure that best practice is shared and that standards routinely meet those of the very best. The Committee would welcome sight of DWP's plans – and associated timetable – for achieving that.

The potential impact of the proposed mandation of work-related activity for those households with a youngest child aged three or four

5. The Department should explore innovative solutions to support lone parents to undertake work-related activity, including by examining the opportunities to co-locate the provision of childcare with facilities that support work-related activity.
6. The Department should review the effectiveness of its operational staff exercising flexibility to provide tailored support through the Jobcentre Plus Offer to help move lone parent claimants to paid work, including the financial assistance for childcare costs that is available through the Flexible Support Fund. This should include assessing the merits of specialist support provided by lone parent advisers or in partnership with local organisations that support lone parents.

The removal from the Income Support legislation of the list of 'good causes'

7. The Committee has been unable to identify any persuasive evidence supporting the removal of the illustrative list of issues to be considered when determining good cause as traditionally expressed in regulations, therefore our preference would be to retain it in legislation as doing so would provide a higher level of authority, certainty and transparency to claimants.
8. The Committee notes the Department's commitment in its Explanatory Memorandum that '*we will ensure that the original policy and safeguard which allows consideration of 'good cause' will be retained with regulations*'. This commitment needs to be supplemented with clear guidance and effective training for decision-makers in order that they have a good understanding of their responsibilities and the scenarios that would constitute good cause.
9. To provide further clarity, the list of circumstances which are taken into account when decision-makers are considering whether there is good cause for failing to participate in a work-focused interview should be extended to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity.

10. The Committee would welcome the opportunity to comment on the draft decision-maker's guidance as soon as it is available. The Committee also seeks a commitment from the Department that its views would be sought on changes proposed to any of the guidance relating to good cause in the same way that it would have been if the list had remained in regulations.

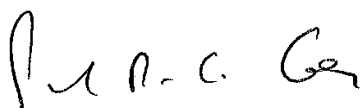
The broader potential impacts

11. We recommend that DWP provides timely and clear communications regarding the application of these provisions to Jobcentre Plus staff as well as to lone parent claimants and stakeholder organisations supporting lone parent claimants. The Department should also, by the end of 2013, ensure appropriate training is provided to Jobcentre Plus staff so that they are well placed to respond to queries and to follow correctly the requirements of the new legislation and guidance.

The implications for childcare provision for both lone parents and different types of childcare provider

12. The Committee recommends that the Department requires its advisers to ensure that individual lone parents are made aware of their entitlement to 15 hours of free childcare per week, and that they are encouraged to make use of it when participating in mandatory work-related activity.

13. Similarly, where a lone parent's requirements in relation to mandatory work related activity exceed the 15 hours of free childcare, they should be made aware of the potential availability of further help through the Flexible Support Fund. While this is discretionary and cannot be relied upon as a matter of course, it is important that lone parents are at least made aware of its existence.



Paul Gray
Chair

List of respondents

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Gingerbread
Peabody Trust
Single Parent Action Network
The Poverty Alliance
Walker, Professor Janet

Members of the Social Security Advisory Committee

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Les Allamby
John Andrews
Simon Bartley
Adele Baumgardt
John Ditch
Keith Faulkner
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ANNEX C



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26 June 2013

Proposed Draft Amendments to Regulations, the Social Security (Work Focused Interviews) Regulations and the Income Support (Work-Related Activity) and Miscellaneous Amendment Regulations 2013

Dear Denise,

I am writing to you to inform the Committee about a proposed set of draft Regulations which impose new requirements for certain lone parents to undertake work-related activity and which make amendments to:

- The Social Security and Child Support (Decisions and Appeals) Regulations 1999/991.
- The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 SI 2000/1926.
- The Social Security (Jobcentre Plus Interviews) Regulations 2002 SI 2002/1703.
- The Employment and Support Allowance (Work-Related Activity) Regulations 2011
- The Universal Credit regulations 2013 S.I. 2013/376:and
- The Employment and Support Allowance regulations 2013 S.I 2013/379

The Committee is asked to consider the regulations 2 to 14 of the amending Regulations and whether reference of the Regulations is required.

Documents enclosed:

- Explanatory Memorandum – attached to e-mail
- Copy of the draft SI attached to e –mail.
- Keeling Schedule – attached to e – mail.
- Equality Analysis.

It might be helpful to set out a brief background and to confirm that, as part of this, the proposal has been announced as part of the Spending Review 2013.

DWP evaluation evidence⁶ shows that lone parents value support that is flexible, tailored to them as an individual and meets their specific needs; where a ‘holistic’ approach is taken. For many, having continuity of support provided by the same adviser is also important, someone who takes the time to get to know them and understands their situation, and where they do not have to keep repeating the same information to different advisers at each meeting.

Recent evidence from the Lone Parent Obligations (LPO) evaluation has highlighted the need for advisers to help prepare lone parents for an eventual move into work, while they are still on Income Support, and have the opportunity to undertake training and develop work-related skills they may need in work. For instance, the LPO evidence shows that lone parents have mixed views on the support they receive when they move off of Income Support and on to Jobseeker’s Allowance or Employment and Support Allowance, with their experiences often being compared unfavourably with when they were on Income Support. Evidence from the early evaluation suggests that lone parents would have liked to have received more help and support earlier into their JSA claim, particularly help with training⁷

We propose to introduce a requirement for lone parents with a youngest child aged 3 or 4 to undertake work related activity/known as work preparation requirements within Universal Credit. We seek to improve the level of employment support available to lone parents (and nominated responsible carers under Universal Credit) with pre-school aged children, to better prepare them for the full work related requirements they may face when their child turns 5. The amendments make changes such that:

- the frequency, timing and duration of Income Support Work Focused Interviews (WFIs) for lone parents who are in receipt of this benefit purely on the basis of being a lone parent, with a youngest child aged 1

⁶ (see for instance Thomas, 2008, DWP RR443; Drew et al, 2010, DWP RR633; Hasluck and Green, 2007, DWP RR407; Cebulla et al, 2008, DWP RR484)

⁷ (Casebourne et al, 2010, DWP RR645).

and over, can be flexible. These are currently conducted at fixed points, as determined by regulations.

- employment support advisers have the powers to require lone parents and nominated responsible carers (under Universal Credit) with a youngest child aged 3 or 4 to undertake mandatory work related activity (WRA). By WRA we mean “an activity which makes it more likely that a person will obtain or remain in work or be able to do so”, as defined by the Welfare Reform Act, section 13. Please note that under Universal Credit, this is known as work preparation activity; for the purposes of this letter, we shall refer to it only as WRA.

The first element of this change would be to enable us to require lone parents who are entitled to Income Support *solely* on the basis of being a lone parent⁸ to attend mandatory work focused interviews (WFIs) on a flexible basis; the frequency and duration of which will be determined by their adviser. Under current legislation lone parents who are entitled to Income Support *solely* on the basis of being a lone parent have mandatory WFIs at fixed points in their claim (6 monthly for those with youngest child aged 1-3 and quarterly for those with youngest child aged 4).

Making this change would mean that all mandatory WFIs for lone parents with youngest child aged 1-4 in receipt of IS solely on the basis of being a lone parent will be delivered using existing adviser resources more flexibly. The changes will enable advisers to individually tailor the way that they deliver the mandatory WFI regime to these individual lone parents. All lone parents will, as a minimum, continue to receive the same number of mandatory WFIs that they receive currently.

In addition the initial WFI would no longer have to be at a certain point in the claim; currently lone parents' initial mandatory WFI takes place 3 or 6 months after they have made a claim for IS depending on the age of the youngest child. For some, particularly those that are due to lose entitlement to Income Support when their youngest child reaches age 5 this can represent an unnecessarily long delay in accessing the back to work support that Jobcentre Plus can provide.

The regulations would also make changes to remove the provision to waive interviews for these Income Support lone parents in scope of this change. Currently if a WFI has been arranged but it is not appropriate for, or will not be of assistance to, a particular lone parent then an adviser can use current provisions to waive the requirement to attend until the next available review date. In a flexible regime this review date will be determined by the adviser however the provision to defer the interview is still retained within regulations. The waiver provision, as it relates to other IS claimants has been retained because these claimants remain subject to a fixed mandatory WFI regime.

⁸ These lone parents who are claiming to income support on the grounds of being a lone parent as per paragraph 1 of Schedule 1B of the Income Support (General) Regulations 1987.

In line with recent changes for Jobseekers Allowance (JSA) and Employment and Support (ESA) Regulations these changes remove the prescriptive lists of Good Cause contained within the current WFI regulations. This change will affect all Income Support claimants. The original policy intent and safeguard which allows consideration of 'Good Cause' if a claimant fails to attend a mandatory WFI will be retained within regulations to ensure claimants have the opportunity to explain why they have not complied with mandatory requirements. WFI attendance requirements will continue to be tailored to the claimant's needs and circumstances and must be reasonable for the individual claimant. In line with JSA and ESA, points that Decision Makers should or should not normally consider will be included in the Decision Makers Guide (DMG) in relation to WFIs for IS claimants. Guidance in the advice to Decision Makers for Universal Credit and the new style ESA including legacy benefits will need to be revised.

The second element of this change would enable employment advisers to require lone parents whose youngest child is aged 3 or 4 to undertake mandatory work-related activity (WRA) in old-style ESA. It would also require lone parents and nominated responsible carers to undertake work preparation requirements in Universal Credit and new-style ESA that DWP may require an individual to undertake. In both cases, this is in order to prepare them for a time when they return to work. WRA will encompass a range of possible activity from writing a CV to attending basic skills training (BIS funded in England only) –or DWP funded basic skills training courses in Scotland and Wales. The type of work-related activity each lone parent/nominated carer will undertake (if any) would be decided at the discretion of their employment adviser (Jobcentre Plus or Work Programme). This is to reflect that different lone parents/nominated carers will have different needs and capabilities. It also recognises that local managers and advisers are best placed to identify the support and guidance that is appropriate to each claimant to help them to prepare for work as effectively as possible.

The requirement for lone parents to participate in more frequent WFIs or WRA may impact on the current level of demand for formal childcare. Where appropriate it is our intention that employment advisers would encourage lone parents to take advantage of the Department for Education (DfE) free childcare offer (England only) with a child age 3 to access up to 15 hours free childcare. In addition advisers will also have the discretion to use the Jobcentre Plus (JCP) Flexible Support Fund (FSF) to fund eligible childcare costs to enable parents to attend WFIs or participate in work preparation agreed with their adviser.

Within Income Support changes to the WFI regime would only apply to lone parents aged 18 and over entitled to IS *solely* on the basis of lone parenthood. Other IS claimants that are lone parents, such as Carers, are not affected by this change.

Skills and childcare are both devolved issues, and guidance will be issued to ensure advisers in the devolved administrations are only referring parents to work related activity in line with their individual administrations' requirements.

We are scheduled to present this change to the Committee on 8 July 2013.

Please let me know if the Committee requires any further information.

Yours sincerely

Alison Evans
Head of Jobcentre Plus Support and Programmes

**EXPLANATORY MEMORANDUM TO THE SOCIAL SECURITY ADVISORY
COMMITTEE FROM THE DEPARTMENT FOR WORK AND PENSIONS**

**Draft Income Support (Work-Related Activity) and Miscellaneous
Amendments Regulations 2013**

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Introduction

- 1.1 The Department for Work and Pensions is putting a package of stand-alone provisions (in Part 2) and miscellaneous amendments (in Part 3) before the Social Security Advisory Committee. These are designed to create new rules on work-related activity (WRA) and to amend Social Security regulations, namely:
 - 1.1.1 The Social Security and Child Support (Decisions and Appeals) Regulations 1999/991.
 - 1.1.2 The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 S.I. 2000/1926.⁹
 - 1.1.3 The Social Security (Jobcentre Plus Interviews) Regulations 2002 S.I. 2002/1703.
 - 1.1.4 The Employment and Support Allowance (Work-Related Activity) Regulations 2011/1349.
 - 1.1.5 The Universal Credit Regulations 2013 S.I. 2013/376.
 - 1.1.6 The Employment and Support Allowance Regulations 2013 S.I. 2013/379.
- 1.2 The Regulations seek to improve the level of employment support available to lone parents (and nominated responsible carers under Universal Credit (UC)) with pre-school aged children, to better prepare them for the full work-related requirements they will face when their child turns 5. The Regulations make changes such that:
 - 1.2.1 the frequency, timing and duration of Income Support Work-Focused Interviews (WFI) for lone parents with a youngest child aged 1 – 4 can be flexible when IS is awarded *solely* on the basis of being a lone parent. These WFIs are currently conducted at fixed points, as determined by regulations. These changes are known as the Work Focused Interview (WFI) changes.
 - 1.2.2 employment support advisers have the powers to require lone parents with a youngest child aged 3 or 4 to undertake to undertake mandatory work-related activity (WRA) if they are awarded IS *solely* on the basis of being a lone parent or

⁹ Together hereinafter referred to as the 'WFI regulations'

old –style ESA and are in the ESA (WRAG). A requirement to prepare for work will be extended to lone parents and nominated carers with a youngest child age 3 or 4 if they are awarded UC or new-style ESA. These are known as the Work Related Activity (WRA) changes.

1.3 In greater detail, the proposed WFI changes:

- 1.3.1 move from a fixed to a flexible approach for mandatory WFIs in Income Support (IS) for lone parents age 18 and over who are awarded IS *solely* on the basis of being a lone parent and whose youngest child is aged 1-4 (regulations 12(2)&(3) and 13(2)&(3)).
- 1.3.2 remove the provision to waive an IS WFI interview until the next scheduled review date. This change only applies for lone parents that are awarded IS *solely* on the basis of being a lone parent (regulations 12(5) and 13(4)).
- 1.3.3 remove the list of circumstances within IS WFI regulations that are to be taken into account when considering “good cause” for failing to participate in an interview. This change would apply to all claimants that are awarded IS not just those that would be affected by the change to introduce work-related activity.

1.4 In greater detail, the proposed WRA changes:

- 1.4.1 introduce the powers for employment support advisers to mandate lone parents aged 18 and over with a youngest child aged 3 or 4 and who claim IS *solely* on the basis of being a lone parent, to be required to undertake mandatory WRA (regulation 2).
- 1.4.2 state that the requirement that a notification of WRA must be contained within an Action Plan and be given to the individual (Regulation 3) should apply to IS lone parents in scope of the change. The person may request a reconsideration of his action plan (regulation 5).
- 1.4.3 provide that a person who fails to undertake WRA has the opportunity to show ‘Good Cause’ for that failure within five days beginning on the date he is notified of his failure to undertake WRA (regulation 6(1)). If that person brings facts to the attention of the Secretary of State after five days which could not have been brought to his attention before,

the time limit for showing good cause is extended to one month (regulation 6(3)).

- 1.4.4 provide that a person who fails to undertake WRA, without showing 'Good Cause' for that failure, will have their income support reduced by 20% of the applicable amount for a person aged not less than 25, in line with the sanctions regime for WFIs (regulation 7). The reduction of IS will cease when either the person meets their WRA requirement or ceases to be subject to the requirement to undertake WRA (regulation 8).
- 1.4.5 provide that a person may restrict their availability for WRA under certain circumstances (regulation 9).
- 1.4.6 amend the UC regulations so that lone parents and nominated responsible carers with a youngest child aged 3 or 4 can be subject to work preparation requirements (note that for the purposes of this note **we will use the term 'work-related activity, where appropriate, to include work preparation activity as defined under Universal Credit)**
- 1.4.7 amend the new-style ESA 2013 regulations so that nominated responsible carers with a youngest child aged 3 or 4 will be subject to work preparation requirements.
- 1.4.8 make consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations 1999 to enable decisions awarding IS to be superseded so as to impose and end a reduction , and to allow a decision imposing a reduction to be revised where there was an error the claimant did not contribute to.(regulation 11).
- 1.4.9 amend the Employment and Support Allowance (Work-Related Activity) Regulations 2011 (for old style ESA) so that lone parents aged 18 and over with a youngest child age 3 or 4 can be required to undertake mandatory WRA (regulation 14).

2. Commencement and application of the changes

- 2.1 The proposed changes are expected to come into force from January 2014.

2.2 The WFI changes will apply to:

2.2.1 lone parents (whereby the definition of a lone parents is given at regulation 2(1) of the Income Support (General) Regulations 1987 in relation to WFIs and section 2D(9)(b) of the Social Security Administration Act 1992 in relation to WRA) who are awarded Income Support *solely* on the basis of being a lone parent.

2.3 The WRA changes will apply to:

2.3.1 Lone parents who are awarded Income Support *solely* on the basis of being a lone parent who are aged 18 and over.

2.3.2 lone parents who are awarded old style Employment and Support Allowance (ESA) and are in the Work-Related Activity Group (WRAG) who are aged 18 and over.

2.3.3 lone parents who are awarded Universal Credit.

2.3.4 lone parents who are awarded new-style Employment and Support Allowance (Contributory).

2.3.5 nominated responsible carers who are awarded Universal Credit.

2.3.6 nominated responsible carers who are awarded Employment and Support Allowance (Contributory) in new world benefits.

3. The current situation

3.1 Currently, lone parents with pre-school aged children who are awarded IS *solely* on the basis of being a lone parent are not required to seek work until their youngest child reaches age 5. Until then, they have to attend regular WFIs once their youngest child is aged one. IS lone parents with a youngest child age 1-3 are required to attend 6 monthly mandatory WFIs. These interviews become quarterly when the youngest child is age 4. The timing of these interviews is specified in Regulations. As part of these meetings, lone parents have to agree an Action Plan with their adviser, but are not required to undertake those activities as a condition of continued receipt of benefit.

- 3.2 Lone parents with children under age 5 can also be in receipt of old style Employment and Support Allowance (ESA). For those who are in the Work-related Activity Group (WRAG) they are required to attend WFIs, the frequency is determined by adviser discretion. They, too, must agree an Action Plan with their adviser, but are not required to undertake those activities as a condition of continued receipt of benefit.
- 3.3 When their youngest child is aged 5, entitlement to IS *solely* on the basis of being a lone parent is lost. Lone parents that are not returning to work may, if entitled, claim Jobseeker's Allowance (JSA) if they are able to work or Employment and Support Allowance (ESA) if their capability for work is limited by a health condition.
- 3.4 There are instances in which a lone parent will continue to be entitled to receive IS even after their youngest child turns five: for example, if they are entitled to IS for another reason for example on the basis of being a full-time carer; because they care for a child who is entitled to the middle or higher rate care component of Disability Living Allowance (DLA); or where they are an approved Foster Carer and a foster child is placed with them. The proposed changes do not affect these lone parents.
- 3.5 Lone parents who proceed to make a claim for Jobseeker's Allowance (JSA) once their child turns five will, subject to entitlement, be subject to the full work search requirements of this benefit. Lone parents who either previously claimed IS and who move on to ESA (WRAG), or who had been claiming ESA (WRAG) for the time whilst their child was under the age of 5 become subject to the work-related requirements that other claimants face. This means that, in most cases, they can be required to undertake WRA.

4. General rationale behind the changes

- 4.1 Whilst the Department believes that the stepped increase in support (as detailed above in Section 3 and in Annex 1) offered to lone parents at present makes sense, we feel that more could be done to support lone parents to return to work, particularly in the year before they move to full work-related conditionality when their child turns 5.

- 4.2 As a result, we propose changes to the lone parent regime so that:
- 4.2.1 the frequency and timing of Income Support WFIs for lone parents with a youngest child aged 1 and over can be flexible instead of conducted at fixed points in the claim (the WFI changes).
 - 4.2.2 employment support advisers have the powers to require lone parents and responsible nominated carers (under Universal Credit and new-style ESA) with a youngest child aged 3 or 4 to undertake mandatory WRA (the WRA changes).
- 4.3 These changes support the Government's aim of delivering a welfare system that recognises work as the primary route out of poverty, and reduces the number of children in workless households.
- 4.4 The changes also reflect the Government's emphasis on personalised support into work. They recognise that in order to return to work, the level of the support required will vary from one person to the next, and acknowledge that advisers and local managers are best placed to identify the support and guidance that is appropriate to each claimant. Employment support advisers will have the flexibility to engage with the diverse group of claimants who comprise lone parents in a way which best suits each individual.
- 4.5 The WFI changes enable employment support advisers to tailor the services and engagement they have with lone parents at all points throughout their claim.
- 4.6 The WRA changes build upon the IS WFI changes, but are expected to be more relevant for lone parents in the year before they move to the full work-related conditionality. As this currently occurs when their child turns 5, we expect that the majority of parents affected by the work-related activity changes will have a youngest child aged 4. However, if advisers identify a lone parent whose youngest child is aged 3 who would benefit from, for example, a longer term course, or who has significant barriers to employment, the changes mean that advisers will be able to offer them this support at the point at which the individual needs it.
- 4.7 Currently we ask 16/17 year olds on IS and old-style ESA to attend a Learning Focused Interview (LFI) and this is conducted by Local Authority Youth Services (LAYS) Advisers. They are not required to undertake WRA. The government sees the importance of learning for

those 16/17 year olds and their main focus should be on learning/gaining skills to move into work in the future. They can also access support through the Jobcentre Plus offer on a voluntary basis. These changes will not affect this position.

- 4.8 Under new world benefits, 16-17 year olds are treated no differently to other claimants. This means that they will be subject to the work related activity requirements. However, under new world benefits there is a strong emphasis on adviser discretion in determining what type of activity is suitable for each claimant, so we will write in guidance that we would expect any requirements placed on 16-17 year olds ought to reflect the government's focus on learning and skills for this age group.
- 4.9 A summary of the existing and proposed conditionality requirements are set out at Annex 1.

5. The Work Focused Interview changes

General

- 5.1 WFIs are currently the only mandatory activity required of lone parents aged 18 and over who are in receipt IS *solely* on the basis of being a lone parent.
- 5.2 The intent of WFIs are to help lone parents focus on how best to return to the labour market. WFIs provide a critical point of engagement with the claimant and provide a vital opportunity to provide them with information on the support that is available through Jobcentre Plus and partners to help them move away from benefit dependency and into work. It is at these interviews that an adviser can promote the benefits of work for the claimant and their family.
- 5.3 The policy objective for this change is to enable advisers to better support this group of lone parents in their movement toward the labour market, by giving advisers the discretion to tailor mandatory WFIs with lone parents in terms of frequency and duration, so that they can best identify each individual's barriers to returning to work.
- 5.4 There is strong evidence to support these changes. Evidence from the evaluation of the current WFI regime suggest that these interviews are effective in helping lone parents prepare for work, particularly where support is personalised, flexible and provided consistently through the same adviser. The benefit of WFIs has been shown to be wider than this, particularly around encouraging lone

parents to access other JCP support. DWP evaluation evidence has shown that WFIs for lone parents have been effective, either by helping lone parents move into employment, being encouraged to volunteer for increased support from Jobcentre Plus, or providing a motivational or self-confidence boost.

- 5.5 The evidence also shows us that Lone Parent WFIs (LPWFIs) help customers feel more comfortable with the Jobcentre Plus environment and so more likely to use JCP services in the future. Those lone parents who are positive about LPWFIs value the practical and emotional support from advisers. They often welcomed meetings where advisers took a 'holistic' view of them as a person and took the time to get to know them. The crucial aspect of LPWFIs is that the advice and guidance offered to customers may provide encouragement and facilitate access to additional forms of support.
- 5.6 These changes also further align the IS lone parents' regime with that experienced by other benefit claimants. Mandatory flexible interventions already exist within ESA. These changes therefore further simplify the approach for claimants and advisers.
- 5.7 We are not making changes for lone parents who are entitled to claim IS for reasons other than being a lone parent, for example foster carers or those that are full-time carers. This is because we recognise that, in addition to their caring responsibilities for their child, these lone parents will have additional responsibilities that must be taken into account and reflected in the requirements placed upon them.
- 5.8 This does not mean they will not receive the support they require or have this delivered flexibly if they so wish. They will continue to receive 6 monthly WFIs in which they can engage with an adviser and access support and they can volunteer to attend additional interviews that can be delivered entirely flexibly, face to face, by telephone or via group sessions. In the event that a lone parents circumstances change and they are no longer entitled to IS for a reason other than lone parenthood they may be required to undertake WRA if this is appropriate.
- 5.9 We are not making amendments to the UC regulations or the new-style ESA regulations regarding WFIs as the Welfare Reform Act 2012 already gives the Secretary of State the flexibility to specify how, when and where a WFI can take place.

Frequency

- 5.10 As detailed in Section 3, and at Annex 1, lone parents awarded Income Support *solely* on the basis of being lone parents are currently required to attend WFIs at fixed points in their claim depending upon the age of their youngest child:
- 5.10.1 Under 1: no interview required
 - 5.10.2 Age 1-3: every 6 months
 - 5.10.3 Age 4: every 3 months
- 5.11 For the majority of these claimants, advisers must wait for at least 6 months once a claim to Income Support has been established before they can require a lone parent to come in for a WFI.
- 5.12 Whilst for some lone parents the current frequency of interaction will be sufficient to prepare them for the labour market, for those with greater barriers to employment the delay in between successive WFIs will be too great to offer them enough support in time for their return to full conditionality when their child turns five.
- 5.13 The changes at Regulation 12(3) and 13(3) offer advisers the flexibility to determine when they ask lone parents to come in for their next WFI. A flexible mandatory interview may take place once an award of IS has been established, and the frequency, timing and duration of subsequent interviews can all be tailored to the need of the individual. This means advisers will be able to call in those lone parents who need support more regularly if they think this is necessary, rather than being confined by set, fixed intervals in the legislation as at present.
- 5.14 To ensure that all lone parents are assured of face-to-face adviser time, there will be a benchmark, set out in guidance, about the minimum number of mandatory interviews that a lone parent will receive. This approach mirrors the situation offered to lone parents claiming ESA (WRAG). The minimum number of flexible mandatory face to face interviews that we expect this lone parent to receive in a year is:
- 5.14.1 Under 1: no interview
 - 5.14.2 Age 1-3: two face to face interviews per year.
 - 5.14.3 Age 4: four face to face interviews per year.

- 5.15 Note that the minimum number of interviews is the same as the number of WFIs currently required by the legislation. This ensures that lone parents will continue to receive at least the level of support they already receive. However, the removal of the existing specific WFI requirements, including when these interviews might take place, greatly expands the scope for advisers to tailor WFI frequency to claimant need.
- 5.16 The scope for there being an increase, where appropriate, in the number of interviews for lone parents whose youngest child is aged 4 reflects this policy's emphasis on better preparing lone parents for their transition to full work-related conditionality when their child turns 5.
- 5.17 The expectation is that the requirement for any individual to attend a flexible mandatory WFI will be reasonable. Advisers will need to take this into account when organising the frequency, duration and timing of the WFI. If necessary, advisers will have use of the Flexible Support Fund (FSF) to help lone parents cover the necessary child care costs incurred by attending a WFI, or, if this is not possible, to pay for the travel costs for a dependent child to attend the WFI alongside their parent.
- 5.18 The policy intent is that where lone parents demonstrate a clear work preparation plan and it is agreed they may need the minimum level of support the adviser will have the discretion to ensure this is reflected in the duration of interviews for any individual.

Duration

- 5.19 The duration of an IS work focused interview is currently fixed at between 40 and 60 minutes depending on whether it is a 6 monthly or quarterly interview. This is set in guidance but there is a degree of flexibility depending on the circumstances of the individual.
- 5.20 The nature of a WFI is determined by regulations and sets out what needs to be discussed between the claimant and adviser. This will vary according to whether this is a first or subsequent interview. For example, where the frequency of interviews increase it may be appropriate for these interviews to be of shorter duration.
- 5.21 No change to this provision is made by the regulations, but advisers have the ability to tailor the depth and focus of discussion depending on the needs of each lone parent.

- 5.22 Again, to safeguard lone parent support, the minimum and maximum duration for any such interview with indicative benchmarks will be set out in adviser guidance.
- 5.23 Policy intent is that where lone parents demonstrate a clear work preparation plan and it is agreed they may need the minimum level of support the adviser will have the discretion to ensure this is reflected in the duration of interviews for any individual.

Focus

- 5.24 In deciding how the WFI time is used in all cases the adviser will focus on supporting the lone parent in undertaking agreed steps which may help them overcome any barriers they may have for an eventual return to work. That is, all interventions should be diagnostic.
- 5.25 In addition to diagnosing an individual's needs and determining suitable support, advisers have the discretion to decide how their time can best be spent with claimants to support them in identifying WRA that would help them achieve their identified work goals when the time comes for them to return to work (subject to the WRA changes included in these amendments- see Section 6).

Delivery

- 5.26 IS regulations do not support the flexibility to deliver mandatory WFIs through delivery channels other than face to face.
- 5.27 However, where appropriate Jobcentre Plus will continue to have the flexibility to supplement mandatory face to face WFIs with voluntary flexible interventions delivered via telephone or group information sessions where this is appropriate. This means that, as now, a lone parent failing to attend or participate in an interview conducted in this way will not be subject to a sanction.

Sanctions

- 5.28 The consequences for failing to attend a mandatory interview within IS and without good cause will remain unchanged.
- 5.29 Lone parents who fail to attend a WFI face a 20% sanction of their personal allowance, which increases by 20% for every subsequent failure, up to a maximum 100% sanction (less 10 pence to protect passported benefits).

Waiving the requirement to attend interviews

- 5.30 In the current fixed WFI regime it is sometimes appropriate to waive the requirement to attend an interview until the next scheduled mandatory review date in 3 or 6 months time.
- 5.31 For lone parents who are awarded IS *solely* on the basis of being a lone parent, these forward review dates will now be set by the adviser, rather than at some fixed point as dictated by the current WFI regime. This means the waiver provision is no longer necessary for this group of IS claimants.
- 5.32 In the event that an interview booked for a lone parent is not appropriate, for example their child is in hospital, provisions remain within regulations which will enable the Adviser to defer an interview until a specific date. Whilst a minimum number of WFIs will be set in guidance advisers this will be subject to adviser discretion this, together with the ability to defer an interview maintains any existing flexibility within the regime is not compromised by the removal of the waiver for this group of lone parents. Advisers are already familiar with this approach as this mirrors the approach for flexible ESA WFIs. For that reason we think it seems sensible to make this change.
- 5.33 The provision to waive an interview for people that claim IS on other grounds, for example because they are a full-time carer, remains unchanged.

Removal of 'list of good cause'

- 5.34 We also propose to remove from IS WFI regulations the list of “good cause” matters that are to be taken into account when “good cause” is being determined by Decision Makers. A list of matters to be taken into account when considering ‘good cause’ will not be included in the WRA regulations.
- 5.35 Changing the regulations in this way would align the way in which decisions are arrived at across all working age benefit claimants thus introducing a common approach for Decision Makers. Advisors and Decision Makers are already trained to handle this approach.
- 5.36 Whilst removing the explicit list of reasons to be considered when determining “good cause” from regulations we will ensure that the original policy intent and safeguard which allows consideration of ‘Good Cause’ will be retained within regulations.

- 5.37 The revised approach and supporting guidance will ensure that although specific circumstances to consider when determining ‘good cause’ are not set out in regulations safeguards will remain, providing claimants with an opportunity to explain why they have not complied.

6. The work-related activity changes

General

- 6.1 Lone parents age 18 and over whose youngest child is aged 3 or 4 already have voluntary access to the range of back to work activity supplied Jobcentre Plus support- in fact, they have access to this regardless of the age of their youngest child.
- 6.2 However, even if their adviser identifies a real need to help them return to work, and even if the lone parent/nominated carer agrees to undertake action to address this in their Action Plan or Claimant Commitment, there are no requirements for them to carry out this activity as a condition of continued receipt of their benefit.
- 6.3 The introduction of the provision which allows employment support advisers to require lone parents/ nominated responsible carers whose youngest child is aged 3 or 4 to attend WRA (known as work preparation requirement under UC and new-style ESA) reflects the emphasis of this policy on better preparing lone parents for their movement to full work-related requirements when that child turns 5.
- 6.4 The proposed changes mean that not only will employment support advisers be able to more effectively identify lone parents’ barriers to employment (via their more timely WFIs) but they will be able to require these claimants to carry out activity to tackle these barriers. This means that advisers have greater control over the preparation activity claimants are taking in order to move closer to the labour market.
- 6.5 As a result of the policy focus on the crucial year before moving to full work-related conditionality, we expect that the majority of lone parents/nominated responsible carers who will benefit from this change will have a youngest child aged 4. However, those parents furthest from the labour market or with multiple barriers to work may benefit from a longer lead-in approach in terms of their back to work activities. The regulation changes mean that if advisers identify a lone parent whose youngest child is aged 3 or over who would benefit from, for example, a longer term course, or who has significant

barriers to employment, the changes mean that advisers will be able to offer them this support at the point at which the individual needs it.

- 6.6 It is also important to note that currently parents in scope of this change can access the Work Programme on a voluntary basis; both access and the requirement to participate are voluntary. The changes enable persons authorised by the Secretary of State to mandate claimants to WRA. Currently, some of these authorised persons include contracted out employment support providers. We will enter into negotiations about whether providers, for example Work Programme providers, choose to take up these powers as variations in their contracts. If they do, whenever they exercise them they must use the same consideration of individual circumstances as JCP advisers.

Restrictions

- 6.7 Under IS lone parents can restrict the hours in which they can carry out WRA to those hours when their child is in school, or in the care of a responsible adult.
- 6.8 Under old and new-style ESA, and Universal Credit, there are no powers in place for lone parents to restrict the hours in which they undertake WRA. This is because the emphasis is on adviser discretion in determining when and what type of WRA is appropriate and reasonable for each individual. This means that each individual's circumstances must be taken into account in deciding what to mandate that claimant to; advisers will be notified of this in guidance.

Amendments to IS and ESA (WRAG) regulations

- 6.9 Currently the requirement to undertake WRA does not exist within IS regulations- claimants, including those in scope of this change, cannot be required to undertake work-related activity.
- 6.10 As mentioned in Section 3 and in Annex 1, lone parents awarded old-style ESA (WRAG) whose youngest child is aged under 5 are exempt from the work-related activity requirements of this benefit. Once their child turns 5, these lone parents then become subject to the full work-related requirements that other ESA (WRAG) claimants face. Only at this point can they can be required to undertake work-related activity.
- 6.11 We would use powers within the Social Security Administration Act 1992 to enable us to require lone parents that are awarded IS *solely* on the basis of being a lone parent, and powers within the Welfare

Reform Act 2007 to enable us to require lone parents that are awarded old-style ESA and are in the ESA (WRAG), to undertake work-related activity if their youngest child is aged 3 or 4.

- 6.12 As mentioned at 4.7 of this document we will maintain the current position that lone parents under age 18 who are entitled to IS or old-style ESA will attend LFIs with LAYs to help them either return to work or education and training. They will not be required to undertake WRA as part of these changes.

New world regulation changes

- 6.13 Lone parents and nominated responsible carers are treated synonymously under Universal Credit and Employment and Support Allowance (Contributory) new world regulations. When their youngest child is aged under 5, claimants of both of these types are placed in the WFI group only. When their youngest child is age 5 they may be required to look for work¹⁰ or, prepare for work¹¹ if, for example their capability for work is limited by health or disability. Currently a lone parent/nominated carer can only be *required* to prepare for work when their youngest child is age 5.
- 6.14 We do not propose to change the current position that Universal Credit and new-style ESA claimants who are nominated responsible carers will be subject to WFIs only until their youngest child reaches the age of 3 (or not even any work-focused interviews in appropriate cases). We propose to change the current position so that when their youngest child reaches age 3 they can be subject to work preparation requirements as well as any requirement to attend a WFI.
- 6.15 Note that 16 and 17 year olds can make claims for Universal Credit. As such, they too will be subject to work-related activity if advisers determine it is necessary. Again, this will be entirely based on adviser discretion and advisers should make reasonable decisions. They will be supported to move into work or education/training if appropriate and in line with the Government's participation strategy.

Work-related activity/ work preparation activity

- 6.16 In section 2D of the Social Security Administration Act 1992 and section 13 of the Welfare Reform Act, "work-related activity" is defined as "an activity which makes it more likely that a person will obtain or remain in work or be able to do so".

¹⁰ known as the All work-related requirement group"

¹¹ known as the "Work preparation" group

- 6.17 Section 16 of the Welfare Reform Act 2012 gives the definition of a “work preparation” requirement as “a requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work)”.
- 6.18 For the purposes of this section when we refer to work-related activity, we mean both of the above.
- 6.19 Suitable work-related activity could include preparing a CV, exploring the local labour market or attending skills courses funded by BIS or DWP in England, or skills courses funded by DWP in Scotland and Wales where these are locally available. Claimants would only be referred to skills provision where there is a skills need and the provider is able to offer suitable training.
- 6.20 The type of activity each lone parent/nominated responsible carer will undertake, if any, is to be decided at the discretion of their adviser (Jobcentre Plus or Work Programme). Guidance will suggest that work-related activity should be tailored to the individual and advisers will be reasonable in taking into account the parents circumstances. This approach recognises that different lone parents/nominated responsible carers will have different needs and capabilities. It also recognises that advisers and local managers are best placed to identify the support and guidance that is appropriate to each claimant to help them to prepare for work as effectively as possible.

Skills

- 6.21 Skills is a devolved area. Given the devolved administrations’ position on mandation to skills training at present, advisers will be notified in guidance that they should not mandate lone parents to Scottish or Welsh funded skills training in these areas. However, advisers will have the opportunity to send lone parents to DWP funded skills provision.
- 6.22 Advisers will only be able to mandate parents within the scope of this policy to DWP funded skills provision where it is appropriate and there is local availability. This will be explained in guidance.
- 6.23 DWP officials are currently liaising with officials from the Department for Business, Innovation and Skills as to what the most appropriate level of skills training (England only) would be.

Childcare

England

- 6.24 The requirement to participate in more frequent WFIs or undertake WRA may impact on the demand for formal childcare. In circumstances where this is appropriate advisers would encourage lone parents to take advantage of the Department for Education (DfE) free childcare offer (England only). The DfE offer enables parents with a child age 3 to access up to 15 hours free childcare. In addition advisers will also have the discretion to use the Jobcentre Plus (JCP) Flexible Support Fund (FSF) to fund eligible childcare costs to enable parents to attend WFIs or participate in work preparation agreed with their adviser.
- 6.25 Given that Childcare is a devolved matter we would need to work with officials in the Devolved Administrations (DAs) to discuss with the DAs whether childcare funded by their Governments might be able to support parents undertaking WRA. DWP funds for eligible childcare costs for parents in Scotland and Wales undertaking WRA could, in line with those in England, be payable from the Flexible Support Fund (FSF) subject to adviser discretion.

Scotland

- 6.26 Since April 2002, Local Authorities have had a duty to secure a funded part-time pre-school education place for every 3 and 4 year old whose parents wish it. The Scottish Government wants to ensure that all children can experience the benefits that a quality pre-school experience can offer to children.
- 6.27 Currently, the entitlement is for 475 hours per year. This is usually delivered daily as a 2 ½ hour session, during the morning or afternoon, during school term times - 12 ½ hours a week. They may be able to get a different pattern of sessions to suit their child or their pattern of work.
- 6.28 The Child and Young People (Scotland) Bill is looking to increase this entitlement to 600 hours of funded early learning and childcare per year.

Wales

- 6.29 Flying Start is the Welsh Government targeted Early Years Programme for families with children under 4 years of age in some of the most deprived areas of Wales.

- 6.30 The core elements of the programme are drawn from a range of options that have been shown to influence positive outcomes for children and their families. These include free quality, part-time childcare for 2-3 year olds, an enhanced Health Visiting service, access to Parenting Programmes and Early Language Development.
- 6.31 This programme is universally available to all eligible children and their families in the areas in which it runs and is generally 10 hours per week however it is difficult to quantify the hours of free childcare as this varies in different areas and is subject to funding available and is often built in to a range of learning provision funded by the Welsh Government.

Timing

- 6.32 Advisers will need to take into account the lone parent's individual circumstances as to when they expect a lone parent to take part in work-related activity/work preparation activity.
- 6.33 For example, we would not routinely require WRA from day one of an established award of benefit. There needs to be a period of consideration and adjustment (for example, a lone parent may have just separated from their partner), so that engagement with this process starts on a positive footing. Commencement of the requirement to undertake WRA will be tailored to the individual needs of the claimant, with decisions made locally and at the discretion of the adviser on a case by case basis.
- 6.34 Advisers also have the power to specify the time a lone parent has to spend on any work-related activity/work preparation requirement (e.g section 16(2) of the Welfare Reform Act 2012). This will enable lone parents, in agreement with their adviser, to limit the time in which they attend WRA to ensure that they can arrange appropriate childcare for their child. They can ask to limit their time to hours when their child is normally in school, or to hours during which they have access to appropriate childcare (formal or informal). Adviser guidance will reflect the need to consider the reasonableness of any such activity, paragraphs 6.7-6.8 refers.

Sanctions

- 6.35 Lone parents awarded IS who fail to take part in mandatory work-related activity will face the same sanctions they would currently face if they fail to attend a WFI, ie a 20% sanction of their personal allowance, which increases by 20% for every subsequent failure, up

- 6.36 Lone parents awarded old –style ESA (WRAG) who fail to take part in mandatory work-related activity without good cause will face the same sanctions they currently face under ESA (WRA) regulations if they failed to attend a WFI. This is an open-ended sanction of 100% of their prescribed amount (they retain the work-related Activity Component of their benefit) followed by a fixed period of 1, 2 or 4 weeks upon re-compliance. The length of the fixed period sanction depends on how many failures there have been in the past year.
- 6.37 Lone parents and nominated responsible carers awarded Universal Credit/ ESA (C) new-style whose youngest child was aged 3 or 4 will now move into the Work Preparation Group. This means that if they fail to attend any WRA, they will be subject to an open ended sanction calculated broadly equivalent to, and no more than their standard allowance amount. Upon re-compliance (the date they arrange a new interview), there will be a fixed period sanction of either 1, 2 or 4 weeks depending on the number of failures there have been in the past year. Sanctions if they remained in the WFI -only group would have been the open-ended sanction but without the fixed period of sanction.
- 6.38 If a claimant fails to attend both a WFI and subsequently their work-related activity/work preparation, there will be two determinations of sanctions, one for each failure. The lone parent will face a sanction that could be twice as long as a result of their two consecutive failures.
- 6.39 All the normal safeguards and rules in relation to sanctions will apply. For example claimants will have the opportunity to provide evidence of good reason before any sanction is applied. So if a claimant fails to comply with a work preparation requirement because of a childcare emergency, that can be taken into account when a sanction is considered.
- 6.40 Lone parents claiming old-style ESA and Universal Credit will have access to hardship payments if they qualify and need additional support once a sanction has been applied. There are no equivalent hardship provisions for ESA new-style as this is a contributory benefit and claimants will normally be able to rely on other sources of support.

7. Consultation and scrutiny

- 7.1 A lone parent listening event was held on 19 June 2013 with external stakeholders, lone parents, other Government Departments, Jobcentre Plus Advisors and DWP officials to discuss what works for lone parents, to better understand the barriers that they face and to share best practices. Whilst we did not discuss this proposal at the event (the proposal was announced as part of the Spending Review 2013) the outcomes of the event will be presented to Ministers and some of the proposals will be explored/considered and fed into our policies including the Jobcentre Plus Offer and the Work Programme. We plan to utilise the long-standing stakeholder group, the Lone Parent Voluntary Group to discuss and develop our approach for this proposal in the coming months.

8. Communication strategy

Communicating the changes to staff

- 8.1 DWP will ensure that the changes being made by these regulations will be communicated to all operational staff ready for the proposed implementation date in January 2014. There are various communication channels that can be used including weekly Senior and Operational Line Manager briefing, Implementation Memos and News Alerts. DWP will also ensure that any guidance and training materials will be amended to reflect the changes being made to the existing WFI and WRA regimes for claimants in scope of this change. The Decision Makers Guide (DMG) will also be updated to reflect the changes.
- 8.2 The type of training will vary across the business. All staff will receive general awareness training on the changes. Staff dealing more specifically with claimants that will be in scope of the change will receive specific training.

Communicating the changes to claimants

- 8.3 We would put in place processes, to ensure claimants that are in scope of the change will be informed that they are required to take part in flexible mandatory WFIs if they have a youngest child age 1 to 4 and WRA/work preparation if their youngest is age 3 or 4. We would consult stakeholders on best ways to ensure that claimants affected by the change have access to the information they need.

- 8.4 For IS/ESA claimants, this will involve writing things down in their action plan. For UC/ESA new-style claimants, this will involve writing down all their work preparation in their claimant commitment.
- 8.5 This communication will also ensure that the appropriate lone parents are informed of the relevant sanctions that will be applicable to them if they fail to attend without good cause or reason a flexible mandatory WFI or the agreed piece of work related/preparation activity.

9. Costs

- 9.1 The changes in relation to lone parents affect approximately 240,000 lone parents with a youngest child age 1-3 receiving Income Support and 65,000 lone parents with a youngest child age 4.
- 9.2 The change to IS WFIs requires an IT change estimated cost of £5,000 as part of the detailed design process to the Decision Making and Appeals System (DMAS). DMAS is used to support the process for ISLP's who have been sanctioned for non participation/attendance in a WFI and who appeal against this decision. DMAS outputs claimant notifications which detail the relevant legislation the lone parent has been sanctioned under. A more flexible use of adviser time already allocated to lone parents currently exists. We know that the current WFI regime has an impact on benefit off-flows and we expect off-flow outcomes to improve.
- 9.3 An estimated project and delivery cost of approximately £1m would be required for work-related activity changes. There are possible running costs of approximately £500,000 a year in relation to increased decision making activity and tribunal costs which may be incurred as we increase requirements on relevant lone parents.
- 9.4 An increase in the frequency of mandatory WFIs for lone parents may see a corresponding increase in costs for the provision of childcare whilst attending the WFI and WRA. District Managers have budget responsibility for the way in which Flexible Support Fund (FSF) is managed.
- 9.5 We expect there will be around 65,000 lone parents a year whose youngest child is aged 4. An additional 40,000 nominated responsible carers a year under UC will have a youngest child aged 4. However, we do not expect all of these to be required to undertake WRA at the same time.
- 9.6 We expect that there will be 70,000 LPs whose youngest child is aged 3 a year additional 50,000 nominated responsible carers under

UC will have a youngest child aged 3. However, we do not expect all of these to be required to undertake WRA at the same time.

10. Impact

Childcare

- 10.1 In cases where lone parents are required to attend more frequent WFIs or undertake WRA this policy has the potential for an impact on the private sector as it could result in increased childcare requirements.
- 10.2 Advisers would encourage lone parents to take advantage of the free DfE childcare offer.
- 10.3 In addition if additional private sector childcare were required, then this would have an impact on other budgets (e.g. Flexible Support Fund) which would be entirely at the advisers' discretion.
- 10.4 However we cannot judge the extent to which this will be required. Whilst we can encourage parents to consider the value of taking up formal childcare we cannot require parents to do so. In addition the parents in scope of this change may already be using childcare irrespective of any requirement placed upon them as a result of this proposed policy change. On this basis, and given that we would be entirely dependent on self reporting to establish if a parent is using or takes up childcare we cannot make any estimates of potential associated costs, nor of benefits.

Impact on Other Government Departments

- 10.5 The policy has received Home Affairs clearance subject to certain requirements and DWP officials are liaising with officials from all other departments to ensure any impacts are taken into consideration. There are two departments upon whom this policy impacts the most: the Department for Business, Innovation and Skills (BIS) and the Ministry of Justice (MoJ).
- 10.6 DWP officials are working closely with BIS officials as the change will place pressure on the Adult Skills Budget- whilst it will not involve a new entitlement for funding, there is potential for it to result in increased expenditure on lone parents which will result in the displacement of other claimants. The Minister for Universities and Skills has expressed strong support for the policy. However, he has only agreed to provide HA clearance for the policy should the result of the current spending round enable BIS to satisfy any additional

demand for provision through their budget. Officials from BIS and DWP will continue to liaise closely to ensure that this is addressed.

- 10.7 The change may also result in an increase in tribunal activity. DWP officials are working closely with officials at MoJ. The Parliamentary Under Secretary of State for Justice has provided clearance for the policy on the provision that the DWP takes responsibility for any additional tribunal costs involved. This cost has been included in the overall cost of the policy.

Impact on the Devolved Administrations

- 10.8 Whilst benefit legislation is not a devolved matter, skills training and careers advice is a devolved matter, funded by the governments in Scotland and Wales. Neither of the Devolved Administrations (DAs) is convinced that mandation to training has a positive effect and currently in Wales they do not allow advisers to mandate JSA claimants to training they fund.
- 10.9 As detailed in paragraph 6.22, we would inform advisers that they should not mandate lone parents and responsible nominated carers to training funded by either Scotland or Wales. Advisers will still be able to mandate lone parents to DWP funded skills provision in either of these areas.
- 10.10 This means that lone parents in Wales will have the opportunity to access at least the same provision (i.e. DWP funded provision) as lone parents in England. Officials within the Department are still liaising with the DAs and there is scope to mandate lone parents to this provision if the DAs changed their mind in future.

Impact on operations

- 10.11 We do not envisage that these changes will add significantly to Jobcentre Plus workload; this change will be subject to a full impact assessment. Although there are changes to guidance for advisers, Decision Making and Appeals (DMA) staff and benefit processors and changes to IT systems (see paragraphs 9.11 to 9.12 below) these should be deliverable by early 2014 and can be incorporated into UC systems and processes subject to full feasibility assessment.
- 10.12 Job role changes are not required to implement this change; WFI and WRA is already being delivered by advisers for ESA (WRAG) claimants. However, some IS advisors may be required to undertake learning and development training as they would be unfamiliar with mandating the WRA process.

- 10.13 There is likely to be an unquantifiable increase in DMA related activity. We have included this in predicted costs for the proposal. Additional DMA activity (should it arise) may lead to more work for benefit processors. There does not have to be a linear link between more interventions and more DMA activity; neither does it follow that advisors will want to engage more with people who are less willing to engage particularly in cases where the youngest child is age 1 to 3. Indeed, as the interview activity is more flexible there may be less DMA activity as lone parents get the interventions structured in the way that they need them. There is also the possibility of an increase in activity for DMA on the work-related activity changes.
- 10.14 The existing Labour Market System (LMS) functionality for the current mandatory interview types can be used to support the flexible delivery of mandatory WFIs. These will enable any necessary DMA action to be undertaken for non-attendance and participation. Advisers would set a review date of no further ahead than what would have been the next mandatory WFI (i.e. three or six months) using the existing mandatory interview type. This would be made clear in guidance but would not require any changes to the current IT systems.
- 10.15 IT changes will be required, to LMS and DMAS as well as UC systems to enable work-related activity and work programme contracts may need to be re-negotiated. There may be change requirements for the Income Support Computer System (ISCS) in order to identify lone parents with a youngest child age 3. The changes need to be fully impacted.

Impact on contracted out employment support

- 10.16 The changes enable persons authorised by the Secretary of State to mandate claimants to WRA. Currently, some of these authorised persons include contracted out employment support providers. We will enter into negotiations about whether providers, for example Work Programme providers, choose to take up these powers. If they do, whenever they exercise them they must use the same consideration of individual circumstances as JCP advisers.

Impact on Child Poverty

- 10.17 WFIs and WRA support the Government's aim of delivering a welfare system that recognises work as the primary route out of poverty and reduce the number of children in workless households. A child of a lone parent who works part-time is almost three times less likely, and a child of a lone parent that works full-time is 5 times less likely, to be living in poverty than a child of a lone parent who is not working.

- 10.18 Lone parents who face higher sanction rates (i.e. under ESA and UC) will be able to apply for hardship funds. This ensures that children are protected from most of the effects of sanctions on parents.

Rural Impact

- 10.19 The changes should have a minimal impact as full account will be taken of the genuine difficulties those living in rural areas may have in attending work WFIs and undertaking WRA. Such matters will be considered when agreeing claimant responsibilities and deciding to impose a sanction for non-compliance.

Equality and Diversity Impact

- 10.20 The Equality Assessment is sent as a separate document with this explanatory memorandum.

11. Monitoring and Evaluating

- 11.1 The revised ISLP WFI regime and changes to WRA for lone parents and responsible nominated carers with a youngest child age 3 or 4 will be monitored and evaluated through:
- 11.1.1 administrative datasets, including the Department for Work and Pension's Work and Pensions Longitudinal Study (WPLS), to monitor trends in the benefit caseloads for the protected groups and in the level and distribution of benefit entitlements. The administrative data will provide robust material for age and gender although not, as a rule, for the other protected groups. Where it is practical we will endeavour to incorporate information for the other protected groups.
 - 11.1.2 qualitative research and feedback from stakeholder groups to assess whether there are unintended consequences for the protected groups, and whether the policy is likely to result in adverse consequences for particular groups.
 - 11.1.3 we will utilise feedback from Departmental employee networks and internal management information. For example we will monitor the level of complaints in order to assess the broader impact of the policy.
 - 11.1.4 we will draw on broader DWP research where appropriate, as well as consider the need for any research to be commissioned specifically to evaluate the measure.

Annex 1

CURRENT AND PROPOSED CONDITIONALITY

Age of youngest child	Current journey			Proposed policy	
	IS	ESA	UC/new-style ESA	IS/ESA	UC/new-style ESA
Less than 1	No conditionality	No conditionality	No conditionality	No conditionality	No conditionality
1	6 monthly Work Focused Interviews (WFIs)	WFIs; frequency driven by adviser discretion	WFIs; frequency driven by adviser discretion	Freq. of WFIs driven by adviser discretion, but minimum of 2 a year set out in guidance for IS customers	No change
2	6 monthly WFIs	WFIs; frequency driven by adviser discretion	WFIs; frequency driven by adviser discretion	Freq. of WFIs driven by adviser discretion, but minimum of 2 a year set out in guidance for IS customers	No change
3	6 monthly WFIs	WFIs; frequency driven by adviser discretion	WFIs; frequency driven by adviser discretion	Freq. of WFIs driven by adviser discretion, but minimum of 2 a year set out in guidance for IS customers Can now be mandated to attend Work-Related Activity.	Ability to impose work preparation requirement in addition to WFIs

Age of youngest child	Current journey			Proposed policy	
	IS	ESA	UC/new-style ESA	IS/ESA	UC/new-style ESA
4	Quarterly WFIs	WFIs; frequency driven by adviser discretion	WFIs; frequency driven by adviser discretion	Freq. of WFIs driven by adviser discretion, but minimum of 4 a year for IS customers Can now be mandated to attend Work-Related Activity.	Ability to impose work preparation requirement in addition to WFIs.
5	No entitlement to IS, Move to JSA: full work search requirements. Work Programme as appropriate If move to ESA, see ESA column	Mandatory referral to the Work Programme dependent upon prognosis OR Mandatory WRA delivered by Jobcentre Plus Offer.	Claimants placed in all work-related requirements group	Move to JSA: full work search requirements. Work Programme as appropriate If move to ESA, see ESA column	No change. Claimants placed in all work-related requirements group

Equality Analysis for introducing flexibility to mandatory Income Support (IS) Work Focused Interviews (WFIs) and introducing mandatory Work-Related Activity (WRA) for lone parents

Date: June 2013

Completed by: Karen Elsmore

Introduction

The policy changes under consideration are concerned with making changes to regulations:

- so that the frequency and timing of Work Focused Interviews (WFIs) for lone parents with a youngest child aged 1 and over, who claim Income support solely on the basis of being a lone parent, can be flexible. These WFIs are currently conducted at fixed points within a claim for IS
- to introduce powers for employment support advisers to require lone parents and nominated carers (under Universal Credit) with a youngest child aged 3 or 4 to undertake mandatory work-related activity

Please note: When we refer to 'lone parents' in this document, we mean:

- Under legacy benefits we are referring to lone parents claiming:
 - Income Support (IS) *solely* on the basis of being a lone parent
 - Employment and Support Allowance (ESA) who are in the Work Related Activity Group (WRAG)
- Under new world benefits, we are referring to both lone parents and to nominated household carers, who are claiming either
 - Universal Credit
 - Employment and Support Allowance (Contributory)

Policy background

Lone parents with pre-school aged children can claim Income Support (IS) solely on the basis of being a lone parent and are not required to seek work until their youngest child reaches age 5. Until then, they have to attend regular WFIs once their youngest child is aged one. IS lone parents with a youngest child age 1-3 are required to attend 6 monthly mandatory WFIs. These interviews become quarterly when the youngest child is age 4. The timing of these interviews is specified in Regulations. As part of these meetings, lone parents have to agree an Action Plan with their adviser, but are not required to undertake those activities as a condition of continued receipt of benefit.

Lone parents with pre-school aged children can also be in receipt of Employment and Support Allowance (ESA). For those who are in the Work Related Activity Group (WRAG), they are required to attend Work Focused Interviews, whose frequency is determined by adviser discretion. They, too, must agree an Action Plan with their adviser, but are not required to undertake those activities as a condition of continued benefit receipt.

When their youngest child is aged 5, most lone parents who are claiming IS *solely* on the basis of lone parenthood are required to claim JSA and seek work (or ESA if their capability for work is limited by a health condition). A lone parent's

entitlement to claim IS can continue after their youngest child is age 5 if they claim IS for reasons other than being a lone parent. Examples include circumstances whereby a lone parent is claiming IS on the basis of being a full-time carer, caring for a child who is entitled to the middle or higher rate care component of Disability Living Allowance (DLA) or where they are an approved Foster Carer and a foster child is placed with them.

For lone parents claiming ESA (WRAG), when their youngest child turns 5 they become subject to the full work related requirements that other ESA (WRAG) claimants face. This means they can be required to undertake work preparation activity.

The policy changes and who will be affected

Flexible WFIs

The proposed changes intend to offer greater flexibility to employment support advisers in how they use Work Focused Interviews to help the claimant move closer to the labour market. Instead of being required to meet lone parents no more and no less than the frequency designated by the regulations, these changes offer greater flexibility in terms of the frequency and timing of WFIs for lone parents claiming Income Support solely on the basis of being a lone parent, whose youngest child is aged 1 and above.

Below is the proposed framework for flexible IS WFIs.

- For lone parents' with a youngest child under 1, there is no change to the existing policy. Lone parents with a youngest child under 1 are not required to attend WFIs.
- For lone parents' youngest child age 1-3 – flexible WFIs. The **frequency and timing** of these interviews will be entirely flexible based on adviser discretion and informed by the needs of the individual claimant. In line with the current policy for IS, we would expect each lone parent to receive a minimum of 2 face to face flexible interviews per year with an adviser, thus ensuring that lone parents will receive at minimum the same level of service they currently receive, but offering the potential for much more tailored support.
- For lone parents with a child age 4 – flexible WFIs. The **frequency and timing** of these interviews will be entirely flexible based on adviser discretion and informed by the needs of the individual claimant. In line with current policy for IS claimants we would expect each lone parent to receive a minimum of 4 face to face flexible interviews with an adviser per year, thus ensuring that lone parents will receive at minimum the same level of service they currently receive, but offering the potential for much more tailored support.

Whilst the proposed minimum number of interviews is the same as the current mandatory WFI requirement, the removal of the existing specific WFI requirements provides scope for advisers to use their discretion to decide the frequency and duration of mandatory WFIs for each individual lone parent.

The minimum and maximum duration of any such interview with indicative benchmarks will be set out in the guidance.

In deciding how the WFI time is used in all cases the adviser will focus on supporting the lone parent in undertaking agreed steps which may help them overcome any barriers they may have for an eventual return to work. The expectation is that the requirement for any individual to attend a flexible mandatory WFI will be reasonable.

Mandatory work-related activity – the policy change would enable us to:

- require lone parents that claim IS solely on the basis of being a lone parent and those that claim ESA and are in the ESA (Work Related Activity Group, WRAG) to undertake work-related activity if their youngest child is aged 3 or 4.
- require lone parents and nominated household carers claiming Universal Credit or ESA (C) in the WRAG to undertake work-related activity if their youngest child is aged 3 or 4.
- WRA would be flexible, tailored to the individual, and must be reasonable taking into account the parent's circumstances. Suitable work-related activity could include preparing a CV, exploring the local labour market or attending skills courses where these are available locally.
- Skills is a devolved issue. As a result, this means that at present, advisers will not be able to mandate claimants to Scottish or Welsh funded skills training. They will be able to mandate claimants to DWP funded provision where this is locally available and they can use existing funding.

The policy change focuses on supporting lone parents in their return to work in the year before they face the full work related conditionality specified by the benefit they are claiming. As a result, we expect that the majority of the lone parents who are mandated to work-related activity are likely to have a youngest child aged 4. However, if advisers identify a lone parent with a child aged 3 who has a significant barrier to work, which will require a longer-term course or activity, they will have the ability to mandate these lone parents to the given activity. This enables advisers to tailor the support they offer to the individual and their specific circumstances.

Why we are making these changes

WFIs and work-related activity support the Government's aim of delivering a welfare system that recognises work as the primary route out of poverty and reduce the number of children in workless households. A child of a lone parent

who works part-time is almost three times less likely, and a child of a lone parent that works full-time is 5 times less likely, to be living in poverty than a child of a lone parent who is not working.

The changes to WFI regulations build on and amend the existing regime for lone parents. They align the WFI regime for lone parents who are claiming IS solely on the basis of being a lone parent with the flexible WFI regime already in place for ESA (WRAG) lone parent claimants. It also aligns the IS lone parent regime with the flexible intervention approach which is already a feature of the Jobcentre Plus Offer and the Work Programme. Evaluation evidence on the current WFI regime supports the provision of support that is personalised, flexible and provided consistently through the same adviser.

The WFI changes also recognise that local managers and advisers are best placed to identify the support and guidance that is appropriate to each claimant. The changes will enable advisers to deliver the individually tailored support, in terms of the timing and frequency of their WFIs, to lone parents to help them prepare for work. This approach fits well with current policy movement in benefits both now and under Universal Credit.

The work related activity changes reflect the Government's recognition of the importance of supporting lone parents to prepare for a return to work and in particular the importance of providing that support during the time that they are entitled to claim Income Support. The policy changes are intended to help smooth the transition from Income Support to full work-search conditionality that lone parent claimants face when their youngest child turns 5.

The work related activity changes intend to offer lone parents support which helps them identify and address any barriers they have to returning to work. In most cases we envisage that this support will be most appropriate in the crucial year before they are due to face the full work requirements of the benefit they are claiming i.e, when their youngest child is aged 4. However, if advisers identify any significant barriers to employment, which will require a longer term solution, then there may be reasons to consider mandating lone parents whose youngest child is aged 3 to work-related activity.

Both changes can be viewed together as the Government increasing the support available to lone parents as they prepare to return to work. Lone parents will be called in for WFIs at points in their claim that advisers see necessary, rather than at set intervals. In these more flexible, tailored interviews, advisers will be able to require lone parents to attend this activity, to better prepare them for a return to work.

What the changes mean for lone parents

Our expectation is that once children are in full-time education, it is reasonable to expect lone parents to take up work. But, before this, lone parents should be offered support to help them prepare for an eventual move into work.

A tailored approach to each lone parent is key and lone parents will receive personalised support based on their individual needs. There are often issues around low levels of confidence and job-readiness amongst lone parents, with claimants who have been on benefits for some time particularly likely to cite their own lack of confidence as a problem.

Lone parents that demonstrate a clear work preparation plan may need the minimum level of support and mandatory work-related activity; and this will also be reflected in the frequency and duration of WFIs. Lone parents who are preparing less well or need higher levels of support may benefit from frequent interviews or lengthier interviews or both, with the addition of being required to undertake work-related activity.

All interventions should be diagnostic. In addition to diagnosing an individual's needs and determining suitable support, Advisers have the discretion to decide how their time can best be spent with claimants to support them in addressing their needs and achieving identified work preparation goals.

Consultation and involvement

A lone parent listening event was held on 19 June 2013 with external stakeholders, lone parents, other Government Departments, Jobcentre Plus Advisers and DWP officials to discuss what works for lone parents, to better understand the barriers that they face and to share best practices. Whilst we did not discuss this proposal at the event, the outcomes of the event will be presented to Ministers and some of the proposals will be explored/considered and fed into our policies including the Jobcentre Plus Offer and the Work Programme. We plan to utilise the long-standing stakeholder group, the Lone Parent Voluntary Group (LPVG) to discuss and develop our approach for this proposal in the coming months.

Opportunity to promote equality

We believe that the policy changes allow us a number of opportunities to promote equality for lone parents currently on Income Support. The changes aim to help further reduce child poverty through enabling more lone parents, who can do so, to take steps to prepare for an eventual move into paid employment.

The evidence and analysis set out below shows that the population affected by the changes is predominantly female. By offering employment support to lone parents of younger children we aim to promote more equality of opportunity between men and women in accessing labour market opportunities and helping with a move back into the labour market.

Providing support that is tailored to the needs of the individual and helping them prepare for and eventually find suitable work, means that they are not excluded from the labour market, and are able to enjoy the wider advantages that come

from working that are experienced by the rest of the working population. This could also help them and their families to move out of poverty.

The changes enable specified employment support advisers to mandate lone parents to various different types of work-related activity. The type of activity which is required will depend on the needs of the individual lone parent, as well as what is locally available. This means that there is potential for variation in different parts of the country. However, if advisers determine that a lone parent would benefit from a certain activity and it is not available, then they will have access to the Flexible Support Fund to pay for such activity and any other reasonable costs involved in the lone parent attending the activity (including travel costs). This means that we expect that lone parents will be able to receive the individual support that they need, whilst considering what is locally available.

There is potential for advisers to mandate lone parents to skills training. Skills is a devolved issue and as a result, advisers will not be able to mandate claimants to skills training funded in full or in part by the Scottish or Welsh Governments. However, lone parents in Scotland or Wales will still have access to DWP funded provision, including DWP funded skills training. As a result, lone parents across Great Britain will have access to a range of back-to-work support.

We recognise the importance of childcare for lone parents undertaking more flexible WFIs and work-related activity. Childcare is a devolved issue and, as a result, lone parents in various parts of Great Britain will have different childcare offers. However, Jobcentre Plus Districts have the discretion to use the Flexible Support Fund in order to pay childcare costs to lone parents attending WFIs and work-related activity, where this is needed, where they do not already make use of the Government's free childcare offer or this does not cover the childcare they need.

In addition, given the importance of good quality early years provision on future outcomes for children, it is important that, where necessary, any barriers to the use of formal childcare by parents are challenged and the positive benefits of formal childcare are promoted to these groups, whilst recognising the important role informal childcare plays for many lone parents.

Finally, on childcare, Jobcentre Plus has a role in signposting parents to more specialist services, where necessary. They make parents aware of local provision of services of which they might not previously been aware. This can be particularly useful for parents with disabled children or lone parents from some ethnic groups.

Evidence and analysis

The following sections look specifically at the possible impact of the policy changes in terms of the protected groups (gender, disability, age, race, sexual orientation, gender re-assignment, pregnancy and maternity, marriage and civil partnership and religion and belief).

Given the aim of the changes to prepare and support lone parents for an eventual move into work, the focus of the analysis is on the employment circumstances of the different groups. This is intended to highlight any current differences within/between groups that the policy changes are intended to help address.

An assessment of the available evidence and any possible impact on protected groups has been made in the decision-making process for the policy changes.

Gender

The changes will apply to all lone parents, both male and female, when their youngest child turns one year old. Given that 97 per cent of lone parents on Income Support are female¹², this change will clearly impact on more women than men.

The employment rate for lone fathers is significantly higher than for lone mothers, including for those with a youngest child aged between 1 and 4 (although lone fathers will generally be caring for fewer, older children than lone mothers).

The latest available figures show that around 2 in 5 lone mothers with a youngest child aged between one and four were in employment compared to over half of lone fathers¹³. The employment rate for lone mothers is also much lower than that for partnered mothers, and both are well below the overall employment rate for the working-age population, at 73 per cent (Household Labour Force Survey, Q4 2012).

Disability

We do not have a breakdown on the basis of the age of the youngest child. Latest figures for all lone parents suggest that the employment rate amongst disabled lone parents is much lower (39 per cent) than the disabled working age population as a whole (47 per cent) and for disabled partnered mothers (55 per cent)¹⁴.

Age

Generally lone parents with younger children are likely to be younger themselves. The table below gives age breakdowns for lone parents on Income Support based on the age of their youngest child

¹² Work and Pensions Longitudinal Study (November 2012). This statistic should not be published until DWP have released it officially.

¹³ The estimates for lone fathers have a wide margin of uncertainty due to small sample sizes

¹⁴ Household Labour Force Survey, Q4 2012. The definition of disability includes the following groups: Disability Discrimination Act (DDA) and Work Limiting condition, plus DDA only. The population considered are those aged 16-64, which is referred to here as the working-age population, but is not exactly the same.

Lone parent IS claimants: age of claimant by age of youngest child¹⁵

Age of yc Age of LP	1 - 3	4	5 and over
Under 25	38%	20%	3%
25 – 34	46%	51%	28%
35 – 44	15%	25%	44%
45 and over	0%	4%	25%

Source: Work and Pensions Longitudinal Study, Nov 2012.

The employment rate of younger lone parents is lower than older lone parents, but younger lone parents are also much less likely to be in work than coupled parents (including partnered mothers) within the same age group. Just half of lone parents aged 25 – 34 work (51 per cent), compared to nearly two-thirds of partnered mothers (65 per cent)¹⁶.

Race

We do not have a breakdown on the basis of the age of the youngest child, but we know that there are some variations in the employment rates for lone parents based on ethnic origin.

Fifteen per cent of lone parents on Income Support are from an ethnic minority, compared to 11 per cent of the working age population¹⁷.

Sexual orientation

The policy proposals will apply to all lone parents regardless of their sexual orientation. The Department does not hold information on its administrative systems on the sexual orientation of claimants. We do not envisage an adverse impact on these grounds.

Gender re-assignment

The Department does not hold information on its administrative systems on transgender persons. We have no specific evidence on how the policy may impact on lone parents who have undergone gender re-assignment, but do not consider that there will be an adverse impact on these grounds. The Department has endeavoured to ensure that customers will be treated in the same way, regardless of whether they have undergone gender re-assignment.

Pregnancy and maternity

¹⁵ These statistics should not be published until DWP have released them officially.

¹⁶ Household Labour Force Survey, Q4 2012

¹⁷ The figure for lone parents on Income Support is taken from DWP administrative data, whereas the figure for the working age population is taken from the Household Labour Force Survey, Q4, 2012. There may be slight differences in these two data sources on the classification of being from an ethnic minority.

The policy proposals only apply to lone parents with children aged one and over. If a lone parent becomes pregnant, she is entitled to claim IS within 11 weeks of their expected due date. Similarly, a lone parent may be entitled to Statutory Maternity Pay or Maternity Allowance from the 11th week before her baby is due (or earlier if the baby is born earlier than the 11th week). Once their child is born they are not expected to attend a WFI, until their child reaches age one.

Marriage and civil partnership

The policy change only applies to lone parents, not those who are married or in a civil partnership.

Religion or belief

We do not have a breakdown on religion or belief on the basis of the age of the youngest child. Based on our knowledge of the policy design and of the claimant group, we do not envisage an adverse impact on these grounds. The Department wants to provide a service appropriate to the needs of claimants with different religions/beliefs, to enable them to access the Department's services. Jobcentre Plus already has in place within their working practices, various general measures which are sensitive to the needs of people from different religions.

Decision making

We do not consider that there will be an adverse impact on any person with a protected characteristic from the policy changes. Any requirements placed on lone parents as a result of the changes would need to be reasonable in terms of their individual circumstances and characteristics.

Where lone parents are expected to attend meetings more frequently or asked to participate in work-related activity, arrangements will be in place to cover any additional needs they may have for childcare or to cover transport costs (including those for any dependent children, where necessary), for example.

The policy changes are intended to increase lone parents' opportunities to access the labour market. We believe that the changes are important in helping lone parents prepare for a future move into work and they will benefit from receiving flexible, tailored support, whilst still on Income Support.

Monitoring and evaluation

DWP is committed to monitoring the impacts of its policies and we will use evidence from a number of sources on the experiences and outcomes of the protected groups.

a) We will use administrative datasets, including the Department for Work and Pension's Work and Pensions Longitudinal Study (WPLS), to monitor trends in the benefit caseloads for the protected groups and in the level and distribution of

benefit entitlements. The administrative data will provide robust material for age and gender although not, as a rule, for the other protected groups. Where it is practical we will endeavour to incorporate information for the other protected groups.

b) We will use survey data, such as the Family Resources Survey (FRS) and Labour Force Survey (LFS), to assess trends in the employment outcomes of the protected groups. Both the FRS and LFS will collect information on age, disability, gender, ethnicity, sexual orientation, religion and civil partnerships.

c) We will use qualitative research and feedback from stakeholder groups to assess whether there are unintended consequences for the protected groups, and whether the policy is likely to result in adverse consequences for particular groups.

d) We will utilise feedback from Departmental employee networks and internal management information. For example we will monitor the level of complaints in order to assess the broader impact of the policy.

e) We will draw on broader DWP research where appropriate, as well as consider the need for any research to be commissioned specifically to evaluate the measure.

DWP is looking across its activities to identify and address further gaps in data provision, for protected groups, wherever reasonable.

Sign off:

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Draft Regulations laid before Parliament under section 8(3) of the Welfare Reform Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No.

SOCIAL SECURITY

**The Income Support (Work-Related Activity) and Miscellaneous
Amendments Regulations 2013**

Made - - - -

Coming into force in accordance with regulation 1(1)

In accordance with section 8(3) of the Welfare Reform Act 2009 a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 2A(1), (3), (6) and (8), 2D(1), (4)(a), (b), (d) and (f), and (5) to (9), 2E(3)(a) and (b), (4), and (5)(a) and (d), 2G(2)(a), 189(4) and 191 of the Social Security Administration Act 1992⁽¹⁸⁾, sections 9(1) and 10(3) of the Social Security Act 1998⁽¹⁹⁾, sections 11E(1)(a), 13(2)(a), 24(1) and 25(2) and (3) of the Welfare Reform Act 2007⁽²⁰⁾ and sections 20(1)(a), 21(1)(b) and (5), 40 and 42(2) of the Welfare Reform Act 2012⁽²¹⁾

In accordance with [section 172\(1\)](#) of the [Social Security Administration Act 1992](#), the Secretary of State has referred the proposals in these Regulations to the Social Security Advisory Committee.

⁽¹⁸⁾ 1992 c. 5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30) and was amended by sections 3 and 35 of, and Schedule 7 to, the Welfare Reform Act 2009 (c. 24) and by paragraphs 44 and 45 of Schedule 1 to the Education and Skills Act 2008 (c. 25). Section 2D was inserted by section 2(2) of the Welfare Reform Act 2009(c.24) and amended by paragraph 5 of Schedule 1 to the Pensions Act 2011 (c. 19). Sections 2E and 2G were inserted by section 2(2) of the Welfare Reform Act 2009(c.24). Section 2D is an interpretation provision and is cited because of the meanings given to the terms “lone parent”, “pensionable age” and “work-related activity”. Section 191 is an interpretation provision and is cited because of the meaning given to the word “prescribed”.

⁽¹⁹⁾ 1998 c.14 to which there are amendments not relevant to these Regulations.

⁽²⁰⁾ 2007 c.5. to which there are amendments not relevant to these Regulations.

⁽²¹⁾ 2012 c.5. Section 40 is cited for the meaning it gives to “prescribed”.

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“action plan” means an action plan issued in accordance with regulation 3;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971.

PART 2

Work-Related Activity

Requirement to undertake work-related activity

2.—(1) The Secretary of State may require a person who satisfies the requirements in paragraph (2) to undertake work-related activity⁽²²⁾ as a condition of continuing to be entitled to the full amount of income support payable apart from these Regulations.

(2) The requirements referred to in paragraph (1) are that the person—

(a) is entitled to income support;

(b) is not a lone parent⁽²³⁾ of a child under the age of 3; and

(c) falls only within paragraph 1(1) of Schedule 1B to the Income Support (General) Regulations 1987 and no other paragraph within that Schedule.

(3) A requirement imposed under paragraph (1)—

(a) must be reasonable in the view of the Secretary of State, having regard to the person’s circumstances; and

(b) may not require the person to apply for a job or undertake work, whether as an employee or otherwise.

Notification of work-related activity

3.—(1) The Secretary of State must notify a person of a requirement to undertake work-related activity by including the requirement in a written action plan which is given to the person.

(2) The action plan must contain particulars of—

(a) the work-related activity which the person is to undertake; and

(b) any other information that the Secretary of State considers appropriate.

Requirement to undertake work-related activity at a certain time not to apply

4. The Secretary of State may determine that a requirement as to the time at or by which work-related activity is to be undertaken is not to apply, or is to be treated as not having applied, if in

⁽²²⁾ ‘work-related activity’ has the meaning in section 2D(9)(d) of the Social Security Administration Act 1992.

⁽²³⁾ ‘lone parent’ has the meaning in section 2D(9)(b) of the Social Security Administration Act 1992.

the view of the Secretary of State it would be, or would have been, unreasonable to require the person to undertake the activity by or at that time.

Reconsideration of action plans

5.—(1) A person may request the reconsideration of an action plan.

(2) On receipt of a request the Secretary of State must reconsider the action plan.

(3) A decision of the Secretary of State following a request must be in writing and given to the person.

Failure to undertake work-related activity

6.—(1) A person who is required to undertake work-related activity but fails to do so must show good cause for the failure before the end of five working days beginning with the date on which the Secretary of State gives notice to the person of their failure to undertake work-related activity.

(2) The Secretary of State must determine whether a person who is required to undertake work-related activity has failed to do so and, if so, whether the person has shown good cause for the failure.

(3) In a case where within one month of the date on which the Secretary of State gave notice to a person of their failure to undertake work-related activity—

(a) the person brings new facts to the attention of the Secretary of State which could not reasonably have been brought to the attention of the Secretary of State within the period specified in paragraph (1); and

(b) those facts show that the person had good cause for failing to undertake work-related activity,

paragraph (1) applies with the modification that for the words “five working days beginning with” there is substituted “one month of”.

(4) Where a notice under paragraph (1) is sent by post it is taken to have been received on the second working day after it is sent.

Reduction of income support

7.—(1) Where the Secretary of State has determined that a claimant who was required to undertake work-related activity has failed to do so and has not shown good cause for that failure in accordance with regulation 6 (failure to undertake work-related activity) the amount of income support payable to the person is to be reduced in accordance with this regulation.

(2) Subject to paragraph (3), the amount of the reduction of income support in relation to each failure is 20% of the amount applicable in respect of a single claimant of income support aged not less than 25 as prescribed in paragraph 1(1)(e) of Schedule 2 to the Income Support (General) Regulations 1987⁽²⁴⁾.

(3) In any benefit week, the amount of income support payable to a person is not, by virtue of this regulation, to be reduced below 10 pence.

Circumstances where regulation 7 ceases to have effect

8. The consequences of a failure to undertake work-related activity set out in regulation 7 (reduction of income support) cease to have effect in respect of a person from whichever is the earliest of—

(a) the date on which the person is no longer required to take part in a work-related activity as a condition of continuing to be entitled to the full amount of benefit which is payable apart from these Regulations; or

⁽²⁴⁾ S.I. 1987/1967; relevant amending instruments are S.I. 1990/1168, S.I. 1996/206, S.I. 2007/719 and S.I. 2013/574.

- (b) the first day of the benefit week in which the person meets the requirement to take part in work-related activity.

Restrictions on availability

9.—(1) Subject to paragraph (2), a person to whom these Regulations apply may restrict the times at which they are required to undertake work-related activity.

(2) A person may not restrict the times at which they are required to undertake work-related activity by virtue of paragraph (1) to exclude—

- (a) their child’s normal school hours; or
- (b) any period during which the person entrusts temporary supervision of their child to a person over the age of 18, not including any form of health care for the child.

Contracting out

10.—(1) Any function of the Secretary of State specified in paragraph (2) may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for that purpose.

(2) The functions are any function under—

- (a) regulation 2 (requirement to undertake work-related activity);
- (b) regulation 3 (notification of work-related activity);
- (c) regulation 4 (requirement to undertake work-related activity at a certain time not to apply); or
- (d) regulation 5 (reconsideration of action plans).

PART 3

Miscellaneous Amendments

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

11.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽²⁵⁾ are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation) insert the following definitions—

““Income Support Work-Related Activity Regulations” means the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013;” and

““work-related activity” means an activity which a person is required to undertake in accordance with regulations made under section 2D of the Administration Act”.

(3) After regulation 3(7CC) (revision of decisions) insert—

“(7CD) A decision of the Secretary of State under section 10 made in consequence of a determination under regulation 6(2) of the Income Support Work-Related Activity Regulations that a claimant has failed to satisfy a requirement of regulation 2 of those regulations (requirement to undertake work-related activity) may be revised at any time if it contained an error to which the claimant did not materially contribute.”.

(4) After regulation 6(2)(s) (supersession of decisions) insert—

“(t) is a decision awarding income support where there has been a determination by the Secretary of State under regulation 6 of the Income Support Work-Related Activity Regulations that a person has failed to undertake work-related activity;

⁽²⁵⁾ S.I. 1999/991 to which there are amendments not relevant to these Regulations

- (u) is a decision made in consequence of a determination by the Secretary of State that a person has failed to undertake work-related activity where the reduction ceases to have effect under regulation 8 of the Income Support Work-Related Activity Regulations.”.

(5) After regulation 7(40) (date from which a decision superseded under section 10 takes effect) insert—

“(41) A decision made in accordance with regulation 6(2)(t) shall take effect from the first day of the next benefit week following the day on which the determination mentioned in that sub-paragraph was made.

(42) A decision made in accordance with regulation 6(2)(u) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.”.

Amendment of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

12.—(1) The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Regulations 2000⁽²⁶⁾ are amended as follows.

(2) In regulation 2ZA (requirement for certain lone parents to take part in an interview)—

(a) in paragraph (1)—

- (i) in sub-paragraph (a) after “applies;” insert “and”;
- (ii) omit sub-paragraph (c);

(b) for paragraph (2) substitute—

“(2) Subject to regulations 4 and 5, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”; and

(c) in paragraph (3)(b) omit “waived or”.

(3) For regulation 2C(1) (the interview) substitute—

“(1) An interview under these Regulations shall take place—

- (a) where regulation 2ZA applies, on such date as may be determined by an officer; or
- (b) in any other case, as soon as is reasonably practicable after the date on which the requirement to take part in the interview arises.”.

(4) In regulation 4 (circumstances where requirement to take part in an interview does not apply)—

(a) in paragraph (1), after “Regulations 2”, insert “, 2ZA”;

(b) in paragraph (1A) for “Regulation 2” substitute “Regulations 2 and 2ZA”; and

(c) omit paragraph (3).

(5) In regulation 6 (waiver)—

(a) in paragraph (1) for “these Regulations” substitute “regulations 2(1) and 2ZB(2)”; and

(b) in paragraph (2)(a) omit “, 2ZA”.

(6) In regulation 7 (consequence of failure to take part in an interview)—

(a) in paragraph (1)—

(i) for “paragraphs (2) and (5)” substitute “paragraph (2)”; and

(ii) in sub-paragraph (b) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”;

(b) after paragraph (1) insert—

⁽²⁶⁾ S.I. 2000/1926; relevant amending instruments are S.I. 2005/2727, S.I. 2007/1034, S.I. 2008/3051, S.I. 2010/563, S.I. 2011/674 and 2428 and S.I. 2012/874.

“(1A) Where a notice under paragraph (1)(b) is sent by post it is taken to have been received on the second working day after it is sent.”.

- (c) in paragraph (2)(a) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”; and
- (d) omit paragraph (5).

Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2002

13.—(1) The Social Security (Jobcentre Plus Interviews) Regulations 2002⁽²⁷⁾ are amended as follows.

- (2) In regulation 4A (requirement for certain lone parents to take part in an interview)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “applies;” insert “and”;
 - (ii) omit sub-paragraph (c);
 - (b) for paragraph (2) substitute—

“(2) Subject to regulations 7 to 9, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations.”;
 - (c) in paragraph (3)(b) omit “waived or”.
- (3) In regulation 5 (time when an interview is to take place)—
 - (a) in paragraph (2), omit “as soon as reasonably practicable after”;
 - (b) in paragraph (2)(a) before “the requirement to take part” insert “as soon as reasonably practicable after”;
 - (c) after paragraph (2)(a) insert—

“(ab) in a case where regulation 4A(2) applies, on such a date as may be determined by the officer; or”;
 - (d) in paragraph (2)(b)—
 - (i) after “in any other case” insert “, as soon as reasonably practicable after”;
 - (ii) omit sub-paragraph (i);
 - (iii) in sub-paragraph (ii) omit “but regulation 4A(1) does not apply,”; and
 - (iv) in sub-paragraph (iii) omit “either” and “or regulation 4A(2)”.
- (4) In regulation 6 (waiver of requirement to take part in an interview)—
 - (a) in paragraph (1), for “A” insert “Except in a case where a requirement is imposed by virtue of regulation 4A(2), a”;
 - (b) in paragraph (2)(a), for “4A” substitute “4ZA”.
- (5) In regulation 8 (exemptions) in paragraph (4) after “4ZA” insert “, 4A”.
- (6) In regulation 11 (taking part in an interview)—
 - (a) in paragraph (4) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”; and
 - (b) after paragraph (4) insert—

“(5) Where a notice under paragraph (4) is sent by post it is taken to have been received on the second working day after it is sent.”.
- (7) In regulation 12(12)(a) (failure to take part in an interview) for “day on which the interview was to take place” substitute “date on which the person was notified of his failure to take part in the interview”.

⁽²⁷⁾ S.I. 2002/1703; relevant amending instruments are S.I. 2008/3051, S.I. 2011/2425, S.I. 2011/2428 and S.I. 2012/874.

(8) Omit regulation 14 (good cause).

Amendment to the Employment and Support Allowance (Work-Related Activity) Regulations 2011

14.— In regulation 3(2)(b) (requirement to undertake a work-related activity) of the Employment and Support Allowance (Work-Related Activity) Regulations 2011⁽²⁸⁾, for “5” substitute “3”.

Amendment of the Universal Credit Regulations 2013

15.—(1) The Universal Credit Regulations 2013⁽²⁹⁾ are amended as follows.

(2) In regulation 91(1) (claimants subject to work-focused interview requirement only), for “5” substitute “3”.

(3) After regulation 91, insert—

“Claimants subject to work preparation requirement

91A. For the purposes of section 21(1)(b) of the Act (claimants subject to work preparation requirement), the claimant is of a prescribed description if the claimant is the responsible carer for a child aged 3 or 4.”.

Amendment of the Employment and Support Allowance Regulations 2013

16. In regulation 48(1) of the Employment and Support Allowance Regulations 2013⁽³⁰⁾ (claimants subject to work-focused interview requirement only), for “five” substitute “three”.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

⁽²⁸⁾ S.I. 2011/1349
⁽²⁹⁾ S.I. 2013/376.
⁽³⁰⁾ S.I. 2013/379.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that lone parents of children over the age of 3 but under the age of 5 who are entitled to income support may be required to undertake work-related activity as a condition of entitlement to the full amount of benefit. Work-related activity is defined in section 2D(9)(d) of the Social Security Act 1992 as “in relation to a person, activity which makes it more likely that the person will obtain or remain in work or be able to do so”.

Further, these provisions also make amendments to the provisions relating to work-focused interviews for certain lone parents contained in the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926) and the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703).

Regulation 2 provides that persons who are lone parents aged over 18, who have a youngest child aged older than 3 but younger than 5 and who are entitled to income support solely on the basis of being a lone parent may be required to undertake work-related activity as a condition of entitlement to the full amount of benefit. Regulation 2(3) provides that the requirement to undertake Work Related Activity must be reasonable in the opinion of the Secretary of State and that a person may not be required to apply for a job or undertake work.

Regulation 3 provides that the Secretary of State must notify persons of their requirement to undertake work-related activity under these Regulations by including the requirement in a written action plan which is given to the person. Action plans may also contain any other information that the Secretary of State considers appropriate. Regulation 5 provides that a person may request the reconsideration of an action plan and that on receipt of such a request the Secretary of State must reconsider the action plan and give his decision in writing to the person.

Regulation 4 enables the Secretary of State to determine that the time at or by which work-related activity is not to apply, or is to be treated as not having applied, if he considers it is or would be unreasonable to require the person to undertake work-related activity by or at that time.

Regulation 6 provides that the Secretary of State is to determine whether a person has failed to undertake work-related activity and if so whether the person had good cause for that failure. A person has five working days beginning with the date on which they were notified by the Secretary of State of their failure to undertake work-related activity. This regulation also provides that notices sent under this regulation are deemed served two working days after they are sent.

Regulation 7 sets out the consequences for persons to whom the regulations apply who fail without good cause to undertake work-related activity. The consequences are that the person's benefit is paid at a reduced rate until one of the circumstances in regulation 8 applies. Regulation 8 sets the circumstances in which the consequences set out in regulation 7 cease to apply, which are that the person is no longer required to undertake work-related activity or meets the requirement to undertake work-related activity.

Regulation 9 allows a person to restrict the times at which they are required to undertake work-related activity. A person is not able to exclude their child's normal school hours or any time during which they temporarily entrust the supervision of their child to a person over the age of 18, not including health care for the child, from the times at which they are required to undertake work-related activity.

Regulation 10 provides for the contracting out of certain of the Secretary of State's powers under these Regulations.

Regulation 11 makes consequential amendments to the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) to support the decision making aspect of these Regulations and provides that a person's benefit reduced under regulation 7 is to be reduced from the first day of next the benefit week following the date on which the determination was made.

Regulation 12 amends the Social Security (Work Focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926) and regulation 13 amends the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703).

Regulation 12(2)(a) and regulation 13(2)(a) provide that lone parents who are over 18, have a child aged between 1 and 4 years and who are entitled to income support solely on the basis of being a lone parent are required to take part in one or more work-focused interviews as a condition of their continuing entitlement to the full amount of income support.

Regulation 12(3) and regulation 13(3) provide for the removal of the requirement for interviews for such claimants to take place at set intervals during the course of an award and replace this with a provision allowing officers to determine at their discretion when an interview should take place.

Regulation 12(5) and regulation 13(4) remove the provision enabling interviews to be waived for lone parents with a child aged 1 to 4 who are entitled to income support solely on the basis of being a lone parent. Officers remain able to defer interviews until a specified date.

Regulation 12(6)(a) and regulation 13(6)(a) provide that the period within which good cause must be shown by a claimant begins on the date that the claimant was notified of their failure to take part in an interview. Regulation 12(6)(b) and regulation 13(6)(b) provide.

Regulation 12(6)(b) and 13(6)(b) insert a provision which provides that where a notification to a claimant that he has failed without good cause to attend at a work-focused interview is sent by post it is deemed received on the second working day after it is sent.

Regulation 12(6)(d) and regulation 13(8) remove the list of matters to be taken into account when 'good cause' is being considered.

Regulation 14 amends the Employment and Support Allowance (Work-Related Activity) Regulations 2011 (S.I. 2011/1349) so that parents whose youngest child is aged 3 or older may be required to undertake work-related activity as a condition of entitlement to the full amount of benefit.

Regulation 15(2) amends the Universal Credit Regulations 2013 (S.I. 2013/376) to change the work-related requirements that can be imposed on certain claimants. A single person who is responsible for a child aged 3 or 4 may be required to comply with a work preparation requirement (in addition to a work-focused interview requirement). Regulation 16 makes the same change for Employment and Support Allowance under the Employment and Support Allowance Regulations 2013 (S.I. 2013/379). Regulation 15(3) provides that such Universal Credit claimants do not also have to comply with a work search requirement or a work availability requirement.

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

