



Social Security Administration Act 1992

1992 CHAPTER 5

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

[^{F1}Work-focused interviews [^{F2}and work-related activity]

Textual Amendments

- F1** Ss. 2A, 2B and cross-heading inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), ss. 57, 89(4)(a)
- F2** Words in s. 2A cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 2(3), 61(1)

2A Claim or full entitlement to certain benefits conditional on work-focused interview

- (1) Regulations may make provision for or in connection with—
- (a) imposing, as a condition falling to be satisfied by a person who—
- (i) makes a claim for a benefit to which this section applies, and
- ^{F3}(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),]
- a requirement to take part in [^{F4}one or more work-focused interviews];
- (b) imposing, at a time when—
- (i) a person [^{F5}has not attained pensionable age and is] entitled to such a benefit, and
- (ii) any prescribed circumstances exist,
- a requirement to take part in [^{F6}one or more work-focused interviews] as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

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[For the purposes of subsection (1) a man born before [^{F8}6 December 1953] is treated ^{F7}(1A) as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

(2) The benefits to which this section applies are—

- (a) income support;
- (b) housing benefit;
- (c) council tax benefit;
- (d) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act ^{F9} ... ;
- (e) incapacity benefit;
- (f) severe disablement allowance; and
- (g) [^{F10}carer's allowance].

[No requirement may be imposed by virtue of this section on a person who—

^{F11}(2A) (a) is not a member of a couple, and
 (b) is responsible for, and a member of the same household as, a child under the age of one.

(2B) For the purposes of subsection (2A)(b) regulations may make provision—

- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

(3) Regulations under this section may, in particular, make provision—

- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
 - (i) that he is only required to take part in one interview, and
 - (ii) that any such interview is capable of counting for the purposes of all those benefits;
- (b) for determining the persons by whom interviews are to be conducted;
- (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
- (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
- (e) for securing that the appropriate consequences mentioned in subsection (4) (a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
 - (i) fails to take part in the interview, and
 - (ii) does not show, within the prescribed period, that he had good cause for that failure;
- (f) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.

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- (4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—
- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
 - (i) the person in question is to be regarded as not having made a claim for the benefit, or
 - (ii) if (in the case of an interview postponed in accordance with subsection (7)) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
 - (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
 - (b) is not to apply if the designated authority determines that an interview—
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances, until that time;
- and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- (7) Where—
- (a) a person is required to take part in an interview by virtue of subsection (1)(a), and
 - (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c),
- the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.
- [Information supplied in pursuance of regulations under this section shall be taken for ^{F12}(7A) all purposes to be information relating to social security.]
- (8) In this section—

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[^{F13}“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

“the designated authority” means such of the following as may be specified, namely-

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority,
- (ca) [^{F14}subject to subsection (9), a county council in England,]
- (d) [^{F15}subject to subsection (9),] a person providing services to, or authorised to exercise any function of, [^{F16}any authority mentioned in paragraph (c) or (ca)];

and the purposes which may be so specified include purposes connected with a person's existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.

“interview” (in subsections (3) to (7)) means a work-focused interview; “relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in relation to which that requirement applied by virtue of subsection (1)(a) or (b) above;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

[A county council in England or a person providing services to, or authorised to ^{F17}(9) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

Textual Amendments

- F3** S. 2A(1)(a)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F4** Words in s. 2A(1)(a) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F5** Words in s. 2A(1)(b)(i) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F6** Words in s. 2A(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F7** S. 2A(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(c)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F8** Words in s. 2A(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 3**
- F9** Words in s. 2A(2)(d) omitted (6.4.2017) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(1), **Sch. 16 para. 22**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)
- F10** Words in s. 2A(2)(g) substituted (28.10.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), art. 1(1)(b), **Sch. paras. 1, 3(a)**
- F11** S. 2A(2A)(2B) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(a)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)

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- F12** S. 2A(7A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(1)**, 61(2)
- F13** Words in s. 2A(8) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(b)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)
- F14** Words in s. 2A(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(2)(a)**; S.I. 2008/3077, art. 4(g)
- F15** Words in s. 2A(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(2)(b)**; S.I. 2008/3077, art. 4(g)
- F16** Words in s. 2A(8) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(2)(c)**; S.I. 2008/3077, art. 4(g)
- F17** S. 2A(9) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 45(3)**; S.I. 2008/3077, art. 4(g)

[^{F18}2AA Full entitlement to certain benefits conditional on work-focused interview for partner

- (1) Regulations may make provision for or in connection with imposing, at a time when—
- (a) a person (“the claimant”) who—
 - [^{F19}(i) has not attained pensionable age (but see subsection (1A)), and
 - (ii) has a partner who has also not attained pensionable age,]
- is entitled to a benefit to which this section applies at a higher rate referable to his partner, and
- (b) prescribed circumstances exist,
- a requirement for the partner to take part in [^{F20}one or more work-focused interviews] as a condition of the benefit continuing to be payable to the claimant at that rate.

[For the purposes of subsection (1) a man born before [^{F22}6 December 1953] is treated [^{F21}(1A) as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

- (2) The benefits to which this section applies are—
- (a) income support;
 - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance;
 - (c) incapacity benefit;
 - (d) severe disablement allowance; and
 - [^{F23}(e) carer's allowance][^{F24}; and
 - (f) an employment and support allowance.]
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
- (a) is more than it would be if the person concerned was not a member of a couple; or
 - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
- (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
 - (i) that the partner is required instead to take part in only one such interview; and

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- (ii) that the interview is capable of counting for the purposes of all those benefits;
 - (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
 - (c) for determining the persons by whom work-focused interviews are to be conducted;
 - (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
 - (f) for securing that if—
 - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
 - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,
 the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
 - (g) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations; or
 - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.
- (5) Regulations under this section may, in relation to a reduction under subsection (4)(f), provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of the regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
 - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time);

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and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

[Information supplied in pursuance of regulations under this section shall be taken for ^{F25}(6A) all purposes to be information relating to social security.]

(7) In this section—

[^{F26}“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

“designated authority” means such of the following as may be specified, namely—

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority, and

(ca) [^{F27}subject to subsection (8), a county council in England,]

- (d) [^{F28}subject to subsection (8),] a person providing services to, or authorised to exercise any function of, [^{F29}any authority mentioned in paragraph (c) or (ca)];

“partner” means a person who is a member of the same couple as the claimant;

“specified” means prescribed by or determined in accordance with regulations; and

“work-focused interview” has the same meaning as in section 2A above.

[A county council in England or a person providing services to, or authorised to ^{F30}(8) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

Textual Amendments

- F18** S. 2AA inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), **ss. 49**, 55(2); S.I. 2003/1666, art. 2(a)
- F19** S. 2AA(1)(a)(i)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F20** Words in s. 2AA(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F21** S. 2AA(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F22** Words in s. 2AA(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 4**
- F23** S. 2AA(2)(e) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 7 para. 3(2)**
- F24** S. 2AA(2)(f) and preceding word inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(3)**; S.I. 2008/787, art. 2(1)(4)(f), **Sch.**
- F25** S. 2AA(6A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(2)**, 61(2)
- F26** Words in s. 2AA(7) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 55**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F27** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(a)**; S.I. 2008/3077, art. 4(g)
- F28** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(b)**; S.I. 2008/3077, art. 4(g)

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- F29** Words in s. 2AA(7) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\), s. 173\(4\), Sch. 1 para. 46\(2\)\(c\)](#); S.I. 2008/3077, art. 4(g)
- F30** S. 2AA(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\), s. 173\(4\), Sch. 1 para. 46\(3\)](#); S.I. 2008/3077, art. 4(g)

[^{F1}2B Supplementary provisions relating to work-focused interviews

- (1) Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions [^{F31}made under regulations under section 2A or 2AA] subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Act” means that Act).
- (2) For the purposes of this section a “relevant decision” [^{F32}, in relation to regulations under section 2A above, is a decision] that a person—
 - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
 - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[For the purposes of this section a “relevant decision”, in relation to regulations under ^{F33}(2A) section 2AA above, is a decision that—

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.]
- (3) Section 8(1)(c) of the 1998 Act (decisions falling to be made under or by virtue of certain enactments are to be made by the Secretary of State) shall have effect subject to any provisions of regulations under section 2A [^{F34}or 2AA] above by virtue of which relevant decisions fall to be made otherwise than by the Secretary of State.
- (4) For the purposes of each of sections 9 and 10 of the 1998 Act (revision and supersession of decisions of Secretary of State) any relevant decision made otherwise than by the Secretary of State shall be treated as if it were such a decision made by the Secretary of State (and accordingly may be revised by him under section 9 or superseded by a decision made by him under section 10).
- (5) Subject to any provisions of regulations under either section 9 or 10 of the 1998 Act, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Secretary of State may be—
 - (a) revised under section 9 by a person or authority exercising functions under regulations under section 2A [^{F35}or 2AA] above other than the Secretary of State, or
 - (b) superseded under section 10 by a decision made by such a person or authority, as if that person or authority were the Secretary of State.
- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under section 12 of the 1998 Act (appeal to [^{F36}First-tier Tribunal]) against—
 - (a) any relevant decision, and
 - (b) any decision under section 10 of that Act superseding any such decision, whether made by the Secretary of State or otherwise.

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- (7) Subsections (4) to (6) above apply whether—
- (a) the relevant decision, or
 - (b) (in the case of subsection (6)(b)) the decision under section 10 of the 1998 Act, is as originally made or has been revised (by the Secretary of State or otherwise) under section 9 of that Act; and regulations under subsection (6) above may make provision for treating, for the purposes of section 12 of that Act, any decision made or revised otherwise than by the Secretary of State as if it were a decision made or revised by him.
- (8) Section 12 of the 1998 Act shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.
- (9) In ^{F37}...
- (a) ^{F37}
 - (b) section 72(6) of the Welfare Reform and Pensions Act 1999 (supply of information),
- any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A [^{F38}or 2AA] above.
- (10) In this section “interview” means a work-focused interview within the meaning of section 2A above.]

Textual Amendments

- F31** Words in s. 2B(1) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(2\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F32** Words in s. 2B(2) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(3\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F33** S. 2B(2A) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(4\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F34** Words in s. 2B(3) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F35** Words in s. 2B(5)(a) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F36** Words in s. 2B(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 102](#)
- F37** Words in s. 2B(9) repealed (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 8\(1\)](#); [S.I. 2002/2866, art. 2\(4\), Sch. 2 Pt. 1](#)
- F38** Words in s. 2B(9) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)

[^{F39}2C] **Optional work-focused interviews**

- (1) Regulations may make provision for conferring on local authorities [^{F40}or, subject to subsection (3A), county councils in England] functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.
- (2) This section applies to [^{F41}—
- (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and

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- (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit;]

and it so applies regardless of whether such persons have, in accordance with regulations under section 2A [^{F42}or 2AA] above, already taken part in interviews conducted under such regulations.

- (3) The functions which may be conferred on a local authority [^{F43}or on a county council in England] by regulations under this section include functions relating to—
- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
 - (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
 - (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

[Regulations under this section may confer functions on a county council in England ^{F44}(3A) only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

- (4) Regulations under this section may make different provision for different areas or different authorities.
- (5) In this section “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—
- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
 - (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

Textual Amendments

- F39** S. 2C inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 58, 89(4)(a)**
- F40** Words in s. 2C(1) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(2)**; S.I. 2008/3077, art. 4(g)
- F41** S. 2C(2)(a)(b) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(a)**; S.I. 2003/1666, art. 2(b)
- F42** Words in s. 2C(2) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(b)**; S.I. 2003/1666, art. 2(b)
- F43** Words in s. 2C(3) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(3)**; S.I. 2008/3077, art. 4(g)
- F44** S. 2C(3A) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(4)**; S.I. 2008/3077, art. 4(g)

[^{F45}2D Work-related activity

- (1) Regulations may make provision for or in connection with imposing on a person who—
- (a) is entitled to income support, and
 - (b) is not a lone parent of a child under the age of 3,

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a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person (“P”) who—

- (a) is under pensionable age, and
- (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

- (a) income support;
- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
- (c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;
- (e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;
- (f) for securing that the appropriate consequence follows if —
 - (i) a person who is subject to a relevant requirement has failed to comply with the requirement, and
 - (ii) it is not shown, within a prescribed period, that the person had good cause for that failure;
- (g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;
- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;
- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.

(6) Regulations under subsection (5) may, in relation to any such reduction, provide—

- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.
- (7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.
- (8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.
- (9) For the purposes of this section and sections 2E and 2F—
- (a) “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;
 - (b) “lone parent” means a person who—
 - (i) is not a member of a couple, and
 - (ii) is responsible for, and a member of the same household as, a child;
 - (c) “prescribed” means specified in, or determined in accordance with, regulations;
 - (d) “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;
 - (e) any reference to a person attaining pensionable age is, in the case of a man born before ^{F46}December 1953], a reference to the time when a woman born on the same day as the man would attain pensionable age;
 - (f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.
- (10) For the purposes of this section regulations may make provision—
- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.
- (11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

Textual Amendments

F45 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

F46 Words in s. 2D(9)(e) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 5**

2E Action plans in connection with work-focused interviews

- (1) The Secretary of State must in prescribed circumstances provide a document (referred to in this section as an “action plan”) prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.
- (2) The benefits are—
- (a) income support;

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- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
 - (c) an income-related employment and support allowance.
- (3) Regulations may make provision about—
 - (a) the form of action plans;
 - (b) the content of action plans;
 - (c) the review and updating of action plans.
- (4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.
- (5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—
 - (a) the circumstances in which reconsideration may be requested;
 - (b) the period within which any reconsideration must take place;
 - (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
 - (d) notification of the decision on reconsideration;
 - (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.
- (6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

Textual Amendments

F45 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), ss. 2(2), 61(1)

2F Directions about work-related activity

- (1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—
 - (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
 - (b) to be regarded, in the person's case, as not being work-related activity.
- (2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.
- (3) A direction under subsection (1) given to any person—
 - (a) must be reasonable, having regard to the person's circumstances;
 - (b) must be given to the person by being included in an action plan provided to the person under section 2E; and
 - (c) may be varied or revoked by a subsequent direction under subsection (1).

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- (4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

Textual Amendments

F45 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

2G Contracting-out

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
- (a) conducting interviews under section 2A or 2AA;
 - (b) providing documents under section 2E;
 - (c) giving, varying or revoking directions under section 2F.
- (2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
- (a) any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
 - (b) the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
 - (c) the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under regulations under any of sections 2A to 2F;
 - (d) any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (3) Each of the following is an “excluded decision” for the purposes of subsection (2)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.
- (4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—
- (a) either wholly or to such extent as the regulations may provide,
 - (b) either generally or in such cases as the regulations may provide, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

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- (5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
 - (b) either generally or in such cases as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.
- (6) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
 - (b) may be revoked at any time by the Secretary of State, and
 - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State.
- (8) But subsection (7) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
- the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).
- (11) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
 - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
 - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.

Textual Amendments

F45 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 2\(2\)](#), 61(1)

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2H Good cause for failure to comply with regulations

- (1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.
- (2) The provision made by the regulations prescribing those matters must include provision relating to—
 - (a) the person's physical or mental health or condition;
 - (b) the availability of childcare.]

Textual Amendments

F45 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.I. 2019/1302 art. 2](#) (This amendment not applied to legislation.gov.uk S.I. 2019/1302 revoked (17.12.2020) by The Social Security (Iceland, Liechtenstein and Norway) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1569), arts. 1(2), 2)
- Act modified by [S.I. 2019/1303 art. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1303 revoked (17.12.2020) by The Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1570), arts. 1(2), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2G(1)(d) inserted by [2012 c. 5 s. 59\(5\)](#)
- s. 5(1A)-(1C) inserted by [2009 c. 24 s. 22\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 22 repealed (1.4.2013) by 2012 c. 5, s. 101(2); S.I. 2013/358, art. 4(2))
- s. 78A inserted by [2009 c. 24 s. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 121B(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 19\(a\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 121B(4) words inserted by [2007 asp 3 Sch. 5 para. 19\(b\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 122F(5) inserted by [2012 c. 5 Sch. 4 para. 12\(4\)](#)
- s. 122G inserted by [2009 c. 24 s. 18](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 122H inserted by [2009 c. 24 s. 20\(3\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 134(2)-(2B) substituted for s. 134(2) by [2007 c. 5 s. 37](#)
- s. 148AB inserted by [2008 c. 30 Sch. 4 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by 2014 c. 19, Sch. 12 para. 96(c); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by [2011 c. 19 Sch. 3 para. 8\(2\)](#)
- s. 148AB(9) inserted by [2011 c. 19 Sch. 3 para. 8\(3\)](#)
- s. 151(10)(b)(i)(ii) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 160C inserted by [2012 c. 5 Sch. 2 para. 24](#)
- s. 165(1)(b)(viii) and word inserted by [2023 c. 20 Sch. para. 19\(2\)\(b\)](#)
- s. 190(1)(ac) inserted by [2009 c. 24 s. 21](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 4 Pt. 3 para. 5 word substituted by [S.I. 2010/978 art. 2](#)