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STATUTORY INSTRUMENTS

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**2002 No. 1703**

**SOCIAL SECURITY**

**The Social Security (Jobcentre Plus Interviews) Regulations 2002**

*Made* - - - - *3rd July 2002*  
*Laid before Parliament* *8th July 2002*  
*Coming into force* - - *30th September 2002*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A(1), (3) to (6) and (8), 2B(6) and (7), 5(1)(a) and (b), 6(1)(a) and (b), 7A, 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992<sup>M1</sup> and section 68 of, and paragraphs 3(1), 4(4), 6(8), 20(3) and 23(1) of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000<sup>M2</sup>, and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992<sup>M3</sup> and in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned<sup>M4</sup>, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>M5</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 1992 c.5. Sections 2A, 2B and 7A were inserted by the [Welfare Reform and Pensions Act 1999 \(c.30\)](#), [sections 57](#) and 71 respectively; [section 191](#) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”. Section 2A(8) is cited because of the meaning ascribed to the word “specified”.
- M2** 2000 c.19. Paragraph 23(1) is cited because of the meaning ascribed to the word “prescribed”.
- M3** 1992 c.53.
- M4** See section 176(1) of the Social Security Administration Act 1992.
- M5** See section 173(1)(b) of the Social Security Administration Act 1992. Section 68 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act 2000 were included in the list of “relevant enactments” in section 170(5) by section 73 of the 2000 Act.

**Citation and commencement** **E+W+S**

1. These Regulations may be cited as the Social Security (Jobcentre Plus Interviews) Regulations 2002 and shall come into force on 30th September 2002.

**Interpretation and application** **E+W+S**

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

“the 1998 Act” means the Social Security Act 1998 <sup>M6</sup>;

“benefit week” means any period of seven days corresponding to the week in respect of which the relevant specified benefit is due to be paid;

<sup>F1</sup>  
...

“the Careers Service” means—

- (a) in England and Wales, a person with whom the Secretary of State or, as the case may be, the National Assembly for Wales, have made arrangements under section 10(1) of the Employment and Training Act 1973 or a local education authority to whom a direction has been given by the Secretary of State or the National Assembly for Wales under section 10(2) of that Act;
- (b) in Scotland, a person with whom the Scottish Ministers have made arrangements under section 10(1) of the Employment and Training Act 1973 or any education authority to whom a direction has been given by the Scottish Ministers under section 10(2) of that Act;

“the Connexions Service” means a person of any description with whom the Secretary of State has made an arrangement under section 114(2)(a) of the Learning and Skills Act 2000 <sup>M7</sup> and section 10(1) of the Employment and Training Act 1973 and any person to whom he has given a direction under section 114(2)(b) of the Learning and Skills Act 2000 and section 10(2) of the Employment and Training Act 1973;

“interview” means a work-focused interview with a person who has claimed a specified benefit and which is conducted for any or all of the following purposes—

- (a) assessing that person’s prospects for existing or future employment (whether paid or voluntary);
- (b) assisting or encouraging that person to enhance his prospects of such employment;
- (c) identifying activities which that person may undertake to strengthen his existing or future prospects of employment;
- (d) identifying current or future employment or training opportunities suitable to that person’s needs; and
- (e) identifying educational opportunities connected with the existing or future employment prospects or needs of that person;

[<sup>F2</sup>“lone parent” has the meaning it bears in regulation 2(1) of the Income Support (General) Regulations 1987;]

“officer” means a person who is an officer of, or who is providing services to or exercising functions of, the Secretary of State;

[<sup>F3</sup>“relevant benefit” means income support other than income support where one of the following paragraphs of Schedule 1B to the Income Support (General) Regulations 1987 applies—

- (a) paragraph 7 (persons incapable of work), or
- (b) paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work);]

[<sup>F4</sup>“specified benefit” means income support, incapacity benefit and severe disablement allowance;]

[<sup>F5</sup>“specified person” means—

- (a) a lone parent, or
  - (b) a person who claims—
    - (i) incapacity benefit,
    - (ii) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies,
    - (iii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies, or
    - (iv) severe disablement allowance.]
- (2) For the purposes of these Regulations—
- (a) a person shall be deemed to be in remunerative work where he is in remunerative work within the meaning prescribed in [<sup>F6</sup>regulation 6 of the Housing Benefit Regulations 2006] ; but
  - (b) a person shall be deemed not to be in remunerative work where—
    - (i) he is not in remunerative work in accordance with sub-paragraph (a) above; or
    - (ii) he is in remunerative work in accordance with sub-paragraph (a) above and is not entitled to income support but would not be prevented from being entitled to income support solely by being in such work; and
  - (c) a person shall be deemed to be engaged in part-time work where he is engaged in work for which payment is made but he is not engaged or deemed to be engaged in remunerative work.
- (3) Except in a case where regulation 16(2) applies,<sup>F7</sup> ... regulations 3 to 15 apply in respect of a person who makes a claim for a specified benefit on or after 30th September 2002 at an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office <sup>M8</sup> or at an office of a relevant authority (being a person within section 72(2) of the Welfare Reform and Pensions Act 1999 <sup>M9</sup>) which displays the ONE logo <sup>M10</sup>.
- (4) Where a claim for benefit is made by a person (“the appointee”) on behalf of another, references in these Regulations to a person claiming benefit shall be treated as a reference to the person on whose behalf the claim is made and not to the appointee.
- (5) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered regulation is to a regulation in these Regulations bearing that number;
  - (b) in a regulation to a numbered paragraph or sub-paragraph is to the paragraph or sub-paragraph in that regulation bearing that number;
  - (c) to a numbered Schedule is to the Schedule to these Regulations bearing that number.

#### Textual Amendments

- F1** Words in reg. 2(1) omitted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(10)(a)**
- F2** Words in reg. 2(1) inserted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(2)(b)**
- F3** Words in reg. 2(1) inserted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(2)(b)**
- F4** Words in reg. 2(1) substituted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(2)(a)**

*Status: Point in time view as at 24/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002. (See end of Document for details)*

- F5** Words in reg. 2(1) inserted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(2)(b)**
- F6** Words in reg. 2(2) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 21** (with regs. 2, 3, Schs. 3, Sch. 4)
- F7** Words in reg. 2(3) omitted (24.4.2006) by virtue of [Social Security \(Working Neighbourhoods\) Miscellaneous Amendments Regulations 2006 \(S.I. 2006/909\)](#), regs. 1(1), **2(3)(a)**

#### Marginal Citations

- M6** 1998 c.14.
- M7** 2000 c.21.
- M8** Offices designated as Jobcentre Plus Offices are identified in two lists entitled “Jobcentre Plus Pathfinder Offices” and “Jobcentre Plus Work-focused Interview Extension Sites” which are available from the Department for Work and Pensions, W2W1, 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA.
- M9** 1999 c.30.
- M10** Offices displaying the ONE logo are identified in a list entitled “ONE sites—a complete list” which is available from the Department for Work and Pensions, W2W1, 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA.

### Requirement for person claiming a specified benefit to take part in an interview **E+W+S**

3.—(1) Subject to regulations 6 to 9, a person who—

[<sup>F8</sup>(a) either—

(i) makes a claim for a relevant benefit, or

(ii) is entitled to a specified benefit other than a relevant benefit;]

(b) on the day on which he [<sup>F9</sup>claims a specified benefit], has attained the age of 16 but has not attained the age of 60; and

(c) is not in remunerative work,

is required to take part in an interview.

(2) An officer shall, except where paragraph (3) applies, conduct the interview.

(3) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with the Careers Service or with the Connexions Service.

#### Textual Amendments

- F8** Reg. 3(1)(a) substituted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(3)(a)**
- F9** Words in reg. 3(1)(b) substituted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(3)(b)**

### Continuing entitlement to specified benefit dependent on an interview **E+W+S**

4.—(1) Subject to regulations 6 to 9, a person who has not attained the age of 60 and who is entitled to a specified benefit, shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of benefit which is payable apart from these Regulations where paragraph (2) applies and—

- (a) in the case of a lone parent who has attained the age of 18 and who is neither claiming incapacity benefit nor severe disablement allowance, [<sup>F10</sup>either paragraph (3) or (3A)] applies; or
  - (b) in any other case, any of the circumstances specified in paragraph (4) apply or where paragraph (5) applies.
- (2) This paragraph applies in the case of a person who has taken part in an interview under regulation 3 or who would have taken part in such an interview [<sup>F11</sup>but for the requirement—
- (i) being waived in accordance with regulation 6;
  - (ii) being deferred in accordance with regulation 7; or
  - (iii) not arising because the person was at the time of the claim for the specified benefit subject to provisions within the Social Security (Working Neighbourhoods) Regulations 2004 by virtue of regulation 2(3) of those Regulations.]
- (3) [<sup>F12</sup>Except where paragraph (3A) applies,] a lone parent to whom paragraph (1)(a) applies shall be required to take part in an interview—
- (a) after the expiry of six months from the date on which—
    - (i) he took part in an interview under regulation 3; or
    - (ii) a determination was made under regulation 6(1);
  - (b) where the lone parent took part, failed to take part or was treated, by virtue of regulation 6(2), as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (a), after the expiry of six months from the date on which—
    - (i) he took part in that interview;
    - (ii) he failed to take part in that interview; or
    - (iii) the determination was made under regulation 6(1); and
  - (c) where the lone parent took part, failed to take part or was treated, by virtue of regulation 6(2), as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (b), after the expiry of twelve months from the date on which—
    - (i) he last took part in an interview;
    - (ii) he last failed to take part in an interview; or
    - (iii) a determination was last made under regulation 6(1).

[<sup>F13</sup>(3A) Where a lone parent to whom paragraph (1)(a) applies was not required to take part in an interview under regulation 3 or under this regulation because at the time that the requirement would have arisen he was subject to provisions within the Social Security (Working Neighbourhoods) Regulations 2004 by virtue of regulation 2(3) of those Regulations, the lone parent shall be required to take part in an interview—

- (a) after the expiry of six months, and
- (b) after the expiry of one year, and
- (c) at intervals of one year thereafter,

from the date on which he took part in, or was treated as having taken part in, an interview as a condition of his claim for income support, except that a requirement to take part in an interview shall not arise by virtue of sub-paragraphs (a), (b) or (c) if the period specified in those provisions has already expired when the lone parent becomes subject to these Regulations.]

- (4) The circumstances specified in this paragraph are those where—
- (a) it is determined in accordance with a personal capability assessment that a person is incapable of work and therefore, continues to be entitled to a specified benefit;

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- (b) a person’s entitlement to [<sup>F14</sup> a carer’s allowance] ceases whilst entitlement to [<sup>F15</sup>a] specified benefit continues;
  - (c) a person becomes engaged or ceases to be engaged in part-time work;
  - (d) a person has been undergoing education or training arranged by the officer and that education or training comes to an end; and
  - (e) a person who has not attained the age of 18 and who has previously taken part in an interview, attains the age of 18.
- (5) A requirement to take part in an interview arises under this paragraph where a person has not been required to take part in an interview by virtue of paragraph (4) for at least 36 months.

<sup>F16</sup>(6) .....

**Textual Amendments**

**F10** Words in reg. 4(1)(a) substituted (26.4.2004) by [Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **26(3)(a)**

**F11** Words in reg. 4(2) substituted (26.4.2004) by [Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **26(3)(b)**

**F12** Words in reg. 4(3) inserted (26.4.2004) by [Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **26(3)(c)**

**F13** Reg. 4(3A) inserted (26.4.2004) by [Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **26(3)(d)**

**F14** Words in reg. 4 substituted (1.4.2003) by [Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 para. 1**Sch. 2 para. 2**

**F15** Word in reg. 4(4)(b) substituted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(4)**

**F16** Reg. 4(6) omitted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(10)(b)**

**Time when interview is to take place** **E+W+S**

5. An officer shall arrange for an interview to take place as soon as reasonably practicable after—
- [<sup>F17</sup>(a) the expiry of eight weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;
  - (aa) the claim for a relevant benefit is made;]
  - (b) the requirement under regulation 4(1) arises; or,
  - (c) in a case where regulation 7(1) applies, the time when that requirement is to apply by virtue of regulation 7(2).

**Textual Amendments**

**F17** [Reg. 5\(a\)\(aa\)](#) substituted for [reg. 5\(a\)](#) (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(5)**

**Waiver of requirement to take part in an interview** **E+W+S**

- 6.—(1) A requirement imposed by these Regulations to take part in an interview shall not apply where an officer determines that an interview would not—
- (a) be of assistance to the person concerned; or

(b) be appropriate in the circumstances.

(2) A person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) shall be treated for the purposes of—

(a) regulation 3 or 4; and

(b) any claim for, or entitlement to, a specified benefit,

as having complied with that requirement.

### Deferment of requirement to take part in an interview **E+W+S**

7.—(1) An officer may determine, in the case of any particular person, that the requirement to take part in an interview shall be deferred at the time the claim is made or the requirement to take part in an interview arises or applies because an interview would not at that time—

(a) be of assistance to that person; or

(b) be appropriate in the circumstances.

(2) Where the officer determines in accordance with paragraph (1) that the requirement to take part in an interview shall be deferred, he shall also determine when that determination is made, the time when the requirement to take part in an interview is to apply in the person's case.

(3) Where a requirement to take part in an interview has been deferred in accordance with paragraph (1), then until—

(a) a determination is made under regulation 6(1);

(b) the person takes part in an interview; or

(c) a relevant decision has been made in relation to that person in accordance with regulation 11(4),

that person shall be treated for the purposes of any claim for, or entitlement to, a specified benefit as having complied with that requirement.

### Exemptions **E+W+S**

8.—(1) Subject to paragraph (2), persons who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation 4 or 7(2) arises or applies—

(a) are engaged in remunerative work; or

(b) are claiming, or are entitled to, a jobseeker's allowance,

shall be exempt from the requirement to take part in an interview.

(2) Paragraph (1)(b) shall not apply where—

(a) a joint-claim couple (as defined for the purposes of section 1(4) of the Jobseekers Act 1995<sup>M11</sup>) have claimed a jobseeker's allowance; and

(b) a member of that couple is a person to whom regulation 3D(1)(c) of the Jobseeker's Allowance Regulations 1996<sup>M12</sup> (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance) applies.

(3) <sup>F18</sup>A person who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation 4 or 7(2) arises or applies is—

(a) required to take part in an interview; or

(b) not required to take part in an interview by virtue of—

(i) a waiver of a requirement; or

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(ii) a deferment of an interview,

under the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003 [<sup>F19</sup>or regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000] shall be exempt from the requirement to take part in an interview.]

#### Textual Amendments

- F18** Reg. 8(3) added (27.10.2003) by [The Social Security \(Incapacity Benefit Work-focused Interviews\) Regulations 2003 \(S.I. 2003/2439\)](#), regs. 1, 17
- F19** Words in reg. 8(3) inserted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), 2(6)

#### Marginal Citations

- M11** 1995 c.18; the definition of “joint-claim couple” was inserted by the Welfare Reform and Pensions Act 1999, section 59 and Schedule 7, paragraph 2(4)(b).
- M12** [S.I. 1996/207](#); regulation 3D was inserted by [S.I. 2000/1978](#) and amended by [S.I. 2001/518](#).

### Claims for two or more specified benefits **E+W+S**

9. A person who would otherwise be required under these Regulations to take part in interviews relating to more than one specified benefit—

- (a) is only required to take part in one interview; and
- (b) that interview counts for the purposes of all those benefits.

### The interview **E+W+S**

10.—(1) The officer shall inform a person who is required to take part in an interview of the place and time of the interview.

(2) The officer may determine that an interview is to take place in the person’s home where it would, in his opinion, be unreasonable to expect that person to attend elsewhere because that person’s personal circumstances are such that attending elsewhere would cause him undue inconvenience or endanger his health.

### Taking part in an interview **E+W+S**

11.—(1) The officer shall determine whether a person has taken part in an interview.

[<sup>F20</sup>(2) A person who has not taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person’s employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information about—
  - (i) the level to which he has pursued any educational qualifications;
  - (ii) his employment history;
  - (iii) any vocational training he has undertaken;

- (iv) any skills he has acquired which fit him for employment;
  - (v) any paid or unpaid employment he is engaged in;
  - (vi) any medical condition which, in his opinion, puts him at a disadvantage in obtaining employment;
  - (vii) any caring or childcare responsibilities he has;
  - (viii) his aspirations for future employment;
  - (ix) any vocational training or skills which he wishes to undertake or acquire; and
  - (x) his work related abilities; and
- (d) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
- (2A) A person who has taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—
- (a) he attends for the interview at the place and time notified to him by the officer;
  - (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person's employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
  - (c) he participates in discussions with the officer—
    - (i) in relation to the person's employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (d) he provides answers (where asked) to questions and appropriate information about—
    - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person's capabilities and employability; and
    - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
- (2B) A person shall be regarded as having taken part in any subsequent interview under these Regulations if—
- (a) he attends for the interview at the place and time notified to him by the officer;
  - (b) he participates in discussions with the officer—
    - (i) in relation to the person's employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (c) where he is a specified person, he participates in discussions with the officer—
    - (i) about any action the specified person or the officer might have taken as a result of the matters discussed in relation to paragraphs (2)(b) or (2A)(b) above; and
    - (ii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) above should be amended;
  - (d) he provides answers (where asked) to questions and appropriate information about—

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- (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person's capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (e) where he is a specified person, he assists the officer in the completion of any amendment of the action plan referred to in paragraphs (2)(d) or (2A)(e) above in light of the matters discussed in relation to sub-paragraphs (b) and (c) above and the information provided in relation to sub-paragraph (d) above.]
- (3) A person who has not attained the age of 18 shall also be regarded as having taken part in an interview if he attends an interview with the Careers Service or with the Connexions Service at the place and time notified to him by an officer.
- (4) Where an officer determines that a person has failed to take part in an interview and good cause has not been shown for that failure within five working days of the day on which the interview was to take place, a relevant decision shall be made for the purposes of section 2B of the Social Security Administration Act 1992 <sup>M13</sup>.

#### Textual Amendments

**F20** Reg. 11(2)-(2B) substituted for reg. 11(2) (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), 2(7)

#### Marginal Citations

**M13** 1992 c.5; section 2B was inserted by the Welfare Reform and Pensions Act 1999, section 57.

### Failure to take part in an interview **E+W+S**

**12.**—(1) A person in respect of whom a relevant decision has been made in accordance with regulation 11(4) shall, subject to paragraph (12), suffer the consequences set out below.

(2) Those consequences are—

- (a) where the interview arose in connection with a claim for a [<sup>F21</sup>relevant benefit], that the person to whom the claim relates is to be regarded as not having made a claim for a [<sup>F21</sup>relevant benefit];
- (b) where an interview which arose in connection with a claim for a [<sup>F21</sup>relevant benefit] was deferred and benefit became payable by virtue of regulation 7(3), that the person's entitlement to that benefit shall terminate from the first day of the next benefit week following the date on which the relevant decision was made;
- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation 4 [<sup>F22</sup>or by virtue of the claimant falling within regulation 3(1)(a)(ii)], the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the relevant decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable on the date the deduction commences in respect of a single claimant for income support aged not less than 25.

(3) Benefit reduced in accordance with paragraph (2)(c) shall not be reduced below ten pence per week.

(4) Where two or more specified benefits are in payment to a claimant, a deduction made in accordance with this regulation shall be applied, except in a case to which paragraph (5) applies, to the specified benefits in the following order of priority—

- (a) income support;
- (b) incapacity benefit;
- <sup>F23</sup>(c) .....
- <sup>F23</sup>(d) .....
- (e) severe disablement allowance.

(5) Where the amount of the reduction is greater than some (but not all) of the specified benefits listed in paragraph (4), the reduction shall be made against the first benefit in that list which is the same as, or greater than, the amount of the reduction.

(6) For the purpose of determining whether a specified benefit is the same as, or greater than, the amount of the reduction for the purposes of paragraph (5), ten pence shall be added to the amount of the reduction.

(7) In a case where the whole of the reduction cannot be applied against any one specified benefit because no one benefit is the same as, or greater than, the amount of the reduction, the reduction shall be applied against the first benefit in payment in the list of priorities at paragraph (4) and so on against each benefit in turn until the whole of the reduction is exhausted or, if this is not possible, the whole of the specified benefits are exhausted, subject in each case to ten pence remaining in payment.

(8) Where the rate of any specified benefit payable to a claimant changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rates and any adjustments to the benefits against which the reductions are made shall take effect from the beginning of the first benefit week to commence for that claimant following the change.

(9) Where a claimant whose benefit has been reduced in accordance with this regulation subsequently takes part in an interview, the reduction shall cease to have effect on the first day of the benefit week in which the requirement to take part in an interview was met.

(10) For the avoidance of doubt, a person who is regarded as not having made a claim for any benefit because he failed to take part in an interview shall be required to make a new claim in order to establish entitlement to any specified benefit.

(11) For the purposes of determining the amount of any benefit payable, a claimant shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with this regulation.

(12) The consequences set out in this regulation shall not apply in the case of a person who brings new facts to the notice of the Secretary of State within one month of the date on which the decision was notified and—

- (a) those facts could not reasonably have been brought to the Secretary of State’s notice within five working days of the day on which the interview was to take place; and
- (b) those facts show that he had good cause for his failure to take part in the interview.

(13) In paragraphs (2) and (12), the “decision” means the decision that the person failed without good cause to take part in an interview.

**Textual Amendments**

- F21** Words in reg. 12(2)(a)(b) substituted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(8)(a)**
- F22** Words in reg. 12(2)(c) inserted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(8)(b)**
- F23** Reg. 12(4)(c)(d) omitted (31.10.2005) by virtue of [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(10)(c)**

*Status: Point in time view as at 24/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002. (See end of Document for details)*

### Circumstances where regulation 12 does not apply **E+W+S**

13. The consequences of a failure to take part in an interview set out in regulation 12 shall not apply where—

- (a) he is no longer required to take part in an interview as a condition for continuing to be entitled to the full amount of benefit which is payable apart from these Regulations; or
- (b) the person attains the age of 60.

### Good cause **E+W+S**

14. Matters to be taken into account in determining whether a person has shown good cause for his failure to take part in an interview include—

- (a) that the person misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the person or any misleading information given to the person by the officer;
- (b) that the person was attending a medical or dental appointment, or accompanying a person for whom the claimant has caring responsibilities to such an appointment, and that it would have been unreasonable, in the circumstances, to rearrange the appointment;
- (c) that the person had difficulties with his normal mode of transport and that no reasonable alternative was available;
- (d) that the established customs and practices of the religion to which the person belongs prevented him attending on that day or at that time;
- (e) that the person was attending an interview with an employer with a view to obtaining employment;
- (f) that the person was actually pursuing employment opportunities as a self-employed earner;
- (g) that the person or a dependant of his or a person for whom he provides care suffered an accident, sudden illness or relapse of [<sup>F24</sup>a physical or mental health condition];
- (h) that he was attending the funeral of a close friend or relative on the day fixed for the interview;
- (i) that a disability from which the person suffers made it impracticable for him to attend at the time fixed for the interview.

#### Textual Amendments

**F24** Words in reg. 14(g) substituted (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **2(9)**

### Appeals **E+W+S**

15.—(1) This regulation applies to any relevant decision made under regulation 11(4) or any decision under section 10 of the 1998 Act superseding such a decision.

(2) This regulation applies whether the decision is as originally made or as revised under section 9 of the 1998 Act.

(3) In the case of a decision to which this regulation applies, the person in respect of whom the decision was made shall have a right of appeal under section 12 of the 1998 Act to an appeal tribunal.

## Revocations and transitional provision **E+W+S**

16.—(1) Subject to paragraph (2), the Social Security (Work-focused Interviews) Regulations 2000 <sup>M14</sup> (“the 2000 Regulations”) and the Social Security (Jobcentre Plus Interviews) Regulations 2001 <sup>M15</sup> (“the 2001 Regulations”) are hereby revoked to the extent specified in Schedule 1.

(2) Notwithstanding paragraph (1), both the 2000 Regulations (except for regulations 4, 5 and 12(2)(a) and (b)<sup>F25</sup>...) and the 2001 Regulations (except for regulations 3 and 11(2)(a) and (b)) shall continue to apply as if these Regulations had not come into force for the period specified in paragraph (3) in the case of a person who, on the day before the day on which these Regulations come into force, is both a relevant person and entitled to a specified benefit for the purposes of those Regulations.

(3) The period specified for the purposes of paragraph (2) shall be the period beginning on the day on which these Regulations come to force and ending on the day on which the person—

- (a) ceases to be a relevant person for the purposes of the 2000 Regulations or, as the case may be, the 2001 Regulations;
- (b) is not entitled to any specified benefit for the purposes of those Regulations; or
- (c) attains the age of 60,

whichever shall first occur.

### Textual Amendments

**F25** Words in [reg. 16\(2\)](#) omitted (24.4.2006) by virtue of [Social Security \(Working Neighbourhoods\) Miscellaneous Amendments Regulations 2006 \(S.I. 2006/909\)](#), [regs. 1\(1\), 2\(3\)\(b\)](#)

### Marginal Citations

**M14** [S.I. 2000/897](#).

**M15** [S.I. 2001/3210](#).

## Amendments to regulations **E+W+S**

17. The amendments to regulations prescribed in Schedule 2 shall have effect.

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

3rd July 2002

*N. Brown*  
Minister of State,  
Department for Work and Pensions

**Status:** Point in time view as at 24/04/2006.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002. (See end of Document for details)

SCHEDULE 1 **E+W+S**

Regulation 16(1)

REVOCATIONS

<b>Regulations</b>	<b>Extent of revocation</b>
The Social Security (Work-focused Interviews) Regulations 2000	Regulation 2 save for the words “In these Regulations—” and the definitions of “the Council Tax Benefit Regulations”, “the Claims and Payments Regulations” and “the Housing Benefit Regulations” in paragraph (1);  regulations 3 to 15;  regulation 16(1) and (2);  Schedules 1 to 3;  In Schedule 6, paragraphs 2(c) and 3(b).
The Social Security (Jobcentre Plus Interviews) Regulations 2001	Regulation 2 save for paragraph (6)(c);  regulations 3 to 14;  In regulation 15, the words “, the Social Security (Work-focused Interviews) Regulations 2000”;  Schedule 1;  paragraph 2 of Schedule 2.

SCHEDULE 2 **E+W+S**

Regulation 17

AMENDMENTS TO REGULATIONS

1. For regulation 6A(5) of the Social Security (Claims and Payments) Regulations 1987 <sup>M16</sup> (claims by persons subject to work-focused interviews) there shall be substituted the following paragraph—

“(5) In regulation 4 and this regulation, “work-focused interview” means an interview which a person is required to take part in under the Social Security (Jobcentre Plus Interviews) Regulations 2002.”.

**Marginal Citations**

**M16** [S.I. 1987/1968](#); the relevant amending instrument is [S.I. 2000/897](#).

<sup>F26</sup>2. ....

**Textual Amendments**

**F26** Sch. 2 para. 2 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

3. For the definition of “designated authority” in regulation 1(2) of the Child Support (Maintenance Assessment Procedure) Regulations 1992<sup>M17</sup>, there shall be substituted the following definition—

““designated authority” means—

- (a) the Secretary of State;
- (b) a person providing services to the Secretary of State;
- (c) a local authority;
- (d) a person providing services to, or authorised to exercise any functions of, any such authority;”.

**Marginal Citations**

**M17** [S.I. 1992/1813](#); the relevant amending instruments are [S.I. 1999/1047](#) and 2000/897.

<sup>F27</sup>4. ....

**Textual Amendments**

**F27** Sch. 2 para. 4 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

5. For the definition of “designated authority” in regulation 1(2) of the Child Support Department Direction and Consequential Amendments Regulations 1996<sup>M18</sup>, there shall be substituted the following definition—

““designated authority” means—

- (a) the Secretary of State;
- (b) a person providing services to the Secretary of State;
- (c) a local authority; or
- (d) a person providing services to, or authorised to exercise any functions of, any such authority;”.

**Marginal Citations**

**M18** [S.I. 1996/2907](#); the relevant amending instruments are [S.I. 1999/1047](#) and 2000/897.

6. In the Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>M19</sup>—

(a) in regulation 1(3) (interpretation)—

(i) for the definition of “designated authority” there shall be substituted the following definition—

““designated authority” means—

- (a) the Secretary of State;

**Status:** Point in time view as at 24/04/2006.

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002. (See end of Document for details)

- (b) a person providing services to the Secretary of State;
- (c) a local authority;
- (d) a person providing services to, or authorised to exercise any functions of, any such authority;”;
- (ii) for the definition of “work-focused interview”, there shall be substituted the following definition—
  - ““work-focused interview” means an interview which a person is required to take part in under the Social Security (Jobcentre Plus Interviews) Regulations 2002;”;
- (iii) the definition of “the Work-focused Interviews Regulations” shall be omitted;
- (b) in regulation 3(11) (revision of decisions), for sub-paragraph (f) there shall be substituted the following sub-paragraph—
  - “(f) in the case of a person who is, or would be, required to take part in a work-focused interview, an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office or an office of a designated authority which displays the ONE logo.”.

#### Marginal Citations

**M19** [S.I. 1999/991](#); the relevant amending instrument is [S.I. 2000/897](#).

7. At the end of regulation 4(d) of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000<sup>M20</sup> (circumstances where requirement to take part in an interview does not apply) there shall be added the words “or the Social Security (Jobcentre Plus Interviews) Regulations 2002”.

#### Marginal Citations

**M20** [S.I. 2000/1926](#); the relevant amending instrument is [S.I. 2001/3210](#).

8. In the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>M21</sup>—

- (a) in regulation 1(2) (interpretation)—
  - (i) the definitions of “designated authority”, “work-focused interview” and of “the Work-focused Interviews Regulations” shall be omitted;
  - (ii) in the definition of “official error”, paragraph (c) shall be omitted;
- (b) in regulation 4(8) (revision of decisions), the words from “or, in a case” to the end of the paragraph shall be omitted;
- (c) in regulation 5(3)(c) (late application for a revision), the words from “or, in a case” to the end of the sub-paragraph shall be omitted;
- (d) in regulation 7 (decisions superseding earlier decisions)—
  - (i) paragraph (2)(f) shall be omitted;
  - (ii) in paragraph (7), the words from “or, in a case” to the end of the paragraph shall be omitted;
- (e) in regulation 20(1)(c) (making of appeals and applications), the words from “, or in a case” to the end of the sub-paragraph shall be omitted.

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**Marginal Citations**

**M21** S.I. 2001/1002.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations impose a requirement on persons who claim, or are entitled to, certain benefits (specified in regulation 2(1)) to take part in a work-focused interview (“an interview”).

Regulation 3 specifies those persons who are required to take part in an interview when claiming a specified benefit and regulation 4 prescribes when persons are required to take part in an interview as a condition of their continuing entitlement to those benefits.

Regulation 5 prescribes the time when the interview is to take place. Regulation 6 provides that the requirement to take part in an interview can be waived where an interview would not be of assistance to the person or it would not be appropriate in the circumstances of the case and regulation 7 specifies that an interview can be deferred. Regulation 8 prescribes circumstances when a person is exempted from the requirement to take part in an interview. Regulation 9 specifies when a requirement to take part in two or more interviews is satisfied by the person taking part in a single interview.

Regulation 10 provides for the person to be advised of the time and place of the interview and provides that an interview can take place in the person’s home if the interviewer considers that it would be unreasonable to require that person to attend elsewhere.

Regulation 11 prescribes circumstances as to when a person is to be regarded as having taken part in an interview and regulation 12 details the consequences of a failure to take part in an interview. Regulation 13 specifies the circumstances where those consequences do not apply and regulation 14 specifies the matters to be taken into account in determining whether a person had good cause for his failure to take part in an interview.

Regulation 15 provides that a decision that a person has failed to take part in an interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (c.14).

Regulation 16 and Schedule 1 revoke previous regulations, with savings and a transitional provision, which imposed requirements on persons in certain areas to take part in interviews.

Regulation 17 and Schedule 2 make amendments to other regulations which are consequential both on these Regulations and the revocation and transitional effect of the regulations referred to in Schedule 1.

These Regulations do not impose a charge on business.

**Status:**

Point in time view as at 24/04/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Jobcentre Plus Interviews) Regulations 2002.