
STATUTORY INSTRUMENTS

2004 No. 2244

SOCIAL SECURITY

The Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004

Made - - - - 30th August 2004

Laid before Parliament 7th September 2004

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A(1)(b), (3)(b) to (f), (4)(b), (5)(a) and (b), (6) and (8), 2B(6) to (8), 189(4) to (6) and (7A) and 191 of the Social Security Administration Act 1992⁽¹⁾ 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⁽²⁾ and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽³⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004.

(2) These Regulations shall come into force—

(a) in respect of a lone parent—

(i) who resides in an education authority area or a local education authority area identified in the Schedule to these Regulations;

(ii) who has been entitled to a specified benefit for not less than 12 months immediately prior to 30th September 2004; and

(1) 1992 c. 5. Sections 2A and 2B were inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30). Section 189(1) and (4) to (6) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998 (c. 14). Section 189(1) was further amended by section 2 of, and paragraph 57 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and by section 60 of, and Schedule 6 to, the Tax Credits Act 2002 (c. 21). Section 189(7A) was inserted by paragraph 82 of Schedule 12 to the Welfare Reform and Pensions Act 1999. Section 2A(8) is cited because of the meaning there given to the word “specified”. Section 191 is an interpretation provision and is cited because of the meaning there given to the word “prescribe”.

(2) 1992 c. 53.

(3) See sections 172(1) and 173(1)(b) of the Social Security Administration Act 1992.

(iii) whose youngest child, for whom the lone parent is responsible and who is a member of the lone parent’s household, is at least 12 years old on 30th September 2004, on 30th September 2004;

(b) in respect of a lone parent—

(i) who resides in an education authority area or a local education authority area identified in that Schedule;

(ii) who after 30th September 2004 reaches the first anniversary of his entitlement to a specified benefit; and

(iii) whose youngest child, for whom the lone parent is responsible and who is a member of the lone parent’s household, reaches the age of 12 years after 30th September 2004,

on the date of that first anniversary or the date that child reaches the age of 12 years, whichever is the later.

(3) In these Regulations—

“benefit recipient” means a person who—

(a) has not attained the age of 60; and

(b) is entitled to a specified benefit at a higher rate referable to his partner;

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

“education authority” means an education authority described in section 135(1) of the Education (Scotland) Act 1980(4) and “education authority area” shall be construed in accordance with the provisions of that section;

“interview” means a work-focused interview with a relevant person 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;

“local education authority” means a local education authority described in section 12 of the Education Act 1996(5) (local education authorities and their areas) and “local education authority area” shall be construed in accordance with the provisions of that section;

“lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child;

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

(4) 1980 c. 44.

(5) 1996 c. 56.

“partner” means a person who is a member of the same couple as a benefit recipient, or, in a case where a benefit recipient has more than one partner, a person who is a partner of the benefit recipient by reason of a polygamous marriage;

“polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

“relevant person” means a person—

- (a) to whom paragraph (2)(a) or (b) applies; and
- (b) who has attained the age of 18 but not attained the age of 60;

“specified benefit” means income support other than income support which is awarded where—

- (a) paragraph 7 of Schedule 1B to the Income Support (General) Regulations 1987⁽⁶⁾ (prescribed categories of person – persons incapable of work) applies;
- (b) paragraph 24 or 25 of Schedule 1B to the Income Support (General) Regulations 1987⁽⁷⁾ (prescribed categories of person – persons appealing against a decision which embodies a determination that they are not incapable of work) applies.

Requirement for a relevant person to take part in an interview

2.—(1) Subject to regulations 3 and 4, a relevant person shall be required to take part in an interview as a condition of that person continuing to be entitled to the full amount of a specified benefit which is payable apart from these Regulations.

(2) A relevant person shall first be required to take part in an interview under paragraph (1) as soon as is reasonably practicable after the date these Regulations come into force in respect of that person.

(3) Subject to regulations 3 and 4, a requirement under paragraph (1) shall arise at intervals of not less than 13 weeks beginning with—

- (a) the day on which the relevant person last took part in an interview in accordance with this regulation;
- (b) the day he was treated under regulation 3 as having complied with such a requirement; or
- (c) the day a relevant decision was made in accordance with regulation 6(3),

whichever is the later, as a condition of his continuing to be entitled to the full amount of a specified benefit which is payable apart from these Regulations.

Waiver of requirement to take part in an interview

3.—(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 be—

- (a) of assistance to the relevant person; or
- (b) appropriate in the circumstances.

(2) A relevant person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) above shall be treated for the purposes of regulation 2 as having complied with that requirement in respect of that interview.

(6) S.I. 1987/1967. Schedule 1B was inserted by S.I. 1996/206.

(7) Paragraph 24 was amended by S.I. 1999/2422 (C. 61). Paragraph 25 was amended by S.I. 1999/2422 (C. 61) and 3109.

Deferment of requirement to take part in an interview

4.—(1) An officer may determine, in the case of a relevant person, that the requirement under regulation 2 to take part in an interview shall be deferred at the time the requirement to take part in an interview arises or applies because an interview would not at that time be—

- (a) of assistance to that relevant person; or
- (b) appropriate in the circumstances.

(2) Where an 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 relevant 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 3(1);
- (b) the relevant person takes part in an interview; or
- (c) a relevant decision has been made in relation to that relevant person in accordance with regulation 6(3),

that relevant person shall be treated for the purposes of his continuing to be entitled to the full amount of a specified benefit which is payable apart from these Regulations as having complied with that requirement.

The interview

5.—(1) An officer shall inform the relevant person who is required to take part in an interview of the date, time and place of the interview.

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

(3) An officer shall conduct the interview.

Taking part in an interview

6.—(1) An officer shall determine whether a relevant person has taken part in an interview.

(2) A relevant person shall be regarded as having taken part in an interview for the purposes of these Regulations if—

- (a) he attends for the interview at the time and place notified to him by the officer;
- (b) 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; and
 - (vii) any caring or childcare responsibilities he has.

(3) Where an officer determines that a relevant person has failed to take part in an interview and good cause has not been shown by the relevant person 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 and the relevant person shall be notified accordingly.

Failure to take part in an interview

7.—(1) Where a relevant decision has been made in accordance with regulation 6(3), subject to paragraphs (2) and (7), the specified benefit payable to the relevant person shall be reduced as from the first day of the next benefit week following the day a relevant decision was made, by a sum equal to 20 per cent. of the amount applicable on the date the first reduction commences in respect of a single claimant for income support aged not less than 25.

(2) The specified benefit reduced in accordance with paragraph (1) shall not be reduced below ten pence per week.

(3) Where the rate of the specified benefit payable to a relevant person changes, the reduction described in paragraph (1) shall be applied to the new rates and any adjustments to the specified benefit against which the reduction is made shall take effect from the beginning of the first benefit week to commence for that relevant person following the change.

(4) Paragraph (1) shall apply to a relevant person each time a relevant decision is made in accordance with regulation 6(3) in respect of the relevant person.

(5) Where a relevant person whose specified benefit has been reduced in accordance with paragraph (1) subsequently takes part in an interview, the whole of 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.

(6) Where paragraph (4) applies, for the purposes of determining the amount of the specified benefit payable a relevant person shall be treated as receiving the amount of the specified benefit which would have been payable but for a reduction made in accordance with paragraph (1).

(7) The specified benefit shall not be reduced in accordance with paragraph (1) where the relevant person brings new facts to the notice of the Secretary of State within one month of the date on which a relevant decision was notified to him 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 the relevant person had good cause for his failure to take part in the interview.

(8) Where a reduction of specified benefit has been made in accordance with paragraph (1) the whole of that reduction shall cease to have effect on the date when the relevant person—

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

Good cause

8. Matters to be taken into account in determining whether a relevant person has shown good cause for the relevant person's failure to take part in an interview include—

- (a) that the relevant person misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the relevant person or any misleading information given to him by an officer;
- (b) that the relevant person was attending a medical or dental appointment, or accompanying a person for whom the relevant person has caring responsibilities to such an appointment,

and that it would have been unreasonable in the circumstances to rearrange the appointment;

- (c) that the relevant 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 relevant person belongs prevented him from attending on the day or at the time or place fixed for the interview;
- (e) that the relevant person was attending an interview with an employer with a view to obtaining employment;
- (f) that the relevant person was pursuing employment opportunities as a self-employed earner;
- (g) that the relevant person or a dependant or a person for whom the relevant person provides care suffered an accident, sudden illness or relapse of a physical or mental health condition;
- (h) that the relevant person was attending the funeral of a close relative or close friend on the day fixed for the interview;
- (i) that a disability of the relevant person made it impracticable for him to attend at the time fixed for the interview.

Appeals

9.—(1) This regulation applies to any relevant decision under regulation 6(3) or any decision made under section 10 of the Social Security Act 1998⁽⁸⁾ (decisions superseding earlier decisions) superseding such a relevant decision.

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

(3) In the case of a decision to which this regulation applies, the relevant person in respect of whom the decision was made shall have a right of appeal under section 12 of the Social Security Act 1998⁽⁹⁾ (appeal to appeal tribunal) to an appeal tribunal.

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

10.—(1) The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000⁽¹⁰⁾ shall be amended in accordance with this regulation.

(2) In regulation 4⁽¹¹⁾ (circumstances where requirement to take part in an interview does not apply) for the words from “under the Social Security (Work-focused Interviews) Regulations 2000” to the end of that regulation substitute “under the Social Security (Work-focused Interviews) Regulations 2000, the Social Security (Jobcentre Plus Interviews) Regulations 2001, the Social Security (Jobcentre Plus Interviews) Regulations 2002, the Social Security (Working Neighbourhoods) Regulations 2004 or the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004.”.

⁽⁸⁾ 1998 c. 14. Section 10 was amended by sections 18 and 26(3) of, and paragraph 23 of Schedule 7 and Part 1 of Schedule 10 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

⁽⁹⁾ Section 12 was amended by sections 18 and 26(3) of, and paragraph 25 of Schedule 7 and Part 1 of Schedule 10 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999.

⁽¹⁰⁾ S.I. 2000/1926 as amended by S.I. 2001/1189, 3210, 2002/670, 1703, 2003/400, 492 and 2004/565.

⁽¹¹⁾ Regulation 4 was amended by S.I. 2001/3210, 2002/1703, 2003/400 and 2004/959.

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

30 August 2004

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 1(2)

1. For the purposes of regulation 1(2)—
 - (a) the local education authority areas are Bradford, Greenwich, Haringey, Leicester, Leicestershire, Lewisham, Sandwell and Torfaen;
 - (b) the education authority areas are Aberdeenshire and Fife.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that a lone parent who has been entitled to income support (other than income support on the grounds of incapacity or income support awarded whilst he is appealing against a decision which embodies a determination that he is not incapable of work) for at least 12 months prior to the date these Regulations come into force, who satisfies certain conditions as to age, whose youngest child is at least 12 years old, and who resides in one of certain areas which are identified in the Schedule shall be required to take part in work-focused interviews at quarterly intervals (regulations 1 and 2).

Regulation 3 provides that the requirement to take part in a work-focused interview may 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.

Regulation 4 provides that the requirement to take part in a work-focused interview may be deferred.

Regulation 5 provides for the person to be advised of the date, time and place of the work-focused interview, that such an interview can take place in the person's home and that an officer shall conduct the interview.

Regulation 6 prescribes the circumstances where a person shall be regarded as having taken part in a work-focused interview.

Regulation 7 sets out the consequences of a failure to take part in a work-focused interview, including how benefit shall be reduced for every failure to take part in such an interview and it specifies the circumstances where those consequences do not apply.

Regulation 8 specifies examples of matters to be taken into account in determining whether a person had good cause for his failure to take part in a work-focused interview.

Regulation 9 provides that a decision that a person has failed to take part in a work-focused interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (c. 14).

Regulation 10 amends the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I.2000/1926) to provide that those Regulations shall not apply to a person to whom these Regulations apply.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.