
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 152

SOCIAL SECURITY

The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001

Made 3rd April 2001

Coming into operation 30th April 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 2A(1), (3)(c) to (f), (4), (5)(a) and (b), (6), (7) and (8) and 2B(2), (6) and (7) and 165(4) to (6) of the Social Security Administration Act 1992^(a), and now vested in it, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 and shall come into operation—

(a) on 30th April 2001 in respect of lone parents who on that date—

(i) are not entitled to income support, or

(ii) are entitled to income support and are not—

(aa) responsible for, and

(bb) living in the same household as,

a child under the age of 13;

(b) subject to the preceding sub-paragraph, come into operation on 1st April 2002 in respect of lone parents who on that date are entitled to income support and are not—

(i) responsible for, and

(ii) living in the same household as,

a child under the age of 9;

(c) subject to the preceding sub-paragraphs, where a lone parent—

(i) is responsible for and living in the same household as a child whose 13th birthday occurs in the period beginning on 1st May 2001 and ending on 31st March 2002, and

(ii) is not on the date of the 13th birthday responsible for and living in the same household as a younger child,

(a) 1992 c. 8; sections 2A and 2B were inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147) (N.I. 11)

come into operation in respect of that lone parent on the date of that child's 13th birthday;

(d) subject to the preceding sub-paragraphs, where a lone parent—

(i) is responsible for and living in the same household as a child whose 9th birthday occurs in the period beginning on 2nd April 2002 and ending on 6th April 2003, and

(ii) is not on the date of the 9th birthday responsible for and living in the same household as a younger child,

come into operation in respect of that lone parent on the date of that child's 9th birthday;

(e) subject to the preceding sub-paragraphs, come into operation on 7th April 2003.

(2) In these Regulations—

“the 1998 Order” means the Social Security (Northern Ireland) Order 1998(a);

“benefit week” means any period of 7 days corresponding to the week in respect of which income support is due to be paid;

“lone parent” has the meaning it bears in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(b);

“interview” means a work-focused interview with a lone parent 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;

“officer” means an officer of the Department or of the Department of Higher and Further Education, Training and Employment.

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

Requirement for lone parents claiming or entitled to income support to take part in an interview

2.—(1) Subject to paragraph (2) and regulations 4 to 6, a lone parent who—

(a) S.I. 1998/1506 (N.I. 10)

(b) S.R. 1987 No. 459

(c) 1954 c. 33 (N.I.)

(a) makes a claim for income support in respect of himself is required to take part in an interview, or

(b) is entitled to income support, and—

(i) has not—

(aa) previously taken part, or

(bb) failed to take part in an interview,

is required to take part in an interview, or

(ii) has previously taken part or failed to take part in an interview is required to take part in an interview after the expiry of one year from the date on which—

(aa) he last took part in an interview;

(bb) a determination was last made under regulation 6(2) that he is to be treated as having taken part in that interview, or, as the case may be,

(cc) he last failed to take part in an interview,

whichever is latest.

(2) Subject to paragraph (3), an officer shall inform the lone parent of the place and time of the interview and the time of the interview shall in a case to which paragraph (1)(a) or (b)(ii) applies be as soon as is reasonably practicable after the date on which the requirement to take part in an interview arises.

(3) An officer may determine that an interview is to take place in the home of a lone parent where it would in the opinion of the officer 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

3.—(1) An officer shall determine whether a lone parent has taken part in an interview.

(2) Subject to regulations 5(2) and 6(2), for the purposes of these Regulations, a lone parent shall be regarded as having taken part in an interview if and only if—

(a) he attends for the interview at the place and time notified to him by an officer, and

(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 the opinion of that person, puts him at a disadvantage in obtaining employment; and
- (vii) any caring or childcare responsibilities he has.

Circumstances where requirement to take part in an interview does not apply

4. Regulation 2 shall not apply where the lone parent—

- (a) is responsible for and living in the same household as a child who has not attained the age of 5 years and 3 months;
- (b) has attained the age of 60;
- (c) has not attained the age of 18.

Deferment of requirement to take part in an interview

5.—(1) A requirement by virtue of these Regulations to take part in an interview shall not apply to a person until a date determined by an officer where he determines that an interview would not until that time be—

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

(2) Except for the purpose of regulation 2, where an officer has made a decision under paragraph (1), the person to whom that decision relates shall be treated for the purposes of any claim for, or entitlement to, income support as having complied with the requirement to take part in an interview until an officer decides whether that person took part in the interview which had been deferred under paragraph (1).

Waiver

6.—(1) A requirement imposed by these Regulations to take part in an interview shall not apply if an officer determines that an interview would not be—

- (a) of assistance to the lone parent, or
- (b) 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 2, and
- (b) any claim for, or entitlement to, income support,

as having complied with that requirement.

Consequence of failure to take part in a work-focused interview

7.—(1) Subject to paragraphs (2) and (5) and regulations 5 and 6, the consequences specified in paragraphs (3) and (4) ensue if a person does not—

- (a) take part in any interview when required to do so, and
- (b) show good cause for not taking part in an interview before the end of 5 working days following the day on which the interview was to take place.

(2) In a case where within one month of the date on which the decision was notified to a lone parent that he failed without good cause to take part in an interview—

- (a) he brings new facts to the notice of an officer which could not reasonably have been brought to an officer's notice within 5 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,

paragraph (1)(b) shall apply with the modification that for "5 working days following" there were substituted "one month of".

(3) A person to whom paragraph (1) and—

- (a) regulation 2(1)(a) applies shall be regarded as not having made a claim for income support, or
- (b) regulation 2(1)(b) applies shall have his income support reduced in accordance with regulation 8.

(4) Where an interview which arose in connection with a claim was deferred and benefit became payable in accordance with regulation 5(2), the person's entitlement to income support shall terminate as from the first day of the next benefit week following the date the decision was made that the person failed without good cause to take part in an interview.

(5) For the purposes of this regulation and regulation 8(1), 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 lone parent misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the lone parent or any misleading information given to him by an officer;
- (b) that the lone parent was attending a medical or dental appointment, or accompanying someone for whom he has caring responsibilities to such an appointment, and that it would be unreasonable, in the circumstances, to have rearranged that appointment;
- (c) that the lone parent 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 that lone parent belongs prevented him attending at the time and place for the interview notified to him by an officer;
- (e) that the lone parent was attending an interview with an employer with a view to obtaining employment;
- (f) that the lone parent was pursuing employment opportunities as a self-employed earner;
- (g) that a dependant of the lone parent or someone for whom the lone parent provides care suffered an accident, sudden illness or relapse of a chronic condition;
- (h) that the lone parent was attending a funeral of a close friend or relative on the day fixed for the interview, and

(i) that a disability from which the lone parent suffers made it impracticable for him to attend at the time fixed for the interview.

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

Reduction of income support

8.—(1) Subject to paragraphs (2) and (3), any payment of income support which falls to be made to a person after the date on which an officer decided under these Regulations that that person had not—

(a) taken part, and

(b) shown good cause for not taking part,

in an interview shall be reduced as from the first day of the next benefit week following the date the decision was made, by a sum equal 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.

(2) Payment shall not be reduced under paragraph (1) below 10 pence per week.

(3) A reduction under this regulation shall cease to have effect as regards a person from whichever is the earlier of—

(a) the date on which that person attains the age of 60;

(b) the date on which that person ceased to be a lone parent, and

(c) the first day of the benefit week in which that person meets the requirement to take part in an interview.

(4) Where the rate of income support payable to a person changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rates and any adjustment to the reduction shall take effect from the beginning of the first benefit week to commence for that person following the change.

Appeals

9.—(1) This regulation applies to any relevant decision made under these Regulations or any decision under Article 11 of the 1998 Order (decisions superseding earlier decisions) superseding such a decision.

(2) This regulation applies—

(a) whether the decision is as originally made or as revised under Article 10 of the 1998 Order (revision of decisions), and

(b) as if any decision made, superseded or revised otherwise than by the Department was a decision made, superseded or revised by it.

(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 Article 13 of the 1998 Order (appeal to appeal tribunal) to an appeal tribunal.

Sealed with the Official Seal of the Department for Social Development
on 3rd April 2001.

(L.S.)

John O'Neill
Senior Officer of the Department for
Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations impose a requirement on lone parents who claim, or are entitled to, income support to take part in a work-focused interview (“an interview”). An interview can take place in the lone parent’s home if the interviewer considers that it would be unreasonable to require the lone parent to attend elsewhere. Lone parents are required to take part in further interviews at yearly intervals for so long as they remain on income support (regulation 2).

Regulation 3 prescribes circumstances as to when a lone parent is to be regarded as having taken part in an interview and regulation 4 specifies the circumstances where the requirement to take part in an interview is not to apply.

Regulation 5 specifies that an interview can be deferred and 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 lone parent or it would not be appropriate in the circumstances of the case.

Regulations 7 and 8 set out the sanctions imposed on lone parents who fail to take part in an interview without good cause.

Regulation 9 provides that a decision that a lone parent has failed to take part in an interview without good cause can be appealed to an appeal tribunal under Article 13 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)).

These Regulations do not impose a charge on business.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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