
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 176

**The Social Security (Work-focused Interviews)
Regulations (Northern Ireland) 2001**

Part II

Work-focused Interviews

Persons required to take part in an interview

3.—(1) This regulation is subject to the provisions of regulations 4, 7, 8 and 9.

(2) A relevant person who—

- (a) makes a claim for a specified benefit to a designated authority;
- (b) has not attained the age of 60 at the time of making the claim, and
- (c) is not in remunerative work,

is required to take part in an interview.

(3) A designated authority to whom a claim is made shall arrange for the person to whom the claim relates and who is required in accordance with these Regulations to take part in an interview to have a personal adviser.

(4) A personal adviser shall except where paragraph (6) applies conduct the interview.

(5) The interview shall take place at an office of the designated authority or at such other place as may be notified to that person by an officer of the Department or of the Department of Higher and Further Education, Training and Employment.

(6) Where the claimant has not attained the age of 18, the designated authority shall arrange for the claimant to have an interview with an officer of the Careers Service.

Exemptions

4.—(1) The following claims for a specified benefit do not give rise to an interview under regulation 3—

- (a) claims by persons who at the time the claim is made are engaged in remunerative work;
- (b) except in a case to which paragraph (2) applies, claims for a specified benefit where the person making the claim is also claiming a jobseeker's allowance;
- (c) except in a case to which paragraph (2) applies, claims for a specified benefit where, at the time the claim is made, the person making the claim is entitled to a jobseeker's allowance;
- (d) claims by persons who are not present in, and who do not normally reside in, Northern Ireland.

(2) Notwithstanding paragraph 1(b) and (c), a claim for a specified benefit shall give rise to an interview under regulation 4 where—

- (a) at the time the claim was made, the person making the claim is a member of a joint-claim couple as defined for the purposes of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(1), and
 - (b) it has been decided that that person is a person to whom a paragraph of Schedule A1(2) to those Regulations applies (categories of members of joint-claim couples who are not required to satisfy the conditions in Article 3(2B)(b) of the Jobseekers (Northern Ireland) Order 1995(3)).
- (3) The following claims for housing benefit do not give rise to an interview under regulation 3—
- (a) claims made on the expiry of a benefit period;
 - (b) claims made in consequence of the claimant moving from one dwelling to another within the postcode districts specified in Schedule 1.

Continuing entitlement dependent upon an interview

5.—(1) A relevant 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 is not entitled to either incapacity benefit or severe disablement allowance, any of the circumstances specified in paragraph (3) apply, or
 - (b) in any other case, any of the circumstances specified in paragraph (4) apply.
- (2) This paragraph applies in the case of a person who has taken part in a work-focused interview, or who would have taken part in such an interview but for the requirement being waived in accordance with regulation 6 or deferred in accordance with regulation 7.
- (3) The circumstances specified in this paragraph are that the lone parent—
- (a) has been entitled to a specified benefit for more than a year except where one of the benefits to which the person was entitled during the previous 12 months was incapacity benefit or severe disablement allowance, and
 - (b) has not taken part in an interview for at least a year.
- (4) The circumstances specified in this paragraph are those where—
- (a) a person is entitled to incapacity benefit following a personal capability assessment;
 - (b) a person's entitlement to an invalid care allowance ceases whilst entitlement to 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 a personal adviser 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 undertaken an interview attains the age of 18.
- (5) In this regulation—

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

(1) S.R. 1996 No. 198

(2) Schedule A1 was inserted by regulation 2(4) of, and Schedule 1 to, S.R. 2000 No. 350

(3) S.I.1995/2705(N.I.15); Article 3(2B) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

“personal capability assessment” means an assessment in accordance with the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 2000(4).

Waiver

6.—(1) A requirement to take part in an interview imposed by these Regulations shall not apply where an officer of the Department or of the Department of Higher and Further Education, Training and Employment determines in the case of any particular person making a claim that the interview—

- (a) would not be of assistance to that person, or
- (b) would not be appropriate in the circumstances of that case.

(2) A person in relation to whom the requirement to take part in an interview has been waived shall be treated for the purposes of any claim for or entitlement to a specified benefit as having complied with that requirement.

Deferment of interview

7.—(1) Except in a case to which paragraph (2) refers, an officer of the Department or of the Department of Higher and Further Education, Training and Employment shall arrange for an interview to take place as soon as reasonably practicable after the claim is made or the event which under regulation 5(3) or (4) gives rise to the interview occurs.

(2) This paragraph applies where an officer of the Department or of the Department of Higher and Further Education, Training and Employment determines in the case of any particular person that the requirement to take part in an interview shall not apply at the time the claim is made or the event occurs because an interview would not at that time—

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

(3) An officer of the Department or of the Department of Higher and Further Education, Training and Employment who determines in accordance with paragraph (2) that the requirement to take part in an interview shall not apply shall also determine either when that determination is made or later, the time when the requirement to take part in an interview is to apply in the claimant’s case.

(4) Where an interview has been deferred in accordance with this regulation, then until both—

- (a) a determination has been made that the claimant is to take part in an interview, and
- (b) a determination has been made as to whether the claimant in fact took part in an interview,

he shall be treated for the purposes of any claim for or entitlement to a specified benefit as having complied with any requirement to take part in an interview.

Claims for two or more specified benefits

8. 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

9.—(1) An officer of the Department or of the Department of Higher and Further Education, Training and Employment shall inform the claimant of the place and time of the interview.

(2) The officer may determine that the interview is to take place in the home of the claimant or elsewhere where it would in his opinion be unreasonable to expect the claimant to attend the office of a designated authority because his personal circumstances are such that attending the office would cause him undue inconvenience or endanger his health.

Taking part in an interview

10.—(1) The personal adviser shall determine whether a person has taken part in an interview.

(2) A person who has attained the age of 18 shall be regarded as having taken part in an interview if, and only if—

- (a) he attends at the place and time notified to him by an officer of the Department or of the Department of Higher and Further Education, Training and Employment for the interview, and
- (b) he provides answers (where asked) and appropriate information to questions 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.

(3) A person who has not attained the age of 18 shall be regarded as having taken part in an interview if, and only if, he attends an interview with the Careers Service at the time and place notified to him by an officer of the Department or of the Department of Higher and Further Education, Training and Employment.

Failure to take part in an interview

11.—(1) A person who—

- (a) has been notified of any interview in accordance with these Regulations;
- (b) fails to take part in that interview, and
- (c) fails to show, before the end of 5 working days following the day on which the interview was to take place, good cause for his failure to take part in the interview,

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 specified benefit, that the person to whom the claim relates is to be regarded as not having made a claim for a specified benefit;
- (b) where an interview which arose in connection with a claim for a specified benefit was deferred and benefit became payable in accordance with regulation 7(4), that the person's entitlement to that benefit shall terminate as from the first day of the next benefit week following the date the decision was made;
- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation 5, that the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the 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 reduction 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—

- (a) 50 pence per week in the case of housing benefit, or
- (b) 10 pence per week in the case of any other specified benefit.

(4) Where two or more specified benefits are in payment to a claimant, a reduction 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;
- (c) housing benefit.

(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), the amount set out in paragraph 3(a) or, as the case may be, (b) 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 the minimum sums specified in paragraph (3) 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 rate 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 specified benefit because he failed to take part in a work-focused interview shall be required to make a new claim in order to establish entitlement to that 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 personal adviser within 1 month of the date on which the decision was notified and—

- (a) those facts could not reasonably have been brought to the personal adviser'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.

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

Circumstances where regulation 11 does not apply

12. The consequences of a failure to take part in an interview set out in regulation 11 shall not apply where the person—

- (a) ceases to reside in a postcode district specified in Schedule 1, or
- (b) attains the age of 60.

Good cause

13. 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 an officer of a designated authority;
- (b) that the person was attending a medical or dental appointment, or accompanying a person for whom he 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 a chronic 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.

Appeals

14.—(1) This regulation applies to any relevant decision of a designated authority 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, revised or superseded otherwise than by the Department was a decision made, revised or superseded 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.

Consequential amendments

15.—(1) Schedule 2, which makes changes to the Housing Benefit Regulations which are consequential upon the making of decisions under these Regulations on the work-focused interview, shall have effect.

(2) Schedule 3, which makes changes to the Claims and Payments Regulations, shall have effect.

(3) Schedule 4, which makes changes to the procedure relating to decisions and appeals, shall have effect.

(4) In regulation 4 of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001⁽⁵⁾ (circumstances where requirement to take part in an interview does not apply) after paragraph (c) there shall be added the following—

“, or

(d) is—

(i) required to take part in an interview, or

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

(aa) a waiver of a requirement, or

(bb) a deferment of an interview,

under the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001.”.