

EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INCAPACITY BENEFIT WORK-FOCUSED INTERVIEWS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009

S.R. 2009 No. 327

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 2A(1) and (3) to (5) and 165(4), (5) and (7A) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”) to extend the aligned Pathways to Work conditionality to existing incapacity benefits claimants aged 18 to 24, who have been claiming continuously for 12 months or more. In addition, it has come to light that the 2008 Regulations did not fully align conditionality for all claimants originally intended, in that a small number of claimants fall outwith the 2008 Regulations. Therefore, these Regulations include provision to clarify who is a relevant claimant for Pathways to Work purposes, to provide that all claimants who make a repeat claim to incapacity benefits are subject to the aligned conditionality.
- 2.2 Regulation 1 provides for citation and commencement and defines terms used in the Regulations.
- 2.3 Regulation 2 amends the 2008 Regulations to extend the aligned Pathways to Work conditionality, clarifies the definition of a relevant claimant and also makes transitional provision in the case of persons who were previously subject to the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) so that a sanction imposed under those Regulations will continue to apply.
- 2.4 Regulation 3 amends regulation 15 of the 2003 Regulations, which revoked provisions of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) subject to certain savings, to discontinue those savings in relation to persons claiming certain specified benefits.

- 2.5 Regulation 4 makes savings and transitional provisions. It provides that persons subject to a reduction under the 2001 Regulations remain subject to those Regulations until the ending of that reduction.

3. Background

- 3.1 Pathways to Work is a programme designed to help people with health problems or disabilities move closer to the labour market or, if they are ready, to find work. The focus of Pathways has been on people making a new claim to Incapacity Benefit, Income Support on the grounds of incapacity or Severe Disablement Allowance (known collectively as “incapacity benefits”) and was initially introduced in 3 areas from October 2005. Following phased roll out, it has been fully available throughout Northern Ireland from April 2008, focusing on new claimants only. Pathways provide a comprehensive framework of practical and financial help and support for people with health and disability-related barriers to employment.
- 3.2 The 2008 Regulations made provision to align the Pathways to Work work-focused interview regime for incapacity benefits with Employment and Support Allowance work-focused interview provisions, to avoid operating dual systems and provide no need to differentiate between recipients of the different benefits.

4. Consultation

- 4.1 The proposals for Pathways to Work were set out in the consultation document *Pathways to Work: Helping people into employment* and the proposals for Employment and Support Allowance were set out in the Green Paper, *A new deal for welfare: Empowering people to work*, both of which were widely consulted on. Substantive responses to both consultations were broadly supportive of the thrust of the proposals.

5. Equality Impact

- 5.1 Pathways to Work work-focused interviews are part of the Welfare Reform Programme working towards the goal of social inclusion for all. The impact of Pathways to Work on equality of opportunity among those groups listed in section 75 of the Northern Ireland Act 1998 was assessed prior to the introduction of work-focused interviews. The impact of Employment and Support Allowance was assessed as part of the equality screenings of the Welfare Reform Act (Northern Ireland) 2007 and the Employment and Support Allowance Regulations (Northern Ireland) 2008. These Regulations extend Pathways to Work conditionality to existing claimants aged under 25 and provide for full alignment of conditionality for incapacity benefits with Employment and Support Allowance. As such, the equality impact has already been considered in the policy development of Pathways to Work and Employment and Support Allowance. The aim of these proposals is to help move younger claimants closer to the labour market and, by attending work-focused interviews, these claimants will be

helped identify and overcome barriers to work and ultimately improve their life chances. The changes being made through these Regulations improves the service and support to claimants under age 25 with a health condition or disability. Claimants over age 25 can continue to volunteer for the support available.

6. Regulatory Impact

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any new costs on business, charities or voluntary bodies.

7. Financial Implications

- 7.1 These Regulations do not have any financial implications for the Department.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—
- (a) is not incompatible with any of the Convention rights,
 - (b) is not incompatible with Community law,
 - (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
 - (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 Not applicable.

10. Parity or Replicatory Measure

- 10.1 The corresponding Great Britain Regulations are the Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009 and come into force on 26 October 2009. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.