
DRAFT STATUTORY INSTRUMENTS

2000 No.

The Social Security (Work-focused Interviews) Regulations 2000

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Social Security (Work-focused Interviews) Regulations 2000 and shall come into force on 3rd April 2000.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Welfare Reform and Pensions Act 1999;

“the 1998 Act” means the Social Security Act 1998(1);

“benefit week”—

- (a) in relation to housing benefit and council tax benefit, means a period of 7 days beginning on a Monday;
- (b) in relation to any other specified benefit, means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid;

“the designated authority” means any of the following—

- (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;

“the Careers Service” means a person of any description with whom the Secretary of State has made an arrangement under section 10(1) of the Employment and Training Act 1973(2) and any person to whom he has given a direction under section 10(2) of that Act;

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(3);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(4);

(1) 1998 c. 14.

(2) 1973 c. 50; section 10 was inserted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(3) S.I.1992/1814.

(4) S.I. 1987/1968.

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(5);

“interview” means a work-focused interview;

“specified benefit” means a benefit other than widow’s payment to which section 2A of the Administration Act applies by virtue of subsection (2) of that section;

“work-focused interview” has the meaning given in regulation 3.

(2) In these Regulations, a “relevant person” is a person who resides in an area identified in Schedule 1.

(3) For the purposes of these Regulations—

(a) “remunerative work” has the meaning prescribed in regulation 4 of the Housing Benefit Regulations; and

(b) “part-time work” means work for which payment is made and which is not remunerative work.

(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) These Regulations apply in respect of a specified benefit claimed on or after 3rd April 2000.

(6) In these Regulations, unless the context otherwise requires, a reference—

(a) to a numbered section is to the section of the Act bearing that number;

(b) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;

(c) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;

(d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Work-focused interview

3. In these Regulations, a “work-focused interview” means an interview with a relevant person conducted for any or all of the following purposes—

(a) assessing a person’s prospects for existing or future employment (whether paid or voluntary);

(b) assisting or encouraging a person to enhance his prospects of such employment;

(c) identifying activities which the person may undertake to strengthen his existing or future prospects of such employment;

(d) identifying current or future employment or training opportunities suitable to the person’s needs; and

(e) identifying educational opportunities connected with the existing or future employment prospects or needs of the person.

PART II

WORK-FOCUSED INTERVIEWS

Persons required to take part in an interview

4.—(1) This regulation is subject to the provisions of regulations 5, 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 a personal adviser.

(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

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

- (a) claims by persons who at the time the claim is made are engaged in remunerative work;
- (b) claims for a specified benefit where the person making the claim is also claiming a jobseeker's allowance;
- (c) 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, Great Britain.

(2) The following claims for housing benefit and council tax benefit do not give rise to an interview under regulation 4—

- (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 same local authority area.

Continuing entitlement dependent upon an interview

6.—(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 7 or deferred in accordance with regulation 8.

- (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 or severe disablement allowance following a personal capability assessment;
 - (b) a person’s entitlement to an invalid care allowance ceases whilst entitlement to another 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;
- “personal capability assessment” means an assessment in accordance with regulations made under section 171C of the Contributions and Benefits Act(6).

Waiver

7.—(1) A requirement to take part in an interview imposed by these Regulations shall not apply where the designated authority 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

8.—(1) Except in a case to which paragraph (2) refers, a personal adviser shall arrange for an interview to take place as soon as reasonably practicable after the claim is made or the event which under regulation 6(3) or (4) gives rise to the interview occurs.

(2) This paragraph applies where the designated authority 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.

(6) Section 171C was inserted by section 61 of the Welfare Reform and Pensions Act 1999 (c. 30).

(3) A designated authority who determines in accordance with the preceding provisions of this regulation 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

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

10.—(1) The relevant person's personal adviser shall inform the claimant of the place and time of the interview.

(2) The personal adviser may determine that the interview is to take place in the home of the claimant or elsewhere where it would in the opinion of the personal adviser 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

11.—(1) The designated authority 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 the personal adviser 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 the personal adviser.

Failure to take part in an interview

12.—(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 8(4), 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 6, 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 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—

- (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 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;
- (c) widow's benefits;
- (d) invalid care allowance;
- (e) severe disablement allowance;
- (f) council tax benefit;
- (g) 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 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 a work-focused interview shall be required to make a new claim in order to establish entitlement to any 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 12 does not apply

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

- (a) ceases to reside in an area specified in Schedule 1; or
- (b) attains the age of 60.

Good cause

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 an officer of a designated authority;
- (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 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

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

(2) This regulation applies—

- (a) whether the decision is as originally made or as revised under section 9 of the 1998 Act; and
- (b) as if any decision made, superseded or revised otherwise than by the Secretary of State was a decision made, superseded or revised by him.

(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.

Consequential changes

16.—(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 corresponding changes to the Council Tax Benefit Regulations, shall have effect.

(3) Schedule 4, which makes changes relating to the sending and delivering of claims for housing benefit and council tax benefit, shall have effect.

(4) Schedule 5, which makes changes to the Claims and Payments Regulations, shall have effect.

(5) Schedule 6, which makes changes to the procedure relating to decisions and appeals, shall have effect.

Amendments to Social Security Regulations

17.—(1) In regulation 4A(1) of the Claims and Payments Regulations(7), after the words “to any office” there shall be inserted the words “ of a relevant authority”.

(2) In regulation 6(1) of the Social Security (Claims and Information) Regulations 1999(8) for the words “Part I or II of Schedule 1 to these Regulations ” there shall be substituted the words “paragraph (3)”.

Signed by authority of the Secretary of State for Social Security.

2000

Parliamentary Under-Secretary of State,
Department of Social Security

(7) Regulation 4A was inserted by S.I. 1999/3108.

(8) S.I. 1999/3108.