



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART V

WELFARE

CHAPTER I

SOCIAL SECURITY BENEFITS

Work-focused interviews

57 Claim or full entitlement to certain benefits conditional on work-focused interview

After section 2 of the Administration Act there shall be inserted—

“Work-focused interviews

2A Claim or full entitlement to certain benefits conditional on work-focused interview

- (1) Regulations may make provision for or in connection with—
- (a) imposing, as a condition falling to be satisfied by a person who—
 - (i) makes a claim for a benefit to which this section applies, and
 - (ii) is under the age of 60 at the time of making the claim,a requirement to take part in a work-focused interview;
 - (b) imposing, at a time when—
 - (i) a person is under that age and entitled to such a benefit, and
 - (ii) any prescribed circumstances exist,

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a requirement to take part in such an interview as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

- (2) The benefits to which this section applies are—
- (a) income support;
 - (b) housing benefit;
 - (c) council tax benefit;
 - (d) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);
 - (e) incapacity benefit;
 - (f) severe disablement allowance; and
 - (g) invalid care allowance.
- (3) Regulations under this section may, in particular, make provision—
- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
 - (i) that he is only required to take part in one interview, and
 - (ii) that any such interview is capable of counting for the purposes of all those benefits;
 - (b) for determining the persons by whom interviews are to be conducted;
 - (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
 - (e) for securing that the appropriate consequences mentioned in subsection (4)(a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
 - (i) fails to take part in the interview, and
 - (ii) does not show, within the prescribed period, that he had good cause for that failure;
 - (f) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.
- (4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—
- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
 - (i) the person in question is to be regarded as not having made a claim for the benefit, or
 - (ii) if (in the case of an interview postponed in accordance with subsection (7)) that person has already been awarded

- the benefit, his entitlement to the benefit is to terminate immediately;
- (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
- (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
- (b) is not to apply if the designated authority determines that an interview—
- (i) would not be of assistance to that person, or
- (ii) would not be appropriate in the circumstances;
- (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—
- (i) would not be of assistance to that person, or
- (ii) would not be appropriate in the circumstances,
- until that time;
- and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- (7) Where—
- (a) a person is required to take part in an interview by virtue of subsection (1)(a), and
- (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c),
- the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.
- (8) In this section—
- “the designated authority” means such of the following as may be specified, namely—
- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority,

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(d) a person providing services to, or authorised to exercise any function of, any such authority;

“interview” (in subsections (3) to (7)) means a work-focused interview;

“relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in relation to which that requirement applied by virtue of subsection (1)(a) or (b) above;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

and the purposes which may be so specified include purposes connected with a person’s existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.

2B Supplementary provisions relating to work-focused interviews

- (1) Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Act” means that Act).
- (2) For the purposes of this section a “relevant decision” is a decision made under regulations under section 2A above that a person—
 - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
 - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.
- (3) Section 8(1)(c) of the 1998 Act (decisions falling to be made under or by virtue of certain enactments are to be made by the Secretary of State) shall have effect subject to any provisions of regulations under section 2A above by virtue of which relevant decisions fall to be made otherwise than by the Secretary of State.
- (4) For the purposes of each of sections 9 and 10 of the 1998 Act (revision and supersession of decisions of Secretary of State) any relevant decision made otherwise than by the Secretary of State shall be treated as if it were such a decision made by the Secretary of State (and accordingly may be revised by him under section 9 or superseded by a decision made by him under section 10).
- (5) Subject to any provisions of regulations under either section 9 or 10 of the 1998 Act, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Secretary of State may be—
 - (a) revised under section 9 by a person or authority exercising functions under regulations under section 2A above other than the Secretary of State, or
 - (b) superseded under section 10 by a decision made by such a person or authority,
 as if that person or authority were the Secretary of State.

- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under section 12 of the 1998 Act (appeal to appeal tribunal) against—
- (a) any relevant decision, and
 - (b) any decision under section 10 of that Act superseding any such decision,
- whether made by the Secretary of State or otherwise.
- (7) Subsections (4) to (6) above apply whether—
- (a) the relevant decision, or
 - (b) (in the case of subsection (6)(b)) the decision under section 10 of the 1998 Act,
- is as originally made or has been revised (by the Secretary of State or otherwise) under section 9 of that Act; and regulations under subsection (6) above may make provision for treating, for the purposes of section 12 of that Act, any decision made or revised otherwise than by the Secretary of State as if it were a decision made or revised by him.
- (8) Section 12 of the 1998 Act shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.
- (9) In the following provisions, namely—
- (a) section 3(1) of the Social Security Act 1998 (use of information), and
 - (b) section 72(6) of the Welfare Reform and Pensions Act 1999 (supply of information),
- any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A above.
- (10) In this section “interview” means a work-focused interview within the meaning of section 2A above.”