

## STATUTORY INSTRUMENTS

### 2000 No. 897

## The Social Security (Work-focused Interviews) Regulations 2000

### PART II **E+W+S**

#### WORK-FOCUSED INTERVIEWS

##### Persons required to take part in an interview **E+W+S**

- 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 [<sup>F1</sup>or with an officer of the Connexions Service].

##### Textual Amendments

- F1** Words in [reg. 4\(6\)](#) added (1.4.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2001 \(S.I. 2001/652\)](#), [regs. 1\(1\)\(b\)](#), [6\(b\)](#)

##### Exemptions **E+W+S**

- 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) [<sup>F2</sup>except in a case to which paragraph (1A) applies,] claims for a specified benefit where the person making the claim is also claiming a jobseeker's allowance;

- (c) [<sup>F3</sup>except in a case to which paragraph (1A) 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, Great Britain.

[<sup>F4</sup>(1A) 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 is 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 1996; and
- (b) it has been decided that that person is a person to whom a paragraph of Schedule A1 to those Regulations applies (categories of members of joint-claim couples who are not required to satisfy the conditions in section 1(2B)(b) of the Jobseekers Act 1995).]

(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.

#### Textual Amendments

- F2** Words in reg. 5(1)(b) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, 3(a)
- F3** Words in reg. 5(1)(c) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, 3(a)
- F4** Reg. 5(1A) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, 3(b)

#### Continuing entitlement dependent upon an interview **E+W+S**

6.—(1) A relevant person who has not attained [<sup>F5</sup>pensionable age] 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 [<sup>F6</sup>resides in an area identified in Schedule 1A and who] is not entitled to either incapacity benefit or severe disablement allowance, [<sup>F7</sup>paragraph (3) applies]; or
- (b) in any other case, any of the circumstances specified in paragraph (4) apply [<sup>F8</sup>or where paragraph (4A) applies].

(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.

[<sup>F9</sup>(3) A lone parent to whom paragraph (1)(a) applies shall be required to take part in an interview—

- (a) after the expiry of six months from the date on which—
  - (i) he took part in an interview under regulation 4; or
  - (ii) a determination was made under regulation 7(1) that he was to be treated as having taken part in an interview under regulation 4;

- (b) where the lone parent took part, failed to take part or was treated as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (a), after the expiry of six months from the date on which—
- (i) he took part in that interview;
  - (ii) he failed to take part in that interview; or
  - (iii) a determination was made under regulation 7(1) that he was to be treated as having taken part in that interview; and
- (c) where the lone parent took part, failed to take part or was treated as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (b), after the expiry of twelve months from the date on which—
- (i) he last took part in an interview;
  - (ii) he last failed to take part in an interview; or
  - (iii) a determination was last made under regulation 7(1) that he was to be treated as having taken part in an interview.]
- (4) The circumstances specified in this paragraph are those where—
- [<sup>F10</sup>(a) it is determined in accordance with a personal capability assessment that a person is incapable of work [<sup>F11</sup>and therefore, continues to be entitled to a specified benefit];]
- (b) a person's entitlement to [<sup>F12</sup>carer's 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.
- [<sup>F13</sup>(4A) A requirement to take part in an interview arises under this paragraph where a person—
- (a) resides in an area identified in Schedule 1A; and
  - (b) has not been required to take part in an interview by virtue of paragraph (4) for at least 36 months.]

(5) In this regulation—

<sup>F14</sup> ...

[<sup>F15</sup>“pensionable age”, in the case of a man born before 6th April 1955, means the age when a woman born on the same day as the man would attain pensionable age;]

“personal capability assessment” means an assessment in accordance with regulations made under section 171C of the Contributions and Benefits Act <sup>M1</sup>.

#### Textual Amendments

- F5** Words in [reg. 6\(1\)](#) substituted (6.4.2010) by [The Social Security \(Work-focused Interviews etc.\) \(Equalisation of State Pension Age\) Amendment Regulations 2010 \(S.I. 2010/563\)](#), [regs. 1, 3\(a\)](#)
- F6** Words in [reg. 6\(1\)\(a\)](#) inserted (22.10.2001) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2001 \(S.I. 2001/3210\)](#), [reg. 1, Sch. 2 para. 2\(3\)\(a\)\(i\)\(aa\)](#)
- F7** Words in [reg. 6\(1\)\(a\)](#) substituted (22.10.2001) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2001 \(S.I. 2001/3210\)](#), [reg. 1, Sch. 2 para. 2\(3\)\(a\)\(i\)\(bb\)](#)
- F8** Words in [reg. 6\(1\)\(b\)](#) added (22.10.2001) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2001 \(S.I. 2001/3210\)](#), [reg. 1, Sch. 2 para. 2\(3\)\(a\)\(ii\)](#)

- F9** Reg. 6(3) substituted (22.10.2001) by Social Security (Jobcentre Plus Interviews) Regulations 2001 (S.I. 2001/3210), reg. 1, **Sch. 2 para. 2(3)(b)**
- F10** Reg. 6(4)(a) substituted (14.8.2000) by The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926), reg. 1(2), **Sch. 2 para. 5(a)**
- F11** Words in reg. 6(4)(a) added (22.10.2001) by Social Security (Jobcentre Plus Interviews) Regulations 2001 (S.I. 2001/3210), reg. 1, **Sch. 2 para. 2(3)(c)**
- F12** Words in reg. 6(4)(b) substituted (31.10.2005) by Social Security (Work-focused Interviews) Amendment Regulations 2005 (S.I. 2005/2727), regs. 1(1), **5(3)(a)**
- F13** Reg. 6(4A) inserted (22.10.2001) by Social Security (Jobcentre Plus Interviews) Regulations 2001 (S.I. 2001/3210), reg. 1, **Sch. 2 para. 2(3)(d)**
- F14** Words in reg. 6(5) omitted (31.10.2005) by virtue of Social Security (Work-focused Interviews) Amendment Regulations 2005 (S.I. 2005/2727), regs. 1(1), **5(3)(b)**
- F15** Words in reg. 6(5) inserted (6.4.2010) by The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 (S.I. 2010/563), regs. 1, **3(b)**

#### Marginal Citations

- M1** Section 171C was inserted by section 61 of the Welfare Reform and Pensions Act 1999 (c. 30).

#### Waiver **E+W+S**

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 **E+W+S**

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.

(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 **E+W+S**

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 **E+W+S**

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 **E+W+S**

11.—(1) The designated authority shall determine whether a person has taken part in an interview.

<sup>[F16]</sup>(2) A person who has attained the age of 18 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—

- (a) he attends at the place and time notified to him by the personal adviser for the interview;
  - (b) where he is a specified person, he participates in discussions with the personal adviser in relation to the specified person's employability, including any action the specified person and the personal adviser agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
  - (c) he participates in discussions with the personal adviser—
    - (i) in relation to the person's employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (d) he provides answers (where asked) and appropriate information to questions about—
    - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person's capabilities and employability; and
    - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) where he is a specified person, he assists the personal adviser in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
- (2A) A person who has attained the age of 18 shall be regarded as having taken part in any subsequent interview under these Regulations if—
- (a) he attends at the place and time notified to him by the personal adviser for the interview;
  - (b) he participates in discussions with the personal adviser—
    - (i) in relation to the person's employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (c) where he is a specified person, he participates in discussions with the personal adviser—

- (i) about any action the specified person or the personal adviser might have taken as a result of the matters discussed in relation to paragraph (2)(b) above; and
  - (ii) about how, if at all, the action plan referred to in paragraph (2)(e) above should be amended;
- (d) he provides answers (where asked) and appropriate information to questions about—
- (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person’s capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (e) where he is a specified person, he assists the personal adviser in the completion of any amendment of the action plan referred to in paragraph (2)(e) above in light of the matters discussed in relation to sub-paragraphs (b) and (c) above and the information provided in relation to sub-paragraph (d) above.]
- (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 [<sup>F17</sup>or with the Connexions Service] at the time and place notified to him by the personal adviser.

#### Textual Amendments

- F16** Reg. 11(2)(2A) substituted for reg. 11(2) (31.10.2005) by [Social Security \(Work-focused Interviews\) Amendment Regulations 2005 \(S.I. 2005/2727\)](#), regs. 1(1), **5(4)**
- F17** Words in reg. 11(3) inserted (1.4.2001) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2001 \(S.I. 2001/652\)](#), regs. 1(1)(b), **6(c)**

#### Failure to take part in an interview **E+W+S**

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;
- <sup>F18</sup>(c) .....
- <sup>F18</sup>(d) .....
- (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.



#### Textual Amendments

- F18** Reg. 12(4)(c)(d) omitted (31.10.2005) by virtue of Social Security (Work-focused Interviews) Amendment Regulations 2005 (S.I. 2005/2727), regs. 1(1), **5(5)**

#### Modifications etc. (not altering text)

- C1** Reg. 12 modified (26.10.2009) by Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009 (S.I. 2009/1541), regs. 1(1), **3(3)**
- C2** Reg. 12 disapplied (26.10.2009) by Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009 (S.I. 2009/1541), regs. 1(1), **3(5)**

#### Circumstances where regulation 12 does not apply **E+W+S**

**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 **E+W+S**

**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 [<sup>F19</sup>a physical or mental health 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.

#### Textual Amendments

- F19** Words in reg. 14(g) substituted (31.10.2005) by Social Security (Work-focused Interviews) Amendment Regulations 2005 (S.I. 2005/2727), regs. 1(1), **5(6)**



## Appeals **E+W+S**

**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 **E+W+S**

**16.**—(1) [<sup>F20</sup>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) [<sup>F20</sup>Schedule 3, which makes corresponding changes to the Council Tax Benefit Regulations, shall have effect.]

(3) [<sup>F21</sup>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.

### Textual Amendments

**F20** Reg. 16(1)(2) revoked (30.9.2002) by [Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, **Sch. 1** (with reg. 16(2)(3))

**F21** Reg. 16(3) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, 4)

## Amendments to Social Security Regulations **E+W+S**

**17.**—(1) In regulation 4A(1) of the Claims and Payments Regulations <sup>M2</sup>, 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 <sup>M3</sup> for the words “Part I or II of Schedule 1 to these Regulations” there shall be substituted the words “ paragraph (3) ”.

### Marginal Citations

**M2** [Regulation 4A](#) was inserted by [S.I. 1999/3108](#).

**M3** [S.I. 1999/3108](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Work-focused Interviews) Regulations 2000, PART II.