

2002 No. 1703**SOCIAL SECURITY****The Social Security (Jobcentre Plus Interviews)
Regulations 2002**

<i>Made</i>	- - -	<i>3rd July 2002</i>
<i>Laid before Parliament</i>		<i>8th July 2002</i>
<i>Coming into force</i>		<i>30th September 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A(1), (3) to (6) and (8), 2B(6) and (7), 5(1)(a) and (b), 6(1)(a) and (b), 7A, 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(a) and section 68 of, and paragraphs 3(1), 4(4), 6(8), 20(3) and 23(1) of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000(b), and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(c) and in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(d), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Jobcentre Plus Interviews) Regulations 2002 and shall come into force on 30th September 2002.

Interpretation and application

2.—(1) In these Regulations, unless the context otherwise requires—

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

“benefit week” means any period of seven days corresponding to the week in respect of which the relevant specified benefit is due to be paid;



¹Defn. of “bereavement benefit” omitted by reg. 2(10)(a) of S.I. 2005/2727 as from 31.10.05.

(a) 1992 c. 5. Sections 2A, 2B and 7A were inserted by the Welfare Reform and Pensions Act 1999 (c. 30), sections 57 and 71 respectively; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”. Section 2A(8) is cited because of the meaning ascribed to the word “specified”.

(b) 2000 c. 19. Paragraph 23(1) is cited because of the meaning ascribed to the word “prescribed”.

(c) 1992 c. 53.

(d) See section 176(1) of the Social Security Administration Act 1992.

(e) See section 173(1)(b) of the Social Security Administration Act 1992. Section 68 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act 2000 were included in the list of “relevant enactments” in section 170(5) by section 73 of the 2000 Act.

(f) 1998 c. 14.

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¹Defn. of “the Careers Service” & “the Connexions Service” omitted by reg. 14(2) of S.I. 2011/2425.

▶¹◀▶¹◀

“interview” means a work-focused interview with a person who has claimed a specified benefit and which is conducted for any or all of the following purposes—

- (a) assessing that person’s prospects for existing or future employment (whether paid or voluntary);
- (b) assisting or encouraging that person to enhance his prospects of such employment;
- (c) identifying activities which that person may undertake to strengthen his existing or future prospects of employment;
- (d) identifying current or future employment or training opportunities suitable to that person’s needs; and
- (e) identifying educational opportunities connected with the existing or future employment prospects or needs of that person;

²Defns. of “lone parent”, “relevant benefit” & “specified person” inserted & “specified benefit” substituted by reg. 2(2) of S.I. 2005/2727 as from 31.10.05.

▶²“lone parent” has the meaning it bears in regulation 2(1) of the Income Support (General) Regulations 1987(a);◀

“officer” means a person who is an officer of, or who is providing services to or exercising functions of, the Secretary of State;

³Defn. of “pensionable age” inserted by reg. 6(2) of S.I. 2010/563 as from 6.4.10.

▶³“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;◀

▶²“relevant benefit” means income support other than income support where one of the following paragraphs of Schedule 1B to the Income Support (General) Regulations 1987 applies—

- (a) paragraph 7 ▶⁴persons treated as capable of work and persons entitled to statutory sick pay◀, or
- (b) paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work);◀

⁴Words substituted in defns. of “relevant benefit” & “specified person” by reg. 3(4) of S.I. 2009/3152 as from 30.12.09.

▶⁵“relevant interview” means an interview under these Regulations in relation to the claimant’s current award of a specified benefit;◀

⁵Defn. of “relevant interview” inserted by reg. 3(2)(a) of S.I. 2011/2428 as from 31.10.11.

▶²“specified benefit” means income support, incapacity benefit and severe disablement allowance;◀

▶²“specified person” means—

- (a) a lone parent, or
- (b) a person who claims—
 - (i) incapacity benefit,
 - (ii) income support where paragraph 7 ▶⁴persons treated as capable of work and persons entitled to statutory sick pay◀ of Schedule 1B to the Income Support (General) Regulations 1987(b) applies,
 - (iii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(c) applies, or
 - (iv) severe disablement allowance.◀

(2) For the purposes of these Regulations—

- (a) a person shall be deemed to be in remunerative work where he is in remunerative work within the meaning prescribed in ▶⁶regulation 6 of the Housing Benefit Regulations 2006◀; but

⁶Words substituted in reg. 2(2)(a) by para. 21 of Sch. 2 to S.I. 2006/217 as from 6.3.06.

(a) S.I. 1987/1967.

(b) Part III was amended by S.I. 1995/987, 1996/3207, 1993/3109 and 2000/590.

(c) Paragraphs 24 and 25 were amended by S.I. 1999/2422 (c. 61) and paragraph 25 was amended by S.I. 1999/3109 and 2005/337.

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- (b) a person shall be deemed not to be in remunerative work where—
- (i) he is not in remunerative work in accordance with sub-paragraph (a) above; or
 - (ii) he is in remunerative work in accordance with sub-paragraph (a) above and is not entitled to income support but would not be prevented from being entitled to income support solely by being in such work; and
- (c) a person shall be deemed to be engaged in part-time work where he is engaged in work for which payment is made but he is not engaged or deemed to be engaged in remunerative work.

▶¹(2A) For the purposes of section 2A(2A)(b) of the Social Security Administration Act 1992(a) and these Regulations, a lone parent is to be treated as responsible for, and a member of the same household as, a child under the age of one only where the lone parent would be treated as being responsible for, and a member of the same household as, such a child under regulations 15 and 16 of the Income Support (General) Regulations 1987(b), if references in those Regulations to income support were to a specified benefit.◀

¹Reg. 2(2A) inserted by reg. 3(2)(b) of S.I. 2011/2428 as from 31.10.11.

(3) Except in a case where regulation 16(2) applies, ▶²◀ regulations 3 to 15 apply in respect of a person who makes a claim for a specified benefit on or after 30th September 2002 at an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office(c) or at an office of a relevant authority (being a person within section 72(2) of the Welfare Reform and Pensions Act 1999(d)) which displays the ONE logo(e).

²Words omitted in reg. 2(3) by reg. 2(3)(a) of S.I. 2006/909 as from 24.4.06.

(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) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered regulation is to a regulation in these Regulations bearing that number;
 - (b) in a regulation to a numbered paragraph or sub-paragraph is to the paragraph or sub-paragraph in that regulation bearing that number;
 - (c) to a numbered Schedule is to the Schedule to these Regulations bearing that number.

Requirement for person claiming a specified benefit to take part in an interview

3.—(1) Subject to regulations 6 to 9, a person who—

- ▶³(a) either—
- (i) makes a claim for a relevant benefit; or
 - (ii) is entitled to a specified benefit other than a relevant benefit◀

³Reg. 3(1)(a) substituted by reg. 2(3) of S.I. 2005/2727 as from 31.10.05.

(a) 1992 c. 5.

(b) S.I. 1987/1967.

(c) Offices designated as Jobcentre Plus Offices are identified in two lists entitled “Jobcentre Plus Pathfinder Offices” and “Jobcentre Plus Work-focused Interview Extension Sites” which are available from the Department for Work and Pensions, W2W1, 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA.

(d) 1999 c. 30.

(e) Offices displaying the ONE logo are identified in a list entitled “ONE sites - a complete list” which is available from the Department for Work and Pensions, W2W1, 4S25, Quarry House, Quarry Hill, Leeds, LS2 7UA.

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¹Words in reg. 3(1)(b) substituted by reg. 2(3)(b) of S.I. 2005/2727 as from 31.10.10.

²Words substituted in regs. 3(1)(b) & 4(1) by reg. 6(3) & (4) of S.I. 2010/563 as from 6.4.10.

³Words in reg. 3 omitted and inserted and reg. 4 substituted by reg. 3(3) & (4) of S.I. 2011/2428 as from 31.10.11.

⁴Words in reg. 3(3) substituted by reg. 14(3) of S.I. 2011/2425 as from 31.10.11.

- (b) on the day on which he ¹claims a specified benefit², has attained the age of 16 but has not attained ²pensionable age³; ³
- (c) is not in remunerative work³; and
- (d) is not a lone parent who—
 - (i) makes a claim for or is entitled to income support; and
 - (ii) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987.⁴

is required to take part in an interview.

(2) An officer shall, except where paragraph (3) applies, conduct the interview.

(3) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with ⁴such person as the Secretary of State may specify.⁴

³Continuing entitlement to full amount of specified benefit dependent on an interview

4.—(1) This paragraph applies to a person who—

- (a) is not a lone parent who is entitled to income support who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987;
- (b) has not attained pensionable age; and
- (c) is entitled to a specified benefit.

(2) Subject to regulations 6 to 9, a person to whom paragraph (1) applies is required to take part in an interview as a condition of continuing to be entitled to the full amount of benefit which is payable apart from these Regulations where paragraph (3) and either paragraph (4) or (5) apply.

(3) This paragraph applies to a person who has taken part in a relevant interview or who would have taken part in such an interview but for—

- (a) the requirement being waived in accordance with regulation 6; or
- (b) the requirement being deferred in accordance with regulation 7.

(4) This paragraph applies to a person when any of the following circumstances arise—

- (a) the person's entitlement to carer's allowance ceases whilst entitlement to a specified benefit continues;
- (b) the person becomes engaged or ceases to be engaged in part-time work;
- (c) the person has been undergoing education or training arranged by the officer and that education or training comes to an end; or
- (d) the person attains the age of 18 and has not previously taken part in a relevant interview.

(5) This paragraph applies where a person has not been required to take part in a relevant interview for at least 36 months.⁴

⁵Continuing entitlement to full amount of income support dependent on an interview: lone parents who fall within paragraph 1 of Schedule 1B to the Income Support (General) Regulations 1987

4ZA.—(1) Subject to regulations 4A and 6 to 9, this regulation applies to a lone parent who—

- (a) is entitled to income support;
- (b) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987; and
- (c) has not attained pensionable age.

⁵Reg. 4ZA inserted by reg. 3(5) of S.I. 2011/2428 as from 31.10.11.

(2) A lone parent to whom this regulation applies is required to take part in an interview if the lone parent has not taken part in or been required to take part in a relevant interview.

(3) This paragraph applies to a lone parent to whom this regulation applies who is aged 18 or over and has—

- (a) taken part,
- (b) failed to take part, or
- (c) been treated as taking part,

in a relevant interview.

(4) A lone parent to whom paragraph (3) applies is required to take part in an interview every six months after the date on which the lone parent—

- (a) last took part,
- (b) last failed to take part, or
- (c) was last treated as having taken part,

in a relevant interview.

(5) An officer shall, except where paragraph (6) applies, conduct the interview.

(6) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with such person as the Secretary of State may specify. ◀

▶¹**Requirement for certain lone parents to take part in an interview**

4A.—(1) This regulation applies to a lone parent who—

- (a) ▶²is aged 18 or over and◀ is entitled to income support and is a person to whom paragraph 1 (lone parents) of Schedule 1B to the Income Support (General) Regulations 1987 applies; ▶³and◀
- (b) does not fall within any other paragraph of that Schedule;
- (c) ▶³◀

▶³(2) Subject to regulations 7 to 9, a lone parent to whom this regulation applies is required to take part in one or more interviews as a condition of continuing to be entitled to the full amount of benefit which is payable to him apart from these Regulations. ◀

(3) A lone parent who—

- (a) is required to take part in an interview under this regulation, or
- (b) has had a requirement to take part in an interview under this regulation ▶³◀ deferred,

is not required to take part in an interview under ▶⁴regulation 4ZA◀ unless this regulation ceases to apply to him. ◀

▶⁴**Time when interview is to take place**

5.—(1) Where the claimant is not a lone parent entitled to income support who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987, an officer shall arrange for an interview to take place as soon as reasonably practicable after—

- (a) the expiry of eight weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;
- (b) the claim for a relevant benefit is made;
- (c) the requirement under regulation 4(2) arises;
- (d) in a case where regulation 7(1) applies, the time when that requirement is to apply by virtue of regulation 7(2); or

¹Reg. 4A inserted by regs. 8(3) of S.I. 2008/3051 as from 24.11.08.

²Words in reg. 4A(1)(a) inserted by reg. 14(4) of S.I. 2011/2425 as from 31.10.11.

³Words inserted and omitted in reg. 4A(1)(a)-(c), (3)(b) & 4A(2) substituted by reg. 14(2) of S.I. 2014/1097 as from 28.4.14.

⁴Words in reg. 4A(3) and reg. 5 substituted by reg. 3(6) and (7) of S.I. 2011/2428 as from 31.10.11.

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- (e) the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one.

(2) Where the claimant is a lone parent entitled to income support who falls within paragraph 1 of Schedule 1B to the Income Support (General) Regulations 1987, an officer shall arrange for an interview to take place ►¹◄—

¹Words omitted in reg. 5(2), (2)(b)(i)-(iii), reg. 5(2)(aa) & words in reg. 5(2)(a), (b), 6(1) & (2)(a) inserted by reg. 14(3)(4) of S.I. 2014/1097 as from 28.4.14.

- (a) ►¹as soon as reasonably practicable after◄ the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one;
- ¹(aa) in a case where regulation 4A(2) applies, on such a date as may be determined by the officer; or◄
- (b) in any other case►¹, as soon as reasonably practicable after◄—
- (i) ►¹◄
- (ii) where regulation 4ZA(2) (first interview) applies ►¹◄ the expiry of 6 months beginning on the date on which the requirement to attend an interview arises;
- (iii) where ►¹◄ regulation 4ZA(3) ►¹◄ (subsequent interviews) applies, the requirement to attend an interview arises; or
- (iv) in a case where regulation 7(1) applies, the time when that requirement is to apply by virtue of regulation 7(2).◄

Waiver of requirement to take part in an interview

6.—(1) ►¹Except in a case where a requirement is imposed by virtue of regulation 4A(2),◄ a requirement imposed by these Regulations to take part in an interview shall not apply where an officer determines that an interview would not—

- (a) be of assistance to the person concerned; or
- (b) be appropriate in the circumstances.

(2) A person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) shall be treated for the purposes of—

- (a) regulation ►²3, 4 or ►¹4ZA◄◄; and
- (b) any claim for, or entitlement to, a specified benefit, as having complied with that requirement.

²Words substituted in regs. 6(2)(a) by reg. 8(5) of S.I. 2008/3051 as from 24.11.08.

Deferment of requirement to take part in an interview

7.—(1) An officer may determine, in the case of any particular person, that the requirement to take part in an interview shall be deferred at the time the claim is made or the requirement to take part in an interview arises or applies because an interview would not at that time—

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

(2) Where the officer determines in accordance with paragraph (1) that the requirement to take part in an interview shall be deferred, he shall also determine when that determination is made, the time when the requirement to take part in an interview is to apply in the person's case.

(3) Where a requirement to take part in an interview has been deferred in accordance with paragraph (1), then until—

- (a) a determination is made under regulation 6(1);
- (b) the person takes part in an interview; or
- (c) a relevant decision has been made in relation to that person in accordance with regulation 11(4),

that person shall be treated for the purposes of any claim for, or entitlement to, a specified benefit as having complied with that requirement.

Exemptions

8.—(1) Subject to paragraph (2), persons who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation ►¹4 or 4A or 7(2)◀ arises or applies—

- (a) are engaged in remunerative work; or
- (b) are claiming, or are entitled to, a jobseeker's allowance,

¹Words substituted in regs. 8(1) by regs. 8(6) of S.I. 2008/3051 as from 24.11.08.

shall be exempt from the requirement to take part in an interview.

(2) Paragraph (1)(b) shall not apply where—

- (a) a joint-claim couple (as defined for the purposes of section 1(4) of the Jobseekers Act 1995^(a)) have claimed a jobseeker's allowance; and
- (b) a member of that couple is a person to whom regulation 3D(1)(c) of the Jobseeker's Allowance Regulations 1996^(b) (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance) applies.

►²(3) A person who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation 4 or 7(2) arises or applies is—

- (a) required to take part in an interview; or
- (b) not required to take part in an interview by virtue of—
 - (i) a waiver of a requirement; or
 - (ii) a deferment of an interview,

²Para. (3) inserted in reg. 8 by reg. 17 of S.I. 2003/2439 as from 27.10.03.

under the ►³Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008◀ ►⁴◀ shall be exempt from the requirement to take part in an interview.◀

³Words in reg. 8(3) substituted by reg. 12(3) of S.I. 2008/2928 as from 15.12.08.

►⁴(4) The requirement to take part in an interview under regulations 3, 4, 4ZA ►⁵, 4A◀ or 7(2) does not apply to a lone parent who is responsible for, and a member of the same household as, a child under the age of one.◀

⁴Words in reg. 8(3) omitted and reg. 8(4) inserted by reg. 3(9) of S.I. 2011/2428 as from 31.10.11.

⁵Words inserted in reg. 8(4) by reg. 14(5) of S.I. 2014/1097 as from 28.4.14.

(a) 1995 c. 18; the definition of "joint-claim couple" was inserted by the Welfare Reform and Pensions Act 1999, section 59 and Schedule 7, paragraph 2(4)(b).

(b) S.I. 1996/207; regulation 3D was inserted by S.I. 2000/1978 and amended by S.I. 2001/518.

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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 officer shall inform a person who is required to take part in an interview of the place and time of the interview.

(2) The officer may determine that an interview is to take place in the person's home where it would, in his opinion, be unreasonable to expect that person to attend elsewhere because that person's personal circumstances are such that attending elsewhere would cause him undue inconvenience or endanger his health.

Taking part in an interview

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

▶¹(2) A person who has not taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person's employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information 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 his opinion, puts him at a disadvantage in obtaining employment;
 - (vii) any caring or childcare responsibilities he has;
 - (viii) his aspirations for future employment;
 - (ix) any vocational training or skills which he wishes to undertake or acquire; and
 - (x) his work related abilities; and
- (d) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2A) A person who has taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person's employability, including any action the specified person and the officer 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 officer—

¹Para. (2) of reg. 11 substituted by reg. 2(7) of S.I. 2005/2727 as from 31.10.05.

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- (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) to questions and appropriate information 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 officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2B) A person shall be regarded as having taken part in any subsequent interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer—
 - (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 officer—
 - (i) about any action the specified person or the officer might have taken as a result of the matters discussed in relation to paragraphs (2)(b) or (2A)(b) above; and
 - (ii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) above should be amended;
- (d) he provides answers (where asked) to questions and appropriate information 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 officer in the completion of any amendment of the action plan referred to in paragraphs (2)(d) or (2A)(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 also be regarded as having taken part in an interview if he attends an interview with ▶¹a person specified by the Secretary of State under regulation 3(3)◀ at the place and time notified to him by an officer.

¹Words in reg. 11(3) substituted by reg. 14(5) of S.I. 2011/2425 as from 31.10.11.

(4) Where an officer determines that a person has failed to take part in an interview and good cause has not been shown for that failure within five working days of the ▶²date on which the person was notified of his failure to take part in the interview◀, a relevant decision shall be made for the purposes of section 2B of the Social Security Administration Act 1992(a).

²Words in reg. 11(4) substituted & reg. 11(5) inserted by reg. 14(6) of S.I. 2014/1097 as from 28.4.14.

▶²(5) Where a notice under paragraph (4) is sent by post it is taken to have been received on the second working day after it is sent.◀

(a) 1992 c. 5; section 2B was inserted by the Welfare Reform and Pensions Act 1999, section 57.

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12.—(1) A person in respect of whom a relevant decision has been made in accordance with regulation 11(4) 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 **▶**¹relevant benefit[◀] that the person to whom the claim relates is to be regarded as not having made a claim for a **▶**¹relevant benefit[◀];
- (b) where an interview which arose in connection with a claim for a **▶**¹relevant benefit[◀] was deferred and benefit became payable by virtue of regulation 7(3), that the person's entitlement to that benefit shall terminate from the first day of the next benefit week following the date on which the relevant decision was made;
- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation **▶**²4, 4ZA or 4A[◀] **▶**¹or by virtue of the claimant falling within regulation 3(i)(a)(ii)[◀], the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the relevant decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable **▶**³[◀] 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 ten pence per week.

(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)-(d) **▶**⁴[◀]
- (e) severe disablement allowance.

(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), ten pence 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 ten pence remaining in payment.

(8) **▶**³[◀]

(9) Where a claimant whose benefit has been reduced in accordance with this regulation subsequently **▶**⁵satisfies a compliance condition[◀], the reduction shall cease to have effect on the first day of the benefit week in which the **▶**⁵compliance condition was satisfied[◀].

▶⁵(9A) In paragraph (9) “compliance condition” means a requirement to—

- (a) take part in an interview; or
- (b) undertake work-related activity[◀]

(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 an interview shall be required to make a new claim in order to establish entitlement to any specified benefit.

¹In reg. 12, words substituted in para. (2)(a) & (b) & words inserted in (2)(c) by reg. 2(8) of S.I. 2005/2727 as from 31.10.05.

²Words substituted in reg. 12(2)(c) by reg. 3(10) of S.I. 2011/2428 as from 31.10.11.

³Words in reg. 12(2)(c) & reg. 12(8) omitted by reg. 14(6) of S.I. 2011/2425 as from 31.10.11.

⁴Sub-paras. (c) & (d) of reg. 12(4) omitted by reg. 2(10)(b) of S.I. 2005/2727 as from 31.10.05.

⁵Words substituted in reg. 12(9) & reg. 12(9A) inserted by reg. 14(7) of S.I. 2014/1097 as from 28.4.14.

(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 Secretary of State within one month of the date on which the decision was notified and—

- (a) those facts could not reasonably have been brought to the Secretary of State's notice within five working days of the ¹date on which the person was notified of his failure to take part in the interview[◀]; and
- (b) those facts show that he had good cause for his failure to take part in the interview.

¹Words substituted in reg. 12(12)(a) & reg. 12A inserted by reg. 14(7)(c) & (8) of S.I. 2014/1097 as from 28.4.14.

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

►¹Circumstances where the amount of benefit payable to a claimant is not to be reduced in accordance with regulation 12(2)(c)

12A.—(1) The amount of benefit payable to a claimant is not to be reduced in accordance with regulation 12(2)(c) if that amount—

- (a) is at the time the relevant decision falls to be made in respect of the current failure, being paid at a reduced rate in accordance with regulation 12(2)(c), regulations 7(3) and 8 of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 or regulation 8(1) and (2) of the Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014; and
- (b) was last reduced not more than two weeks before the date of the current failure.

(2) In paragraph (1) “current failure” means a failure which may, in the case of a claimant who has an award of benefit, lead to a reduction in benefit under regulation 12(2)(c) in relation to which the Secretary of State has not yet determined whether the amount of benefit payable to the claimant is to be reduced in accordance with that regulation.◀

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—

- (a) he is no longer required to take part in an interview as a condition for continuing to be entitled to the full amount of benefit which is payable apart from these Regulations; or
- (b) the person attains ²pensionable age◀.

²Words in reg. 13(b) substituted by reg. 6(5) of S.I. 2010/563 as from 6.4.10.

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 the officer;
- (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;

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- (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 ►¹a 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.

¹Words in reg. 14(g) substituted by reg. 2(9) of S.I. 2005/2727 as from 31.10.05.

Appeals

15.—(1) This regulation applies to any relevant decision made under regulation 11(4) or any decision under section 10 of the 1998 Act superseding such a decision.

(2) This regulation applies whether the decision is as originally made or as revised under section 9 of the 1998 Act.

(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 ►²the First-tier Tribunal◄.

²Words substituted in reg. 15(3) by art. 6(1) & Sch. 1, para. 178 of S.I. 2008/2683 as from 3.11.08.

Revocations and transitional provision

16.—(1) Subject to paragraph (2), the Social Security (Work-focused Interviews) Regulations 2000(a) (“the 2000 Regulations”) and the Social Security (Jobcentre Plus Interviews) Regulations 2001(b) (“the 2001 Regulations”) are hereby revoked to the extent specified in Schedule 1.

(2) Notwithstanding paragraph (1), both the 2000 Regulations (except for regulations 4, 5 and 12(2)(a) and (b)) and the 2001 Regulations (except for regulations 3 and 11(2)(a) and (b) ►³◄ shall continue to apply as if these Regulations had not come into force for the period specified in paragraph (3) in the case of a person who, on the day before the day on which these Regulations come into force, ►⁴–

³Words omitted in para. (2) of reg. 16 by reg. 2(3)(b) of S.I. 2006/909 as from 24.4.06.

⁴Words in reg. 16(2) substituted by reg. 3(2) of S.I. 2009/1541 as from 26.10.09.

- (a) is a relevant person for the purposes of those Regulations,
- (b) is entitled to income support, and
- (c) does not fall within paragraph 7, 24 or 25 of Schedule 1B to the Income Support (General) Regulations 1987(c) (prescribed categories of person).◄

See reg. 3(3) of S.I. 2009/1541, page 3.4333 for details of modifications of this reg. in certain situations.

is both a relevant person and entitled to a specified benefit for the purposes of those Regulations.

(3) The period specified for the purposes of paragraph (2) shall be the period beginning on the day on which these Regulations come to force and ending on the day on which the person–

- (a) ceases to be a relevant person for the purposes of the 2000 Regulations or, as the case may be, the 2001 Regulations;
- (b) is not entitled to any specified benefit for the purposes of those Regulations; or
- (c) attains ►⁵pensionable age◄,

whichever shall first occur.

⁵Words in reg. 16(3)(c) substituted by reg. 6(6) of S.I. 2010/563 as from 6.4.10.

- (a) S.I. 2000/897.
- (b) S.I. 2001/3210.
- (c) S.I. 1987/1967.

Amendments to regulations**Reg. 17 & Schs. 1-2**

17. The amendments to regulations prescribed in Schedule 2 shall have effect.

Signed by authority of the Secretary of State for Work and Pensions.

3rd July 2002

N. Brown
Minister of State
Department for Work and Pensions

SCHEDULE 1

Regulation 16(1)

REVOCATIONS

<i>Regulations</i>	<i>Extent of Revocation</i>
The Social Security (Work-focused Interviews) Regulations 2000	Regulation 2 save for the words “In these Regulations—” and the definitions of “the Council Tax Benefit Regulations”, “the Claims and Payments Regulations” and “the Housing Benefit Regulations” in paragraph (1); regulations 3 to 15; regulation 16(1) and (2); Schedules 1 to 3; In Schedule 6, paragraphs 2(c) and 3(b).
The Social Security (Jobcentre Plus Interviews) Regulations 2001	Regulation 2 save for paragraph (6)(c); regulations 3 to 14; In regulation 15, the words “, the Social Security (Work-focused Interviews) Regulations 2000”;

[Schedule 2 amends various regulations of S.I. 1987/1968, 1987/1971, 1992/1813, 1992/1814, 1996/2907, 1999/991 & 2000/1926.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose a requirement on persons who claim, or are entitled to, certain benefits (specified in regulation 2(1)) to take part in a work-focused interview (“an interview”).

Regulation 3 specifies those persons who are required to take part in an interview when claiming a specified benefit and regulation 4 prescribes when persons are required to take part in an interview as a condition of their continuing entitlement to those benefits.

Regulation 5 prescribes the time when the interview is to take place. Regulation 6 provides that the requirement to take part in an interview can be waived where an interview would not be of assistance to the person or it would not be appropriate in the circumstances of the case and regulation 7 specifies that an interview can be deferred. Regulation 8 prescribes circumstances when a person is exempted from the requirement to take part in an interview. Regulation 9 specifies when a requirement to take part in two or more interviews is satisfied by the person taking part in a single interview.

Regulation 10 provides for the person to be advised of the time and place of the interview and provides that an interview can take place in the person’s home if the interviewer considers that it would be unreasonable to require that person to attend elsewhere.

Regulation 11 prescribes circumstances as to when a person is to be regarded as having taken part in an interview and regulation 12 details the consequences of a failure to take part in an interview. Regulation 13 specifies the circumstances where those consequences do not apply and regulation 14 specifies the matters to be taken into account in determining whether a person had good cause for his failure to take part in an interview.

Regulation 15 provides that a decision that a person has failed to take part in an interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (c. 14).

Regulation 16 and Schedule 1 revoke previous regulations, with savings and a transitional provision, which imposed requirements on persons in certain areas to take part in interviews.

Regulation 17 and Schedule 2 make amendments to other regulations which are consequential both on these Regulations and the revocation and transitional effect of the regulations referred to in Schedule 1.

These Regulations do not impose a charge on business.