

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (WORK-FOCUSED INTERVIEWS
AMENDMENT) REGULATIONS 2005

2005 No. 2727

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument makes the following changes to the social security Work-focused Interview (“WFI”) regime from 31 October 2005:

- i. all lone parents and incapacity benefits (“IBs”¹) claimants are required to have a work Action Plan as part of their WFI;
- ii. the first WFI for all IBs claimants is rescheduled to eight weeks after their claim;
- iii. Carer’s Allowance (“CA”) and Bereavement Benefit (“BB”) are removed from the benefits specified within the WFI regime;
- iv. all lone parents with a youngest child aged at least 14 who have been getting Income Support (“IS”) for at least 12 months will have quarterly WFIs until their youngest child reaches age 16.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This instrument makes changes to parts of the WFI regime contained in three Statutory Instruments:

- i. the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Regulations 2000 (“the 2000 Regulations”),
- ii. the Social Security (Jobcentre Plus Interviews) Regulations 2002 (“the 2002 Regulations”), and
- iii. the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004.

People claiming a social security benefit who fall within these three Regulations are required to meet a Departmental official to discuss their work situation (the WFI).

¹ This incorporates Incapacity Benefit, Income Support on the grounds of incapacity, and Severe Disablement Allowance – (SDA)

4.2 This instrument amends all three Regulations so that claimants are required to prepare and update an Action Plan at their WFI. The Action Plan sets out what the claimant and Departmental official have agreed the claimant will do to help enhance their prospects of getting employment.

4.3 The 2002 Regulations are amended to provide that IBs claimants have their first WFI eight weeks after their claim to benefit. They are also amended to remove claimants in receipt of only CA and/or BB from being required to take part in WFIs.

4.4 This instrument introduces a new requirement for lone parents in receipt of IS (except those in receipt on the grounds of incapacity) to take part in WFIs. If such a lone parent has a youngest child aged at least 14 and has been in receipt of benefit for at least 12 months, they are required to take part in quarterly WFIs. This change is made by amending the 2000 Regulations.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Department is introducing the changes in this instrument to improve the effectiveness of the WFI regime for lone parents and claimants of IBs, CA and BB. WFIs are designed to make claimants aware of the help and opportunities available to them in finding work. For some claimants, an award of benefit may not be made unless they have taken part in a WFI. For the other claimants falling within the WFI regime, ongoing receipt of the full amount of benefit may be dependent on them taking part in WFI. Where a WFI is inappropriate for a particular claimant or will not assist them, the WFI can be deferred to a later date or waived completely.

7.2 An IBs claimant falling within the 2002 Regulations may currently be required to take part in a WFI at the start of their claim. Experience in operating this requirement shows it is not appropriate for a number of claimants. Around 20% of IBs claimants leave benefit within eight weeks of their claim compared to 5% of lone parents claiming IS. Changing the requirement to 8 weeks after their claim will make the WFI more effective for IBs claimants.

7.3 Claimants in receipt of CA or BB only are currently required to take part in a WFI under the 2002 Regulations. Experience in operating this requirement shows that these WFIs are unlikely to be of assistance to the claimant. Only 13% of carers reported that the WFI made them much more or

a little more motivated to find work. Claimants receiving only these benefits are therefore no longer to be required to take part in a WFI. Claimants receiving one of these benefits together with IBs or IS are still required to take part in a WFI. Caring or bereavement may not be the main reason for the person's claim to these benefits and without the WFI we would not be able offer them the work focused help that other customers on IBs or IS receive. We will still be able to waive or defer an interview for these customers if a WFI is not appropriate.

7.4 The introduction of mandatory Action Plans for lone parents and IBs claimants will help strengthen the focus and effectiveness of the WFI. Under other legislation, some claimants are already required to have Action Plans and evidence shows that those Plans help Departmental officers engage more effectively with those claimants. The Plans also provide a record of what happens at a WFI and provide a structure for the WFI. Compliance with the actions in the new mandatory Plans will be voluntary.

7.5 For lone parents in receipt of IS, there can be a major transition when their youngest child reaches 16 because they often cease to be entitled to IS. They normally go into work or onto Jobseeker's Allowance after having been on IS for many years. The introduction of quarterly WFIs for these lone parents when their youngest child reaches 14 will provide support and help to an estimated 49,000 lone parents.

7.6 This instrument was referred for full consultation by the Social Security Advisory Committee. They sought views from the public on all the changes made by this instrument and in particular, on making Action Plans mandatory and on retaining the WFI requirement for CA and BB claimants who are also claiming IS or IBs. Sixteen organisations responded. The Committee's report (published as CM6669) was broadly supportive of the objectives of the WFI regime and the changes made by this instrument.

7.7 The Committee's report recommended:

- i. reconsidering the timing of the initial WFI for lone parents and claimants moving to IBs from Statutory Sick Pay,
- ii. removing CA and BB claimants from the WFI requirement even if they are also claiming IS or IBs,
- iii. reducing the frequency of quarterly WFIs for some lone parents,
- iv. amending guidance for Departmental Officers conducting WFIs,
- v. not introducing mandatory Action Plans, and
- vi. giving particular consideration to lone parents with disabled children.

7.8 The Department carefully considered the report and the recommendations. The Department decided to accept the Committee's recommendation (iv) and not to accept the other recommendations. The Department's response to the Committee's report will be published as a Command Paper.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There will be no additional impact on the public sector.

9. Contact

Mike Keegan at the Department for Work and Pensions Tel: 0113 232 9764 or email Mike.Keegan@Jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.