Draft Regulations laid before Parliament under section 190(1) of the Social Security Administration Act 1992 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2003 No. []

SOCIAL SECURITY

The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

Made - - - -	*[] 2003*
Coming into force - -	*12th April 2004*

Whereas a draft of this instrument was laid before Parliament in accordance with section 190(1) of the Social Security Administration Act 1992(**1**) and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2AA(1) and (4) to (7), 2B(6), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(**2**) 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(**3**), by this instrument, which contains only regulations made by virtue of, or consequential upon, section 2AA of the Social Security Administration Act 1992(**4**) and which is made before the end of the period of 6 months beginning with the coming into force of that provision, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 and shall come into force on 12th April 2004.

Interpretation and application

2.—(1) In these Regulations—

(**1**) 1992 c. 5.
(**2**) Section 2AA was inserted by section 49 of the Employment Act 2002 (c. 22), and section 2B was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30) and amended by section 53 of, and paragraphs 8 and 9 of Schedule 7 to, and section 54 of, and Schedule 8 to, the Employment Act 2002; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe". Section 2AA(7) is cited because of the meaning ascribed to the words "specified" and "work-focused interview".
(**3**) 1992 c. 53.
(**4**) *See* section 173(5)(b) of the Social Security Administration Act 1992 (c. 5).

"the 1998 Act" means the Social Security Act 1998(**5**);

"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;

"claimant" means a claimant of a specified benefit who has a partner to whom these Regulations apply;

"interview" means a work-focused interview with a partner which is conducted for any or all of the following purposes—

(a) assessing the partner's prospects for existing or future employment (whether paid or voluntary);

(b) assisting or encouraging the partner to enhance his prospects of such employment;

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

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

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

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

"partner" means a person who is a member of the same couple as the claimant, or, in a case where the claimant has more than one partner, a person who is a partner of the claimant by reason of a polygamous marriage, but only where—

(a) the claimant has been awarded a specified benefit at a higher rate referable to that partner; and

(b) both the partner and the claimant have attained the age of 18 but have not attained the age of 60;

"polygamous marriage" means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

"specified benefit" means a benefit to which section 2AA applies.

(2) Regulations 3 to 13 apply to a partner in circumstances where on or after 12th April 2004 the claimant's award of a specified benefit is being administered from an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office(**6**) and the claimant has been continuously entitled to the benefit for 26 weeks or longer.

Requirement for partner to take part in an interview as a condition of a specified benefit continuing to be paid at full amount

3.—(1) Subject to regulations 5 to 8, a partner to whom these Regulations apply is required to take part in an interview as a condition of the claimant continuing to be paid the full amount of a specified benefit which is payable apart from these Regulations.

(2) Where a requirement to take part in an interview arises under paragraph (1), a requirement to take part in an interview shall also apply to any other specified benefit in payment to the claimant

(**5**) 1998 c. 14.
(**6**) A list of offices designated as Jobcentre Plus Offices is available from the Department for Work and Pensions at the following address: Jobcentre Plus Implementation Project, Jobcentre Plus Head Office, Level 1, Steel City House, West Street, Sheffield, S1 2GQ.

at a higher rate referable to his partner on the date set for the interview and notified to the partner in accordance with regulation 9(1).

Time when interview is to take place

4. An officer shall arrange for an interview to take place as soon as reasonably practicable after—

(a) the requirement under regulation 3(1) arises; or

(b) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2).

Waiver of requirement to take part in an interview

5.—(1) 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 partner concerned; or

(b) be appropriate in the circumstances.

(2) A partner 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 regulation 3 as having complied with that requirement.

Deferment of requirement to take part in an interview

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

(a) be of assistance to the partner concerned; 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, when that determination is made, determine the time when the requirement to take part in an interview is to apply in the partner'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 5(1);

(b) the partner takes part in an interview; or

(c) a relevant decision has been made in accordance with regulation 10(3),

the partner shall be treated for the purposes of regulation 3 as having complied with that requirement.

Exemption

7. A partner who, on the day on which the requirement to take part in an interview arises or applies under regulation 3(1) or 6(2), is in receipt of a specified benefit as a claimant in his own right shall be exempt from the requirement to take part in an interview under these Regulations.

Claims for two or more specified benefits

8. A partner 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 during any period where the claimant is in receipt of two or more specified benefits concurrently; and

(b) that interview counts for the purposes of each of those benefits.

The interview

9.—(1) An officer shall inform a partner who is required to take part in an interview of the date, place and time of the interview.

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

(3) An officer shall conduct the interview.

Taking part in an interview

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

(2) A partner shall be regarded as having taken part in an interview if and only if—

(a) he attends for the interview at the place and time notified to him by the officer; and

(b) 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; and

(vii) any caring or childcare responsibilities he has.

(3) Where an officer determines that a partner has failed to take part in an interview and good cause has not been shown either by the partner or by the claimant for that failure within five working days of the day on which the interview was to take place, a relevant decision shall be made for the purposes of section 2B of the Social Security Administration Act 1992(**7**) and the partner and the claimant shall be notified accordingly.

Failure to take part in an interview

11.—(1) Where a relevant decision has been made in accordance with regulation 10(3), subject to paragraph (11), the specified benefit payable to the claimant in respect of which the requirement for the partner to take part in an interview under regulation 3 arose shall be reduced, either as from the first day of the next benefit week following the day on which the relevant decision was made, or, if that date arises five days or less after the day on which the relevant decision was made, as from the first day of the second benefit week following the date of the relevant decision.

(2) The deduction made to benefit in accordance with paragraph (1) shall be 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 (1) shall not be reduced below ten pence per week.

(**7**) 1992 c. 5; section 2B was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30) and amended by section 53 of, and paragraphs 8 and 9 of Schedule 7 to, and section 54 of, and Schedule 8 to, the Employment Act 2002 (c. 22).