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

DRAFT STATUTORY INSTRUMENTS

2000 No.

SOCIAL SECURITY

The Social Security (Work-focused Interviews) Regulations 2000

Made - - - -	*2000*
Coming into force - -	*3rd April 2000*

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

Now therefore the Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 2A, 2B(6) and (7), 5(1)(a) and (b), 6(1)(a) and (b), 7A, 189(1), (4) to (7A) 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**) 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(**4**), by this Instrument, which contains only regulations made by virtue of or consequential upon sections 57 and 71 of the Welfare Reform and Pensions Act 1999 and which is made before the end of a period of 6 months beginning with the coming into force of those provisions(**5**), hereby make the following Regulations:

*(**1**) 1992 c. 5; paragraph (aa) was inserted in sub-section (1) by the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 12, paragraph 83.*

(**2**) Sections 2A, 2B and 7A were all inserted by the Welfare Reform and Pensions Act 1999, sections 57 and 71 respectively; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe"; section 189 (7A) was inserted by the Welfare Reform and Pensions Act 1999. Schedule 12, paragraph 82.

(**3**) 1992 c. 53.

(**4**) *See* section 176(1)(a) of the Social Security Administration Act 1992.

(**5**) *See* section 173(5)(b) of the Social Security Administration Act 1992.

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Social Security (Work-focused Interviews) Regulations 2000 and shall come into force on 3rd April 2000.

Interpretation

2.—(1) In these Regulations–

"the Act" means the Welfare Reform and Pensions Act 1999;

"the 1998 Act" means the Social Security Act 1998(**6**);

"benefit week"–

(a) in relation to housing benefit and council tax benefit, means a period of 7 days beginning on a Monday;

(b) in relation to any other specified benefit, means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid;

"the designated authority" means any of the following–

(a) the Secretary of State;

(b) a person providing services to the Secretary of State;

(c) a local authority;

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

"the Careers Service" means a person of any description with whom the Secretary of State has made an arrangement under section 10(1) of the Employment and Training Act 1973(**7**) and any person to whom he has given a direction under section 10(2) of that Act;

"the Council Tax Benefit Regulations" means the Council Tax Benefit (General) Regulations 1992(**8**);

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations 1987(**9**);

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(**10**);

"interview" means a work-focused interview;

"specified benefit" means a benefit other than widow's payment to which section 2A of the Administration Act applies by virtue of subsection (2) of that section;

"work-focused interview" has the meaning given in regulation 3.

(2) In these Regulations, a "relevant person" is a person who resides in an area identified in Schedule 1.

(3) For the purposes of these Regulations–

(**6**) 1998 c. 14.
(**7**) 1973 c. 50; section 10 was inserted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).
(**8**) S.I.1992/1814.
(**9**) S.I. 1987/1968.
(**10**) S.I. 1987/1971.

(a) "remunerative work" has the meaning prescribed in regulation 4 of the Housing Benefit Regulations; and

(b) "part-time work" means work for which payment is made and which is not remunerative work.

(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) These Regulations apply in respect of a specified benefit claimed on or after 3rd April 2000.

(6) In these Regulations, unless the context otherwise requires, a reference–

(a) to a numbered section is to the section of the Act bearing that number;

(b) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;

(c) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;

(d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Work-focused interview

3. In these Regulations, a "work-focused interview" means an interview with a relevant person conducted for any or all of the following purposes–

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

(b) assisting or encouraging a person to enhance his prospects of such employment;

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

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

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

PART II

WORK-FOCUSED INTERVIEWS

Persons required to take part in an interview

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.

Exemptions

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) claims for a specified benefit where the person making the claim is also claiming a jobseeker's allowance;

(c) 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.

(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.

Continuing entitlement dependent upon an interview

6.—(1) A relevant person who has not attained the age of 60 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 is not entitled to either incapacity benefit or severe disablement allowance, any of the circumstances specified in paragraph (3) apply; or

(b) in any other case, any of the circumstances specified in paragraph (4) apply.

(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.

(3) The circumstances specified in this paragraph are that the lone parent–

(a) has been entitled to a specified benefit for more than a year except where one of the benefits to which the person was entitled during the previous 12 months was incapacity benefit or severe disablement allowance; and

(b) has not taken part in an interview for at least a year.

(4) The circumstances specified in this paragraph are those where–

(a) a person is entitled to incapacity benefit or severe disablement allowance following a personal capability assessment;

(b) a person's entitlement to an invalid care allowance ceases whilst entitlement to another 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.

(5) In this regulation–

"lone parent" means a person who has no partner and who is responsible for, and a member of the same household as, a child;

"personal capability assessment" means an assessment in accordance with regulations made under section 171C of the Contributions and Benefits Act(**11**).

Waiver

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

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

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

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