STATUTORY RULES OF NORTHERN IRELAND

# 2005 No. 443

# SOCIAL SECURITY

## The Social Security (Work-focused Interviews Amendment) Regulations (Northern Ireland) 2005

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| *Made - - - -* | *10th October 2005* |
| *Coming into operation* | *31st October 2005* |

The Department for Social Development, in exercise of the powers conferred by sections 2A(1), (3) to (6) and 165(1), (4) to (6) and (7A) of the Social Security Administration (Northern Ireland) Act 1992(**1**) and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Social Security (Work-focused Interviews Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 31st October 2005.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

### Amendment of the Work-focused Interviews Regulations 2003

**2.**—(1) The Social Security Work-focused Interviews Regulations (Northern Ireland) 2003(**4**) shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(3) (interpretation)—

(a) the definition of "bereavement benefit" shall be omitted;

(b) after the definition of "interview" there shall be inserted the following definition—

(**1**) 1992 c. 8; section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and subsection (7A) was inserted by paragraph 58 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**2**) *See* Article 8(b) of and Part II of Schedule 6 to S.R. 1999 No. 481

(**3**) 1954 c. 33 (N.I.)

(**4**) S.R. 2003 No.274

""lone parent" has the meaning assigned to it in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**5**);";

(c) after the definition of "officer" there shall be inserted the following definition—

""relevant benefit" means income support other than income support where one of the following paragraphs of Schedule 1B(**6**) to the Income support (General) Regulations (Northern Ireland) 1987 applies—

(a) paragraph 7 (persons incapable of work), or

(b) paragraph 24(**7**) or 25(**8**) (persons appealing against a decision which embodies a determination that they are not incapable of work);";

(d) for the definition of "specified benefit" there shall be substituted the following definition—

""specified benefit" means income support, incapacity benefit and severe disablement allowance;";

(e) after the definition of "specified benefit" there shall be inserted the following definition—

""specified person" means—

(a) a lone parent, or

(b) a person who claims—

(i) incapacity benefit,

(ii) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987 (prescribed categories of person) 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 (Northern Ireland) 1987 applies, or

(iv) severe disablement allowance.".

(3) In regulation 2(1) (requirement for person claiming a specified benefit to take part in an interview)—

(a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) either —

(i) makes a claim for a relevant benefit, or

(ii) is entitled to a specified benefit other than a relevant benefit;";

(b) in sub-paragraph (b), for "makes that claim" there shall be substituted "claims a specified benefit".

(4) In regulation 3 (continuing entitlement to a specified benefit dependent on an interview)—

(a) in paragraph 4(b) for "another" there shall be substituted "a";

(b) in paragraph (6) the definition of "lone parent" shall be omitted.

(5) In regulation 4 (time when interview is to take place), for paragraph (a) there shall be substituted the following paragraphs—

(**5**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199, S.R. 1999 No. 371, S.R. 2000 No. 4 and S.R. 2005 No. 46
(**6**) Schedule 1B was inserted by regulation 22 of and Schedule to S.R. 1996 No. 199
(**7**) Paragraph 24 was amended by Article 9(4)(a) and (b) of S.R. 1999 No. 371(C. 28)
(**8**) Paragraph 25 was amended by Article 9(4)(b) of S.R. 1999 No. 371(C. 28), regulation 4(3) of S.R. 2000 No. 4 and regulation 3 of S.R. 2005 No. 46

"(a) the expiry of 8 weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;

(aa) the claim for a relevant benefit is made;".

(6) In regulation 7(3)(**9**) (exemptions), after "Regulations (Northern Ireland) 2005" there shall be inserted "or under regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001".

(7) In regulation 10 (taking part in an interview), for paragraph (2) there shall be substituted the following paragraphs—

"(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).

(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 30 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—

(i) in relation to the person's employability or any progress he might have made towards obtaining employment; and

(**9**) Paragraph (3) was inserted by regulation 12 of S.R. 2005 No. 414

(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).

(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); and

(ii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) 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) in light of the matters discussed in relation to sub-paragraphs (b) and (c) and the information provided in relation to sub-paragraph (d).".

(8) In regulation 11 (failure to take part in an interview)—

(a) in paragraph (2)(a) and (b), for "specified benefit" in each place that it appears, there shall be substituted "relevant benefit";

(b) in paragraph (2)(c), after "under regulation 3" there shall be inserted "or by virtue of the claimant falling within regulation 2(1)(a)(ii)(**10**)";

(c) in paragraph (4), sub-paragraphs (c) and (d) shall be omitted.

(9) In regulation 13(g) (good cause), for "a chronic condition" there shall be substituted "a physical or mental condition".

(**10**) Head (ii) is inserted by regulation 2(3)(a) of these Regulations

**Amendment of the Work-focused Interviews for Lone Parents Regulations**

**3.**—(1) The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(**11**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (requirement for lone parents claiming or entitled to income support to take part in an interview), for "4 to 6" there shall be substituted "2A and 4 to 6".

(3) After regulation 2 there shall be inserted the following regulation—

"**Requirement for specified lone parents to take part in an interview**

**2A.**—(1) In this regulation, "specified lone parent" means a lone parent who—

(a) is responsible for and living in the same household as—

(i) a single child aged 14 or 15, or

(ii) more than one child where the youngest is aged 14 or 15, and

(b) has been continuously entitled for at least 12 months to income support other than—

(i) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987 applies, or

(ii) 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 (Northern Ireland) 1987 applies.

(2) Subject to paragraph (3) and regulations 4 to 6, a specified lone parent is required to take part in an interview.

(3) Where a lone parent has taken part in an interview under regulation 2, a requirement shall not arise under paragraph (2) until the expiry of 13 weeks from the day of that interview.

(4) Subject to regulations 4 to 6**,** a specified lone parent is required to take part in a further interview after the expiry of 13 weeks from the day on which—

(a) he last took part in an interview;

(b) he last failed to take part in an interview; or

(c) a determination was made under regulation 6 with effect that he is to be treated as having taken part in an interview.

(5) An officer shall arrange for an interview referred to in paragraph (2) or (4) to take place as soon as is reasonably practicable after the date on which the requirement to take part in that interview arises.

(6) A specified 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 waived or deferred,

is not required to take part in an interview under regulation 2 unless he ceases to be a specified lone parent.

(7) For the avoidance of doubt, "lone parent" in the other provisions of these Regulations includes specified lone parents.".

(4) In regulation 3 (taking part in an interview), for paragraph (2) there shall be substituted the following paragraphs—

(**11**) S.R. 2001 No. 152