STATUTORY RULES OF NORTHERN IRELAND

2005 No. 414

SOCIAL SECURITY

The Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2005

Made - - - -	*1st September 2005*
Coming into operation	*3rd October 2005*

The Department for Social Development, in exercise of the powers conferred by sections 2A(1), (3) to (6) and (8), 2B(6) and (7) and 165(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 (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2005 and shall come into operation on 3rd October 2005.

(2) In these Regulations—

"the 1998 Order" means the Social Security (Northern Ireland) Order 1998(**3**);

"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;

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

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

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

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

(d) identifying current or future employment, training or rehabilitation opportunities suitable to that relevant person's needs;

(**1**) 1992 c. 8; sections 2A and 2B were inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)) and section 165(7A) was inserted by paragraph 58 of Schedule 9 to that Order

(**2**) *See* Article 8(b) of S.R. 1999 No. 481

(**3**) S.I. 1998/1506 (N.I. 10)

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

"officer" means a person who is an officer of the Department or of the Department for Employment and Learning;

"personal capability assessment" means the assessment defined in Part III of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**4**) (personal capability assessment);

"relevant decision" has the meaning given by section 2B(2) of the Social Security Administration (Northern Ireland) Act 1992(**5**) (supplementary provisions relating to work-focused interviews);

"relevant person" means a person who resides in a postcode district identified in the Schedule and—

(a) who makes a claim for a specified benefit on or after 3rd October 2005; or

(b) who made a claim for a specified benefit on or after 3rd October 2003 but before 3rd October 2005 and who is entitled to a specified benefit under that claim;

but where paragraphs (a) and (b) would otherwise apply to a person, only paragraph (b) shall be taken to apply.

"specified benefit" means—

(a) incapacity benefit;

(b) income support where paragraph 7 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987(**6**) (persons incapable of work) applies;

(c) in respect of a relevant person to whom paragraph (a) of the definition of "relevant person" applies, income support where paragraph 24 or 25 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987(**7**) (persons appealing against a decision which embodies a determination that they are not incapable of work) applies to a person who has made a claim for a benefit specified in paragraph (a), (b) or (e) of this definition on or after 3rd October 2005;

(d) in respect of a relevant person to whom paragraph (b) of the definition of "relevant person" applies, income support where paragraph 24 or 25 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987 (persons appealing against a decision which embodies a determination that they are not incapable of work) applies to a person who has made a claim for a benefit specified in paragraph (a), (b) or (e) of this definition on or after 3rd October 2003 but before 3rd October 2005; or

(e) severe disablement allowance.

(3) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

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

2.—(1) Subject to paragraphs (2) and (3) and regulations 5 to 7, a relevant person who—

(a) is entitled to a specified benefit; and

(b) has attained the age of 18 but has not attained the age of 60—

(**4**) S.R. 1995 No. 41; Part III was amended by S.R. 1995 No. 149, S.R. 1996 No. 601, S.R. 2000 No. 4 and S.R. 2005 No. 15
(**5**) Section 2B(2) was amended by paragraph 6(b) of Schedule 1 to the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.))
(**6**) S.R. 1987 No. 459; Schedule 1B was inserted by regulation 22 of, and Schedule 1 to, S.R. 1996 No. 199
(**7**) Paragraph 24 and 25 were amended by Article 9(4) of S.R. 1999 No. 371 (C. 28) and paragraph 25 was amended by regulation 4(3) of S.R. 2000 No. 4 and regulation 3 of S.R. 2005 No. 46
(**8**) 1954 c. 33 (N.I.)

(i) in respect of a relevant person to whom paragraph (a) of the definition of "relevant person" applies, on the day on which he makes his claim for that specified benefit, or

(ii) in respect of a relevant person to whom paragraph (b) of the definition of "relevant person" applies, on 3rd October 2005,

shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him.

(2) A relevant person who—

(a) has taken part in an interview under paragraph (1) by virtue of—

(i) being; or

(ii) having been,

entitled to a specified benefit; and

(b) becomes entitled to—

(i) another specified benefit; or

(ii) the same specified benefit where sub-paragraph (a)(ii) applies; and

(c) has not—

(i) been engaged in remunerative work; or

(ii) made a claim for a jobseeker's allowance,

after having been entitled to the specified benefit referred to in sub-paragraph (a) and before becoming entitled to the specified benefit referred to in sub-paragraph (b),

shall not be required to take part in a further interview under paragraph (1).

(3) A relevant person who becomes entitled to two or more specified benefits and has not taken part in an interview under paragraph (1) by virtue of that entitlement—

(a) is only required to take part in one interview under that paragraph; and

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

(4) An officer shall arrange for the interview referred to in paragraph (1) to take place in respect of a relevant person—

(a) to whom paragraph (a) of the definition of "relevant person" applies, after the expiry of eight weeks after the date the claim for a specified benefit is made or as soon as is reasonably practicable thereafter; or

(b) to whom paragraph (b) of the definition of "relevant person" applies, on a date the officer determines.

Continuing entitlement to a specified benefit dependent upon an interview

3.—(1) Subject to paragraph (3) and regulations 5 to 7, a relevant person who—

(a) has taken part in an interview under regulation 2;

(b) is entitled to a specified benefit; and

(c) has not attained the age of 60,

shall be required to take part in a sequence of further interviews as provided for by paragraph (2), each at, or as soon as is reasonably practicable after, the expiry of one month from the day he last took part in an interview, the day he was treated under regulation 5 as having complied with such a requirement to take part in an interview or, as the case may be, the day a relevant decision was made under regulation 8(4), as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him.

(2) A relevant person to whom—

(a) paragraph (a) of the definition of "relevant person" applies, shall be required to take part in a sequence of five further interviews;

(b) paragraph (b) of the definition of "relevant person" applies, shall be required to take part in a sequence of two further interviews.

(3) A relevant person who—

(a) has taken part in one or more interviews under paragraph (1) by virtue of—

(i) being; or

(ii) having been,

entitled to a specified benefit; and

(b) becomes entitled to—

(i) another specified benefit; or

(ii) the same specified benefit where sub-paragraph (a)(ii) applies; and

(c) has not—

(i) been engaged in remunerative work; or

(ii) made a claim for a jobseeker's allowance,

after having been entitled to the specified benefit referred to in sub-paragraph (a) and before becoming entitled to the specified benefit referred to in sub-paragraph (b),

shall be required to continue to take part in the sequence of interviews in accordance with paragraph (1) until he has taken part in a total of five or, as the case may be, two such interviews.

(4) Subject to regulations 5 and 6, where a relevant person—

(a) has taken part in the five or, as the case may be, two further interviews referred to in paragraph (2);

(b) is entitled to a specified benefit; and

(c) has not attained the age of 60,

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (7) applies or where paragraph (8) applies.

(5) Subject to regulations 5 and 6, where a relevant person—

(a) has had the requirement to take part in the five or, as the case may be, two interviews referred to in paragraph (2) waived in accordance with regulation 5;

(b) is entitled to a specified benefit; and

(c) has not attained the age of 60,

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (7) applies or where paragraph (8) applies.

(6) Subject to regulations 5 and 6, where—

(a) a relevant person falls within paragraph (a) of the definition of "relevant person";

(b) regulation 7 applies to the relevant person;

(c) the relevant person is entitled to a specified benefit; and

(d) the relevant person has not attained the age of 60,

he shall be required to take part in an interview as a condition of his continuing to be entitled to the full amount of the specified benefit which is payable to him where any of the circumstances specified in paragraph (7) applies or where paragraph (8) applies.

(7) The circumstances specified in this paragraph are those where—

(a) it is determined in accordance with a personal capability assessment that a relevant person is incapable of work and therefore, continues to be entitled to a specified benefit;

(b) a relevant person's entitlement to a carer's allowance ceases whilst his entitlement to a specified benefit continues;

(c) a relevant person becomes engaged or ceases to be engaged in part-time work; or

(d) a relevant person has been undergoing education, training or a rehabilitation programme arranged by an officer and that education, training or rehabilitation programme comes to an end.

(8) A requirement to take part in an interview arises under this paragraph where a relevant person has not been required to take part in an interview under paragraphs (4) to (6) for at least 36 months from the date he last took part in an interview.

The interview

4.—(1) The officer shall inform a relevant person who is required to take part in an interview of the time and place of the interview.

(2) An officer shall conduct the interview.

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

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 be—

(a) of assistance to the relevant person concerned; or

(b) appropriate in the circumstances.

(2) A relevant 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 2 or 3; and

(b) entitlement to a specified benefit,

as having complied with that requirement in respect of that interview.

Deferment of requirement to take part in an interview

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

(a) of assistance to that relevant person; or

(b) 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 relevant person's case.