STATUTORY RULES OF NORTHERN IRELAND

2003 No. 405

SOCIAL SECURITY

The Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003

Made - - - -	*11th September 2003*
Coming into operation	*12th April 2004*

The Department for Social Development, in exercise of the powers conferred by sections 2AA(1), (4) to (6), 2B(6) and 165(1), (4) to (6) 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, by this statutory rule, which contains only regulations made by virtue of, or consequential upon, section 5 of the Social Security Act (Northern Ireland) 2002(**3**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003 and shall come into operation on 12th April 2004.

(2) In these Regulations –

"the 1998 Order" means the Social Security (Northern Ireland) Order 1998(**4**);

"benefit week" means any period of 7 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;

(**1**) 1992 c. 8; section 2AA was inserted by section 5 of the Social Security Act (Northern Ireland) 2002 and section 2B was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11)) and amended by section 8(1) of, and paragraphs 5 and 6 of Schedule 1 to the Social Security Act (Northern Ireland) 2002; 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)

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

(**3**) 2002 c. 10 (N.I.)

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

(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 an officer of the Department or of the Department for Employment and Learning;

"partner" means a person who is 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 of the Social Security Administration (Northern Ireland) Act 1992 applies.

(3) Regulations 2 to 12 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 which is designated by the Department as a Jobs and Benefits Office(**5**) and the claimant has been continuously entitled to the benefit for 26 weeks or longer.

(4) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

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

2.—(1) Subject to regulations 4 to 7, 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 at a higher rate referable to his partner on the date set for the interview and notified to the partner in accordance with regulation 8(1).

Time when interview is to take place

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

(a) the requirement under regulation 2(1) arises, or

(b) in a case where regulation 5(1) applies, the time when that requirement is to apply by virtue of regulation 5(2).

(**5**) A list of offices designated as Jobs and Benefits Offices is available from the following address: Department for Social Development, Social Security Agency, Operations Support Directorate, 2nd Floor, Churchill House, Victoria Square, Belfast BT1 4SS

(**6**) 1954 c. 33 (N.I.)

Waiver of requirement to take part in an interview

4.—(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 2 as having complied with that requirement.

Deferment of requirement to take part in an interview

5.—(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 4(1);

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

(c) a relevant decision has been made in accordance with regulation 9(3),

the partner shall be treated for the purposes of regulation 2 as having complied with that requirement.

Exemption

6. A partner who, on the day on which the requirement to take part in an interview arises or applies under regulation 2(1) or 5(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

7. 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

8.—(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

9.—(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 5 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(**7**) of the Social Security Administration (Northern Ireland) Act 1992 (work-focused interviews) and the partner and the claimant shall be notified accordingly.

Failure to take part in an interview

10.—(1) Where a relevant decision has been made in accordance with regulation 9(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 2 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 5 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 10 pence per week.

(4) Where two or more specified benefits are in payment to a claimant, in relation to each of which a requirement for the partner to take part in an interview had arisen under regulation 2, a deduction made in accordance with this regulation shall be applied, except in a case to which paragraph (5) applies, to the specified benefits in the following order of priority –

(a) an income-based jobseeker's allowance;

(b) income support;

(c) incapacity benefit;

(d) severe disablement allowance;

(e) carer's allowance;

(**7**) Section 2B was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and amended by section 8(1) of, and paragraphs 5 and 6 of Schedule 1 to, the Social Security Act (Northern Ireland) 2002 (c. 10)