STATUTORY RULES OF NORTHERN IRELAND

2003 No. 274

HOUSING; RATES; SOCIAL SECURITY FAMILY LAW; CHILD SUPPORT

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

Made - - - - 20th May 2003

Coming into operation with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 2A(1), (3) to (6), 2B(6) and (7), 5(1)(a) and (b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**1**), section 122(1)(d) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**2**), and section 59 of, and paragraphs 3(1), 4(3), 6(8) and 20(3) of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**), and now vested in it(**4**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel in so far as regulation 16 and paragraphs 2 and 7 of Schedule 2 are concerned(**5**), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**6**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 and shall, subject to paragraph (2), come into operation on 30th June 2003.

(2) Regulation 15(1) shall come into operation on 15th September 2003.

(3) In these Regulations –

"the 1998 Order" means the Social Security (Northern Ireland) Order 1998(**7**);

(**1**) 1992 c. 8; sections 2A and 2B were inserted by Article 54 and section 5A was inserted by Article 68 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)
(**2**) 1992 c. 7
(**3**) 2000 c. 4 (N.I.)
(**4**) *See* Article 8(b) of S.R. 1999 No. 481
(**5**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see* also Article 6(b) of S.R. 1999 No. 481
(**6**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(**7**) S.I. 1998/1506 (N.I. 10)

"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;

"bereavement benefit" means any benefit, other than a bereavement payment, falling within section 20(1)(ea) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**8**);

"the Careers Service" means the Careers Service of the Department for Employment and Learning;

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

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

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

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

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

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

"officer" means an officer of the Department or of the Department for Employment and Learning;

"specified benefit" means income support, incapacity benefit, carer's allowance, severe disablement allowance and any bereavement benefit.

(4) For the purposes of these Regulations –

(a) a person shall be deemed to be in remunerative work where he is in remunerative work within the meaning prescribed in regulation 4 of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**), but

(b) a person shall be deemed not to be in remunerative work where –

(i) he is not in remunerative work in accordance with sub-paragraph (a), or

(ii) he is in remunerative work in accordance with sub-paragraph (a) and is not entitled to income support but would not be prevented from being entitled to income support solely by being in such work, and

(c) a person shall be deemed to be in part-time work where he is engaged in work for which payment is made but he is not engaged or deemed to be engaged in remunerative work.

(5) Except in a case where regulation 15(2) applies, regulations 2 to 14 apply in respect of a person who makes a claim for a specified benefit on or after 30th June 2003 at an office of the Department which is designated by the Department as a Jobs and Benefits Office for the purposes of these Regulations.

(6) 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.

(7) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**8**) 1992 c. 7; section 20(1)(ea) was inserted by Article 67 and paragraph 2(2)(b) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**9**) Regulation 4 was amended by regulation 3 of S.R. 1991 No. 337, regulation 3(a) and (b) of S.R. 1993 No. 381, regulation 4(a) and (b) of S.R. 1995 No. 89, regulation 3 of S.R. 1996 No. 334 and regulation 4(2) of S.R. 1999 No. 342

(**10**) 1954 c. 33 (N.I.)

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

2.—(1) Subject to regulations 5 to 8, a person who –

(a) makes a claim for a specified benefit;

(b) on the day on which he makes that claim, has attained the age of 16 but has not attained the age of 60, and

(c) is not in remunerative work,

is required to take part in an interview.

(2) An officer shall, except where paragraph (3) applies, conduct the interview.

(3) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with the Careers Service.

Continuing entitlement to a specified benefit dependent on an interview

3.—(1) Subject to regulations 5 to 8, a 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 has attained the age of 18 and who is neither claiming incapacity benefit nor severe disablement allowance, paragraph (3) applies, or

(b) in any other case, any of the circumstances specified in paragraph (4) apply or where paragraph (5) applies.

(2) This paragraph applies in the case of a person who has taken part in an interview under regulation 2 or who would have taken part in such an interview but for the requirement being waived in accordance with regulation 5 or deferred in accordance with regulation 6.

(3) A lone parent to whom paragraph (1)(a) applies shall be required to take part in an interview –

(a) after the expiry of 6 months from the date on which –

(i) he took part in an interview under regulation 2, or

(ii) a determination was made under regulation 5(1);

(b) where the lone parent took part, failed to take part or was treated, by virtue of regulation 5(2), as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (a), after the expiry of 6 months from the date on which –

(i) he took part in that interview;

(ii) he failed to take part in that interview, or

(iii) the determination was made under regulation 5(1), and

(c) where the lone parent took part, failed to take part or was treated, by virtue of regulation 5(2), as having taken part, in an interview pursuant to the requirement arising in sub-paragraph (b), after the expiry of 12 months from the date on which –

(i) he last took part in an interview;

(ii) he last failed to take part in an interview, or

(iii) a determination was last made under regulation 5(1).

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

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

(b) a person's entitlement to a carer's 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 an officer 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 taken part in an interview, attains the age of 18.

(5) A requirement to take part in an interview arises under this paragraph where a person has not been required to take part in an interview by virtue of paragraph (4) for at least 36 months.

(6) In this regulation –

"lone parent" has the meaning prescribed in regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**11**) (interpretation);

"personal capability assessment" has the meaning prescribed in regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**12**) (interpretation).

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 claim is made;

(b) the requirement under regulation 3(1) arises, or

(c) 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 person concerned, or

(b) be appropriate in the circumstances.

(2) A 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) any claim for, or entitlement to, a specified benefit,

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 person, that the requirement to take part in an interview shall be deferred at the time the claim is made or the requirement to take part in an interview arises or applies because an interview would not at that time –

(a) be of assistance to that person, or

(b) be appropriate in the circumstances.

(**11**) S.R. 1987 No. 459
(**12**) S.R. 1995 No. 41; the definition of "personal capability assessment" was inserted by regulation 2(2)(b) of S.R. 2000 No. 4

(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 person'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 person takes part in an interview, or

(c) a relevant decision has been made in relation to that person in accordance with regulation 10(4),

that person shall be treated for the purposes of any claim for, or entitlement to, a specified benefit as having complied with that requirement.

Exemptions

7.—(1) Subject to paragraph (2), persons who, on the day on which the claim for a specified benefit is made or the requirement to take part in an interview under regulation 3 or 6(2) arises or applies –

(a) are engaged in remunerative work, or

(b) are claiming, or are entitled to, a jobseeker's allowance,

shall be exempt from the requirement to take part in an interview.

(2) Paragraph 1(b) shall not apply where –

(a) a joint-claim couple (as defined for the purposes of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995(**13**)) have claimed a jobseeker's allowance, and

(b) a member of that couple is a person to whom regulation 3D(1)(c) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**14**) (further circumstances in which a joint-claim couple may be entitled to a joint-claim jobseeker's allowance) applies.

Claims for two or more specified benefits

8. 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

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

The interview

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

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

(**13**) S.I. 1995/2705 (N.I. 15); the definition of "joint-claim couple" was inserted by Article 56 of and paragraph 3(4)(b) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**14**) S.R. 1996 No. 198; regulation 3D was inserted by regulation 2(2) of S.R. 2000 No. 350 and amended by regulation 2(3) of S.R. 2001 No. 120