STATUTORY RULES OF NORTHERN IRELAND

2001 No. 176

HOUSING; RATES; SOCIAL SECURITY FAMILY LAW; CHILD SUPPORT

The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001

Made - - - -	*12th April 2001*
Coming into operation	*14th May 2001*

The Department for Social Development, in exercise of the powers conferred by sections 2A, 2B(6) and (7), 5(1)(*a*) and (*b*) and 165(1) and (4) to (7A) 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 Article 73(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**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 15(1) and 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:

Part I

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001 and shall come into operation on 14th May 2001.

(**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)); 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 section 165(7A) was inserted by paragraph 58 of Schedule 9 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**2**) 1992 c. 7

(**3**) S.I. 1999/3147 (N.I. 11)

(**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 (c. 7); 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 which transferred the consent functions under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel

(**6**) *See* section 150(1)(*b*) of the Social Security Administration (Northern Ireland) Act 1992

(2) In these Regulations—

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

"benefit week"—

(a) in relation to housing 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 Careers Service" means the Careers Service of the Department of Higher and Further Education, Training and Employment;

"the Claims and Payments Regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**8**);

"designated authority" means any of the following—

(a) the Department, the Department of Higher and Further Education, Training and Employment or the Department of Finance and Personnel;

(b) a person providing services to any of those Departments;

(c) the Housing Executive;

(d) a person providing services to, or authorised to exercise any functions of, the Housing Executive;

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations (Northern Ireland) 1987(**9**);

"interview" means a work-focused interview;

"personal adviser" means an officer of the Department or of the Department of Higher and Further Education, Training and Employment;

"specified benefit" means income support, housing benefit or incapacity benefit;

"work-focused interview" has the meaning given in regulation 2.

(3) In these Regulations, a "relevant person" is a person who resides in a postcode district specified in Schedule 1.

(4) For the purposes of these Regulations—

(a) "remunerative work" has the meaning prescribed in regulation 4 of the Housing Benefit Regulations(**10**), and

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

(5) 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.

(6) These Regulations apply in respect of a specified benefit claimed on or after 14th May 2001.

(7) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**7**) S.I. 1998/1506 (N.I. 10)
(**8**) S.R. 1987 No.465; relevant amending Regulations are S.R. 1997 No. 156
(**9**) S.R. 1987 No.461; relevant amending Regulations are S.R. 1991 No. 337, S.R. 1993 Nos. 218 and 381, S.R. 1995 No.89, S.R. 1996 No.334, S.R. 1999 Nos. 342 and 416
(**10**) 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
(**11**) 1954 c. 33 (N.I.)

Work-focused interview

2. 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

3.—(1) This regulation is subject to the provisions of regulations 4, 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 an officer of the Department or of the Department of Higher and Further Education, Training and Employment.

(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

4.—(1) The following claims for a specified benefit do not give rise to an interview under regulation 3—

(a) claims by persons who at the time the claim is made are engaged in remunerative work;

(b) except in a case to which paragraph (2) applies, claims for a specified benefit where the person making the claim is also claiming a jobseeker's allowance;

(c) except in a case to which paragraph (2) applies, 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, Northern Ireland.

(2) Notwithstanding paragraph 1(*b*) and (*c*), a claim for a specified benefit shall give rise to an interview under regulation 4 where—

(a) at the time the claim was made, the person making the claim is a member of a joint-claim couple as defined for the purposes of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**12**), and

(b) it has been decided that that person is a person to whom a paragraph of Schedule A1(**13**) to those Regulations applies (categories of members of joint-claim couples who are not required to satisfy the conditions in Article 3(2B)(*b*) of the Jobseekers (Northern Ireland) Order 1995(**14**)).

(3) The following claims for housing benefit do not give rise to an interview under regulation 3—

(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 postcode districts specified in Schedule 1.

Continuing entitlement dependent upon an interview

5.—(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 6 or deferred in accordance with regulation 7.

(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 following a personal capability assessment;

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

(**12**) S.R. 1996 No. 198

(**13**) Schedule A1 was inserted by regulation 2(4) of, and Schedule 1 to, S.R. 2000 No. 350

(**14**) S.I. 1995/2705(N.I.15); Article 3(2B) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

"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 the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 2000(**15**).

Waiver

6.—(1) A requirement to take part in an interview imposed by these Regulations shall not apply where an officer of the Department or of the Department of Higher and Further Education, Training and Employment 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

7.—(1) Except in a case to which paragraph (2) refers, an officer of the Department or of the Department of Higher and Further Education, Training and Employment shall arrange for an interview to take place as soon as reasonably practicable after the claim is made or the event which under regulation 5(3) or (4) gives rise to the interview occurs.

(2) This paragraph applies where an officer of the Department or of the Department of Higher and Further Education, Training and Employment 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) An officer of the Department or of the Department of Higher and Further Education, Training and Employment who determines in accordance with paragraph (2) 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

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.

(**15**) S.R. 2000 No. 4