

1999 No. 3108**SOCIAL SECURITY****The Social Security (Claims and Information)
Regulations 1999**

Made - - - 18th November 1999

Laid before Parliament 22nd November 1999

Coming into force 29th November 1999

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 2C, 7A, 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(a) and sections 72 and 83(1) and (4) to (8) of the Welfare Reform and Pensions Act 1999(b) and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(c), by this instrument, which contains only regulations made by virtue of or consequential upon sections 58, 71 and 72 of the Welfare Reform and Pensions Act 1999 and which is made before the end of a period of 6 months beginning with the coming into force of those provisions(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Information) Regulations 1999 and shall come into force on 29th November 1999.

Interpretation

2. In these Regulations,—

“the Act” means the Welfare Reform and Pensions Act 1999;

“the Child Support Acts” means the Child Support Act 1991(e) and the Child Support Act 1995(f);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(g);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(h);

“relevant authority” means a person within section 72(2) of the Act.

(a) 1992 c. 5; sections 2C and 7A were inserted by respectively sections 58 and 71 of the Welfare Reform and Pensions Act 1999 (c. 30); section 191 is an interpretation provision and is cited because of the meaning assigned to the word ‘prescribe’.

(b) 1999 c. 30.

(c) See section 176(1)(a) of the Social Security Administration Act 1992.(c. 5).

(d) See section 173(5)(b) of the Social Security Administration Act 1992.

(e) 1991 c. 48.

(f) 1995 c. 34.

(g) S.I. 1992/1814.

(h) S.I. 1987/1971.

Regs. 3-4

Work-focused interview

3. A work-focused interview is an interview 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.

Additional functions of local authorities

4. — (1) A local authority to whom Part I of Schedule I to these Regulations applies may conduct a work-focused interview with, or provide assistance to, a person to whom paragraphs (2) and (3) apply, where the interview or assistance is requested or consented to by that person.

(2) This paragraph applies to a person who resides in a postcode district identified in Part I of Schedule 2 to these Regulations.

(3) This paragraph applies to any person making a claim for, or entitled to, any benefit specified in paragraph (4) and applies whether or not a person has had an interview in accordance with regulations made under section 2A of the Administration Act **(a)**.

(4) The benefits specified in this paragraph are—

- (a) income support;
- (b) housing benefit;
- (c) council tax benefit;
- (d) widow's benefit;
- (e) bereavement benefits;
- (f) incapacity benefit;
- (g) severe disablement allowance;
- (h) ►carer's allowance◄;
- (i) a jobseeker's allowance;
- (j) disability living allowance.

(5) For the purposes of paragraph (1), the request or consent may be made or given to—

- (a) the local authority conducting the interview or giving the assistance;
- (b) any person who, or authority which, may be specified as a designated authority for the purposes of section 2A(8) of the Administration Act; or
- (c) a person designated an employment officer for the purposes of section 9 of the Jobseekers Act 1995**(b)**.

(6) For the purposes of carrying out functions under paragraph (1), a local authority may in particular—

- (a) obtain and receive information or evidence for the purpose of any work-focused interview to be conducted with that person;

Words substituted in reg. 4(4)(h) by Sch. 2 of S.I. 2002/2497 as from 1.4.03.

(a) Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999.

(b) 1995 c. 18.

- (b) arrange for the work-focused interview to be conducted by one of the following—
 - (i) the Secretary of State;
 - (ii) a person providing services to the Secretary of State; or
 - (iii) a person providing services to, or authorised to exercise any function of, the local authority;
- (c) forward information supplied for the purpose of a work-focused interview to any person or authority conducting that interview;
- (d) take steps to identify potential employment or training opportunities for persons taking part in work-focused interviews;

▶¹◀

- (f) take steps to identify—
 - (i) obstacles which may hinder a person in taking up employment or training opportunities;
 - (ii) educational opportunities which may assist in reducing or removing such obstacles; and
- (g) record information supplied at a work-focused interview.

¹Para. 6(e) of reg. 4 omitted by reg. 4(a) of S.I. 2000/1926 as from 14.8.00.

[Regulation 5 inserts regulations 4A & 4B into S.I. 1987/1967.]

War Pensions and Child Support

6.—(1) Where a person resides in the area of an authority to which ²paragraph 3◀ refers, he may make a claim for a war pension, or submit an application under the Child Support Acts to any office ³of a relevant authority◀ displaying the **one** logo (whether or not that office is situated within the area of the local authority in which the person resides).

²Words substituted in reg. 6(1) by reg. 17(2) of S.I. 2000/897 as from 3.4.00.

³Words inserted in reg. 6(1) by reg. 4(b) of S.I. 2000/1926 as from 14.8.00.

(2) Any change of circumstances arising since a claim or application was made in accordance with paragraph (1) may be reported to the office to which that claim or application was made.

- (3) The areas to which this paragraph refers are those areas which are within both—
 - (a) the area of a local authority identified in Part I or II of Schedule 1 to these Regulations, and
 - (b) a postcode area identified in Part I or II of Schedule 2 to these Regulations.

(4) A person making a claim or application to a participating authority in accordance with paragraph (1) shall comply with any requirements for the time being in force in relation to—

- (a) claims for war pensions or applications under the Child Support Acts;
- (b) the provision of information and evidence in support of such claims or applications,

as if those requirements also applied to the participating authority.

- (5) A participating authority shall forward to the Secretary of State—
 - (a) any claim for a war pension or application under the Child Support Acts made in accordance with this regulation;
 - (b) details of changes of circumstances reported to the authority in accordance with this regulation; and
 - (c) any information or evidence—
 - (i) given to the authority by the person making a claim or application or reporting the change of circumstances; or
 - (ii) which is relevant to the claim or application or the change reported and which is held by the authority.

(6) For the purpose of this regulation, a “participating authority” means any authority or person to whom a claim or application may be made or change of circumstances reported in accordance with paragraphs (1) and (2).

Regs 7-13

Holding information

7. A relevant authority to whom information or evidence relating to social security matters ►¹, or information relating to employment or training, ◀ is supplied or by whom such information or evidence is obtained, including information obtained under regulation 8(2), may—

- (a) make a record of that information or evidence; and
- (b) hold the information or evidence, whether as supplied or as recorded.

¹Words inserted in reg. 7, omitted in 13(1)(a)(i) and para. (1)(b)(v) substituted by reg. 2(2) & (3) of S.I. 2010/508 as from 6.4.10.

Provision of information

8.—(1) A relevant authority may give information or advice to any person, or to a person acting on his behalf, concerning—

- (a) a claim he made, or a decision given on a claim he made, for a social security benefit or a war pension;
- (b) an application he made, or a decision given on an application he made, under the Child Support Acts.

(2) For the purpose of giving information or advice in accordance with paragraph (1), a relevant authority may obtain information held by any other relevant authority.

[Regulations 9 & 10 amend S.I. 1987/1971.]

[Regulations 11 & 12 amend S.I. 1992/1814.]

Information

13.—(1) A relevant authority which holds social security information may—

- (a) use that information—
 - (i) in connection with arrangements ►¹◀ made under section 2 of the Employment and Training Act 1973(a);
 - (ii) for any purpose to which regulations 3, 4 and 6 of these Regulations, or any regulations inserted by these Regulations, apply; or
 - (iii) for purposes connected with the employment or training of the persons to whom it relates;
- (b) supply the information—
 - (i) to any other relevant authority to enable that authority to carry out a work-focused interview or any function conferred upon it by these Regulations or by regulations inserted by these Regulations;
 - (ii) in so far as relevant for the purpose for which it is being provided, to any person in respect of whom the person undertaking the work-focused interview is notified has a vacancy or is about to have a vacancy in his employment or at his place of employment;
 - (iii) to any person (an “employment zone provider”) to whom payments are made by the Secretary of State in accordance with section 60(5)(c)(i) of the Act (special schemes for claimants for jobseeker’s allowance);
 - (iv) to any other relevant authority in connection with any scheme operated by, or any arrangements made by, the authority for purposes connected with employment or training;
 - ¹(v) to any other relevant authority in connection with arrangements made under section 2 of the Employment and Training Act 1973(b), in particular for use by that authority in connection with the provision of advice, support and assistance which persons may need in order to acquire or enhance their skills and qualifications with a view to improving their prospects of finding and retaining employment. ◀

(a) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19).

(b) 1973 c. 50; section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19) and amended by section 29(4) of, and Schedule 7 to, the Employment Act 1989 (c. 38).

Regs. 13-15

►¹(1A) A relevant authority which holds employment or training information about a person (“P”) may supply that information to another relevant authority for use by that second authority in connection with the provision to P (pursuant to arrangements made by the Secretary of State) of advice, support and assistance which P may need in order to acquire or enhance P’s skills and qualifications with a view to improving P’s prospects of finding and retaining employment.◀

¹Regs. 13(1A), (5)(e)-(f) and reg. 14(1)(f)-(h) inserted, words in reg. 13(3), (4) and (5)(c) inserted, substituted and omitted by reg. 2(3)(c)-(g) & (4) of S.I. 2010/508 as from 6.4.10.

(2) An employment zone provider may supply to any other relevant authority information relating to any person participating in a scheme for which he receives a payment under section 60(5)(c)(i) of the Act where the information may be relevant to the person’s benefit entitlement.

(3) Where the work-focused interview is undertaken by a relevant authority other than the authority which obtained the information, then the authority supplying the information shall, for the purposes of that interview, supply any other social security information ►¹, or information relating to employment or training,◀ held by them.

(4) A relevant authority which holds social security information may supply that information to any other relevant authority for the purposes of research, monitoring or evaluation in so far as it relates to ►¹any of the purposes◀ specified in paragraph (5).

(5) The purposes ►¹◀ are—

- (a) work-focused interviews;
- (b) any purpose for which regulations 3, 4 and 6 of these Regulations, or any regulations inserted by these Regulations, applies;
- (c) any scheme or arrangements made by the Secretary of State connected with employment or training; ►¹◀
- (d) section 60 of the Act ►¹;
- (e) any arrangements made by the Secretary of State of the nature referred to in paragraph (1)(b)(v) or (1A); and
- (f) monitoring the retention of employment.◀

Purposes for which information may be used

14.—(1) The purposes for which information supplied in connection with matters referred to in paragraph (2) may be used are for—

- (a) the processing of any claim for a social security benefit or a war pension or for an application for a maintenance assessment under the Child Support Act 1991;
- (b) the consideration of any application for employment by a person to whom information is supplied in connection with any employment opportunity;
- (c) the consideration of the training needs of the person who supplied the information;
- (d) any purpose for which a work-focused interview may be conducted(a);
- (e) the prevention, detection, investigation or prosecution of offences relating to social security matters ►¹;
- (f) assessing the employment or training needs of the person to whom the information relates;
- (g) evaluating the effectiveness of training, advice, support and assistance provided;
- (h) monitoring the retention of employment.◀

(2) The matters referred to in this paragraph are—

- (a) work-focused interviews; or
- (b) any other provision in or introduced by these Regulations.

Information supplied

15. Information supplied to a person or authority under these Regulations—

- (a) may be used for the purposes of amending or supplementing information held by the person or authority to whom it is supplied; and

(a) See: Regulation 3 of these Regulations.

Regs. 15-18

- (b) if it is so used, may be supplied to another person or authority, and used by him or it for any purpose, to whom or for which that other information could be supplied or used.

Partners of claimants on jobseeker's allowance

16.—(1) The social security information specified in paragraph (2) may be supplied by a relevant authority to the partner of a claimant for a jobseeker's allowance where—

- (a) the allowance has been in payment to the claimant, or would have been in payment to him but for section 19 of the Jobseekers Act 1995 (circumstances in which jobseeker's allowance is not payable) for a period of 6 months or more;
- (b) the allowance remains in payment or would be in payment but for that section; and
- (c) the partner is being invited to attend the office of the relevant authority for purposes connected with employment or training.

(2) The information which may be supplied is—

- (a) that jobseeker's allowance is in payment to the claimant or would be in payment to him but for section 19 of the Jobseekers Act; and
- (b) that payment has been made to the claimant or would have been so made but for section 19, for a period of at least 6 months.

(3) In this regulation, "partner" has the same meaning as in the Jobseeker's Allowance Regulations 1996(a) by virtue of section 1(3) of those Regulations.

Partners of claimants

17.—(1) The social security information specified in paragraph (4) may be supplied by a relevant authority to the partner of a claimant for a qualifying benefit where ¹one or more of the qualifying benefits has been payable to the claimant for at least six months¹.

(2) The qualifying benefits are—

- (a) a jobseeker's allowance;
- (b) income support;
- (c) incapacity benefit;
- (d) severe disablement allowance¹;
- (e) ²carer's allowance¹.

¹

(4) The information which may be supplied is—

- (a) that a qualifying benefit is or has been payable to the claimant;
- (b) the period for which the qualifying benefit has been payable.

(5) In this regulation, ³"partner"¹ means one member of ³a couple¹ of which the claimant is also a member ³, and "couple" has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations 1996¹.

Consequential

18. Schedule 3 to these Regulations, which contains a number of consequential changes shall have effect.

Signed by authority of the Secretary of State for Social Security.

18th November 1999

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1996/207.

¹Words substituted, added and omitted in reg. 17 by reg. 2 of S.I. 2001/1189 as from 23.4.01.

²Words in reg. 17(2)(e) substituted by Sch. 2 of S.I. 2002/2497 as from 1.4.03.

³Words substituted & inserted in reg. 17(5) by para. 31 of Sch. 3 to S.I. 2005/2877 as from 5.12.05.

SCHEDULE 1

Regulation 4(1)

Local Authorities on which functions are conferred

PART I

Local Authority

ENGLAND:

Aylesbury Vale
Barking and Dagenham
Calderdale
Castle Point
Chelmsford
Chiltern
Epping Forest
Kirklees
Maldon
Mendip
Milton Keynes
North Warwickshire
Nuneaton and Bedworth
Redbridge
Rochford
Rugby
Sedgemoor
South Bucks
Southend-on-Sea
South Somerset
Stratford-on-Avon
Taunton Deane
Waltham Forest
Warwick
West Somerset
Wycombe

WALES:

Monmouthshire
Newport
Torfean

SCOTLAND:

Argyll and Bute
East Renfrewshire
Inverclyde
North Ayrshire
Renfrewshire

PART II

Amber Valley
Ashfield
Babergh
Bassetlaw
Bolsover
East Cambridgeshire
Forest Heath
Halton
Ipswich
Leeds
Mansfield
Mid-Suffolk
North East Derbyshire
Newark and Sherwood
St. Edmundsbury
St. Helens
South Cambridgeshire
Suffolk Coastal
Vale Royal
Warrington
Waveney
Wigan

SCHEDULE 2

Regulation 4(2)

Postcode Areas

PART I

B37, B39, B46, B47, B49, B50, B76 to B79 and B93 to B95
BA3 to BA11, BA16, BA20 to BA22, BA24 and BA26 to BA28
CM0 to CM9
CV3, CV4, CV7 to CV12, CV21 to CV23, CV31 to CV35 and CV36 to CV39
DT9
E4, E10, E11, E17 and E18
EX15 and EX16
G78
GL50 and GL55
GL56
HD1 and HD5 to HD8
HP1, HP4 to HP23 and HP27
HX1 and HX7
IG1 to IG11
KA28 to KA30
LE10
LE17
LU6 and LU7

Part I (cont)

MK1 to MK19, MK43 and MK46
NN6, NN11 and NN13
NP1
NP4
NP5
NP6
NP7
NP9, NP16, NP20, NP25, NP26 and NP44
OL14
OX5 to OX7, OX9 and OX15
OX17
PA1 to PA17 and PA20 to PA27
RM6
RM8
RG9
SL0 to SL4 and SL6 to SL9
SS0 to SS7, SS9, SS11 and SS12
SS17
TA1 to TA24
UB9
WD3
WF12 to WF17
WO11

PART II

BD2 to BD4, BD10, BD11, BD16, BD17 and BD20
CB1 and CB5 to CB10
CM11
CO1, CO6 and CO8 to CO11
DE5, DE55 and DE56
DN22
HG3 and HG5
IP2 to IP20, IP22 to IP24 and IP27 to IP33
LS1 to LS15 (except Bramhope), LS16, LS17, LS19, LS21, LS22, LS27 and LS28
NG14 to NG23 and NG25
NR10, NR14, NR15 and NR31 to NR35
S44, S45 and S80
WA1 to WA8 and WA11 to WA13
WF3, WF6, WF10 and WF11
YO8, YO23 and YO26

SCHEDULE 3

Regulation 18

CONSEQUENTIAL AMENDMENTS

[Schedule 3 amends S.I.'s 1996/207 and 1987/1967.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations contained in this Instrument are made either by virtue of, or in consequence of, provisions in the Welfare Reform and Pensions Act 1999 (c. 30) ("the 1999 Act"). This Instrument is made before the end of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempt from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

Regulations 1 and 2 refer to citation, commencement and interpretation.

Regulation 3 describes the purposes of a work-focused interview.

Regulation 4 confers upon local authorities functions relating to the conduct of work-focused interviews. Regulation 5 confers on local authorities the function of taking claims for a number of social security benefits identified in the Regulations. The claims are forwarded to the Secretary of State.

Regulation 6 confers similar powers on local authorities in relation to claims for war pensions and applications relating to child support.

Regulation 7 enables bodies to whom social security information is supplied to hold that information and regulation 8 provides for the provision of information to persons making claims for social security.

Regulations 9 to 12 enable claims for housing benefit and council tax benefit to be made to offices of the Department of Social Security are to be forwarded to the local authority's offices.

Regulations 13 to 15 contain provisions relating to the use and supply of information.

Regulation 16 enables certain social security information to be supplied to the partners of person's claiming a jobseeker's allowance.

Regulation 17 enables social security information to be supplied to partners of claimants in receipt of any of four named benefits.

Regulation 18 and Schedule 3 contain consequential provisions.

These Regulations do not impose a charge on business.