

2011 No. 2428

SOCIAL SECURITY

The Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations 2011

<i>Made</i> - - - -	<i>6th October 2011</i>
<i>Laid before Parliament</i>	<i>10th October 2011</i>
<i>Coming into force</i> -	<i>31st October 2011</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 2A(1), (2B), (3)(b) and (e), (5), (6) and (8), 2AA(1), (6) and (7), 189(1), (4)(a), (5) and (6) and 191 of the Social Security Administration Act 1992(a), and sections 12(1), 13(1), 24(1) and (3B) and 25(2), (3) and (5) of the Welfare Reform Act 2007(b).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992 the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to them.

Citation and commencement

1. These Regulations may be cited as the Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations 2011 and shall come into force on 31st October 2011.

[Regulation 2 amends regulations 1, 2, 2ZA, 4, 5, 7 & 8 of S.I.2000/1926.]

[Regulation 3 amends regulations 2, 3, 4, 5, 7, 8, & 12 of S.I. 2002/1703.]

[Regulation 4 amends regulation 2 and 7 of S.I. 2003/1886.]

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- (a) 1992 c. 5. Section 2A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30). Subsection (1) was amended by section 35 of the Welfare Reform Act 2009 (c. 24). Subsections (2A) and (2B) were inserted by section 3(2) of the Welfare Reform Act 2009. Subsection (8) is cited because of the meaning ascribed to the word “specified”. Section 2AA was inserted by the Employment Act 2002, section 49. Subsection (1) was amended by section 35 of the Welfare Reform Act 2009. Subsection (7) is cited because of the meaning ascribed to the word “specified”. Section 189(1) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998 (c. 14), by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions etc) Act 1999 (c. 2) and by Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(4) and (5) was amended by section 86 of, and paragraph 109 of Schedule 7 to, the Social Security Act 1998. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”, and that definition of “prescribe” was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).
- (b) 2007 c. 5. Section 12(1)(b) was amended by section 3 of the Welfare Reform Act 2009 (c. 24). Section 24(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”. Paragraph (3B) of section 24 was inserted by section 3(5) of the Welfare Reform Act 2009.

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[Regulation 5 amends regulation 2, 54, 131, and schedules 4,5,6 & 9 of S.I.2008/795.]

[Regulation 6 amends regulation 2 & 3 of S.I. 2008/2928.]

[Regulation 7 amends regulation 2(1) of S.I. 2011/1349.]

Signed by the authority of the Secretary of State for Work and Pensions.

Maria Miller

Parliamentary Under-Secretary of State
Department for Work and Pensions

6th October 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend relevant benefit legislation so that lone parents and partners of certain benefit claimants are not required to take part in a work-focused interview under the relevant regulations if they have a child under the age of one who is a member of their household and for whom the lone parent, or either member of the couple, is responsible.

They also amend the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (“the 2000 Regulations”) and the Social Security (Jobcentre Plus Interviews) Regulations 2002 (“the 2002 Regulations”) to remove an existing requirement for lone parents responsible for and a member of the same household as a child under the age of 7 to take part in a work-focused interview when claiming income support.

A lone parent whose youngest child is aged one to six will generally still be required to take part in a work-focused interview after becoming entitled to income support (or another benefit to which the relevant regulations refer).

A lone parent entitled to income support whose youngest child is aged seven or over will be required to take part in a work-focused interview every three years or when a relevant change of circumstance occurs, in the same way as most other claimants who are not lone parents with a child aged one to six and who are entitled to income support.

The Regulations also make other miscellaneous amendments, explained more fully below.

Regulation 1 provides for these Regulations to come into force on 31 October 2011.

Regulation 2 makes the following amendments to the 2000 Regulations:

Paragraph (2) inserts a definition of “relevant interview” into regulation 1 of the 2000 Regulations to make clear that references in the Regulations to whether or not a person has taken part, been required to take part or been treated as having taken part in an interview mean an interview under the 2000 Regulations in relation to the claimant’s current claim for income support. A similar definition of “relevant interview” is introduced throughout the Regulations that are being amended by these Regulations.

Paragraph (3) substitutes a new regulation 2 of the 2000 Regulations. Previously under regulation 2 a lone parent on income support who failed to take part in a work-focused interview would lose entitlement. New regulation 2 only applies to lone

parents who are entitled to income support on grounds of being a lone parent (because they have a child aged 1 to 6). Under the new regulation 2, such a claimant will be required to attend a work-focused interview only once entitlement has been established and a failure to attend without good cause will lead to a reduction of income support. Following their first interview, they will be required to attend on a 6- monthly basis.

Paragraph (4) amends some of the references to “interview” in regulation 2ZA of the 2000 Regulations to refer to a “relevant interview”.

Paragraph (5) removes regulation 2A from the 2000 Regulations which imposed a requirement for certain lone parents with a youngest child aged 14 or 15 to take part in a work-focused interview. This is now obsolete as such lone parents are generally no longer entitled to income support solely on the grounds of being a lone parent.

Paragraph (5) also inserts a new regulation 2ZB. This provides that a lone parent whose youngest child is aged seven or over and who is entitled to income support on grounds other than that of being a lone parent, must attend a work-focused interview once entitled to income support if they have not taken part in, or been required to take part in, a relevant interview, and must then attend an interview every three years or when a relevant change of circumstance occurs.

Paragraph (6) amends regulation 4 to exempt lone parents who are responsible for and a member of the same household as a child under the age of one from interview requirements under the 2000 Regulations and updates references.

Paragraph (7) makes consequential amendments as a result of the amendments referred to above.

Paragraph (8) amends regulation 7 to change the consequence of a failure to attend an initial interview under the 2000 Regulations without good cause so that the lone parent will not be treated as having not made a claim or disentitled, and will instead have their income support reduced.

Paragraph (9) amends regulation 8 so that a lone parent who is responsible for, and a member of the same household as, a child under the age of one will no longer be subject to any sanction for failure to attend an interview without good cause under the 2000 Regulations if they have incurred a sanction before the regulations come into force, or before they became responsible for, and a member of the same household as, a child under the age of one.

Regulation 3 amends the 2002 Regulations.

Paragraph (2) inserts a definition of “relevant interview”, which is similar to that inserted into the 2000 Regulations, to make clear that only work-focused interviews that a claimant has taken part in (or failed or been treated as having taken part in) under the 2002 Regulations in relation to their current claim for a specified benefit will be relevant when determining whether the claimant has taken part in an interview in relation to their current claim and when determining which WFI requirements apply to the claimant.

Paragraph (2) also amends regulation 2 of the 2002 Regulations to set out when a person is to be treated as responsible for, and a member of the same household as, a child under the age of one for the purposes of section 2A(2A) of the Social Security Administration Act 1992, and the 2002 Regulations. Section 2A(2A) is being brought fully into force at the same time as these Regulations, and prohibits regulations under section 2A from imposing any WFI requirement on a lone parent who is responsible for, and a member of the same household as, a child under the age of one. The amendment made by paragraph (2) makes clear that, for the purposes of the prohibition and the regulations, a lone parent is to be treated as responsible for, and a member of the same household as, a child under the age of one, if they would be treated as being so responsible under regulations 15 and 16 of the Income Support (General) Regulations 1987 (IS Regulations), if references in those regulations to income support referred to a specified benefit. Regulations 2(2)(b) and 6(3) make similar provision in relation to the 2000 Regulations and the 2008 Regulations,

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Paragraph (3) amends regulation 3 of the 2002 Regulations so that the requirement in that regulation to take part in a work-focused interview does not apply to lone parents who make a claim for, or are entitled to, income support and who fall within paragraph 1 of Schedule 1B to the IS Regulations, because they have a child under the age of seven.

Paragraph (4) substitutes a new regulation 4 of the 2002 Regulations so that the requirement to attend a work-focused interview under that regulation no longer applies in relation to a lone parent who is entitled to income support if their youngest child is under the age of 7, and so that where the claimant is a lone parent with a child aged seven or over, is not a lone parent or is a lone parent entitled to a benefit other than income support, the requirement under regulation 4 is to attend work-focused interviews every three years or when a relevant change of circumstance occurs.

Paragraph (5) inserts new regulation 4ZA into the 2002 Regulations which makes provision for lone parents with a child under the age of seven who are entitled to income support, to attend work-focused interviews on a 6 monthly basis (unless exempt or required to attend quarterly work-focused interviews under regulation 4A of those Regulations). This means that lone parents claiming income support with a child under the age of seven will no longer be regarded as not having made a claim for income support if they fail, without good cause, to attend their first work-focused interview after making their claim. Instead, their benefit will be reduced in accordance with regulation 12.

Paragraph (6) makes provision so that where a claimant has a child aged 6 (although this will become 4 or 5 after changes being made by other Regulations at the same time as these Regulations come into force) and is required to attend interviews every 13 weeks under regulation 4A, the requirement to attend interviews on a 6 monthly basis under new regulation 4ZA does not apply.

Paragraph (7) substitutes a new regulation 5 to make provision for the different times when an interview arising under the Regulations must be arranged and makes different provision depending on whether the claimant is a lone parent with a child aged 1 to 6 who is entitled to income support and falls within Schedule 1B of the IS Regulations, or is entitled to IS, Severe Disablement Allowance or Incapacity Benefit on some other basis. If the claimant is a lone parent whose WFI requirement arises because their child has just reached age one, then the interview must be arranged as soon as reasonably practicable. If the claimant is a lone parent entitled to income support whose child is aged 1 to 3 when their first interview requirement arises, the interview must be arranged 6 months after the requirement arises. If the claimant is a lone parent entitled to income support whose child is aged 4 to 6 when their first interview requirement arises, the interview must be arranged 13 weeks after the requirement arises. In other cases, regulation 5 works in the same way - for example, in the case of a person claiming IS on grounds other than as a lone parent, their interview must be arranged as soon as reasonably practicable after the claim for income support is made.

Paragraph (8) makes a minor amendment to regulation 7 to make clear that regulation 7(2) is subject to regulation 8(4) which exempts lone parents who are responsible for, and a member of the same household as, a child under the age of one from interview requirements under the 2002 Regulations (that change is made by paragraph (9) of the Regulations).

Paragraph (9) also removes obsolete references from regulation 8 of the 2002 Regulations.

Paragraph (10) amends regulation 12 (failure to take part in an interview) to include a reference to new regulation 4ZA.

Regulation 4 amends the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 so that if either member of a couple are responsible for, and a member of the same household as, a child under the age of 1, the partner will not be required to take part in a work-focused interview. Paragraph (2) amends the interpretation provision to make clear that for the purpose of determining whether a

partner or the claimant is responsible for, and a member of the same household as, a child under the age of one, the rules in regulations 15 and 16 of the IS Regulations should be applied, as if the references in those regulations to income support were to a specified benefit covered by the 2003 Regulations.

Regulation 5 makes the following amendments to the Employment and Support Allowance Regulations 2008 (the ESA Regulations):

Paragraph (2) removes the definition of “lone parent” from the ESA Regulations because a new definition of “lone parent” will be inserted into the Welfare Reform Act 2007 in relation to ESA when section 3(5) of the Welfare Reform Act 2009 is brought fully into force at the same time as these Regulations.

Paragraph (2)(b) amends regulation 2 to make clear that for the purpose of the new definition of “lone parent”, a person is to be treated as responsible for, and a member of the same household as, a child where the circumstances in regulation 156 of the ESA Regulations apply. However, in relation to sections 12 (work-focused interviews) and 13 (work-related activity) of the Welfare Reform Act 2007, and regulations made under those provisions, a lone parent is to be treated as responsible for and a member of the same household as a child if they would be so treated under regulations 15 and 16 of the IS Regulations if those regulations referred to ESA.

Paragraph (3) amends regulation 54 so that a claimant who is responsible for, and a member of the same household as, a child under the age of 1 is no longer required to take part in a work-focused interview.

Paragraphs (2)(a)(i) and (4) to (8) make consequential amendments to the ESA Regulations so that provisions in relation to lone parents continue to apply to a person who has no partner and is responsible for, and a member of the same household as, a young person once the new definition of “lone parent” is brought into force.

Regulation 6 amends the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008 as follows-

Paragraph (2) inserts a new definition of lone parent, which has the same meaning as that being inserted into the Welfare Reform Act 2007 (in relation to employment and support allowance) by section 3(5) of the Welfare Reform Act 2009, and also makes clear that the question of whether a lone parent is responsible for, and a member of the same household as, a child under the age of one is to be determined by reference to regulations 15 and 16 of the IS Regulations as if references to income support in those regulations were to a specified benefit covered by the 2008 Regulations.

Paragraph (3) amends regulation 3 so that a claimant who is responsible for, and a member of the same household as, a child under the age of 1, is no longer required to take part in a work-focused interview.

Regulation 7 amends the Employment and Support Allowance (Work-related Activity) Regulations 2011 so that the definition of lone parent is omitted because a new definition of lone parent will be inserted into Part 1 of the Welfare Reform Act 2007 (ESA) when section 3(5) of the Welfare Reform Act 2009 is brought into force at the same time as these Regulations.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

