
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.

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- (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.

The interview

9.—(1) An officer of the Department or of the Department of Higher and Further Education, Training and Employment shall inform the claimant of the place and time of the interview.

(2) The officer may determine that the interview is to take place in the home of the claimant or elsewhere where it would in his opinion be unreasonable to expect the claimant to attend the office of a designated authority because his personal circumstances are such that attending the office would cause him undue inconvenience or endanger his health.

Taking part in an interview

10.—(1) The personal adviser shall determine whether a person has taken part in an interview.

(2) A person who has attained the age of 18 shall be regarded as having taken part in an interview if, and only if—

- (a) he attends at the place and time notified to him by an officer of the Department or of the Department of Higher and Further Education, Training and Employment for the interview, and
- (b) he provides answers (where asked) and appropriate information to questions 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 the opinion of that person, puts him at a disadvantage in obtaining employment, and
 - (vii) any caring or childcare responsibilities he has.

(3) A person who has not attained the age of 18 shall be regarded as having taken part in an interview if, and only if, he attends an interview with the Careers Service at the time and place notified to him by an officer of the Department or of the Department of Higher and Further Education, Training and Employment.

Failure to take part in an interview

11.—(1) A person who—

- (a) has been notified of any interview in accordance with these Regulations;
- (b) fails to take part in that interview, and
- (c) fails to show, before the end of 5 working days following the day on which the interview was to take place, good cause for his failure to take part in the interview,

shall, subject to paragraph (12), suffer the consequences set out below.

(2) Those consequences are—

- (a) where the interview arose in connection with a claim for a specified benefit, that the person to whom the claim relates is to be regarded as not having made a claim for a specified benefit;
- (b) where an interview which arose in connection with a claim for a specified benefit was deferred and benefit became payable in accordance with regulation 7(4), that the person's entitlement to that benefit shall terminate as from the first day of the next benefit week following the date the decision was made;

- (c) where the claimant has an award of benefit and the requirement for the interview arose under regulation 5, that the claimant's benefit shall be reduced as from the first day of the next benefit week following the day the decision was made, by a sum equal (but subject to paragraphs (3) and (4)) to 20 per cent. of the amount applicable on the date the reduction commences in respect of a single claimant for income support aged not less than 25.
- (3) Benefit reduced in accordance with paragraph (2)(c) shall not be reduced below—
- (a) 50 pence per week in the case of housing benefit, or
 - (b) 10 pence per week in the case of any other specified benefit.
- (4) Where two or more specified benefits are in payment to a claimant, a reduction 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) income support;
 - (b) incapacity benefit;
 - (c) housing benefit.
- (5) Where the amount of the reduction is greater than some (but not all) of the specified benefits listed in paragraph (4), the reduction shall be made against the first benefit in that list which is the same as or greater than the amount of the reduction.
- (6) For the purpose of determining whether a specified benefit is the same as or greater than the amount of the reduction for the purposes of paragraph (5), the amount set out in paragraph 3(a) or, as the case may be, (b) shall be added to the amount of the reduction.
- (7) In a case where the whole of the reduction cannot be applied against any one specified benefit because no one benefit is the same as or greater than the amount of the reduction, the reduction shall be applied against the first benefit in payment in the list of priorities at paragraph (4) and so on against each benefit in turn until the whole of the reduction is exhausted or, if this is not possible, the whole of the specified benefits are exhausted, subject in each case to the minimum sums specified in paragraph (3) remaining in payment.
- (8) Where the rate of any specified benefit payable to a claimant changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rate and any adjustments to the benefits against which the reductions are made shall take effect from the beginning of the first benefit week to commence for that claimant following the change.
- (9) Where a claimant whose benefit has been reduced in accordance with this regulation subsequently takes part in an interview, the reduction shall cease to have effect on the first day of the benefit week in which the requirement to take part in an interview was met.
- (10) For the avoidance of doubt, a person who is regarded as not having made a claim for any specified benefit because he failed to take part in a work-focused interview shall be required to make a new claim in order to establish entitlement to that benefit.
- (11) For the purposes of determining the amount of any benefit payable, a claimant shall be treated as receiving the amount of any specified benefit which would have been payable but for a reduction made in accordance with this regulation.
- (12) The consequences set out in this regulation shall not apply in the case of a person who brings new facts to the notice of the personal adviser within 1 month of the date on which the decision was notified and—
- (a) those facts could not reasonably have been brought to the personal adviser's notice within 5 working days of the day on which the interview was to take place, and
 - (b) those facts show that he had good cause for his failure to take part in the interview.
- (13) In paragraphs (2) and (12), the "decision" means the decision that the person failed without good cause to take part in an interview.

Circumstances where regulation 11 does not apply

12. The consequences of a failure to take part in an interview set out in regulation 11 shall not apply where the person—

- (a) ceases to reside in a postcode district specified in Schedule 1, or
- (b) attains the age of 60.

Good cause

13. Matters to be taken into account in determining whether a person has shown good cause for his failure to take part in an interview include—

- (a) that the person misunderstood the requirement to take part in the interview due to any learning, language or literacy difficulties of the person or any misleading information given to the person by an officer of a designated authority;
- (b) that the person was attending a medical or dental appointment, or accompanying a person for whom he has caring responsibilities to such an appointment, and that it would have been unreasonable, in the circumstances, to rearrange the appointment;
- (c) that the person had difficulties with his normal mode of transport and that no reasonable alternative was available;
- (d) that the established customs and practices of the religion to which the person belongs prevented him attending on that day or at that time;
- (e) that the person was attending an interview with an employer with a view to obtaining employment;
- (f) that the person was actually pursuing employment opportunities as a self-employed earner;
- (g) that the person or a dependant of his or a person for whom he provides care suffered an accident, sudden illness or relapse of a chronic condition;
- (h) that he was attending the funeral of a close friend or relative on the day fixed for the interview;
- (i) that a disability from which the person suffers made it impracticable for him to attend at the time fixed for the interview.

Appeals

14.—(1) This regulation applies to any relevant decision of a designated authority or any decision under Article 11 of the 1998 Order (decisions superseding earlier decisions) superseding such a decision.

(2) This regulation applies—

- (a) whether the decision is as originally made or as revised under Article 10 of the 1998 Order (revision of decisions), and
- (b) as if any decision made, revised or superseded otherwise than by the Department was a decision made, revised or superseded by it.

(3) In the case of a decision to which this regulation applies, the person in respect of whom the decision was made shall have a right of appeal under Article 13 of the 1998 Order (appeal to appeal tribunal) to an appeal tribunal.

Consequential amendments

15.—(1) Schedule 2, which makes changes to the Housing Benefit Regulations which are consequential upon the making of decisions under these Regulations on the work-focused interview, shall have effect.

(2) Schedule 3, which makes changes to the Claims and Payments Regulations, shall have effect.

(3) Schedule 4, which makes changes to the procedure relating to decisions and appeals, shall have effect.

(4) In regulation 4 of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(16) (circumstances where requirement to take part in an interview does not apply) after paragraph (c) there shall be added the following—

“, or

(d) is—

(i) required to take part in an interview, or

(ii) not required to take part in an interview by virtue of—

(aa) a waiver of a requirement, or

(bb) a deferment of an interview,

under the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001.”.

Sealed with the Official Seal of the Department for Social Development on 12th April 2001.

L.S.

John O'Neill
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 15(1) and Schedule 2 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 13th April 2001.

L.S.

Jack Layberry
Senior Officer of the
Department of Finance and Personnel

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 1(3)

Postcode Districts

BT62, but only the following parts:

1LU, 1LY, 1NH, 1NR, 1TH, 1TJ and 1TQ.

BT68 and BT69.

BT70, but only the following parts:

1A, 1B, 1D, 1E, 1H, 1J, 1L, 1N, 1P, 1QA to 1QJ, 1QP to 1QZ, 1R, 1S, 1T, 1U, 1XE, 2AA to 2AJ, 2AN to 2AZ, 2B, 2DA to 2DF, 2DH to 2DQ, 2DZ, 2EB, 2EE, 2EY, 2EZ, 2H, 2J, 2L, 2N, 2P, 2Q, 2RA to 2RG, 2RL, 2RN, 2RP, 2RW, 2RX, 2RZ, 2SA, 2SB, 2SE, 2SF, 2SJ, 2TB to 2TZ, 2UA to 2UR, 3A, 3B, 3D, 3E, 3H, 3JA, 3JB, 3JR to 3JU, 3JX, 3JZ, 3LG to 3LY, 3N and 3P.

BT71, but only the following parts:

4A, 4BA to 4BR, 4BW, 4DJ to 4DP, 4DR to 4DZ, 4EA to 4EJ, 4EN to 4EU, 4HB to 4HZ, 4J, 4L, 4N, 4P, 4Q, 4R, 4S, 4T, 5BX, 5BY, 5DA to 5DY, 5EE to 5EQ, 5JS, 5JU, 5JX, 5JZ, 5PX, 5PZ, 5QB, 5QD, 5QE, 5QJ, 5QQ, 6A, 6BA to 6BT, 6BW to 6BZ, 6D, 6E, 6F, 6HA to 6HS, 6HW, 6HY, 6HZ, 6J, 6LA to 6LW, 6NH, 6NL to 6NP, 6NR to 6NX, 6PB, to 6PE, 6PG to 6PT, 6PX to 6PZ, 6Q, 6RA to 6RL, 6RQ, 6RT, 6SG to 6SJ, 6SQ, 6TL, 6TP, 6XD, 7A, 7B, 7DA to 7DT, 7DW, 7DZ, 7EN, 7EP, 7ER to 7EW, 7EY, 7EZ, 7HA, 7HG, 7HP, 7HR, 7HS, 7JN, 7JP, 7JS to 7JZ, 7LA to 7LH, 7LQ, 7LX, 7NS, 7NU, 7NX to 7NZ, 7P, 7Q and 7R.

BT77, but only the following parts:

0AP, 0AR, 0AY, 0AZ, 0BB to 0BY, 0DE to 0DH, 0DQ, 0EA, 0ED to 0ER, 0EW to 0EY and 0HA.

BT78, but only the following part:

2SA.

BT80, but only the following parts:

9BS and 9BU.

SCHEDULE 2

Regulation 15(1)

Housing Benefit Amendments

1. The Housing Benefit Regulations shall be amended in accordance with paragraphs 2 to 6.
2. In regulation 2(1) (interpretation), after the definition of “voluntary organisation”(17), there shall be inserted the following definitions—
 - ““work-focused interview” has the meaning it has in regulation 2 of the Work-focused Interviews Regulations;
 - “the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001;”.
- 3.—(1) In regulation 68(1)(18) (date on which change of circumstances is to take effect) for “applies” there shall be substituted “or regulation 68A applies”.

(17) The definition of “voluntary organisation” was inserted by regulation 2 of S.R. 1995 No.89

(18) Regulation 68(1) was amended by regulation 6(a) of S.R. 1999 No.416

(2) After regulation 68 there shall be inserted the following regulation—

“Date of change of circumstances following decision as to whether a person took part in a work-focused interview

68A.—(1) Where the relevant change of circumstances is a decision made in accordance with regulation 11 of the Work-focused Interviews Regulations as to whether a person took part in a work-focused interview, the date on which the change of circumstances is to take effect shall be determined in accordance with paragraphs (2) to (5).

(2) Where the relevant change of circumstances is that the consequences specified in regulation 11(2)(b) or (c) of the Work-focused Interviews Regulations apply, the change shall take effect as from the first day of the next benefit week following the date of the decision that the claimant failed without good cause to take part in a work-focused interview.

(3) Where the relevant change of circumstances is that the claimant attains the age of 60 or ceases to reside in a postcode district specified in Schedule 1 to the Work-focused Interviews Regulations, the date on which the change of circumstances is to take effect is the first day of the next benefit week to commence for that person following the date the decision was made or the circumstance occurred.

(4) Where the relevant change of circumstances is a decision that the consequences specified in paragraph (2) which applied to the claimant no longer apply, the date on which the change of circumstances is to take effect is the day on which it would have had effect had the revised decision been made on the date of the decision it revised.

(5) Where a person—

- (a) has been held not to have taken part in a work-focused interview;
- (b) in consequence of that decision suffers a reduction in benefit; and
- (c) subsequently takes part in a work-focused interview,

the date on which the change of circumstances is to have effect is the first day of the benefit week in which the requirement to take part in the interview was met.”.

4. In regulation 79 (review of determinations)—

- (a) in paragraph (1), for “and (1B)”⁽¹⁹⁾, there shall be substituted “, (1B) and (1C)”;
- (b) after paragraph (1B)⁽²⁰⁾, there shall be inserted the following paragraph—

“(1C) A determination or decision that a person did or did not take part in a work-focused interview and if he did not whether he had good cause for not doing so, shall not be reviewed.”.

5. In regulation 81 (further review of determinations)—

- (a) in paragraph (3), at the beginning, there shall be inserted “Subject to paragraph (5),”;
- (b) after paragraph (4), there shall be added the following paragraph—

“(5) A determination or a decision that a person did or did not take part in a work-focused interview and if he did not whether he had good cause for not doing so, shall not be reviewed by a Review Board.”.

6. In Schedule 6 (matters to be included in the Notice of Determination), the following Part shall be added at the end—

⁽¹⁹⁾ Words inserted by regulation 2(2)(a) of S.R. 1993 No. 218

⁽²⁰⁾ Paragraph (1B) was inserted by regulation 2(2)(b) of S.R. 1993 No. 218

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Part VIII

Notice following a decision on a work-focused interview

15.—(1) This Part applies in a case where a decision has been made in accordance with regulation 11 of the Work-focused Interviews Regulations that a person has failed to take part in a work-focused interview.

(2) In a case where one of the consequences specified in sub-paragraph (3) and (4) apply, the notice of determination shall include a statement as to the person’s right of appeal against the decision that he failed to take part in a work-focused interview.

(3) In a case where the consequence of the failure to take part is that the entitlement to housing benefit terminates, the notice of determination shall include a statement as to—

- (a) the last date of the entitlement to housing benefit;
- (b) the reason entitlement terminated.

(4) In a case where the consequence of the failure to take part is that the amount of housing benefit payable is reduced, the notice of determination shall include a statement as to—

- (a) the amount by which the housing benefit is reduced;
- (b) the date from which the reduction takes effect; and
- (c) the reason for the reduction.

(5) In a case where a new decision is made reversing an earlier decision that a person failed to take part in a work-focused interview, the notice of determination shall include a statement as to—

- (a) the date from which the consequences of the failure cease to apply; and
- (b) the reason for the new decision.”.

SCHEDULE 3

Regulation 15(2)

Claims and Payments Amendments

1. The Claims and Payments Regulations shall be amended in accordance with paragraphs 2 to 4.
2. In regulation 4 (making a claim for benefit) after paragraph (1C)(**21**) there shall be inserted the following paragraph—

“(1D) In calculating any period of one month for the purposes of paragraph (7) and regulation 6(1A)(b)(**22**), there shall be disregarded any period commencing on, and including, a day on which a person is first notified of a decision that he failed to take part in a work-focused interview and ending on a day on which he was notified that that decision has been revised so that the decision as revised is that he did take part.”.
3. In regulation 6(1)(**23**) (date of claim) after “this regulation” there shall be inserted “or regulation 6A”.
4. After regulation 6, there shall be inserted the following regulation—

(21) Paragraph (1C) was inserted by regulation 3(3)(b) of S.R. 1997 No. 156

(22) Paragraph (1A) was inserted by regulation 3(4)(b) of S.R. 1997 No. 156

(23) Regulation 6(1) was amended by regulation 3(4)(a)(i) of S.R. 1997 No. 156

“Claims by persons subject to work-focused interviews

6A.—(1) This regulation applies to any person who is required to take part in a work-focused interview in accordance with regulation 3 of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001 (“the Work-focused Interviews Regulations”).

(2) Subject to the following provisions of this regulation, where a person takes part in a work-focused interview, the date on which the claim is made shall be—

(a) in a case where—

- (i) the claim made by the claimant meets the requirements of regulation 4(1), or
- (ii) the claim made by the claimant is for income support and meets the requirements of regulation 4(1A)(**24**),

the date on which the claim is received in the appropriate office;

(b) in a case where the claim does not meet the requirements of regulation 4(1) but is treated, under regulation 4(7), as having been duly made, the date on which the claim was treated as received in the appropriate office in the first instance;

(c) in a case where—

- (i) first notification of intention to claim income support is made to an appropriate office, or
- (ii) a claim for income support is received in an appropriate office which does not meet the requirements of regulation 4(1A),

the date of notification or, as the case may be, the date the claim is first received where the properly completed claim form is received within one month of notification or the date the claim is first received, or the day on which a properly completed claim form is received where those requirements are not met.

(3) In a case where a decision is made that a person is regarded as not having made a claim for any benefit because he failed to take part in a work-focused interview but subsequently claims such a benefit, in applying paragraph (2) to that claim no regard shall be had to any claim regarded as not having been made in consequence of that decision.

(4) Paragraph (2) shall not apply in any case where a decision has been made that the claimant has failed to take part in a work-focused interview.

(5) In regulation 4 and this regulation, “work-focused interview” has the meaning it has in regulation 2 of the Work-focused Interviews Regulations.”.

SCHEDULE 4

Regulation 15(3)

Decisions and Appeals

1. The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**25**) shall be amended in accordance with paragraphs 2 to 7.

2. In regulation 1(2) (interpretation)—

- (a) after the definition of “the date of notification” there shall be inserted the following definition—

(24) Paragraph (1A) was inserted by regulation 3(3)(b) of S.R. 1997 No. 156

(25) S.R. 1999 No.162; relevant amending rules are S.R. 1999 Nos. 267, 271 (C. 22) and 272 and S.R. 2000 No. 215

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““designated authority” has the meaning it has in regulation 1(2) of the Work-focused Interviews Regulations;”;

- (b) for the definition of “official error”(26) there shall be substituted the following definition—

““official error” means an error made by—

- (a) an officer of the Department, the Board or the Department of Higher and Further Education, Training and Employment acting as such which no person outside any of those Departments or the Board caused or to which no person outside any of those Departments or the Board materially contributed;
- (b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Commissioner or the court;”;

- (c) after the definition of “referral” there shall be inserted the following definition—

““relevant authority” means the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments;”;

- (d) after the definition of “widowed parent’s allowance”(27) there shall be inserted the following definitions—

““work-focused interview” has the same meaning as in regulation 2 of the Work-focused Interviews Regulations;

“the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001(28).”.

3. In regulation 3 (revision of decisions)—

- (a) after paragraph (6) there shall be inserted the following paragraph—

“(6A) A relevant decision within the meaning of section 2B(2) of the Administration Act(29) may be revised at any time if it contains an error.”;

- (b) in paragraph (11), after sub-paragraph (d)(30) there shall be added—

“or

- (e) in the case of a relevant person within the meaning of regulation 1(3) of the Work-focused Interviews Regulations, an office of any relevant authority which displays the

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logo.”.

4. In regulation 6(2) (supersession of decisions), after sub-paragraph (g(31)) there shall be added—

(26) The definition of “official error” was amended by Article 3(2)(a)(iii) of S.R. 1999 No. 271 (C.22) and regulation 6(2)(d) of S.R. 2000 No. 215

(27) Definition of “widowed parent’s allowance” was added by regulation 12(2)(b) of S.R. 2001 No. 108

(28) S.R. 2001 No. 176

(29) Section 2B was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(30) Sub-paragraph (d) was added by Article 3(3)(b) of S.R. 1999 No. 271 (C. 22)

(31) Sub-paragraph (g) was added by regulation 2(4) of S.R. 1999 No. 267

“or

- (h) is one in respect of a person who—
 - (i) is subsequently the subject of a separate decision or determination as to whether or not he took part in a work-focused interview;
 - (ii) had been held not to have taken part in a work-focused interview but who had, subsequent to the decision to be superseded, attained the age of 60 or ceased to reside in a postcode district specified in Schedule 1 to the Work-focused Interviews Regulations.”.

5. In regulation 7 (date from which a decision superseded under Article 11 takes effect), after paragraph (24) there shall be added the following paragraphs—

“(25) In a case where a decision (“the first decision”) has been made that a person failed without good cause to take part in a work-focused interview, the decision under Article 11 shall take effect as from the first day of the benefit week to commence for that person following the date of the first decision.

(26) In paragraph (25), “benefit week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid.”.

6. In regulation 33(1)(b)(32) (making of appeals and applications) after head (ii) there shall be inserted the following head—

“(iia) in a case where the decision appealed against was a decision arising from a claim made at an office of a relevant authority displaying the

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logo, that office,”.

7. In Schedule 1 (decisions against which no appeal lies), after paragraph 23 there shall be added the following paragraph—

“Work-focused Interviews

24. Any decision treated as a decision of the Department or of the Department of Higher and Further Education, Training and Employment whether or not to waive or defer a work-focused interview.”.

8. In regulation 1(2) of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(33) (interpretation)—

(a) after the definition of “day to day care” there shall be inserted the following definition—

““designated authority” has the meaning it has in regulation 1(2) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001;”;

(b) for the definition of “official error”(34) there shall be substituted the following definition—

““official error” means an error made by—

- (a) an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;

(32) Sub-paragraph (b) was substituted by Article 3(4) of S.R. 1999 No. 271 (C. 22)

(33) S.R. 1992 No. 340; relevant amending Regulations are S.R. 1999 No. 167 and S.R. 2000 No. 215

(34) Definition of “official error” was inserted by regulation 2(2)(a) of S.R. 1999 No.167 and amended by regulation 4(2) of S.R. 2000 No. 215

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- (b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,
but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court;”.

9. In regulation 1(2) of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996⁽³⁵⁾ (interpretation)—

- (a) after the definition of “departure direction application form” there shall be inserted the following definition—

““designated authority” has the meaning it has in regulation 1(2) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001;”;

- (b) for the definition of “official error”⁽³⁶⁾ there shall be substituted the following definition—

““official error” means an error made by—

- (a) an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;
- (b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court;”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the introduction of work-focused interviews in the postcode districts specified in Schedule 1.

Part I of these Regulations contains general provisions relating to their citation, commencement and interpretation (regulations 1 and 2). They also provide for the Regulations to apply in certain areas only.

Part II relates to the work-focused interview. Regulation 3 specifies those persons claiming social security benefits who are required to take part in a work-focused interview. Regulation 4 specifies a number of exemptions. Regulation 5 specifies circumstances in which a claimant’s continuing entitlement to the full amount of benefit is to be dependent upon his taking part in a work-focused interview.

⁽³⁵⁾ S.R. 1996 No. 541; relevant amending Regulations are S.R. 1999 No. 167 and S.R. 2000 No. 215

⁽³⁶⁾ Definition of “official error” was inserted by regulation 3(2)(b) of S.R. 1999 No. 167 and amended by regulation 5(2) of S.R. 2000 No. 215

Regulations 6 and 7 contain provisions as to waiver and deferment. Regulation 8 specifies when a requirement to take part in two or more work-focused interviews is satisfied by the person taking part in a single interview.

Regulation 10 sets out the requirements for taking part in a work-focused interview and regulation 11 details the consequences of a failure to take part in the interview. Regulation 12 specifies circumstances where those consequences do not apply. Regulation 13 specifies the matters to be taken into account in determining whether a person had good cause for his failure to take part in an interview.

Regulation 14 provides a right of appeal against a decision that a person did not take part in a work-focused interview.

Regulation 15 and Schedules 2 to 4 contain amendments consequential upon these changes.

These Regulations do not impose a charge on business.