

2011 No. 368

SOCIAL SECURITY

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

Made - - - - *19th October 2011*

Coming into operation - *31st October 2011*

The Department for Social Development 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) and (6), 165(1), (4)(a), (5) and (6) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b) and sections 12(1), 13(1), 24(3B) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(c).

Citation, commencement and interpretation

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

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

Amendment of the Social Security (Work-focused Interviews for Lone Parents) Regulations

2.—(1) The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(e) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2) after the definition of “pensionable age”(f) insert—

““relevant interview” means an interview under these Regulations in relation to the lone parent’s current award of income support.”; and

(a) 1992 c. 8; section 2A was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and amended by sections 3(2) and 29(2) and (4) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)); section 2AA was inserted by section 5 of the Social Security Act (Northern Ireland) 2002 (c. 10 (N.I.)) and subsection (1) was amended by section 29(3)(a) and (4) of the Welfare Reform Act (Northern Ireland) 2010 and 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)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 2007 c. 2 (N.I.); section 12(1) was amended by section 3(3) of the Welfare Reform Act (Northern Ireland) 2010 and section 24(3B) was inserted by section 3(5) of the Welfare Reform Act (Northern Ireland) 2010

(d) 1954 c. 33 (N.I.)

(e) S.R. 2001 No. 152; relevant amending Regulations are S.R. 2005 No. 443, S.R. 2007 No. 219, S.R. 2008 No. 478 and S.R. 2011 No. 26

(f) The definition of “pensionable age” was inserted by regulation 3(2) of S.R. 2011 No. 26

(b) after paragraph (3) add—

“(4) For the purposes of section 2A(2A)(b) of the Social Security Administration (Northern Ireland) Act 1992(a) and these 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 only where the lone parent is treated as being responsible for and a member of the same household as such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987(b).”.

(3) For regulation 2(c) (general requirement for lone parents claiming or entitled to income support to take part in an interview) substitute—

“Requirement for certain lone parents entitled to income support to take part in an interview

2.—(1) Subject to this regulation and regulations 2ZA and 4 to 6, a lone parent who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987 and paragraph (2) or (3) is required to take part in an interview.

(2) A lone parent falls within this paragraph if the lone parent is entitled to income support and has not taken part or been required to take part in a relevant interview.

(3) A lone parent falls within this paragraph if the lone parent has—

- (a) taken part;
- (b) failed to take part; or
- (c) been treated as having taken part,

in a relevant interview.

(4) Where a lone parent falls within paragraph (3), the requirement to take part in an interview arises every 6 months after the date on which the lone parent—

- (a) last took part;
- (b) last failed to take part; or
- (c) was last treated as having taken part,

in a relevant interview.

(5) Where a determination has been made in relation to a lone parent under regulation 6(1) (waiver) the lone parent is to be treated for the purposes of paragraph (2) of this regulation as if he has not taken part or been required to take part in a relevant interview.”.

(4) In regulation 2ZA(d) (requirement for certain lone parents to take part in an interview)—

- (a) in paragraph (2) for “an interview” in the second place where it occurs substitute “a relevant interview”; and
- (b) in paragraph (3)(a) and (b) for “an interview” substitute “a relevant interview”.

(5) After regulation 2ZA—

- (a) insert—

“General requirement for lone parents entitled to income support to take part in an interview

2ZB.—(1) Subject to regulations 4 to 6, this regulation applies to a lone parent who does not fall within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person)

(a) 1992 c. 8

(b) S.R. 1987 No. 459

(c) Regulation 2 was substituted by regulation 2(2) of S.R. 2007 No. 219 and amended by 2(7) of S.R. 2007 No. 219 and regulation 5(2) of S.R. 2008 No. 478

(d) Regulation 2ZA was inserted by regulation 5(3) of S.R. 2008 No. 478

to the Income Support (General) Regulations (Northern Ireland) 1987 and is entitled to income support.

(2) A lone parent to whom this regulation applies is required to take part in an interview—

- (a) where paragraph (3) applies; or
- (b) where paragraph (4) and either paragraph (5) or (6) applies.

(3) This paragraph applies to a lone parent who has not taken part or been required to take part in a relevant interview.

(4) This paragraph applies to a lone parent who has taken part in a relevant interview or who would have taken part in such an interview but for—

- (a) the requirement being deferred in accordance with regulation 5, or
- (b) the requirement being waived in accordance with regulation 6.

(5) This paragraph applies to a lone parent when any of the following circumstances arise—

- (a) the lone parent's entitlement to carer's allowance ceases whilst entitlement to income support continues;
- (b) the lone parent becomes engaged or ceases to be engaged in part-time work;
- (c) the lone parent has been undergoing education or training arranged by an officer and that education or training comes to an end; or
- (d) the lone parent attains the age of 18 and has not previously taken part in a relevant interview.

(6) This paragraph applies where a lone parent has not been required to take part in a relevant interview for at least 36 months.”.

(6) Omit regulation 2A(a) (requirement for specified lone parents to take part in an interview).

(7) In regulation 4(b) (circumstances where requirement to take part in an interview does not apply)—

- (a) in paragraph (1) for “Regulation 2” substitute “Regulations 2 and 2ZB”;
- (b) after paragraph (1) insert—

“(1A) Regulation 2 shall not apply to a lone parent who is treated as responsible for, and a member of the same household as, a child who is under the age of one.”; and

- (c) in paragraph (2) for “2A” substitute “2ZB”.

(8) In regulations 5(2)(c) (deferment of requirement to take part in an interview) and 6(2)(a)(d) (waiver) for “2, 2ZA and 2A” substitute “2, 2ZA and 2ZB”.

(9) In regulation 7(e) (consequence of failure to take part in a work-focused interview)—

- (a) in paragraph (1) for “the consequences specified in paragraphs (3) and (4) ensue” substitute “the consequence specified in paragraph (3) ensues”;

- (b) for paragraph (3) substitute—

“(3) The income support of a lone parent to whom paragraph (1) applies shall be reduced in accordance with regulation 8.”; and

- (c) omit paragraphs (4) and (6).

(a) Regulation 2A was inserted by regulation 3(3) of S.R. 2005 No. 443 and amended by regulation 2(3) of S.R. 2007 No. 219
(b) Regulation 4 was substituted by regulation 2(5) of S.R. 2007 No. 219 and amended by regulation 5(4) of S.R. 2008 No. 478 and regulation 3(3) of S.R. 2011 No. 26
(c) Regulation 5(2) was amended by regulation 3(6) of S.R. 2005 No. 443 and regulation 5(5) of S.R. 2008 No. 478
(d) Regulation 6(2)(a) was amended by regulation 3(7) of S.R. 2005 No. 443 and regulation 5(5) of S.R. 2008 No. 478
(e) Regulation 7 was amended by regulation 3(8) of S.R. 2005 No. 443, regulation 2(6) of S.R. 2007 No. 219 and regulation 5(6) of S.R. 2008 No. 478

- (10) In regulation 8(3)(a) (reduction of income support)—
- (a) at the end of sub-paragraph (b) omit “and”; and
 - (b) at the end of sub-paragraph (c) insert—
 - “; and
 - (d) the first day of the benefit week in which regulation 4(1A) first applies to that person.”.

Amendment of the Social Security (Work-focused Interviews) Regulations

3.—(1) The Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(b) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in paragraph (3) after the definition of “relevant benefit” (c) insert—
 - ““relevant interview” means an interview under these Regulations in relation to the claimant’s current award of a specified benefit;” and

- (b) after paragraph (4) insert—

- “(4A) For the purposes of section 2A(2A)(b) of the Social Security Administration (Northern Ireland) Act 1992(d) and these 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 only where the lone parent would be treated as being responsible for, and a member of the same household as, such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987, if references in those Regulations to income support were to a specified benefit.”.

(3) In regulation 2(1)(e) (requirement for person claiming a specified benefit to take part in an interview)—

- (a) at the end of sub-paragraph (b) omit “and”; and

- (b) at the end of sub-paragraph (c) insert—

- “and

- (d) is not a lone parent who—

- (i) makes a claim for or is entitled to income support, and
 - (ii) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987;”.

(4) For regulation 3(f) (continuing entitlement to a specified benefit dependent on an interview) substitute—

“Continuing entitlement to full amount of a specified benefit dependent on an interview

3.—(1) This paragraph applies to a person who—

- (a) is not a lone parent who is entitled to income support who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987;

(a) Regulation 8(3) was amended by regulation 3(4) of S.R. 2011 No. 26
(b) S.R. 2003 No. 274; relevant amending Regulations are S.R. 2005 Nos. 414 and 443, S.R. 2008 Nos 465 and 478, S.R. 2009 No. 418 and S.R. 2011 No. 26
(c) The definition of “relevant benefit” was inserted by regulation 2(2)(c) of S.R. 2005 No. 443 and amended by regulation 3(3) of S.R. 2009 No. 418
(d) 1992 c. 8
(e) Regulation 2(1) was amended by regulation 2(3) of S.R. 2005 No. 443 and by regulation 5(3) of S.R. 2011 No. 26
(f) Regulation 3 has amendments not relevant to these Regulations

- (b) has not attained pensionable age; and
- (c) is entitled to a specified benefit.

(2) Subject to regulations 5 to 8, a person to whom paragraph (1) applies is required to take part in an interview as a condition of continuing to be entitled to the full amount of benefit which is payable apart from these Regulations where paragraph (3) and either paragraph (4) or (5) apply.

(3) This paragraph applies to a person who has taken part in a relevant interview or who would have taken part in such an interview but for—

- (a) the requirement being waived in accordance with regulation 5; or
- (b) the requirement being deferred in accordance with regulation 6.

(4) This paragraph applies to a person when any of the following circumstances arise—

- (a) the person's entitlement to carer's allowance ceases whilst entitlement to a specified benefit continues;
- (b) the person becomes engaged or ceases to be engaged in part-time work;
- (c) the person has been undergoing education or training arranged by the officer and that education or training comes to an end; or
- (d) the person attains the age of 18 and has not previously taken part in a relevant interview.

(5) This paragraph applies where a person has not been required to take part in a relevant interview for at least 36 months.”.

(5) After regulation 3 insert—

“Continuing entitlement to full amount of income support dependent on an interview: lone parents who fall within paragraph 1 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987

3ZA.—(1) Subject to regulations 3A and 5 to 8, this regulation applies to a lone parent who—

- (a) is entitled to income support;
- (b) falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987; and
- (c) has not attained pensionable age.

(2) A lone parent to whom this regulation applies is required to take part in an interview if the lone parent has not taken part in or been required to take part in a relevant interview.

(3) This paragraph applies to a lone parent to whom this regulation applies who is aged 18 or over and has—

- (a) taken part;
- (b) failed to take part, or
- (c) been treated as taking part,

in a relevant interview.

(4) A lone parent to whom paragraph (3) applies is required to take part in an interview every 6 months after the date on which the lone parent—

- (a) last took part;
- (b) last failed to take part, or
- (c) was last treated as having taken part,

in a relevant interview.

(5) An officer shall, except where paragraph (6) applies, conduct the interview.

(6) An officer may, if he considers it appropriate in all the circumstances, arrange for a person who has not attained the age of 18 to attend an interview with such person as the Department or the Department for Employment and Learning may specify.”

(6) In regulation 3A(3)(a) (requirement for certain lone parents to take part in an interview) for “regulation 3” substitute “regulation 3ZA”.

(7) For regulation 4(b) (time when interview is to take place) substitute—

“Time when interview is to take place

4.—(1) Where the claimant is not a lone parent entitled to income support who falls within paragraph 1 (lone parents) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations (Northern Ireland) 1987, an officer shall arrange for an interview to take place as soon as reasonably practicable after—

- (a) the expiry of 8 weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;
- (b) the claim for a relevant benefit is made;
- (c) the requirement under regulation 3(2) arises;
- (d) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2); or
- (e) the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one.

(2) Where the claimant is a lone parent entitled to income support who falls within paragraph 1 of Schedule 1B to the Income Support (General) Regulations (Northern Ireland) 1987, an officer shall arrange for an interview to take place as soon as reasonably practicable after—

- (a) the requirement to take part in a relevant interview arises, in a case where the requirement to take part in an interview arises because the youngest child a lone parent is responsible for, and a member of the same household as, has attained the age of one;
- (b) in any other case—
 - (i) where regulations 3ZA(2) (first interview) and 3A(1) apply, the expiry of 13 weeks beginning on and including the date on which the requirement to attend an interview arises;
 - (ii) where regulation 3ZA(2) (first interview) applies but regulation 3A(1) does not apply, the expiry of 6 months beginning on and including the date on which the requirement to attend an interview arises;
 - (iii) where either regulation 3ZA(3) or regulation 3A(2) (subsequent interviews) applies, the requirement to attend an interview arises, or
 - (iv) in a case where regulation 6(1) applies, the time when that requirement is to apply by virtue of regulation 6(2).”.

(8) In regulation 6 (deferment of requirement to take part in an interview) at the beginning of paragraph (2) insert “Subject to regulation 7(4).”.

(a) Regulation 3A was inserted by regulation 8(3) of S.R. 2008 No. 478

(b) Regulation 4 was amended by regulation 2(5) of S.R. 2005 No. 443 and regulation 8(4) of S.R. 2008 No. 478

(9) In regulation 7 (exemptions)—

(a) in paragraph (3)(a) omit “or under regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001”; and

(b) after paragraph (3) add—

“(4) The requirement to take part in an interview under regulations 2, 3, 3ZA or 6(2) does not apply to a lone parent who is responsible for, and a member of the same household as, a child under the age of one.”.

(10) In regulation 11(2) (failure to take part in an interview) in sub-paragraph (c)(b) for “3 or 3A” substitute “3, 3ZA or 3A”.

Amendment of the Social Security (Work-focused Interviews for Partners) Regulations

4.—(1) The Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation) after paragraph (2) insert—

“(2A) For the purposes of these Regulations a person is to be treated as responsible for, and a member of the same household as, a child only where the person would be treated as being responsible for, and a member of the same household as, such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987(d), if references in those Regulations to income support were to a specified benefit.”.

(3) For regulation 6(e) (exemption) substitute—

“6. A partner who, on the day on which the requirement to take part in an interview arises or applies under regulation 2, 2A or 5(2) is—

(a) in receipt of a specified benefit as a claimant in his own right; or

(b) a member of a couple, one of whom is responsible for, and a member of the same household as, a child under the age of one,

is exempt from the requirement to take part in an interview.”.

Amendment of the Employment and Support Allowance Regulations

5.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(f) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of “lone parent”, and

(ii) in the definition of “single claimant” after “lone parent” insert “or a person who has no partner and who is responsible for and a member of the same household as a young person”; and

(b) after paragraph (5) add—

“(6) Subject to paragraph (7), for the purposes of section 24(3A)(b) of the Act, a lone parent is to be treated as responsible for, and a member of the same household as, a person under the age of 16 only where the circumstances set out in regulation 156 apply.

(a) Regulation 7(3) was added by regulation 12 of S.R. 2005 No. 414 and amended by regulation 2(6) of S.R. 2005 No. 443 and regulation 10(2) of S.R. 2008 No. 465

(b) Sub-paragraph (c) was amended by regulation 2(8)(b) of S.R. 2005 No. 443 and regulation 8(7) of S.R. 2008 No. 478

(c) S.R. 2003 No. 405; relevant amending Regulations are S.R. 2008 No. 169

(d) S.R. 1987 No. 459

(e) Regulation 6 was amended by regulation 2(6) of S.R. 2008 No. 169

(f) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2011 No. 357

(7) For the purposes of sections 12 and 13 of the Act, and regulations made under those sections, a lone parent is to be treated as responsible for, and a member of the same household as a child only where the lone parent would be treated as responsible for and a member of the same household as such a child under regulations 15 and 16 of the Income Support Regulations, if references in those Regulations to income support were to employment and support allowance.”.

(3) In regulation 54(2) (requirement to take part in a work-focused interview)—

(a) at the end of sub-paragraph (c) omit “and”; and

(b) at the end of sub-paragraph (d) insert—

“; and

(e) is not a lone parent who is responsible for and a member of the same household as a child under one.”.

(4) In regulation 131(1) (interpretation) in the definition of “grant income” after “lone parent” insert “, is a person who has no partner and who is responsible for and a member of the same household as a young person”.

(5) In Schedule 4 (amounts)—

(a) in paragraph 1(2) of Part 1 (prescribed amounts) after “lone parent” insert “or a person who has no partner and who is responsible for and a member of the same household as a young person”; and

(b) in paragraph 6(2)(a)(a) of Part 2 (premiums) after “lone parent” insert “, a person who has no partner and who is responsible for and a member of the same household as a young person,”.

(6) In Schedule 5 (special cases) in the second column in Part 1 (amounts prescribed for the purposes of section 4(2) of the Act)—

(a) in paragraphs 4 and 5 for “or a lone parent,” in each place where it occurs substitute “, a lone parent or a person who has no partner and who is responsible for and a member of the same household as a young person”;

(b) in paragraph 6 for “or, as the case may be, lone parent” substitute “, a lone parent, or as the case may be a person who has no partner and who is responsible for and a member of the same household as a young person”; and

(c) in paragraph 7 for “or, as the case may be, a lone parent” substitute “, a lone parent, or as the case may be a person who has no partner and who is responsible for and a member of the same household as a young person”.

(7) In Schedule 6 (housing costs) in paragraph 15 (linking rules) for sub-paragraph (10) substitute—

“(10) Subject to sub-paragraph (11), for the purposes of this Schedule, a claimant is to be treated as entitled to an income-related allowance throughout any period of not more than 39 weeks following the refusal of a claim for an income-related allowance made by or on behalf of the claimant, if the claimant is a person to whom sub-paragraph (8) applies and who is—

(a) a lone parent;

(b) a person who has no partner and who is responsible for and a member of the same household as a young person; or

(c) a person who is described in paragraph 4 or 5 of Schedule 1B of the Income Support Regulations (persons caring for another person).”.

(8) In Schedule 9 (capital to be disregarded) in paragraph 5 for “a lone parent,” substitute “a lone parent or a person who has no partner and who is responsible for and a member of the same household as a young person,”.

(a) Paragraph 6(2)(a) was amended by regulation 21(14) of S.R. 2011 No. 357

Amendment of the Social Security (Incapacity Benefit Work-focused Interviews) Regulations

6.—(1) The Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2) after the definition of “the designated authority” insert—

““lone parent” has the meaning it bears in section 24(3A) of the Welfare Reform Act (Northern Ireland) 2007;” and

(b) after paragraph (3) add—

“(4) For the purposes of section 2A(2A) of the Social Security Administration (Northern Ireland) Act 1992, and regulation 2(6), 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 only where the lone parent would be treated as responsible for and a member of the same household as such a child under regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987 if references in those Regulations to income support were to a specified benefit.”.

(3) In regulation 2(b) (relevant claimant) after paragraph (5) add—

“(6) The fifth condition is that the person is not a lone parent who is responsible for, and a member of the same household as, a child under the age of one.”.

Amendment of the Employment and Support Allowance (Work-related Activity) Regulations

7. In regulation 2(1) (interpretation) of the Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011(c) in the definition of “carer’s allowance”, “child”, “lone parent”, “medical treatment” and “working day” omit “lone parent”.

Sealed with the Official Seal of the Department for Social Development on 19th October 2011

(L.S.)

D. G. Wall

A senior officer of the Department for Social Development

(a) S.R. 2008 No. 465; relevant amending Regulations are S.R. 2009 No. 327 and S.R. 2011 No. 26
(b) Regulation 2 was amended by regulation 2(2) of S.R. 2009 No. 327 and regulation 7(3) of S.R. 2011 No. 26
(c) S.R. 2011 No. 265

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of Regulations relating to the requirement for certain benefit recipients to take part in work-focused interviews. These include:

- removing the need for lone parents and partners of benefit recipients in receipt of income support, incapacity benefit, severe disablement allowance, employment and support allowance and jobseeker's allowance to take part in a work-focused interview if they have a youngest child aged under 1;
- ensuring lone parents who are claiming income support with a child under the age of 7 are no longer treated as having not made a claim (or disentitled) if they fail to take part in their first work-focused interview without good cause;
- removing the current definition of "lone parent" in Employment and Support Allowance legislation because a new definition of "lone parent" will be inserted into Employment and Support legislation at the same time as the Regulations come into operation and make consequential amendments to Employment and Support Allowance legislation as a result;
- ensuring lone parents in receipt of income support are required, after the initial work-focused interview, to attend a work-focused interview every 3 years or if a relevant change of circumstance occurs if their youngest child is aged 7 and over; and
- making other miscellaneous amendments relating to work-focused interviews.

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

Regulation 2 makes the following amendments to the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 ("the 2001 Regulations"):

Regulation 2(2) amends regulation 1 by introducing a definition of "relevant interview". It also amends regulation 1 to make clear that for the purposes of determining whether 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, reference should be made to regulations 15 and 16 of the Income Support (General) Regulations (Northern Ireland) 1987 ("the Income Support Regulations").

Regulation 2(3) substitutes a new regulation 2 which applies only 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 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, these claimants will be required to attend on a 6 monthly basis.

Regulation 2(4) amends some of the references to "interview" in regulation 2ZA to refer to a "relevant interview".

Regulation 2(5) inserts a new regulation 2ZB. It provides that a lone parent in receipt of income support whose youngest child is aged 7 and over, is required after their initial work-focused interview, to attend a work-focused interview every 3 years or when a relevant change of circumstances occurs.

Regulation 2(6) removes regulation 2A which is now obsolete and regulation 2(7) 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 2001 Regulations. It also updates some references. Regulation 2(8) makes consequential amendments as a result of the amendments referred to above.

Regulation 2(9) amends regulation 7 to change the consequence of a failure to attend an initial interview under the 2001 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.

Regulation 2(10) amends regulation 8(3) to remove any reduction being imposed on a lone parent when the Regulations come into operation, if they have a child under one at that point, or when they become responsible for and a member of the same household as a child under the age of one.

Regulation 3 makes the following amendments to the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”):

Regulation 3(2) amends regulation 1 by inserting a definition of “relevant interview”, to mean a work-focused interview under the 2003 Regulations in relation to the claimant’s current claim for a specified benefit. It makes a further amendment to regulation 1 to make clear that for the purposes of determining whether a lone parent is to be treated as responsible for and a member of the same household as a child or young person, reference should be made to regulations 15 and 16 of the Income Support Regulations.

Regulation 3(3) amends regulation 2 so that it no longer applies in relation 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 Income Support Regulations because they have a child under the age of 7.

Regulation 3(4) substitutes a new regulation 3 so that the general 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 child is 7 or over the requirement is to attend work-focused interviews every 3 years or if a relevant change of circumstances occurs.

Regulation 3(5) inserts new paragraph 3ZA which makes provision for lone parents with a child under the age of 7 to attend work-focused interviews on a 6 monthly basis (unless exempt or required to attend quarterly work-focused interviews under regulation 3A of those Regulations). Lone parents claiming income support with a child aged under 7 will no longer be treated 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.

Regulation 3(6) makes provision so that where a claimant is required to attend interviews every 13 weeks under regulation 3A, new regulation 3ZA (and regulation 3) does not apply.

Regulation 3(7) substitutes a new regulation 4 to make provision for the different times when an interview arising under the Regulations should be arranged.

Regulation 3(9) amends regulation 7 to remove obsolete references to regulations 2A of the 2001 Regulations and inserts a new paragraph (4) to exempt lone parents who are responsible for and a member of the same household as a child under one from interview requirements under the 2003 Regulations.

Regulation 3(10) amends regulation 11 (failure to take part in an interview) to include a reference to new regulation 3ZA.

Regulations 4, 5 and 6 amend the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003, the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the ESA Regulations”) and the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008 respectively so that if a claimant (or in the case of partners, either member of the couple) is responsible for and a member of the same household as a child under the age of one, they will not be required to take part in a work-focused interview. Regulation 5(2) removes the definition of “lone parent” from the ESA Regulations and makes provision for the assessment of whether a person is responsible for and a member of the same household as a child by reference to regulations 15 and 16 of the Income Support Regulations for purposes relating to work-focused interviews and work-related activity. Regulation 6(2) inserts into the Social Security (Incapacity Benefit Work-focused Interviews) Regulations (Northern Ireland) 2008 the definition of “lone parent” as referring to section 24(3A) of the Welfare Reform Act (Northern Ireland) 2007.

Regulations 5(4) to (8) and 7 make consequential amendments.

These Regulations made in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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