

**2005 No. 2727**

**SOCIAL SECURITY**

**The Social Security (Work-focused Interviews) Amendment  
Regulations 2005**

<i>Made</i> - - - -	<i>3rd October 2005</i>
<i>Laid before Parliament</i>	<i>10th October 2005</i>
<i>Coming into force</i> - -	<i>31st October 2005</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A, 189(1), (4) to (6) and (7A) and 191 of the Social Security Administration Act 1992(a), after consultation with the Social Security Advisory Committee(b), makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Work-focused Interviews) Amendment Regulations 2005 and shall come into force on 31st October 2005.

(2) In these Regulations—

“the Jobcentre Plus Regulations 2001” means the Social Security (Jobcentre Plus Interviews) Regulations 2001(c);

“the Jobcentre Plus Regulations 2002” means the Social Security (Jobcentre Plus Interviews) Regulations 2002(d);

“the Lone Parents Regulations” means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000(e);

“the Quarterly Lone Parents Regulations” means the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004(f); and

“the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations 2000(g).

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(a) 1992 c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30). Section 189(1), (4) and (5) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21); section 189(7A) was inserted by paragraph 82 of Schedule 12 to the Welfare Reform and Pensions Act 1999. Section 191 is cited because of the meaning there given to the word “prescribe”.

(b) See section 172(1) of the Social Security Administration Act 1992.

(c) S.I. 2001/3210. This S.I. was revoked by S.I. 2002/1703 subject to transitional provisions in regulation 16.

(d) S.I. 2002/1703.

(e) S.I. 2000/1926.

(f) S.I. 2004/2244.

(g) S.I. 2000/897. This S.I. was revoked by S.I. 2002/1703 subject to transitional provisions in regulation 16.

## Amendment of the Jobcentre Plus Regulations 2002

2.—(1) The Jobcentre Plus Regulations 2002 shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation and application)—

(a) for the definition of “specified benefit”(a) there shall be substituted “ “specified benefit” means income support, incapacity benefit and severe disablement allowance;”;

(b) at the appropriate places there shall be inserted—

“ “lone parent” has the meaning it bears in regulation 2(1) of the Income Support (General) Regulations 1987(b);”;

“ “relevant benefit” means income support other than income support where one of the following paragraphs of Schedule 1B to the Income Support (General) Regulations 1987 applies—

(a) paragraph 7 (persons incapable of work), or

(b) paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work);”; and

“ “specified person” means—

(a) a lone parent, or

(b) a person who claims—

(i) incapacity benefit,

(ii) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(c) applies,

(iii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(d) applies, or

(iv) severe disablement allowance.”.

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

(a) for paragraph (a) there shall be substituted—

“(a) either—

(i) makes a claim for a relevant benefit, or

(ii) is entitled to a specified benefit other than a relevant benefit;”; and

(b) in paragraph (b), for “makes that claim” there shall be substituted “claims a specified benefit”.

(4) In regulation 4(4)(b) (continuing entitlement to specified benefit dependent on an interview)(e), for “another” there shall be substituted “a”.

(5) For paragraph (a) of regulation 5 (time when interview is to take place), there shall be substituted—

“(a) the expiry of eight weeks after the date the claim for a specified benefit, other than a relevant benefit, is made;

(aa) the claim for a relevant benefit is made;”.

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(a) Relevant amending instrument is S.I. 2002/2497.

(b) S.I. 1987/1967.

(c) Part III was amended by S.I. 1995/987, 1996/3207, 1999/3109 and 2000/590.

(d) Paragraphs 24 and 25 were amended by S.I. 1999/2422 (c.61) and paragraph 25 was amended by S.I. 1999/3109 and 2005/337.

(e) Relevant amending instrument is S.I. 2002/2497.

(6) In regulation 8(3) (exemptions)(a), after “Regulations 2003” there shall be inserted “or regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000”.

(7) For regulation 11(2) (the interview), there shall be substituted—

“(2) A person who has not taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person’s employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information 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 his opinion, puts him at a disadvantage in obtaining employment;
  - (vii) any caring or childcare responsibilities he has;
  - (viii) his aspirations for future employment;
  - (ix) any vocational training or skills which he wishes to undertake or acquire; and
  - (x) his work related abilities; and
- (d) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2A) A person who has taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person’s employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
- (c) he participates in discussions with the officer—
  - (i) in relation to the person’s employability or any progress he might have made towards obtaining employment; and
  - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
- (d) he provides answers (where asked) to questions and appropriate information about—
  - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person’s capabilities and employability; and

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(a) Regulation 8(3) was inserted by S.I. 2003/2439.

- (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
- (2B) A person shall be regarded as having taken part in any subsequent interview under these Regulations if—
- (a) he attends for the interview at the place and time notified to him by the officer;
  - (b) he participates in discussions with the officer—
    - (i) in relation to the person’s employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (c) where he is a specified person, he participates in discussions with the officer—
    - (i) about any action the specified person or the officer might have taken as a result of the matters discussed in relation to paragraphs (2)(b) or (2A)(b) above; and
    - (ii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) above should be amended;
  - (d) he provides answers (where asked) to questions and appropriate information about—
    - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person’s capabilities and employability; and
    - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) where he is a specified person, he assists the officer in the completion of any amendment of the action plan referred to in paragraphs (2)(d) or (2A)(e) above in light of the matters discussed in relation to sub-paragraphs (b) and (c) above and the information provided in relation to sub-paragraph (d) above.”.

(8) In regulation 12 (failure to take part in an interview)—

- (a) in paragraph (2)(a) and (b), for the words “specified benefit” in all three places they appear, there shall be substituted the words “relevant benefit”; and
- (b) in paragraph (2)(c), after “under regulation 4” there shall be inserted “or by virtue of the claimant falling within regulation 3(1)(a)(ii)”.

(9) In regulation 14(g) (good cause), for “a chronic condition” there shall be substituted “a physical or mental health condition”.

(10) There shall be omitted—

- (a) in regulation 2(1) (interpretation and application), the definition of “bereavement benefit”,
- (b) regulation 4(6) (continuing entitlement to specified benefit dependent on an interview), and
- (c) regulation 12(4)(c) and (d) (failure to take part in an interview)(a).

### **Amendment of the Quarterly Lone Parents Regulations**

3.—(1) The Quarterly Lone Parents Regulations shall be amended in accordance with the following provisions of this regulation.

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(a) Relevant amending instrument is S.I. 2002/2497.

(2) In the definition of “relevant person” in regulation 1(3), after “the age of 60;” there shall be inserted—

“and

(c) who—

- (i) is not required to take part in an interview under regulation 2A of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000; or
- (ii) has not had such a requirement waived or deferred under regulations 5 or 6 of those Regulations;”.

(3) For regulation 6(2) (taking part in an interview), there shall be substituted—

“(2) A relevant person who has not taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer in relation to the relevant person’s employability, including any action the relevant person and the officer agree is reasonable and they are willing to take in order to help the relevant person enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information 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 his opinion, puts him at a disadvantage in obtaining employment;
  - (vii) any caring or childcare responsibilities he has;
  - (viii) his aspirations for future employment;
  - (ix) any vocational training or skills which he wishes to undertake or acquire; and
  - (x) his work related abilities; and
- (d) he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2A) A relevant person who has taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer in relation to the relevant person’s employability, including any action the relevant person and the officer agree is reasonable and they are willing to take in order to help the relevant person enhance his employment prospects;
- (c) he participates in discussions with the officer—
  - (i) in relation to the relevant person’s employability or any progress he might have made towards obtaining employment; and
  - (ii) in order to consider any of the programmes and support available to help the relevant person obtain employment;
- (d) he provides answers (where asked) to questions and appropriate information about—

- (i) the content of any report made following his personal capability assessment, insofar as that report relates to the relevant person’s capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
- (2B) A relevant person shall be regarded as having taken part in any subsequent interview under these Regulations if—
- (a) he attends for the interview at the place and time notified to him by the officer;
  - (b) he participates in discussions with the officer—
    - (i) in relation to the relevant person’s employability or any progress he might have made towards obtaining employment;
    - (ii) about any action the relevant person or the officer might have taken as a result of the matters discussed in relation to paragraphs (2)(b) or (2A)(b) above;
    - (iii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) above should be amended; and
    - (iv) in order to consider any of the programmes and support available to help the relevant person obtain employment;
  - (c) he provides answers (where asked) to questions and appropriate information about—
    - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the relevant person’s capabilities and employability; and
    - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (d) he assists the officer in the completion of any amendment of the action plan referred to in paragraphs (2)(d) or (2A)(e) above in light of the matters discussed in relation to sub-paragraph (b) above and the information provided in relation to sub-paragraph (c) above.”.

**Amendment of the Lone Parents Regulations**

4.—(1) The Lone Parents Regulations shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 2(1) (requirement to take part in an interview)(a)—
  - (a) before “4 to 6” there shall be inserted “2A and”; and
  - (b) in sub-paragraph (c)(b), after “Regulations 2004” there shall be inserted “or under regulation 2A of these regulations”.
- (3) After regulation 2 there shall be inserted—

**“Requirement for specified lone parents to take part in an interview**

- 2A.—(1) In this regulation, “specified lone parent” means a lone parent who—
- (a) is responsible for and living in the same household as—
    - (i) a single child aged 14 or 15, or
    - (ii) more than one child where the youngest is aged 14 or 15, and

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(a) Relevant amending instruments are S.I.s 2002/670 and 2004/959.  
 (b) Regulation 2(1)(c) was inserted by S.I. 2004/959.

(b) has been continuously entitled for at least 12 months to income support other than—

- (i) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(a) applies, or
- (ii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987(b) applies.

(2) Subject to paragraph (3) and regulations 4 to 6, a specified lone parent is required to take part in an interview.

(3) Where a lone parent has taken part in an interview under regulation 2, a requirement shall not arise under paragraph (2) until the expiry of 13 weeks from the day of that interview.

(4) Subject to regulations 4 to 6, a specified lone parent is required to take part in a further interview after the expiry of 13 weeks from the day on which—

- (a) he last took part in an interview;
- (b) he last failed to take part in an interview; or
- (c) a determination was made under regulation 6 with effect that he is to be treated as having taken part in an interview.

(5) An officer shall arrange for an interview referred to in paragraph (2) or (4) to take place as soon as is reasonably practicable after the date on which the requirement to take part in that interview arises.

(6) A specified lone parent who—

- (a) is required to take part in an interview under this regulation, or
- (b) has had a requirement to take part in an interview under this regulation waived or deferred,

is not required to take part in an interview under regulation 2 unless he ceases to be a specified lone parent.

(7) For the avoidance of doubt, the words “lone parent” in the other provisions of these Regulations includes specified lone parents.”.

(4) For regulation 3(2) (taking part in an interview), there shall be substituted—

“(2) Subject to regulations 5(2) and 6(2), a lone parent who has not taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer in relation to the lone parent’s employability, including any action the lone parent and the officer agree is reasonable and they are willing to take in order to help the lone parent enhance his employment prospects;
- (c) he provides answers (where asked) to questions and appropriate information 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;

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(a) S.I. 1987/1967. Part III was amended by S.I. 1995/987, 1996/3207, 1999/3109 and 2000/590.

(b) S.I. 1987/1967. Paragraphs 24 and 25 were amended by S.I. 1999/2422 (c.61) and paragraph 25 was amended by S.I. 1999/3109 and 2005/337.



- (vi) any medical condition which, in his opinion, puts him at a disadvantage in obtaining employment;
  - (vii) any caring or childcare responsibilities he has;
  - (viii) his aspirations for future employment;
  - (ix) any vocational training or skills which he wishes to undertake or acquire; and
  - (x) his work related abilities; and
- (d) he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2A) Subject to regulations 5(2) and 6(2), a lone parent who has taken part in an interview under these Regulations before 31st October 2005 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer in relation to the lone parent's employability, including any action the lone parent and the officer agree is reasonable and they are willing to take in order to help the lone parent enhance his employment prospects;
- (c) he participates in discussions with the officer—
  - (i) in relation to the lone parent's employability or any progress he might have made towards obtaining employment; and
  - (ii) in order to consider any of the programmes and support available to help the lone parent obtain employment;
- (d) he provides answers (where asked) to questions and appropriate information about—
  - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the lone parent's capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (e) he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

(2B) Subject to regulations 5(2) and 6(2), a lone parent shall be regarded as having taken part in any subsequent interview under these Regulations if—

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he participates in discussions with the officer—
  - (i) in relation to the lone parent's employability or any progress he might have made towards obtaining employment;
  - (ii) about any action the lone parent or the officer might have taken as a result of the matters discussed in relation to paragraph (2)(b) or (2A)(b) above;
  - (iii) about how, if at all, the action plan referred to in paragraphs (2)(d) or (2A)(e) above should be amended; and
  - (iv) in order to consider any of the programmes and support available to help the lone parent obtain employment;
- (c) he provides answers (where asked) to questions and appropriate information about—
  - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the lone parent's capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and



- (d) he assists the officer in the completion of any amendment of the action plan referred to in paragraphs (2)(d) or (2A)(e) above in light of the matters discussed in relation to sub-paragraph (b) above and the information provided in relation to sub-paragraph (c) above.”.

(5) For regulation 4 (circumstances where requirement to take part in an interview does not apply)(a), there shall be substituted—

**“Circumstances where requirement to take part in an interview does not apply**

**4.—(1)** Regulation 2 shall not apply where the lone parent—

- (a) has attained the age of 60;
- (b) has not attained the age of 18; or
- (c) 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 2000, the Social Security (Jobcentre Plus Interviews) Regulations 2001, the Social Security (Jobcentre Plus Interviews) Regulations 2002, the Social Security (Working Neighbourhoods) Regulations 2004 or the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004.

(2) Regulation 2A shall not apply where the lone parent—

- (a) has attained the age of 60;
- (b) has not attained the age of 18; or
- (c) 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 (Working Neighbourhoods) Regulations 2004.”.

(6) In regulation 5(2) (deferment of requirement to take part in an interview), for “regulation 2” there shall be substituted “regulations 2 and 2A”.

(7) In regulation 6(2)(a) (waiver of requirement to take part in an interview), for “regulation 2” there shall be substituted “regulations 2 and 2A”.

(8) In regulation 7 (consequences of failure to take part in an interview)(b)—

- (a) in paragraph (3)(b), after “regulation 2(1)(b) or (c)” there shall be inserted “or 2A”, and
- (b) in paragraph (5)(g), for “a chronic condition” there shall be substituted “a physical or mental health condition”.

**Amendment of the Work-focused Interviews Regulations**

**5.—(1)** The Work-focused Interviews Regulations(c) shall be amended in accordance with the following provisions of this regulation.

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(a) Relevant amending instruments are S.I.s 2003/400 and 2004/2244.

(b) Relevant amending instrument is S.I. 2004/959.

(c) These Regulations were revoked by S.I. 2002/1703 but remain in force for certain cases by virtue of transitional provisions in regulation 16.

- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “specified benefit” there shall be substituted “ “specified benefit” means income support, housing benefit, council tax benefit, incapacity benefit and severe disablement allowance;”;
  - (b) at the appropriate places there shall be inserted—
    - “ “lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child;”;
    - and
    - “ “specified person” means—
      - (a) a lone parent, or
      - (b) a person who claims—
        - (i) incapacity benefit,
        - (ii) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies,
        - (iii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies, or
        - (iv) severe disablement allowance;”.
- (3) In regulation 6 (continuing entitlement dependent on an interview)(a)—
- (a) in paragraph (4)(b), for “an invalid care allowance ceases whilst entitlement to another” there shall be substituted “carer’s allowance ceases whilst entitlement to a”; and
  - (b) in paragraph (5), the definition of “lone parent” shall be omitted.
- (4) For regulation 11(2) (taking part in an interview), there shall be substituted—
- “(2) A person who has attained the age of 18 shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—
- (a) he attends at the place and time notified to him by the personal adviser for the interview;
  - (b) where he is a specified person, he participates in discussions with the personal adviser in relation to the specified person’s employability, including any action the specified person and the personal adviser agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
  - (c) he participates in discussions with the personal adviser—
    - (i) in relation to the person’s employability or any progress he might have made towards obtaining employment; and
    - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
  - (d) he provides answers (where asked) and appropriate information to questions about—
    - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person’s capabilities and employability; and
    - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
  - (e) where he is a specified person, he assists the personal adviser in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.

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(a) Relevant amending instruments are S.I. 2000/1926 and 2001/3210.

(2A) A person who has attained the age of 18 shall be regarded as having taken part in any subsequent interview under these Regulations if—

- (a) he attends at the place and time notified to him by the personal adviser for the interview;
- (b) he participates in discussions with the personal adviser—
  - (i) in relation to the person’s employability or any progress he might have made towards obtaining employment; and
  - (ii) in order to consider any of the programmes and support available to help the person obtain employment;
- (c) where he is a specified person, he participates in discussions with the personal adviser—
  - (i) about any action the specified person or the personal adviser might have taken as a result of the matters discussed in relation to paragraph (2)(b) above; and
  - (ii) about how, if at all, the action plan referred to in paragraph (2)(e) above should be amended;
- (d) he provides answers (where asked) and appropriate information to questions about—
  - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the person’s capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (e) where he is a specified person, he assists the personal adviser in the completion of any amendment of the action plan referred to in paragraph (2)(e) above in light of the matters discussed in relation to sub-paragraphs (b) and (c) above and the information provided in relation to sub-paragraph (d) above.”.

(5) In regulation 12(4) (failure to take part in an interview), there shall be omitted sub-paragraphs (c) and (d).

(6) In regulation 14(g) (good cause), for “a chronic condition” there shall be substituted “a physical or mental health condition”.

### **Amendment of the Jobcentre Plus Regulations 2001**

**6.—(1)** The Jobcentre Plus Regulations 2001(a) shall be amended in accordance with the following provisions of this regulation.

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

- (a) the definition of “bereavement benefit” shall be omitted;
- (b) at the appropriate places there shall be inserted—
  - “ “lone parent” has the meaning it bears in regulation 2(1) of the Income Support (General) Regulations 1987;”;
  - and
  - “ “specified person” means—
    - (a) a lone parent, or
    - (b) a person who claims—
      - (i) incapacity benefit,
      - (ii) income support where paragraph 7 (persons incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies,

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(a) These Regulations were revoked by S.I. 2002/1703 but remain in force for certain cases by virtue of transitional provisions in regulation 16.

- (iii) income support where paragraph 24 or 25 (persons appealing against a decision which embodies a determination that they are not incapable of work) of Schedule 1B to the Income Support (General) Regulations 1987 applies, or
  - (iv) severe disablement allowance;” and
- (c) for the definition of “specified benefit” there shall be substituted “ “specified benefit” means income support, incapacity benefit and severe disablement allowance;”.
- (3) In regulation 4 (continuing entitlement dependent on an interview)—
  - (a) in paragraph (4)(b), for “an invalid care allowance ceases whilst entitlement to another” there shall be substituted “carer’s allowance ceases whilst entitlement to a”; and
  - (b) paragraph (6) shall be omitted.
- (4) For regulation 10(2) (taking part in an interview), there shall be substituted—
  - “(2) A relevant person shall be regarded as having taken part in his first interview under these Regulations after 30th October 2005 if—
    - (a) he attends for the interview at the place and time notified to him by an officer;
    - (b) where he is a specified person, he participates in discussions with the officer in relation to the specified person’s employability, including any action the specified person and the officer agree is reasonable and they are willing to take in order to help the specified person enhance his employment prospects;
    - (c) he participates in discussions with the officer—
      - (i) in relation to the relevant person’s employability or any progress he might have made towards obtaining employment; and
      - (ii) in order to consider any of the programmes and support available to help the relevant person obtain employment;
    - (d) he provides answers (where asked) and appropriate information to questions about—
      - (i) the content of any report made following his personal capability assessment, insofar as that report relates to the relevant person’s capabilities and employability; and
      - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
    - (e) where he is a specified person, he assists the officer in the completion of an action plan which records the matters discussed in relation to sub-paragraph (b) above.
  - (2A) A relevant person shall be regarded as having taken part in any subsequent interview under these Regulations if—
    - (a) he attends for the interview at the place and time notified to him by an officer;
    - (b) he participates in discussions with the officer—
      - (i) in relation to the relevant person’s employability or any progress he might have made towards obtaining employment; and
      - (ii) in order to consider any of the programmes and support available to help the relevant person obtain employment;
    - (c) where he is a specified person, he participates in discussions with the officer—
      - (i) about any action the specified person or the officer might have taken as a result of the matters discussed in relation to paragraph (2)(b) above; and
      - (ii) about how, if at all, the action plan referred to in paragraph (2)(e) above should be amended;
    - (d) he provides answers (where asked) and appropriate information to questions about—

- (i) the content of any report made following his personal capability assessment, insofar as that report relates to the relevant person's capabilities and employability; and
  - (ii) his opinion as to the extent to which his medical condition restricts his ability to obtain employment; and
- (e) where he is a specified person, he assists the officer in the completion of any amendment of the action plan referred to in paragraph (2)(e) above in light of the matters discussed in relation to sub-paragraphs (b) and (c) above and the information provided in relation to sub-paragraph (d) above.”.

(5) In regulation 11(4) (failure to take part in an interview), there shall be omitted sub-paragraphs (c) and (d).

(6) In regulation 13(g) (good cause), for “a chronic condition” there shall be substituted “a physical or mental health condition”.

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

*Stephen C. Timms*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

3rd October 2005

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Jobcentre Plus Interviews) Regulations 2001 (“the Jobcentre Plus Regulations 2001”), the Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703) (“the Jobcentre Plus Regulations 2002”), the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (S.I. 2000/1926) (“the Lone Parents Regulations”), the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004 (S.I. 2004/2244) (“the Quarterly Lone Parents Regulations”) and the Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897) (“the Work-focused Interviews Regulations”) (collectively “the principal Regulations”).

Regulations 2(7), 3(3), 4(4), 5(4) and 6(4) amend the principal Regulations to require claimants taking part in most work-focused interviews to create and discuss an action plan for employment.

Regulation 4(3) introduces into the Lone Parents Regulations a requirement for lone parents who have been in receipt of income support (other than income support on the grounds of incapacity or income support whilst appealing against a decision which embodies a determination that they are not incapable of work) for 12 months and who are responsible for a youngest child aged 14 to take part in a work-focused interview every 13 weeks. Consequential amendments are made to the Lone Parents Regulations, the Quarterly Lone Parents Regulations and the Jobcentre Plus Regulations 2002. In particular, where a lone parent would be required to take part in interviews under more than one set of Regulations, amendments provide that they will only be required to take part under one of those Regulations.

Regulations 2(2), 2(4), 2(10), 5(2), 5(3), 5(5), 6(2), 6(3) and 6(5) amend the Jobcentre Plus Regulations 2001, the Jobcentre Plus Regulations 2002 and the Work-focused Interviews Regulations so that a claimant in receipt of only Carer’s Allowance or Bereavement Benefit is no longer required to take part in a work-focused interview. The amendments made in regulations 5(3) and 6(3) also update Invalid Care Allowance references to Carer’s Allowance.

Regulation 2(5) amends the Jobcentre Plus Regulations 2002 to change the date on which a first work-focused interview is to take place for claimants of incapacity benefit, severe disablement allowance, income support on the grounds of incapacity and income support whilst appealing against a decision which embodies a determination that they are not incapable of work. Regulation 2(3) and (8) make consequential amendments.

Regulations 2(9), 4(8), 5(6) and 6(6) amend the Jobcentre Plus Regulations 2001, the Jobcentre Plus Regulations 2002, the Lone Parents Regulations and the Work-focused Interviews Regulations to change the circumstances in which a claimant is classed as disabled.

The Report of the Social Security Advisory Committee dated 10th August 2005 on the proposals referred to them in respect of these Regulations, together with a statement showing the extent to which the proposals give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm. 6669 published by the Stationary Office Ltd.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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