

## STATUTORY INSTRUMENTS

# 2008 No. 794

## The Employment and Support Allowance Regulations 2008

### PART 8

#### CONDITIONALITY

##### CHAPTER 2

##### Work-focused interviews

#### Requirement to take part in a work-focused interview

**54.**—(1) The Secretary of State may require a claimant who satisfies the requirements in paragraph (2) to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount of employment and support allowance payable to the claimant.

(2) The requirements referred to in paragraph (1) are that the claimant—

(a) is either—

(i) entitled to an employment and support allowance; or

(ii) a person in respect of whom the Secretary of State has made an award under regulation 146(1);

(b) is not a member of the support group;

(c) has not reached the age at which a woman of the same age as the claimant would attain pensionable age;<sup>F1</sup>...

(d) is not only entitled to a contributory allowance payable at a nil rate<sup>F2</sup>; and]

[<sup>F2</sup>(e) is not a lone parent who is responsible for and a member of the same household as a child under one.]

(3) Any requirement to take part in a work-focused interview ceases to have effect if the claimant ceases to satisfy the requirements in paragraph (2).

#### Textual Amendments

**F1** Word in reg. 54(2)(c) omitted (31.10.2011) by virtue of [The Social Security \(Work-focused Interviews for Lone Parents and Partners\) \(Amendment\) Regulations 2011 \(S.I. 2011/2428\)](#), regs. 1, [5\(3\)\(a\)](#)

**F2** Reg. 54(2)(e) and word inserted (31.10.2011) by [The Social Security \(Work-focused Interviews for Lone Parents and Partners\) \(Amendment\) Regulations 2011 \(S.I. 2011/2428\)](#), regs. 1, [5\(3\)\(b\)](#)

#### Work-focused interview

**55.** The purposes of a work-focused interview are any or all of the following—

(a) assessing the claimant's prospects for remaining in or obtaining work;

(b) assisting or encouraging the claimant to remain in or obtain work;

- (c) identifying activities that the claimant may undertake that will make remaining in or obtaining work more likely;
- (d) identifying training, educational or rehabilitation opportunities for the claimant which may make it more likely that the claimant will remain in or obtain work or be able to do so;
- (e) identifying current or future work opportunities, including self-employment opportunities, for the claimant, that are relevant to the claimant's needs and abilities.

**Notification of interview**

56.—(1) The Secretary of State must notify the claimant of the requirement to [<sup>F3</sup>take part in] the work-focused interview including details of the date, time and [<sup>F4</sup>if required to attend in person, the] place of the interview.

(2) A work-focused interview may take place at a claimant's home if it is determined that requiring the claimant to attend elsewhere would cause undue inconvenience to, or endanger the health of, the claimant.

(3) The notification referred to in paragraph (1) may be in writing or otherwise.

**Textual Amendments**

- F3** Words in reg. 56(1) substituted (1.6.2011) by [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **12(a)**
- F4** Words in reg. 56(1) inserted (1.6.2011) by [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **12(b)**

**Taking part in a work-focused interview**

57.—(1) A claimant is regarded as having taken part in a work-focused interview if the claimant—

- (a) [<sup>F5</sup>if required to attend in person,] attends for the interview at the place and at the date and time notified in accordance with regulation 56;
- [<sup>F6</sup>(aa) if not required to attend in person, is available and responds at the date and time notified in accordance with regulation 56 to any contact made at that time for the purpose of carrying out the interview;]
- (b) provides information, if requested by the Secretary of State, about any or all of the matters set out in paragraph (2);
- (c) participates in discussions to the extent the Secretary of State considers necessary, about any or all of the matters set out in paragraph (3);
- <sup>F7</sup>(d) .....

(2) The matters referred to in paragraph (1)(b) are—

- (a) the claimant's educational qualifications and vocational training;
- (b) the claimant's work history;
- (c) the claimant's aspirations for future work;
- (d) the claimant's skills that are relevant to work;
- (e) the claimant's work-related abilities;
- (f) the claimant's caring or childcare responsibilities; and
- (g) any paid or unpaid work that the claimant is undertaking.

- (3) The matters referred to in paragraph (1)(c) are—
- (a) any activity the claimant is willing to undertake which may make obtaining or remaining in work more likely;
  - (b) any such activity that the claimant may have previously undertaken;
  - (c) any progress the claimant may have made towards remaining in or obtaining work;
  - (d) any work-focused health-related assessment the claimant may have taken part in; and
  - (e) the claimant's opinion as to the extent to which the ability to remain in or obtain work is restricted by the claimant's physical or mental condition.

**Textual Amendments**

- F5** Words in reg. 57(1)(a) inserted (1.6.2011) by [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **13(2)**
- F6** Reg. 57(1)(aa) inserted (1.6.2011) by [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **13(3)**
- F7** Reg. 57(1)(d) omitted (1.6.2011) by virtue of [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **13(4)**

**Action plan**

**F8** 58. ....

**Textual Amendments**

- F8** Reg. 58 revoked (1.6.2011) by [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **14**

**Deferral of requirement to take part in a work-focused interview**

**59.**—(1) A requirement to take part in a work-focused interview may be deferred or treated as having been deferred if at the time the work-focused interview is to take place, or was due to take place, such an interview would not at that time be or have been—

- (a) of assistance to the claimant; or
- (b) appropriate in the circumstances.

(2) A decision under paragraph (1) may be made at any time after the requirement to take part in the work-focused interview is imposed, including after the time that the work-focused interview was due to take place or took place.

(3) Where a requirement to take part in a work-focused interview is deferred, or treated as having been deferred, then the time that the work-focused interview is to take place must be re-determined.

**Requirement to take part in a work-focused interview not to apply**

**60.** The Secretary of State may determine that a requirement on a claimant to take part in a work-focused interview is not to apply, or is to be treated as not having applied, if that interview would not be, or would not have been, of assistance because the claimant is or was likely to be starting or returning to work.

**Failure to take part in a work-focused interview**

**61.**—(1) A claimant who is required to take part in a work-focused interview but fails to do so must show good cause for that failure within 5 working days of the date on which the Secretary of State gives notification of that failure.

(2) The Secretary of State must determine whether a claimant who is required to take part in a work-focused interview has failed to do so and, if so, whether the claimant has shown good cause for that failure in accordance with paragraph (1).

<sup>F9</sup>(3) .....

**Textual Amendments**

**F9** Reg. 61(3) omitted (3.12.2012) by virtue of [The Employment and Support Allowance \(Sanctions\) \(Amendment\) Regulations 2012 \(S.I. 2012/2756\)](#), regs. 1(1), **3** (with reg. 1(2))

**Contracting out certain functions relating to work-focused interviews**

**62.**—(1) Any function of the Secretary of State specified in paragraph (2) may be exercised by, or by employees of, such person (if any) as may be authorised by the Secretary of State.

(2) The functions are any function under—

- (a) regulation 54(1) (requirement to take part in a work-focused interview);
- (b) regulation 56(1) and (2) (notification requirement);
- (c) regulation 57(1)(b) and (c) (taking part in a work-focused interview);

<sup>F10</sup>(d) .....

- (e) regulation 59(1) and (3) (deferral of requirement to take part in a work-focused interview);
- (f) regulation 60 (requirement to take part in a work-focused interview not to apply).

**Textual Amendments**

**F10** Reg. 62(2)(d) omitted (1.6.2011) by virtue of [The Employment and Support Allowance \(Work-Related Activity\) Regulations 2011 \(S.I. 2011/1349\)](#), regs. 1, **16**

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, CHAPTER 2.