



The Social Security
(Work-focused Interviews)
Amendment Regulations 2005
(S.I. 2005 No. 2005/2727)

Report by the Social Security Advisory Committee
under Section 174(1) of the Social Security Administration Act 1992
and the statement by the Secretary of State for Work and Pensions
in accordance with Section 174(2) of that Act.

*Presented to Parliament by the Secretary of State for Work and Pensions
by Command of Her Majesty
October 2005*

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Statement by the Secretary of State for Work and Pensions in accordance with Section 174(2) of the Social Security Administration Act 1992

Introduction

1. The Social Security (Work-focused Interviews Amendment) Regulations 2005 were referred to the Social Security Advisory Committee on 25 May 2005 for consideration in accordance with Section 174 (1) of the Social Security Administration Act 1992. The Regulations provide for the following changes:-

- all lone parents and incapacity benefit customers who are required to have a Work Focused Interview (WFI) as a condition of their claim to benefit will be required to complete an Action Plan as part of their WFI;
- the timing of the initial WFI for all incapacity benefit customers will be rescheduled to the eighth week of claim;
- removing customers claiming Carer's Allowance or Bereavement Benefits from the mandatory WFI regime. This will be replaced with a voluntary WFI offered at the initial claim. Customers claiming Incapacity Benefit (IB) or Income Support (IS) in addition to either Carer's Allowance or Bereavement Benefits will still be subject to WFI conditionality for those benefits;
- the introduction of quarterly WFIs for all lone parents with a youngest child aged at least 14 and who have been on Income Support for at least 12 months.

2. The Regulations provide for a new and more effective WFI regime. In particular the Action Plan will provide a better structure and work focus for the WFI and a narrative thread throughout the succession of interviews. Rescheduling the initial WFI to the eighth week of the claim for incapacity benefit customers builds on the evidence contained in the Pathways to Work Green Paper and the experience gained in the associated pilots that these customers are unlikely to focus on work-related discussions in a WFI at the start of their claim while their claim to benefit is being settled and they are coming to terms with their condition.

3. Similarly, we know that carers are unlikely to focus on work at the start of their claim when they are trying to establish their entitlement to benefit and to sort out access to caring support. We also know that for the majority of customers claiming Bereavement Benefits a WFI at the outset of their claim is not helpful to them.

4. There are known problems associated with the transition from IS to work or to Jobseeker's Allowance (JSA) for lone parents when their youngest child reaches 16. It is clear that what is a major transition for lone parents (the majority of whom have been on IS for some time) is not sufficiently supported by the current regime. The quarterly WFIs will ensure that the Adviser is fully aware of the lone parent's circumstances and barriers to work and will provide the opportunity to prepare the lone parent for the transition. They will keep the lone parent aware of the opportunities for work and the wide range of help on offer and prepare them for work well in advance of the 'cliff edge' of losing entitlement to IS on the grounds of being a lone parent when their youngest child reaches 16.

5. This Government will continue to keep under review its policy on lone parents and the help we can offer them in moving from Income Support towards work opportunities. Since referring the Regulation changes in respect of lone parents with a

youngest child aged 14 to the Committee, I have begun to consider action in relation to lone parents with a youngest child aged 11 or above, but I share the Committee's concern on the need for a light touch approach to lone parents with severely disabled children.

The Committee's Report

6. The Committee in its report makes the point that it has always been broadly supportive of the objectives of the WFI regime since its inception and welcomes the Department's move to review and change key elements of the way it now operates. The report also stresses the key role that the WFI has to play in increasing labour market participation and flowing from that better life chances for children and better pension provision for the future. The Government welcomes these observations.

7. However, the Committee considered that given the changes now proposed that this was now an apposite time for them to consult.

8. The Committee had specific recommendations to make in response to the individual elements of the proposed package of changes to the WFI Regulations which the Government notes. The Government's response to these recommendations is contained at the end of this statement. In summary the Committee's report makes the following recommendations:-

- that it supports the rescheduling of the initial WFI in respect of incapacity benefit customers to the eighth week of the claim but that consideration be given to extending this provision to lone parents;
- that further consideration be given to the timing of the WFI for people moving to IB from Statutory Sick Pay (SSP);
- the removal of WFI conditionality in respect of people claiming Carer's Allowance and Bereavement Benefits only should be extended to those who claim those benefits who are also entitled to Income Support or Incapacity Benefit;
- that Action Plans for lone parents and incapacity benefit customers are not made a mandatory part of the WFI process. Instead, Action Plans should continue to be built into the WFI process for most customers and that Personal Advisers (PAs) are trained to make better use of the Plan, with regard to the individual requirements of customers;
- that in general it supports the introduction of additional support and more frequent interviews for lone parents whose youngest child has reached 14 but felt the Department should reconsider the frequency of the interviews in the first year. Suggested that guidance to PAs working with this group should be enhanced; and that the final interview is timed to coincide with the transition point from IS to JSA. They felt consideration should be given to lone parents with disabled children, and those facing other barriers to employment that may be particularly significant for this group and suggested a dedicated monitoring and evaluation exercise of this.

9. The Government also notes the other recommendations that the Committee makes in its report which are more generic in nature and do not specifically relate to the proposed legislative changes. These relate to the training of Advisers (especially in cases of particular difficulty), and the key role that communications and information must play in fully advising customers of their rights and responsibilities in the context of the WFI.

10. Similarly, the Government notes the recommendations that the Committee makes

on the interaction between sanctions and other benefit deductions and the operation of, and guidance on, waivers and sanctions, including appeal rights where these are not exercised. These concerns were raised in particular in the context of vulnerable customers.

11. The Government recognises the points identified by the Committee in respect of the vital role of the well trained Adviser which is central to the success of the WFI regime. They can give real help to customers with complex problems who in the past would not have been able to access this type of work-focused help. The Government particularly welcomes the report's findings as to how rewarding and worthwhile Advisers find their role and the increased emphasis that is now placed on better equipping Advisers to deal with hardest to help customers and with the increased services now available to support them.

12. The Government also notes the concern expressed in the report about the PA role at a time when Jobcentre Plus along with the rest of the Department for Work and Pensions are closely examining how to best realize efficiencies in its staffing resource.

13. The Government notes what the Committee says in the report about waiting until there has been a full evaluation of what is happening in the Pathways to Work pilots and work related lone parent initiatives until making further changes to the WFI regime.

Summary of Government's response

14. The Government is encouraged by the general tone of support for the basic principle of the WFI and the key role it plays in both increasing labour market participation amongst economically inactive customers and in improving parents' and children's life chances that flow from economic activity. In particular the Government welcomes the support contained in the Report for the proposal to reschedule the initial WFI in respect of incapacity benefit customers to the eighth week of the claim and the removal of WFI conditionality from Carer's Allowance and Bereavement Benefits.

15. The Government also welcomes the Report's appraisal of the key role that the Personal Adviser plays in the WFI process and how important PA training is in sustaining and developing that role.

16. The Government, for reasons outlined in this statement, has decided to go ahead with its legislative proposals as they were originally intended without change. The Government believes that this is the best and most efficient way to develop and strengthen the WFI system in order to give the best possible work focused support to the customer groups involved and for improving their and their children's life chances.

17. The Government will also consider all of the other points made in addition to the recommendations on the specific legislative proposals and officials will give their response in due course.

The Committee's Recommendations

18. The Committee made the following recommendations in respect of the draft regulations.

Recommendation 1

That the proposal to reschedule the initial WFI for IB customers to week 8 should go ahead but that consideration be given to extending this to lone parents.

RESPONSE

The Government does not accept the Committee's proposal to reschedule the initial WFI for lone parents to week 8. Our evidence strongly supports retaining the WFI at the initial claim. The degree to which WFIs are able to be effective depends in large part on their timing in relation to events and circumstances in people's lives. There are some possible trigger points for action towards working, such as events relating to the ages of children and entry points to primary and secondary school, which can be anticipated and worked with. However, most factors lie in the details of personal lives and cannot be readily identified in advance. The period following the point of making a claim is a period of rapid and significant change in many customers' lives, and places a spotlight on the questions of when and how often further WFIs should be undertaken.

The majority of advisers felt that the early initial meeting, prior to benefit processing, was the right timing for the lone parent WFI. It was seen as crucial in mobilising those customers who were ready and willing to work. With others it was considered a good time to establish contact and build a rapport. A majority (52%) of customers felt that the initial meeting was at the right time for them to be talking about work and training and 65% felt that it was useful for them to have met an adviser at that time. The main variable affecting responses was whether respondents were looking for work at the time of the meeting. 75% of those lone parents thought that the timing was right. Customers with a health problem or disability were less likely than average to think that the timing was right. However, for these lone parents the Deferral/Waiver system is available if appropriate. (*Sources: 'National Evaluation of Lone Parent Personal Adviser Meetings: Findings from a longitudinal survey of clients' WI72, November 2003 and 'Integrated Findings from the Evaluation of the First 18 months of Lone Parent Work Focused Interviews' WI84, March 2004*).

Recommendation 2

Further consideration should be given to the timing of the interview for customers moving to Incapacity Benefit from Statutory Sick Pay who have already been incapable of work for up to 28 weeks.

RESPONSE

We are already looking at what additional help we can give people in receipt of Statutory Sick Pay (SSP), and their employers, as part of the SSP review announced in the Department for Work and Pensions' Five Year Strategy. The Committee's recommendation will be considered and factored in to any proposals emerging from that review.

For the moment, making an exception to the proposed WFI regime for SSP customers would add an administrative complication to the claiming process.

In any case people moving from SSP to IB can currently ask for an immediate or early WFI when they make their claim for benefit.

Recommendation 3

That the proposal to remove the requirement for a mandatory WFI in respect of claims for Carer's Allowance and Bereavement Benefits should go ahead but be extended to all customers claiming Income Support or Incapacity Benefit in addition to those customers. Consideration should also be given to extending the exemption to other customers claiming primarily because of caring responsibilities or who have been bereaved in the last 52 weeks but not in receipt of Carer's Allowance or Bereavement Benefits.

RESPONSE

The Government does not accept the Committee's proposal to extend the removal of mandatory WFI conditionality beyond those who are receiving only Carer's Allowance or Bereavement Benefits. We believe that putting Income Support or Incapacity Benefit customers who also claim these benefits into a voluntary WFI regime would result in greater differential treatment in respect of Income Support or Incapacity Benefit customers who remain in the mandatory WFI regime.

Caring or bereavement may not be the primary reason for the person's claim to Income Support and is unlikely to be so for Incapacity Benefit. They may well regard their lone parent status or their health condition as the primary reason for their claim and as their main barrier to work. Without the WFI for this customer group we would be unable to identify and offer support as effectively for these other barriers.

Moving people who claim Carer's Allowance/Bereavement Benefits who also receive Income Support or are entitled to Incapacity Benefit into a voluntary WFI category would deny for that group access to a regular Advisory intervention to help them overcome any barriers to work that they may have, including those associated with caring.

There are also likely to be considerable operational difficulties, and associated costs, in trying to identify those customers who are carers or bereaved but not in receipt of Carer's Allowance or Bereavement Benefits.

Importantly, the WFI regime includes provision for Advisers to waive or defer the WFI if the interview would not be of benefit to the customer at a particular time or would not be appropriate given their particular circumstances. We recognise that these provisions are likely to be relevant for carers of severely disabled or terminally ill people and guidance to Advisers will be strengthened to that effect. The guidance has also recently been enhanced on advisers giving careful consideration to the circumstances of carers and the bereaved at the start of their claim and it may be appropriate to waive or defer the initial WFI for at least 8 weeks in these cases.

Recommendation 4

The Committee does not support the proposal to introduce mandatory Work Action Plans for customers whose benefit is not conditional on looking for work.

RESPONSE

The Government does not accept the Committee's view that we should not introduce mandatory Work Action Plans for those customers whose benefit is not conditional on looking for work.

Evidence from Jobcentre Plus Evaluation (*Quarterly Summary of Evaluation Evidence – Spring 2004*) would suggest that completion of an Action Plan helps Personal Advisers engage more effectively with the customer and helps establish a consistent record of what happens at each WFI, ensuring that discussions at future meetings builds on rather than replicates previous conversations.

The Work Focus Review (*Work Focus Review report, April 2003*) found that where the Action Plan was used as an integral part of the WFI, the interview was more structured and that the customer appeared to be more engaged.

The use of Action Plans is further supported with research from the Occupational Psychology Division which suggests that in successful WFIs, the client needs to feel that their Adviser is working with them to help them get a job. The client's record of progress can help illustrate that for both clients and Advisers. It is essential that clients are involved in drawing up their back to work plans during the interview. (*The importance of clear and realistic jobgoals in finding work: Evidence to support the Work Targeted Interviewing technique, OPD paper March 2002*).

Our conclusion is that in order to maximise the benefits of the Action Plan and make best use of the Personal Adviser's time we need to make the Action Plan a mandatory part of the interview for these customer groups.

To address the Committee's specific concerns on the impact of Action Plans on potentially vulnerable customers, we have given an undertaking to the Committee that we will review and amend as necessary all relevant guidance and learning and development materials.

We have also given an undertaking to the Committee that we will monitor the level of WFI sanctions imposed to gauge if there is any increase which we can link to requiring customers to take part in action planning as part of their interview.

Recommendation 5

Instead we recommend that the Action Plan continues to be built into the WFI process (to give direction and focus) for most customers and that PAs are trained to make better use of the Plan and ensure it is used more flexibly to suit the individual requirements of customers.

RESPONSE

The Government will continue to build Action Plans into the WFI process but whilst this will be on a voluntary basis for some customers, lone parents and incapacity benefits customers will be required to have an Action Plan as an integral part of their WFI. The new Adviser Skills Learning Routeway, which has been incorporated into the PA Learning Routeway will provide support to Advisers on the better use on action planning and with regard to the individual requirements of customers.

Recommendation 6

In general we support proposal (iv) – the additional support and more frequent interviews for lone parents whose youngest child has reached age 14. However, we advise the Department to reconsider the frequency of the interviews, perhaps with fewer than 4 in the first year. We would also recommend that whenever possible, continuity of support – including working with the same Personal Adviser for at least the latter part of the transitional period – should be given particular attention.

RESPONSE

The Government does not accept the Committee's proposal to reconsider the proposed frequency of the interviews in the year when the youngest child reaches age 14. There are known problems associated with the transition from IS to work or JSA for lone parents when their youngest child reaches 16. It is clear that what is a major transition for lone parents (the majority of whom have been on IS for some time) is not sufficiently supported by the current regime. The introduction of a more intensive series of quarterly WFIs for lone parents on IS when their youngest child reaches 14 will provide information, advice and guidance about the choices open to them when their child reaches 16.

This series of interviews will ensure that the Personal Adviser is better able to investigate the lone parent's circumstances and barriers to work, allowing the Personal Adviser to then provide appropriate advice based on a more detailed knowledge of the customer. The additional WFIs will thus create the opportunity to allow the lone parent to prepare for the change. The interviews will keep them informed of the wide range of help on offer and prepare them for work well in advance of the 'cliff-edge' of losing entitlement to IS on the grounds of being a lone parent when the youngest child reaches age 16.

The earlier that lone parents start to think about work and hopefully take steps to prepare for it, and the more regular the intervention, the more prepared and accustomed they will be if they have not moved into work when they move to the more intensive JSA WFI regime.

Jobcentre Plus strives to achieve continuity of support during a claim, and in some circumstances during the transition to work. The Government is piloting the provision of support to lone parents after they have found work.

Recommendation 7

We would also suggest that guidance to PAs working with this group should be enhanced to reflect what is known about the particular barriers to employment that they are likely to face. Furthermore, the final interview with customers should be timed to coincide with the 'transition' point in order to enable Jobcentre Plus to deal with all aspects of the benefit claim, and the customer's change of benefit status in one face-to-face interview.

RESPONSE

The Government Guidance to PAs is constantly reviewed and together with training based on the Pathway model covers the issues faced by lone parents. We will recommend in guidance that the final interview with lone parents should be timed to coincide with the transition point from IS to work or JSA in order to enable Jobcentre Plus to deal with all aspects of benefit status in one face to face interview – indeed the quarterly interview regime itself gives us far greater flexibility to do this.

Recommendation 8

Particular consideration should be given to the position of lone parents with disabled children, and those facing other barriers to employment that may be particularly significant for and prevalent in this group. We would further suggest that a dedicated monitoring and evaluation exercise of this aspect of the proposed changes should be undertaken.

RESPONSE

The Government notes the concerns of the Committee with regard to lone parents who have disabled children however, there is no current record on Department for Work and Pensions' systems on whether dependent children have disabilities, although we do record information where a childcare need has been identified as barrier to work. This record identifies the reason for the barrier, including 'children with disabilities'. We also have data on deferrals and waivers, and one of the reasons for these is caring responsibilities which may include caring responsibilities for older adults.

Recommendation 9

If the Department takes forward these proposed changes, it should also take the opportunity to review several key components of the WFI regime highlighted in the Committee's report. In particular with regard to:-

- **training of PAs with cases of particular difficulty;**
- **communications and information to customers, in particular the formulation of letters inviting customers to WFIs;**
- **the operation of sanctions in relation to the target groups; in particular the interaction of benefit penalties with other deductions (eg. for rent and utilities) from benefits, and the risks of hardship when such deductions cease because benefit penalties have been imposed;**
- **the operation of, guidance on and public information about waivers and sanctions and associated appeal rights.**

RESPONSE

Personal Adviser Learning and Development

A new Adviser Skills Learning Routeway has been incorporated into the PA Learning Routeway. The development of this was based on the approach taken, and evaluation of the learning used in the Pathways to Work Pilots and Specialist Incapacity Benefit Personal Advisers. This Routeway takes a blended learning approach and includes a mix of facilitated workshops and e-learning.

Communications and information to customers

Customers at the beginning of their claim are advised verbally of the WFI regime and how their rights and responsibilities sit within it. In the case of customers whom we regard as being in a vulnerable group we would always arrange a home visit before imposing a sanction as a result of non-attendance or non-compliance with WFI conditionality.

We are in the process of reviewing the letters that are sent to lone parents as part of the lone parent WFI process. SSAC will have the opportunity to scrutinise the revised communication products. When this is completed we will look at WFI materials other than those specifically aimed at lone parents.

The operations of sanctions in relation to target groups and interaction with other benefit deductions

A sanction imposed as a result of non attendance at or non participation in a WFI without good cause then forms an integral part of the benefit calculation and, consequently, takes priority over other deductions from benefit such as payments to third parties. We are currently reviewing the way sanctions operate throughout the various benefit systems with a view to making it fairer, more transparent and less bureaucratic.

The operation of, guidance on, and public information about waivers and sanctions and associated appeal rights.

We have strengthened guidance on waivers and deferrals especially as far as the carers and the bereaved are concerned. The percentage deferral rates for both lone parent and incapacity benefits customers have remained unchanged for some while now and we will continue to monitor the situation. Notifications to customers about sanctions imposed do include information on the right of appeal, although these communication products will be reviewed (alongside other WFI materials) when we have completed the review of lone parent specific WFI letters.

Conclusion

19. The Government is grateful to the Committee and to those interested parties who responded to the consultation exercise for their consideration of the draft Regulations and their comments on them.

20. The Regulations are now laid before Parliament.

From the Chairman

The Rt Hon David Blunkett MP
Secretary of State for Work and Pensions
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70 Whitehall
London
SW1A 2NS

11 August 2005

Dear Secretary of State,

**REPORT OF THE SOCIAL SECURITY ADVISORY COMMITTEE UNDER
SECTION 174 OF THE SOCIAL SECURITY ADMINISTRATION ACT 1992**

**THE SOCIAL SECURITY (WORK-FOCUSED INTERVIEWS AMENDMENT)
REGULATIONS 2005**

1. Introduction

1.1 At the Committee's meeting on 25 May 2005, officials from the Department for Work and Pensions presented the Work-Focused Interviews Amendment Regulations for consideration. These proposals would introduce national changes to the timing and coverage of Work Focused Interviews (WFIs) in integrated Jobcentre Plus offices and would make completion of a work-focused Action Plan a mandatory part of a WFI for customers claiming Incapacity Benefit (IB) and Income Support (IS), and for lone parents claiming IS.

1.2 On 13 June 2005 the Committee published a press release inviting comments on the proposals to reach us by 11 July 2005. We received and took into account representations from 16 organisations or individuals. These are listed in Annex A.

1.3 We would like to thank all those who made representations to the Committee, and officials from the Department for Work and Pensions for their assistance.

2. Details of the Proposals

2.1 The proposed changes, intended to come into effect from October 2005, would affect the method of dealing with new and repeat claims in Jobcentre Plus integrated offices by:

- rescheduling the initial WFI to the eighth week of the claim for IB customers;
- removing the requirement for a mandatory WFI for people claiming Carer's Allowance and Bereavement Benefits, unless there was also an associated claim for another benefit, eg. IS or IB; and
- introducing mandatory completion of a work-focused Action Plan as part of the WFI for lone parents and IB customers.

In addition, lone parents claiming IS would be required to attend a WFI every three months upon their youngest child reaching fourteen years of age.

2.2 Fuller details of the changes are set out in the Explanatory Memorandum reproduced at Annex B and are summarised below:

(i) Rescheduling the initial WFI for IB customers to eight weeks after their claim:

People claiming IB or IS on account of incapacity for work are required to attend a WFI upon making a claim in Jobcentre Plus integrated offices. If they fail to do so without good cause, the claim fails unless an officer of Jobcentre Plus decides that the WFI can be deferred until a later date, or waived altogether. In Pathways to Work Districts, pilots include a measure which reschedules the first WFI to week eight. This has been found to be a more suitable time for this group, who by week eight are more open to engaging in discussions about their work prospects. The Pathways pilots have had increased numbers of customers willing to take up support at this stage. Also, a substantial minority of customers recover from illness or injury and leave benefit naturally within eight weeks; for them a WFI would not be appropriate at the start of the claim.

(ii) Removing the requirement for a WFI in respect of claims for Carer's Allowance and Bereavement Benefits:

The Department has recognised that customers assuming caring responsibilities, or recently bereaved, have a number of difficulties to come to terms with at the point at which they make a claim for Carer's Allowance or Bereavement Benefits, and the majority are not ready to consider work. Making a WFI voluntary for these customers will enable support to be better focused on those who do wish to do so. However, the WFI will remain mandatory for those customers in the same circumstances but who are also claiming IS or IB. The Memorandum does not explain why different considerations apply to them.

(iii) Mandatory Work Action Plans for IB customers and Lone Parents:

IB customers in Pathways to Work pilots are already required to complete a work Action Plan with their Personal Adviser (PA) and to consider and discuss it as an integral part of the WFI. Sanctions may be applied if they fail to do so but they do not have to carry out any action agreed to in the Plan. The Plan is used during the intensive regime of six WFIs which most IB customers will have in Pathways districts over the first year of their claim. Lone Parent advisers currently use Action Plans during WFIs but there is no requirement for the customer to participate in this process. The proposal to make completion of Action Plans mandatory for all IB customers and lone parents as part of the WFI is designed to help focus the discussion and enable both the customer and adviser to easily review the position at subsequent interviews.

(iv) Quarterly WFIs for Lone Parents whose youngest child is aged at least fourteen years:

The proposal to introduce a series of quarterly WFIs for this group will apply to all lone parents, apart from those participating in a Working Neighbourhood Pilot scheme, who have been in receipt of IS for at least a year and who are not claiming on grounds of incapacity for work or appealing a decision they are not incapable of work. Currently customers in this group would have a WFI only once a year. The intention is to provide intensive support to help the customer to consider and find work over the two-year period before their youngest child reaches sixteen years of age. This is the point at which they would no longer be eligible for IS and would have to move to Jobseeker's Allowance (JSA) or IB. About a third of lone parents reclaim IS or claim IB on grounds of incapacity instead of re-entering the labour market at that stage.

3. The Department's Position

3.1 WFIs have progressively become an integral part of the claims process for benefits for people who are not required to be actively seeking work since they were introduced first for lone parents and then for other customers as part of the roll-out of the integrated Jobcentre Plus service. As the office roll-out has progressed, covering more customers, the Department has more information about the operation of WFIs and their success in terms of meeting the objective of encouraging customers claiming 'inactive' benefits to take more responsibility for considering work as a way of becoming less benefit dependent.

3.2 Jobcentre Plus has reviewed the operation of the WFIs and has made proposals for improvements to streamline the system and make the process more efficient. This is to assist customers and to maximise the usefulness of the interviews, whilst making the most effective use of staff resources.

4. The Committee's Views

4.1 The Committee has been broadly supportive of the objectives of the WFI regime since its inception. In 2003 our report (published in Cmd 5969) on the proposals that introduced the Pathways to Work pilots was generally positive, although we expressed a number of reservations about the extension of an interview and sanctions based regime to potentially vulnerable customers. We pointed to the need for numbers of high-quality, skilled PAs to make the vision for this new approach an operational reality.

4.2 Two years on, these concerns have intensified as the Department restructures and reduces staff numbers. Early reports suggest that the Pathways model is achieving good results. However, it will be some time before a full evaluation of these pilots is complete and before substantial evidence from other WFI programmes for lone parents, becomes available. In particular, it will be important to consider the costs and benefits of the various forms of intervention. As the WFI regimes become more extensive and intensive, there are a number of difficult resource issues raised by the need to have large numbers of skilled PAs to conduct increasingly complex interviews. In support of this activity the PAs must also invest considerable time in working closely with job brokers and employers to identify suitable vacancies for their caseload, and with external service providers and contractors to arrange and monitor training and programme provision.

4.3 It is clear that close individual interaction with a well trained PA can be a helpful and positive experience for many customers, who in the past would not have had the opportunity to access such support and would not be aware of the options available to them. It is also clear from our programme of visits to Jobcentre Plus local offices that most PAs find their role very rewarding and on the whole perceive it as beneficial and worthwhile. It is also the case that the early programme evaluation shows that PAs strongly support voluntary engagement and have reservations about the effectiveness of compulsion. Similar points have been made to us in the course of our discussions with PAs who are being trained and prepared to deal with the hardest to help customers and assist them to access new services provided for their support. Current indications are that the Pathways model is viewed positively and seen as a valuable investment for the future.

4.4 Against this, there are difficult choices for the Department to make at a time when efficiencies have to be made and more limited resources are stretched to deal with competing priorities. The PA role is not one that can be centralised or substituted by IT (although well-designed, reliable IT support can streamline and support the PAs' work). Indeed the reverse is true; that the more adviser services are shown to be successful, the more demand there will be on resources. Having time to spend working closely with individuals, employers and providers is the key to the success of the WFI regime and the PA service.

4.5 Experience from operation of WFIs has shown there to be questions about the timing and frequency of the WFI for certain groups. We welcome the fact that the Department is taking note of the findings of the review of business processes carried out by Jobcentre Plus as the network of new offices rolls out. In our view, these proposals are in the main timely and sensible.

4.6 We therefore felt it important to consult more widely at this point on the proposals put before the Committee, in order to take views about the effectiveness of the WFI system at its current stage of development. We still know relatively little about the operation and effects of benefit sanctions outside the labour market context, and it seems to us particularly important to take stock of the potential risks to vulnerable people that an extension of conditionality implies. The conditions attached to benefit entitlement are quite complex, and are not, in our experience, generally well-understood. Nor are the decision-making and appeal processes - and their associated written notifications and explanations - easily comprehensible to many customers. As a consequence, vulnerable people who fall foul of rules they do not fully understand may not exercise appeal rights and risk falling out of the system.

4.7 In addition, we wanted to consider further our concerns about two aspects of the proposed regulations: making Work Action Plans mandatory; and, in relation to the proposals for carers and bereaved customers, continuing to require a WFI where another 'specified benefit' - for example IB or IS - is claimed. The responses to the consultation exercise indicate that these views are widely shared. In addition, respondents have raised a number of related points which are summarised briefly in paragraph 10.

5. Rescheduling the initial WFI to week eight

5.1 The proposal to move the first WFI to week eight for all IB customers has been made in response to increasing evidence that an interview of this nature at the start of a claim is not appropriate for many customers. The Committee strongly supports this move, as do the majority of respondents to the consultation exercise. The early evidence from the Pathways to Work pilots indicates that week eight is a much better time for people claiming on account of illness or disability to consider future options. It allows sufficient time for most claims to be sorted out, and for those claimants who have recovered from a short-term illness or injury to go back to work, or re-commence job-seeking without a WFI. At the same time, it strikes a proper balance in terms of engaging the customer before the focus on work is lost and the risk of longer-term benefit increases.

5.2 There is a great deal of evidence that both IB and lone parent customers are more comfortable where the WFI is clearly separated from the benefit claim process and that outcomes from a WFI that takes place at later date are more positive. We have observed from visits and from information received from welfare rights organisations and Citizens Advice Bureaux that there can be significant delays in processing claims if there are delays in getting appointments for a WFI. Failure to complete the WFI affects continuing entitlement to benefit, and until the interview takes place the claim will not be dealt with. Although offices have a process in place to make interim payments this in itself places added pressure on staff and is not ideal for customers particularly when their claim is based on a condition that does not require them to actively seek work. Separating the WFI from the benefit claim would seem to be helpful for this reason too.

Communications

5.3 There are a number of other issues which should be considered in determining the timing of WFIs generally. Re-scheduling will make it important for there to be clear communications to customers telling them that they will be expected to attend an interview once their benefit entitlement has been established, and at about eight weeks after their claim. The full implications of this must be spelled out simply and clearly to

ensure that customers turn up for the interview, understand the nature and purpose of the discussion that will take place, and its significance in the claims process. On visits to local offices we have noted that many PAs play down the ‘work’ aspects of the WFI whilst they are building a rapport with the customer and explaining the purpose of the interview. As we note in paragraph 10.5, the formulation of the letters sent to customers inviting them to interview has been much-criticised by PAs. It is important that public information materials strike the right balance between ‘selling’ the benefits of WFI programmes, and leaving customers in no doubt about their rights and responsibilities. Special attention should also be given to customers with disabilities that may affect their communications skills, and to those for whom English is not their first language.

Deferrals and Waivers

5.4 A systematic re-scheduling to a later stage of the claim has implications for the role of the deferral process that is already built-in to the regulations. If the eight weeks timing is right there will almost certainly be less need than now to invoke a deferral. If, on the other hand, the deferral process still has to be deployed frequently this might suggest that eight weeks is not the appropriate time. We would suggest that the Department monitors the situation with a view to reconsidering the timing if there are substantial numbers of deferrals. Some respondents have suggested that thirteen weeks might be preferable for IB customers.

5.5 It will in any case be important to look at the exercising of deferral and waivers in relation to the new arrangements to ensure these options continue to be used appropriately and sensitively. For example, the introduction of the eight week interview should not assume that all people with disabilities and health problems will be ready for an interview at that stage. This proposed introduction of an in-built re-scheduling to week eight may require staff to take a rather different approach to the application of the current statutory provisions. The proposal to make compliance with the WFI dependent on completion of an Action Plan will also place added pressure on customers and it is important that this should be taken into account when application of the deferral and waiver provisions is under consideration. One respondent has also raised concerns about the absence of a right of appeal against waiver and deferral decisions. Although ultimately there is a right of appeal against any sanction imposed for failure to comply with the WFI requirements, this is rather too late for many customers who may have had problems complying with the WFI process, and for whom a waiver or deferral would have been appropriate.

The Statutory Sick Pay (SSP) Group

5.6 There is one sizeable group for whom an immediate appointment for a WFI might be more appropriate: those who have already been unable to work for up to twenty eight weeks who are moving to IB after a spell on SSP. This group can make advance claims for IB as their SSP entitlement comes to an end. An interview at this stage could be a useful point at which to engage with both the claimant and the employer before IB goes into payment. Their incapacity status will already have been long-standing and transfer to benefit could be a critical point at which to reassess their future employability and give them a timely opportunity to discuss modifications and adjustments which, if practicable, could enable them to return to and retain their employment. We would suggest that for some customers in this group, an immediate interview should be made available.

Lone Parents

5.7 We have also noted in our visits to Jobcentre Plus Offices that the timing of the first WFI is not ideal for many lone parents and the rationale for moving the first interview to the eight week point for IB customers can apply equally to people forced to claim benefit having found themselves suddenly alone and responsible for young

children. For most of these people, the WFI can be an added burden at a time when their lives are in turmoil and taking work may be not be a viable or realistic option. Jobcentre Plus offices, however smart and welcoming, are not a good environment for small children. We have observed in these interviews that much of the adviser's time can be taken up with trying to resolve benefit aspects of the claim - which is clearly uppermost in the lone parent's mind - or by trying to settle an upset child, or assist the customer with the 'crisis' issues of the moment, such as homelessness, indebtedness, and threats of domestic violence. Even in fully-integrated offices this cannot be good for the parents and their children, or for other customers; nor is it necessarily the most effective use of PA time.

5.8 The Committee would therefore recommend that consideration is given to moving the timing of the first WFI to week eight for all lone parents making a new claim to benefit.

6. Removing the WFI requirement for Carers Allowance and Bereavement Benefits claims

6.1 We welcome the exemption from a WFI of customers claiming Bereavement Benefit or Carer's Allowance. It is both a sensible and humane move which shows sensitivity to the needs of customers who are going through a particularly stressful and upsetting time. However, we see no rationale for not including in this exemption those customers who are in identical circumstances in terms of recent bereavement or caring responsibilities but who happen also, or in the alternative, to be claiming IS or IB.

6.2 The main practical difference for this group is that they are likely to be worse off financially – and thus have additional problems to deal with. It is also worth noting that the majority of Bereavement Benefit and Carers Allowance customers end up having to make a claim to IS to supplement their income. Excluding the existing IS and IB group, means that only a minority of (possibly better-off) people would be advantaged by the change, with the majority dependent on use of the deferral or waiver provisions. We note also that a claim for most non-means-tested benefits can be delayed for up to three months from the triggering event without loss of benefit. The same is not generally true of IS. This means that IS claimants could have to face a WFI within days of a traumatic event, while those who do not need to claim at once may have more than twenty weeks to adjust to their new circumstances.

6.3 Consideration should also be given to the position of those who are main carers but not claiming Carer's Allowance. Many people choose not to claim - for example, in order to preserve the benefit entitlement of the person being cared for by enabling them to retain the Severe Disability Premium.

6.4 It is also unclear what the position of partners would be. Carers UK has reported calls from partners of Incapacity Benefit recipients who are being called for interview in respect of their partner's claim for IB, whether or not they are getting Carers Allowance. For them being called for a mandatory interview is stressful especially if not sensitively handled. This is particularly the case for those caring for terminally ill people.

6.5 We strongly urge the Department to re-think this proposal which, as currently formulated, would have minimum effect and, it seems to us, to raise concerns about equal treatment and sexual discrimination. The exemption is welcome but must apply equally to all customers in these circumstances.

7. Mandatory Action Plans

7.1 The Committee has strong reservations about the proposal to make completion and agreement of a Work Action Plan mandatory for all IB and lone parent customers. Our views are shared by almost all the respondents to the consultation exercise, with particular concern for people with mental disabilities and others with very specialist needs, such as people with autistic spectrum disorders.

7.2 Currently the only group amongst non-jobseekers who are required to participate and agree to an Action Plan are IB customers in the Pathways to Work areas, and those in Working Neighbourhood Pilots. This group are given very intensive support by highly trained advisers with greatly enhanced support provision which is far more tailored to the needs of the client group than that available elsewhere. In this environment we can see the value in making sure the customer engages effectively. There is a role for a well crafted Action Plan, focusing discussion and activity in the frequent interviews - up to six in the first year – and providing for both continuity and progression (although we have seen evidence that PAs use discretion in deciding how much emphasis and visibility they give to the Action Plan document when they are dealing with vulnerable customers). However, even in Pathways, the Action Plan would not be applied to cases screened out of the process – around a third of those potentially eligible. Also, the early findings from evaluation indicate that Action Plans are not always helpful, or well understood by customers.

Additional conditionality

7.3 To make completion of, and agreement to, the content of a work Action Plan a mandatory requirement for all lone parents and IB customers nationally at this time signals a more general move to conditionality for people who are not actually required to undertake any action to seek or prepare for work. With the best will in the world it will not be possible to avoid making some customers feel under pressure to sign up to activity that they are unable or unwilling to take in order to avoid a sanction. It is implicit in the name and purpose of the document that some work activity has to be agreed and yet there is no requirement for this action to be carried out. We cannot escape the conclusion that it is illogical to make an Action Plan mandatory and yet not make the ‘actions’ mandatory once the Plan has been agreed.

7.4 We have been impressed by the quality of the work done by PAs and we have recently had the opportunity to talk to a number of PAs in some detail about their work. They have described to us how they use the Action Plan as a ‘tool’ to engage with and encourage commitment from customers who are ready and able to engage with them, and to focus on the next steps towards ‘work-readiness’. Research evidence also points to the Action Plan being used by PAs as an ‘Aide Memoire’ for future interviews. Many PAs we have spoken to regard the mandatory completion of the document (on their PCs) as an essential and generally helpful part of the interview. However, they did not think that the relationship and engagement with an often already anxious customer would be improved by presenting another ‘official document’ for agreement and signature (indeed, we have observed interviews with very vulnerable and distressed customers that were conducted by the PA in such a way as to shield the customer from any suggestion that s/he was required to ‘sign-up’ to any specific action). We believe that the proposed measure risks creating uncertainty, confusion and misunderstanding; nor is it likely to help these customers prepare for work.

7.5 For IB claimants there also is a certain inconsistency in requiring the claimant to take part in a discussion that is focused on work. The implication here – if not the legal requirement – is that work should be the ultimate objective. However, from the customer’s point of view, the discussion and completion of an Action Plan is taking place at a time when they have been formally determined to be incapable of work. The requirement on the customer to ‘participate’ then ends with the discussion and their obligations end if they subsequently decide that the planned ‘actions’ are unreasonable.

Effect on vulnerable customers

7.6 The negative effects of the mandatory Action Plan will be felt most strongly by those who are already anxious and vulnerable – particularly people with mental health conditions and some lone parents struggling to adjust to bringing up children without the support of a partner and likely to be in difficult financial circumstances. There is a risk that they will enter in agreements without having had the opportunity to fully appreciate what is involved, or perhaps to conclude a stressful or unwanted extended interview. For others who are not so vulnerable, but who have decided that work is not appropriate for them at that particular time and do not wish to undertake any action, the point of the Action Plan will be negated by the fact that they are not entering into a voluntary agreement, but instead are being required to sign up to something they do not wish to do. This may be the right time to review the list of ‘good cause’ considerations in regulation 14 to reflect the greater diversity of circumstances that customers will present in the future.

7.7 We acknowledge that using an Action Plan of this kind as a living document to help focus both adviser and customer on the discussions and enable a review of progress, can have a positive effect as part of a series of interviews or where the customer very clearly wishes to take steps to enhance their work prospects. However it has to be used sensitively and flexibly when given wider application - ie outside the Pathways pilots. For example, there is little point in using an Action Plan to monitor progress for IB customers who may not have another WFI for 3 years or for someone with very severe disabilities who does not wish to consider work. Similarly a lone parent with one or more very young children under school age, who does not wish to work, or one with a disabled child, will gain very little from being required to agree a course of action on a mandatory basis. Application of sanctions in these cases may only serve to confirm for people in these groups that their problems are not understood by the agencies they have to deal with and may add to the difficulties of coping on a low income.

Procedural guidance

7.8 We understand that when conducting interviews with Lone Parents, most advisers now follow procedural guidance which encourages them to use an Action Plan. We also note that the Department has said that the reason for making the Action Plan process mandatory is to ensure that time is used more efficiently. PAs encourage customers to complete the plan, thus giving the interview structure and focus. This has not been our experience. Lone parents we have seen interviewed would seem generally to understand why points discussed are recorded, although they may not appreciate what the status of the record might be or its mandatory role in the WFI process. Indeed the plans do not often commit the customer to specific action, and some may even be deliberately vague. If this is the case, it is difficult to see how making the process mandatory by writing a sanctionable requirement into regulations, when action is not mandatory, will either get people willing to take action or convince them of the value of the exercise.

7.9 We agree that preparation of an Action Plan should be embedded into the WFI process, but we do not think that it should be a mandatory requirement. If it becomes so then there are considerable implications for how it is introduced to customers and training for PAs as to its use in this new mandatory context. Much clearer guidance will need to be given to staff on how they explain and present the purpose of the plan to the customer, in particular its role in deciding whether the customer has properly participated in the interview. Where there are no linked specialist support services (of the sort available in the Pathways to Work pilot areas) providing a framework for taking forward the Action Plan, we believe that customers will need much clearer information about what the interview will consist of, and their responsibilities with regard to it, including the desirability of agreeing to action that they can, and are willing to carry out.

It should be clear that action need not mean finding work, but can include suitable training and education opportunities. It should also be clear to customers that they do not have to undertake any such activity other than on a voluntary basis and that they have a choice and discretion about whether they take work.

8. Lone Parents Quarterly Work Focused Interviews

8.1 This proposal is being made in response to concerns that lone parents are ill-prepared for a return to work when their youngest child reaches the age of sixteen. We welcome recognition of this and understand the Department's desire to do something to help customers who are often taken by surprise when they are told that they must now move off IS into work or claim JSA. Separately from our consideration of these proposed regulations, we were made aware last year of the difficulties that Jobcentre Plus encounters when dealing with the administrative consequences of the requirement to cease payment of IS to this group at this point. We noted at the time that the letter that is sent out to lone parents in this position is unlikely to encourage a positive response from the recipient.

8.2 There is a strong case for the inclusion of this group in the WFI programme. However, as with Pathways to Work, introducing conditionality of this kind can only be of benefit if full support and appropriate programme provision is made available alongside WFIs, and it is demonstrated as enabling lone parents to genuinely improve their work prospects.

Children with disabilities

8.3 These measures must also be applied sympathetically and advisers have to be highly skilled so as to be able to take into account individual circumstances. Many lone parents in this group may have been out of the labour market for many years (some may never have worked) and will face substantial barriers to finding work (age, lack of skills etc). Others may face continuing difficulties when their children reach the age of sixteen if they and/or their children have health problems. For the parent of a severely disabled child, caring is a lifelong commitment and as the child grows older their needs may be more not less. For such a parent to be called in every thirteen weeks to think positively about a return to the labour market in advance of an anticipated change in their benefit status would be at best insensitive, and most likely unproductive.

Frequency of interview

8.4 The proposed frequency of interviews over a two-year period is another issue needing attention. In particular, we would suggest that there may be a need for considerable flexibility in the schedule. Many lone parents may have to travel considerable distances to attend interviews and a judgement needs to be made about the value of an interview every three months in these circumstances. Lone parents often prefer to look for work in their own time to fit with their childcare arrangements, and a regimented regime of interviews is not necessarily productive. There is still no requirement for the customer to look for work so it might too often be time wasted with customers merely going through the motions. A staged build-up – perhaps with up to four interviews per year, depending on the individual's circumstances - combined with a personalised approach is likely to have more impact over time and be better use of resources.

8.5 We also have concerns about what happens at the point when the youngest child reaches 16 and the lone parent has not made the transition to work. It is then that concerted efforts should be made to help the customer find work - whether the person moves to JSA or stays on IS in some capacity. As noted in paragraph 8.1 above, we have observed that the processes do not operate smoothly at this point and that there is

a general lack of clear information about the benefit position. The quarterly WFI regime must take account of the benefit process, ensuring that customers understand their options and claim the correct benefit. It would seem sensible to time a WFI to coincide with the transition point so that all this can be dealt with in one face-to-face encounter.

8.6 We would also suggest that intensive back-to-work help continues after the child reaches the age of sixteen, unless there are good reasons why it should not. Even where employment is a real option it is likely that this group (some of whom may never have worked, or have no recent employment history) will require additional help to sustain work, and avoid the cycling in and out of benefits that characterises many lone parents' experience of employment. We believe that for this group of lone parents access to training opportunities could be particularly important. As we understand it, access to training can only be achieved currently via a 'shadow claim' for JSA. This seems to us to be a clumsy and resource-intensive device to employ, and we would therefore suggest that some way is found as soon as possible to open to lone parents those training opportunities available to people in receipt of JSA.

9. Conclusions

9.1 We welcome the Department's move to review the operation of the WFI regime at this time, and in particular, to make changes to the timing of the WFI for IB customers and to create an exemption period from a mandatory WFI for carers and the bereaved. Information from operation of the WFI regime and from the various pilots is now feeding through and is providing useful evidence on which to make changes. The review is sensible both from the point of view of the customer and also as a response to resource pressures that require Jobcentre Plus to use one of its prime resources – skilled PAs – more effectively. The WFI regimes are the foundation of the Government's plans for the substantial increase in labour market participation that is, in turn, one of the components of improved life chances for children and improved pension outcomes in the future. We have generally supported the WFI regime since its introduction, whilst recognising that it is still too early to judge its effectiveness in the medium to long term with new customer groups who have not previously been required to consider employment.

9.2 We are disappointed that that these proposals do not extend to carers and the bereaved who are in receipt of IS or IB. The benefits of a modified regime would appear to extend to only a minority of the target groups. The exclusion of customers who have the same, or similar needs to the group to be covered by the proposed changes will result in inequitable treatment for people claiming in identical circumstances. The equally pressing claims of other groups for automatic postponement of WFIs (for example, lone parents) also seem to have been overlooked.

9.3 We are strongly opposed to the proposal to make the completion of an Action Plan a mandatory requirement as part of participation in the WFI for these groups. The proposal is a step too far towards conditionality for people, a large number of whom are in vulnerable circumstances and for whom entitlement to benefit is not dependent on actively seeking work.

9.4 The Department has not been able to explain to our satisfaction the value of making a process like this mandatory, particularly when the 'actions' themselves are not mandatory. It risks exposing potentially vulnerable people to the possibility benefit sanctions, and the consequent substantial reduction in their income if they feel unable to 'agree' actions included in the Action Plan. The measure is conceptually confused and confusing and will place additional pressures on customers, PAs and benefit staff.

9.5 We welcome moves to provide more focused support to lone parents as their children approach the age of sixteen although the frequency of the interviews may be

too much during the first year and the interviews might have more impact if there was a more gradual build-up. However, in this group there are likely to be particularly difficult cases which require special handling, and PA guidance should give particular attention to addressing the circumstances of those who may never have worked and/or will face particular disadvantage in the labour market (for example, older lone parents from black and ethnic minority backgrounds, and those with health problems and/or caring responsibilities). In any event, attention should be paid to making the best use of the final interview before ‘transition’, and continuing support should be available once this point has passed.

10. Summary of the responses to consultation

10.1 There was a good response to our consultation exercise, indicating a high level of interest in the operation of the WFI regime. A list of those who responded is at **Annex A** to this report.

10.2 In the main, those responding share the views of the Committee and provide additional points of detail which has strengthened our conclusions.

10.3 Although supporting the move in timing of the first WFI for IB customers, several organisations, in particular those representing carers and families with disabled children and others with disabilities, have voiced general concerns about compulsory attendance at WFIs. Some think that the extension of exemption from compulsory WFIs needs to be considered more widely; for example people with very severe disabilities should not have a mandatory requirement to attend a WFI. Instead there should be more emphasis on opportunities for attendance on a voluntary basis without the added pressure of possible sanctions.

10.4 Many respondents think that the most vital components for success with these groups was not a compulsory interview but the voluntary commitment of both the customer and adviser to work together, the skills of PAs and the quality of the associated customer support programmes. Some comment that the evaluation of NDLP and WFIs has shown there is little in the delivery process as it currently exists, to encourage and motivate PAs to be more proactive with customers in terms of requiring more intensive or longer-term support to get them into work. The process is target driven towards jobs whereas advisers should be encouraged to engage people into intermediate steps towards work such as through training or volunteering. These are often more valuable to lone parents and people with health problems.

10.5 A general theme coming through many of the responses is the need to consider individual circumstances more carefully, whether in relation to the initial WFI, completion of an Action Plan or a more intensive regime at certain stages of a claim. The numbers and types of customers who are particularly vulnerable were potentially high, and customers could face a wide range of barriers to employment. For example, concern is expressed by many for the special needs of lone parents with difficult or disabled children and the problems associated with travelling to interviews and arranging cover for caring responsibilities. Many PAs we have spoken to have told us that the emphasis on ‘work’ and the penalties for non-compliance with the WFI process that feature in the initial correspondence which customers receive can have a very negative effect on their first perceptions of the programme (we have suggested to the Department in the past that these letters could be improved). On recent visits we have encountered some examples of good practice. For example, using experienced staff to take calls from customers responding to letters asking them to come in for WFIs, and ensuring that the individual’s circumstances are investigated fully and sympathetically before an appointment is made, or deferrals and waivers allowed where appropriate. Gathering information, and offering customers reassurance in this way, is a model that we would like to see operating nationally.

10.6 Linked to this is a desire to see the system of waivers and deferrals operated more carefully and consistently. One response highlights the fact that there is no right of appeal against the decision not to apply a deferral or waiver until the stage when a sanction had been applied. By then it is too late and claimants could suffer hardship.

10.7 There is general support for the process of an Action Plan when used as a tool in the interview. However, the vast majority of responses opposed making its completion and agreement a mandatory requirement for participation in the WFI (although there is some support for doing so in limited cases; for example where children are older, and as part of the quarterly WFI regime). Others emphasise the need to await the outcome of evaluation of the Pathways to Work pilots and their equivalents for lone parents before increasing conditionality in this way nationally.

10.8 Significant concerns are raised about the use of sanctions and the application of “good cause” for failure to attend or participate in the interview. Increased conditionality and a more intensive regime would increase the pressures on vulnerable customers. Sanctions would bite particularly hard on the poorest customers who commonly already had deductions made from their benefit for fuel and housing debts, or to repay Social Fund loans. One response asks for a review of the use of sanctions in these cases and stressed the need for the customer to be fully informed about the effects of sanctions, including the fact that other debt deductions might have to cease.

10.9 There is overwhelming concern that the exemption from the WFI for carers and the bereaved should include those who were also claiming IS or IB.

10.10 Finally, many responses are concerned about the standard of communications to customers, both currently and in support of the changes. Evidence is offered for the confusion amongst customers about the status and purpose of the WFI which, when added to the customer’s immediate concerns about their benefits, could detract from the value of the process. Customers need a clear message that work and work-seeking are not compulsory, that the WFI process is intended to be positive, and that the interview offers the opportunity to look at all aspects of the customer’s circumstances. Letters and other information products should avoid intimidating messages about compulsion and sanctions for non-attendance. Special care is needed to ensure that customers with communication barriers (such as sight and hearing disabilities, and learning or communication difficulties, and those for whom English is not the first language) receive appropriate, accessible information, and are not disadvantaged.

11. Recommendations

For the most part, the Committee welcomes this package of changes which should help streamline and improve the WFI regime for many customers and help better focus Jobcentre Plus resources. However, we recommend a number of modifications to the proposals which will ensure that they better meet the needs of customers and enhance the focus on work. At present some of the proposed changes appear incomplete and others lack a sound, evidence-based rationale.

- (i) We recommend that ‘proposal (i)’ - to reschedule the initial WFI for IB customers to week eight - should go ahead but that consideration be given to extending this provision to lone parents.
- (ii) Further consideration should be given to the timing of the interview for customers moving to IB from SSP who have already been incapable of work for up to twenty eight weeks.
- (iii) Proposal (ii) - to remove the requirement for a mandatory WFI in respect of claims for Carer’s Allowance and Bereavement Benefits - should go ahead but be extended to all customers claiming IS or IB in addition to those benefits.

Consideration should also be given to extending the exemption to other customers claiming primarily because of caring responsibilities or who have been bereaved in the last fifty two weeks but not in receipt of Carer's Allowance or Bereavement Benefits.

- (iv) The Committee does not support proposal (iii) - the introduction of the mandatory work Action Plans for customers whose benefit is not conditional on looking for work.
- (v) Instead we recommend that the Action Plan continues to be built into the WFI process (to give direction and focus) for most customers and that PAs are trained to make better use of the Plan and ensure it is used more flexibly to suit the individual requirements of customers.
- (vi) In general we support proposal (iv) - the additional support and more frequent interviews for lone parents whose youngest child has reached age 14. However we would urge the Department to reconsider the frequency of the interviews, perhaps with fewer than 4 in the first year. We would also recommend that whenever possible, continuity of support – including working with the same PA for at least the latter part of the transitional period – should be given particular attention.
- (vii) We would also suggest that guidance to PAs working with this group of lone parents should be enhanced to reflect what is known about the particular barriers to employment that they are likely to face. Furthermore, the final interview with customers should be timed to coincide with the 'transition' point in order to enable Jobcentre Plus to deal with all aspects of the benefit claim and the customer's change of benefit status in one face-to-face interview.
- (viii) Particular consideration should be given to the position of lone parents with disabled children, and those facing other barriers to employment that may be particularly significant for and prevalent in this group. A dedicated monitoring and evaluation exercise of this aspect of the proposed changes should also be undertaken. We would also suggest that direct access to training opportunities should be opened to these, and all other, lone parents.
- (ix) If the Department takes forward these proposed changes, it should also take the opportunity to review several key components of the WFI regime highlighted in this report. In particular with regard to:
 - training of PAs to deal with cases of particular difficulty;
 - communications and information to customers, in particular the formulation of the letters inviting customers to WFIs;
 - the operation of sanctions in relation to the target groups; in particular the interaction of benefit penalties with other deductions (eg. for rent and utilities) from benefit, and the risks of hardship when such deductions cease because and benefit penalties have been imposed;
 - the operation of, guidance on, and public information about waivers and sanctions and associated appeal rights.

RICHARD TILT

ANNEX A

WORK FOCUSED INTERVIEW AMENDMENT REGULATIONS 2005

SSAC CONSULTATION EXERCISE- RESPONSES

CARERS UK
CITIZENS ADVICE
CITIZENS ADVICE NORTHERN IRELAND
CONTACT A FAMILY
DIAL UK
NEIL BATEMAN AND COMPANY
LAW CENTRE NORTHERN IRELAND
LB NEWHAM SOCIAL REGENERATION UNIT
ONE PARENT FAMILIES
REDCAR AND CLEVELAND WELFARE RIGHTS
RETHINK
RNID
SHAW TRUST
SOUTH LANARKSHIRE MONEY MATTERS ADVICE SERVICE
STOCKPORT ADVICE
THE NATIONAL AUTISTIC SOCIETY

The Social Security Advisory Committee

Chairman: Sir Richard Tilt

Members: Kwame Akuffo

Les Allamby

Simon Bartley

Mrs Brigid Campbell

Mrs Elisabeth Elias

Dr Angus Erskine

Mr Richard Exell OBE

Alison Garnham

Professor Helen (Elaine) Kempson

Mr Laurie Naumann

Professor Anthony Ogus CBE

Professor Janet Walker

Professor Robert Walker

Secretariat: Gill Saunders (Secretary)

Nicola Lloyd

Bob Elbert

Denise Clark

Annex B

EXPLANATORY MEMORANDUM TO THE SOCIAL SECURITY ADVISORY COMMITTEE (SSAC)

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

Regulations to introduce:-

- (i) The rescheduling of the initial Work Focused Interview (WFI) for Incapacity Benefits customers to eight weeks after their claim – Reg 2;
- (ii) Mandatory Action Plans as an integral part of a WFI for lone parents and sick and disabled customers – Reg 2, Reg 3 and Reg 4 (part);
- (iii) The removal of Carer's Allowance (CA) and Bereavement Benefits (BB) from the list of specified benefits that have WFI conditionality – Reg 2;
- (iv) Quarterly WFIs for Lone Parents with a youngest child aged at least 14 nationally from October 2005 – Reg 4.

Contents

| | |
|--|---------|
| Introduction | Page 30 |
| Part 1 – WFI Changes for lone parents and people claiming IB/IS/CA/BB/SDA (Severe Disablement Allowance) | Page 30 |
| Part 2 – The introduction of quarterly WFIs for lone parents with a youngest child aged 14 years | Page 33 |

THE DRAFT REGULATIONS

1. The draft Work Focused Interviews Amendment Regulations will amend the following Regulations:-

(a) *the Social Security (Jobcentre Plus Interviews) Regulations 2002*

to provide the requirement that lone parents (LPs) and Incapacity Benefits (IB) customers complete a work Action Plan as part of their WFI; to reschedule the initial WFI for IB customers to the eighth week of their claim and to remove WFI conditionality for customers claiming Carer's Allowance and Bereavement Benefits;

(b) *the Social Security (Work Focused Interviews for Lone Parents) and Miscellaneous Amendment Regulations 2000*

(i) to require that LPs complete an Action Plan as part of their WFI;

(ii) to provide that LPs with a youngest child aged at least 14 and who are entitled to IS for at least 12 months on or after 31 October 2005 attend a WFI every 13 weeks. All other policy relating to SI 2000\1926 including the ability to waive or defer the interview will remain as they are ensuring that important protection is provided for LPs in circumstances where the LP is not able to fulfil their obligations under the new regime.

(c) *the Social Security (Quarterly Work-focused Interviews for Certain Lone Parents) Regulations 2004*

to require that LPs complete an Acton Plan as part of their WFI;

INTRODUCTION

2. These draft Regulations will make two distinct changes which are dealt with in the two separate parts of this Explanatory Memorandum:

Part 1 WFI Changes for lone parents and customers claiming Incapacity Benefit (IB); Income Support (IS); Severe Disablement Allowance (SDA); Carer's Allowance (CA) and Bereavement Benefits (BB);

Part 2 Quarterly WFIs for lone parents with youngest child aged at least 14 years;

PART 1

WFI Changes for lone parents and customers claiming IB;SDA; IS; CA and BB.

3. The changes described in this part of the memorandum focus on three proposed changes. They relate to Regulation 2, 3 and 4 of the attached draft Regulations. The changes are:

(a) rescheduling the initial WFI to the eighth week of the claim, or as soon as practicable thereafter, for people claiming on the grounds of incapacity in Jobcentre Plus integrated offices; this will encompass people claiming Incapacity Benefit, Income Support on the grounds of incapacity and Severe Disablement Allowance. For ease of reference they are referred to throughout this Memorandum as 'IB customers'.

(b) introducing mandatory work Action Plans for Lone Parents (LPs) nationally and for IB customers in Jobcentre Plus integrated offices;

(c) removing Carer's Allowance and Bereavement Benefits from the list of benefits within the WFI Regulations that apply to Jobcentre Plus integrated offices.

Background

4. These draft regulation changes seek to improve the effectiveness of the WFI regime for LPs and IB customers, carers and recently bereaved customers as identified last year in the review of the Jobcentre Plus WFI regime.

5. This Review identified that the current timing of the initial WFI at the start of the claim is not appropriate for all Jobcentre Plus customers. Evaluation and evidence in the Pathways to Work Green Paper indicate that IB customers find it difficult to consider their return to work at the start of their claim when they are concerned about establishing their entitlement to benefit and when they are adjusting to their health condition/disability. We know also that carers find it difficult to focus on considering a return to work at the start of their claim for Carer's Allowance whilst they are adjusting to their caring role and trying to sort out the caring support that might be available. Newly bereaved customers have similar difficulties.

6. The rescheduling of the initial WFI for IB customers and the replacement of WFI conditionality with the offer of a voluntary WFI for carers and bereaved customers will address these difficulties. In particular, it will enable the majority of IB customers to resolve their benefit entitlement before their WFI so that they can better engage in the work-focused interview. This is likely, in turn, to enable advisers to better support sick and disabled customers in planning and preparing for their eventual return to work.

7. The introduction of mandatory work Action Plans for LP and IB customers will help to strengthen the focus and effectiveness of the WFI and in turn, of the support provided for each individual customer and provide a clear and agreed routeway back to work that customers can progress and review with their adviser over time. This will enable advisers to provide more effective, work-focused support to LP and IB customers.

8. These changes recognise also that for people claiming Carer's Allowance or Bereavement Benefits, a mandatory WFI at the start of the claim is not appropriate for most customers as they are likely to be preoccupied with establishing their entitlement to benefit and sorting out access to caring support or too distressed at their loss. By offering a voluntary WFI, we enable individuals to choose when it is most appropriate for them.

9. These draft regulations therefore remove WFI conditionality for Carer's Allowance and Bereavement Benefits. We will then replace that with the offer of a voluntary WFI. However, WFI conditionality will still apply to people who claim Income Support or Incapacity Benefit along with these benefits.

Scope of the new Regulations

10. The Pre Budget Report of December 2004 (para 4.25) announced "that across all Jobcentre Plus integrated offices, incapacity benefits claimants will be required to complete an Action Plan and have a Work Focused Interview at the eighth week point". The requirement for lone parents nationally to complete an Action Plan as part of the WFI was announced in the Department for Work and Pensions' Five Year Strategy published on 2 February 2005.

11. No formal announcement has been made about the replacement of WFI conditionality in Jobcentre Plus integrated offices for people claiming Carer's Allowance or Bereavement Benefits with the offer of a voluntary WFI. This will be taken forward in the coming weeks. We will be writing to existing customers and customer organisations to inform them of the change .

12. The rescheduling of the initial WFI to the eighth week of the claim will apply to all new and repeat claims, in Jobcentre Plus integrated offices, for Incapacity Benefit and Income Support by virtue of incapacity for work, and those who are awaiting the outcome of their appeal against a decision that they do not meet the personal capability assessment threshold for entitlement to IB.

13. IB customers and LPs claiming Income Support (IS) will be required to complete a work Action Plan as part of their initial WFI and to review it with their adviser as part of their review WFI. Failure to complete and/or review an Action Plan without good cause will be regarded as failure to have properly participated in the WFI. This may lead to a benefit sanction. If the WFI is deferred or waived, completion or review of the Action Plan will also be deferred or waived.

Rationale

14. Jobcentre Plus Advisers in Pathways to Work and the Working Neighbourhood pilots have found that the AP as a mandatory part of the WFI process is a more efficient use of their time in comparison with LP advisers who currently spend time persuading LP customers to complete a voluntary AP. In addition they welcome the consistent 'narrative thread' that the AP provides from interview to interview and the added work focus that it gives to the WFI.

15. Around 20% of IB customers leave benefit within eight weeks of their claim compared with just 5% of LPs claiming IS and only 2-3% of IB customers take up a work-focused support at their initial WFI. The Pathways Green Paper included evidence that a WFI at the point of claim is particularly unsuitable for many people claiming IB given their need to adjust to their health condition and their inability to focus adequately on back to work issues when their claim is not settled. Pathways to Work pilots confirm that there are no particular problems in moving the WFI to week eight of the claim and about 20% of Pathways customers take up work-focused support. All of this suggests that for IB customers a later initial WFI at the eighth week of the claim would be more appropriate. At this point most customers' benefit will be resolved so that they can participate in more meaningful work-related discussions and be more likely to take up the offer of work-focused support.

16. These draft Regulations also bring greater consistency and a more consistent definition across the various sets of WFI Regulations as to what 'taking part in an interview' means. This should help avoid any confusion if a customer changes the basis for their claim.

17. Recent Jobcentre Plus evaluation evidence indicates that mandatory WFIs for customers claiming Carer's Allowance are not effective in helping carers move into work. For example, only 13% of carers reported that the WFI made them 'much more' or a 'little more' motivated to find work and 62% reported that an immediate WFI was not the right time for them. Evaluation evidence indicates also that for the majority of customers claiming Bereavement Benefits a WFI at the outset of their claim is not helpful to them.

18. For these reasons we have concluded that it would be more helpful to offer customers claiming either Carer's Allowance or Bereavement Benefits a voluntary WFI. This would enable us to target work focused help where and when it is most needed.

Evaluation

19. The evaluation of these changes will be considered as part of future Jobcentre Plus evaluation.

Impact on Jobcentre Plus Resourcing

20. There are no costs associated with these amendments to the Regulations.

Learning and development and guidance for personal advisers

21. We will provide advisers with appropriate learning and development and guidance to deliver these changes.

Associated Marketing/Information Strategy

22. We will notify Carer's Allowance and Bereavement Benefits customers that they will no longer be required to attend a mandatory Work Focused Interview and that they can request a voluntary WFI at any time. The draft letters will be referred to the Committee for comment.

PART TWO

The introduction of quarterly WFIs for lone parents with a youngest child aged at least 14 years.

23. The changes referred to in this part of the Explanatory Memorandum relate to Regulation 4 of the draft Regulations.

Background

24. Entitlement to IS on the basis of lone parenthood ceases when the youngest child reaches age 16. A significant proportion of LPs with older children have been on benefit for long periods and have lost touch with the labour market. By requiring these LPs to engage with their adviser two years in advance of the anticipated change in their benefit status, we aim to encourage them to start thinking positively about a return to the labour market. Parents of older children are also less likely to face childcare constraints which might hinder a return to work. While we aim to encourage and support these LPs who wish to move into work before their youngest child is age 16, for those who do not, it will help to reduce the effect of a "cliff-edge" move on to JSA or health-related benefits at that point.

Scope of the new Regulations

25. In his Pre Budget Report statement of 10 December 2003 the Chancellor of the Exchequer said:

"From October 2005, lone parents will be required to attend an interview once every three months when their youngest child is aged 14 or over, to help them prepare for the transition to JSA once their child reaches 16."

26. The intention therefore is to introduce an intensive series of quarterly WFIs for LPs on IS when their youngest child reaches 14. For those lone parents who remain on IS until their youngest child reaches 16, this will involve a maximum of 8 WFIs over a two year period. These WFIs would provide these lone parents with regular and up to date information, advice and guidance about the choices, the opportunities for work and the range of help on offer.

27. These draft Regulations will apply only to the following:-
- lone parents;
 - who are aged between 18 and 60;
 - whose youngest child is aged at least 14;
 - who are claiming Income Support (IS); and
 - have been in receipt of IS for at least 12 months
28. These regulations do not apply:
- To LPs claiming IS on health grounds, IB or Severe Disablement Allowance.
 - To LPs who are entitled to IS whilst appealing a decision that they do not meet the PCA threshold for IB.
 - To LPs who have been in receipt of IS for less than 12 months, as this group will already have 3 WFIs in the first year of their claim – at the point of claim, at 6 months and 12 months.
 - To eligible LPs participating in the Working Neighbourhoods Pilots (WNPs).
29. At present we estimate that there are approximately 49,000 lone parents who will meet the eligibility criteria for this change and it is assumed that this will be the maximum number at any time who will receive the additional three WFIs per year.
30. There are known problems associated with the transition from IS to JSA when the youngest child reaches 16 and it is clear that what is a major transition for lone parents (the majority of whom have been on IS for some time) is not sufficiently supported by the current regime. Not only does the propensity for lone parents to move onto IB from IS increase steadily by age of youngest child, but data also indicates that six months after their youngest child turns 16 a lone parent is as likely to be on IB as on JSA.
31. The Intermediate objectives of the proposed regime are therefore to:
- Maximise the support available to help as many lone parents as possible move into work (or into the labour market) as smoothly as possible when their youngest child reaches 16.
 - Enable more lone parents to actively start preparing for seeking and finding work, and/or moving into the labour market before this point.
32. Any increase in the volume of lone parents entering employment through this initiative will also reduce the number of children living in workless households and will thereby contribute to reducing child poverty.

Rationale for excluding LPs receiving incapacity benefits

33. Evidence¹ of the dominant characteristics in terms of labour market attitude shows that it is most common for lone parents on incapacity benefits to perceive their ability to work through their health condition and to cite their health problem as the primary reason for not working. The fact that they are also a lone parent is an additional issue. Additionally, even those on incapacity benefit who see themselves first and foremost as lone parents still consider their health problem/disability as a crucial factor determining their economic activity.

(¹) Casebourne J & Britton, L. (2004) Lone Parents, Health and Work. DWP Research Report Number 214. A two-staged qualitative research project consisting of initial interviews with both lone parents in work and on Income Support and additional interviews with lone parents on health related benefits. (Including a subset of lone parents who moved from IS onto IB when their youngest child reached 16).

34. Whilst LPs claiming incapacity benefits are subject to WFI conditionality those WFIs are generally less frequent than for other LPs. Including LPs on incapacity benefits in quarterly WFIs would mean engaging frequently (and nationally) with a cohort of IB stock customers who, in most cases, are not yet subject to WFI conditionality. In addition, the Pathways to Work Pilot areas² are testing WFI conditionality for IB stock customers from February 2005 and it would be inappropriate for these draft regulations to pre-empt the findings of that pilot.

35. Consequently it has been decided to exclude LPs claiming incapacity benefits from the scope of these quarterly WFI regulations, which also mirrors an earlier ministerial decision not to include incapacity benefits customers from Quarterly WFIs in the Extended Schools Childcare pilot areas.

Evaluation

36. In order to understand the feasibility of and possible approaches to measuring the impact of the introduction of quarterly WFIs it will be necessary to conduct early exploratory analysis of administrative data and management information. This will entail a series of internal analyses of administrative data comparing cohorts of lone parents on IS whose youngest child turns 14 or 15 before and after the introduction of quarterly WFIs that will examine:

- movement onto NDLP
- movements off Income Support
- movements to other benefits (IB and JSA)
- movements into employment (linking with Inland Revenue records).

37. In order to fully determine any likely impact it will be necessary to track cohorts for a minimum of 12 months. In addition, the data analysis will be supplemented with some small-scale qualitative work with Personal Advisers and lone parents to explore their experiences of Quarterly WFIs.

Impact on Jobcentre Plus resourcing

38. The announcement in the PBR 2003 included both funding of £3.5m and headcount (expected to be around 130) for 2005/06.

Enhanced Interviewing Skills for Personal Advisers

39. We will deliver appropriate guidance and learning and development for lone parent advisers to deliver these changes.

Associated Marketing/Information Strategy

40. We will mailshot relevant lone parent customers. The draft will be referred to the Committee for comment.

(²) The Pathways to Work pilots have introduced a more intensive mandatory WFI and action planning regime for **new** claimants of incapacity benefits accompanied by a package of new and improved provision to assist them to overcome the additional barriers to employment faced by those with health condition and disabilities. Arrangements being made to extend this regime to clients who have been on benefit for less than 3 years from February 2005.

2005 No.

SOCIAL SECURITY

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

Made - - - -
Laid before Parliament
Coming into force - - - *31st October 2005*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 2A, 2AA, 189(1), (4) to (6) and (7A) and 191 of the Social Security Administration Act 1992^(a) and of all other powers enabling him in that behalf, after consultation with the Social Security Advisory Committee^(b), hereby 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” means the Social Security (Jobcentre Plus Interviews) Regulations 2002^(c);

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

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

Amendment of the Jobcentre Plus Regulations

2.— (1) The Jobcentre Plus Regulations 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” there shall be substituted ““specified benefit” means income support, incapacity benefit and severe disablement allowance;”;

^(a) 1992 c.5. Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c.30) and section 2AA was inserted by section 49 of the Employment Act 2002 (c.22). 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. 2002/1703.

^(d) S.I. 2000/1926.

^(e) S.I. 2004/2244.

(b) at the appropriate place 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

(c) at the appropriate place there shall be inserted—

“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^(a) 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 ^(b) applies, or

(iv) severe disablement allowance; and

(d) at the appropriate place there shall be inserted—

“appropriate office” means an office of the Department for Work and Pensions or, in the case of a Crown servant posted overseas or his partner, a Regimental Administrative Office, Unit Personnel Office, Personnel Management Squadron Office, British Embassy, High Commission or Consulate;”.

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

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

(i) the expiry of eight weeks after the date of first notification of intention to make the claim where—

(i) the claim is for—

(aa) incapacity benefit;

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

(cc) 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

(dd) severe disablement allowance; and

(ii) a properly completed claim is received in an appropriate office within one month of that notification;

(aa) the claim is made, where the claim is for a specified benefit not listed in (a)(i); and

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

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

(2) A person shall be regarded as having taken part in his first interview under these Regulations if—

^(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.

^(c) Regulation 4(4)(b) was amended by S.I. 2002/2497.

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

- (a) he attends for the interview at the place and time notified to him by the officer;
- (b) he is a specified person and 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) he is a specified person and 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 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) he is a specified person and he participates in discussions with the officer—
 - (i) about how, if at all, the action plan referred to in paragraph (2)(d) above should be amended; and
 - (ii) 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;
- (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) he is a specified person and he assists the officer in the completion of any amendment of the action plan referred to in paragraph (2)(d) 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.

(7) 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).

Amendment of the Quarterly Lone Parents Regulations

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

and

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

(2) For regulation 6(2) of the Quarterly Lone Parents Regulations (taking part in an interview), there shall be substituted—

i(2) A relevant person 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 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 paragraph (2)(b) above;
 - (iii) about how, if at all, the action plan referred to in paragraph (2)(d) 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 paragraph (2)(d) 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.ġ

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) before “4 to 6” there shall be inserted “2A and”; and
 - (b) in sub-paragraph (c)(a), 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
- (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(b) 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(c) 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

(a) Regulation 2(1)(c) was inserted by S.I. 2004/959.

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

(c) 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.

- (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.ġ

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

ġ(2) Subject to regulations 5(2) and 6(2), a lone parent 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;
 - (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 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) above;
 - (iii) about how, if at all, the action plan referred to in paragraph (2)(d) 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 paragraph (2)(d) 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.î
- (5) For regulation 4 (circumstances where requirement to take part in an interview does not apply), there shall be substituted—

îCircumstances 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.î

(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(3)(b) (consequences of failure to take part in an interview), after “regulation 2(1)(b) or (c)” there shall be inserted “or 2A”.

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

Name

Parliamentary Under-Secretary of State,
Department for Work and Pensions

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

[To be inserted.]

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

