



WORK-FOCUSED INTERVIEWS FOR LONE PARENTS REGULATIONS 2013

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Statutory Document No. 0058/13

*Social Security Administration Act 1992*

WORK-FOCUSED INTERVIEWS FOR LONE PARENTS REGULATIONS 2013

Approved by Tynwald: 19 March 2013
Coming into Operation: 1 April 2013

The Department of Social Care makes the following Regulations under sections 2A(1), (3)(b) to (f), (5)(a) and (b), (6), (7) and (8), 2B(2), (6) and (7), 189(4) to (6) and 191 of the Social Security Administration Act 1992 as it has effect in the Island¹.

1 Title

These Regulations are the Work-focused Interviews for Lone Parents Regulations 2013.

2 Commencement

- (1) If approved by Tynwald and subject to paragraph (2), these Regulations come into operation on 1 April 2013².
- (2) In the case of a person (P) who, immediately before 1 April 2013, is entitled to income support and falls within paragraph 1 of Schedule 1 to the Income Support Regulations, these Regulations come into operation on the earliest of the following—
 - (a) 1 October 2013;
 - (b) the date falling on or after 1 April 2013 on which P first ceases to be entitled to income support other than by virtue of these Regulations; and
 - (c) the date falling on or after 1 April 2013 on which P first no longer falls within that paragraph.

3 Interpretation

- (1) In these Regulations, unless the context otherwise requires —
“**the 1998 Act**” means the Social Security Act 1998³;

¹ 1992 c.5 (see SD 506/94).

² See section 190 of the Social Security Administration Act 1992 as it has effect in the Island.

“**benefit week**” means any period of seven days corresponding to the week in respect of which income support is due to be paid;

“**the Department**” means the Department of Social Care;

“**the Income Support Regulations**” mean the Income Support (General) (Isle of Man) Regulations 2000⁴;

“**interview**” means a work-focused interview with a lone parent conducted for any or all of the following purposes —

- (a) assessing that person’s prospects for existing or future employment (whether paid or voluntary);
- (b) assisting or encouraging that person to enhance his or her prospects of such employment;
- (c) identifying activities which that person may undertake to strengthen his or her existing or future prospects of employment;
- (d) identifying current or future employment or training opportunities suitable to that person’s needs; and
- (e) identifying educational opportunities connected with the existing or future employment prospects or needs of that person;

“**lone parent**” has the meaning given in regulation 2(1) of the Income Support Regulations;

“**officer**” means an officer of the Department;

“**personal capability assessment**” means the assessment defined in Part III of the Social Security (Incapacity for Work) (General) Regulations 1995⁵;

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

- (2) In these Regulations, unless the context otherwise requires, a reference —
 - (a) to a numbered regulation is to a regulation in these Regulations bearing that number;
 - (b) in a regulation to a numbered paragraph or sub-paragraph is to the paragraph or sub-paragraph in that regulation bearing that number;
 - (c) to the Schedule is to the Schedule to these Regulations.
- (3) Except where stated otherwise or the context otherwise requires, any reference in these Regulations to any provision of any legislation applied

³ 1998 c.14 (see SD 92/00).

⁴ SD 26/00.

⁵ SI 1995/311 (see SD 123/95).

to the Island by an Order under section 1 of the Social Security Act 2000 is a reference to that legislation as it has effect in the Island.

4 Requirement for certain lone parents claiming or entitled to income support to take part in an interview

- (1) Subject to this regulation and regulations 7 to 9, a lone parent who –
 - (a) falls within paragraph 1 (lone parents) and no other paragraph of Schedule 1 (prescribed categories of person) to the Income Support Regulations;
 - (b) is responsible for and living in the same household as—
 - (i) a single child aged 5 to 11 years; or
 - (ii) more than one child where the youngest child is aged 5 to 11 years; and
 - (c) falls within any of paragraphs (2) to (4),is required to take part in an interview.
- (2) A lone parent falls within this paragraph if the lone parent makes a claim for income support in respect of himself or herself.
- (3) A lone parent falls within this paragraph if the lone parent is entitled to income support and has not taken part or been required to take part in a relevant interview.
- (4) A lone parent falls within this paragraph if the lone parent is entitled to income support and has—
 - (a) taken part;
 - (b) failed to take part; or
 - (c) been treated as having taken part,in a relevant interview.
- (5) If a lone parent falls within paragraph (4) the requirement to take part in an interview arises every six months after the date on which the lone parent—
 - (a) last took part;
 - (b) last failed to take part; or
 - (c) was last treated as having taken part,in a relevant interview.
- (6) If a determination has been made in relation to a lone parent under regulation 6(1), the lone parent is to be treated for the purposes of paragraph (3) as if he or she has not taken part or been required to take part in a relevant interview.

5 The interview

- (1) An interview under these Regulations must take place as soon as is reasonably practicable after the date on which the requirement to take part in the interview arises.
- (2) An officer must inform the lone parent of the place and time of the interview.
- (3) An officer may determine that an interview is to take place in the lone parent's home where it would, in the opinion of the officer, be unreasonable to expect that lone parent to attend elsewhere because that lone parent's personal circumstances are such that attending elsewhere would —
 - (a) cause him or her undue inconvenience, or
 - (b) endanger his or her health.

6 Taking part in an interview

- (1) An officer shall determine whether a lone parent has taken part in an interview.
- (2) Subject to regulations 8(2) and 9(2), a lone parent is to be regarded as having taken part in his or her first interview under these Regulations if—
 - (a) the lone parent attends for the interview at the place and time notified to him or her by the officer;
 - (b) the lone parent 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 or her employment prospects; and
 - (c) the lone parent provides answers (if asked) to questions and appropriate information about—
 - (i) the level to which the lone parent has pursued any educational qualifications;
 - (ii) the lone parent's employment history;
 - (iii) any vocational training the lone parent has undertaken;
 - (iv) any skills the lone parent has acquired which fit the lone parent for employment;
 - (v) any paid or unpaid employment in which the lone parent is engaged;
 - (vi) any medical condition which, in the lone parent's opinion, puts the lone parent at a disadvantage in obtaining employment;
 - (vii) any caring or childcare responsibilities the lone parent has;

- (viii) the lone parent's aspirations for future employment;
 - (ix) any vocational training or skills which the lone parent wishes to undertake or acquire; and
 - (x) the lone parent's work related abilities.
- (3) Subject to regulations 8(2) and 9(2), a lone parent is to be regarded as having taken part in any subsequent interview under these Regulations if the lone parent—
- (a) attends for the interview at the place and time notified to the lone parent by the officer;
 - (b) participates in discussions with the officer—
 - (i) in relation to the lone parent's employability or any progress he or she 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; and
 - (iii) in order to consider any of the programmes and support available to help the lone parent obtain employment; and
 - (c) provides answers (if asked) to questions and appropriate information about—
 - (i) the content of any report made following the lone parent's personal capability assessment, insofar as that report relates to the his or her capabilities and employability; and
 - (ii) the lone parent's opinion as to the extent to which his or her medical condition restricts the lone parent's ability to obtain employment.

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

Regulation 4 does not apply if the lone parent—

- (a) has attained the age of 60; or
- (b) has not attained the age of 18.

8 Deferment of requirement to take part in an interview

- (1) A requirement by virtue of these Regulations to take part in an interview does not apply to a person until a date determined by an officer if the officer determines that an interview would not until that time be—
- (a) of assistance to that person; or
 - (b) appropriate in the circumstances.

- (2) Except for the purpose of regulation 4, if an officer has made a determination under paragraph (1), the person to whom that determination relates is to be treated for the purposes of any claim for, or entitlement to, income support as having complied with the requirement to take part in an interview until an officer determines whether that person took part in the interview which had been deferred under paragraph (1).

9 Waiver of requirement to take part in an interview

- (1) A requirement imposed by these Regulations to take part in an interview does not apply if an officer determines that an interview would not be—
 - (a) of assistance to the lone parent; or
 - (b) appropriate in the circumstances.
- (2) A person in relation to whom a requirement to take part in an interview has been waived under paragraph (1) is to be treated as having complied with that requirement for the purposes of—
 - (a) regulation 4; and
 - (b) any claim for, or entitlement to, income support.

10 Consequence of failure to take part in an interview

- (1) Subject to paragraphs (2) and (5) and regulations 8 and 9, the consequences specified in paragraphs (3) and (4) ensue if a person does not—
 - (a) take part in any interview when required to do so; and
 - (b) show good cause for not taking part in an interview before the end of five working days following the day on which the interview was to take place.
- (2) In a case where within one month of the date on which the decision was notified to a lone parent that he or she failed without good cause to take part in an interview—
 - (a) the lone parent brings new facts to the notice of an officer which could not reasonably have been brought to an officer's notice within five working days of the day on which the interview was to take place; and
 - (b) those facts show that the lone parent had good cause for his or her failure to take part in the interview,paragraph (1)(b) shall apply with the modification that for the words "five working days following" there were substituted the words "one month of".
- (3) A person to whom –
 - (a) paragraph (1) applies; and

- (b) regulation 4(2) and (3) applies,
is to be regarded as not having made a claim for income support.
- (4) A person to whom –
- (a) paragraph (1) applies; and
- (b) regulation 4(4) applies,
is to have his or her income support reduced in accordance with regulation 11.
- (5) If the requirement to take part in an interview which arose in connection with a claim was deferred and benefit became payable in accordance with regulation 8(2), the person's entitlement to income support terminates as from the first day of the next benefit week following the date the decision was made that the person failed without good cause to take part in an interview.
- (6) For the purposes of this regulation and regulation 11(1), matters to be taken into account in determining whether a person has shown good cause for his or her failure to take part in an interview include –
- (a) that the lone parent misunderstood the requirement to take part in the interview due to –
- (i) any learning, language or literacy difficulties of the lone parent; or
- (ii) any misleading information given to the lone parent by an officer;
- (b) that the lone parent was –
- (i) attending a medical or dental appointment; or
- (ii) accompanying someone for whom the lone parent has caring responsibilities to such an appointment,
and that it would be unreasonable, in the circumstances, to have rearranged that appointment;
- (c) that the lone parent had difficulties with his or her normal mode of transport and that no reasonable alternative was available;
- (d) that the established customs and practices of the religion to which that lone parent belongs prevented him or her attending at the time and place for the interview notified to the lone parent by an officer;
- (e) that the lone parent was attending an interview with an employer with a view to obtaining employment;
- (f) that the lone parent was pursuing employment opportunities as a self-employed earner;

- (g) that a dependant of the lone parent or someone for whom the lone parent provides care suffered an accident, sudden illness or relapse of a chronic condition;
 - (h) that the lone parent was attending a funeral of a close friend or relative on the day fixed for the interview; and
 - (i) that a disability from which the lone parent suffers made it impracticable for him or her to attend at the time fixed for the interview.
- (7) For the avoidance of doubt, a person who is regarded as not having made a claim for income support because he or she failed to take part in an interview shall be required to make a new claim for income support in order to establish entitlement to that benefit.

11 Reduction of income support

- (1) Subject to paragraphs (2) and (3), any payment of income support which falls to be made to a person after the date on which an officer decided under these Regulations that that person—
- (a) had not taken part; and
 - (b) had not shown good cause for not taking part,
- in an interview is to be reduced, as from the first day of the next benefit week following the date the decision was made, by a sum equal to 20% of the amount applicable specified in Part I of Schedule 2 to the Income Support Regulations in respect of a lone parent for income support aged not less than 18.
- (2) Payment must not be reduced under paragraph (1) below 10 pence per week.
- (3) A reduction under this regulation ceases to have effect as regards a person from whichever is the earliest of—
- (a) the date on which that person attains the age of 60;
 - (b) the date on which that person ceased to be a lone parent; and
 - (c) the first day of the benefit week in which that person meets the requirement to take part in an interview.

12 Appeals

- (1) This regulation applies to –
- (a) any relevant decision made under these Regulations; or
 - (b) any decision under section 10 of the 1998 Act (decisions superseding earlier decisions) superseding such a decision.
- (2) This regulation applies –

- (a) whether the decision is as originally made or as revised under section 9 of the 1998 Act (revision of decisions); and
 - (b) as if any decision made, superseded or revised otherwise than by an adjudication officer was a decision made, superseded or revised by the adjudication officer.
- (3) In the case of a decision to which this regulation applies, the person in respect of whom the decision was made shall have a right of appeal under section 12 of the 1998 Act (appeal to appeal tribunal) to an appeal tribunal.

13 Amendments to Social Security (Claims and Payments) Regulations 1987 Regulations

The Social Security (Claims and Payments) Regulations 1987⁶ are amended in accordance with the Schedule.

MADE 11TH FEBRUARY 2013

C R ROBERTSHAW
Minister for Social Care

⁶ SI 1987/1968 (see SD 360/98).

SCHEDULE

**AMENDMENTS TO THE SOCIAL SECURITY (CLAIMS AND PAYMENTS)
REGULATIONS 1987**

After regulation 6 of the Social Security (Claims and Payments) Regulations 1987 (date of claim) insert –

6A Claims by persons subject to work-focused interviews

- (1) This regulation applies to any person who is required to take part in a work-focused interview in accordance with regulations made under section 2A(1)(a) of the Administration Act.
- (2) Subject to the following provisions of this regulation, if a person takes part in a work-focused interview, the date on which the claim is made shall be–
 - (a) in a case where the claim made by the claimant is for income support and meets the requirements of regulation 4(1A), the date on which the claim is received in the appropriate office; or
 - (b) in a case where –
 - (i) first notification of intention to claim income support is made to an appropriate office, or
 - (ii) a claim for income support is received in an appropriate office which does not meet the requirements of regulation 4(1A),
 the date of notification or, as the case may be, the date the claim is first received where the properly completed claim form is received within 1 month of notification or the date the claim is first received, or the day on which a properly completed claim form is received where these requirements are not met.
- (3) In a case where a decision is made that a person is regarded as not having made a claim for income support because he or she failed to take

part in a work-focused interview but subsequently claims such a benefit, in applying paragraph (2) to that claim no regard shall be had to any claim regarded as not having been made in consequence of that decision.

- (4) Paragraph (2) shall not apply in any case where a decision has been made that the claimant has failed to take part in a work-focused interview.
- (5) In this regulation, “work-focused interview” means an interview which is conducted for such purposes connected with employment or training as are specified in regulations made under section 2A of the Administration Act. **22**.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose a requirement on certain lone parents who claim, or are entitled to, income support to take part in a work-focused interview (“an interview”).

Regulations 1 to 3 contain the Regulations’ title, commencement and interpretation provisions.

Persons claiming or entitled to income support by virtue of being a lone parent and who are responsible for and living in the same household as a child aged 5 to 11 years are required to take part in an interview every 6 months (regulation 4).

A lone parent will be informed of the time and place of an interview, which can take place in the lone parent’s home if it would be unreasonable to require the lone parent to attend elsewhere (regulation 5).

Regulation 6 prescribes circumstances as to when a lone parent is to be regarded as having taken part in an interview.

Regulation 7 specifies the circumstances where the requirement to take part in an interview is not to apply.

Regulation 8 specifies that the requirement to take part in an interview can be deferred and regulation 9 provides that the requirement can be waived if an interview would not assist the lone parent or it would be inappropriate in the circumstances.

Regulations 10 and 11 set out the sanctions imposed on lone parents who fail to take part in an interview without good cause. In particular, a lone parent not entitled to income support will be regarded as not having made a claim for income support until the lone parent takes part in an interview and a lone parent entitled to income support will have their benefit reduced if the lone parent fails to take part in an interview when required to do so.

Regulation 12 provides that a decision that a lone parent has failed to take part in an interview without good cause can be appealed to an appeal tribunal under section 12 of the Social Security Act 1998 (as it has effect in the Island).

Regulation 13 and the Schedule make consequential amendments to the Social Security (Claims and Payments) Regulations 1987 (as they have effect in the Island).