



WORK-FOCUSED INTERVIEWS REGULATIONS 2018

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Statutory Document No. 2018/0100



Social Security Administration Act 1992

WORK-FOCUSED INTERVIEWS REGULATIONS 2018

Approved by Tynwald: 17 April 2018

Coming into Operation in accordance with regulation 2

The Treasury makes the following Regulations under sections 2A to 2B, 189 and 191 of the Social Security Administration Act 1992¹ as it has effect in the Island².

PART 1 – INTRODUCTION

1 Title

These Regulations are the Work-focused Interviews Regulations 2018.

2 Commencement

If approved by Tynwald, these Regulations come into operation on the day after they are approved by Tynwald³.

3 Interpretation

- (1) In these Regulations, unless the context otherwise requires —
- “**the 1998 Act**” means the Social Security Act 1998⁴;
 - “**the Administration Act**” means the Social Security Administration Act 1992;
 - “**benefit week**” means any period of 7 days corresponding to the week in respect of which a specified benefit is due to be paid;
 - “**lone parent**” means a person who —
 - (a) has no partner; and

¹ 1992 c.5.

² See SD 506/94.

³ Under section 190 of the Social Security Administration Act 1992 (as it has effect in the Island) these Regulations shall not have effect unless they are approved by Tynwald.

⁴ 1998 c.14 (see SD 92/00).

(b) is responsible for, and a member of the same household as, a child or young person;

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

“**partner**” means a person who is a member of the same couple as another person (P) but only if P has been awarded a specified benefit at a higher rate referable to that partner;

“**pensionable age**” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995⁵, but a man born before 6 December 1953 is to be treated as attaining pensionable age when a woman born on the same day as him would attain pensionable age;

“**relevant decision**” has the meaning given in section 2B of the Administration Act;

“**relevant interview**” means an interview under these Regulations in relation to a person’s current award of a specified benefit; and

“**specified benefit**” means any of the following benefits under the Contributions and Benefits Act —

(a) in relation to the requirement under these Regulations for a person to take part in an interview —

- (i) income support;
- (ii) incapacity benefit; and
- (iii) employed person’s allowance; and

(b) in relation to the requirement under these Regulations for a person’s partner to take part in an interview —

- (i) income support;
- (ii) income-based jobseeker’s allowance;
- (iii) incapacity benefit; and
- (iv) employed person’s allowance.

(2) The definition of “**lone parent**” in paragraph (1) is to be construed in accordance with —

- (a) if the lone parent is entitled to income support, the Income Support (General) (Isle of Man) Regulations 2000⁶; and
- (b) if the lone parent is entitled to employed person’s allowance, the Employed Person’s Allowance (General) Regulations 2011⁷.

(3) In these Regulations, unless the context otherwise requires, a reference —

⁵ 1995 c.26 (see SD 501/97).

⁶ SD 26/00.

⁷ SD 431/11.

- (a) to a numbered regulation is to a regulation in these Regulations bearing that number; and
 - (b) in a regulation to a numbered paragraph or sub-paragraph is to the paragraph or sub-paragraph in that regulation bearing that number.
- (4) Except where stated otherwise or the context otherwise requires, any reference in these Regulations to any provision of any legislation applied to the Island by an Order under section 1 of the Social Security Act 2000 or the Pension Schemes Act 1995 is a reference to that legislation as it has effect in the Island.

4 Meaning of “interview” and “interviewee”

- (1) In these Regulations “**interview**” means a work-focused interview conducted with a person (P) or P’s partner for any or all of the purposes specified in paragraph (2) and “**the interviewee**” means whichever of P or P’s partner is required to take part in an interview whether or not that person actually does so.
- (2) Those purposes are for —
- (a) assessing the interviewee’s prospects for existing or future employment;
 - (b) assisting or encouraging the interviewee to enhance the interviewee’s prospects of such employment;
 - (c) identifying activities which the interviewee may undertake to strengthen the interviewee’s existing or future prospects of employment;
 - (d) identifying current or future employment or training opportunities suitable to the interviewee’s needs;
 - (e) identifying educational opportunities connected with the existing or future employment prospects or needs of the interviewee; and
 - (f) identifying any factors or circumstances which apply to the interviewee which make it harder for the interviewee to obtain or retain employment than if they did not apply to the interviewee.

But see paragraph (3) also.

- (3) If the interviewee is already in employment, unless the context excludes it, reference to “**employment**” in paragraph (2) includes reference to “**more employment**” and “**better-paid employment**”.

PART 2 – REQUIREMENT TO TAKE PART IN AN INTERVIEW

5 Part 2: introduction

- (1) In this Part –
 - (a) regulations 6 and 7 set out the requirements for taking part in an interview;
 - (b) regulation 8 specifies when and where an interview is to take place; and
 - (c) regulations 9 and 10 make provision for determining whether P or P's partner has taken part in an interview.
- (2) This Part is subject to Part 3.

6 Requirement for P to take part in an interview

P is required to take part in an interview if –

- (a) P is entitled to a specified benefit; and
- (b) an officer determines that an interview –
 - (i) would be of assistance to P; and
 - (ii) is appropriate in the circumstances.

7 Requirement for P's partner to take part in an interview

P's partner is required to take part in an interview if –

- (a) P is entitled to a specified benefit; and
- (b) an officer determines that an interview –
 - (i) would be of assistance to P's partner; and
 - (ii) is appropriate in the circumstances.

8 When and where an interview is to take place

- (1) An interview must take place as soon as is reasonably practicable after the date on which the requirement for the interviewee to take part in the interview arises.
- (2) An officer must inform the interviewee of the date, place and time of the interview.
- (3) An officer may determine that an interview is to take place in the interviewee's home if it would, in the opinion of the officer, be unreasonable to expect the interviewee to attend elsewhere because doing so would –
 - (a) cause the interviewee undue inconvenience; or
 - (b) endanger the interviewee's health.

9 Determining whether the interviewee has taken part in the interviewee's first interview

- (1) The interviewee is to be regarded as having taken part in the interviewee's first interview if the interviewee carries out the actions specified in paragraphs (2) to (4).
- (2) The interviewee attends for the interview at the place and time notified to the interviewee by the officer.
- (3) The interviewee participates in discussions with the officer in relation to the interviewee's employability, including any action the interviewee and the officer agree is reasonable and they are willing to take in order to help the interviewee enhance the interviewee's employment prospects.
- (4) The interviewee provides answers (if asked) to questions and appropriate information about—
 - (a) the level to which the interviewee has pursued any educational qualifications;
 - (b) the interviewee's employment history;
 - (c) any vocational training the interviewee has undertaken;
 - (d) any skills the interviewee has acquired which fit the interviewee for employment;
 - (e) any paid or unpaid employment in which the interviewee is engaged;
 - (f) any medical condition which, in the interviewee's opinion, puts the interviewee at a disadvantage in obtaining employment;
 - (g) any caring or childcare responsibilities the interviewee has;
 - (h) the interviewee's aspirations for future employment;
 - (i) any vocational training or skills which the interviewee wishes to undertake or acquire;
 - (j) the interviewee's work related abilities; and
 - (k) any factors or circumstances which apply to the interviewee which make it harder for the interviewee to obtain or retain employment than if they did not apply to the interviewee.

But see also paragraph (5).

- (5) If the interviewee is already in employment, unless the context excludes it, reference to "**employment**" in paragraphs (3) and (4) includes reference to "**more employment**" and "**better-paid employment**".

10 Determining whether the interviewee has taken part in a subsequent interview

- (1) The interviewee is to be regarded as having taken part in a subsequent interview if the interviewee carries out the actions specified in paragraphs (2) to (4).
- (2) The interviewee attends for the interview at the place and time notified to the interviewee by the officer.
- (3) The interviewee participates in discussions with the officer—
 - (a) in relation to the interviewee’s employability or any progress the interviewee might have made towards obtaining employment;
 - (b) about any action the interviewee or the officer might have taken as a result of the matters discussed in relation to regulation 9(4) (determining whether the interviewee has taken part in the interviewee’s first interview); and
 - (c) in order to consider any of the programmes and support available to help the interviewee obtain employment.
- (4) The interviewee provides answers (if asked) to questions and appropriate information about the interviewee’s opinion as to the extent to which the interviewee’s medical condition restricts the interviewee’s ability to obtain employment.
But see also paragraph (5).
- (5) If the interviewee is already in employment, unless the context excludes it, reference to “**employment**” in paragraphs (3) and (4) includes reference to “**more employment**” and “**better-paid employment**”.

PART 3 – NO REQUIREMENT TO TAKE PART IN AN INTERVIEW

11 Part 3: introduction

Regulations 12 to 14 specify when there is no requirement to take part in an interview.

12 P or P’s partner not required to take part in an interview if P or P’s partner has not attained age 18 or has attained pensionable age

- (1) P or P’s partner is not required to take part in an interview if —
 - (a) P or P’s partner has not attained the age of 18; or
 - (b) P or P’s partner has attained pensionable age.
- (2) This regulation applies regardless of whether P or P’s partner is the interviewee.

13 P not required to take part in an interview if P is a lone parent whose only or youngest child is aged under 5

- (1) P is not required to take part in an interview if paragraphs (2) and (3) apply.
- (2) P is a lone parent.
- (3) P is responsible for and living in the same household as—
 - (a) a single child aged under 5 years; or
 - (b) more than one child where the youngest child is aged under 5 years.

14 P or P's partner required to take part in only one interview while P is receiving more than one specified benefit

- (1) This regulation applies if P or P's partner would otherwise be required to take part in interviews relating to more than one specified benefit.
- (2) P is only required to take part in one interview while P is receiving more than one specified benefit.
- (3) P's partner is only required to take part in one interview while P is receiving more than one specified benefit.
- (4) That interview counts for the purposes of each of those benefits.

PART 4 – CONSEQUENCES OF NOT TAKING PART IN AN INTERVIEW WITHOUT GOOD CAUSE**15 Part 4: introduction**

In this Part —

- (a) regulation 16 specifies the consequences of failing to take part in an interview without good cause;
- (b) regulations 17 to 19 specify the amount and period of the benefit reduction for failing to take part in an interview without good cause;
- (c) regulation 20 gives examples of matters to be taken into account in determining whether good cause has been shown for failing to take part in an interview; and
- (d) regulation 21 sets out the circumstances in which the time to show good cause for failing to taking part in an interview can be extended.

16 Consequences of failing to take part in an interview without good cause

- (1) P's specified benefit is to be reduced in accordance with this Part if —
 - (a) P or P's partner fails to take part in an interview as required to do so in accordance with Part 2; and
 - (b) before the end of 5 working days following the day on which the interview was to take place —
 - (i) P does not show good cause for P's failure to take part in an interview; or
 - (ii) P or P's partner does not show good cause for P's partner's failure to take part in an interview.
- (2) Paragraph (1)(b) is subject to regulation 21 (extension of time to show good cause for failing to taking part in an interview).

17 Amount of reduction

- (1) Payment of a specified benefit to P is to be reduced by £20.00 per week, but payment must not be reduced below 10 pence per week.
- (2) This regulation is subject to regulation 19 (reduction if more than one specified benefit is paid).

18 Period of reduction

- (1) The reduction has effect from the first day of the next benefit week following the date the relevant decision was made.
- (2) The reduction ends from the earlier of —
 - (a) the date on which P attains pensionable age; and
 - (b) the first day of the benefit week in which P or P's partner meets the requirement to take part in an interview.

19 Reduction if more than one specified benefit is paid

- (1) This regulation applies if —
 - (a) more than one specified benefit is being paid to P; and
 - (b) P or P's partner is required to take part in an interview in relation to each of those benefits.

But this paragraph is subject to regulation 14 (P or P's partner required to take part in only one interview while P is receiving more than one specified benefit).

- (2) Those benefits shall be reduced in the order of priority specified in —
 - (a) paragraph (3), if P is required to take part in an interview; and

- (b) paragraph (4), if P's partner is required to take part in an interview.

But this paragraph does not apply if paragraph (7) applies

- (3) That order is —
 - (a) income support;
 - (b) employed person's allowance; and
 - (c) incapacity benefit.
- (4) That order is —
 - (a) income support;
 - (b) income-based jobseeker's allowance;
 - (c) employed person's allowance; and
 - (d) incapacity benefit.
- (5) If the amount of the reduction is greater than some (but not all) of those benefits, the reduction is to be made against the first benefit in the list in paragraph (3) or (4) which is the same as, or greater than, the amount of the reduction.
See also paragraph (6).
- (6) For the purpose of determining whether a benefit is the same as (or greater than) the amount of the reduction, 10 pence shall be added to the amount of the reduction.
- (7) If the whole of the reduction cannot be applied against any one benefit because no one benefit is the same as (or greater than) the amount of the reduction, the reduction shall be applied against —
 - (a) the first benefit in the list in paragraph (3) or (4) and so on against each benefit in turn until the whole reduction is exhausted; or
 - (b) if sub-paragraph (a) does not result in the whole reduction being exhausted, until the whole of those benefits are exhausted.

But in each case, benefit must not be reduced to below 10 pence per week.
- (8) If the rate of any specified benefits payable to P changes —
 - (a) the rules set out above apply to the new rates of benefit; and
 - (b) any adjustments to the benefits against which the reductions are made shall take effect from the beginning of the first benefit week which begins for P following the change.

20 Matters to be taken into account in determining whether good cause has been shown for failing to take part in an interview

- (1) Matters to be taken into account in determining whether —

- (a) if P is the interviewee, P has shown good cause for P failing to take part in an interview; or
 - (b) if P's partner is the interviewee, P or P's partner has shown good cause for P's partner failing to take part in an interview,
- include the ones specified in paragraphs (2) to (10).
- (2) The interviewee misunderstood the requirement to take part in the interview due to —
 - (a) any learning, language or literacy difficulties of the interviewee; or
 - (b) any misleading information given to the interviewee by an officer.
 - (3) The interviewee was —
 - (a) attending a medical or dental appointment; or
 - (b) accompanying someone for whom the interviewee has caring responsibilities to such an appointment,and it would be unreasonable, in the circumstances, to have rearranged that appointment.
 - (4) The interviewee had difficulties with the interviewee's normal mode of transport and that no reasonable alternative was available.
 - (5) The established customs and practices of the religion to which the interviewee belongs prevented the interviewee attending at the time and place for the interview notified to the interviewee by an officer.
 - (6) The interviewee was attending an interview with an employer with a view to obtaining employment.
 - (7) The interviewee was pursuing employment opportunities as a self-employed earner.
 - (8) A dependant of the interviewee or someone for whom the interviewee provides care suffered an accident, sudden illness or relapse of a chronic condition.
 - (9) The interviewee was attending a funeral of a close friend or relative on the day fixed for the interview.
 - (10) A disability from which the interviewee suffers made it impracticable for the interviewee to attend at the time fixed for the interview.

21 Extension of time to show good cause for failing to taking part in an interview

- (1) If paragraph (2) applies, regulation 16(1)(b) (consequences of failing to take part in an interview without good cause) applies as if for "5 working days following" there were substituted "one month of".

- (2) This paragraph applies if, within one month of the date on which P was notified of the relevant decision —
- (a) either —
 - (i) if P was the interviewee, P brings new facts to the notice of an officer; or
 - (ii) if P's partner was the interviewee, P or P's partner does so;
 - (b) P or P's partner could not reasonably have brought those facts to an officer's notice within 5 working days of the day on which the interview was to take place; and
 - (b) those facts show that P or P's partner had good cause for failing to take part in the interview.

PART 5 – APPEALS

22 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.

PART 6 – REVOCATION

23 Revocation of the Work-focused Interviews for Lone Parents Regulations 2013

The Work-focused Interviews for Lone Parents Regulations 2013⁸ are revoked.

⁸ SD 0058/13.

PART 7 – CONSEQUENTIAL AMENDMENT

24 Social Security Legislation (Application) (No. 4) Order 1998 amended

- (1) The Schedule⁹ to the Social Security Legislation (Application) (No. 4) Order 1998¹⁰ is amended as follows.
- (2) The entry relating to regulation 6A¹¹ (claims by persons subject to work-focused interviews) is omitted.

MADE 14TH MARCH 2018

A L CANNAN
Minister for the Treasury

⁹ The Schedule sets out the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) as they have effect in the Island.

¹⁰ SD 360/98.

¹¹ The entry relating to regulation 6A was inserted by SD 0058/13.



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out new requirements for persons claiming certain social security benefits, and in some cases their partners, to take part in work-focused interviews as a condition for retaining the full rate of their benefit.

They also revoke the preceding Work-focused Interviews for Lone Parents Regulations 2013 and make consequential amendment to the Social Security (Claims and Payments) Regulations 1987 (as they have effect in the Island).