

## **EXPLANATORY MEMORANDUM TO**

### **The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) (Amendment) Regulations (Northern Ireland) 2011**

**S.R. 2011 No. 26**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) (Amendment) Regulations (Northern Ireland) 2011 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by the Social Security Administration (Northern Ireland) Act 1992 (c. 8) and the Social Security (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.
- 1.3 The rule is due to come into operation on 7th March 2011.

#### **2. Purpose**

- 2.1 This Statutory Rule makes a number of amendments to regulations dealing with work-focused interviews as described in the Social Security Administration (Northern Ireland) Act 1992. It makes provision to increase the upper age limit when a person is required to attend a work-focused interview as a condition of entitlement to benefit. The age will rise from 60 to 65 between 6 April 2010 and 5 April 2020, in line with the increase in state pension age for women.

#### **3. Background**

- 3.1 The equalisation process began in April 2010 with the state pension age for women born between 6 April 1950 and 5 April 1955 rising to between 60 and 65, depending on their date of birth. Women born before 6 April 1950 will continue to become eligible for their state pension at 60. Those born on or after 6 April 1955 will have the same state pension age as men. The Pensions Act (Northern Ireland) 2008 provides for a phased extension of the state pension age for both men and women from 65 to 68 and will begin in 2024 over a period to 2046. The decision to equalise the state pension age at 65 between 2010 and 2020 was taken in the early 1990s and enacted in the Pensions (Northern Ireland) Order 1995, providing a long lead-in time to allow those affected to adjust their plans.
- 3.2 Section 29 of the Welfare Reform Act (Northern Ireland) 2010 made a minor technical amendment to the Social Security Administration

(Northern Ireland) Act 1995 to reflect these changes, by requiring persons “under pensionable age” to take part in Work-focused Interviews. This previously stated “under the age of 60”.

- 3.3 To ensure back to work help operates equally for all ages, people aged 60 or over on working age benefits will get additional back to work support offered by a Work-focused Interview. A Work-focused Interview is designed to help a customer move closer to the labour market. It is an opportunity for a customer to explore all the options available to them with regard to improving their prospects of moving closer to employment, or training which could lead to employment at a later date.
- 3.4 This rule amends the upper age limit at which a person claiming any one of a number of specified benefits will be required to take part in a work-focused interview as described in the Social Security Administration (Northern Ireland) Act 1992. Existing references to “age 60” have been replaced by a reference to women’s “pensionable age”.
- 3.5 Work-focused interviews are already mandatory for younger claimants of the above benefits therefore the change will ensure an equal approach to all age groups. It is already unlawful to discriminate in training, recruitment and employment on grounds of age. It must be ensured that opportunities exist for people to continue training and to work as long as they want to. Equally, individuals must accept that they have responsibilities regarding work and planning for their future.

#### **4. Consultation**

- 4.1 These changes were initially included in the consultation paper on proposals for welfare reform “No-one written off: reforming welfare to reward responsibility” which was published in July 2008. Included in this paper was the proposal to change the law to allow people aged 60 and over access to the additional back to work support offered by a work-focused interview. Respondents were given the opportunity to comment on the work-focused interview regime for people aged 60 to 64.
  - Help the Aged welcomed the commitment to increase employment opportunities for people aged 60 to 64 and to give them the same level of support as younger people;
  - Age Concern thought that the universal provision of work-focused interviews is valuable if it gives real access to training opportunities and workplace training, both in Government supported schemes and employer led schemes.
  - The Age and Employment Network (TAEN) welcomed the statement that there was commitment to increasing the employment opportunities and that older people would be given the same support as is given to younger people.

#### **5. Equality Impact**

- 5.1 Every social security policy by its very nature has a differential impact in that the policy is designed to meet a specific need, in this case to allow people aged 60 and over access to the additional back to work support offered by a work-focused interview. The reforms will apply to all claimants regardless of religious belief, political opinion, race, sexual orientation, gender or disability.

The impact of these proposals on equality of opportunity among those groups listed in section 75 of the Northern Ireland Act 1998 was assessed as part of the equality screening of the Welfare Reform Act (Northern Ireland) 2010 and these Regulations, which are necessary to give effect to section 29 of that Act, do not have any additional implication for equality of opportunity.

## **6. Regulatory Impact**

- 6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

## **7. Financial Implications**

- 7.1 No financial implications

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 The Department has also considered its obligations under section 24 of the Northern Ireland Act 1998. It is the Department's judgement that the Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) (Amendment) Regulations (Northern Ireland) 2011 are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. E.U. Implications**

- 9.1 Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1 The Regulations mirror those made in Great Britain on 3rd March 2010 and came into force on 6th April 2010. It was not possible for the Regulations to come into operation in Northern Ireland on 6th April 2010 as they are dependant on powers contained in the Welfare Reform (Northern Ireland) Act 2010, which received Royal Assent on 13th August 2010. The Regulations come into operation on 7th March 2011.

## **11. Additional Information**

11.1 Not applicable