



Employment Act 2002

2002 CHAPTER 22

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

49 Work-focused interviews for partners

After section 2A of the Social Security Administration Act 1992 (c. 5) (claim or full entitlement to certain benefits conditional on work-focused interview), there is inserted—

“2AA Full entitlement to certain benefits conditional on work-focused interview for partner

- (1) Regulations may make provision for or in connection with imposing, at a time when—
 - (a) a person (“the claimant”) who—
 - (i) is under the age of 60, and
 - (ii) has a partner who is also under that age,is entitled to a benefit to which this section applies at a higher rate referable to his partner, and
 - (b) prescribed circumstances exist,a requirement for the partner to take part in a work-focused interview as a condition of the benefit continuing to be payable to the claimant at that rate.
- (2) The benefits to which this section applies are—
 - (a) income support;
 - (b) an income-based jobseeker’s allowance other than a joint-claim jobseeker’s allowance;
 - (c) incapacity benefit;

Status: This is the original version (as it was originally enacted).

- (d) severe disablement allowance; and
 - (e) invalid care allowance.
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
- (a) is more than it would be if the person concerned was not a member of a couple; or
 - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
- (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
 - (i) that the partner is required instead to take part in only one such interview; and
 - (ii) that the interview is capable of counting for the purposes of all those benefits;
 - (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
 - (c) for determining the persons by whom work-focused interviews are to be conducted;
 - (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
 - (f) for securing that if—
 - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
 - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
 - (g) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations; or
 - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.
- (5) Regulations under this section may, in relation to a reduction under subsection (4)(f), provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

Status: This is the original version (as it was originally enacted).

- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of the regulations—
 - (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
 - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time);and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.
- (7) In this section—
 - “couple” means a married or unmarried couple (within the meaning of Part 7 of the Contributions and Benefits Act);
 - “designated authority” means such of the following as may be specified, namely—
 - (a) the Secretary of State,
 - (b) a person providing services to the Secretary of State,
 - (c) a local authority, and
 - (d) a person providing services to, or authorised to exercise any function of, a local authority;
 - “partner” means a person who is a member of the same couple as the claimant;
 - “specified” means prescribed by or determined in accordance with regulations; and
 - “work-focused interview” has the same meaning as in section 2A above.”