

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INCAPACITY BENEFIT WORK-FOCUSED
INTERVIEWS) AMENDMENT (NO. 2) REGULATIONS 2005

2005 No. 2604

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument amends the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003 (“the 2003 Regulations”). It extends the 2003 Regulations to cover new groups of claimants living in certain areas of the country. It also makes a change to allow those who claim income support (whilst appealing against a decision which embodies a determination that they are not incapable of work) to be treated in the same way as someone claiming the other benefits covered by the 2003 Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The 2003 Regulations introduced a mandatory Work-Focused Interview (“WFI”) regime for claimants of incapacity benefits (“IBs”) i.e. Incapacity Benefit, Income Support on the grounds of incapacity and Severe Disablement Allowance. They require these claimants to meet a Departmental official to discuss the prospects of a return to work and to access help to make such a return more realistic (the WFI) as part of the Department’s Pathways to Work pilot scheme. The 2003 Regulations introduced the WFI regime for new claimants in 7 pilot areas only from October 2003 (and April 2004 in some of the pilot areas).

4.2 The Social Security (Incapacity Benefit Work-focused Interviews) Amendment Regulations 2005 amended the 2003 Regulations to cover claimants who made a claim in the two years before October 2003 (or April 2004). These claimants have a number of different WFI requirements, such as having to take part in 3 WFIs rather than 6. (A claimant can claim one of the IBs before October 2003 and another of the IBs after October 2003. Such claimants can be entitled to two IBs at the same time. The 2003 Regulations specify whether such claimants have to take part in 3 or 6 WFIs by reference to whether they made a claim for an IB on or after 7th February 2005.)

4.3 This instrument extends the 2003 Regulations so that they apply to 14 new areas (taking coverage of the Pathways scheme to one-third of the country). It

makes the extension only for claimants making a new claim in a particular area after October 2005 (or April 2006 or October 2006 in some areas).

- 4.4 This instrument also makes an amendment to treat all claimants covered by the 2003 Regulations the same way. A person claiming income support (whilst appealing against a decision which embodies a determination that they are not incapable of work) now falls within the 2003 Regulations if that claim is made at a specified time. The date they made a different claim for IBs is no longer relevant. This change is being introduced because the previous position was difficult to implement accurately.

5. Extent

- 5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 In the UK, 2.63 million people (7.4% of the working age population) are claiming IBs. The Department set out its long-term strategy for reforming IBs in the Green Paper – *Pathways to Work: Helping people into employment* (published 18th November 2002). The Department published a response to the consultation (*Pathways to Work: Helping people into employment – The Government's response and action plan*) on 10th June 2003.
- 7.2 The Department aims to help IB claimants into work. One way of doing this is requiring them to take part in WFIs (claimants not required to take part can volunteer to take part). The 2003 Regulations are one element of a wider employment and rehabilitation scheme (the remainder of which is non-statutory) called 'Pathways to Work' which implements the Department's aims.
- 7.3 This instrument ensures the WFI regime is available in one-third of the country. It is the start of making the regime available nationwide. The extension is introduced in three phases – phase one for some of the new areas in October 2005, phase two for others in April 2006 and phase three for the remainder in October 2006.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 There will be no additional impact on the public sector. The new joint programmes have already been established in the 7 areas already, testing out Pathways to Work that combine support to find jobs delivered by Jobcentre Plus personal advisers with health-focussed condition management delivered in

collaboration with the NHS. This is now being expanded to cover the 14 additional Jobcentre Plus districts to which these regulations will apply..

9. Contact

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