
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2008 (“the principal Regulations”), which aligned the work-focused interview regime for incapacity benefit, severe disablement allowance, or income support claims due to poor health (“specified benefits”) with the interview regime applying to persons entitled to Employment and Support Allowance (“ESA”). Subject to some exceptions, claims for specified benefits for periods after 26th October 2008 are treated as claims for ESA.

Regulation 2 extends the principal Regulations to the following categories of persons entitled to specified benefits, namely:

- those under 25 years of age, living in specified areas, who have been claiming incapacity benefit for at least 12 months continuously;
- those remaining relevant claimants who were still subject to the lesser conditionality regime set out in the Social Security (Jobcentre Plus Interviews) Regulations 2002 (“the 2002 Regulations”); and
- those who make a new claim for a specified benefit after 26th October 2008 and are eligible for a specified benefit rather than ESA, as their eligibility “links” back to an earlier award of a specified benefit, because of the provisions of regulation 2(2) of the Employment and Support Allowance (Transitional Provisions) Regulations 2008. This category will capture claimants who were subject to specified benefits regimes that predated the Social Security (Work-focused Interviews) Regulations 2000 (“the 2000 Regulations”) and therefore do not fall within any of the other categories in regulation 3(3) of the principal Regulations.

Regulation 2 also correct minor drafting errors in the principal Regulations, and make transitional provision in the case of persons who were previously subject to the 2002 Regulations so that a sanction imposed under those regulations will continue to apply.

Regulation 3 amends regulation 16 of the 2002 Regulations, which revoked the 2000 Regulations and the Social Security (Jobcentre Plus Interviews) Regulations 2001 (“the 2001 Regulations”) subject to certain savings. The amendment discontinues those savings in relation to persons claiming specified benefits (who now fall within the principal Regulations) except for certain purposes in relation to persons subject to a sanction under the 2000 Regulations or the 2001 Regulations. However, once the sanction ends, those persons’ eligibility for a specified benefit will be determined by the principal Regulations.

A full impact assessment has not been produced for this instrument, as it has no impact on the private or voluntary sectors.