**EXPLANATORY MEMORANDUM TO**

**THE SOCIAL SECURITY (INCAPACITY BENEFIT WORK-FOCUSED INTERVIEWS) AMENDMENT REGULATIONS 2006**

**2006 No. 536**

**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.

## 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.

4.2 This instrument extends the 2003 Regulations so that they cover two main new groups of claimants. Firstly, those who live in certain areas of the country[1] and claimed an incapacity benefit between two and six years before October 2003 (or April 2004). Secondly, those who live in Somerset and claimed an incapacity benefit at any time.

4.3 This instrument also extends the 2003 Regulations so that they apply to the whole of the enlarged area[2] in Scotland for some claimants making a new claim after April 2006.

## 5. Extent

5.1 This instrument applies to Great Britain.

[1] Bridgend and Rhondda Cynon Taf, Derbyshire and Renfrewshire, Inverclyde, Argyll and Bute from October 2003 and East Lancashire, Essex, Gateshead and South Tyneside from April 2004.
[2] Highlands, Islands, Clyde Coast and Grampian (formally RIAB)

## 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 published a further Green Paper – A new deal for welfare: Empowering people to work (on 24 January 2006). This builds further on the previous green papers and the progress we have already made with the Pathways to Work pilots by extending provision across the country.

7.3 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.

7.4 The Government believes that it is now right to extend a mandatory regime to a further group of existing IB claimants, and test whether the holistic Pathways approach is effective with claimants who have been in receipt of benefit for longer periods (many of whom are further from the labour market, and may face more substantial and complex barriers to a return to work, and have had less work-focused contact with Jobcentre Plus). We wish to assess whether the Pathways to Work approach is similarly effective in supporting those claimants to move closer to the labour market.

## 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.

## 9. Contact

Amarie Claxton at the Department for Work and Pensions Tel: 0113 23 24820 or e-mail: Amarie.Claxton@jobcentreplus.gsi.gov.uk can answer any queries regarding the instrument.