EXPLANATORY MEMORANDUM TO

The Social Security (Work-focused Interviews for Lone Parents and Partners) (Amendment) Regulations (Northern Ireland) 2011

SR 2011 No. 368

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) 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 and the Welfare Reform Act (Northern Ireland) 2007 and is subject to the negative resolution procedure.

2. Purpose

2.1. The proposed statutory rule will amend a number of different Regulations relating to social security so that lone parents and partners of certain benefit claimants are not required to take part in a work-focused interview under the relevant Regulations if they have a child under the age of 1 who is a member of their household and who the lone parent, or either member of the couple, is responsible for.

2.2. The Regulations also provide that lone parents who have a child under the age of 7 will no longer be treated as having not made a claim (or disentitled) if they fail without good cause to take part in their first work-focused interview and will instead receive a sanction. Entitlement to Income Support will always arise for such claimants, if the claimant meets the relevant conditions for entitlement) before a lone parent's first mandatory work-focused interview is organised.

2.3. Lone parents entitled to Income Support whose youngest child is aged over 7 will no longer be required to take part in a work-focused interview every 6 months. Instead they will be treated the same as Income Support claimants who are not lone parents and will be required to attend when a relevant change of circumstances occurs or if they have not attended a work-focused interview for 3 years.

2.4. The Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 will no longer make provision for lone parents with a child of 14 or 15 who have been entitled to Income Support for more than 12 months to attend work-focused interview every 13 weeks, unless they fall within a particular category of lone parents who have transitional protection. Instead, if they remain entitled to Income Support, they will attend every 3 years or when a relevant change of circumstances occurs.

3. Background

3.1. In November 2010 the Department for Work and Pensions published "Universal Credit - welfare that works". This confirmed the intention to

remove conditionality for parents with a youngest child aged under 1, as part of their welfare reforms.

3.2. Currently lone parents who are in receipt of income support, incapacity benefit and employment and support allowance and partners of recipients of income support, incapacity benefit, severe disablement allowance, jobseeker's allowance and employment and support allowance are required to attend work-focused interviews in order to continue to be entitled to full benefit. These work-focused interviews are of differing frequency depending on the benefit received. The purpose of a work-focused interview is to discuss the possibility of work either now or in the future and to help the customer improve their chances of moving closer towards suitable work.

3.3. At present lone parents who make a new claim to income support have to attend and participate in an initial work-focused interview to enable them to get income support. Where a lone parent does not attend or participate and fails to show good cause, they will not be entitled to benefit.

3.4. These Regulations will provide that lone parents and partners of benefit recipients, in receipt of the benefits mentioned above, will not have to attend and participate in work-focused interviews where their youngest child is aged under one. This will align the approach being taken by other policies to protect the position of most working parents in the first year of a child's life through extensions to parental leave and pay provisions. It will ensure that parents who receive benefit have the right and the ability to look after and bond with their child during the first year after their child is born.

3.5. These Regulations also provide that lone parents receiving Income Support with a child aged between 1 and 6 are not disentitled to benefit if they fail without good cause to attend their first work-focused interview after claiming Income Support. This will allow the Social Security Benefit Office/Jobs and Benefits Office to engage with these lone parents if they fail to attend their first work-focused interview rather than ceasing all contact. Instead they will inccur a sanction (which will reduce the personal allowance by 20%) if the lone parent fails to show good cause for non-attendance.

3.6. The Regulations also change the frequency of work-focused interviews for lone parents whose youngest child is aged 7 or over, and who are entitled to Income Support on grounds other than as a lone parent. Currently Regulations provide for lone parents to attend work-focused interviews every 6 months. However in practice such lone parents are only required to attend work-focused interviews every 3 years (or when a relevant change of circumstances occurs, where the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 apply to them). These Regulations confirm this position so these lone parents will be required to take part in a work-focused interview every 3 years or when a relevant change of circumstance occurs. These lone parents will continue to be treated as not having made a claim, or disentitled if they fail to attend their first work-focused interview after claiming Income Support without good cause.

3.7. Lone parents were previously able to claim Income Support on grounds of lone parenthood until their youngest child reached the age of 16 years. Since November 2008 this age threshold has been reduced so it currently stands at age 7 years. Prior to these changes quarterly work-focused interviews were introduced for lone parents receiving Income Support with a youngest child aged 14 or 15 years, to prepare them for the transition to another benefit (or to employment) when there Income Support ceased, when the child reached 16 years.

3.8. Although amendments were made to lower the child's age threshold, amendments were not made to remove the requirement for these lone parents to take part in quarterly work-focused interviews. The Regulations correct this so Income Support claimants who are not entitled to Income Support on grounds of lone parenthood must generally take part in a work-focused interview every three years or when a relevant change of circumstance has occurred.

3.9. The Regulations amend the current definition of "lone parent" in Employment and Support Allowance legislation to reflect a new definition introduced by the Welfare Reform Act (Northern Ireland) 2010 which refers to lone parents who are responsible for and a member of the same household as a person under the age of 16. The Employment and Support Allowance legislation currently also make provision for lone parents who are responsible for young persons who are over the age of 16. It is not intended to change the effect of those provisions, so consequential amendments have been made so Employment and Support Allowance legislation can continue to be applied in the same way as before.

3.10. The changes made by the Welfare Reform Act (Northern Ireland) 2010 also enable regulations to prescribe the circumstances in which a lone parent is to be treated as responsible for and a member of the same household as another person. The Regulations make such provision in relation to work-focused interview requirements for lone parents and partners with a youngest child aged under 1 and for work-focused interview and work-related activity requirements generally in relation to Employment and Support Allowance, by making reference to the Income Support (General) Regulations (Northern Ireland) 1987 provisions that deal with those concepts.

4. Consultation

4.1. The corresponding proposed changes in Great Britain were cleared by the Social Security Advisory Committee by correspondence.

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 remove the requirement for lone parents who receive income support, incapacity benefits and employment and support allowance and partners of certain benefit recipients to attend and participate in work-focused interviews where the youngest child is aged under one.

5.2. There are no equality implications for this change however, because no services, are being withdrawn for example, support will still be available

to help these groups into work on a voluntary basis. The change does disproportionately affect women but by offering employment support to parents of younger children more equality of opportunity is promoted between men and women in accessing labour market opportunities and helping them to move back into work. Such a move could also help them and their families to move out of poverty.

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. There are no financial implications because by removing work-focused interviews for these groups they will still receive the same benefits as before.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has 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) (Lone Parents and Partners) 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. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Regulations mirror the proposed Great Britain Regulations and are in keeping with the principal of parity between Northern Ireland and Great Britain in social security matters.

11. Additional Information

11.1. Not applicable.