

**EXPLANATORY MEMORANDUM TO**  
**THE SOCIAL SECURITY (INCAPACITY BENEFIT WORK-FOCUSED**  
**INTERVIEWS) AMENDMENT (No.2) REGULATIONS 2006**

**2006 No. 3088**

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 These Regulations amend the Social Security (Incapacity Benefit Work-focused Interviews) Regulations 2003 (“the 2003 Regulations”). They allow the Incapacity Benefit Work-focused Interviews regime to be rolled out across the whole 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. The 2003 Regulations introduced the WFI regime for new claimants in 7 pilot areas only from either October 2003 or April 2004.
  - 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, as applicable. These claimants have a number of different WFI requirements, such as having to take part in 3 WFIs rather than 6. Also a claimant may 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 7<sup>th</sup> February 2005.
  - 4.3 The Social Security (Incapacity Benefit Work-focused Interviews) Amendment (No.2) Regulations 2005 extended the 2003 regulations to cover new and repeat claimants in approximately one third of the country. Those

claimants are required to take part in a WFI if they make a claim from October 2005, April 2006 or October 2006, depending on where they live.

- 4.4 The Social Security (Incapacity Benefit Work-focused Interviews) Amendment Regulations 2006 extended the 2003 Regulations to cover: (a) claimants who made a claim between two and six years before October 2003 (or April 2004) in six of the areas; and (b) all claimants in one of the areas. They also extended the 2003 Regulations so that they apply to additional areas for some claimants making a new claim after April 2006.
- 4.5 This latest amendment to the 2003 Regulations allows for the introduction of the IBs WFI regime for new and repeat claimants to the remaining areas of the country. It also provides for the mandatory WFI regime to continue when participating claimants move from one designated Pathways to Work area to another such area.

## **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 About 610,000 people claim IB annually and about 80-90% of these say that they expect to return to work but many never do. As a result, there are currently over 2.7 million people claiming incapacity benefits. The Department set out its long-term strategy for reforming IBs in the Green Paper – *Pathways to Work: Helping people into employment* (published 18<sup>th</sup> 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 10<sup>th</sup> June 2003.
- 7.2 The Government believes that everyone who wants to return to work should receive active and effective encouragement and support to do so. 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 The IB caseload is reducing across the country but there is evidence to indicate that the reduction is greater in Pathways to Work areas.
- 7.4 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 already made with the Pathways to

Work pilots by proposing to extend the Pathways programme of support across the whole country, which was warmly welcomed. The intention is to rollout Pathways support nationally to all new and repeat IB customers by 2008.

- 7.5 Internal guidance is being revised in advance of the commencement of these provisions to address the changes and the rollout of Pathways to Work will be publicised on the Jobcentre Plus website, as well as through local publicity in the individual offices as they rollout.
- 7.6 There are no immediate plans to consolidate these regulations, but they will be informally consolidated through incorporation into the DWP Blue Volumes, available to view on line for free.

## **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**

- 9.1 Any queries about the content of this memorandum should be addressed to Maureen Karagic at the Department for Work and Pensions, Tel: 0113 23 24611 or e-mail: [Maureen.Karagic@jobcentreplus.gsi.gov.uk](mailto:Maureen.Karagic@jobcentreplus.gsi.gov.uk).