

## PROTECT

Labour Market Interventions Division  
1<sup>st</sup> Floor Caxton House  
6-12 Tothill Street  
London  
SW1 9NA

Email: [Alison.Evans@dwp.gsi.gov.uk](mailto:Alison.Evans@dwp.gsi.gov.uk)

Website: [www.dwp.gov.uk](http://www.dwp.gov.uk)



Denise Whitehead  
The Secretary  
Social Security Advisory Committee  
5th Floor Caxton House  
Tothill Street  
London  
SW1H 9NA

26 June 2013

**Proposed Draft Amendments to Regulations, the Social Security (Work Focused Interviews) Regulations and the Income Support (Work-Related Activity) and Miscellaneous Amendment Regulations 2013**

Dear Denise,

**I am writing to you to inform the Committee about a proposed set of draft Regulations which impose new requirements for certain lone parents to undertake work-related activity and which make amendments to:**

- The Social Security and Child Support (Decisions and Appeals) Regulations 1999/991.

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- The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 SI 2000/1926.
- The Social Security (Jobcentre Plus Interviews) Regulations 2002 SI 2002/1703.
- The Employment and Support Allowance ( Work-Related Activity) Regulations 2011
- The Universal Credit regulations 2013 S.I. 2013/376:and
- The Employment and Support Allowance regulations 2013 S.I 2013/379

The Committee is asked to consider the regulations 2 to 14 of the amending Regulations and whether reference of the Regulations is required. Documents enclosed:

- Explanatory Memorandum – attached to e-mail
- Copy of the draft SI attached to e –mail.
- Keeling Schedule – attached to e - mail.
- Equality Analysis.

It might be helpful to set out a brief background and to confirm that, as part of this, the proposal has been announced as part of the Spending Review 2013.

DWP evaluation evidence<sup>1</sup> shows that lone parents value support that is flexible, tailored to them as an individual and meets their specific needs; where a 'holistic' approach is taken. For many, having continuity of support provided by the same adviser is also important, someone who takes the time to get to know them and understands their situation, and where they do not have to keep repeating the same information to different advisers at each meeting.

Recent evidence from the Lone Parent Obligations (LPO) evaluation has highlighted the need for advisers to help prepare lone parents for an eventual move into work, while they are still on Income Support, and have the opportunity to undertake training and develop work-related skills they may need in work. For instance, the LPO evidence shows that lone parents have mixed views on the support they receive when they move off of Income Support and on to Jobseeker's Allowance or Employment and Support Allowance, with their experiences often being compared unfavourably with when they were on Income Support. Evidence from the early evaluation suggests that lone parents would have liked to have received more help and support earlier into their JSA claim, particularly help with training<sup>2</sup>

We propose to introduce a requirement for lone parents with a youngest child aged 3 or 4 to undertake work related activity/known as work preparation requirements within Universal Credit. We seek to improve the level of employment support available to lone parents (and nominated responsible carers under Universal Credit) with pre-school aged children, to better prepare them for the full work related requirements they may face when their child turns 5. The amendments make changes such that:

- the frequency, timing and duration of Income Support Work Focused Interviews (WFIs) for lone parents who are in receipt of this benefit purely on the basis of

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<sup>1</sup> (see for instance Thomas, 2008, DWP RR443; Drew et al, 2010, DWP RR633; Hasluck and Green, 2007, DWP RR407; Cebulla et al, 2008, DWP RR484)

<sup>2</sup> (Casebourne et al, 2010, DWP RR645).

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being a lone parent, with a youngest child aged 1 and over, can be flexible. These are currently conducted at fixed points, as determined by regulations.

- employment support advisers have the powers to require lone parents and nominated responsible carers (under Universal Credit) with a youngest child aged 3 or 4 to undertake mandatory work related activity (WRA). By WRA we mean “an activity which makes it more likely that a person will obtain or remain in work or be able to do so”, as defined by the Welfare Reform Act, section 13. Please note that under Universal Credit, this is known as work preparation activity; for the purposes of this letter, we shall refer to it only as WRA.

The first element of this change would be to enable us to require lone parents who are entitled to Income Support *solely* on the basis of being a lone parent<sup>3</sup> to attend mandatory work focused interviews (WFIs) on a flexible basis; the frequency and duration of which will be determined by their adviser. Under current legislation lone parents who are entitled to Income Support *solely* on the basis of being a lone parent have mandatory WFIs at fixed points in their claim (6 monthly for those with youngest child aged 1-3 and quarterly for those with youngest child aged 4).

Making this change would mean that all mandatory WFIs for lone parents with youngest child aged 1-4 in receipt of IS solely on the basis of being a lone parent will be delivered using existing adviser resources more flexibly. The changes will enable advisers to individually tailor the way that they deliver the mandatory WFI regime to these individual lone parents. All lone parents will, as a minimum, continue to receive the same number of mandatory WFIs that they receive currently.

In addition the initial WFI would no longer have to be at a certain point in the claim; currently lone parents' initial mandatory WFI takes place 3 or 6 months after they have made a claim for IS depending on the age of the youngest child. For some, particularly those that are due to lose entitlement to Income Support when their youngest child reaches age 5 this can represent an unnecessarily long delay in accessing the back to work support that Jobcentre Plus can provide.

The regulations would also make changes to remove the provision to waive interviews for these Income Support lone parents in scope of this change. Currently if a WFI has been arranged but it is not appropriate for, or will not be of assistance to, a particular lone parent then an adviser can use current provisions to waive the requirement to attend until the next available review date. In a flexible regime this review date will be determined by the adviser however the provision to defer the interview is still retained within regulations. The waiver provision, as it relates to other IS claimants has been retained because these claimants remain subject to a fixed mandatory WFI regime.

In line with recent changes for Jobseekers Allowance (JSA) and Employment and Support (ESA) Regulations these changes remove the prescriptive lists of Good Cause contained within the current WFI regulations. This change will affect all Income Support claimants. The original policy intent and safeguard which allows consideration of 'Good Cause' if a claimant fails to attend a mandatory WFI will be retained within regulations to ensure claimants have the opportunity to explain why they have not complied with mandatory requirements. WFI attendance requirements will continue to be tailored to

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<sup>3</sup> These lone parents who are claiming to income support on the grounds of being a lone parent as per paragraph 1 of Schedule 1B of the Income Support (General) Regulations 1987.

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the claimant's needs and circumstances and must be reasonable for the individual claimant. In line with JSA and ESA, points that Decision Makers should or should not normally consider will be included in the Decision Makers Guide (DMG) in relation to WFIs for IS claimants. Guidance in the advice to Decision Makers for Universal Credit and the new style ESA including legacy benefits will need to be revised.

The second element of this change would enable employment advisers to require lone parents whose youngest child is aged 3 or 4 to undertake mandatory work-related activity (WRA) in old-style ESA. It would also require lone parents and nominated responsible carers to undertake work preparation requirements in Universal Credit and new-style ESA that DWP may require an individual to undertake. In both cases, this is in order to prepare them for a time when they return to work. WRA will encompass a range of possible activity from writing a CV to attending basic skills training (BIS funded in England only) -or DWP funded basic skills training courses in Scotland and Wales. The type of work-related activity each lone parent/nominated carer will undertake (if any) would be decided at the discretion of their employment adviser (Jobcentre Plus or Work Programme). This is to reflect that different lone parents/nominated carers will have different needs and capabilities. It also recognises that local managers and advisers are best placed to identify the support and guidance that is appropriate to each claimant to help them to prepare for work as effectively as possible.

The requirement for lone parents to participate in more frequent WFIs or WRA may impact on the current level of demand for formal childcare. Where appropriate it is our intention that employment advisers would encourage lone parents to take advantage of the Department for Education (DfE) free childcare offer (England only) with a child age 3 to access up to 15 hours free childcare. In addition advisers will also have the discretion to use the Jobcentre Plus (JCP) Flexible Support Fund (FSF) to fund eligible childcare costs to enable parents to attend WFIs or participate in work preparation agreed with their adviser.

Within Income Support changes to the WFI regime would only apply to lone parents aged 18 and over entitled to IS *solely* on the basis of lone parenthood. Other IS claimants that are lone parents, such as Carers, are not affected by this change.

Skills and childcare are both devolved issues, and guidance will be issued to ensure advisers in the devolved administrations are only referring parents to work related activity in line with their individual administrations' requirements.

We are scheduled to present this change to the Committee on 8 July 2013.

Please let me know if the Committee requires any further information.

Yours sincerely

**Alison Evans**  
**Head of Jobcentre Plus Support and Programmes**