

EXPLANATORY MEMORANDUM FOR THE SOCIAL SECURITY ADVISORY COMMITTEE FROM THE DEPARTMENT OF WORK AND PENSIONS

The Income Support and Employment and Support Allowance (Work-Focused Interviews, Work-Related Activity, etc.) (Lone Parents and Partners) Regulations 2010 – to enable the introduction of the Progression to Work pathfinders from 25 October 2010

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INTRODUCTION

1. It is proposed that ***The Income Support and Employment and Support Allowance (Work-Focused Interviews, Work-Related Activity, etc.) (Lone Parents and Partners) Regulations 2010*** contained in draft at **Annex 1** of this memorandum will enable the introduction of Progression to Work (PtW) pathfinders for Lone Parents and Partners from October 2010 for new customers and from April 2011 for existing customers. Though provision for mandatory work-related activity has been included in the Welfare Reform Act 2009, these regulations also rely on powers that were not contained in that Act. Consequently we are submitting these Regulations for scrutiny by the Committee, rather than simply for information under the 'six month rule'.
2. The pathfinders will operate in four Jobcentre Plus districts: Nottinghamshire, South London, Staffordshire and Tees Valley - and will introduce personalised conditionality and support for:
 - lone parents who are entitled to Income Support (IS) as lone parents with a youngest child aged between 3 and 6 years; and
 - partners of Income Related Employment and Support Allowance (ESA) customers and partners of certain Income Support (IS) customers, where either of them is responsible for a youngest child aged between 3 and 6 years.
3. The pathfinders will build on, amend and extend the existing regime for lone parents of regular work-focused interviews and will require customers to undertake work-related activities supported by action planning, which will aim to move them closer to the labour market and ultimately into work, when they become ready to do so.
4. The pathfinders will not require anyone to undertake work, apply for, or take up, a job. The new requirements will be underpinned by a new escalating sanctions regime which will give customers more opportunities to comply with the requirements and therefore aims to minimise the number of customers who receive a financial sanction.
5. We are also testing in the pathfinders an increased Financial Incentive for lone parents who work less than 16 hours a week (under powers in Section 2 of the Employment and Training Act 1973). Any payment under the financial incentive will not be treated as income for the purpose of the lone parent's Income Support claim and so they will have more money available to them. This is not dealt with in these regulations. The exact detail of this proposal is being considered further to ensure that as many lone parents as possible who are working less than 16 hours per week are entitled to an incentive payment.

THE RATIONALE FOR THE PROPOSED CHANGES

6. In December 2008 Professor Paul Gregg published his independent review "*Realising Potential: A Vision for Personalised Conditionality and Support*", which made recommendations about how the Government could make further progress in reforming the welfare system to promote employment and reduce child poverty.
7. The review recommended that virtually everyone claiming benefit should be required to engage in activities that will help them move towards, and ultimately into employment. It found that the strongly work-focused job seeking regime for those who are able to look for and take up paid work straight away was effective and should broadly remain the same. This 'ready for work' approach includes those currently required to claim Jobseeker's Allowance (JSA) which, over the next few years, will include lone parents claiming Income Support when their youngest child is aged 7 or over.
8. A small group of people was identified who should not be required to meet any work-related requirements in return for their benefits because of their caring responsibilities or the severity of their health condition. This 'no conditionality' group will include carers and lone parents and partners of benefit customers with a child under the age of one. Making progress towards work should be voluntary for people in these situations.
9. The review also identified a large group of people claiming benefits where a return to paid work is a reasonable and positive possibility if sufficient time, encouragement and support are provided and they can be engaged positively in mapping out a journey back to work. This group is known as the "Progression to Work" group.
10. In the White Paper "*Raising expectations and increasing support: reforming welfare for the future*", the Government endorsed Professor Gregg's vision of a system where virtually everyone on benefits is on an active journey back to work, but where that journey is tailored to their individual goals and circumstances.
11. The government also issued a Discussion Paper in January 2009 '*Realising Potential: developing personalised conditionality and support*' setting out how it planned to implement and test the approach.
12. This Explanatory Memorandum deals with the changes relating to lone parents and partners. Other approaches to testing the recommendations made by Professor Gregg will be subject to separate legislation.
13. We have consulted external lobby groups during the preparatory phase of the project to obtain their input and raise awareness and understanding of the Progression to Work pathfinder model. This has been done through the regular meetings of the Lone Parent Voluntary Group. This group is attended by a variety of organisations that represent the interests of lone parents and families. The proposals were discussed at meetings held on:
 - o 27th January 2009

- 7th May 2009
- 3rd September 2009

The next meeting is scheduled for 11 February 2009, but the Department also regularly engages in correspondence with organisations represented on the group outside of the formal meetings.

OVERVIEW OF PROGRESSION TO WORK PATHFINDERS

14. The rationale for initially running Progression to Work as pathfinders in certain districts only (as opposed to rolling out the model nationally) is that:

- Before any further roll-out, they will enable us to explore with input from key stakeholders, the effect of enhanced support and conditionality on the customer experience. This is important as these customers have not previously been subject to this level of conditionality.
- We will gain an evidence base to enable us to assess the operational implications of Progression to Work conditionality before developing plans for national implementation.
- We will gain an understanding of the effectiveness of the model in moving customers closer to or into work, allowing us to forecast the costs and savings likely to be associated with wider roll-out.

15. The pathfinders will:

- Commence from 25 October 2010 for new customers and from 4 April 2011 for existing customers;
- Run for a minimum of two years;
- Introduce new conditionality and support requiring customers to attend more frequent WFIs and undertake Work-Related Activity (WRA) between each WFI. The intention is that WFIs would be quarterly, although the power in the Regulations would enable customers to be subject to more or less frequent WFIs. A new escalating sanctions regime which gives customers more opportunities to comply will be in place to support the increased conditionality;
- Run in four Jobcentre Plus Districts: Nottinghamshire, South London, Staffordshire and Tees Valley; and
- Be delivered through Jobcentre Plus and the Jobcentre Plus Support Contract.

CHANGES TO THE WORK-FOCUSED INTERVIEW (WFI) REGIME

Income Support Lone Parent Customers – Current Position

16. Currently lone parents in receipt of Income Support (IS) are required to attend WFIs as a condition of receiving benefit. The purpose of a Work-focused Interview is to provide customers with information on the support available through Jobcentre Plus, help them identify steps to

take that will see them move away from benefit dependency and into or closer to work, and explain the requirements they need to meet in order to remain entitled to benefit.

17. WFIs can currently be deferred, where a temporary postponement is appropriate or waived altogether if it would not be of benefit to the customer now or for the foreseeable future, for example, because of a health condition or caring responsibilities. This will remain the case under these regulations.
18. After the initial WFI, further WFIs are then held at six monthly intervals, changing to quarterly for lone parents with a youngest child aged 6 or over who are due to lose entitlement to IS when their youngest child reaches age 7.
19. Currently, an Action Plan is required to be completed or updated with the customer at each WFI. The Action Plan records what job goals they are aiming for and how they plan to achieve these goals. If the lone parent fails to participate in completing an Action Plan, then they cannot be treated as having taken part in the WFI and a sanction can be considered. However customers are not currently required to pursue any of the activities listed on the Action Plan.

Income Support Lone Parent Customers - Pathfinders

20. Lone parents in the Progression to Work pathfinder areas will continue to follow the existing WFI regime if their child is aged 1-2. Where the child is aged between 3-6 they will be subject to these Regulations which enable customers to be required to attend one or more WFIs. The intention is that lone parents falling into this group will usually be required to attend WFIs at quarterly intervals, although we have built in the flexibility to have longer or shorter durations between WFIs where this is appropriate.
21. Progression to Work will still require customers to discuss WRA and assist in completion of an Action Plan comprising activities they think will improve their prospects of moving back into work. Action Plans will provide customers with a notification of WRA.
22. As happens now, the adviser will consider whether the customer has taken part in the WFI. The customer will have taken part if they attend as required, participate in discussions about their employability and any steps they are willing to take to enhance their prospects of employment, answer any questions relevant to their employability (a list of topics is included in the Regulations) and complete an Action Plan.
23. In accordance with Section 3(2) (a) of the Welfare Reform Act 2009 (which amends Section 2A of the Social Security Administration Act 1992) there will be no requirement for any lone parent to attend a WFI until their child is 1 year old. This is a national change to the current

WFI regime, which will be dealt with separately from the regulations for Progression to Work.

Partners of customers in receipt of IS/ESA (IR) – Current Position

24. Currently, partners of customers in receipt of IS/ESA(IR) are required to attend a single, one-off WFI at the six month point of the customer's claim.
25. The purpose of a Work-focused Interview is to provide partners with information on the support available through Jobcentre Plus to help them identify steps to take that will see them move away from benefit dependency and into or closer to work and explain the requirements they need to meet in order to remain entitled to benefit.
26. Currently, different interview regimes exist for lone parents and partners. As with lone parent WFIs the requirement may in certain circumstances be waived or deferred.

Partners of customers in receipt of IS/ESA (IR) – Pathfinders

27. Within Progression to Work, for customers with a youngest child aged 3 – 6, the point at which initial interviews are carried out will be different but the frequency of subsequent interviews will be aligned. Partners of IS/ESA(IR) customers with a child aged 1 - 2 years will remain subject to the requirement to attend a single one off WFI after six months. Where the youngest child is aged between 3– 6 these Regulations impose a requirement to attend one or more WFIs, as determined by the Secretary of State. The intention is that these partners will usually be required to attend WFIs on a quarterly basis, although we have built in the flexibility to have longer or shorter durations between WFIs where this is appropriate. Partners of IS/ESA(IR) customers will be invited to attend an initial WFI after 13 weeks where the requirement to undertake WRA will be discussed but not required at that point. WRA will then be reviewed at subsequent quarterly WFIs.
28. A table summarising the existing and proposed work-focused interview regimes is contained in **Annex 6**.

WORK-RELATED ACTIVITY

29. Under the Progression to Work model customers will be expected to take active steps that will prepare them for and move them closer to work.
30. We would not require this from day one of a claim. There needs to be a period of consideration and adjustment (for example, a lone parent may have just separated from their partner), so that engagement with this process starts on a positive footing. Commencement of the requirement to undertake Work-Related Activity (WRA) will therefore be as follows:

- For lone parents making a new claim – following their second WFI (three months after their claim);
 - For lone parents with an existing claim – following their first quarterly WFI after April 2011 or the first quarterly WFI after the date their youngest child reaches age 3, whichever is later; the requirement to undertake WRA will be explained. This will then be reviewed at subsequent quarterly WFIs;
 - For partners of IS/ESA(IR) customers making a new claim – an initial WFI 13 weeks after the date of claim with WRA being a requirement at subsequent quarterly WFIs; and
 - For partners of IS/ESA(IR) customers with an existing claim – following an initial PtW WFI after April 2011 or after the date their youngest child reaches age 3, whichever is later; the requirement to undertake WRA will be explained. This will then be reviewed at subsequent quarterly WFIs.
31. WRA will encompass a range of possible activity. In addition to taking steps that directly improve their employability, we want parents to be able to engage with wider parenting and family support services and for their children to benefit from high quality childcare and early years provision. Equally, for customers who may have been out of work for some time, activities which build their confidence and encourage them to participate in their community could be just as valuable steps forward as those more directly aimed at improving their employability.
32. WRA activity will be flexible and tailored to meet an individual customer's needs. We do not intend to specify an exhaustive list of activities which count as WRA. The table at **Annex 4** gives an indication of the kinds of activities which may count as work-related activity. Also, the Progression to Work model will not require people to apply for or take up, a job, to undertake medical treatment or to carry out WRA when no suitable childcare is available.
33. Except where a direction has been issued (see paragraph 38 below) the Action Plan will specify a number of activities and the date and time on or by which the customer is required to undertake an activity. The Action Plan will also specify the evidence required to show that the customer has undertaken the required activity. Evidence may include a signed declaration from the customer or written confirmation from an independent third party.
34. At their next WFI customers will be asked to demonstrate that they have carried out WRA. Customers will be able to meet the requirement if they carry out at least one WRA every 13 weeks. However, they will not be required to carry out WRA at times when no suitable childcare is available. Where more than one activity is listed on the Action Plan, the customer will have a choice over which one he undertakes.
35. A customer would not be treated as having failed to carry out WRA if they had a stretching goal but then had not made as much progress as

had originally been hoped. Also where someone undertook an alternative activity from what was agreed in their Action Plan, and the adviser accepted that it would move them closer to work, the customer would be considered to have met their WRA requirements. However, we will encourage customers to consult their adviser if they decide to carry out a different activity from that agreed or if their circumstances change. The Regulations allow for customers to request reconsideration of their action plans in such circumstances (other reasons for reconsideration are set out in the regulations, which also list a number of examples of what may count as good cause).

36. Similarly, where an individual wanted to try and undertake several activities and these were recorded in their Action Plan they would not be penalised if they failed to complete every one of them; they would only need to complete one activity to comply with the requirement.

Exceptions

37. The requirement to undertake the WRA provisions will not apply to certain customers:
- Foster parents;
 - Those with children for whom any rate of the care component of Disability Living Allowance (DLA) is payable; and
 - Those claiming Carer's Allowance or Carer's Premium.

Directions to undertake specific work-related activity

38. Where a customer and adviser cannot agree on appropriate work-related activity the adviser will consider what is appropriate and reasonable for the customer. In cases where:
- the customer is identified as having a significant barrier to work but refuses to address that barrier; or
 - the adviser considers that an activity is a prerequisite to the customer's ability to obtain or remain in work; or
 - there is only one activity the adviser considers is appropriate for the customer to undertake at that time;
- then the adviser may direct the customer to undertake specific work-related activity (i.e. one particular activity giving the customer no choice). **Annex 4** provides some examples of work-related activity.
39. Where an adviser issues a direction to a customer to undertake a specific work-related activity, this will also be recorded on the Action Plan. The purpose of a direction is to make sure that customers, who are not effectively improving their chances of entering the labour market, undertake a specific activity that will help them, for example to address a barrier and to put them in a better position of ultimately finding a job.

40. Direction to specific work-related activity would always be done as a last resort and will reflect the individual customer's ability and circumstances at the time.

Meeting the WRA requirement

41. Where a customer's circumstances lead to a deferral or waiver of a WFI the requirement to undertake WRA will not be imposed (or could be treated retrospectively as not having applied) until a further WFI has been attended. Also, where the customer attends a WFI but it would be unreasonable for him to undertake WRA, WRA can be waived (or can be treated retrospectively as not having applied).

Action if a customer fails to carry out work-related activity

42. Customers will be asked to demonstrate that they have carried out WRA at their WFI. It is intended that to meet the requirement, a customer must carry out one activity between each WFI (or one every 3 months). If they carry out a different activity to the one on their Action Plan, they can still meet the requirement if the adviser agrees the alternative activity is appropriate.

APPLICATION OF THE ESCALATING SANCTIONS REGIME

43. Progression to Work will be underpinned by a new, more progressive sanctions regime, designed to provide customers with more opportunities to comply with the requirements and as such, avoid facing a financial sanction. It will involve greater effort by Jobcentre Plus staff to make contact, ensure that requirements are understood, and to establish why the customer has failed to comply.
44. At the point at which a customer becomes subject to these Regulations they will cease to be subject to the requirements of the existing regulations. This means that any existing benefit sanctions would cease to apply.

Scope of the Escalating Sanctions Regime

45. A sanction would apply for:
- Failure to attend or participate in a work-focused interview without good cause.
 - Failure to carry out general work-related activity (WRA) without good cause.
 - Failure to carry out directed specific work-related activity without good cause.
46. The escalating sanctions regime is described below and **Annex 5** provides examples of how this will work in practice.

47. As now, if a customer fails to take part in a WFI, sanction action will not initially be taken. Instead the adviser will discuss any issues the customer may have and give them another opportunity to engage. This first failure will not be the subject of a formal failure determination but will be dealt with informally and therefore, is not included within the Regulations. Only if the customer fails to engage again will formal sanction action follow.

- **Stage 1: Formal Written warning**

This is the first stage of the sanction process where a customer has failed to comply with a requirement without good cause. The letter will inform the customer that their benefit has not been affected but that further failure could result in a financial penalty.

- **Stage 2: Individual Case Review**

After a subsequent failure to comply without good cause, an individual case review will be carried out. This involves a senior adviser or manager undertaking an in-depth review of the customer's circumstances and the reasons for failure to comply. This could include home visits. Following the review it could be decided that WFIs or WRA are not appropriate at this stage. Regardless of the outcome, no benefit will be removed at this stage.

- **Stage 3:** sanction of 10% of the personal rate (or of the benefit increase in respect of a partner) for a maximum of 2 weeks. Benefit will be reinstated on compliance.

- **Stage 4** – sanction of 20% of the personal rate (or of the benefit increase in respect of a partner) for a maximum of 2 weeks. Benefit will be reinstated on compliance.

- **Stage 5** – indefinite sanction of 20% of personal rate (or of the benefit increase in respect of a partner). Benefit will be reinstated on compliance.

48. For both lone parents and partners the relevant amount deducted will be based on a rate for a customer aged 25 or over.

49. This model will provide customers with more opportunities to comply with the requirements and will ensure that they do not face a financial penalty before a full review of their circumstances has been carried out. As now, customers will have the opportunity to ask for the sanction decision to be reconsidered. The regulations also give a right of appeal against a decision that a person has failed to take part in a WFI or to undertake WRA, or has not shown good cause for such a failure, as required by section 2B(6) of the Social Security Administration Act 1992.

50. Overall this approach will provide customers with every opportunity to engage with WRA, lead to fewer financial sanctions, but provide the necessary backstops to ensure engagement and progression.

Progression through the escalating sanctions regime

51. The escalating sanctions regime is designed to impose a greater level of sanction each time a customer fails to comply and last for the life time of the customer's claim. Customers will always progress to the next stage for any subsequent failure; the regime does not allow a customer to return to stage 1 after a period of compliance. This is because, following a period of compliance the customer will have built up an ongoing relationship with the adviser and should be more aware of their responsibilities. They would therefore be less likely to benefit from stages 1 and 2. For example:

- A customer receives a warning letter for failure to show good cause for failing to attend a WFI in November 2010.
- The customer complies with conditionality for the next seven months before again failing to show good cause for failing to attend a WFI.
- They then receive a stage 2 penalty (individual case review) rather than a second warning letter.

Failure to comply further without good cause will result in the application of a stage 3 penalty (2 week benefit sanction) regardless of when this occurs.

Consideration of good cause

52. A customer will be able to show 'good cause' for failing to comply with a requirement if, for example, they:

- have misunderstood any requirements given to them due to any physical, mental, or learning disability or any language or literacy difficulties;
- have been given misleading information by Jobcentre Plus staff;
- no appropriate childcare was available;
- provide evidence that their physical or mental health condition is such that it makes compliance impracticable.

53. This list provides examples only and is not exhaustive. A fuller list (also not exhaustive) is set out in the Regulations. Where good cause is shown, the adviser will arrange another WFI or amend the customer's action plan with details of any revised WRA

Prescribed period for good cause:

54. A customer who is required to take part in a WFI or to undertake Work-Related Activity but fails to do so must show good cause for that failure within five working days of notice of failure being given.

HOW JOBCENTRE PLUS WILL DELIVER THE CHANGES

Impact on Jobcentre Plus Resources

55. The introduction of additional WFIs, WRA and a new sanctions regime will increase the number of staff required (by approximately 43.3 in the pathfinder areas). Total cost to 2012 is estimated at £21 million. Funding

and headcount to deliver the additional activities has been secured.

56. Although Jobcentre Plus staff are already familiar with, trained and equipped to support customers in these situations, there will be an additional requirement to ensure that they fully understand the personalised nature of Progression to Work and the new sanctions regime.

Communicating the changes to customers

57. Jobcentre Plus regularly communicates with customers about the support offered to help them consider and prepare for a future move into paid work, through communications and marketing activity and through our regular personal contact with them.
58. We will utilise WFIs and consider mail shots to advise customers in advance of the changes and to explain how they impact on individuals. We will also produce fact sheets covering the sanctions regime and work-related activity for issue to customers and support groups in the pathfinder areas.

Communicating the changes to Jobcentre Plus staff

59. Detailed implementation planning guidance, procedural guidance and communication products will be made available to all staff impacted by the changes in advance of go live. This will include specific events in each District to raise awareness for Jobcentre staff, in Benefit Delivery Centres for benefit processing staff and Decision Makers. Awareness products will also be provided for Contact Centre staff.

Role of the Advisers

60. We will be expecting more of advisers than under our current regime. At present, advisers only work with customers beyond the WFI on a voluntary basis. Advisers will continue to work with these customers but will also encourage, motivate and support customers who have not been willing to engage on a voluntary basis to identify their strengths and aspirations, and the steps they need to take on their journey back to work.
61. Advisers will support people working at different paces, with different aspirations and with different attitudes towards these new requirements. They will need to positively challenge an individual's pre-conceived ideas of whether they are employable. They will help a wider and more diverse group of customers to access a range of support services and engage with them over a sustained period. Where possible customers will see the same adviser during their period of involvement in Progression to Work.

Learning and development for all staff

62. Advisers will be given the appropriate training and guidance to support them through the changes and ensure they have the relevant skills to provide effective and efficient support to these customers.
63. All staff involved will receive awareness training before go live to ensure the changes are delivered successfully.
64. We will produce a Learning and Development Strategy informed by a training needs analysis to ensure that staff receive the training they need to successfully deliver the new conditionality regime. Learning and awareness products will be developed (in liaison with operational staff in the pathfinder locations and with input from external stakeholders) to address the areas identified. These may include:
- awareness of the barriers that customers with younger children may face in relation to undertaking WRA;
 - knowledge of local provision (e.g. childcare and training);
 - making directions;
 - considering good cause;
 - reconsidering action plans; and
 - how the sanctions system will operate.
65. Advisory Service Managers will need the necessary upskilling to enable them to coach and develop their staff and to monitor the quality of advisers' work, including customer action plans and WRA. Decision Making and Appeals (DMA) staff will need awareness of Progression to Work in order to enable them to make decisions on good cause. Staff conducting home visits will also need additional awareness training.

Guidance to support the changes

66. We will produce detailed guidance for Jobcentre Plus advisers and will integrate the new guidance into current Adviser procedural guidance. We will also produce detailed guidance and awareness sessions to support all other staff.

FINANCE

Volumes and Benefits

67. Approximately 31,500 lone parents and 4,500 partners will be subject to the new requirements under Progression to Work during each year of the pathfinders.
68. It is anticipated that the new conditionality arrangements for lone parents and partners to move them closer to the labour market will result in an increased take-up of New Deal for Lone Parents (NDLP) and New Deal for Partners (NDP) ranging between 10% and 25%.

69. The pathfinders will not require lone parents or partners to apply for, or take up, a specific job offer. However, it is anticipated that there will be a small direct employment effect for lone parent and partners because of Progression to Work. The following table indicates the range of fiscal benefits expected from this direct employment effect in the Pathfinder areas. These estimates do not take into account any longer-run impacts of Progression to Work.

Savings (£ millions)				
Financial Year	2010/11	2011/12	2012/12	Total
Net Exchequer Benefit	< £0.5	£1.0 - £2.0	£1.0 - £2.5	£2.0 - £5.5

Note: Net Exchequer Savings consider the costs and savings for Government of moving lone parents and partners off benefit and into work. They take into account reduced Income Support, Housing and Council Tax Benefit, increased tax receipts and National Insurance Contributions, but are net of tax credits and In-Work Credit.

EVALUATION

70. A full quantitative and qualitative evaluation of the new increased conditionality model will be carried out, in order to understand the impacts of the policy and to assess achievement. The full evaluation of the pathfinders will include:

Impact assessments

71. Quantitative data collection and analysis to assess the impact of the policies. A difference-in-difference (DiD) area-based approach will be used for the impact assessment. The main focus will be the analysis of DWP & HMRC data to measure progression towards work as well off-flow and employment impacts.

72. Administrative data will be supplemented by survey data to collect other measures not available on administrative data (e.g. salary levels; type of work; skills and training; knowledge of childcare options for parents; job entries not captured by HMRC data).

73. Impacts on Progression to Work are likely to be measured by survey data asking about customers' orientation and attitude to work. In addition, we could take longer term measures to see if they move into work more quickly and to better jobs when they move onto JSA as a result of Lone Parent Obligations. Thoughts on this part of the evaluation are being developed by our external research contractors and where necessary we will test their suggested approach.

Analysis of admin & survey data relating to processes & experiences

74. Other quantitative data analysis, possibly using both admin and survey data, will be undertaken that quantifies the processes and experiences of participants, for example:

- the timing of WFIs;
- the extent and nature of actions that advisers and customers put in the action plan;
- the use of the escalating sanctions regime; and
- customer and adviser experiences of the pathfinders.

Qualitative research

75. Qualitative research will be undertaken with Jobcentre Plus staff, relevant provider staff and participants in the Pathfinders. This will be a combination of focus groups and in-depth interviews. This will explore how action plans are negotiated and whether there are any barriers to undertaking work related to activity. We will also ask customers about what work related activity they undertake and their perspectives on the extent to which this is helping them to prepare for work. It will also examine customer and staff knowledge, perspectives on the sanctions regime and its impact. We are also considering how we might examine issues related to child well being.

76. We will also use observations of interactions between staff and customers. This is because a central feature of the intervention relies heavily on how staff interact with customers in developing their action plans and possible mandating of actions. Observation data could help shed more light on how negotiation of flexible and tailored support is realised.

Cost benefit Analysis

77. An internal cost-benefit analysis of the policies will be undertaken, taking into account the full cost of the policies, benefit savings and tax income to the Exchequer as well as a study of the costs and benefits accruing to our customers.

IMPACTS

Diversity and Equality Impact

78. A copy of the Diversity and Equality Impact Assessment for Lone Parents and Partners Progression to Work pathfinders is included at **Annex 2**.

Privacy Impact Assessment

79. A copy of the Privacy Impact Assessments for Lone Parents and Partners Progression to Work pathfinders is included at **Annex 3**.

Complexity / Simplification Impact

80. Progression to Work will use existing customer management mechanisms (e.g. WFIs) to apply the enhanced conditionality to customers in the pathfinder areas. It will not be possible to enhance Jobcentre Plus IT systems before go-live, meaning staff will have to operate some administrative workarounds (e.g. in respect of the escalating sanction regime, which will operate in tandem with the 'standard' regime for non-PtW customers). Whilst this will initially add some complexity to staff roles, the impact is not expected to be significant.

81. We believe the benefits of delaying the imposition of a financial sanction for customers outweighs the added complexity which may be faced by Jobcentre Plus staff. Smooth application of the new escalating sanctions regime will be supported by appropriate learning and development, along with guidance, available well in advance of the pathfinders start date.

Rural Impact

82. We do not anticipate an adverse impact on IS lone parents and Partners of IS/ESA (IR) benefit customers with younger children living in rural areas from the requirement to attend more frequent WFI's. Flexible arrangements for the timing and location of mandatory WFIs already exist and will be applied in the Progression to Work pathfinders.

83. For WRA consideration will be given to the type of activities that customers are able undertake in relation to their specific circumstances, including where they live, availability of transport and school / nursery hours.

Child Poverty Impact

84. Whilst Progression to Work is not aimed at delivering direct employment outcomes, the anticipation is that the additional activity and support associated with Progression to Work will result in more customers moving off benefit earlier with a potential consequent reduction in child poverty. We also recognise the potential detrimental effect of financial sanctions for those who remain on benefit but do not comply with the requirements of Progression to Work, and will investigate the impact of sanctions through evaluation.

Annex 1 – Draft Regulations

NEW VERSION 7

Draft Order laid before Parliament under section 8(3) of the Welfare Reform Act 2009 for approval of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

SOCIAL SECURITY

The Income Support and Employment and Support Allowance (Work-Focused Interviews, Work-Related Activity, etc.) (Lone Parents and Partners) Regulations 2010

Made - - - - 2010
Coming into force - - 25 October 2010

In accordance with section 8(3) of the Welfare Reform Act 2009(1) a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 2A⁽²⁾, 2AA⁽³⁾, 2B, 2D to 2G⁽⁴⁾, 189(4) to (6) and (7A) and 191⁽⁵⁾ of the Social Security Administration Act 1992⁽⁶⁾, and sections 10(3) and (6), 12(2)⁽⁷⁾, 79(4) and (6) and 84 of the Social Security Act 1998⁽⁸⁾ after reference to the Social Security Advisory Committee⁽⁹⁾ [after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽¹⁰⁾]:

⁽¹⁾ 2009 c.24

⁽²⁾ Section 2A was amended by section 3(2), 34(1) and 35(2) and (4) of the Welfare Reform Act 2009 (c. 24) (the 2009 Act).

⁽³⁾ Section 2AA was amended by section 34(2) and 35(3) and (4) of the 2009 Act.

⁽⁴⁾ Sections 2D to 2G were inserted by section 2 of the 2009 Act.

⁽⁵⁾ Section 189(7A) was amended by section 2(4) of the 2009 Act.

⁽⁶⁾ 1992 c.5.

⁽⁷⁾ Section 12(2) was amended by paragraph 25 of Schedule 7 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 1), and by paragraph 143 and 149 of Schedule 3 to the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833).

⁽⁸⁾ 1998 c.14.

⁽⁹⁾ See section 172 of the Act.

⁽¹⁰⁾ See section 173(1)(b) of the Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Income Support and Employment and Support Allowance (Work-Focused Interviews, Work-Related Activity, etc.) (Lone Parents and Partners) Regulations 2010 and shall come into force on 25 October 2010.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Social Security Administration Act 1992;

“the 1998 Act” means the Social Security Act 1998;

“the 1987 Regulations” means the Income Support (General) Regulations 1987⁽¹¹⁾;

“the 2000 Regulations” means the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000⁽¹²⁾;

“the 2002 Regulations” means the Social Security (Jobcentre Plus Interviews) Regulations 2002⁽¹³⁾;

“benefit week” means any period of seven days corresponding to the week in respect of which the relevant specified benefit is due;

“child” means a person under the age of 16;

“couple” has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992⁽¹⁴⁾;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽¹⁵⁾

“general work-related activity” means work-related activity⁽¹⁶⁾ which a person is required to undertake to comply with regulation 12 or 13;

“lone parent” means a person who—

(a) is not a member of a couple, and

(b) is responsible for, and a member of the same household as, a child;

“partner” means a person who is a member of the same couple as the claimant, or, in a case where the claimant has more than one partner, a person who is a partner of the claimant by reason of a polygamous marriage;

“pensionable age” in relation to a man born before 6 April 1955 begins on the day that a woman born on the same day as the man would attain pensionable age;

“polygamous marriage” means any marriage during the subsistence of which a party is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

“specific work-related activity” means a specific work-related activity which a person is required to undertake to comply with a direction given under regulation 14;

“specified benefit” means income support or an income-related employment and support allowance;

⁽¹¹⁾ S.I. 1987/1967

⁽¹²⁾ S.I. 2000/1926.

⁽¹³⁾ S.I. 2002/1703.

⁽¹⁴⁾ 1992 c.4

⁽¹⁵⁾ 2000 c.7

⁽¹⁶⁾ “Work-related activity” is defined in section 2D(9)(d) of the Act and means, in relation to a person, activity which makes it more likely that the person will obtain or remain in work or be able to do so.

“work-focused interview” means an interview with a lone parent or partner to whom these Regulations apply for any or all of the following purposes:

- (a) assessing that person’s prospects for existing or future employment (whether paid or unpaid);
- (b) assisting or encouraging that person to enhance any such prospects of employment;
- (c) identifying activities which that person may undertake to strengthen existing or future prospects of employment;
- (d) identifying current or future employment or training opportunities suitable to that person’s needs; or
- (e) identifying educational opportunities connected with existing or future employment prospects or needs of that person.

(2) For the purposes of these Regulations a written notification may be sent by post or by electronic communication and where sent by post will be taken to have been given on the second working day after posting.

Application

3.—(1) Where the conditions in paragraph (2) are met these Regulations apply—

- (a) on or after 25 October 2010 to a lone parent who claims and becomes entitled to income support on or after that date;
- (b) on or after 4 April 2011 to a lone parent who
 - (i) is entitled to income support on that date;
 - (ii) made a claim before 25 October 2010; and
 - (iii) has been continuously entitled since 25 October 2010.

(2) The conditions referred to in paragraph (1) are that the lone parent—

- (a) lives in a Jobcentre Plus Progression to Work area identified in the Schedule;
- (b) is not under the age of 18 and has not attained pensionable age;
- (c) is entitled to income support as a person falling within paragraph 1 of Schedule 1B to the 1987 Regulations (lone parents); and
- (d) is responsible for and a member of the same household as a single child aged 3, 4, 5 or 6 or more than one child where the youngest is aged 3, 4, 5 or 6.

(3) Where the conditions in paragraph (4) are met these Regulations apply—

- (a) on or after 25 October 2010 to a partner of a claimant where the claimant claims and becomes entitled to a specified benefit on or after that date; and
- (b) on or after 4 April 2011 to a partner of a claimant where the claimant
 - (i) is entitled to a specified benefit on that date;
 - (ii) made a claim for such benefit in respect of both the claimant and the partner before 25 October 2010; and
 - (iii) has been continuously entitled since 25 October 2010.

(4) The conditions referred to in paragraph (3) are that—

- (a) the claimant lives in a Jobcentre Plus Progression to Work area identified in the Schedule;
- (b) neither the claimant nor the partner is under the age of 18 or has attained pensionable age;
- (c) either the claimant or the partner is responsible for and a member of the same household as a single child aged 3, 4, 5 or 6 or more than one child where the youngest is aged 3, 4, 5 or 6;
- (d) the claimant is entitled to a specified benefit at a higher rate referable to the partner;

- (e) the partner is not also entitled to an employment and support allowance, jobseeker's allowance or incapacity benefit; and.
- (f) where the claimant is entitled to, income support, the claimant falls within a category of prescribed person under—
 - (i) paragraph 4 (persons caring for another person) or 7(c) or (d) (persons treated as capable of work and persons entitled to statutory sick pay) of Schedule 1B to the 1987 Regulations; or
 - (ii) paragraph 7(a) or (b) (persons treated as incapable of work), 10 (disabled students), 12 (deaf students), or 13 (blind persons) of Schedule 1B to the 1987 Regulations, by virtue of regulation 2(2) of the Income Support (Prescribed Categories of Persons) Regulations 2009⁽¹⁷⁾.

(5) However, Part 2 (work-related activity), and Part 3 as far as applicable to the requirement to undertake work-related activity, of these Regulations does not apply to—

- (a) a foster parent;
- (b) a person who is responsible for a child in respect of whom they are entitled to a care component of Disability Living Allowance;
- (c) a person entitled to Carer's Allowance or Carer's Premium.

(6) These Regulations, and any reduction imposed under regulation 24, will cease to apply if the Secretary of State is satisfied that the person to whom these Regulations apply, or in respect of whom the reduction would otherwise apply, no longer lives in a Jobcentre Plus Progression to Work area identified in the Schedule.

(7) For the purpose of paragraph (1) and (3), a person is not to be regarded as being entitled to income support if the person is entitled to such benefit following deferral of the first work-focused interview under—

- (a) regulation 5(2) of the 2000 Regulations; or
- (b) regulation 7(3) of the 2002 Regulations.

PART 1

Work-Focused Interviews

Disapplication of other Regulations relating to work-focused interviews

4.—(1) Subject to paragraph (2), where these Regulations apply to a person, the following Regulations, and any reduction applied under them, cease to apply—

- (a) the 2000 Regulations;
- (b) the 2002 Regulations;
- (c) the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003⁽¹⁸⁾.

(2) However, if these Regulations cease to apply to a person by virtue of regulation 3(6), where that person is a person to whom the Regulations referred to in paragraph (1) would otherwise apply, those Regulations will apply.

⁽¹⁷⁾ S.I. 2009/3152. These Regulations ('the 2009 Regulations') revoked paragraphs 7(a) and (b), 10, 12 and 13 of Schedule 1B to the 1987 Regulations but provide for those paragraphs to continue to apply in the circumstances set out in regulation 2 of the 2009 Regulations.

⁽¹⁸⁾ S.I. 2003/1886.

Requirement for lone parents to take part in a work-focused interview

5. The Secretary of State may require a lone parent to whom these Regulations apply to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount of income support payable to that person.

Requirement for partners to take part in a work-focused interview

6. The Secretary of State may require a partner to whom these Regulations apply to take part in one or more work-focused interviews as a condition of the claimant continuing to be entitled to a specified benefit at a higher rate referable to the partner.

Deferral of the requirement to take part in an interview

7.—(1) A requirement to take part in a work-focused interview may be deferred, or treated as having been deferred, if at the time the work-focused interview is to take place, or was due to take place, such an interview would not at that time be or have been—

- (a) of assistance to the person; or
- (b) appropriate in the circumstances.

(2) Where the requirement to take part in a work-focused interview is deferred, or treated as having been deferred, the time at which the work-focused interview is to take place must be redetermined.

Requirement to take part in an interview not to apply

8.—(1) The Secretary of State may determine that a requirement to take part in a work-focused interview is not to apply, or is to be treated as not having applied, if that interview would not be, or would not have been—

- (a) of assistance to the person; or
- (b) appropriate in the circumstances.

Notification of interview

9.—(1) The Secretary of State must notify the person of the requirement to take part and attend the work-focused interview including details of the date, time and place of the interview.

(2) The interview will be arranged to take place as soon as reasonably practicable after the requirement to take part arises.

(3) A work-focused interview may take place at a person's home if the Secretary of State considers that requiring the person to attend elsewhere would cause undue inconvenience to, or endanger the health of, the person.

(4) A notification of interview may be in writing or otherwise.

Taking part in a work-focused interview

10.—(1) The Secretary of State must determine whether a person has taken part in a work-focused interview.

(2) A person will be regarded as having taken part in a work-focused interview if that person—

- (a) attends for the interview on the date and at the place and time notified in accordance with regulation 9;
- (b) participates in discussions in relation to that person's employability including any action that person is willing to take to enhance that person's employment prospects;
- (c) provides answers to any questions about—
 - (i) educational qualifications, employment history, vocational training;

- (ii) employment skills, work related ability and any employment, paid or unpaid, engaged in by that person;
 - (iii) any relevant medical condition;
 - (iv) any caring or childcare responsibilities; and
 - (v) personal aspirations for future employment; and
- (d) assists in the completion of an action plan under regulation 17.

PART 2

Work-Related Activity

Requirement for lone parents to undertake work-related activity

11. The Secretary of State may require a lone parent who is required to take part in work-focused interviews in accordance with these Regulations to undertake work-related activity as a condition of continuing to be entitled to the full amount of income support payable to that person.

Requirement for partners to undertake work-related activity

12. The Secretary of State may require a partner who is required to take part in work-focused interview in accordance with these Regulations to undertake work-related activity as a condition of the claimant continuing to be entitled to the relevant specified benefit at the higher rate referable to the partner.

Directions about work-related activity

13.—(1) Where the circumstances in paragraph (2) apply, the Secretary of State may give a direction that the activity specified in the direction is to be the only activity which in that person's case, is to be regarded as work-related activity.

(2) The circumstances referred to in paragraph (1) are that—

- (a) the person has been identified as having a significant barrier to work and has refused to address that barrier;
- (b) the Secretary of State considers that the activity in question is a prerequisite to the person's ability to obtain or remain in work; or
- (c) there is only one particular activity which the Secretary of State considers appropriate for the person to undertake at that time.

Undertaking work

14.—(1) Where the Secretary of State gives a direction under regulation 13, the Secretary of State may not require the person to apply for a job or undertake work, employed or otherwise.

(2) However, a requirement to undertake general work-related activity may be met by the person undertaking work or applying for a job provided that—

- (a) the person has requested to do so;
- (b) the Secretary of State has agreed;
- (c) the agreement is recorded in the action plan; and
- (d) the work is not remunerative work.

(3) For the purposes of this regulation, remunerative work has the meaning given—

- (a) in the case of a lone parent or a partner of a claimant entitled to income support, in regulation 5 of the 1987 Regulations; and

- (b) in the case of a partner of a claimant entitled to employment and support allowance, in regulation 42 of the Employment and Support Allowance Regulations 2008⁽¹⁹⁾.

Medical treatment

15. A requirement imposed on a person to undertake general work-related activity may be met by the person undergoing medical or surgical treatment provided that—

- (a) the person has requested to do so;
- (b) the Secretary of State has agreed; and
- (c) the agreement is recorded in the person's action plan.

Restriction on requirement to undertake work-related activity

16. The Secretary of State may not require a person to undertake general or specific work-related activity during hours in which that person has caring responsibilities in relation to a child and no suitable child care (including, for the purposes of these Regulations, nursery or school, where relevant) is reasonably available.

Action plan and notification of work-related activity

17.—(1) Where a person attends a work-focused interview in accordance with these Regulations, the Secretary of State must provide that person with a written action plan.

(2) The Secretary of State must notify a person of any requirement to undertake general or specific work-related activity.

(3) The notification must be—

- (a) recorded in the person's action plan; and
- (b) either
 - (i) given to the person at each work-focused interview; or
 - (ii) sent to the person.

(4) The action plan must specify—

- (a) a record of the work-focused interview;
- (b) particulars of general or specific work-related activity as appropriate;
- (c) particulars of any agreement to undertake voluntary activity pursuant to regulation 14(2) or 15 as appropriate;
- (d) the date and time on or by which the person is required to undertake general or specific work-related activity;
- (e) the amount of general or specific work-related activity which the person is required to undertake by the date and time notified;
- (f) the evidence which the person is required to provide under regulation 19 in order to show that the person has undertaken general or specific work-related activity; and
- (g) any other information that the Secretary of State considers appropriate.

(5) Except where a direction has been given under regulation 13, the action plan must specify more than one general work-related activity.

Undertaking work-related activity

18.—(1) A person is to be regarded as having undertaken general or specific work-related activity if that person undertakes the amount of general or specific work-related activity specified in the action plan by the date and time so specified.

⁽¹⁹⁾ S.I. 2008/794

(2) Except where the Secretary of State does not consider it appropriate, a person will be regarded as having undertaken general work-related activity if that person undertakes one of the activities specified on the action plan within three months of the date on which the plan was given to that person.

Evidence of work-related activity

19.—(1) A person who is required to undertake general or specific work-related activity must provide evidence which—

- (a) is recorded in the action plan as the evidence required;
- (b) where so stated in the action plan, is from an independent third party;
- (c) where so stated in the action plan, is in the form of a signed declaration from the person;
- (d) is otherwise such as the Secretary of State considers sufficient to demonstrate that general or specific work-related activity has been undertaken by the person.

(2) Any evidence which a person is required to provide under paragraph (1) must be reasonable having regard to the person's circumstances.

Requirement to undertake work-related activity not to apply

20. The Secretary of State may determine that a requirement on a person to undertake general or specific work-related activity at a particular time is not to apply, or is to be treated as not having applied, if it would be or would have been unreasonable for that person to undertake the activity at that time.

Review of action plans

21. The Secretary of State must review and update the action plan provided to a person pursuant to regulation 17 at each work-focused interview in which that person takes part.

Reconsideration of action plans

22.—(1) In the circumstances set out in paragraph (2) a person to whom these Regulations apply may request reconsideration of an action plan.

(2) The circumstances referred to in paragraph (1) are that the person considers that—

- (a) an activity specified in the action plan is inappropriate for the person to undertake, or an alternative activity to the activities specified in the action plan would be more appropriate;
- (b) an activity agreed to by the person, has not been, or has been incorrectly, recorded in the action plan;
- (c) the amount of work-related activity to be undertaken is inappropriate;
- (d) the time and date on or by which the work-related activity is to be undertaken is inappropriate; or
- (e) in the case of specific work-related activity only, the direction was unreasonable.

(3) In making a request under paragraph (1), where the circumstances set out in paragraph (2)(a) or (b) apply, the person must propose an alternative activity to be undertaken except where a request is made under paragraph 2(a) because of a temporary or permanent deterioration in the person's physical or mental health or condition.

(4) In deciding whether to reconsider an action plan the Secretary of State must take the following matters into account—

- (a) any change in the person's physical or mental health or condition;
- (b) any change in the person's circumstances;

- (c) the impact on the well-being of any person under the age of 16 who may be affected by the decision;
 - (d) whether an alternative activity would make it more likely that the person will obtain or remain in work or be able to do so; and
 - (e) whether there is any other reason why the action plan should be reconsidered.
- (5) The Secretary of State must notify the person of his decision in writing within seven working days of receipt of the request and—
- (a) where the decision grants the person's request, must include an amended action plan with the notification;
 - (b) where the decision rejects the request, must record the reasons on the action plan.

PART 3

Consequences of failure to take part in a Work-Focused Interview or to undertake Work-Related Activity

Failure to take part in a work-focused interview or to undertake work-related activity

23.—(1)Where a person is required to take part in a work-focused interview, or to undertake general or specific work-related activity, in accordance with these Regulations, but fails to do so, that person must show good cause for the failure within 5 working days of the date the Secretary of State gives notification of that failure.

(2) The notification referred to in paragraph (1) may be in writing or otherwise.

(3) The Secretary of State must determine whether a person has failed to take part in an interview or to undertake work-related activity and, if so, whether that person has shown good cause for that failure.

(4) In determining whether a person has shown good cause for a failure to take part in an interview or to undertake work-related activity, the Secretary of State must take the following matters into account—

- (a) that the person misunderstood the requirement to take part in an interview or to undertake work-related activity due to learning, language or literacy difficulties or any misleading information given by the Secretary of State;
- (b) that the physical or mental health or condition of the person made it impracticable for that person to take part in an interview or undertake work-related activity;
- (c) that the attending of an interview or the undertaking of work-related activity would be likely to put at risk the person's or another person's health or safety, or subject the person to excessive physical or mental stress;
- (d) that the attending of an interview or the undertaking of work-related activity would involve the person in unreasonable expense;
- (e) that the person was a hospital in-patient;
- (f) that the person was attending an interview with an employer with a view to remaining in or obtaining work;
- (g) that the person was pursuing employment opportunities as a self-employed earner;
- (h) that the person was attending court as a party to proceedings or as a witness or juror;
- (i) that the person was attending a medical or dental appointment;
- (j) that the person, a dependant or another person for whom the person provides care suffered an accident, sudden illness or relapse of a physical or mental condition;
- (k) that the person was arranging or attending the funeral of a relative or close friend;
- (l) that the person had transport difficulties and no reasonable alternative was available;

- (m) that the person had caring responsibilities in relation to a child and child care was not reasonably available or was unsuitable due to the particular needs of the person or the child;
- (n) in the case of general work-related activity only, that the person undertook an alternative activity which could reasonably be expected to make it more likely that that person will obtain or remain in work or be able to do so;
- (o) in the case of specific work-related activity only, that the direction, or the decisions and conclusions reached in the assessment that formed part of the decision to give the direction, were unreasonable;
- (p) in the case of specific work-related activity only, that the failure of the person to undertake that activity resulted from a religious or conscientious objection sincerely held;
- (q) any other matter which the Secretary of State considers appropriate to consider.

(5) In order to show good cause in the circumstances set out in sub-paragraphs (e) to (m) of paragraph (4), the person must also show that it would have been unreasonable for that person to attend an interview or to undertake work-related activity at an alternative time.

Sanctions

24.—(1) Where the Secretary of State makes a failure determination, the amount of the relevant specified benefit payable to a lone parent to whom these Regulations apply, or in respect of a partner to whom these Regulations apply, is to be reduced in accordance with this regulation.

(2) For the purposes of this regulation, a failure determination is a decision that a person has—

- (a) failed to take part in a work-focused interview or to undertake work-related activity; and
- (b) failed to show good cause for that failure.

(3) If the Secretary of State determines that a person has failed to take part in a work-focused interview and has not shown good cause for that failure, the Secretary of State shall make a relevant decision for the purposes of section 2B of the 1992 Act.

(4) For the purposes of paragraph (5) and (6), a decision that a person has both—

- (a) failed to take part in a work-focused interview; and
- (b) failed to undertake work-related activity,

shall be treated as a single failure determination.

(5) A reduction will be applied under this regulation only in relation to the third and any subsequent failure determination.

(6) Subject to paragraph (9) the amount of the reduction in relation to—

- (a) the third failure determination is 10% of the relevant amount for two benefit weeks;
- (b) the fourth failure determination is 20% of the relevant amount for four benefit weeks; and
- (c) the fifth failure determination is 20% of the relevant amount for each benefit week until the reduction ceases to have effect under paragraph (9).

(7) The period for which a reduction is applied under this regulation begins on the effective date of the failure determination as specified in regulation 7(25) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽²⁰⁾.

(8) For the purposes of paragraph (6), “relevant amount” means, as the case may be-

- (a) where the reduction is from the amount of income support to which a lone parent is entitled, the amount applicable on the date the deduction commences in respect of a single claimant for income support aged not less than 25;
- (b) where the reduction relates to a failure determination in respect of a claimant’s partner and the claimant is in receipt of income support, the amount that is the difference between the amount applicable on the date the deduction commences in respect of a

⁽²⁰⁾ S.I. 1999/991.

single claimant for income support aged not less than 25 as prescribed in Part I of Schedule 2, paragraph 1(1)(e), to the 1987 Regulations and the higher amount payable to a couple under paragraph 1(3)(d) of Part I of that Schedule;

- (c) where the reduction relates to a failure determination in respect of a claimant's partner and the claimant is in receipt of an employment and support allowance, the amount that is the difference between the amount applicable on the date the deduction commences in respect of a single claimant for employment and support allowance aged not less than 25 as prescribed in Part 1 of Schedule 4, paragraph 1(1)(b), to the Employment and Support Allowance Regulations 2008⁽²¹⁾ and the higher amount payable to a couple under paragraph 1(3)(a) of that Schedule.

(9) In any benefit week the amount of specified benefit payable to a person is not, by virtue of this regulation, to be reduced to below ten pence.

(10) Any reduction imposed under this regulation ceases to have effect if—

- (a) where the reduction was imposed because of a failure to take part in a work-focused interview, the lone parent or the partner (as the case may be) complies with a requirement to take part in an interview or ceases to be subject to any such requirement;
- (b) where the reduction was imposed because of a failure to undertake work-related activity, the lone parent or the partner (as the case may be) complies with a requirement to undertake work-related activity or ceases to be subject to any such requirement.

(11) A reduction shall cease to have effect under paragraph (9) on the first day of the next benefit week following the day that the lone parent or the partner complied with the requirement in question, or ceased to be subject to the requirement.

Appeals – Work-Focused Interviews

25.—(1) This regulation applies to any relevant decision within the meaning of section 2B(2) and (2A) of the Act made under these Regulations or any decision of the Secretary of State under section 10 of the 1998 Act superseding such a decision.

(2) This regulation applies—

- (a) whether the decision is as originally made or as revised under section 9 of the 1998 Act; and
- (b) as if any decision made, superseded or revised otherwise than by the Secretary of State was a decision made, superseded or revised by the Secretary of State.

(3) Where this regulation applies the person in respect of whom the decision was made and, where that person is a partner, the claimant, shall have a right of appeal under section 12 of the 1998 Act.

Appeals – Work-Related Activity

26.—(1) Where benefit is reduced under regulation 24 as a consequence of a partner's failure to undertake work-related activity, the partner shall have a right of appeal to the First Tier Tribunal under section 12 of the 1998 Act against the decision of the Secretary of State under section 10 of that Act reducing benefit in consequence of that failure.

(2) This regulation applies—

- (a) whether the decision is as originally made or as revised under section 9 of the 1998 Act; and
- (b) as if any decision made, superseded or revised otherwise than by the Secretary of State was a decision made, superseded or revised by the Secretary of State.

⁽²¹⁾ S.I. 2008/794

Amendments to the Social Security and Child Support (Decisions and Appeals) Regulations 1999

27.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999 are amended as follows.

- (2) In regulation 6 (supersession of decisions), paragraph (h)—
- (a) in sub-paragraph (i), after “work-focused interview” insert “or had undertaken work-related activity”;
 - (b) in sub-paragraph (ii), after the first reference to “work-focused interview” insert “or not to have undertaken work-related activity” and after each subsequent reference to “work-focused interview” insert “or to undertake work-related activity”; and
 - (c) in sub-paragraph (ii), after “section 2AA” insert “or 2D”.
- (3) In regulation 7 (date from which a decision superseded under section 10 takes effect), paragraph (25)—
- (a) after “work-focused interview,” insert “or a determination has been made that a person failed without good cause to undertake work-related activity,”;
 - (b) in sub-paragraph (a), after “decision” insert “or the determination”;
 - (c) in sub-paragraph (b), after “Administration Act” insert “or to undertake work-related activity in accordance with regulations made under section 2D of that Act”;
 - (d) in sub-paragraph (b)(i), after “section 2AA(2)” insert “or section 2D(3)” and after “decision” insert “or the determination; and
 - (e) in sub-paragraph (b)(ii), after each reference to “decision” insert “ or the determination”.

Signed by authority of the Secretary of State for Work and Pensions

Name
Minister of State for Work and Pensions
Department for Work and Pensions

Date

SCHEDULE 1

Regulation 3(2)(a) and 4(a)

Jobcentre Plus Progression to Work areas by District and Office

For the purposes of these Regulations the Jobcentre Plus Progression to Work areas are:

<i>District and offices</i>	
<i>District – Nottinghamshire</i>	<i>Offices</i>
	Nottingham Parliament Street
	Newark Jobcentre Plus
	Retford Jobcentre Plus
	Sutton In Ashfield Jobcentre Plus
	Worksop Jobcentre Plus
	Bulwell Jobcentre Plus
	Beeston Jobcentre Plus
	Mansfield Jobcentre Plus
	Arnold Jobcentre Plus
	Nottingham Station Street Jobcentre Plus

	Watercourt Jobcentre Plus
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<i>District and offices</i>	
<i>District – South London</i>	<i>Offices</i>
	Thornton Heath Jobcentre Plus
	Purley Jobcentre Plus
	Mitcham Jobcentre Plus
	Bromley Jobcentre Plus
	Twickenham Jobcentre Plus
	Bexleyheath Jobcentre Plus
	Deptford Jobcentre Plus
	Forest Hill Jobcentre Plus
	Croydon Jobcentre Plus
	Sutton Jobcentre Plus
	Eltham Jobcentre Plus
	Lewisham Jobcentre Plus
	Woolwich Jobcentre Plus
	Kingston Jobcentre Plus

<i>District and offices</i>	
<i>District – Staffordshire</i>	<i>Offices</i>
	Burton Jobcentre Plus
	Cannock Jobcentre Plus
	Hanley Jobcentre Plus
	Kidsgrove Jobcentre Plus
	Lichfield Jobcentre Plus
	Newcastle Under Lyme Jobcentre Plus
	Stafford Jobcentre Plus
	Tamworth Jobcentre Plus
	Longton Jobcentre Plus

<i>District and offices</i>	
<i>District – Tees Valley</i>	<i>Offices</i>
	Stockton Jobcentre Plus
	Billingham Jobcentre Plus
	Guisborough Jobcentre Plus
	Loftus Jobcentre Plus
	Middlesborough East Jobcentre Plus
	Redcar Jobcentre Plus
	Eston Jobcentre Plus
	Thornaby Jobcentre Plus
	Darlington Jobcentre Plus
	Hartlepool Jobcentre Plus
	Middlesborough James Cook House Jobcentre Plus

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made either by virtue of, or in consequence of, provisions in Part 1 of the Welfare Reform Act 2009.

Section 2 of that Act introduced work related activity requirements for income support claimants and partners of claimants and entitled to income support or income-related employment and support allowance and section 35 amended existing powers in the Social Security Administration Act 1992 to require income support claimants and partners to take part in work focused interviews.

Part 1 of these Regulations sets out the new work focused interview requirements; Part 2 sets out the work-related activity requirements; and Part 3 provides a new sanctions regime and appeal rights.

Regulation 3 provides that these Regulations apply only to certain categories of claimants of income support (lone parents with a child aged 3-6) and partners of claimants entitled to income support or income-related employment and support allowance and only in the areas set out in the Schedule.

Regulation 4 disapplies existing regulations that require claimants to take part in work-focused interviews.

Regulations 5 and 6 set out the requirements to take part in work-focused interviews for persons subject to these Regulations.

Regulations 7 and 8 provide that work-focused interviews can be deferred or waived in certain circumstances.

Regulation 9 sets out notification requirements and regulation 10 defines what is required to comply with the requirement to take part in work-focused interviews.

Regulations 11 and 12 set out the requirements to undertake work-related activity. Work-related activity may be general or specific. Specific work-related activity requires a person to do one specific activity by way of a direction issued under regulation 13. General work-related activity leaves a choice to the person to do one or number of activities.

Regulations 14 and 15 respectively make clear that a person cannot be required to apply for a job/take up work; or undergo medical or surgical treatment - although they may satisfy the requirement to do work-related activity by doing any of these voluntarily provided certain conditions are met.

Regulation 16 prevents a person who has caring responsibilities in relation to a child being required to undertake work-related activity at times when no suitable child care is reasonably available.

Regulation 17 sets out notification requirements. Notification is by way of an action plan which also has to specify particulars. Regulation 19 provides for evidence of work-related activity to be produced and recorded in the plan. If a person produces the evidence that he has done what the action plan specifies, and at least one activity within three months of being given the plan, he will have satisfied the requirement (regulation 18).

Regulation 20 provides that the requirement to undertake work-related activity may be waived in certain circumstances.

Regulation 21 provides that the action plan must be reviewed and updated at each work-focused interview.

Regulation 22 sets out a right to request reconsideration of the action plan in certain circumstances and the procedure to be followed for such a request.

Regulation 23 sets out what happens if a person fails to take part in work-focused interview or undertake work-related activity and lists a number of matters that must be considered in relation to showing good cause for any such failure. If good cause is not shown, a sanction under regulation 24 will follow.

Regulation 24 sets out a progressive five stage sanction regime. A financial penalty only applies after a third failure but a failure to both take part in a work-focused interview and to do work-related activity count as one for these purposes.

Regulations 25 and 26 provide for rights of appeal and regulation 27 makes consequential amendments to the Social Security (Decisions and Appeals) Regulations 1999.

Annex 2 – Equality Impact Assessment

Gender

Background and Statistics

1. The powers will apply to all parents, both male and female, with younger children²² and as such aims to promote equality of opportunity. Given that the majority of lone parents are women, with over 95 per cent of lone parents on Income Support currently being female, these measures will evidently impact on more women than men. For partners of benefit claimants it is estimated that a slightly lower, but still significant 70 per cent are female.
2. Amongst all lone parents with youngest child aged 3 to 6, around 46 per cent of women are in work compared to around 59 per cent of men.

Risk of negative impact

3. Given that the majority of lone parents are female, the increase in conditionality that the Government intends to test in the PtW Pathfinders will impact on more women than men.
4. The PtW Pathfinders are designed to provide greater support and encouragement for parents to address barriers, and prepare for a move towards, and then into, work. Hence women are more likely to miss out on the support available if they are constrained by local childcare options.
5. Evidence shows that for lone parents' balance of childcare and work, a lack of good quality, convenient and affordable childcare was a major barrier to work for lone mothers in the UK.²³ Feedback from lone parents on the skills recommendations in the 2006 Leitch report was that childcare was the critical consideration for lone parents, in relation to both employment and training.²⁴ Parents differed in their willingness to arrange childcare. Attitudes to this were partially dependent on the number and ages of children – several children and/or those of primary age or below were more difficult to make adequate arrangements for. Even where lone parents were able to find appropriate care for their children while they were training or working, the high cost of childcare could be a barrier too far. Therefore, childcare may prevent women from engaging in work-related activity, and thereby making full use of positive support offered.
6. There are similar risks for female partners, who are the more likely in a couple to be the primary carer for their children, particularly when they may

²² All statistics for partners relate to those with children aged 1-6

²³ Bell, A., N. Finch, I. La Balle, R. Sainsbury and C. Skinner (2005) *A question of balance: lone parents, childcare and work*, DWP research report 230: 15-16.

²⁴ Goldstone, C (2008) *A 'User Voice' study: Jobcentre Plus customers' perspective pm DWP/DIUS strategy for skills*, DWP research report 519: 34.

need to consider childcare provision if the partner is unable to become the primary carer due to health or disability issues, for example.

7. However, the Government believes this risk is mitigated by the fact it has invested significantly in improving the availability and quality of formal childcare since 1997 and the Childcare Act 2006 places a duty on all local authorities in England and Wales to secure, as far as reasonably practical, sufficient childcare for working parents. This should help to ensure that all parents undertaking work or skills-related activity have access to the childcare they need.

8. The provisions of the Childcare Act do not extend to Scotland. However, the Scottish Government's Economic Strategy states that the Scottish Government will promote the provision of high quality, accessible, affordable, flexible childcare, in order to enable parents to access training and employment opportunities.

9. To ensure Local Authority childcare provision is adequate in light of this, Local Authority sufficiency assessments are closely monitored by the Department for Children, Schools and Families (DCSF). Detailed Statutory Guidance has been issued on how the assessments are to be conducted and, in May 2008, DCSF commissioned an independent survey of how assessments have been conducted. Additional funding has been made available to ensure local authorities can address gaps identified in their childcare sufficiency assessments. And each local authority has been asked to prepare a robust action plan detailing how it will address any gaps in provision identified within their assessment. Meanwhile, Jobcentre Plus feeds into Local Authority sufficiency assessments by sharing data on reported childcare barriers to work gathered via its Labour Market System (LMS).

10. Furthermore, whilst this is a risk, the personalised nature of the conditionality is intended to reflect parents' circumstances, and should take these considerations into account including ensuring that there is suitable childcare; indeed, the work-related activity proposed in the Gregg Review and which the Government intends to test in the PtW Pathfinders to support parents of younger children prepare for work has a much broader definition than only employment programme provision, and could include for example assessing childcare options. The intent of the Gregg vision is clearly to support parents of young children on the journey towards the goal of employment, rather than focusing on job outcomes achievable in the short term.

11. Whilst concerns were raised in the Green Paper consultation about the negative impact of any increased conditionality on carers, it is the intention that, similarly to the measures for partners with children aged 7 and over, carers will be exempted from the requirements of this new conditionality regime.

Opportunity to promote equality

12. There are grounds to suggest women will gain more than men from the extra support, with data from NDLP showing that women who participate are more likely to leave the programme and enter employment than men (with over 65 per cent of those women who leave moving into work compared to 56 per cent of men). Women and men are equally likely to flow into work following participation in New Deal for Partners, but given women are less likely to participate in the programme and are less likely to have worked in the past and more likely to postpone job search, providing additional support to prepare them for a return to work when their children are younger could be beneficial.

Disability

Background and Statistics

13. Lone Parents are more likely to report having a disability than the overall GB working age population. 19 per cent of all lone parents compared to 16 per cent in the working age population have a disability as defined under the Disability Discrimination Act (DDA). However, lone parents with a youngest child aged between 3 and 6 are slightly less likely to have a disability: around 14 per cent have a disability as defined under the Disability Discrimination Act (DDA).

14. However, lone parents with youngest child aged 3 to 6 and with a disability fare worse in terms of employment outcomes, with only 28 per cent in employment compared to around 47 per cent of all lone parents with a youngest child aged 3 to 6.

15. Partners of benefit recipients are significantly more likely to have a disability, with 27 per cent of those with a youngest child aged 1 to 6 reporting a disability.

Risk of negative impact

16. Although NDLP has contributed significantly to moving all lone parents off benefits and into work, including disabled lone parents, it appears it may be somewhat less successful for those with disabilities. Lone parents who are disabled and are participants in NDLP are seen to have somewhat worse outcomes than non-disabled participants, with 57 per cent of them entering employment compared with 64 per cent of non-disabled participants.

17. Evidence suggests that a significant minority of partners that are sick or disabled feel their condition affects the type and amount of work they can do, and some felt they were too ill to work again. This is reflected in fewer looking for work when they attend a WFI. Increased work search activity or skills-related activity may therefore not benefit disabled parents as much as others.

18. However, recent research suggests that over half of lone parents with a health problem or disability describe themselves as “not looking for work but would like to in the future”.²⁵ Analysis of the operation of Work-Focused Interviews (WFI) for lone parents has already shown that for a number of customers with disabilities or health problems, the WFI plays an important role in increasing self-confidence and raising optimism with regard to their perceived limitations. Similarly, evidence confirms a number of sick or disabled partners would like to move into work. It may be expected that the proposed changes will provide further such positive experiences as these and help improve outcomes.

19. The personalised work-related activity proposed by the Gregg Review is also wider than employment or training programmes, and could include a number of the other alternative activities suggested in the Gregg review, which the lone parent may take to address specific barriers to work. The Government has a number of tailored employment schemes aimed at helping disabled people, including Access to Work, New Deal for Disabled People, Workstep and Work Preparation. A Personal Advisor will not however be allowed to direct a person to undergo medical treatments or any activities that would clearly fall foul of human rights legislation or violate medical codes of practice.

20. Some parents face additional challenges, particularly when they have a sick or disabled child, which may generate important negative impacts if required to undertake more work or skills-related activity. Although some disabled children may be accommodated in mainstream childcare settings with little or no adjustment and through appropriate practice, the 2004-05 Parents Survey²⁶ showed that:

- Disabled children and children in families with at least one disabled parent were significantly less likely to have used any childcare in the last week than children in families where no-one is disabled. These children were also significantly less likely to have used formal childcare; and
- Children in families with at least one disabled parent were significantly less likely to have used informal childcare in the last week than children in families where no-one is disabled, while disabled children were no less likely to have used informal childcare than children in families where no-one is disabled.

21. To support these lone parents, Aiming High for Disabled Children, published in May 2007, announced additional funding of £35 million for 2008-11 to improve access to childcare for disabled children and young people. This funding will be used in a 3-year childcare accessibility project to help improve access and to reduce attitudinal barriers. Pilots started in September 2008 in 10 local authorities will test out ways of meeting the needs of disabled

²⁵ Thomas, A. (2007) *Lone Parent Work Focused Interviews: Synthesis of Findings*, DWP research report 443: 41.

²⁶ Bryson C et al. (2006) *Childcare and Early Years Provision: A study of parents' use of views and experiences*, Department for Education and Skills (DCSF) Research Report 723.

children as identified in Local Authorities childcare sufficiency assessments, with best practice subsequently being rolled out more widely.

Opportunity to promote equality

22. Parents with a disability are more likely to be out of work, but evidence suggests they are also more likely to gain something positive from existing mandatory interventions in turn suggesting that the policies could support more to look for and move towards work. To back this up, they can receive a range of personalised support from a package of measures that aims to address specific issues and improve the outcomes for disabled lone parents and partners of IS/ESA (IR) customers, and promote equality of opportunity.

Ethnicity

Background and Statistics

23. The policy will apply to all lone parents and partners of younger children, regardless of race or culture.

24. The majority of lone parents and partners with youngest child aged 3 to 6 are White. However, a relatively large proportion – around 18 per cent for lone parents and 24 per cent for partners – come from an ethnic minority group.

25. The employment rates of ethnic minority lone parents with a youngest child aged 3 to 6 is lower (around 37 per cent) than for all lone parents with a youngest child aged 3 to 6 (around 47 per cent).

Risk of negative impact

26. Statistics show that ethnic minorities also have poorer outcomes on NDLP than other volunteers, with only 53 per cent of those leaving moving into employment compared to 65 per cent of White volunteers who move into employment. Similarly for partners, 23 per cent of ethnic minorities on NDP move into employment compared to 32 per cent of White volunteers. Recent research found that ethnic minority lone parents were significantly less likely than similar white lone parents to be in employment and more likely to be on benefits after starting on New Deal for Lone Parents. There may be a risk that these lone parents do not experience the same positive outcomes as others.

27. However, a 2006 qualitative evaluation of ethnic minority perceptions and experiences of Jobcentre Plus²⁷ noted that ethnic minority NDLP participants were more likely than New Deal 25 plus or New Deal for Young People to report positively on their experience of New Deal and to feel that they had received help that was appropriate to their individual needs and circumstances.

²⁷ Hudson, M., H. Barnes, K. Ray and J. Phillips (2006) *Ethnic Minority perceptions and experiences of Jobcentre Plus*, DWP Research report 349: 63-65.

28. Evidence from a recent qualitative report on Pakistani and Bangladeshi women's attitudes to work and family²⁸ noted that language barriers and poor health were the key barriers mentioned by women in terms of accessing employment. There appeared to be a strong link between women's level of education and qualifications and their engagement with the labour market. Scarcely any women among the sample without qualifications or without good English language skills were employed.²⁹

29. Language barriers, as well as education, have also been found important for partners, with evaluation evidence of New Deal for Partners and WFIPs suggesting that for the vast majority English was not their first language, and where this was true, they were less likely than average to be looking for work and more likely to have never worked .

30. Since identifying and addressing the skills needs of parents – including English for Speakers of Other Languages (ESOL) training for those with language needs – is part of the personalised conditionality vision the Government aims to test in the PtW Pathfinders, the proposals should actually help improve outcomes and improve equality of opportunity for ethnic parents.

31. To combat the ethnic minority employment gap, a range of work is ongoing, in addition to the flexibility of mainstream services to meet the needs of individuals, including those from an ethnic minority background, which is complemented by local authorities ability to provide services to meet locally identified needs via initiatives such as City Strategy Pathfinders and the Working Neighbourhood Fund. The Ministerial Ethnic Minority Employment Task Force on ethnic minority is also looking at how it can use the power of public sector procurement to achieve better employment outcomes for ethnic minority people, how to tackle employer discrimination and also how people from ethnic minority backgrounds can best gain through areas based investments such as the 2012 Olympics.

32. Since most ethnic minority lone parents are in London they will also benefit from additional measures introduced in London including an increase in In-Work Credit from £40 to £60 a week, whilst all parents will benefit from the extension of New Deal Plus pilots to cover the whole of London, and piloting the payment of up-front childcare costs in London for those who qualify.

Opportunity to promote equality

33. The policy will apply to all parents regardless of ethnicity. Helping address particular problems with skills and language, which have been identified as a particular problem for some ethnic minority lone parents and partners, could help promote equality of opportunity.

²⁸ Aston, J. H. Hooker, R. Page and R. Wilson (2007) *Pakistani and Bangladeshi women's attitudes to work and family*, DWP Research report 458: 2-7.

²⁹ 40 Pakistani and 20 Bangladeshi women between 16 and 59 years old were interviewed.

Partners of Jobseeker's Allowance customers

35. Partners of JSA customers are not included in the scope of the pathfinders. This is because the short term nature of JSA claims would make it difficult to evaluate the effect of WRA on these partners.

Monitoring and Evaluation

36. The Government will start by testing these changes for lone parents and partners with children aged between 3 and 6 in the PtW Pathfinders, and a full multi-method evaluation will be undertaken to fully assess the impact of the policy on parents with younger children.

Annex 3 - Progression to Work: Privacy Impact Assessment (PIA)

PIA screening process preparations
<p>Project outline</p> <p>Progression to Work is being introduced in response to the independent review carried out by Professor Paul Gregg 'Realising potential: a vision for personalised conditionality and support' published in December 2008. The review concluded that ESA customers and parents with children aged between one and less than seven years old who could work, given time and the right encouragement and support, should be obliged to engage with an adviser to agree their own route way back to work and to undertake activities that are suitable for them and that will enable them to make progress towards work.</p> <p>Progression to Work will be delivered in four pathfinder districts before being extended nationally, and will involve Income Support lone parents and partners of IS/IB/ESA customers:</p> <ul style="list-style-type: none">• Attending quarterly Work-focused Interviews with a Jobcentre Plus adviser;• Discussing an action plan of activity intended to support progression to work; and• Carrying out obligatory work related activity where their youngest child is aged between three and six years old. <p>Additionally, lone parents receiving Income Support with a youngest child aged less than seven years who undertake part-time work of less than 16 hours per week will be able to benefit from a Financial Incentive that is to be tested in the Pathfinders. Any payment under the financial incentive will not be treated as income for the purpose of the lone parent's Income Support claim and so the customer will have more money available to them.</p> <p>The changes to existing processes and procedures created by the implementation of the Progression to Work project will be made to existing systems (and commercially, by varying existing contracts).</p>
<p>Stakeholder analysis</p> <p>Key stakeholders include:</p> <p>Department for Work and Pension (DWP) staff– involved in developing the service and ensuring it is delivered on time and in line with Ministers' preferences. Also responsible for amending and managing the contracts.</p> <p>Jobcentre Plus and its staff – involved in design, implementation and delivery. Also responsible for identifying customer needs and referrals to appropriate provision.</p> <p>Customers and their representatives - customers currently access support via Jobcentre Plus and Pathways contracts suppliers. The changes represent</p>

increased activity for customers.

Suppliers – suppliers will be procured to deliver the change.

Environmental scan

The project team will use, where appropriate, lessons learned from previous projects concerning privacy issues relating to the sharing of customer information (internally within Jobcentre Plus and externally with suppliers of appropriate provision).

Aspects of the project which need to feature in the PIA. Include references to any aspects where it is not clear whether there are privacy issues so that IDP can advise. Group under these headings.

Technology

No new or additional information technologies that have potential for privacy intrusion will be utilised in delivery of this new service.

Identity

The project does not involve new or substantially changed identity authentication requirements that may be intrusive or onerous. The project will not identify anyone who would have previously been anonymous.

Multiple organisations

The project will involve multiple organisations, internal departments and external suppliers covered in the stakeholder analysis above.

Data

The project does not involve changed handling of personal data about individuals or changes in the handling of personal data about large numbers of individuals.

Data handling

Data will be collected to monitor customer actions and outcomes in Jobcentre Plus and the quality of external provision. The final format has yet to be decided but is likely to follow existing systems.

The project does not involve new or changed data quality assurance processes and standards that may be unclear or unsatisfactory.

The project does not involve new or changed data security arrangements that may be unclear or unsatisfactory.

The project does not involve new or changed data access or disclosure arrangements that may be unclear or permissive.

The project does not involve new or changed data retention arrangements

that may be unclear or extensive.

The project does not involve changing the medium of disclosure for publicly available information in such a way that the data becomes more readily accessible than before.

Exemptions and exceptions

The project does not relate to data processing which is in any way exempt from the DPA or other legislative privacy protections. The project does not involve systematic disclosure of personal data to, or access by, third parties who are not subject to comparable privacy regulation.

Justification

The project will follow existing arrangements for data sharing which currently exist in Jobcentre Plus and DWP and the reasons and benefits for data sharing will be explained to customers involved in Progression to work.

Decision about the scope of the PIA. Include how it fits with any existing project arrangements.

No new or additional information technologies that have potential for privacy intrusion will be utilised in delivery of this new service.

The PIA process must be carried out up to this point for the initial contact with IDP at Gate Zero (or following referral by Data Sharing Strategy Unit, as appropriate.

Privacy Law and Data Protection Act Compliance Checks.

Consultation on and analysis of privacy issues identified above.

Annex 4 – Examples of Work Related Activity

<p>Address their own or their wider family situation</p>	<ul style="list-style-type: none"> • Assessing childcare options. • Parenting or family learning courses. • Starting to use Children’s Centre services. • Stabilising housing situation • Seeking debt advice.
<p>Manage their health for work on a voluntary basis (i.e. customers could not be mandated to take such action)</p>	<ul style="list-style-type: none"> • Condition management programmes. • Drug and alcohol rehabilitation. • Therapy or physiotherapy for a common health condition.
<p>Improve their skills for work</p>	<ul style="list-style-type: none"> • Undertaking a Skills Health Check. • Undertaking a Basic Skills programme. • Short motivational and confidence building courses. • Mentoring. • Attending work-related training programme. • Participating in literacy or numeracy courses. • Participating in English language training.
<p>Looking for work</p>	<ul style="list-style-type: none"> • Working with New Deal or provider advisers to consider jobseeking ideas. • Independent job search. • Becoming aware of job opportunities in the local area. • Investigating the availability of suitable childcare.
<p>Preparing for full-time employment.</p>	<ul style="list-style-type: none"> • Participating in a Work Trial. • Undertaking voluntary work * • Preparing for self-employment. • Part-time working* <p>* Customers cannot be mandated to undertake voluntary or part-time work – though they may opt to do such activities.</p>

Annex 5 – Escalating Sanctions applied to Work-focused interview requirements

<u>Customer Action</u>	<u>Stage</u>	<u>Financial sanction?</u>	<u>Next steps</u>
1 st Failure to attend WFI without good cause (If customer shows good cause – no further action is taken)	Stage1 - <u>formal written warning</u> . This would be accompanied by efforts to contact the customer before any warning was sent.	No	JCP contact customer to arrange new WFI
2 nd Failure to attend WFI without good cause.	Stage 2 - <u>Individual Case review</u> . A more in-depth review of customer's circumstances and the reasons for failure to comply	No	JCP arrange new WFI with customer where appropriate
3 rd Failure to attend WFI without good cause (If customer shows good cause – no further action is taken)	Stage 3 - <u>sanction of 10% of the personal rate for age 25+ (or of the benefit increase in respect of a partner) for a maximum of 2 weeks</u>	Yes	JCP contact customer to arrange new WFI Benefit reinstated when customer complies
4 th Failure to attend WFI without good cause (If customer shows good cause – no further action is taken)	Stage 4 – <u>sanction of 20% of the personal rate for age 25+ (or of the benefit increase in respect of a partner) for a maximum of 2 weeks</u>	Yes	JCP contact customer to arrange new WFI Benefit reinstated when customer complies
5 th Failure to attend WFI without good cause (If customer shows good cause – no further action is taken)	Stage 5 – <u>indefinite sanction of 20% of personal rate for age 25+ (or of the benefit increase in respect of a partner)</u>	Yes	JCP continue to invite customer to regular WFIs. Benefit reinstated when customer complies.

Escalating Sanctions applied to Work-Related Activity requirements

<u>Customer Action</u>	<u>Stage</u>	<u>Financial sanction?</u>	<u>Next steps</u>
1 st Failure to attend a WFI without good cause	Stage1 - <u>formal written warning</u> . This would be accompanied by efforts to contact the customer before any warning was sent.	No	JCP contact customer to arrange new WFI
Customer attends WFI and is given an action plan setting out WRA.	N/A	N/A	JCP invite customer to attend a WFI in 13 weeks time.
Customer attends WFI but fails to demonstrate WRA without good cause.	Stage 2 - <u>Individual Case review</u> . A more in-depth review of customer's circumstances and the reasons for failure to comply	No	Adviser and customer discuss WRA and new action plan with WRA is given to the customer and adviser invites customer to attend a WFI in 13 weeks time.
Customer fails to attend WFI (and therefore to demonstrate WRA without good cause).	Stage 3 - <u>sanction of 10% of the personal rate for age 25+ (or of the benefit increase in respect of a partner) for a maximum of 2 weeks</u>	Yes	JCP contact customer to arrange new WFI. Notification states that customer will be required to demonstrate WRA at the WFI.
Customer attends WFI but does not demonstrate WRA (and does not show good cause)	Stage 4 – <u>sanction of 20% of the personal rate for age 25+ (or of the benefit increase in respect of a partner) for a maximum of 2 weeks</u>	Yes	Adviser and customer discuss WRA and a new action plan with WRA is given to the customer and adviser invites customer to attend a WFI in 13 weeks time.
Customer fails to attend WFI (and	Stage 5 – <u>indefinite sanction of 20% of</u>	Yes	JCP continue to invite customer

<u>Customer Action</u>	<u>Stage</u>	<u>Financial sanction?</u>	<u>Next steps</u>
therefore to demonstrate WRA) without good cause)	<u>personal rate for age 25+ (or of the benefit increase in respect of a partner)</u>		to regular WFIs. Benefit reinstated when customer complies.

Annex 6 – Existing and proposed Work-Focused Interview Regimes

Customer Group	Existing Work-focused Interview Requirements	Existing Action Plan Requirements	Existing Work-related activity Requirements
<u>IS Lone Parents</u>	Participation in an initial WFI followed by participation in further WFIs at six monthly intervals.	Requirement to assist in the completion of an action plan No requirement to carry out any activities which may be recorded on the action plan.	None
	PtW Work-focused Interview Requirements	PtW Action Plan Requirements	PtW Work-related activity Requirements
	Participation in an initial interview (child aged 1 – 6). Participation in further WFIs at six monthly intervals (child aged 1 – 2). Participation in further WFIs at quarterly intervals (child aged 3 – 6).	Requirement to assist in the completion of an action plan. No requirement to carry out any activities which may be recorded on the action plan (child aged 1 – 2). Requirement to carry out activity recorded on action plan (child aged 3 – 6).	None (child aged 1 – 2). Requirement to undertake work-related activity (usually at least one activity every 13 weeks) or directed specific WRA recorded on the action plan (child aged 3 – 6).

<u>Partners of IS/ESA(IR) Customers</u>	Existing Work-focused Interview Requirements	Existing Action Plan Requirements	Existing Work-related activity Requirements
	Participation in a single WFI after six months. Customers may volunteer to participate in further WFIs under New Deal for Partners.	Requirement to assist in the completion of an action plan No requirement to carry out any activities which may be recorded on the action plan.	None
	PtW Work-focused Interview Requirements	PtW Action Plan Requirements	PtW Work-related activity Requirements
	Participation in a single WFI after six months (child aged 1 – 2). Participation in an initial WFI at 13 weeks (child aged 3 – 6) Participation in further WFIs at quarterly intervals (child aged 3 – 6).	Requirement to assist in the completion of an action plan. No requirement to carry out any activities which may be recorded on the action plan (child aged 1 – 2). Requirement to carry out activity recorded on action plan (child aged 3 – 6).	None (child aged 1 – 2). Requirement to undertake work-related activity (usually at least one activity every 13 weeks) or directed specific WRA recorded on the action plan (child aged 3 – 6).