

IS, SDA AND IB – CHANGES TO WFI

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INTRODUCTION

- 1 This memo gives guidance on the Social Security (Incapacity Benefit Work-focused Interviews) (Amendment) Regulations 2009¹, which come into force on 26.10.09.

1 SI 2009 No 1541

- 2 The regulations change the definition of “relevant claimant” (persons required to take part in a WFI under the IB Pathways to Work 2008 Scheme – see [DMG 05710](#)) to include

1. persons aged 18 – 24 living in a Jobcentre Plus Pathways area listed at the Appendix to this memo who have been entitled to a specified benefit for 12 months or more
2. persons currently subject to the Jobcentre Plus 2002 Scheme as in [DMG 05305](#) et seq because of a claim to a specified benefit
3. persons who make a repeat claim for a specified benefit as in [DMG 45201](#) et seq.

Note: See [DMG 05720](#) for the meaning of “specified benefit”.

- 3 The requirement to take part in a WFI is subject to the normal exceptions¹. See [DMG 05740](#) – [05743](#) for further guidance.

1 SS (IBWFI) Regs 08, reg 5(2)-(7)

PERSONS AGED 18 – 24

- 4 From 26.10.09, a person who
1. is under 25 years of age **and**
 2. lives in a Jobcentre Plus Pathways area listed in the Appendix to this memo **and**
 3. has been in receipt of a specified benefit¹ (see [DMG 05720](#)) for a continuous period of 12 months or more

is a relevant claimant² and is therefore required to take part in one or more WFIs³.

1 SS (IBWFI) Regs 08, reg 2(1); 2 reg 3(3)(b); 3 reg 5(1)

- 5 This provision applies to any person under 25 years of age who is not already a relevant claimant under any of the other definitions in [DMG 05710](#) or this memo.

PERSONS SUBJECT TO JOBCENTRE PLUS 2002 SCHEME

- 6 A person who
1. was subject to the Jobcentre Plus 2002 Scheme¹ (see [DMG 05305](#) et seq) at any time before 26.10.09 **and**
 2. is entitled to a specified benefit

is from that date a relevant claimant² and is required to take part in one or more WFIs under the IB Pathways to Work 2008 Scheme.

1 SS (JPI) Regs 02, reg 2(1); 2 SS (IBWFI) Regs 08, reg 3(3)(c)

- 7 This means that from 26.10.09 the only persons required to take part in a WFI under the Jobcentre Plus 2002 Scheme are claimants entitled to IS other than people who are incapable of work¹. See [DMG 20134](#) and [20182](#) for the meaning of persons incapable of work.

1 IS (Gen) Regs, Sch 1B, paras 7, 24 or 25

Note: Some IS claimants who are incapable of work may still be required to take part in a WFI under the Jobcentre Plus 2002 scheme. See [Memo DMG 30/09](#) for further details.

Reduction in benefit

- 8 Where a person's benefit had been reduced under the Jobcentre Plus 2002 Scheme, that reduction continues at the same rate until the circumstances in [DMG 05778 – 05780](#) apply¹.

1 SS (JPI) Regs 02, reg 12; SS (IBWFI) Regs 08, reg 12(4A) & (4B)

REPEAT CLAIM FOR SPECIFIED BENEFIT

- 9 Some claimants entitled to a specified benefit are not subject to a requirement to take part in WFI under any of the Schemes described in DMG Ch 05. However, where
1. that entitlement ends **and**
 2. a repeat claim for a specified benefit is made on or after 26.10.09 which is not treated as a claim for ESA¹ (see [DMG 45213](#))

the claimant is a relevant claimant² and is required to take part in one or more WFIs under the IB Pathways to Work scheme.

1 ESA (Trans Provs) Regs, reg 2(2); 2 SS (IBWFI) Regs 08, reg 3(3)(d)

- 10 This replaces the guidance at [DMG 05712](#) which should no longer be followed.

ANNOTATIONS

Please annotate the number of this memo (DMG 35/09) against the following DMG paragraphs:

05710 heading, 05712, 05795, 05800

Memo DMG 30/09 para 19

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such

referrals should be followed, as set out in Memo DMG 26/08 - Obtaining legal advice and guidance from DMA Leeds.

DMA Leeds: October 2009

APPENDIX

A Jobcentre Plus Pathway area is

(a) any of the following Jobcentre Plus districts:

Ayrshire, Dumfries, Galloway and Inverclyde

Cumbria and Lancashire

Derbyshire

Dorset and Somerset

Essex

Glasgow

Greater Manchester Central

Highland, Islands, Clyde Coast and Grampian

Lanarkshire and East Dunbartonshire

Merseyside

Northumbria

South Tyne and Wear Valley

South Wales Valleys

South West Wales

South Yorkshire

Staffordshire

Tees Valley

(b) an area served by the Jobcentre Plus offices at Runcorn or Widnes.