**For carers whose partner is receiving Income Support or Employment and Support Allowance as the main claimant who have been asked to attend a WFI outside of the specified circumstances**

**Note:** Please note this document is an illustrative guide only and is not legal advice.

*Name*

*Address*

*National Insurance Number*

*National Insurance Number of main claimant (your partner)*

*Dear Madam/Sir, (or name if known),*

**Re: Requirement to take part in a work focused interview**

I am a partner of the main claimant for *Income Support / Employment and Support Allowance (delete as applicable).*

You have asked me to attend a work focused interview *(by letter dated the…/ by telephone call on the…) to be held on the…*

I assert that I am under no mandatory obligation to attend because as a partner I only have to take part in one work focused interview when the main claimant has been continuously entitled to *Income Support / Employment and Support Allowance (delete as applicable)* for at least 26 weeks or more*. I have already attended one such interview on the… / my partner will not have been in receipt of Income Support / Employment and Support Allowance (delete as applicable) for 26 weeks by the date of the proposed interview (delete as applicable).*

*Delete the following as applicable:*

*(If your letter is because you have been asked to go to more than one work focused interview)*

These circumstances are provided for in regulation 3(1) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003, which can be accessed here: <http://www.legislation.gov.uk/uksi/2003/1886/regulation/3/made>.

*“3(1) Subject to regulations 5 to 8, a partner to whom these Regulations apply is required to take part in an interview as a condition of the claimant continuing to be paid the full amount of a specified benefit which is payable apart from these Regulations”*

*(If your letter is because you have been asked to go to a work focused interview even though your partner will not have been in receipt of Income Support or Employment and Support Allowance for 26 weeks by the date of the proposed interview)*

These circumstances are provided for in regulation 2(2) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003, which can be accessed here: <http://www.legislation.gov.uk/uksi/2003/1886/regulation/2/made>.

*“2(2) Regulations 3 to 13 apply to a partner in circumstances where on or after 12th April 2004 the claimant’s award of a specified benefit is being administered from an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office and the claimant has been continuously entitled to the benefit for 26 weeks or longer”*

**or**

I assert that I am under no mandatory obligation to attend because as a partner I do not have to take part in any work focused interviews because I am in receipt of a “specified” benefit in my own right. The “specified benefit I am in receipt of is *Income Support / Income Based Jobseekers Allowance / Employment and Support Allowance / Incapacity Benefit / Severe Disablement Allowance / Carer’s Allowance (delete as applicable).*

These circumstances are provided for in regulation 7 of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003, which can be accessed here: <http://www.legislation.gov.uk/uksi/2003/1886/regulation/7/made>

*“7 A partner who, on the day on which the requirement to take part in an interview arises or applied under regulation 3(1) or 6(2) is in receipt of a specified benefit as a claimant in his own right shall be exempt from the requirement to take part in an interview under these Regulations.”*

I further understand that no sanction will be applied to my benefit if I do not attend this or any subsequent interview outside of the regulations.

If you feel this is incorrect I request that you send to me the guidance and regulations that you are acting under. Please send these without delay and before the date of the proposed interview has lapsed.

*(You may want to add here any details of the letter/call that you feel are relevant – for example if the adviser implied that your benefits would stop if you didn’t attend, or made statements you feel were unnecessary)*

I look forward to your reply.

*Signature Date*

*(You must sign and date this)*