

SOCIAL SECURITY
ADVISORY COMMITTEE

Social Security Advisory Committee
Annual Report 2013-14

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Chair's Review



We are witnessing the delivery of the most significant reforms of the social security system for a generation. The Social Security Advisory Committee has, throughout the past year, had an important role to play in scrutinising the detailed and often complex regulations underpinning that reform – ensuring that the draft legislation works and identifying potential unintended consequences.

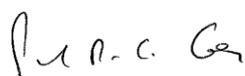
We have also spent a significant amount of our time looking in some detail at a varied set of broader issues relating to social security as part of our independent work programme. For example over the past year we have examined: the support needs of claimants following the implementation of Universal Credit; the effectiveness of communications in the benefits system; and the cumulative impact of the Government's welfare reform programme.

We have received positive responses to the majority of our recommendations and effected positive change in a number of important areas, for example the Department for Work and Pensions has established a Claimant Communications Unit to provide strong central oversight of the communications issued to claimants with a view to improving standards.

It might be unrealistic to expect the Government to implement all of our recommendations, and we recognise that it has difficult choices to make given the prevailing economic conditions. Nonetheless I am particularly encouraged by the fact that the Committee's advice to Government generates constructive debate - both between the Committee and Government and more widely - about issues that have an impact on millions of people.

The Committee's many and varied stakeholders have provided an invaluable source of evidence and views throughout the year. This has informed our thinking and helped to shape our advice to the Government. We look forward to developing these relationships further next year.

Finally, I would like to place on record my gratitude to my Committee colleagues - the majority of whom are new to the role having been appointed over the past twelve months - for applying their considerable expertise and experience so effectively to our work. It is clear that 2014-15 will be another year of legislative and operational change, and we will also undergo our second Triennial Review. I am delighted that we will face these challenges with such a strong and cohesive team.

A handwritten signature in black ink, which appears to read 'Paul Gray'.

Paul Gray
Chair

About Us

Our role

Established by the Social Security Act in 1980, the Social Security Advisory Committee is an independent statutory body that provides advice on social security and related matters.

The Committee's main responsibilities are to:

- perform a mandatory scrutiny of most of the proposed regulations that underpin the social welfare system on behalf both of the Secretary of State for Work and Pensions and of Parliament; and to
- provide advice and assistance to the Secretary of State, whether in response to a specific request or on the Committee's own initiative.

Advice offered formally by the Committee in relation to proposals for legislation must be published by the Secretary of State for Work and Pensions, along with the Government's response to our conclusions and recommendations. There is no obligation upon the Secretary of State to respond to other forms of advice from the Committee, or to act upon any of the advice we offer.

In addition to the scrutiny of proposals for legislation, the Committee has general advisory functions. For example, where resources permit, we:

- informally scrutinise regulations that are exempt from our statutory scrutiny;
- respond to public consultation exercises conducted by Government and others where we believe that we can add value;
- respond to specific requests for advice from Ministers and officials;
- undertake our own detailed studies as part of the Committee's independent work programme;
- provide comment on a range of draft guidance and communications produced by both the Department for Work and Pensions (DWP) and HM Revenue and Customs (HMRC).

The Committee performs a similar role for the Department for Social Development (DSD) in Northern Ireland.

The Committee also has a non-statutory role offering advice to Treasury Ministers and HMRC on Tax Credits, National Insurance, Child Benefit and Guardian's Allowance.

Scrutiny of draft secondary legislation

The Committee has scrutinised 39¹ packages of regulations and draft proposals, covering a wide range of issues, during 2013-14.

The majority of proposals have been presented to the Committee as draft regulations although, in seven cases, regulations came to the Committee after they had been laid as it was the judgement of the Secretary of State for Work and Pensions that '*by reason of the urgency of the matter it is inexpedient so to refer them*'.²

Regulations taken on formal reference³

During the period of this report, the Committee decided to consult on two sets of regulations where it considered that it would be beneficial to gather information (for example about potential impacts on particular groups and geographical areas, and to identify any potential unintended consequences that may be introduced by the legislation) from a broad range of organisations and individuals who have informed views and evidence relating to the relevant legislation. The resulting reports have been presented to the Secretary of State for Work and Pensions in accordance with our statutory obligations.

The two sets of regulations taken on formal reference were:

The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013⁴

These regulations focused on lone parents with a youngest child below the age of five, and contained two particular policy strands.

- an increased amount of discretion for advisers to determine the frequency, duration and timing of work focused interviews for lone parents entitled to income support aged 18 and over and with the youngest child aged between one and four years;
- extending the discretionary powers of advisers to enable them to require lone parents with children aged between three and four years to undertake mandatory work-related activity.

The Committee's report to the Secretary of State⁵ made a number of recommendations, many of which related to practical issues such as monitoring

¹ Full list of regulations and draft proposals scrutinised by the Committee can be found at annex 1

² Sections 173(1)(a) of the Social Security Administration Act 1992

³ Sections 172(1) and 173(2) of the Social Security Administration Act 1992

⁴ SI 2014 No 1097

⁵ <https://www.gov.uk/government/publications/the-draft-income-support-work-related-activity-and-miscellaneous-amendment-regulations-2014-ssac-report-and-dwp-statement>

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the effect of the changes and ensuring that communications to claimants were effective and informative (especially regarding the availability of 15 hours of free childcare a week). The Government responded positively to the majority of these recommendations, in particular it:

- responded positively to our recommendation that a list of examples set out as constituting good cause for a failure to attend a work-focused interview or participate in work-related activity should not be removed from the legislation; and
- added a provision to ensure that a recipient of income support could not be sanctioned for a failure to attend or participate where the failure occurred within two weeks of a previous failure and sanction.

The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013⁶

These regulations were introduced following a Court of Appeal case where the Department's rules on determining whether the amount of Housing Benefit to be allowed should be restricted on the grounds that the property contained more bedrooms than were needed were held to be in breach of Article 14 of the European Convention on Human Rights.⁷ The regulations duly provided the circumstances in which benefit could be allowed for an additional bedroom where a disabled child formed part of the household.

A two-fold test was prescribed by the legislation: first, whether the child was severely disabled; and second, whether that disability made sharing a bedroom with another child inappropriate.

The Committee was especially interested in the first of those two questions. Specifically, did the requirement that the disabled child be entitled to the care component of Disability Living Allowance at the middle or higher rate, as set out in the regulations, set too narrow an entrance as a gateway?

After conducting a short consultation exercise, supplemented by a workshop with some of our stakeholders, the Committee reached a view that the prescribed gateway was overly restrictive as it would unnecessarily exclude some families from entitlement to the spare room subsidy in circumstances where the need for a separate bedroom for the disabled child seemed to be clear. The Committee's report⁸ recommended that a wider gateway should be prescribed as a first step (ie entitlement to a disability living allowance), with a greater focus upon the second leg of the test – namely the issue of whether the disability rendered it necessary for the child in question to have a separate bedroom. The Committee also recommended that the rule should include provisions allowing for exceptions

⁶ SI 2013 No 2828

⁷ Burnip and Others v Birmingham City Council and Another [2012] EWCA Civ 629

⁸ <https://www.gov.uk/government/publications/the-housing-benefit-and-universal-credit-size-criteria-miscellaneous-amendments-regulations-2013>

and that Discretionary Housing Payments (DHPs) should not be relied on as the solution to this problem.

In responding to our report, the Government declined to accept any of the Committee's recommendations, arguing that legislating for every conceivable circumstance was not possible and that the aim of the legislation was therefore to define a discrete and clearly identifiable group of children for whom sharing a bedroom with a sibling was unlikely to be appropriate.

Setting the test at entitlement to the middle or higher rate of the care component meant that the disabled child either needed care during the day and the night or that care was needed during either the day or the night. As such, these were the children who would be most likely to need a room of their own. In contesting the Committee's view that DHPs do not provide a reliable and long-term solution, the Government stated that local authorities are best placed to deal with local needs and that DHPs, which have been in existence since 2001, remain the most suitable means of addressing specific individual needs. They also discounted the possibility of including an exceptions provision, partly on the grounds that it would be particularly difficult to carry forward into Universal Credit.

Other regulations

It is not possible to do full justice to all of the other regulations considered by the Committee here, but we have set out below a selection that indicates the range of the issues considered. More information about the Committee's detailed interventions on specific legislation can be found at annex 10.

The Social Security (Miscellaneous Amendments) (No 3) Regulations 2013⁹

For the large majority of draft proposals that come before the Committee, formal reference is not required.¹⁰ This is one such example. These regulations are also typical of packages of miscellaneous amendments that are regularly presented to the Committee for consideration during the course of the year. They commonly comprise a series of amendments to existing regulations across the spectrum of benefits, frequently with no single coherent theme. The Committee's task on these occasions is to separate proposed amendments which are genuinely technical and inconsequential from those which could have unintended consequences or have a particular impact on a particular group (eg geographical regions, a specific set of claimants, local authorities, or other organisations etc).

In this case there were two issues in which the Committee had a particular interest. The first was a proposal to remove the possibility of non-EEA migrants getting income-related benefits for up to 42 days if their normal income from abroad was disrupted in some way. The provision was originally inserted with non-EEA students and pensioners principally in mind. They would not be eligible for DWP benefits in the normal course of events because of their immigration

⁹ SI 2013/2536.

¹⁰ Section 173(1)(b) of the Social Security Administration Act 1992.

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status and would therefore need to rely on independent resources. The 42 day rule catered for those who characteristically depended upon support from family members in the country of origin sending funds to the UK but where practical difficulties at source disturbed the normal sending and receipt of those funds. The Committee's concern was to find out the extent to which this provision was used and thereby seek to gauge the effect of removing it. Because the explanatory memorandum lacked specific details as to current usage we asked the Department to make further enquiries.

DWP contacted the UK Council for International Student Affairs (UKCISA). The UKCISA website includes information on the 42 day rule, but the Council informed the Department that they had no evidence of any claims having been made under the 42 day rule, although they affirmed that they would have liked to have seen it retained as a safety net and also introduced for Universal Credit (UC). The Secretary of State confirmed, in the light of this evidence, that the rule would be removed in the legacy benefits and in line with what currently exists in UC. He advised the Committee that foreign students in temporary financial difficulties could access university welfare and hardship funds, make use of bank overdraft facilities or find part-time employment and that there was no need to allow access to benefits in these circumstances.

The second issue concerned people from Montserrat. In 1995 Montserratians sought refuge in the UK as volcanic activity on the island posed a threat to both homes and lives. The UK Government amended the rules to exempt anyone arriving in those circumstances from the habitual residence test. The Committee was advised that two-thirds of the island's population had been evacuated in 1995. The Committee was advised that there are 8,000 Montserratians currently residing in the UK and the population of the island presently stands at around 5,000. It was accepted that there was still some volcanic activity in Montserrat but that it did not present the same level of threat. For that reason the Department proposed removing the habitual residence test exemption in the belief that there was no continuing need for its retention. The Committee asked the Department to make further enquiries of relevant official bodies in order to provide satisfactory confirmation that their understanding was well-founded. The Department duly contacted the Foreign Office who sought the view from the Governor of the Island as well as the Premier of Montserrat. They affirmed that no one is currently leaving because of volcanic activity. Those who continue to come to the UK do so for economic or other reasons rather than because of any ongoing volcanic threat. There is therefore no continuing need for special treatment for Montserratians arriving in the UK and seeking to claim benefits.

The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013¹¹

This is an example of regulations that came to the Committee under the "urgency provisions". The urgency implicit in the decision to invoke section 173(1)(a) of the Social Security Administration Act 1992 was the fact that freedom of movement within the EU for Romanian and Bulgarian nationals took effect from 1

¹¹ SI 2013 No 3196

January 2014 and the Government wished to have in place a rule whereby a jobseeker would need to have resided in the Common Travel Area (the UK, the Channel Islands, the Isle of Man and the Republic of Ireland) for three months before they were eligible for income-based Jobseeker's Allowance. Without an amendment to the Jobseeker's Allowance Regulations 1996 it was considered that there could be a surge of inward migration whilst more beneficial rules were in place. In fact this measure was part of a suite of legislative changes affecting people coming into, or returning to, the UK which the Prime Minister had announced in November 2013.

The focus of the changes was a desire to protect the UK's benefit system and discourage people who had no established connection with the UK from migrating to the UK without a firm offer of employment or imminent prospect of work. We were advised that addressing this issue had become a top priority for the Government. In particular, the Government would manage more closely and effectively the expectations of people arriving in the UK and claiming UK benefits. The change means that someone coming or returning to the UK and who needs to satisfy the habitual residence test in order to make a successful claim for an income-related Jobseeker's Allowance must live in the Common Travel Area for three months prior to claiming.

In scrutinising these regulations the Committee took the view that the impact of the change would probably fall most heavily upon returning UK nationals. Under the previous rules returning UK nationals would normally expect to serve a much lesser time than three months in order to establish that they were habitually resident in the country. Having to satisfy a far less flexible (and, in most cases, a more lengthy) test would surprise many claimants and potentially cause financial difficulties in some instances. We envisaged a number of scenarios where this could apply: for example, a person returning to the UK to help provide care for a close relative, but needing to claim JSA because of an ineligibility for Carer's Allowance; UK nationals working abroad for relatively brief periods (eg in the creative arts or working on a foreign-owned ship); a young person volunteering overseas and returning to the UK without a job to take up; a person returning to the UK after a sudden breakdown in a relationship.

Although the Committee decided that these regulations need not be formally referred, we nonetheless wrote to the Secretary of State expressing our concerns, particularly in relation to returning UK nationals. In his reply the Secretary of State advised us that he had asked his officials to consider this issue further.

The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014¹²

These regulations provide an example of where Committee members scrutinised proposals outside of a Committee meeting. In cases of this nature, a sub-group of the Committee takes an initial view as to the appropriateness of considering

¹² SI 2014 No 55

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the papers via correspondence, having regard to the relative simplicity of the measure and the absence of any potential unintended consequence or impact it might have. Here, as is common with regulations considered ‘postally’, the Committee decided that the proposals need not be referred.

In this particular instance, the issue was a removal of a provision relating to a record-keeping obligation imposed on employers. Specifically, the requirement to keep records on periods of incapacity for work incurred by individual employees for four days or more, payments of Statutory Sick Pay (SSP) made and the retention of those records for a minimum of three years after the tax year in which the payment was made, was revoked. In February 2011 the Government had commissioned a major review of the sickness absence system in Great Britain and appointed Dame Carol Black and David Frost CBE to chair it. Their review had led to wider reforms in the administration of sickness absences, and this change was a part of that response.

The Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013¹³

These regulations came to the Committee for information only because the primary power under which they were made had come into force within the previous six months.¹⁴ In these circumstances, although the proposals cannot be referred formally under the statutory provisions, the Committee still needs to be kept in touch with developments for the purposes of fulfilling its role in giving advice and assistance to the Secretary of State.

This particular tranche of amendments enabled existing Universal Credit (UC) claimants to be paid Housing Benefit when moving into supported accommodation described in the legislation as “exempt accommodation”, applied the benefit cap to awards of UC, made provision for claimants with a credit union current account to receive payments of UC and removed a restriction in the rules governing the re-awarding process within six months for those whose award is terminated on the grounds of earnings exceeding entitlement.

Independent Work Programme

The Committee undertakes a number of projects as part of its independent work programme.

In addition to the main purpose of our research, which is to provide credible independent advice to Ministers, it also:

- provides an evidence base for our work and improves members’ ability to scrutinise regulations;

¹³ SI 2013 No 2070

¹⁴ Section 173(5) of the Social Security Administration Act 1992

- adds value to the debate on a topic that is of current interest to the Government and/or a broad range of our stakeholders;
- stimulates debate or discussion of a specific topic; and
- introduces new thinking on data analysis.

Three such reports were completed during 2013-14.

Implementation of Universal Credit and the support needs of claimants¹⁵

This paper (published in May 2013) is a study into the implementation of Universal Credit and the support needs of claimants. The report clarifies the risks that are specific to the delivery of Universal Credit and how these risks can best be managed so that claimants are able to access and sustain a claim. This study was intended to inform the preparations for the phased implementation of Universal Credit from April 2013.

Universal Credit will transform the way in which benefit claims and payments are made. It is reasonable to expect that a number of claimants will experience certain risks and vulnerabilities at some point during their period of entitlement to Universal Credit. This report clarifies the risks that are specific to the delivery of Universal Credit and how these risks can best be managed so that claimants are able to access and sustain a claim.

The Committee found that DWP had begun to put in place a range of support for claimants with particular needs. We highlighted in particular the need for particular forms of support during the transition to Universal Credit, including personal budgeting support and the need for independent support and advice.

The Committee made 11 recommendations to improve the ways in which risk and the vulnerability of claimants is managed under Universal Credit. These included a recommendation to do more to identify, adequately and reliably, the characteristics and circumstances that may put a claimant at risk and for these risks to be taken into account in the Claimant Commitment and the conditionality regime. We also recommended that more detail needed to be provided about the support services that will be available to claimants.

Communications and the benefits system¹⁶

Delivering high quality communications to claimants is a long standing challenge for DWP. This second report (published in September 2013) is intended to support the Department to deliver the best possible communications to claimants and other organisations working with claimants.

¹⁵ <https://www.gov.uk/government/publications/ssac-occasional-paper-10-implementation-of-universal-credit-and-the-support-needs-of-claimants>

¹⁶ <https://www.gov.uk/government/publications/ssac-occasional-paper-11-communications-in-the-benefits-system>

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The Committee found that, whilst good practice exists in DWP, changes can be made at strategic and operational levels to bring a greater focus on making significant improvements to claimant communications.

The Committee made nine recommendations to improve the quality of claimant-focused communications. These included DWP emphasising the importance of communications in its business plans, DWP developing a claimant communications strategy and DWP using appropriate tone and language when explaining the aims of its policies in documents aimed at stakeholders and claimants. We also called for the need for DWP to make a decision on the timetable for the roll-out of Universal Credit and for this to be communicated swiftly so that stakeholders providing advice can prepare their own future service provision.

The Department welcomed our report and responded positively to the vast majority of the recommendations it made. For example, it established a Claimant Communications Unit to improve standards across the wider Department and provide stronger central oversight; and put in place a comprehensive plan to increase awareness of Universal Credit as it is rolled out to ensure that claimants get information at the most appropriate time.

The cumulative impact of welfare reform: a commentary¹⁷

Since coming to power in May 2010 the Government has pursued a programme of welfare reform which can be expected to impact on claimant households in many and varied ways. While the Committee found it difficult to assess the cumulative impact of the reforms, it recognised a number of the concerns raised by the currently available evidence. The Committee notes that methodological challenges are compounded by the need to assess impact over time and in different parts of the country. Indeed reforms which have an immediate and negative impact on claimant income might at a later stage be considered to be positive if they are subsequently shown to have brought about behavioural change such as finding secure employment. Some overall assessments of impact are available, and this report (published in April 2014) looks to summarise their findings. However, clear gaps in the evidence base remain.

The Committee made four recommendations.¹⁸ These included a call for further secondary analysis, based on HM Treasury's published distributional analysis, bringing together the cumulative impact of welfare reform on vulnerable groups such as disabled people.

The Committee also called for DWP to produce a suite of case-study examples to illustrate the cumulative impact of welfare reform for particular claimant groups, and to extend the forthcoming evaluation of Universal Credit so as to evaluate the wider programme of reform. Finally, we recommended that, following further

¹⁷ <https://www.gov.uk/government/publications/ssac-occasional-paper-12-the-cumulative-impact-of-welfare-reform-a-commentary>

¹⁸ The Government has subsequently declined to accept the Committee's recommendations: <https://www.gov.uk/government/publications/government-response-ssac-report-on-the-cumulative-impact-of-welfare-reform>

analysis, DWP consider whether there have been any cumulative impacts on vulnerable claimant groups that need to be mitigated.

The Committee emphasised that an inability to produce the perfect study should not prevent the highest priority being given to producing the best possible combined analysis as the Government's welfare reforms are progressively implemented.

The Government's response indicates that it is not possible to break down further the existing analysis produced by HM Treasury. In particular, the Government is of the view that that the amount of information required to do this accurately for families would be prohibitive and that results cannot be reliably disaggregated for disabled people.

External engagement

The Committee is of the strong view that it is important to develop and maintain strong links with a broad range of stakeholders, as their expertise and experience help ensure that the Committee's advice to Government is well-informed and reflects all perspectives.

The Committee particularly values the opportunity to meet stakeholders at its two stakeholder events each year (one of which is held outside of London). In 2013-14, these stakeholder events were held in York and London.

The Committee also considers it important to ensure it fully understands the operational issues that are likely to flow from new policy initiatives and, with that in mind, undertakes a varied programme of visits to the DWP's operational sites, charities and service providers.

Visit to Wales

The Committee visited Wales in February 2014, where members visited Jobcentre Plus offices in Newport and Aberdare, and Working Links offices in Aberdare and Cardiff. Working Links holds several DWP contracts for work services provision and the Committee welcomed the opportunity to see at first hand the interaction with claimants and how the relationship between Jobcentre Plus and work service providers functions.

The Committee also spent a day with the Welsh Assembly Government in Cardiff during which they had an opportunity to discuss a variety of issues - such as tackling poverty, the impact of welfare reforms from a Welsh perspective and the European Social Fund - with the Minister for Communities and Tackling Poverty (Jeff Cuthbert AM) and the Deputy Minister for Tackling Poverty (Vaughan Gething AM).

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Other visits

The Committee visited Walthamstow Jobcentre Plus and its new Youth Hub in April, where they met a variety of front-line staff to discuss the challenges the Jobcentre faced in relation to the local labour market and how the Jobcentre was responding to this. The Committee also heard about the innovative work relating to gangs being taken forward in Jobcentre Plus's London and Home Counties District.

The Committee also visited the Universal Credit Pathfinder operations in Greater Manchester in July. The visit, hosted by the Universal Credit Operations Director, included the Bolton Service Centre (one of the 2 operational control centres for Universal Credit) and the front-line operations at Ashton-under-Lyne Jobcentre. The visit provided the Committee with valuable insight into the rollout of Universal Credit at an early stage.

Members of the Committee also visited:

- London Bridge Jobcentre Plus (office of the future)
- Canterbury Benefits Centre
- Sheffield Jobcentre Plus and Benefit Delivery Centre
- the Jobcentre Plus senior leaders conference

In addition, the Committee also had meetings with a number of its stakeholders. More details can be found at annex 3.

Our financial resources

The Committee's budget in 2013/2014 was £350,000. The majority of the Committee's resources are used to fund our people.

The Committee's full time secretariat team account for the majority of our expenditure. We fund 3.6 (FTE) staff who are on loan from DWP. A further member of the secretariat is on loan from, and funded by, HMRC.

Committee members are paid a fee at a daily rate of £256.80. Reimbursement of reasonable business expenses relating to travel and subsistence are also payable in accordance with DWP's policy.¹⁹

The majority of our expenditure was used to meet the following costs:

Secretariat costs	£219,590
Committee members' fees	£82,577
Expenses ²⁰	£30,582

¹⁹ A breakdown of the fees and expenses claimed by members can be found at annex 7.

²⁰ This descriptor includes expenses paid both to Committee members and to the secretariat. It also includes tax and national insurance liabilities that arise on Members' expenses.

Looking forward

Our two main priorities for 2014-15 continue to be:

- to undertake impartial, effective and timely scrutiny of draft regulations relating to social security benefits; and
- to provide impartial, well-informed and constructive advice to the Secretary of State on issues relating to social security and welfare reform.

The exact volume of work flowing from our statutory role outlined above is largely outside our control as it is dictated by the level of Government legislative activity and the nature of the proposals brought forward.

Our statutory role takes priority over any other activity undertaken by the Committee.

There are a number of specific activities which we intend to focus upon in the year in order to be more effective in delivering our priorities. In particular, we aim to:

- continue to strengthen our constructive engagement with DWP on a regular basis to ensure that draft regulations, and the appropriate supporting explanatory material, are of high quality and presented to the Committee for consideration in an appropriate and timely manner;
- continue to broaden the range of our stakeholders and develop more active engagement with them to ensure that our advice to Ministers is well-informed and takes account of a wide range of perspectives;
- ensure that we have a good understanding of the potential challenges and opportunities that might arise following the General Election in 2015, so that we are prepared for the legislative programme that is likely to follow;
- continue our rolling annual programme of appropriate and timely research projects for the Committee's independent work programme, with a minimum of two projects to be completed within each year (subject to resources). The planned projects for 2014-15 include a study on self-employment trends and their implications for social security;
- review our past recommendations on a regular basis to ensure that they are still relevant;

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- continue to bring together policy makers, think tanks, local authorities, the third sector and academia to discuss a range of welfare issues and seek input to our reviews through two stakeholder events each year – one of which will be outside London;
- make a continuing effort to be inclusive of stakeholders in Scotland, Northern Ireland and Wales to ensure that their voice is heard in the advice we provide to Ministers;
- continue to review our programme of DWP visits to ensure that we understand the operational issues that are likely to flow from new policy initiatives, and are able to review progress of the implementation of Universal Credit and the Personal Independence Payment;
- contribute to DWP's evaluation process as a member of its Methodology and Design Steering Group and External Stakeholder User Group, as the implementation of Universal Credit rolls out more widely;
- continue to strengthen our interaction with relevant stakeholders via greater and more targeted use of a range of communication channels;
- continue to build our links with HMRC and the Treasury under our Memorandum of Understanding to ensure that due account is taken of the role of those Departments in relation to benefit matters, particularly in the transition to Universal Credit;
- continue to scrutinise regulations from an equality perspective through the Department's equality analyses, and ensure that diversity and equality are reflected in the Committee's other activities (including its recruitment exercises);
- participate fully in the second Triennial Review of the Committee planned to be completed in the last quarter of 2014-15, and demonstrate that we have made good progress against the recommendations from the previous one;
- continue to strengthen the Committee by ensuring we have a robust induction programme for new members appointed in this year; and
- continue to utilise our resources effectively, and in a cost conscious manner.

List of annexes

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Annex 1: Regulations scrutinised by the Committee (1 April 2013 to 31 March 2014)

The following sets of regulations were scrutinised at one of our monthly meetings without requiring them to be formally referred to the Committee:

- The Social Fund Winter Fuel Payments (Amendment) Regulations 2013
- The Housing Benefit (Amendment) Regulations 2013
- The Social Security (Croatia) Amendment Regulations 2013
- The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2013
- Amendments to the Social Security (Claims and Payments) Regulations and the Social Security (Payments on Account, Overpayments and Recovery) Regulations which were subsequently merged into the Social Security (Miscellaneous Amendments) (No 2) Regulations 2013
- The Social Security (Miscellaneous Amendments) (No 2) Regulations 2013
- The Social Security (Miscellaneous Amendments) (No 3) Regulations 2013
- The Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) (Amendment) Regulations 2013
- The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013
- The Child Support Fees Regulations 2014
- The Personal Independence Payment (Transitional Provisions) (Amendment) (No 2) Regulations 2013
- The Social Security (Miscellaneous Amendments) Regulations 2014
- The Universal Credit (Transitional Provisions) Regulations 2014
- The Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014
- The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013

- The Social Security (Habitual Residence) (Amendment) Regulations 2014
- The Social Security (Habitual Residence) (Amendment) Regulations (Northern Ireland) 2014
- The Jobseeker's Allowance (Habitual Residence) Amendment Regulations (Northern Ireland) 2013
- The Social Security (Miscellaneous Amendments) Regulations 2014
- The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014

The following sets of regulations were scrutinised by the Committee by post. In each case it was decided that the regulations did not need to be referred –

- The Social Security (Croatia) (Amendment) Regulations (Northern Ireland) 2013
- The Social Fund Cold Weather Payments (General) Amendment (No 2) Regulations 2013
- The Statutory Sick Pay (Maintenance of Records) (Revocation) Regulations 2014
- The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) (Amendment) Regulations 2013
- The Social Security (Miscellaneous Amendments No 2) Regulations (Northern Ireland) 2013
- The Social Security (Age-Related Payments) Regulations (Northern Ireland) 2013
- The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013
- The Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013
- The Housing Benefit (Miscellaneous Amendments) Regulations 2014
- The Social Security (Fees Payable by Qualifying Lenders) Amendment Regulations 2014

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The Committee decided to take the following sets of regulations on formal referral –

- The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013
- The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013

The following sets of regulations were scrutinised by the Committee after the Secretary of State had invoked urgency procedures –

- The Housing Benefit (Amendment) Regulations 2013
- The Personal Independence Payment (Transitional Provisions) (Amendment) Regulations 2013
- The Personal Independence Payment (Transitional Provisions) (Amendment) (No 2) Regulations 2013
- The Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013
- The Housing Benefit (Local Housing Allowance and Executive Determinations) (Amendment) Regulations (Northern Ireland) 2013
- The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013
- The Jobseeker's Allowance (Habitual Residence) Amendment Regulations (Northern Ireland) 2013

Non-statutory scrutiny:

- The Rent Officers (Housing Benefit Functions) Amendment Order 2013
- The Social Security (Persons required to provide information) Regulations 2013
- The Age-Related Payments Regulations 2013

Regulations coming to the Committee for information under the 6 months rule:

- The Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013

Regulations coming to the Committee from HMRC in accordance with the Memorandum of Understanding

- The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013
- The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) (Amendment) Regulations 2014
- The Social Security (Categorisation of Earners) (Amendment) Regulations 2014
- The Tax Credits, Child Benefit and Guardian's Allowance and Appeals Order 2014
- The Tax Credits (Miscellaneous Amendments) Regulations 2014

Annex 2: Presentations to the Committee

April 2013

- Passported Benefits (DWP)
- Benefit Statistics: plans for 2013-17 (DWP)

May 2013

- Improving Employment Outcomes (DWP)

June 2013

- Annually Managed Expenditure (DWP)
- DWP's Business Strategy (DWP)
- Tax Free Childcare Vouchers (HMRC)

July 2013

- Personal Independent Payment consultation (DWP)
- Developments relating to social security in Northern Ireland (DSDNI)
- HMRC update (HMRC)

August 2013

- Universal Credit Evaluation (DWP)
- Update on Passported Benefits (DWP)

October 2013

- Strategic challenges (HMRC)
- Work Capability Assessment: interim evaluation results (DWP)
- Tax-Free Childcare Vouchers (HMRC)

November 2013

- Annual Report of the Social Mobility and Child Poverty Commission (SMCP Commission)

December 2013

- Applying Behavioural Insights to Public Policy (Cabinet Office, Behavioural Insights Team)

January 2014

- HMRC related issues (Exchequer Secretary to the Treasury)
- Developments relating to social security in Northern Ireland (DSDNI)

March 2014

- The work of the DWP's analytical community (Chief Analyst, DWP)
- Universal Jobmatch (DWP)

Annex 3: The Committee's meetings with stakeholders

Meetings

Department for Work and Pensions

The Chair and other Committee Members had meetings with:

- Secretary of State for Work and Pensions (Rt Hon Iain Duncan Smith MP)
- Minister for Welfare Reform (Lord Freud)
- Permanent Secretary (Robert Devereux)
- Director General of Legal Services (Gill Aitken)
- Director of Communications (John Shield)
- DWP Chief Analyst (Trevor Huddleston)
- Director General of Strategy, Policy and Analysis Group (Jeremy Moore)
- PIP Implementation Stakeholder Forum
- Operational Engagement Stakeholder Forum

HM Revenue and Customs

The Chair and other Committee members had meetings with:

- Exchequer Secretary to the Treasury (David Gauke MP)
- Benefits and Credits Consultation Group

Other stakeholders

The Committee also had valuable engagement with:

- Work and Pensions Select Committee
- Social Mobility and Child Poverty Commission
- Dr Paul Litchfield (Independent reviewer of the WCA)
- Child Poverty Action Group
- Local Government Association
- Paypoint
- Joseph Rowntree Foundation

Annex 4: The Social Security Advisory Committee during 2013-14

Committee Members

Paul Gray CB (*Chair*)

Les Allamby

John Andrews

Simon Bartley

Adele Baumgardt

John Ditch

Keith Faulkner

Pamela Fitzpatrick²¹

Colin Godbold

Chris Goulden

Matthew Oakley

Nicola Smith

Janet Walker²²

Diana Whitworth

The Committee's Advisers

Jim McCormick²³

Victoria Todd²⁴

Committee Secretariat

The Committee has a secretariat, comprising 4.6 staff, on loan from DWP and HMRC.

Denise Whitehead (*Committee Secretary*)

Martin Farmer²⁵ (*Research and Policy Specialist*)

James Evans²⁶ (*Research and Policy Specialist*)

Paul Mackrell

Matthew Moon

Dean Walton

²¹ To October 2013

²² To June 2013

²³ From November 2013

²⁴ From December 2013 (unpaid post)

²⁵ To November 2013

²⁶ From December 2013

*Annex 5: Committee Members' biographies*²⁷

Paul Gray CB

Currently the Chair of the Committee, Paul is a retired Civil Servant who was formerly Executive Chairman of HM Revenue and Customs and, before that, the Second Permanent Secretary in the Department for Work and Pensions. Paul is now a partner of Praesta Partners LLP, an executive coaching and mentoring firm. He also serves as Chair of Governors of a comprehensive secondary school, and as a member of the Council at the University of Essex. Paul was appointed to lead the Independent Review of the Personal Independence Payment in 2014, and is a member of the Commission into Local Government Finance in England.

Les Allamby

Les Allamby is Director of Law Centre (Northern Ireland). He is a solicitor, a sociology and social administration graduate, a visiting professor at the School of Law at the University of Ulster, a social security adviser involved in advocacy before the Social Security Commissioner and is experienced in taking social security cases to the European Courts of Justice and European Commission on Human Rights. He is a former member of the Legal Services Commission, the Legal Services Review Group and a former chair of the Standards Committee, all in Northern Ireland.

John Andrews OBE

John Andrews is the former head of tax at Coopers & Lybrand (now PWC) and was president of the Chartered Institute of Taxation. Since 1998 he has been a full-time volunteer in the charity sector with a particular focus on helping those on low incomes cope with the complexity of the law.

Simon Bartley

Simon Bartley is chairman and chief executive of UKSIC and president and chairman of WorldSkills International. He's also chair of the Confederation of British Industry's Small and Medium Enterprise (SME) Council and chairs the 14 to 19 diploma steering group for the British Standards Institute's SME policy committee. Simon is chair of Providence Row Charity, a charity for the homeless in the East End of London.

²⁷ As at 31 March 2014

Adele Baumgardt

Adele Baumgardt is a consultant providing advice on diversity and quality issues to public authorities. She is a member of the Welsh Government's Third Sector Partnership Council and is vice-chair of Sport Wales. She is a former chair of the Public Transport Committee in Wales and a former Wales commissioner for the Women's National Commission.

John Ditch

John Ditch is a former Professor of Social Policy at the University of York and a former Pro Vice-Chancellor at Northumbria University. He is a senior expert to the EU's Mutual Information System on Social Protection and an Independent Consultant and Honorary Professor of Social Policy at the University of York. He is also a Fellow of the Royal Society of Arts and of the Royal Statistical Society. As a former Chair and Vice-Chair of two NHS Boards and as an independent member of the Agricultural Wages Board for England and Wales, he has extensive board and committee experience.

Keith Faulkner CBE

Keith Faulkner is the chair of Twin Group and chair of the Membership and Nominations Committee of the Institute of Employability Professionals. He is a former managing director of a public/private joint venture company delivering work contracts for the DWP. He's also a former senior executive at Manpower and has led major HR projects at BT, IBM, NatWest and Rank Xerox. He is an active member of both the CBI and Acevo.

Colin Godbold

Colin Godbold is a consultant specialising in delivery of large scale Information Technology and organisational change programmes. He is a former partner in IBM's consultancy and services practice. In his 30-year experience, he has led the delivery of complex programmes in both the public and private sectors. He is a fellow of the British Computer Society and is a chartered and European Engineer.

Chris Goulden

Chris Goulden heads the poverty team in the policy and research department at Joseph Rowntree Foundation. He is a former social researcher at the Home Office and Cabinet Office. He's also a former clinical researcher on cancer in the NHS, a former member of the UK Commission for Employment and Skills and a former member of the Social Research Association Board.

Matthew Oakley

Matthew Oakley works at Which?. He is the former Head of Economics and Social Policy at Policy Exchange, where he wrote extensively on reform of the social security system, employment services and care system. He's also a former economist at HM Treasury, where he provided advice on the tax and benefit systems. He has a masters degree in economics from UCL where he specialised in labour economics and econometrics.

Nicola Smith

Nicola Smith is the Head of the Economic and Social Affairs of the Trades Union Congress and oversees research and policy development on a wide range of areas from macro-economic policy, the labour market and public spending to housing, transport and pensions. She is a former principal researcher at the Centre for Economic and Social Inclusion and has worked in related roles at Barnardo's and the Department for Education.

Diana Whitworth

Diana Whitworth is a trustee of the John Ellerman Foundation, a grant-making trust, and of Cranstoun, a charity providing crisis and rehabilitation services to drug users. She is also a trustee of Headway East London, which provides support to people affected by brain injury. She is a former board member of the Big Lottery Fund, where she chaired the International Grants Committee. She is also a former member of the Advertising Standards Authority. She's previously worked at Citizens Advice, the National Consumer Council, Carers UK, Grandparents Plus and the Young Foundation.

The Committee's advisers

Jim McCormick (*adviser on Scotland*)

Jim has been the Scotland Adviser to the Joseph Roundtree Foundation since November 2007 and was previously director of independent think-tank the Scottish Council Foundation (SCF) for five years. He is co-founder of a research partnership, McCormick-McDowell. His main professional interests include tackling poverty, schools reform and policies for older people. He is a Board member of Scottish Business in the Community and a member of the Stroke Association Scotland Committee. Before joining SCF, Jim worked at IPPR and in the European Parliament in Brussels.

Victoria Todd (*adviser on HMRC issues*)

Victoria is Welfare Rights Technical Officer for the Low Incomes Tax Reform Group (LITRG) of the Chartered Institute of Taxation. As part of that role, she leads work on tax credits as well as taking part in LITRG's core work representing the interests of low income taxpayers in the tax system. In addition to representing LITRG at a number of HMRC forums and groups, she also writes material on tax credits for claimants and their advisers, lectures to adviser audiences and broadcasts on radio. Victoria co-wrote the 'Tax Credits Handbook 2012/13' a book for advisers, officials, academics and the lay claimant which provides detailed commentary and practical guidance on all aspects of the tax credits system. Victoria is a tax technician and member of the Association of Tax Technicians. Prior to joining LITRG, Victoria worked in various welfare rights positions in the local government and charitable sectors.

Annex 6: Attendance Record

Name	April 2013	May 2013	June 2013	July 2013	August 2013	October 2013	November 2013	December 2013	January 2014	March 2014
Paul Gray	√	√	√	√	√	√	√	√	√	√
Les Allamby	√	√	√	√	X	√	√	√	√	√
John Andrews	√	√	√	√	√	√	√	√	√	√
Adele Baumgardt	√	√	√	X	√	√	√	√	√	√
Simon Bartley	√	X	√	X	√	√	X	√	√	X
John Ditch	√	√	√	√	√	√	√	√	√	√
Keith Faulkner	√	√	√	√	√	√	√	√	√	√
Pamela Fitzpatrick ²⁸	√	√	√	√	X	X				
Colin Godbold	√	√	√	√	√	√	√	√	X	√
Chris Goulden	√	√	√	√	√	√	√	√	√	√
Matthew Oakley	√	√	√	√	√	X	√	√	√	√
Nicola Smith	√	√	√	√	X	√	X	√	√	X
Janet Walker ²⁹	√	√	√							
Diana Whitworth	√	√	√	√	√	√	√	√	X	√
Jim McCormick ³⁰							√	X	X	X

²⁸ Left the Committee October 2013

²⁹ Left the Committee June 2013

³⁰ Expert adviser on Scotland: appointed November 2013

Annex 7: Expenses

Member	Travel					Subsistence	Fees	Total
	Air	Rail/ tube	Taxi	Car & car parking	Hotel	Including PIA, hotel allowance, friends & family allowance		
Paul Gray ³¹	-	41.17	-	-	77.00	-	-	118.17
Les Allamby	1,055.77	367.51	195.25	-	137.00	305.00	4,862.08	6,922.61
John Andrews	-	1,436.70	218.10	16.40	69.00	40.00	6,539.84	8,320.04
Adele Baumgardt	-	1,962.52	5.00	322.80	387.70	180.00	5,153.12	8,011.14
Simon Bartley	-	167.95	35.00	391.48	77.00	331.39	2,824.80	3,827.62
John Ditch	-	1,273.99	6.00	224.20	587.30	205.00	8,696.96	10,993.45
Keith Faulkner	-	755.43	36.50	-	60.00	55.00	4,305.68	5,212.61
Pamela Fitzpatrick	-	222.97	-	-	-	15.00	2,037.28	2,275.25
Colin Godbold	-	803.24	11.00	97.90	137.00	58.95	5,940.64	7,048.73
Chris Goulden	-	1,583.14	-	-	77.00	240.00	5,615.36	7,515.50
Matthew Oakley	-	171.10	26.00	-	77.00	25.00	4,108.80	4,407.90
Nicola Smith	-	-	-	-	-	30.00	1,669.20	1,699.20
Janet Walker	-	418.23	8.00	50.40	60.00	30.00	2,583.41	3,150.04
Diana Whitworth	-	41.17	23.00	-	77.00	25.00	5,401.36	5,567.53
Jim McCormick	79.99	289.40	6.50	-	-	10.00	838.88	1,224.77

³¹ the Chair of SSAC is remunerated on a fixed annual basis (at £22,000)

Annex 8: Hospitality received by Members

PAUL GRAY Chair		
Date	Organisation name	Type of hospitality received
14 January 2014	Chartered Institute of Taxation	Lunch

No other Committee member received hospitality during 2013-14.

Annex 9: Register of Members' interests (as at 31 March 2014)

Member	Interests
Paul Gray	Associate, Praesta Partners LLP Chair of Governors, Newport Free Grammar School Member, University of Essex Council and its Finance and Strategy Committee
Les Allamby	Director of Law Centre (NI) Chair of the Committee for the Administration of Justice in Northern Ireland. Member of Child Poverty Action Group Holds a practicing certificate with the Law Society in Northern Ireland Vice-chair – Community Foundation for Northern Ireland
John Andrews	Fellow of the Chartered Institute of Taxation (and member of the Low Incomes Tax Reform Group) Fellow of the Institute of Chartered Accountants in England and Wales Associate of the Association of Tax Technicians
Adele Baumgardt	Vice Chair Sport Wales Chair Public Transport Users' Committee for Wales
Simon Bartley	Owner and CEO of UK Skills international Consultation Limited Chair Providence Row charity Member The Apprentice Ambassadors Network Member of the Skills Commission Chartered Engineer and Company Director
John Ditch	Independent Consultant and Honorary Professor of Social Policy at the University of York Fellow of the Royal Society of Arts and of the Royal Statistical Society.
Keith Faulkner	Chair, tempo (UK) Ltd (from July 2013) Adviser to the Board of Twin Training (from July 2013)

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	<p>Trustee of Training for Life (to July 2013)</p> <p>Member of Council for Administration</p> <p>Member of Resolving Multiple Disadvantage taskforce (to July 2013)</p> <p>Member of CBI and Chair of Welfare to Work Panel (to July 2013)</p> <p>Member of Association of Chief Executives of Voluntary Organisations (to July 2013)</p>
Colin Godbold	<p>Independent consultant</p> <p>Member of the Board of the Administrative Data Research Network</p>
Chris Goulden	<p>Employed by Joseph Rowntree Foundation</p> <p>Member of the Social Policy Foundation</p>
Matthew Oakley	<p>Head of Economic Analysis, Which? (from October 2013)</p> <p>Head of Economics and Social Policy, Policy Exchange (to September 2013)</p> <p>Self-employed income from Joseph Rowntree Foundation</p>
Nicola Smith	<p>Head of Economic and Social Affairs at the TUC</p>
Diana Whitworth	<p>Trustee Headway East London</p> <p>Trustee John Ellerman Foundation</p> <p>Trustee Cranstoun</p> <p>Member Alzheimer's Society and Parkinson's Society</p> <p>Chair EVOC Advisory Committee – research into user engagement into commissioning services for people with long-term conditions</p> <p>Member Homerton Hospital Trust Research and Development Committee</p>

Annex 10: SSAC's impact

Scrutiny of secondary legislation at Committee meetings

Month	Subject:	Committee action:	Outcome / Department's response:
April	Passported benefits.	The Committee asked at the meeting what information would appear on the Universal Credit screens regarding passporting. Officials subsequently provided a link for the website which listed the passported benefits for claimants. Committee members provided feedback.	The Department agreed to take these points up with the relevant owning departments.
	Fraud and Error. <i>Social Security (Persons required to provide information) Regulations 2013.</i>	The Committee pointed out that the definition of a local authority in the regulations did not make it clear that information could be required only to the extent that it covered the Council Tax Reduction Scheme. This left open the possibility of the powers being used more widely	Accepted.
May	ESA Regulation 45	The Committee advised officials that the wording of this provision did not work and needed redrafting.	Accepted.
June	Business Strategy	The Committee pointed out that the "Our Road Ahead" document produced by DWP contained a mixture of terminology, some of which didn't appear to fit with the Department's current messages.	Accepted. This feedback would be taken into account in reviewing the document as it was definitely the intention that the language should reflect current thinking/ideas.
July	Child Benefit form CH 1715	Title. The Committee queried whether a more appropriate and less confusing title be found.	Accepted. The Department advised that they may call it "About your Child Benefit" from April 2014.
	Child Benefit form CH 1715	Page 4 - Getting your money. The Committee recommended omitting the words "unless you have chosen not to get payment" as being unnecessary.	Accepted
	Child Benefit form CH 1715	Page 4 - Getting your money. The Committee recommended changing "If you have an individual Savings Account (ISA) we recommend that you do not have your Child Benefit paid into it. There is a limit on the amount that you can pay into these accounts.	Accepted

Month	Subject:	Committee action:	Outcome / Department's response:
		Your bank or building society will reject your Child Benefit if it takes you over that limit" to "If you have an individual Savings Account (ISA) there is a limit on the amount that you can pay into these accounts. Your bank or building society will reject your Child Benefit payment if it takes you over that limit."	
	Child Benefit form CH 1715	Page 5 - Changes that happen to you. The Committee recommended changing "You change the account your Child Benefit is paid into" to "you wish to change the account your Child Benefit is paid into".	Accepted
	Child Benefit form CH 1715	Page 5 - Changes that happen to you. The Committee recommended that the section on leaving the UK should be redrafted.	Accepted
	Child Benefit form CH 1715	Page 5 - Changes that happen to a child. The Committee asked for clarity in the instructions as to when a change of circumstances regarding a child in LA care should be notified.	Accepted
	Child Benefit form CH 1715	Page 6 - Changes that happen to a child. The Committee recommended that the current wording about starting "full-time, non-advanced education which is provided by an employer or office" should be changed to "full time, non-advanced education that's been provided by an employer or as part of any other job or role that they have".	Accepted
	Child Benefit form CH 1715	Page 9 - Guardian's allowance. The words "Guardian's Allowance is for people bringing up a child because the child's parents have died" should be changed to "Guardian's Allowance is for people bringing up a child because the child's parents have died, one parent has died and the whereabouts of the surviving parent is not known or is serving a prison sentence or is detained in hospital".	Accepted
October	The Age-related Payment regs 2013	The Committee noted that Northern Ireland had been overlooked.	Accepted
October	The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013	The Committee questioned whether the word "unable" as used in the draft SI was appropriate and captured the essence of the	Accepted. The Department subsequently confirmed that the wording had been amended to say "is not reasonably able".

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Month	Subject:	Committee action:	Outcome / Department's response:
		kind of disruption a child may have upon their sibling if they shared a bedroom.	
December	The Social Security (miscellaneous amendments) Regulations 2014	The Committee noted that sub-paragraphs (2) and (3) would be removed from paragraph 11 of schedule 6 to the Claims and Payments regulations. However, sub-paragraph (4) referred back to sub-paragraph (2).	Accepted. The Department confirmed that sub-paragraph (4) also needed to be amended so it referred to sub-paragraph (1).
	The Social Security (miscellaneous amendments) Regulations 2014	The Committee raised concern about the draft provision that enabled increased deductions from benefit of up to 40 percent for Universal Credit claimants in rent arrears. The Committee raised concern over the lack of formal consultation or impact assessment and requested that this be undertaken by the Department.	Accepted. The Department removed this aspect from the package of regulations to allow consultation to take place.
	The Social Security (Miscellaneous Amendments) Regulations 2014	The Committee questioned the reason for defining "enactment" so tightly in regulation 4(2). The Committee suggested that widening the definition might be prudent so as to allow for possible future changes.	Accepted. The Department widened the definition to include Welsh enactments as well.
March	The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014	The Committee recommended that the word "placed" in new regulations 3A(3)(b) and 75H(3)(b) be replaced with the words "is admitted"	Agreed.

Scrutiny of secondary legislation taken on formal reference

Regulations formally referred	Recommendation	Outcome / Department's response
Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2013	The consequences of mandation for lone parents with very young children – and in particular the imposition of sanctions on them - are disproportionate. Nonetheless we recognise the value of flexible and personalised support being made available to lone parents to ensure that any unresolved barriers to employment have been addressed by the point their youngest child reaches age five. Therefore the Committee recommends that an incremental approach be adopted – for example with an increased emphasis on	"The Government believes it is reasonable to expect lone parents to prepare for the time when they can return to work. However it recognises the Committee has concerns about some aspects of the change including the potential impacts of failing to meet requirements associated with this change. We have decided to include an easement in Regulations. This provision will ensure that lone parents that claim Income Support cannot be sanctioned if a failure without 'good cause'

Regulations formally referred	Recommendation	Outcome / Department's response
	<p>work-related activity when the claimant's youngest child turns four. This would permit a seamless, supportive and constructive transition back into employment at the point at which the child reaches school age. Those lone parents who wish to access this support earlier should be encouraged to do so on a voluntary basis.</p>	<p>to meet a requirement to attend either a work-focused interview or participate in work-related activity occurs within two weeks of the lone parent's benefit being reduced as the result of a previous failure and their award of Income Support is currently subject to a sanction.</p> <p>The Department's direction of travel, for delivering support to claimants, is a clear move away from a nationally determined structure to more locally-determined processes which focus on helping claimants to return to work. The work-related activity changes build on this approach for support particularly in the year before many lone parents will lose entitlement to claim Income Support if claimed solely on the basis of being a lone parent, when their youngest child reaches age 5. However the Government believes it is right for Jobcentre Plus advisers to assess the individual needs of claimants, given that they work most closely with claimants on a day to day basis. Advisers should have the discretion to make decisions in such a way that they can, as far as possible, provide lone parents with the individually tailored package of support that they need to improve their prospects of a return to sustainable employment."</p>
	<p>The welfare of a child is paramount and the Department should take steps to bring forward secondary legislation which gives effect to the requirements set out in section 9 of the Jobseekers Act 1995 and section 14 of the Welfare Reform Act 2007 that an officer, when drawing up a jobseeker's agreement or an action plan for work-related activities, is to have regard (so far as practicable) to its impact on the well-being of any child who may be affected by it.</p>	<p>"The Government agrees that it must have regard to the welfare of the child but does not agree that further legislation needs to be enacted. The provisions of the Jobseekers Act are not relevant as the Work Related Activity (Amendment) Regulations do not affect Jobseeker's Allowance. In relation to Income Support, Section 2E(6) of the Social Security Administration Act 1992 obliges the Secretary of State to have regard of the impact of an action plan on the welfare of any child. There is also an express requirement in the Regulations that the requirement to undertake work-related activity must be reasonable having regard to the claimant's circumstances, which would include any child the claimant has. Section 14 of the Welfare Reform Act 2007 relates to Employment and Support Allowance, although it is not yet in force. The ESA Work-Related Activity Regulations 2011, which are amended by these Regulations, provide that the requirement to undertake work-related activity must be reasonable having regard to the claimant's circumstances. Further, the Children and Young Person Act 2008 places a general duty on the</p>

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Regulations formally referred	Recommendation	Outcome / Department's response
		Secretary of State to promote the well-being of children in England and so would require the Department to have regard to these matters in taking conditionality and sanctions decisions."
	It is essential that the Department (and the devolved administrations where the delivery of the policy will be different) undertake robust monitoring and evaluation of the changes to ensure that there is a good understanding of the effect of these provisions in terms of the consistency of decision-making, the impact on claimants, the level of sanctions being imposed, the level of employment uptake and child poverty. An evaluation should be designed to determine what changes can be attributed to the policy, and include an assessment of its cost effectiveness. The evaluation should be used to facilitate informed responses to emerging challenges or inconsistencies that may be identified.	"The Government agrees with the recommendation and is committed to assessing the effects of this change. We will use DWP administrative data to monitor the change, particularly in terms of lone parents' access to support, the incidence of sanctions and appeals and any employment outcomes. We will also draw on broader DWP research where appropriate. In addition, we will consider the need for research commissioned specifically to evaluate the change, particularly qualitative research with Jobcentre Plus staff and lone parent claimants, to understand delivery of the change and explore how this influences the behaviours and attitudes of lone parents. Any new research though, would need to be prioritised and agreed as part of the Department's wider research programme. We will also use feedback from stakeholder groups through the Department's regular consultation forum with lone parent voluntary groups. Our approach to reviewing the change is intended to enable us to learn lessons and reflect them in future delivery."
	The Committee has received examples of positive interventions by employment advisers, and we would encourage the Department to ensure that steps are taken to ensure that best practice is shared and that standards routinely meet those of the very best. The Committee would welcome sight of DWP's plans – and associated timetable – for achieving that.	"The Government welcomes the Committee's acknowledgement that Jobcentre Plus advisers are already working effectively with customers to provide them with effective employment support interventions. The Department already has well established tools for sharing good practice and ensuring standards are maintained through the National Partnership Team and the Jobcentre Plus adviser site and the Quality Assurance Framework (QAF). Jobcentre Plus will engage with the relevant parts of the Business through its key stakeholders to ensure that assurance frameworks are adapted to reflect the changes and to capture feedback including good practice."
	The Department should explore innovative solutions to support lone parents to undertake work-related activity, including by examining the opportunities to co-locate the provision of childcare with facilities that support work-related activity.	"The Government promotes innovation through its approach to delivering support to our customers. Broadly speaking Jobcentre Plus District managers have responsibility to make decisions about the way in which provision is delivered in their area to help claimants return to work. Jobcentre Plus

Regulations formally referred	Recommendation	Outcome / Department's response
		<p>Partnership managers specialise in working with local partners to help carers, including those with childcare needs, to address their barriers to work by developing locally tailored solutions. As part of this change Partnership Managers will be asked to promote, wherever possible, opportunities for lone parents to undertake work-related activity co-located with the provision of childcare.”</p>
	<p>The Department should review the effectiveness of its operational staff exercising flexibility to provide tailored support through the Jobcentre Plus Offer to help move lone parent claimants to paid work, including the financial assistance for childcare costs that is available through the Flexible Support Fund. This should include assessing the merits of specialist support provided by lone parent advisers or in partnership with local organisations that support lone parents.</p>	<p>“The Government is committed to reviewing and evaluating the way Jobcentre Plus delivers its services. The Jobcentre Plus Offer is a flexible support model that is made up of three elements: a core regime of regular face-to-face meetings, flexible adviser support and a flexible menu of support options. The Department will use findings from the evaluation of this change together with findings from other relevant evaluations to help ensure that the change successfully delivers to lone parents taking part in flexible work-focused in interviews and work-related activity. The Department met with stakeholders in the summer to discuss lone parent barriers to work; we are currently reviewing the findings. These include exploring the merits of specialist support for lone parents. We will feed findings from this work into the evaluation of these changes.”</p>
	<p>The Committee has been unable to identify any persuasive evidence supporting the removal of the illustrative list of issues to be considered when determining good cause as traditionally expressed in regulations, therefore our preference would be to retain it in legislation as doing so would provide a higher level of authority, certainty and transparency to claimants.</p> <p>The Committee notes the Department's commitment in its Explanatory Memorandum that 'we will ensure that the original policy and safeguard which allows consideration of 'good cause' will be retained with regulations'. This commitment needs to be supplemented with clear guidance and effective training for decision-makers in order that they have a good understanding of their responsibilities and the scenarios that would constitute good cause.</p> <p>To provide further clarity, the list of circumstances which are taken into account when decision-makers are considering whether there is good cause for failing to participate in a work-focused interview</p>	<p>“The Government stated its intention to remove the list of matters to be considered when determining Good Cause. Our long term policy is to simplify regulations and remove the illustrative list of examples of 'good cause' in regulations to avoid the risk such a list to might be used exclusively. This is consistent with our overall desire to simplify regulations where this would add value. Examples of good cause would have been maintained in the Decision Makers Guidance (DMG). However we have listened to the Committee's views. We have decided to retain the existing good cause provisions in Income Support Regulations. We have also ensured that the new provisions in these Regulations relating to good cause for not undertaking work-related activity refer to the availability of child care in line with requirements of section 2H of the Social Security Administration Act (SSAA) 1992. However, we maintain that the good cause provisions should not be further extended. They are not exhaustive, with each "Good Cause" determination being considered on a case by case basis. As such we consider there is no need to extend the list in</p>

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	<p>should be extended to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity.</p> <p>The Committee would welcome the opportunity to comment on the draft decision-maker's guidance as soon as it is available. The Committee also seeks a commitment from the Department that its views would be sought on changes proposed to any of the guidance relating to good cause in the same way that it would have been if the list had remained in regulations.</p>	<p>regulations or related guidance in connection with failure to take part in a work-focused interview to include examples of situations where good cause would exist for failure to comply with the requirements of broader work-related activity."</p>
	<p>We recommend that DWP provides timely and clear communications regarding the application of these provisions to Jobcentre Plus staff as well as to lone parent claimants and stakeholder organisations supporting lone parent claimants. The Department should also, by the end of 2013, ensure appropriate training is provided to Jobcentre Plus staff so that they are well placed to respond to queries and to follow correctly the requirements of the new legislation and guidance.</p>	<p>"The Government agrees that the communication strategy for this change should be clear and well timed. The changes will however be subject to the timetable for the passage of the legislation which may restrict the timing and content of communications. The Department will be developing a suite of communication and implementation products well in advance of introducing this change. This will include amending claimant letters and developing a factsheet for lone parents, awareness products and updated operational guidance for staff and communications for external organisations. A detailed communication plan is being developed by the Department which will be reviewed throughout the implementation period. Communications produced for this change will meet Departmental standards and will have been reviewed and signed off by stakeholders, including Legal Group and the Department's Communications team to ensure that they conform to the standards. No formal training is being planned as this change is mainly built around Business as Usual but the Department will be developing awareness products to highlight and communicate changes for staff. The proposed communication plan outlining the products being developed for this change will be shared with the Committee, the legislative timetable dictates this will be in early 2014."</p>
	<p>The Committee recommends that the Department requires its advisers to ensure that individual lone parents are made aware of their entitlement to 15 hours of free childcare per week, and that they are encouraged to make use of it when participating in mandatory work-related activity.</p>	<p>"The Government agrees with the recommendation. The Department will ensure that, as part of this change, advisers will be required to tell lone parents about the availability of the 15 hours of free childcare (England only) or the equivalent offer in Scotland and Wales. Lone parents will be encouraged to take up this free offer if they are participating in work-related</p>

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	<p>Similarly, where a lone parent's requirements in relation to mandatory work related activity exceed the 15 hours of free childcare, they should be made aware of the potential availability of further help through the Flexible Support Fund. While this is discretionary and cannot be relied upon as a matter of course, it is important that lone parents are at least made aware of its existence.</p>	<p>activity. Additionally, in circumstances where work-related activity exceeds the free childcare offer to which they are entitled advisers will be required, as part of this change, to tell lone parents about discretionary funding for childcare that may be available to them through the Flexible Support Fund in order to support their participation in work-related activity. This requirement will form part of the communication strategy for the change within Jobcentre Plus guidance, implementation products and adviser guidance."</p>
<p>The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013</p>	<p>The Committee recommends that the benefit gateway is extended to include entitlement to the lower rate of the DLA care component and either rate of the mobility component.</p>	<p>"The Department has considered the recommendation put forward by the Committee and recognises their concerns. However, the Department is looking to cover a discrete group of severely disabled children, and not to open up a broader exemption for children with disabilities. The Government view is that a DLA gateway based on entitlement to either the middle or highest rate of the DLA care component is a clear and consistent test of severe disability.</p> <p>As previously mentioned, the decision to set the gateway at the entitlement to either middle or highest rate of the DLA care component was made being mindful that the highest rate applies in those cases where the disabled individual has both day and night needs whilst middle rate applies to those with either day or night needs. We discounted using lower rate care as an identifier as those in receipt of this level of DLA have been assessed as not having significant night needs. The mobility element of DLA has also been discounted as it is not directly connected with carer intervention or supervision.</p> <p>We accept and acknowledge that we are unable to legislate for every possible scenario, and thus accept that there will be some disabled (and non-disabled) children who may not qualify for the relevant award of DLA but may still not be reasonably able to share a bedroom. However, we believe that in these (rare) circumstances Discretionary Housing Payments – with appropriate guidance to local authorities - are a proportionate mitigation. Equally, it is very unlikely that any gateway would cover all possible circumstances, but a</p>

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		gateway of some kind is needed in order to guide decision-makers and keep administrative burden at a reasonable level. In the circumstances, and given analysis of the data available we are confident that the chosen gateway, based on entitlement to the middle or highest rate of the DLA care component is a sensible and reasonable one."
	We additionally recommend that the legislation is amended to include an exceptions process for those who do not satisfy this gateway but who nevertheless are able to satisfy the authority that a child is disabled and it would be inappropriate for them to share a bedroom. We request that the Department makes clear in its response to this report what plans it intends to put in place to protect these exceptional cases.	<p>"The Department introduced a DLA gateway as this option can be clearly set out in legislation and is administratively simple. It also provides a clear bright line that is transparent to staff and claimants alike. Were we to introduce a separate exceptions process over and above this it would have the same effect as removing the gateway entirely.</p> <p>The Department also believes that were the allocation of an additional room to be on the basis of a Local Authority decision, decision makers would be unlikely to have sufficient medical expertise to be able to confidently arrive at a diagnosis of disability. In many cases it would be difficult for a lay person to differentiate between different types of disruptive childhood behaviour, some of which are not driven by disability. This could lead to unintentional inequalities. It would also be particularly difficult to operate in Universal Credit."</p>

SSAC's Independent Work Programme

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The implementation of Universal Credit and the support needs of claimants - May 2013	The Committee regards the LSSF as providing a valuable framework within which support can be provided and is of the view that it represents a good starting point. However, ahead of the October roll-out of UC, this needs to be translated into a more specific set of appropriately resourced arrangements which give consideration to: -the extent to which support services should be offered locally, and the merits of developing an integrated national and local network of support to avoid duplication of effort and promote a holistic	<p>Within the "Universal Credit: Local Support Services update and trialling plan" DWP listed the following examples of "Good Practice and Lessons Learned" as having been identified from SSAC's report.</p> <p>Triage</p> <ul style="list-style-type: none"> • The capability of the UC process to identify support needs is essential. The fluctuating nature of vulnerability underlines the importance of taking multiple opportunities to assess claimant support needs at all stages

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	<p>approach; -an integrated support services framework involving national and local providers and central government departments which can ensure that support services are joined-up and a variety of claimants' needs are met efficiently and effectively.</p>	<ul style="list-style-type: none"> • Self sufficiency is recognised as an important aim for all claimants, including those recognised as needing most support, for example those with learning disabilities • Important to acknowledge the varying levels of support needed over a range of timescales according to individual claimant need • Many claimants are likely to require time-limited support in the short-term, while others may need ongoing support to enable them to manage a UC claim over time <p>Building and Maintaining Partnership Working</p> <ul style="list-style-type: none"> • A holistic approach to service delivery is necessary to eliminate duplication of effort, however, this is only achievable if, in addition to priorities, related funding streams are also aligned to ensure added value for claimants and better value for money to the taxpayer • It is recommended that in readiness for UC, potential service providers consider carrying out an initial assessment of the cumulative impact on services needed and the capacity required to deliver these services to identify potential future needs and any service delivery gaps • It is important that minimum standards of service are agreed between delivery partners to eliminate variability in local delivery and drive up consistency of service to ensure that only high quality support is offered to claimants
<p>Communications in the benefits system - September 2013</p>	<p>The report made nine specific recommendations.</p>	<p>The DWP provided the following response to the report on 9 September 2013: “Response from the DWP to the SSAC report: Communications in the benefits system We welcome this report on claimant communications and the Committee's recognition that the Communications Directorate is 'a strong performer' across Whitehall and has delivered many examples of good practice. The report calls key communications activity 'innovative', 'engaging' and 'valuable'. We agree that disparate responsibility for creating claimant communications – across the Department's programme, policy, operational and legal teams – can raise issues of consistency that need to be addressed. We therefore welcome the Committee's support for the new Claimant Communications Unit to improve standards across the wider Department and provide stronger central oversight.</p>

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		<p>The Department accepts the bulk of the recommendations and is already addressing many of them. For example, we have a comprehensive plan to increase awareness of Universal Credit, coordinated with the gradual roll-out so claimants get information at the appropriate time. The evidence from the Universal Credit pathfinder underlines that this is the right approach.</p> <p>We are grateful to the Committee for looking at the issue and we look forward to continuing to work constructively together.”</p>
	<p>We welcome the comprehensive guidelines for content prepared for the gov.uk website. In addition, the Government should introduce a communications policy and guidelines aimed at all government employees and contracted providers of public services to ensure all communications to citizens meet the standards of the very best.</p>	<p>DWP update on progress 24/10/13: We have had initial discussions with the Government Communications Service (based in Cabinet Office) on creation of a cross-departmental citizens communications group. The group will support a more coordinated approach in this area. We will explore scope for creating a single cross-government set of standards, as well as sharing insight and best practice, and raising the profile of operational communications as an important discipline – through the Government Communications Plan and professional competencies, for example.</p>
	<p>The role of quality communications as an integral element of service delivery should be emphasised in relevant business plans. The Department should provide more explicit reference to communications, including those for Universal Credit, in the next iteration of the DWP Business Plan and stress the importance of quality communications to service delivery in the next DWP Operations Business Plan.</p>	<p>DWP update on progress 24/10/13: We have discussed this with colleagues in Finance and Strategy responsible for drafting DWP's business plans, Annual Report and Accounts, and our staff-facing strategy, 'Our Road Ahead'. All are positive about making communications' role in effective service delivery more explicit in these products, reflecting greater recognition of the importance of effective communications across DWP. We will work closely with them as new versions are developed.</p>
	<p>The proposed DWP Claimant Communications Unit should be established as a matter of urgency. It should forge links with other DWP teams currently developing communications and identify opportunities to improve existing communications. This should include building strong working relationships with teams taking forward work to deliver improvements to the claimant journey.</p>	<p>DWP update on progress 24/10/13: One remaining recruitment exercise currently underway will see us create a five-strong Claimant Communications Unit. We have secured strong senior level endorsement for the Unit's aims from across Communications, Operations and change programmes, and are now building a strong network at all levels to begin to drive standards up. Specifically, we have launched a joint review with Operational Excellence Directorate aimed at delivering sustainable improvements to claimant communications across DWP. We are also working closely with Operational colleagues improving claimant</p>

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		<p>journeys to consider how better communications can improve the claimant experience, reduce inefficiency, and support positive behaviour-change.</p>
	<p>The Department should develop a claimant communications strategy. This would establish Departmental policy on how to deliver clear and co-ordinated claimant communications. It would set out how the Department will use different channels in a co-ordinated way to meet the needs of claimants and potential claimants. It should be in place by January 2014 to support future phases of Universal Credit roll-out and cover the period until roll-out is due to be completed i.e. October 2017.</p>	<p>DWP update on progress 24/10/13: We are updating our Communications Strategy to reflect our commitment to improving claimant communications, alongside other priorities. In practical terms, this will be delivered through creation of a definitive, evidence-based set of standards for use across the Department, and a new cross-Departmental claimant communications 'operating model' defined by the Communications-Operations review mentioned above.</p>
	<p>The Department must ensure both that its staff routinely record the communication preferences of its customers and that communications are then provided through the requested channel or by using the appropriate format.</p>	<p>DWP update on progress 24/10/13: Departmental Strategy colleagues are reviewing DWP's channel strategy in the context of wider strategic change, including the appointment of a new Digital Transformation Director General.</p>
	<p>New IT systems, such as those for Universal Credit, should be designed with the flexibility to tailor, change and enhance claimant communications quickly and efficiently.</p>	<p>DWP update on progress 24/10/13: We have raised this with the Universal Credit Design and Build Team. An enhanced IT approach for Universal Credit is being explored involving the Government Digital Services, with a clear focus on the quality of the end claimant experience. This should result in a flexible system which can respond quickly to claimant needs.</p>
	<p>Stakeholders have a clear need for further information about the roll-out of Universal Credit. This information is important for planning their own service provision and also for providing advice to people to enable them to prepare for the future. The Department should make a decision on the timetable for the incremental roll-out of Universal Credit for the period from October 2013 to 2017 and communicate this to its staff, local authorities and stakeholders at the earliest opportunity.</p>	<p>DWP update on progress 24/10/13: We recognise the essential role played by partners and support organisations, and develop resources to equip them to offer the best advice to those they support. Our partner toolkit at www.gov.uk/universal-credit-toolkit-for-partner-organisations is being regularly updated with new guides, videos and other material, prompted in many cases by suggestions and feedback. We have also just launched new tailored content for local authorities, DWP staff and employers.</p> <p>We also provide regular updates on roll-out, with online resources and stakeholder communications updated accordingly. For example, in mid-October, we updated on the national roll-out of the claimant commitment and the</p>

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		progressive roll-out of Universal Credit to a further six sites between October and Spring 2014.
	<p>The Department must use appropriate tone and language when explaining the aims of its policies in documents aimed at claimants and stakeholders. It should use wording that is suitable to the audience, explanatory and objective and that is appropriately integrated with practical information.</p>	<p>DWP update on progress 24/10/13: Our materials aim to strike a balance between explaining the rationale and policy intent behind the change, and practical, factual information about actions the claimant needs to take. We will ensure that these principles underpin the guidance for staff being developed by the Claimant Communications Unit, as well as our stakeholder communications products. In doing so, we will continue to strive to use appropriate tone and language, and will continue to listen carefully to feedback from SSAC and other key stakeholders to ensure that we get this right.</p>
	<p>The Department should identify opportunities within its current research programme, and in its plans for next year's research programme, to undertake research to improve understanding of how communications influence the attitudes and behaviours of claimants. This research should include experimental tests to compare the success of different approaches in a given policy area. The Department should also take forward the option to conduct experiments to test out different communications as part of the evaluation of Universal Credit.</p>	<p>DWP update on progress 24/10/13: The Claimant Communications Unit will put audience insight and evaluation at the heart of its approach. We are establishing links with DWP's analytical community, in-house psychologists and Cabinet Office's Behavioural Insight Team to ensure that relevant audience and behavioural insight is integrated into our standards and guidance. We also aim to harness opportunities to test different approaches in the field, and have approached Operational Excellence Directorate to agree next steps. On Universal Credit specifically, we are already testing how different language can affect understanding and attitude, and are planning a series of tests to understand the role that the communication channel mix can have on jobseekers' behaviour.</p>

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