

**SOCIAL SECURITY**  
**ADVISORY COMMITTEE**

**Social Security Advisory Committee**  
**Annual Report 2014-15**

## Social Security Advisory Committee

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## Chair's Review



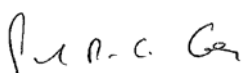
The benefits system presented the Coalition Government with some difficult challenges, and it will continue to do so for the new administration. The current fiscal constraints mean that further hard choices will need to be made, and that additional changes to the current system are inevitable. The Committee acknowledges the scale of that challenge and, while no single body can have all the answers, we do seek to provide timely, relevant, well-informed and constructive advice that considers all perspectives – including claimants, those involved in the front-line delivery of the Government's policies, and the public purse. In particular we endeavour to highlight the impacts, connectivity and potential unintended consequences of the Government's proposals.

This year we have scrutinised 42 sets of regulations, producing formal advice to the Secretary of State for Work and Pensions on five - including on the introduction of Waiting Days in Universal Credit and migrants' access to Housing Benefit. In addition, we have undertaken a close examination of three important issues as part of our independent work programme: the cumulative impact of the Government's welfare reforms, self-employment, and localisation. More information about our advice can be found later in this report.

We were especially pleased that the second Triennial Review of SSAC emphasised the value attached to our work by Parliamentarians and our other stakeholders. This independent review was undertaken by Sarah Stoney (Treasury Solicitor's Department) who presented her report to us on 24 March 2015. The report highlights some areas for improvement, in particular around the impact of our independent work programme, and we look forward to responding to the challenges set us in the coming months.

The Committee is looking forward to considering the proposals that emerge from the new Government in the year ahead. A point of particular interest will be establishing the role of the Committee in relation to the further devolution of welfare issues in Scotland. The Committee is keen to play a constructive part in this process, building on the parallel statutory relationship we have with the Department for Social Development in Northern Ireland.

In closing, I would like to pay tribute to my Committee colleagues. In the past year we said a sad farewell to our valued and experienced colleagues Les Allamby, Simon Bartley, Keith Faulkner and Diana Whitworth – all of whom, without exception, provided invaluable expert advice. However we are fortunate that their successors - Rachael Badger, Jim McCormick, Grainne McKeever, Seyi Obakin and Judith Paterson - have brought a fresh perspective, as well as an admirable mix of experience and knowledge, to the Committee's work and have very quickly become strong and effective members of the team. I am delighted to be leading such an impressive team and would like to thank my Committee colleagues and our secretariat for their dedication, expert advice and hard work.

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

**Paul Gray**

### About Us

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.

## Our advice to the Secretary of State

During 2014-15, the Social Security Advisory Committee produced seven reports containing advice for the Secretary of State for Work and Pensions. These fell into two categories:

- advice prepared following our mandatory scrutiny of draft secondary legislation; and
- detailed studies undertaken as part of our independent work programme.

### Secondary legislation

During 2014-15, the Committee considered 42 packages of regulations and draft proposals<sup>1</sup> covering a wide range of issues. We provided feedback and observations on each of these, including in correspondence to Ministers where we considered that appropriate. However the Committee decided that five of these required further scrutiny and took them as a formal reference. In each case, the report we produced for the Secretary of State was informed by evidence and views provided by a broad range of our stakeholders in response to a public consultation. We address each report in turn below.

#### The Housing Benefit (Habitual Residence) Amendment Regulations 2014

These [regulations](#)<sup>2</sup> represented a significant contribution to a series of legislative measures introduced by the Government at the start of 2014, and then over the course of the following year, directed at European Economic Area (EEA) migrants. Whilst the Committee agreed that some of these packages of regulations could proceed, it took the view that the provisions warranted further examination. Although the Committee's report focused on the specific provisions covered by these regulations, it also took the opportunity to look at the issue in the context of the wider Government strategy on EU migrants' access to benefit.

The regulations proposed to sever the automatic link that had previously existed between entitlement to an income-based Jobseeker's Allowance (JSA) and entitlement to Housing Benefit (HB) for EEA migrants who were householders in rented accommodation in the UK. That meant that new EEA migrants to the UK would not be able to establish an entitlement to HB unless they had been able to work and acquire the status of 'worker' for the purposes of the relevant European legislation. Annual savings from this measure were estimated to be around £10 million.

The Department had invoked the urgency procedures<sup>3</sup> for these regulations, so the legislation was enacted without having first been referred to the Committee.

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<sup>1</sup> Full list of regulations and draft proposals scrutinised by the Committee can be found at annex 1.

<sup>2</sup> Statutory Instrument 2014 No 539

<sup>3</sup> Section 173(1)(a) of the Social Security Administration Act 1992.

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The regulations were therefore already in force when the Committee launched its public consultation and prepared its [report](#).<sup>4</sup>

The Committee's particular concern was the potential impact on EEA migrants, and their family members, who did not have a viable alternative to staying in the UK. At a theoretical level it is not unreasonable for the Government to say that anyone impacted by the regulations should simply return to their country of origin, however the Committee was less convinced that it would always prove to be possible, especially for those who had been in the UK for a considerable while and considered 'home' to be here. We were concerned that, if that proved to be the case, then there would be a risk of increased homelessness.

On these grounds we recommended that the Government monitor the situation closely to determine what impact the new legislation had on individuals and families. We also recommended that a clear communications strategy be put in place which would ensure that EEA nationals contemplating coming to the UK to seek work understood the position.

In [response](#) to our report, the Government accepted that there was a requirement to strengthen the existing evidence-base and that it had commissioned Ipsos Mori to conduct a survey dedicated to the policy. We were also assured that British Embassies in EEA member states would hold information relating to the changes in the rules and that the GOV.UK website would be updated to reflect the restrictions in benefit entitlement for EEA migrants. In terms of the Committee's concerns about increased homelessness, the Government's response held its view that the best option for those EEA migrants who were unable to find work and were at risk of becoming destitute would be to return home.

### **The Social Security (Jobseeker's Allowance and Employment and Support Allowance) (Waiting Days) Amendment Regulations 2014**

These [regulations](#)<sup>5</sup> reflect a commitment made by the Chancellor of the Exchequer<sup>6</sup> that the number of waiting days that a person claiming a Jobseeker's Allowance (JSA) would need to serve before entitlement could begin was to increase from three to seven. He subsequently<sup>7</sup> extended the commitment to include those claiming an Employment and Support Allowance (ESA).

The Committee decided to take the regulations on formal reference principally because it considered there to be insufficient data to support the Government's contention that there would be a limited impact on claimants as most people coming on to JSA or ESA would typically have earnings from the previous employment which would reasonably see them through the additional four days of non-entitlement.

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<sup>4</sup> Section 173(2) *ibid*.

<sup>5</sup> SI 2014 No 2309

<sup>6</sup> Spending Review announcement on 26 June 2013

<sup>7</sup> Budget Statement of 19 March 2014



The Committee's [report](#) recommended that the measure should not proceed without further analysis of the impact of the change. Although the Government's [response](#) made clear that it would not delay the implementation of the legislation, it acknowledged that there was a need for a more thorough analysis of the effect of the policy and duly produced a revised Impact Assessment which was published with the regulations. Further details were also provided regarding how the savings generated by extending waiting days would be invested into initiatives to help people find work. A recommendation that the current list of exemptions from the waiting day rule be extended (including the suggestion that ESA claimants should be excluded altogether) was not accepted by the Government. However our recommendation that the availability of short-term benefit advances should be given a higher profile was accepted, with the caveat that they were not payments of benefit as such and that it was not appropriate to give them the full extent of publicity which would normally be extended to benefits to which people had a right.

The Department also accepted that there was a need for greater clarity in communicating the message that waiting days had to be served after a claim was made. This was an important point because there is a risk that claimants would misinterpret the rules and believe that there was no point in making a claim until after seven days have elapsed.

### The Universal Credit (Waiting Days) (Amendment) Regulations 2015

These draft [regulations](#)<sup>8</sup> will come into force later than originally planned on 8 August 2015 (the implementation of the policy had originally been scheduled for 27 April 2015). The proposal is that a similar seven day period of waiting before Universal Credit entitlement can begin should be introduced to align the rules with those that apply for JSA and ESA.

At first glance this may seem little more than ensuring a consistent approach across the spectrum of income-related benefits for those of working age. However an important difference is that Universal Credit encompasses housing costs for those in rented accommodation as well as other elements of entitlement, such as amounts for children and child care costs. This means that the amount at stake for Universal Credit is considerably higher. Additionally, the fact that Universal Credit is due to be paid monthly in arrears has the potential to exacerbate any difficulties claimants might face in the period before the first payment of benefit can be received. Many of the respondents to our public consultation emphasised that the regulations were likely to cause significant financial difficulties for many individuals and families coming on to benefit for the first time.

The Committee's [report](#) recommended that the proposal should not proceed on the basis that the impact of having to serve waiting days for a benefit that includes other costs, in particular housing, puts it beyond reasonable justification.

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<sup>8</sup> SI 2015 No. 1362

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The Government's [response](#) was published on 11 June 2015. It noted that the Government had delayed implementing the waiting days measure to consider carefully the points raised in our report, however our recommendation was not accepted on the basis that the regulations '*include a number of important exemptions to safeguard vulnerable groups who would otherwise be affected by this measure*'.

### The Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015

It was always recognised that monthly accounting was likely to be problematical in Universal Credit for people with variable monthly earnings. The Government had signalled its intention, at an early stage of Universal Credit policy development, that it would neither follow the tax credit model of annual assessments nor the traditional income-related benefit approach of averaging fluctuating earnings over any recognisable cycle. From that point on the challenge was to find an equitable and just method of treating fluctuating earnings within the given context of monthly assessments. The [regulations](#)<sup>9</sup> presented to the Committee reflected the Department's response to that challenge.

The Committee requested the formal reference of the proposals because, despite the Department's own efforts to consult and take into account the views of interested and relevant parties, we wanted an opportunity to explore whether the proposals represented the best possible solution to a difficult problem.

The favoured solution set out in the draft regulations examined involved a somewhat complicated process of carrying forward surplus earnings above a de minimis figure into the succeeding month or months. For the self-employed there was a similar carry forward of losses. We concluded that despite the best efforts of the Department, the proposed approach did not offer the equitable and workable solution the Government was seeking to deliver. On surplus earnings, the Committee's [report](#) recommended that the proposed de minimis figure of £100 be increased in order to maintain the Government's stated objective that work should always pay. Without such an increase the legislation was at risk of creating a disincentive for people to take on additional work in order to move off benefit and become self-sufficient. The Government's [response](#) accepted this view and the figure was duly increased to £300.

In terms of self-employed losses, the Committee recommended that another attempt be made to identify a solution which achieved greater parity of treatment between the employed and the self-employed. Our report drew attention to how the regulations would be impacted by the rules relating to the minimum income floor. The Committee recommended that the Department should establish a working group consisting of individuals with particular expertise in matters relating to the self-employed to ensure that serious consideration is given to finding a way to address the unique challenges facing the self-employed. The Government accepted this recommendation.

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<sup>9</sup> SI 2015 No 345

## The Employment and Support Allowance (Repeat Assessments and Pending Appeal Awards) Amendment Regulations 2015

These draft [regulations](#)<sup>10</sup> were designed to address a problem of people claiming ESA being disallowed after an initial period of entitlement at the assessment rate but, after a period of six months, being able to submit a doctor's note without any significant deterioration in health and start a new period of ESA entitlement.

The Committee was concerned that a significant cohort of claimants, some with mental health conditions, would fall short of meeting the criteria for being held to be incapable of work but who, in the realistic view of a majority of potential employers, were very unlikely to secure employment. They might be told by DWP staff that they need to claim JSA, but subsequently referred back to ESA in the event that they presented a doctor's note and claimed to be unfit for work. If they did claim JSA there would be a possibility that they would end up being sanctioned for failing to comply with a work-related requirement.

The Committee's [report](#) drew attention to the limited extent of the available evidence relating to the problem. We also queried the extent to which the Department would make the predicted amount of administrative savings from the measure – our concern was that any benefit savings would only be delivered at the expense of more vulnerable claimants falling out of the benefit system altogether.

The Committee remained unconvinced of the case for such a change when the full roll-out of Universal Credit would overtake the need for it in due course. Given that the changes may introduce serious consequences for people whose disability or ill-health is not in doubt, the Committee recommended that the proposals should not proceed until a clear supporting evidential base had been established.

In its [response](#) the Government confirmed it would proceed with the amendment, but provided a welcome exemption for anyone disallowed ESA on the grounds of having failed to attend a work capability assessment without good cause, or having failed to complete and send in the questionnaire.

## 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;
- 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.

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<sup>10</sup> SI 2015 No 437

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Two such reports were completed during 2014-15.

### The Cumulative Impact of Welfare Reform

The Coalition Government 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.<sup>11</sup> 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 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](#) indicated that it was not possible to break down further the existing analysis produced by HM Treasury. In particular, the Government was of the view that that the amount of information required to do that accurately for families would be prohibitive and that results could not be reliably disaggregated for disabled people.

### Social Security and the Self-employed

The Committee's [report](#) called on government to examine the balance in social security coverage – both in terms of entitlement and contributions – between self-employed and employed workers. It also looked at the incentives for so-called

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<sup>11</sup> 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>

'false self-employment' and considered how current Universal Credit regulations might affect the self-employed.

Our report highlighted a number of differences in the treatment of self-employed and other workers within the current social security system. With the recent growth in self-employment, the Committee considered it important for the government to review whether the right balance in the social security system was currently being achieved between those in self-employment and employment.

The Committee does not underestimate the challenge policy-makers face in assessing the respective interests of the self-employed, the employed and their employers. However, within that analysis we consider it be important to recognise some of the drivers for 'false self-employment'. The position might be further complicated following roll-out of Universal Credit for the self-employed, and the report therefore recommended the government should establish an expert working group to look carefully at the emerging concerns. We are pleased that the government accepted our advice and that a working group has been established and is meeting on a regular basis.

## 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 seeks to achieve this through a variety of outward facing activity, as detailed below.

## Engaging with our stakeholders

The Committee particularly values the opportunity to bring together policy-makers, think tanks, local authorities, employers, the voluntary sector and academia at its two stakeholder events each year (one of which is held outside of London). In 2014-15, these stakeholder events were held in:

- **Birmingham (8 May 2014):** this event provided an opportunity for the Committee to gather evidence for its project on [social security provision and the self-employed](#) and to consider equality issues and the impact of social security policy on particular groups; and
- **Central London (6 November 2014):** this event focused on [localisation](#) of social security and other DWP functions and we obtained some excellent views and evidence that helped shape our final advice which was submitted to Ministers in May 2015.

The Committee has additionally brought together smaller groups of stakeholders with particular expertise and experience relevant to specific pieces of work it is undertaking. For example, we set up smaller workshops on the following issues:

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- Tax-Free Childcare
- The Employment and Support Allowance (Repeat Assessments and Pending Appeal Awards) Amendment Regulations 2015 (two events held in London and Glasgow)
- Universal Credit: Self-employed Losses
- Universal Credit: Waiting Days
- Localisation

We also communicate regularly about our work with our stakeholders via email, our [website](#) and our Twitter account ([@The\\_SSAC](#)).

Our stakeholder list is kept under regular review to ensure that it is up to date and that it represents a broad range of views to ensure that our advice to Ministers remains balanced and takes account of all perspectives – including the tax-payer.

## Visits

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.

Our current secondary legislation scrutiny role operates across the UK, with a duty to advise the Secretary of State on a GB basis, and a parallel duty to advise the Department for Social Development in Northern Ireland. The Committee therefore considers it important to undertake regular extended visits to Northern Ireland, Scotland and Wales to ensure that it has a good understanding of the differences, opportunities and challenges that face each nation. This is especially important given the growing trend for greater devolution of welfare issues.

The Committee's visit to Scotland between 2-4 February 2015 was particularly timely, following hot on the heels of publications of both the *Report of the Smith Commission for further devolution of powers to the Scottish Parliament* (27 November 2014) and the UK Government's Command Paper *Scotland in the United Kingdom: An enduring settlement* (22 January 2015).

During the Committee's two day visit to Edinburgh, Glasgow and Dundee, we met a wide range of policy makers and practitioners who provided an excellent overview of the current position in Scotland as well as the potential impact and consequences of further devolution of welfare powers. These included: the Scottish Parliament's Welfare Reform and Devolution (Further Powers) Committees; Scottish Parliament Information Centre; the Minister for Housing and Welfare;<sup>12</sup> officials from the Scottish Government's Welfare Division; Dundee and Glasgow City Councils; Dundee Carers Centre; The Wise Group; and Jobcentre Plus (Dundee). We also hosted a small stakeholder workshop where we met

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<sup>12</sup> Margaret Burgess MSP

representatives from; the One Parent Families Scotland; Wheatley Group; Poverty Alliance; Macmillan Cancer Support and Rosemount Lifelong Learning.

We additionally visited the following organisations in 2014-15:

- Government Digital Service, London
- Universal Credit Programme Team, London
- DWP Jobcentre, Bolton
- DWP Service Centre, Bolton
- DWP Contact Centre, Telford
- DWP Jobcentre, Wolverhampton
- DWP Benefits Centre, Wolverhampton
- DWP Contact Centre, Glasgow
- DWP Disputes Resolution Team, Glasgow
- DWP Jobcentre, Glasgow
- DWP Service Centre, Glasgow
- Department for Social Development, Belfast

Every visit has been invaluable to the Committee and we are grateful to everyone involved.

## Ministerial meetings

Our primary role is to provide advice to the Secretary of State, therefore a constructive relationship with the Ministerial team is important. While the Committee and Government will not always see eye to eye on issues relating to social security, it is our experience that the DWP Ministerial team is respectful of the Committee and considers carefully the advice we provide, even where our recommendations are not accepted. By the same token, the Committee endeavours to ensure that the challenges being faced by the Government – for example the need to ensure that limited financial resources are used to best effect – are acknowledged in the advice we provide.

The Committee is especially grateful for the support of our sponsor Minister, Lord Freud, who meets the Committee and its Chair regularly throughout the year. We have also had useful and candid meetings with the Secretary of State and the then Minister of State for Employment<sup>13</sup> during 2014-15.

## Our financial resources

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.

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<sup>13</sup> Esther McVey

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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.<sup>14</sup>

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

Secretariat costs	£195,000
Committee members' fees <sup>15</sup>	£77,000
Expenses (travel / subsistence) <sup>16</sup>	£40,000

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<sup>14</sup> A breakdown of the fees and expenses claimed by members can be found at annex 7.

<sup>15</sup> This includes the Chair's annual fees which are £22,000.

<sup>16</sup> This descriptor includes expenses paid both to Committee members and to the secretariat. It also includes tax liabilities that arise on Members' expenses.



## List of annexes

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## Annex 1: Regulations scrutinised by the Committee (1 April 2014 to 31 March 2015)

This annex provides a comprehensive list of the regulations presented to the Committee in 2014-15. In two cases, the 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'*.<sup>17</sup>

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

- Jobseeker's Allowance (Homeless Claimants) Amendment Regulations 2014
- Jobseeker's Allowance (Supervised Jobsearch Pilot Scheme) Regulations 2014
- Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014
- The Jobseeker's Allowance (18-21 Work Skills Pilot Scheme) Regulations 2014
- The Universal Credit (Transitional Provisions) (Amendment) Regulations 2014
- The Universal Credit (Work-Related Requirements) In Work Pilot Scheme and Amendment Regulations 2015
- The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2014
- The Universal Credit and Miscellaneous Amendments (No. 2) Regulations 2014
- Universal Credit (Rent Repayment Orders) (Supply of Information) Regulations 2014
- The Sharing of State Scheme Rights (Provision of Information and Valuation) (No 2) (Amendment) Regulations 2014
- The Social Security (Miscellaneous Amendments) Regulations 2015
- The Housing Benefit and Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Income from earnings) (Amendment) Regulations 2015

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<sup>17</sup> Sections 173(1)(a) of the Social Security Administration Act 1992

- The Social Security (Traineeships and Qualifying Young Persons) Amendment Regulations 2015
- The Social Security (Members of the Reserve Forces) (Amendment) Regulations 2015
- The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015
- The Social Security (Overpayments & Recovery) (Amendment) Regulations 2015
- The Universal Credit (EEA Jobseekers) Amendment Regulations 2015
- The State Pension Credit (Amendment) (Limitation of savings credit for mixed-age couples and phasing out of the assessed income period) Regulations 2015

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 (Invalid Care Allowance) (Amendment) Regulations 2014
- The Social Fund Cold Weather Payments (General) Amendment Regulations 2014
- The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2014
- The Social Security (Invalid Care Allowance) (Amendment) Regulations 2015
- The Statutory Shared Parental Pay (General) (Amendment) Regulations 2015
- The Social Fund Cold Weather Payments (General) Amendment Regulations 2015
- The Social Security (Fees Payable by Qualifying Lenders) (Amendment) Regulations 2015

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

- The Housing Benefit (Habitual Residence) (Amendment) Regulations 2014
- The Social Security (Jobseeker's Allowance and Employment and Support Allowance Waiting Days) Amendment Regulations 2014

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- The Universal Credit (Waiting Days) (Amendment) Regulations 2014
- The Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015
- The Employment and Support Allowance (Repeat Assessments and Pending Appeal Awards) (Amendment) Regulations 2015

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

- Housing Benefit (Executive Determinations and Local Housing Allowance) (Amendment) Regulations (Northern Ireland) 2013
- The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2015

Non-statutory scrutiny:

- The Social Security (Penalty as Alternative to Prosecution) (Maximum Amount) Order 2015
- The Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2015

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

- The Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations 2014
- The Social Security Class 3A Contributions (Units of Additional Pension) Regulations 2014
- The State Pension Regulations 2015

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

- Child Benefit (General) and the Tax Credits (Residence) (Amendment) Regulations 2014
- The Tax Credits (Settlement of Appeals) Regulations 2014
- The Child Benefit (General) and Tax Credits (Miscellaneous Amendments) Regulations 2014
- The Tax Credits (Claims and Notifications) (Amendment) Regulations 2015

## **Annex 2: Presentations to the Committee**

### ***May 2014***

- Universal Credit (DWP)

### ***July 2014***

- Personal Independence Payment (Independent Review Team)

### ***September 2014***

- National Audit Office

### ***November 2014***

- Personal Independence Payment (Independent Reviewer)
- Work Capability Assessment (Independent Reviewer)

### ***January 2015***

- Developments in respect of Northern Ireland (DSDNI)
- The Family Test (DWP)

## Annex 3: Committee Membership during 2014-15

### Committee Members

Paul Gray CB (*Chair*)

Les Allamby<sup>18</sup>

John Andrews OBE

Rachael Badger<sup>19</sup>

Simon Bartley OBE<sup>16</sup>

Adele Baumgardt

John Ditch

Keith Faulkner CBE<sup>20</sup>

Colin Godbold

Chris Goulden

Dr Jim McCormick<sup>21</sup>

Gráinne McKeever<sup>22</sup>

Matthew Oakley

Seyi Obakin<sup>20</sup>

Judith Paterson<sup>23</sup>

Nicola Smith

Diana Whitworth<sup>17</sup>

### Committee Secretariat

Denise Whitehead (*Committee Secretary*)

James Evans<sup>24</sup>

Paul Mackrell

Matthew Moon

Graham Walmsley<sup>25</sup>

Victoria Todd<sup>26</sup>

Dean Walton

Guy Colton<sup>27</sup>

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<sup>18</sup> To 30 November 2014

<sup>19</sup> From 1 February 2015

<sup>20</sup> To 31 January 2015

<sup>21</sup> From 1 November 2014 (previously SSAC adviser on Scotland)

<sup>22</sup> From 1 December 2014

<sup>23</sup> From 1 September 2014

<sup>24</sup> To 25 July 2014

<sup>25</sup> From 23 March 2015

<sup>26</sup> Committee Adviser on HMRC issues (unpaid post)

<sup>27</sup> From 1 December 2014

## Annex 4: Committee Members' biographies

### Paul Gray CB

Paul Gray became the chair of the Social Security Advisory Committee (SSAC) in 2012. He also recently led the first independent review of Personal Independence Payment assessment process which reported at the end of 2014.

Paul also holds the following positions:

- Associate of Praesta Partners LLP, an executive coaching and mentoring firm
- Chair of Governors of Joyce Frankland Academy, Newport
- Member of the Strategy and Resources Committee and Remuneration Committee at the University of Essex
- Trustee of Jane Bradbury Educational Foundation

His former roles include: Executive Chairman (HM Revenue & Customs); Second Permanent Secretary (Department for Work and Pensions); and economic affairs private secretary to the Prime Minister.

### 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.

### Rachael Badger

Rachael Badger has been the Head of Policy Research for Families, Welfare and Work at Citizens Advice since 2013. Between 2003 and 2013, Rachael was a civil servant and had a variety of roles within the Department for Work and Pensions and HM Treasury.

### Adele Baumgardt

Adele Baumgardt is a consultant providing advice on diversity and equality 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.

## Social Security Advisory Committee

### 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 Board and as an independent member of the Agricultural Wages Board for England and Wales, he has extensive board and committee experience.

### 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. Colin is the Committee's Vice Chair, and represents the interests of employers.

### Chris Goulden

Chris Goulden is a head of policy and research at the Joseph Rowntree Foundation. He is a former social researcher at the Home Office and Cabinet Office. Chris has also been a cancer researcher in the NHS, a member of the UK Commission for Employment and Skills Expert Group and a member of the Social Research Association Board. He has a Masters degree in social research methods from South bank University.

### Dr Jim McCormick

Dr Jim McCormick is co-founder of a research partnership McCormick-McDowell, Scotland Adviser to the Joseph Rowntree Foundation, a board member of Scottish Business in the Community and a member of the Stroke Association Scotland Committee. Previously he was director of independent think-tank the Scottish Council Foundation. He's also worked at the Institute for Public Policy Research (IPPR) and in the European Parliament in Brussels.

### Gráinne McKeever

Gráinne McKeever is an Executive Director and former Chair of the Law Centre, Northern Ireland, a not-for-profit specialist advice organisation. She is a Reader in Law at Ulster University, with research and teaching expertise in social justice. She is the Assistant Editor of the Journal of Social Security Law and currently teaches social security law and policy to undergraduate and postgraduate law students. Gráinne is a Director of Ulster University's Law Clinic, through which postgraduate law students provide social security advocacy for members of the public.



## 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.

## Seyi Obakin

Seyi Obakin is the Chief Executive of Centrepoin, a leading national charity working with young people who have experienced homelessness. He is a chartered accountant and has worked in a wide range of social housing provision. He has also been involved in research and inquiries into family life and the support families need, lifelong literacy and youth enterprise. He is currently serving as a Commissioner of the UK Commission for Employment and Skills.

## Judith Paterson

Judith Paterson has worked in the field of social security law and advice for more than 25 years and is currently leading a Scotland-wide, second tier welfare rights service for the Child Poverty Action Group in Scotland. Her work involves contributing to social policy work and analysing legislation and issues arising from casework for their impact on individuals, families and services.

## 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.

## Victoria Todd (*adviser on HMRC issues*)

Victoria is an unpaid adviser to the Social Security Advisory Committee on HMRC-related issues. She is Welfare Rights Technical Officer for the Low Incomes Tax Reform Group (LITRG) of the Chartered Institute of Taxation. In that role, she leads work on tax credits, represents the interests of low income taxpayers in the tax system and represents LITRG at a number of HMRC forums and groups. She also writes 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' which provides comprehensive guidance and commentary on the tax credits system. She is a member of the Association of Tax Technicians.

Annex 5: Attendance Record

Name	April 2014	May 2014	June 2014	July 2014	September 2014	October 2014	November 2014	December 2014	January 2015	March 2015
Paul Gray	√	√	√	√	√	√	√	√	√	√
Les Allamby	√	√	√	√	X	√	√			
John Andrews	√	√	√	√	√	√	√	√	√	√
Rachael Badger										√
Simon Bartley	X	√	√	X	X	X	√			
Adele Baumgardt	√	√	√	√	√	√	√	√	√	√
John Ditch	√	√	√	√	√	√	√	√	√	√
Keith Faulkner	√	√	X	√	√	√	√	√	X	
Colin Godbold	√	√	√	√	√	√	√	√	√	√
Chris Goulden	√	√	√	√	√	√	√	√	√	√
Jim McCormick	√	√	√	√	√	√	√	√	X	√
Gráinne McKeever								√	√	√
Matthew Oakley	√	√	√	√	X	√	√	√	√	√
Seyi Obakin								√	X	√
Judith Paterson					√	√	√	√	√	√
Nicola Smith	√	√	X	√	√	√	√	X	√	√
Diana Whitworth	X	X	X	X	X	X	X	X	√	

## Annex 6: Fees and Expenses

Member	Travel					Subsistence Including PIA, hotel allowance, friends & family allowance	Fees	Total
	Air	Rail/ tube	Taxi	Car & car parking	Hotel			
Paul Gray <sup>28</sup>	£380.15	£36.21	£38.00	-	£170.00	-	-	£624.36
Les Allamby	£805.91	£135.80	£47.50	-	-	£215.00	£2,876.16	£4,080.37
John Andrews	-	£1,596.85	£89.50	£114.20	£170.00	£99.90	£9,758.40	£11,828.85
Rachael Badger	-	£156.45	£20.00	-	-	-	£256.80	£433.25
Simon Bartley	-	£56.80	-	£79.60	-	£10.00	£898.80	£1,045.20
Adele Baumgardt	£67.91	£1,925.61	-	£420.09	£454.60	£105.00	£4,750.80	£7,724.01
John Ditch	-	£1,677.41	£22.45	£277.80	£455.90	£150.00	£10,696.80	£13,280.36
Keith Faulkner	-	£498.80	£9.50	-	-	£15.00	£2,568.00	£3,091.30
Colin Godbold	-	£1,001.49	£16.50	£113.20	£240.65	£73.00	£5,469.84	£6,914.68
Chris Goulden	-	£1,727.12	£6.85	-	£170.00	£180.00	£4,759.36	£6,843.33
Jim McCormick	£374.97	£1,162.86	£32.00	-	£271.00	£75.00	£3,595.20	£5,511.03
Grainne McKeever	£1,002.43	£130.12	£184.00	£6.00	£281.95	£108.62	£2,542.32	£4,255.44
Matthew Oakley	-	-	-	-	-	£10.00	£2,251.28	£2,261.28
Seyi Obakin	-	£384.64	-	-	£169.95	-	£1,498.00	£2,052.59
Judith Paterson	£248.20	£751.47	£7.00	-	£389.70	£81.11	£3,210.00	£4,687.48
Nicola Smith	£232.40	£288.68	-	-	£85.00	£15.00	£1,284.00	£1,905.08
Diana Whitworth	-	-	-	-	-	-	£325.28	£325.28

<sup>28</sup> the Chair of SSAC is remunerated on a fixed annual basis (at £22,000)

## Annex 7: Hospitality<sup>29</sup> received by Members

PAUL GRAY		
Date	Organisation name	Type of hospitality received
13 January 2015	Chartered Institute of Taxation	The President's Luncheon 2015

No other Committee member received hospitality during 2014-15.

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<sup>29</sup> Does not normally include attendance at functions hosted by HM Government or the Royal Household; 'diplomatic' functions in the UK or abroad which are hosted by overseas governments; minor refreshments at meetings, receptions, conferences, and seminars; or offers of hospitality which were declined.

\* indicates if accompanied by spouse/partner or other family member or friend.

## Annex 8: Register of Members' interests (as at 31 March 2015)

Member	Interests
Paul Gray	Associate, Praesta Partners LLP Chair of Governors, Joyce Frankland Academy, Newport Member, University of Essex Council and its Strategy and Resources Committee and Remuneration Committee Trustee, Jane Bradbury Educational Foundation
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
Rachael Badger	Employed by Citizens Advice Spouse employed by Accenture.
Adele Baumgardt	Vice Chair Sport Wales Chair Public Transport Users' Committee for Wales
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.
Colin Godbold	Independent consultant Member of the Board of the Administrative Data Research Network Public Governor, South Central Ambulance Service NHS Foundation (from January 2015) Reviewer (occasional), Major Projects Authority
Chris Goulden	Employed by Joseph Rowntree Foundation Member of the Social Policy Association

## Social Security Advisory Committee

Jim McCormick	<p>Self-employed (trading through McCormick-McDowell Research Partnership). Jim's main client is the Joseph Rowntree Foundation for whom he is an advisor on Scotland</p> <p>Board Director, Scottish Business in the Community</p> <p>Member, Stroke Association Scotland Committee</p> <p>Member, Poverty Truth Commission</p> <p>Member, Ministerial Advisory Group on Child Poverty, appointed by the Scottish Government (unremunerated)</p>
Grainne McKeever	<p>Executive Director of the Law Centre, Northern Ireland</p> <p>Reader in Law at Ulster University</p>
Matthew Oakley	<p>Employed as Head of Economic Analysis at Which?</p> <p>Self-employed income from Joseph Rowntree Foundation</p>
Seyi Obakin	<p>Chief Executive, Centrepoint</p> <p>Commissioner, UK Commission for Employment and Skills</p>
Judith Paterson	<p>Employed by Child Poverty Action Group.</p> <p>Paid authoring of Disability Rights Handbook (up to 2014/15 edition) for Disability Rights UK.</p>
Nicola Smith	<p>Employed as Head of Economic and Social Affairs at the TUC</p>



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