

**DWP Change Programme  
Customer Transitions  
Project – Working Age to  
Pension Age Strand**

**Working Age to Pension Age –  
Service Improvements for DWP  
customers moving onto State  
Pension**

Government response to consultation on  
draft regulations

June 2010

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## Introduction

- 1 Between 1 February 2010 and 12 March 2010, the Department for Work and Pensions (DWP) undertook a consultation exercise on the draft Social Security (Exemption from Claiming Retirement Pension) Regulations 2010, which will allow DWP to contact certain customers when they approach State Pension age and to pay their State Pension without them needing to make a claim. The draft Regulations were made available on the DWP website.
- 2 DWP received six responses to the consultation:
  - Scottish Council on Deafness
  - Citizens Advice Bureau
  - Unite Federation
  - Durham County Council
  - Age Concern and Help the Aged and
  - Low Incomes Tax Reform Group

In addition, responses were provided by representatives at the DWP Policy and Strategy Forum meeting in March.

- 3 This document sets out the main points made by respondents and provides the Government's response. The response should not, however, be taken as an authoritative interpretation of the law, which only the Court can determine. Separately, the response should not be relied upon as legal advice.
- 4 The final Regulations are due to be laid with a view to them coming into force on 1 November 2010.
- 5 This document is available on the DWP website at:  
<http://www.dwp.gov.uk/consultations/2010/>
- 6 A paper copy of this document can be obtained from:
  - Lucinda Baldwin
  - Department for Work and Pensions, PP51 Peel Park, Blackpool, FY4 5ES
  - 07747 564840 (mobile) or 01253 689091 (work)
  - [lucinda.baldwin@dwp.gsi.gov.uk](mailto:lucinda.baldwin@dwp.gsi.gov.uk)

## **Responses to the consultation on the draft Social Security (Exemption from Claiming Retirement Pension) Regulations 2010**

- 7 The response to the changes being introduced was positive overall. One representative welcomed the Department's intention to simplify the process of claiming State Pension when an individual reaches State Pension age. There was an acknowledgement that this was a positive step to addressing some of the frustrations that customers currently experience which was illustrated by a comment from Unite: "Our members often complain that they have to fill in forms giving the same information every time they talk to a government department". The move towards a proactive, outbound approach was received positively and there was support for us carrying out informed choice conversations with customers who have more complex choices to make when approaching State Pension age.
- 8 The comments raised were focussed on how the process would work in practice, rather than on the key principles and the regulations.
- 9 Comments on the draft Regulations and the Government's responses follow below.

### **Scottish Council on Deafness**

- 10 The Scottish Council on Deafness (SCOD) commented on what provisions are being made for contacting deaf people, in particular ensuring that all information written in English is written plainly and simply and that "proactive contact and informed choice conversations" are accessible to deaf people. SCOD asked whether deaf British Sign Language (BSL) users would be able to access information in BSL and whether Deafblind people have access to Moon. They also asked whether DWP staff involved in "proactive contact" with deaf customers receive deaf awareness and communication skills training.

#### **Department's Response to Scottish Council on Deafness (SCOD)**

- 11 Current procedures offer support to people with disabilities, which is unchanged by this new process. The new pre-retirement communications ask the customer to tell us if they have any additional communication needs, e.g. you need letters from us in large print or Braille. Following advice from SCOD we are looking into increasing the font size of the sentence that asks this. The letters also include a textphone number for people with speech or hearing difficulties to contact us.

## **Working age to pension age service improvements**

- 12** All pre-retirement information booklets have been produced in conjunction with our DWP Communications and Policy teams working together to produce a much clearer and simpler set of letters and booklets. These were trialled with a number of members of the North East Pensioners Association (NEPA) who welcomed their simplicity and clarity. At the moment there are no Easy Read versions of these letters or booklets but the Department is looking to address this in the future.
- 13** DWP staff receives deaf awareness and communication skills training so that deaf people have equality treatment and support. The Department will have identified customers who expressed the need to communicate through textphone and the informed choice discussion would be made via this method. If textphone was not appropriate then a Local Service visit could be arranged.
- 14** In addition, the Department currently has a contract with Bigword and Prestige Network who provide BSL interpreters for us to help deal with our deaf customers. The Department is not using Moon but we offer communication in braille.

## **Citizens Advice Bureau**

- 15** The Citizens Advice Bureau commented on the importance of customers making sound decisions about being able to put off getting their State Pension. They welcomed the intention to provide advice to people who have the choice to remain on a working age benefit and asked how this would be handled. They also commented on whether customers in Wales will receive Welsh and English letters and requested clarification on what happens if a customer on an exempt benefit came off that benefit after the 8 week point. Clarity was also requested on the treatment of other benefits where we hold information but which are not in the exempt group, e.g. Widowed Parents Allowance and Bereavement Allowance and how the Department is going to handle Pension Credit claims.

### **Department's Response to Citizens Advice Bureau**

- 16** Clear messages about deferrals will be in the pre-retirement letter and information booklet sent out 3-4 months prior to State Pension age, giving people ample time to tell DWP if they want to put off getting their State Pension. The award notification will also again remind customers about putting off getting their State Pension. This will normally be sent between 8 and 2 weeks before State Pension age.

## **Working age to pension age service improvements**

- 17** Eight weeks prior to a customer's State Pension age we will identify customers who have the choice to remain on a working age benefit. Where we hold a telephone number we will contact them by phone to explain the options they have, if we do not hold a contact number we will issue a letter asking the customer to contact the Department. Staff will use scripted support and on-line guidance to assist with the informed choice discussion, and where a high level of expertise is needed to answer customers' questions the process includes a handover to an appropriate specialist. Customers' still have the choice to contact an agency regarding advice.
- 18** For working age benefit customers who have expressed a preference to receive written communication in Welsh they will receive the pre-retirement letter and information booklet in Welsh only. Any working age benefit customers living in Wales who have not previously expressed a preference to receive written communication in Welsh will receive an English only version.
- 19** Working age benefit customers who come off an exempt benefit after the 8 week point would still remain exempt from having to make a claim to State Pension.
- 20** All people on a DWP benefit will get the benefit of the Department re-using the data it holds. Customers' who transfer from Widowed Parents Allowance and Bereavement Allowance will be contacted by the Department to find out more about their status and to check whether their State Pension could be enhanced. Since we would have to contact these customers there is no advantage to them in exempting them from claiming.
- 21** In relation to Pension Credit, we will contact customers about claiming Pension Credit and Housing Benefit/Council Tax benefit if they are in receipt of an income related benefit, and from spring 2011 we will be looking to re-use customer data to support their claim to Pension Credit. Customers who are not on an income related benefit will still be able to contact the Department to make a claim to Pension Credit. We will also take appropriate action to adjust Pension Credit where someone has been awarded State Pension.

## **Unite Federation**

- 22** The Unite Federation recommended that a system needs to be in place where a customer does not have the mental capacity to deal with their own affairs. They also made suggestions for improving the service further to non DWP

## **Working age to pension age service improvements**

customers and suggestions were made for reassuring customers that members of staff, making outbound calls, are from DWP by either providing the customer a unique ID code or pre-book appointments.

### **Department's Response to Unite Federation**

- 23** We will recognise people acting on behalf of the customer from information we hold on the customer's working age claim, such as an appointee, and contact them rather than the customer. For those people who are customers in their own right we will contact them direct. However, as now, where there is concern over the customer's understanding we can refer for a Local Service visit.
- 24** There are no current plans to extend this initiative to non-DWP customers because the Department does not hold sufficient information on them, e.g. a confirmed address or bank account details. In the near future these customers will be able to make a claim to State Pension on-line.
- 25** For customers who need assurance that the call is from DWP they will be offered a dial back option. The Department is also looking at ways of proving they are DWP through the current 1471 service. The suggestion of providing a unique code to the customer has been considered but was not taken forward as it was thought potentially confusing to a customer. We considered pre-booking appointments, but this added significant additional process steps which was not financially viable.

## **Durham County Council**

- 26** Durham County Council confirmed that it is commendable that the DWP is to pro-actively assist customers who have a choice to remain on their working age benefit, but commented that these customers will have to endure a complex decision-making process and will need adequate support to enable them to make an informed decision. They also raised the point about ensuring that our partners, e.g. Durham County Council's Welfare Rights Service, Age Concern etc. should continue to provide a service where a customer needs to make a decision on their future entitlements. A question was also raised around the issue of the take up of Council Tax Benefit.

### **Department's Response to Durham County Council**

- 27** Staff carrying out Informed Choice Discussions will use scripted support and on-line guidance. Where a higher level of expertise is needed to answer customers' questions the process includes a handover to an appropriate specialist. There will be cases where we are unable to contact the customer to

## **Working age to pension age service improvements**

carry out the informed choice conversation. We are currently looking at detailed processes to see how best to handle these cases, e.g. determining when it may be appropriate to refer for a home visit.

- 28** The Department encourages working in partnership with local government or organisations customers have previously engaged with. As part of the implementation process for this new provision the Department will be providing relevant information to third party organisations.
- 29** In response to the take up of Council Tax Benefit. Customers on an income related benefit will be identified and contact will be made to invite these customers to make a claim for Pension Credit and Housing Benefit & Council Tax Benefit. Customers not on an income related benefit will be able to contact the Department to make a claim.

## **Age Concern and Help the Aged**

- 30** Age Concern and Help the Aged were pleased that the DWP has been piloting new ways of working and have used findings to inform the next steps, but stressed the importance of monitoring and evaluating these changes. They hoped that all the letters and materials will be tested with older people and representative organisations, and that it is important to produce information specifically aimed at agencies to ensure they are fully aware of changes to procedures. A point was also raised around ensuring a process was in place for people who need to receive information about informed choices in writing.

### **Department's Response to Age Concern and Help the Aged**

- 31** A set of critical success criteria have been defined to determine the success of this initiative. Mechanisms will be put in place to monitor these success factors which include: customer perception/reputation improvements, unwanted responses to new letters, number of automated awards, impact on fraud and error, reducing the remaining contacts with customers, reduction in overall contacts with customers and capacity management.
- 32** All the new pre-retirement letters and information booklets have been trialled with a number of members of the North East Pensioners Association (NEPA) where very positive feedback was received in particular on the simplicity and clarity of the letters.
- 33** As part of the implementation of the new initiative information will be provided to third party organisations to prepare them for any questions working age customers may ask about the new process.



## Low Incomes Tax Reform Group

- 34** The Low Incomes Tax Reform Group commented on whether previous 'additional communication needs' information held on the customer, e.g. large print, will be brought forward and used for the pre-retirement letter issued under this new process. On the same issue alternative formats should itself be in larger print. Comments were received relating to Regulation 3A(3)(b) which covers people who are awaiting a decision on an exempt benefit – will this information be held in your records, and what would happen if a change of circumstance occurred after the 8 week point, such as death of the customer.

### Department's Response to Low Incomes Tax Reform Group

- 35** At the start of the process, we will be asking customers to tell us about any communication needs they have and we will ensure that customer contact is in a way that meets these needs. IT constraints mean that there is not a simple way we can gather all disability information from our many benefit systems at the point we issue the pre-retirement letters, but we will continue to pursue a resolution to this in the future. The Department is considering your suggestion around the increased font size for the sentence relating to additional communication needs.
- 36** Information about decisions that are outstanding on the working age benefits will be held on the IT system, this information will be used to determine whether the customer is exempt or not from making a claim. In circumstances where a change has been reported after the 8 week point, e.g. the death of a customer, this will be identified and no automated award of State Pension will be made and the case will be flagged up for follow-up action.

## DWP Policy & Strategy Forum

- 37** In addition to the specific responses received, as described above, we also walked through our proposals at the DWP Policy & Strategy Forum, which contains a wide variety of customer representative organisations, such as Citizens Advice, Local Government Association, and a variety of disability, homeless and older peoples' organisations. This forum made a number of comments and queries that have been reflected in the above responses.

## Thank you

- 38** We are most grateful to the respondents who took their time to comment on the consultation document.