

Lord Freud
Minister for Welfare Reform
Department for Work and Pensions
4th Floor
Caxton House
Tothill Street
London
SW1H 9NA

8 September 2014

Dear David

**Universal Credit and Miscellaneous Amendments (no 2) Regulations
2014 (distressed children)**

At the Committee's meeting last week, the Department presented draft regulations which set out a number of additional easements from work-search conditionality for cases where a child has been exposed to circumstances that have caused distress and where there is a clear need for the responsible carer to provide sustained support and attention. This follows the review you commissioned following exchanges in the Lords.

The Committee recognises the need for exempting carers from work-search conditionality in these situations, and commends the Department for its thorough research into the issue and the degree of external engagement which has taken place with relevant stakeholders and others.

The Committee does, nonetheless, have some doubts about whether prescribing very specific circumstances in legislation is the best way forward. As you will recognise, the range of issues that might cause distress to a child, and the degree to which that distress might require sustained support, will vary from child to child. While there is no question that domestic violence within a household will have serious implications for the welfare of dependent children, the situation from the child's point of view may not be dissimilar from that of one whose parents separate in other circumstances if, for example, care has been taken to shield them from that abuse.

The Committee is also concerned that the Department may be seen to be signalling a two-tier approach by introducing greater protection for cases which fall within the prescribed circumstances than it does for other equally deserving individual cases which will be subject to the discretion of work coaches. We believe that it is almost inevitable that such an approach would lead to organisations and representative groups putting forward strong and persuasive evidence for another specific scenario to be included as a prescribed category.

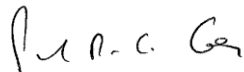
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After careful consideration, the Committee has concluded that it does not require the formal reference of these draft regulations. Nonetheless we would, for the reasons set out above, strongly encourage you to pause and reflect further on whether it is necessary to introduce such specificity in legislation and whether a discretionary framework set within clear guidelines might provide a better way forward.

The Committee does, of course, acknowledge the potential for inconsistent decision making - and a lack of transparency for claimants - wherever an element of discretion is involved. We would, therefore, additionally recommend a review of the governance and regular monitoring of the application of discretionary judgements made in relation to this important issue to ensure that they are being applied consistently by work coaches.

I would be very happy to discuss this further with you if that would be helpful.

Yours faithfully

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

Paul Gray
Chair