

SOCIAL SECURITY
ADVISORY COMMITTEE

Social Security Advisory Committee
Annual Report 2016-17

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Chair's Review

In recent years we have seen considerable change as the welfare reform agenda has taken shape and been progressively rolled out. As the benefit landscape was being transformed, we also saw a relatively high turnover of senior officials overseeing its implementation. Therefore having the Rt. Hon. the Lord Freud as our sponsor Minister alongside his key role on welfare reform between 2010 and 2016 provided some welcome continuity and experience which the Committee found valuable. While inevitably there were issues on which we did not agree, I would like to commend David Freud for the very constructive way in which he engaged with the Committee. Although the rate of Ministerial turnover increased during 2016-17, I am delighted that the constructive relationship with the Ministerial team has continued.

There has also been change closer to home for the Committee over the past year. We said goodbye to a number of talented and experienced long-serving Committee members whose terms expired during the year: John Andrews, Adele Baumgardt, John Ditch, Matthew Oakley, and Nicola Smith. They all brought different skills and perspectives to our discussions, making the advice of the Committee resonant.

At the same time, the Committee welcomed six new Members: Bruce Calderwood, Carl Emmerson, Dominic Morris, Charlotte Pickles, Liz Sayce and Victoria Todd. All are very strong additions to the team and have made a positive impact since their appointments last summer.

I am especially pleased that the Committee continues to be able to draw on a diverse range of expertise that not only provides a good understanding of the detailed and complex policies that underpin the benefit system, but also the ability to identify the impact of the Government's proposals on those required to deliver it. It is evident from this annual report that there has been a particular emphasis on operational issues in the advice we have provided to Ministers during the past year. On more than one occasion we have drawn attention to the role of the work coach, and the increasing expectations required of them. As the roll out of the Universal Credit Programme accelerates, we consider it important that the Department keeps a close eye on this aspect of delivery.

Draft regulations are, perhaps understandably, presented to the Committee by a small number of officials who are expert in their particular policy area. Despite their best endeavours, they are not always fully sighted on the operational consequences of the policy or, for example, the emerging pressure on work coaches from other areas. The impact of this should not be under-estimated. We therefore intend to explore how we might routinely provide an opportunity for the Department's operational arm to have a voice during the SSAC scrutiny process going forward.

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Turning to the Committee's impact over the past year, we scrutinised 44 sets of regulations, taking just one of these on formal reference. However that fact should not be interpreted as the Committee necessarily supporting the remaining 43 proposals, the position is more nuanced. The Committee can provide its advice to Ministers in a variety of ways – taking draft regulations on formal reference is just one option of several.

When we do decide to go down this route, we would normally provide our advice to Ministers after undertaking a public consultation which would provide evidence on issues that we considered had not been explored in sufficient detail. But there are occasions where we have specific concerns relating to proposals on which a comprehensive consultation has already been undertaken by the Department or may be of limited value. In such cases, we may decide to simply write to Ministers setting out our concerns. A recent example of this approach is [*The Universal Credit \(Housing Costs Element for Claimants Aged 18-21\) \(Amendment\) Regulations 2016*](#) where we wrote to Ministers recommending that the Department consult experts dealing in health issues affecting 18-21 year olds, especially in respect of mental health, to ensure that no issues had been overlooked when developing the proposals. This recommendation was accepted and acted on, demonstrating that a more informal approach can be effective in certain circumstances.

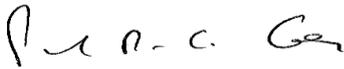
If our advice is of a more technical nature, we may ask the Committee Secretary to write to the Department's officials, or indeed simply provide our feedback during our regular Committee meetings. Advice of this nature is a real strength of the Committee, and we have a high success rate of such advice being taken on board by the Department.

The Committee will provide its advice on draft regulations in a way that it considers most appropriate to the circumstances of each case. The Committee's advice is published on our website, along with the Government's response so that there is complete transparency.

Assessment of the overall impact of the Committee's advice cannot always be judged in terms of any immediate Government reaction. On occasion the Department may want to take time to consider our recommendations in some depth given the scale and inter-dependencies of the social security system. An example of where the Committee's work has influenced evolving policy thinking was our report on [*Bereavement Benefits*](#), produced as part of our Independent Work Programme. This was sent to Ministers in November 2015, but it was not until January 2017 that Caroline Nokes MP (Minister for Welfare Delivery) announced:

Having considered representations from the Social Security Advisory Committee, the Work and Pensions Committee¹ and groups supporting bereaved people, we have decided to extend the duration of the benefit² from 12 months to 18 months.

In closing I would like to thank Committee colleagues and members of our Secretariat for their excellent support over the past year. As ever, their insightful and wise advice has been invaluable. I would also like to acknowledge the strong support of our stakeholders who provide evidence and views which inform and enrich our advice – both on draft regulations and as part of our Independent Work Programme. I am also grateful to officials from the Department for Work and Pensions and HM Revenue and Customs for their role in helping the Committee discharge its statutory functions effectively.



Paul Gray

¹ The Committee provided evidence to the Work and Pensions Committee's inquiry

² Bereavement Support Payment

About Us

Although the roots of the Social Security Advisory Committee can be traced back to the immediate post-war construction of the welfare state, the Committee was established in its present form by the Social Security Act in 1980. It is an independent statutory body that provides advice to the Secretary of State on social security and related matters.

The Committee's responsibilities, as currently set out in the Social Security Administration Act 1992, 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.

The advice and assistance we provide can take a number of forms, for example:

- undertaking our own detailed studies as part of the Committee's Independent Work Programme;
- informally scrutinising draft regulations that are exempt from statutory scrutiny;
- responding to public consultation exercises, conducted by Government³ or others, where we believe that we can add value;
- responding to specific requests for advice from Ministers and officials; and
- commenting on a range of draft guidance and communications produced by both the Department for Work and Pensions (DWP) and HM Revenue and Customs (HMRC).

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.

The Committee performs a similar role for the Department for Communities in Northern Ireland under provisions contained in the Social Security Administration (Northern Ireland) Act 1992. We also have a non-statutory role in offering advice to Treasury Ministers and HMRC on Tax Credits, National Insurance, Child Benefit and Guardian's Allowance.

³ In this report, where we refer to Government we mean the UK Government (and specifically the Department for Work and Pensions or HM Revenue and Customs). Separate references to the devolved Governments are also made.

Summary of our advisory role in 2016-17

Secondary legislation

Sets of regulations coming before SSAC ⁴	44
Instances where SSAC required formal reference	1
Of the cases where formal reference was not required, the number considered by correspondence ⁵	20
Cases considered under the Memorandum of Understanding with HMRC	8
Cases considered where 'urgency' had been invoked ⁶	3
Northern Ireland ⁷ cases	2
Cases presented for information (including under the 'six months' rule') ⁸	7

Occasional papers published as part of our Independent Work Programme

Telephony in DWP and HMRC: an update ⁹	2
Decision-making and Mandatory Re-consideration ¹⁰	

⁴ A full list of draft regulations seen by the Committee can be found at annex 1.

⁵ Where draft proposals are straightforward and non-contentious, or of a minor and technical nature, the Committee may consider regulations by correspondence.

⁶ Where regulations need to be laid urgently, the Secretary of State may make the regulations without first submitting a draft to the Committee, although they will remain subject to the scrutiny of the Committee after they have been laid.

⁷ Northern Ireland cases which parallel provisions in regulations made by the Secretary of State or the Lord Chancellor in relation to GB do not require prior submission to SSAC.

⁸ Statutory Instruments made within 6 months of the coming into force of the enactment under which the regulations have been made are exempt from SSAC scrutiny.

⁹ [SSAC Occasional Paper 17: telephony in DWP and HMRC: an update \(July 2016\)](#)

¹⁰ [SSAC Occasional Paper 18: Decision-making and mandatory reconsideration \(July 2016\)](#)

Our advice to the Secretary of State

The focus of much of our advice throughout the year has alighted on the safe and effective delivery of the proposals being presented to us. This is something we will continue to keep under close review throughout the coming year.

Work coaches

The Committee undertakes a programme of visits to DWP operational sites each year to ensure that we have a good understanding of the issues that are likely to flow from new policy initiatives. We are always struck by the commitment and motivation of work coaches, almost all of those we have met genuinely enjoy their work and want to make a positive difference in the lives of the claimants they deal with.

Work coaches play an important role in the effective delivery of the Government's welfare policies. It is important that the Department provides appropriate support to ensure that their motivation and productivity is not adversely affected by the impact of (i) growing caseloads as Universal Credit continues to roll out; and (ii) an extending remit.

Before the introduction of Universal Credit, the role of the work coach was more easily defined – their objective was to get claimants who were necessarily fit and available for work, into work. Universal Credit is more ambitious, aiming to move those further away from the labour market towards work or work preparation. Individuals will also be encouraged, where appropriate, to increase their hours of work or seek better paid work that will in time lift them off Universal Credit. That means that work coaches are expected to have a far greater understanding of a wider range of issues than has been the case, for example physical and mental health barriers to work and understanding how to most effectively support in-work progression.

For example, *the Employment and Support Allowance (Exempt Work and Hardship Amounts) (Amendment) Regulations 2017*¹¹ made two changes to the rules affecting the Employment and Support Allowance (ESA) following the introduction of section 15 of the Welfare Reform and Work Act 2015 which abolished the additional component payable to claimants categorised as falling within the work-related activity group:

1. the abolition of the 52 week time limit in which a person could benefit from the 'permitted work' rule. The amendment meant a claimant could carry on working below an hours and an earnings threshold indefinitely and retain entitlement to ESA.
2. the rate at which a claimant falling foul of the conditionality rules but found to be in 'hardship' would be paid a reduced amount of ESA. This process requires a judgment at two levels: one is whether or not hardship itself is triggered and the other, given that it is, is whether or not any illness suffered by the claimant or a member of the household is serious.

¹¹ SI 2017/205

Although the decision in each case belongs to the DWP decision-maker, they are geographically remote from the claimant. Much therefore depends on records kept by the work coach and fed through to the decision-maker. Although the principles of the decision-making in this particular case are not new, the broadening scope of conditionality gives it a greater prominence.

Another example arises from the *Universal Credit (Housing Costs for claimants aged 18 to 21) (Amendment) Regulations 2016*.¹² Following the 2015 Autumn Statement announcement to remove entitlement to the housing element in Universal Credit for certain claimants aged 18 to 21 years, these regulations were introduced to specify the circumstances where claimants within this age cohort would be exempt from the rule and therefore entitled to the housing element.

The Committee was impressed by the thorough approach adopted by the Department in identifying and consulting representative bodies, stakeholders and charities representing young people, housing, central and local government and others with a direct interest in this change. Their advice helped to compile a comprehensive list of prescribed exemptions from the rule. However by way of illustration of what this requires of work coaches, we provide an example of the exemptions below:

“...in the opinion of the Secretary of State it is inappropriate for the renter to live with each of their parents, including (but not limited to) in circumstances where there would be a serious risk to the renter’s physical or mental health, or the renter would suffer significant harm, if the renter lived with them.”

This implies that work coaches are required to examine complex and/or difficult family arrangements and relationships where abuse and neglect may have occurred and establish accurate facts from a young person who may have limited communication skills and where verification would be difficult.

Given the major changes to the emerging role of work coaches, the Committee has been keen to gain a better understanding of whether the Department was expecting too much of them too quickly. When considering regulatory proposals relating to benefits for people of working age, we are often given assurances that work coaches will receive further training and guidance in relation to the particular proposal in front of us. While many of the standard changes in procedure may be easy to pick up, some of the more recent requirements - such as a good understanding of physical and mental health problems - are inevitably more challenging.

The Committee has therefore encouraged the Department to pause and take stock of the extent of changing expectations of the role of the work coach, ensuring that such staff were sufficiently supported by the appropriate training, that strong supporting guidance is in place and that staff are allocated sufficient time to undertake each aspect of their role effectively and efficiently.

We were pleased to receive reassurance from the Minister for Disabled People, Health and Work that steps were being taken to address these concerns, in particular

¹² SI 2017/252

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supporting work coaches in helping claimants with health conditions and disabilities. We will keep a close eye on developments in this area.

Discretion in Decision Making

The issue of discretion in the administration of a benefit scheme has been a topic of debate ever since the highly regulated system of national insurance benefits and pensions were linked to the largely discretionary means-tested system of supplementary benefits for administration by a single Department. A prescribed, non-discretionary and self-contained list of circumstances in legislation is closely allied with an argument for simplicity, certainty and consistency. A discretionary approach, on the other hand, may introduce inconsistency between decision-makers and a degree of uncertainty, but goes some way to embracing a degree of compassion in decision-making and is better adapted to coping with the complexities and vagaries of life in which benefit claimants sometimes find themselves.

To illustrate the tension between these two competing principles, we looked at regulations brought into effect as a result of section 17 of the Welfare Reform and Work Act 2016 which introduced increased conditionality requirements for a parent on benefit with a child below school age. Whilst giving effect to a more rigorous conditionality regime, the regulations also gave discretion to the Secretary of State to agree weekly hours of availability for the responsible parents that were compatible with their caring responsibilities. We were not unsympathetic to this approach, and indeed welcomed it.

However the argument for discretion was not accepted by the Department when it came to the *Universal Credit (Benefit Cap Earnings Exception) Amendment Regulations 2017*, the only set of draft regulations the Committee decided to take on formal reference during the past year. These regulations revised the single earnings threshold in Universal Credit for the purposes of determining whether the claimant met the criteria for being exempt from the benefit cap. The Committee's concern was that apprentices on the national minimum wage could potentially be working to the full extent possible with their employer and still be subject to the benefit cap. The principal policy objective of the benefit cap is to encourage claimants into long-term viable employment. We therefore took the view that recognising the position of apprentices in a similar way to that provided for in Universal Credit for the purposes of determining whether they should be subject to no work-related requirements had some merit. We were advised by DWP that the idea would undermine the intention to create a single threshold that was simple for claimants to understand. We were further advised that an earnings exception threshold similar to conditionality earnings thresholds could create potential issues because of its discretionary aspect. Aside from the risk of creating inconsistencies in how claimants were treated, the Department's view is that asking work coaches to set an individualised earnings threshold would detract from their primary focus which is to support people into work.

These examples serve to demonstrate that discretion in the administration of DWP benefits remains an unresolved issue. There are competing arguments on the side of discretion as well as on the side of prescription. There is a risk that this permits the Government to use the set of arguments which best fits each individual policy, rather than developing a clear and coherent overarching vision. This is a debate which

centres predominantly on income-related benefits. Contributory benefits have always been rules-based with a limited role for discretion. On the other hand there has been a discernible trend under successive governments in the last 20 years or so of seeking to influence people's behaviour and responses through the income-related benefit system – an aim more easily secured through preferring a more discretionary approach.

Mandatory Reconsideration

Every year 12 million decisions are made by DWP staff. For the most part they are not contentious and the decisions are accepted by the claimant. However a small but significant proportion of decisions are disputed by the claimant and many of these cases are subject to challenge and review. This has consequences both for the claimant (who may need support with living costs) and to the Exchequer given the cost associated with dispute resolution. In the most recent report produced as part of our Independent Work Programme, we considered the effectiveness of decision making in the benefit system and how it might be further strengthened. In particular, we examined the impact of mandatory reconsideration, the relatively recent appeals reform introduced with an objective of resolving disputes earlier and reducing demand on the HM Courts and Tribunal Service.

We concluded that, properly conducted, mandatory reconsideration could be an efficient process to improve dispute resolution, and that would benefit all of the parties involved in the process. However much of the evidence made available to us suggested it did not work as well as it should. We therefore made a number of recommendations to improve the process, while enabling the policy intent to be fully realised. High quality decisions in the first instance would reduce the need for mandatory reconsideration and we concluded that this could be achieved through better communication between the claimant and DWP/HMRC, more effective use of evidence, enhanced organisational learning both within and across government departments and the sharing of best practice.

The Pace of Change

We understand the need to ensure that the roll-out of a new benefit is properly managed and embedded before moving to the next stage of the process, and therefore are sympathetic to the Government's decision to review the timetable for the roll out of Universal Credit. But there are inevitably costs and disadvantages of slippages in the timetable.

By way of illustration, the *Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015*,¹³ on which the Committee had reported to the Secretary of State,¹⁴ had originally been laid with a coming into force date of 6 April 2016. However that date was deferred for 12 months by the *Universal Credit (Surpluses and Self-employed Losses) (Change of coming into force) Amendment Regulations 2016*.¹⁵ Then in December 2016 we looked at, and agreed, further

¹³ SI 2015 No 345

¹⁴ *The Universal Credit (Surpluses and Self-employed Losses) (Digital Service) Amendment Regulations 2015*: [SSAC advice and Government response](#)

¹⁵ SI 2016 No 215

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proposals which introduce another 12 month delay before the legislation could take effect.

Even though the self-employed are scheduled to be one of the last groups to be migrated to Universal Credit (UC), existing UC claimants - or their partners - may take-up self-employment before that planned migration. However the legislation which was specifically designed to protect them from the effect of fitting a pattern of fluctuating income and earnings, common in self-employment, within a benefit system structured around entirely discreet monthly accounting periods will not yet be in place. Similarly, the Government's aim to stop claimants 'working' the system by arranging to be paid at, for example, three monthly intervals is also on hold.

Guidance

When amending legislation is introduced, almost invariably there is a consequential need to update the guidance for decision-makers and operational staff. Because of the enduring place of discretion within income-related benefits, the precise intention and finer detail of some aspects of Government policy are, at times, confined to guidance rather than expressed on the face of the legislation. This has repercussions for SSAC. One of the difficulties we often face is that, when officials attend one of our meetings to present their proposals, the guidance has yet to be drafted. Indeed, producing the guidance is commonly one of the last stages to be completed in the policy-making and implementation process. This means we are frequently unable to see a copy, even in draft form, until the legislation has been laid in Parliament.

A broadly-related issue relates to the Committee's recent high profile scrutiny of a set of regulations amending the Social Security (Personal Independence Payment) Regulations 2013.¹⁶ This was necessary as there had been two decisions of the Upper Tribunal¹⁷ which the Department wished to counter through the introduction of urgent legislation to restore what DWP held to be the original policy intention. The Department's officials advised the Committee that a clear and definitive reference to the policy intent¹⁸ – based on expert input to the original design of the Personal Independence Payment – could be found in the PIP Assessment Guide produced for operational staff. However it was clear that, outside of the Department at least, there was some confusion regarding the policy intent: there were differences in judicial opinion - and indeed the Department itself made an error in making a concession about the policy intention in a previous submission to an Upper Tribunal.¹⁹

This highlights the importance of ensuring that guidance underpinning secondary legislation is clear and coherent.

¹⁶ The Social Security (Personal Independence Payment (Amendment) Regulations 2017.

¹⁷ Secretary of State for Work and Pensions v LB (PIP) [2016] UKUT 0530 (AAC) and MH v Secretary of State for Work and Pensions (PIP) [2016] UKUT 0531 (AAC)

¹⁸ 'That people who cannot follow a journey because of a visual or cognitive impairment are likely to need more support (in their lives generally) than someone who experiences psychological distress, for example as a result of a social phobia or anxiety, when they undertake a journey'. Letter from the Minister for Disabled People, Health and Work to SSAC. 24 February 2017

¹⁹ HL v Secretary of State for Work and Pensions (PIP) [2015] UKUT 694 (AAC)

We would therefore like to encourage the Department to provide, wherever practicable, an early draft of proposed changes in guidance, particularly where the guidance is designed to articulate the way in which the Secretary of State intends to apply the discretion vested in him or her.

It is clear that there is some engagement between the Department's strategy and operational teams during policy development – and the Committee naturally welcomes that. However we have observed areas where that engagement could be strengthened to ensure that the capacity and capability of operational staff is fully understood before introducing further changes to their work. The Committee has drawn its concerns about the growing pressures being placed upon work coaches to the attention of the Department and its Ministers. We were heartened to receive a response from the Minister for Welfare Reform in December 2016:

You are right to be mindful of the pressures placed on Work Coaches. I would suggest this is an issue that requires a corporate response from the Department and I have therefore asked officials to consider this in the round.

The Committee will continue to keep this issue under review.

External Engagement

It is vital that our advice to Ministers is well-informed and takes account of all perspectives. Our remit covers a wide waterfront of issues, and we could not discharge our statutory functions as effectively without the input and support of others. In particular, our diverse community of stakeholders regularly inform and enrich our work by providing evidence and views on a variety of topics. We view DWP's operational teams, who regularly host visits from Committee members, as an important voice among our stakeholders. We consider it important that they have an opportunity to highlight the potential opportunities and challenges arising from the Government's proposals - or indeed our advice - for them as well as the individuals to whom they provide support.

Engaging with our stakeholders

The Committee continues to develop and maintain strong links with a broad range of stakeholders through a variety of engagement approaches.

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 in London, and the other elsewhere in the UK). In 2016-17, these stakeholder events were held in:

- **Manchester (19 May 2016):** we used this event to trail the emerging recommendations from our reports on [Decision-making and Mandatory Reconsideration](#), and [Telephony in DWP and HMRC](#) – both of which were published in July 2016. We also heard from three excellent speakers:

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- Mat Ainsworth (Trafford Metropolitan Borough Council) provided a local perspective on Universal Credit;
- Dame Anne Begg (former Chair of the Work and Pensions Select Committee) provided her take on the challenges facing the Government in terms of disability, health and social security; and
- Paul Johnson (Director, Institute for Fiscal Studies) fleshed out the scale of that challenge for delegates.



Delegates in Manchester (19 May 2016) and London (10 November 2016)

- **London (10 November 2016):** this event predominantly focused on fluctuating work and in-work progression – two issues currently being looked at by the Committee as part of its Independent Work Programme. We used much of this event to collect evidence that could help shape and inform our advice to Ministers, but heard from the following experts who helped set the context for our discussions:
 - Andy King (Office for Budget Responsibility) provided us with highlights from the OBR Welfare Trends Report;
 - Tim Butcher (Low Pay Commission), Tony Wilson (Learning and Work Institute), and Iain Walsh (DWP) participated in a panel discussion about the future challenges and opportunities of flexible and fluctuating work; and
 - Deven Ghelani (Policy in Practice) gave a presentation on the impact of the benefit cap.

The Committee continues to bring together smaller groups of stakeholders with particular expertise and experience relevant to fluctuating work and in-work progression, for example we are engaging with policy experts, employers, DWP work coaches and claimants.

We 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 so that we can be confident that our advice to Ministers remains balanced and takes account of all perspectives.

Visits

The Committee is keen to undertake visits to operational sites around the country to ensure that it has a good understanding of issues that are likely to flow from new policy initiatives and, with that in mind, undertakes a varied programme of visits.

For the majority of social security benefits, our 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 Communities in Northern Ireland. While the Committee's membership includes three reserved posts that represent the interests of Northern Ireland, Scotland²⁰ and Wales,²¹ we considers it important for all Members to have a good understanding of the differences, challenges and opportunities within each nation and therefore endeavour to undertake regular visits to each.

With this in mind, we undertook a series of visits to Llanelli, Swansea and Cardiff earlier this year where we had an opportunity to talk to staff involved in a variety of operational roles including dispute resolution; Pension Credit, State Pension, bereavement, and a variety of support delivered through Jobcentres (including services delivered in partnership with the Welsh Government).

This, and every other visit undertaken by Committee members, has been invaluable to the Committee and we are grateful to everyone who has been involved in arranging them.



SSAC members at The Pension Centre in Swansea (17 January 2017)

²⁰ As set out in The Scotland Act (2016), the Committee's role does not extend to social security benefits that have been devolved to the Scottish Parliament.

²¹ The Northern Ireland post is reserved by statute; the Scotland and Wales posts are reserved by convention. Professor Grainne McKeever is the representative for Northern Ireland; Dr Jim McCormick is the representative for Scotland; and Dominic Morris represents the interests of Wales.

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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 difficult choices facing 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 former sponsor Minister, Lord Freud, who met the Committee and its Chair regularly throughout the year before he retired in December. We look forward to developing a similarly constructive working relationship with our current sponsor Minister, the Baroness Buscombe, who was appointed in June 2017.



Lord Freud attending SSAC meeting

We were delighted that the Committee also had opportunities to discuss our work with other Ministers - including the Rt Hon. Stephen Crabb MP and the Rt Hon. Damian Green MP (Secretaries of State for Work and Pensions), the Rt Hon. Alun Cairns MP (Secretary of State for Wales), Caroline Nokes MP (the Minister for Welfare Delivery) and Lord Henley (our sponsor Minister between December 2016 and June 2017) - during the course of the year. It is our ambition to be both independent and influential, and we feel that these opportunities to discuss our work with Ministers are an important indicator that we are achieving a good balance.



SSAC members with Minister for Welfare Delivery, Caroline Nokes MP

Delivering our Business Plan

The Committee reviews its performance at least annually to ensure that it is operating optimally within the resources available to it. For example, in October we spent time reviewing the way that we operate, identifying areas that could be further strengthened – in terms of organisation, processes and behaviours. We also regularly seek feedback from individuals and organisations with whom we engage on a regular basis. For example we invite:

- our DWP partnership team to undertake a 360 degree feedback exercise with key colleagues in DWP, HMRC and other relevant departments (including devolved administrations) so that we can identify and act on lessons learned. These are reviewed and discussed as part of our Chair’s annual appraisal with the Department;
- officials to complete (anonymously) a survey after each meeting they attend so that we get a clear view of how the experience was for them and whether there are any practical ways we can ensure the scrutiny process is as constructive and effective as possible; and
- our stakeholders to complete feedback forms after each stakeholder seminar we hold – this seeks to elicit comment on the Committee’s wider communications approach as well as on the event they have attended.

We also seek to ensure that our knowledge of relevant policies, and the delivery of them, remains as up-to-date as possible by arranging presentations from officials and visits to operational sites.

Our financial resources

The Committee’s full time secretariat team account for the majority of our expenditure. We currently fund 4.6 (FTE) staff who are on loan from DWP.

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.²²

The majority of our expenditure in 2016-17 was used to meet the following costs:

Secretariat costs	£221,000
Committee members’ fees²³	£68,316
Expenses (travel / subsistence)²⁴	£40,710

²² A breakdown of the fees and expenses claimed by members can be found at annex 7.

²³ This includes the Chair’s annual fees which are £22,000.

²⁴ This descriptor includes expenses relating both to Committee members and to the secretariat. It also includes tax liabilities that arise on Members’ travel expenses.

Annex 1: Regulations scrutinised by the Committee

April 2016 to 31 March 2017

This annex provides a comprehensive list of the regulations presented to the Committee in 2016-17. The following sets of regulations were scrutinised at one of our monthly meetings where it was decided that they should not be formally referred to the Committee in accordance with section 173(1)(b) of the Social Security Administration Act 1992:

- The Social Security Administration Act 1992 (Local Authority Investigations) Regulations 2016 (2016/519)
- The Universal Credit (Amendment) Regulations 2016 *[these proposals were subsequently merged with the Universal Credit, JSA and ESA (Sanctions) (Amendment) Regulations 2015 and renamed the Social Security (Jobseeker's Allowance, Employment and Support Allowance and Universal Credit) (Amendment) Regulations 2016 (2016/678)]*
- The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016 (2016/909) *[part of these regulations were subject to formal reference to SSAC; the other part came under the 6 months rule]*
- The Social Security (Treatment of Postgraduate Master's Degree Loans) (Amendment) Regulations 2016 *[these proposals were combined with the Social Security (Special Support Loan) Amendment Regulations 2016 to become the Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 (2016/743)]*
- The Employment and Support Allowance (Claimant Commitment) Regulations 2016 *[yet to be laid in Parliament]*
- The Social Security (Credits, and Crediting and Treatment of Contributions) (Consequential and Miscellaneous Amendments) Regulations 2016 (2016/1145)
- The Social Security (Exempt Work and Hardship Payments) (Amendments) Regulations 2017 *[subsequently renamed the Employment and Support Allowance (Exempt Work and Hardship Payments) (Amendments) Regulations 2017 (2017/205)]*
- The State Pension Credit (Alternative Finance Arrangements) Regulations 2016 *[these proposals did not come into force]*
- The Universal Credit (Housing Costs for claimants aged 18 to 21) (Amendment) Regulations 2016 (2017/252)
- The Universal Credit (Surpluses and Self-employed Losses) (Change of Coming into Force) Regulations 2017 (2017/197)

- The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (2017/213)
- The Universal Credit (Tenant Incentive Scheme) (Amendment) Regulations 2017 (2017/427)
- The Social Security (Personal Independence Payment) (Amendment) Regulations 2017 (2017/194)

The following sets of regulations were scrutinised by the Committee by post. In each case where the proposals were subject to formal reference it was decided that the regulations did not need to be referred to the Committee:

- The Social Security (Claims and Payments) Amendment Regulations 2016 (2016/544)
- The Childcare Payments (Eligibility) (Amendment) Regulations 2016 2016/793
- The Childcare Payments (Amendment) Regulations 2016 (2016/796)
- The Child Benefit and Guardian's Allowance (Administration) (Amendment) Regulations 2016 (2016/681)
- The Social Security (Special Support Loan) (Amendment) Regulations 2016 *[combined with the Social Security (Treatment of Postgraduate Master's Degree Loans) (Amendment) Regulations 2016 to become the Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 (2016/743)]*
- The Social Fund Cold Weather Payments (General) (Amendment) Regulations 2016 (2016/876)
- The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016 (2016/310)
- The Employment and Support Allowance (Consequential Amendment) (Police Injury Benefit) Regulations 2016 (2017/21)
- The Occupational Pensions Schemes and Social Security (Schemes that were Contracted-out and Graduated Retirement Benefit) (Miscellaneous Amendments) Regulations 2017 (2017/354)
- The Social Security (Invalid Care Allowance) Regulations 2017 (2017/386)
- The Social Security (Income-Related Benefits) Amendment Regulations 2017 (2017/174)
- The Social Fund (Amendment) Regulations 2017 (2017/271)

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- The Universal Credit (Reduction of the Earnings Taper Rate) Amendment Regulations 2017 (2017/348)
- The Social Security (Regulation and Inspection of Social Care (Wales) Act 2016 (Amendment) Regulations 2017 [*these proposals were subsequently called the Social Security (Social Care Wales) (Amendment) Regulations 2017(2017/291)*]
- The Social Security (Fees Payable by Qualifying Lenders) (Amendment) Regulations 2017 (2017/270)
- The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (2017/329)
- The Social Security Benefits Up-rating Regulations 2017 (2017/349)
- The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2017 (2017/396)
- The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (SR 2017/9)
- The Universal Credit (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations 2017 (2017/25)

Only one set of draft regulations were taken by the Committee on formal reference in accordance with section 172(1) of the Social Security Administration Act 1992:

- The Universal Credit (Benefit Cap Earnings Exception) Amendment Regulations 2017 (2017/138) [*presented to the Committee as the Universal Credit (Benefit Cap Earnings Exemption) Amendment Regulations 2017*]

The following sets of regulations were scrutinised by the Committee under the 'urgency provisions' during the reporting year.

- The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations (Northern Ireland) 2016 (SR 2016/310)
- The Housing Benefit (Executive Determinations) (Amendment) Regulations (Northern Ireland) 2017 (SR 2017/9)
- The Social Security (Personal Independence Payment) (Amendment) Regulations 2017 (2017/194)

The following sets of regulations were presented to the Committee for information under the 'six months' rule'.

- The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016 (2016/909) [*part of these regulations were referable to SSAC; the other part came under the 6 months rule*]
- The Welfare Reform and Work Act 2016 (Consequential and Transitional Savings Provisions) Regulations 2017 [*subsequently renamed the Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (2017/204). Note also that a separate set of proposals relating to carers also came to the Committee and was later merged in with the same final set of regulations.*]
- The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017
- The Bereavement Support Payment Regulations 2017 2017/4110
- The Social Security Loans for Mortgage Interest Regulations 2017
- The Pensions Act 2014 (Consequential Amendments) Order 2016 (2016/931) was presented to the Committee for informal scrutiny.

Draft regulations coming to the Committee from HMRC in accordance with the Memorandum of Understanding and scrutinised at a meeting were as follows:

- The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2016 (2016/978)
- The Childcare Payments (Amendment No 2) Regulations 2016 (2016/1017)
- The Childcare Payments (Eligibility) (Amendment No 2) Regulations 2016 (2016/1021)
- The Child Tax Credit (Amendment) Regulations 2017 (2017/387)

Draft regulations coming to the Committee from HMRC in accordance with the Memorandum of Understanding and scrutinised by post were as follows:

- The Childcare Payments (Eligibility) (Amendment) Regulations 2016 (2016/793)
- The Childcare Payments (Amendment) Regulations 2016 (2016/796)
- The Child Benefit and Guardian's Allowance (Administration) (Amendment) Regulations 2016 (2016/681)
- The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2017 (2017/396)

Annex 2: Presentations to the Committee

- Universal Credit Evaluation: update (DWP)
- Transfer of Tax Credit debt to DWP on Universal Credit roll-out (DWP/HMRC)
- Carers Allowance and carers' issues (DWP)
- Universal Credit – working with external delivery partners and claimant orientation (DWP)
- New Enterprise Allowance (DWP)
- Social Security in Scotland (The Scottish Government)

Annex 3: Committee Membership during 2016-17

Committee Membership

Paul Gray CB (*Chair*)

John Andrews OBE²⁵

Rachael Badger

Adele Baumgardt²⁵

Bruce Calderwood²⁶

John Ditch²⁵

Carl Emmerson²⁷

Colin Godbold

Chris Goulden

Jim McCormick

Gráinne McKeever

Dominic Morris²⁷

Matthew Oakley²⁵

Seyi Obakin OBE

Judith Paterson

Charlotte Pickles²⁷

Liz Sayce OBE²⁷

Nicola Smith²⁸

Victoria Todd²⁷

Committee Secretariat²⁹

Denise Whitehead (*Committee Secretary*)

Michael Coombs

William Farbrother

Ateeqa Khan

Paul Mackrell

²⁵ To 31 July 2016

²⁶ From 1 October 2016

²⁷ From 1 August 2016

²⁸ To 30 April 2016

²⁹ As at 31 March 2017

Annex 4: Committee Members' Biographies

Paul Gray CB

Paul became the chair of the [Social Security Advisory Committee](#) (SSAC) in 2012. He was appointed by the government to lead the [first](#) and [second statutory independent reviews of the Personal Independence Payment \(PIP\) assessment process](#), reporting in 2014 and 2017 respectively.

Paul is also:

- an associate of Praesta Partners LLP, an executive coaching and mentoring firm
- a member of the Council at the University of Essex

His former roles include:

- Executive Chairman, HM Revenue & Customs
- Second Permanent Secretary, Department for Work and Pensions
- economic affairs private secretary to the Prime Minister
- corporate planner in the private sector

Rachael Badger

Rachael is part of the Finance and Transformation team at Citizens Advice, having been their Head of Policy Research for Families, Welfare and Work between 2013 and 2016. 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.

Bruce Calderwood

Bruce is a trustee of the Avenues Group, a charity specialising in supporting people with complex needs. He was for many years a senior official in DWP in a wide range of roles. He ended his civil service career as the director in the Department of Health responsible for policy on mental health, disability and equality. In this role he led the team which created the 2010 to 2015 coalition government's mental health strategy and its review of services for learning disabled people following the Winterbourne View scandal. He chairs inspections of mental health trusts for the Care Quality Commission and is an instructor in Mental Health First Aid for the Armed Forces Community.

Carl Emmerson

Carl is Deputy Director of the Institute for Fiscal Studies (IFS). He is an editor of the annual IFS Green Budget, and his research includes analysis of the UK public finances and the design of the tax and benefit system, in particular relating to state and private pensions. He has previously served as a specialist adviser to the House of Commons Work and Pensions Select Committee.

Colin Godbold

Colin is Vice Chair of the committee and a consultant specialising in the 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 is Deputy Director 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 Policy 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

Jim is Associate Director for Scotland with the Joseph Rowntree Foundation and an advisory board member to Business in the Community (BITC) Scotland. In February 2017 the Scottish Government appointed Jim as chair of the independent Disability and Carers' Benefits Expert Advisory Group. He was previously a member of the Commission on Local Tax Reform and Director of independent thinktank the Scottish Council Foundation (SCF).

Prof Gráinne McKeever

Gráinne is an executive director and former chair of the Law Centre, Northern Ireland, a not-for-profit specialist advice organisation. She is a Professor of Law and Social Justice at Ulster University and has published widely in the areas of social security law and access to 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 the director of Ulster University's Law Clinic, through which postgraduate law students provide social security advocacy for members of the public.

Dominic Morris

Dominic has advised senior decision makers and military commanders in strategy and change management on welfare's frontline and in war zones. His passion for welfare reform is a deeply personal one. Serious illness forced Dominic to give up flying in the RAF. Living with chronic pain, he started his work in the welfare system with the Prince's Trust and Millennium Volunteers getting young people back in to work. Such was the effect on him that he stood for Parliament, advocating the need to get welfare reforms right in order to get more young people into work and tackle the disability employment gap.

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Seyi Obakin OBE

Seyi is the Chief Executive of Centrepoint, 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 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.

Charlotte Pickles

Charlotte (Charlie) is Deputy Director and Head of Research at the Reform think tank. She was an expert adviser to the Secretary of State for Work and Pensions during the 2010 to 2015 coalition government. She has also been Director of Policy at the Centre for Social Justice and worked in the public sector practice of a global management consultancy.

Liz Sayce OBE

Liz was the Chief Executive of Disability Rights UK until 31 May 2017, leading work to achieve equal participation for all, through programmes on independent living, career opportunities and shifts in cultural attitudes and behaviour. With a background in mental health and disability policy, previous roles include Director of Policy and Communications at the Disability Rights Commission and Policy Director of Mind. Liz led an [independent review into disability employment programmes](#) for government in 2011 and has published widely on mental health, disability and social participation. Liz is also a member of the committee of [Healthwatch England](#) and was a member on the board of the [Equality and Diversity Forum](#) until 31 May 2017.

Victoria Todd

Victoria is a senior technical manager 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. She is a member of the Association of Tax Technicians.

Annex 5: Attendance Record

Name	April 2016	May 2016	June 2016	July 2016	September 2016	October 2016	November 2016	December 2016	January 2017	March 2017
Paul Gray	√	√	√	√	√	√	√	√	√	√
John Andrews	√	√	√	√						
Rachael Badger ³⁰	√	√	X	√	√	X	X	X	X	X
Adele Baumgardt	√	X	√	√						
Bruce Calderwood						X	√	X	√	√
John Ditch	√	√	√	√						
Carl Emmerson					√	√	√	√	√	X
Colin Godbold	√	√	√	√	√	√	√	√	√	√
Chris Goulden	√	√	√	√	√	√	√	X	√	√
Jim McCormick	X	X	√	√	√	√	√	√	√	√
Grainne McKeever	√	√	√	√	√	X	√	√	√	√
Dominic Morris					√	√	√	√	√	X
Matthew Oakley	√	√	√	√						
Seyi Obakin	√	√	√	X	X	√	X	√	√	X
Judith Paterson	√	√	√	√	√	√	√	√	√	√
Charlotte Pickles					√	√	X	√	√	√
Liz Sayce					√	√	√	√	√	√
Nicola Smith	√									
Victoria Todd					√	√	√	√	√	√

³⁰ Maternity leave from 1 September 2016

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		£125.55			£158.95			£284.50
John Andrews		£379.55	£37.50		£89.95	£11.10	£3,081.60	£3,599.70
Rachael Badger		£147.00					£1,763.36	£1,910.36
Adele Baumgardt		£415.50		£73.80			£770.40	£1,259.70
Bruce Calderwood		£111.00			£69.00	£30.00	£2,105.76	£2,315.76
John Ditch		£456.60	£19.00	£75.60	£150.51	£30.00	£2,807.68	£3,539.39
Carl Emmerson		£72.35			£69.00	£30.00	£2,191.36	£2,362.71
Colin Godbold		£785.50		£100.20	£89.95	£9.50	£5,392.80	£6,377.95
Chris Goulden		£1,731.20				£105.00	£3,646.56	£5,482.76
Jim McCormick	£668.19	£1,096.30	£112.30		£313.56	£73.80	£2,859.04	£5,123.19
Grainne McKeever	£1,511.23	£442.40	£181.70	£9.00	£576.02	£147.47	£3,680.80	£6,548.62
Dominic Morris		£1,040.40		£163.10	£711.49	£162.60	£4,750.80	£6,828.39
Matthew Oakley					£89.95	£15.00	£898.80	£1,003.75
Seyi Obakin		£143.00			£196.58	£20.00	£2,157.12	£2,516.70
Judith Paterson	£139.60	£1,658.85			£1,148.33	£127.34	£4,802.16	£7,876.28
Charlotte Pickles		£262.00			£69.00	£28.99	£1,677.76	£2,037.75
Liz Sayce		£46.31			£69.00	£18.70	£2,062.96	£2,196.97
Nicola Smith								
Victoria Todd		£822.00		£314.50	£507.21	£14.10	£4,108.80	£5,766.61

Annex 7: Register of Members' Interests³¹

Member	Interests
Paul Gray	Associate, Praesta Partners LLP Chair of Governors, Joyce Frankland Academy, Newport (until 2016) Member, University of Essex Council and its Resources Committee (until July 2017) Trustee, Jane Bradbury Educational Foundation
Rachael Badger	Employed by Citizens Advice Spouse employed by Accenture
Bruce Calderwood	Specialist adviser to the Care Quality Commission inspections Trustee of Avenues Group, a charity providing services to people with complex needs Chair, Avenues South East (a subsidiary of Avenues Group) Member of a strategic advisory group to Dimensions (a voluntary organization which provides support services to people with learning difficulties and autism)
Carl Emmerson	Employee at the Institute for Fiscal Studies Advisory board member of the Office for Budget Responsibility Member of the Advisory Group to the Government's Review of Auto-Enrolment
Colin Godbold	Independent consultant Member of the Board of the Administrative Data Research Network Member of the National Statistician's Data Ethics Committee Public Governor, South Central Ambulance Service NHS Foundation Trust Reviewer (occasional), Cabinet Office Infrastructure & Projects Authority
Chris Goulden	Employed by Joseph Rowntree Foundation Member of the Social Policy Association

³¹ Includes unremunerated roles

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Jim McCormick	Partner: McCormick-McDowell Research Partnership Associate Director Scotland at the Joseph Rowntree Foundation Chair, Scottish Government's Disability and Carers Benefit Expert Advisory Group Advisory Board Member, Business in the Community Scotland
Grainne McKeever	Executive Director of the Law Centre, Northern Ireland Professor of Law and Social Justice at Ulster University
Dominic Morris	Partner: A.W. and E.A. Morris Partnership UK Government Stabilisation Unit (Standing Joint Task Force)
Seyi Obakin	Chief Executive, Centrepoint Commissioner, UK Commission for Employment and Skills (until June 2017)
Judith Paterson	Employed by Child Poverty Action Group. Paid authoring of Disability Rights Handbook for Disability Rights UK.
Charlotte Pickles	Deputy Director and Head of Research at Reform Theme Editor (Renewing Capitalism) UnHerd (from July 2017) Member, Board of Directors, What Works Centre for Wellbeing
Liz Sayce	Chief Executive, Disability Rights UK (to 31 May 2017) Trustee of the Equality and Diversity Forum (to 31 May 2017) Member of the Committee of Healthwatch England, a sub-committee of the Care Quality Commission
Victoria Todd	Senior Technical Manager, Low Incomes Tax Reform Group of the Chartered Institute of Taxation First-Tier Tribunal, Social Entitlement Chamber - fee paid disability member Member, Association of Tax Technicians (ATT)

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