

**SOCIAL SECURITY**

**ADVISORY COMMITTEE**

**Social Security Advisory Committee:  
Annual Report 2020-21**

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## Chair's Foreword

I was delighted to be appointed as the Chair of the Social Security Advisory Committee in September 2020. I have been familiar with the work of the Committee over the past ten years – both during my time in the Department for Work and Pensions as an expert adviser to the Secretary of State, and also through giving evidence to the Committee on the Social Metrics Commission's work to develop a new approach to poverty measurement. I therefore have a long-standing respect for the important work it undertakes, and the impartial evidence-led advice that it has provided to successive Secretaries of State over the past forty years.

My appointment came mid-way through a year of unprecedented challenges for the Committee. In addition to undertaking the statutory scrutiny of a high volume of regulations at pace, the Committee reprioritised its work programme to focus on supporting the Department by examining some of the potential medium and longer-term challenges it was likely to face.

For example, while the Department's response to the pandemic had been impressive, the measures that it brought forward in spring 2020 to support those whose income was going to be affected by the Covid-19 pandemic were inevitably developed and introduced at pace. As the changes made were time-limited we wanted to support the Department by providing advice<sup>1</sup> on whether these social security provisions might be extended, adapted or go beyond their original scope in light of the continuing challenges posed by Covid-19. Or if they were to be 'unwound', we wanted to consider how that could be achieved safely.

The pandemic has also raised deeper questions about the structure of financial support provided to working age people in the UK and Covid-19 is likely to have a lasting impact on the labour market. We were delighted that the Institute for Government agreed to collaborate with us on examining some of the key challenges facing government.<sup>2</sup>

At the same time, the Committee itself had to respond to the logistical challenges of lockdown, finding alternative ways of working that allowed it to continue to deliver its statutory responsibilities to a high standard.

The enforced changes to the way in which we operated during lockdown also opened up some unanticipated opportunities for us in terms of the way that we engage with our stakeholders. We had arranged a number of face to face stakeholder workshops in spring 2020 to gather evidence for our research looking at [How DWP involves disabled people when developing or evaluating](#)

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<sup>1</sup> A review of Covid-19 temporary measures

<sup>2</sup> Jobs and Benefits: a Covid-19 challenge

[programmes that affect them](#). Inevitably those plans had to be cancelled as the pandemic took hold. However, as we started to rearrange such discussions via Microsoft Teams we found that, not only were they proving to be as effective as face to face discussions in terms of collecting valuable evidence and insight, we were actually able to reach out to a wider and more diverse group of stakeholders across the country. This meant that we were able to tap into a much richer range of perspectives, hearing from those whose voices would otherwise not have been represented in our reports because of challenges in travelling to workshops. This proved to be a valuable piece of learning for the Committee, and we are committed to explore what further steps we can take to strengthen our engagement with all stakeholders – and in particular disabled people – to ensure that we are as inclusive as possible. Whether that be making our consultation exercises and workshops more accessible, or ensuring that more of our communications are available in Easy Read. We are committed to doing better.

In closing, I would like to thank Committee colleagues and members of our secretariat for their support and insightful advice. In particular, I commend Liz Sayce<sup>3</sup> for her adept leadership of SSAC during the first six months of the pandemic during which the Committee responded nimbly and effectively to the emerging challenges and changing priorities. The Committee was delighted to welcome Kayley Hignell to SSAC in June 2020, and bid a sad farewell to David Chrimes, Jim McCormick and Victoria Todd who made excellent contributions to our work over a number of years before standing down last year. I also acknowledge the support of our stakeholders who we rely on to provide evidence and views which inform and enrich our advice – both on draft regulations and as part of our independent programme of advice.

The Committee remains committed to ensuring that the issues that we examine, and on which we provide advice to Ministers reflect the strength of expertise and experience on the Committee and also our trusted relationship with the Department - taking advantage of our unique ability to help in areas where others are less equipped to do so. We look forward to continuing to provide constructive advice, and working with the Department and HM Revenue and Customs to explore how we might strengthen further our influence and impact.



**Dr Stephen Brien**  
**Chair**

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<sup>3</sup> Interim Chair of SSAC from 1 September 2019 to 13 September 2020.

## About Us

### *Our Remit*

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

The Committee has, by statute, a vital role in the scrutiny of detailed and complex draft social security regulations and in the provision of impartial, well-informed and constructive advice to the Secretary of State for Work and Pensions. We also have an important role in identifying and providing advice on wider related issues through our independent research programme.

#### **Statutory responsibilities of SSAC**

1. To perform a mandatory scrutiny of most of the proposed regulations that underpin the social security system on behalf of the Secretary of State, for the benefit of both the Department for Work and Pensions (DWP) and Parliament;
2. To provide advice and assistance to the Secretary of State for Work and Pensions, whether in response to a specific request or on our own initiative.

Advice offered formally by the Committee in relation to proposals for secondary legislation must be published by the Secretary of State, along with the Government's response to our conclusions and recommendations. The response must include a statement showing the extent to which the Secretary of State has given effect to the Committee's recommendations and, if any are rejected, the reason(s) why. The Secretary of State's statement must be laid before Parliament, alongside the Committee's report and the relevant regulations. There is no obligation upon the Secretary of State to respond to other forms of advice from the Committee, or to act on any of the advice we offer.

We perform a similar role for the Department for Communities in Northern Ireland. We also have a non-statutory role offering advice to Treasury Ministers and HM Revenue and Customs (HMRC) on tax credits, National Insurance, Child Benefit and Guardian's Allowance.

The statutory scrutiny of secondary legislation is the Committee's priority, and takes precedence over other activity undertaken by the Committee. But where resources permit, and as part of our general advisory functions, we:

- ✓ undertake our own detailed studies as part of our independent work programme;
- ✓ 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;
- ✓ provide comment on some of the key pieces of draft guidance and communications produced by the DWP and/or HMRC.

The Committee's membership is diverse, each member has a particular expertise, experience and interest of relevance to our work. Members are appointed to the Committee in a personal capacity, however they draw on experience from a range of organisations with whom they are connected, as illustrated below. Together they ensure that our advice is impartial, evidence based and reflects a range of perspectives. A full list of Committee members during 2020-21 is provided at annex F, and biographies at annex G.



## Summary of our advisory role

### Scrutiny of secondary legislation

#### Overview

The Social Security Advisory Committee has a unique role for an advisory body dealing with a highly significant area of government policy. Its primary function is the mandatory scrutiny of the government's social security proposals in the form of draft regulations. This covers scrutiny of proposals by both the Department for Work and Pensions and the Department for Communities in Northern Ireland, where social security powers are fully devolved. The scrutiny of social security in Scotland is undertaken by SSAC in relation to reserved social security benefits (including Universal Credit), but it has no authority to scrutinise Scotland's devolved social security measures.<sup>4</sup> In addition, the SSAC undertakes a non-statutory scrutiny of HMRC and HMT legislation in line with its memorandum of understanding with those departments.

The SSAC's oversight function is constitutionally important. Parliament's ability to scrutinise subordinate legislation is limited by pressures on parliamentary time and an absence of detailed social security expertise among most Members of Parliament. The SSAC's scrutiny role therefore provides constitutional comfort that problems with policy delivery are considered and dealt with prior to legislation being introduced. This scrutiny of the UK position is becoming more important as devolutionary powers over social security are being exercised, creating the potential for unintended geographical consequences as devolved and reserved social security systems interact.

Most social security regulations are subject to scrutiny by the Committee, the significant exceptions being regulations which give effect to a recent Act of Parliament, go to other advisory bodies (for example the Industrial Injuries Advisory Council) or which set benefit rates. In reviewing draft regulations there are a number of issues that the Committee considers. We examine whether the policy objective is clear, whether the regulations deliver the policy objective and whether the regulations themselves are clear. That requires us to question whether the Regulations fit within the overall context of the social security system, including whether there are unintended conflicts with existing

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<sup>4</sup> The Scottish Commission on Social Security undertakes scrutiny of Scotland's devolved social security measures.

priorities or obligations, whether the regulations are proportionate to the policy intent, whether the regulations increase or reduce overall complexity, and whether interested and affected groups have been consulted. We explore whether the consequences of the regulations have been properly analysed by government. That includes examining whether alternatives have been or could be considered. In considering the impact of the changes on individuals and on groups of people, our starting point is generally supporting documentation from the government on equality considerations, identifying who will benefit or who will lose out from the measures. It is important that the Department provides strong equality analysis so that our statutory obligation to provide high quality advice is delivered as effectively as possible.

It is also important that we consider whether the practicalities of implementation have been considered so that operational delivery of the legislative intent can be assured. Part of that enquiry includes understanding the impact on the advice sector, on employers, on local authorities, and on front line staff who will have to deliver the changes, as well as on how claimants will be able to understand their entitlements.

The Committee has the power to take regulations under ‘formal reference’ which normally means undertaking a public consultation after which we produce a report for the Secretary of State. This must then be laid in Parliament together with the regulations and the government’s response to the Committee’s report. In reality, the majority of draft regulations are scrutinised without formal reference, either through Committee meetings at which Departmental officials are questioned about the legislation; or through postal scrutiny with a sub-group of the Committee reviewing the regulations following written exchanges with officials. We adopt this latter approach when our advice is of a more technical nature, and focuses on engaging with officials on the technical details of the draft legislation. We have a high success rate of such advice being taken on board and there is much to be said for working quietly in the background, especially if it helps to ensure that things get done.

An exception to the scrutiny process being undertaken before regulations are laid is provided for in legislation<sup>5</sup> and applies where the Secretary of State considers that the urgency of the proposals are such that it would be inexpedient to present them to the Committee. We recognise that this exception is important but the requirement for scrutiny still remains. If urgency is invoked, the Committee will subsequently scrutinise the Regulations after

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<sup>5</sup> Social Security Administration Act 1992, section 173(1)(a)



they have been laid or implemented, with the same powers of formal reference available to us as if urgency had not been invoked.

The Committee sees its role as making a positive contribution to help ensure that regulations are as good as they can possibly be. We are grateful for the co-operation of - and constructive discussions with - DWP and HMRC, as well as good working relationships across devolved governments, to build an accurate picture of how the Regulations will work. We have no authority to make policy changes in social security but being an independent arms' length body enables us to get valuable insight from our stakeholders into the issues that the legislation addresses. In providing advice to government through detailed scrutiny of social security proposals we bring all of these interests together to improve the quality of social security legislation.

### *Regulations in 2020-2021*

The Committee considered 59 packages of regulations during 2020-21 – the highest number presented to the Committee during a 12-month period for a decade. This represents a significant increase when compared to recent years – for example 15 sets of regulations came before the Committee in 2018-19; and just 13 in 2019-20.

Inevitably, this increase in volume was a consequence of the Department's response to the Coronavirus pandemic, with 34 of the regulations packages introducing temporary easements to the benefits system to deal with the effects. The increased volume of regulations was accompanied by an understandable increase in the use of the 'urgency' provision as the Department sought to respond at pace to a series of challenges of an unprecedented nature and scale to ensure that vital support could be provided to those who needed it in. In total, the Secretary of State deemed it necessary to invoke 'urgency' on thirty occasions in 2020-21, compared to just twice in both 2018-2019 and 2019-2020.

The Committee welcomed the easements that were introduced to deal with the effects of the Coronavirus pandemic, and was impressed by the speed at which the Department was able to improve its policy and provide effective support to huge numbers of people at unprecedented speed, and in rapidly changing circumstances. However, given the pace and scale of these changes, there were unsurprisingly some 'rough edges' and inconsistencies where we considered strengthening or amendment of the new policies were appropriate. For example:

## *Standard Allowances*

On 20 March 2020, the Chancellor of the Exchequer announced an increase in the Universal Credit standard allowance by £1,000 a year for a period of twelve months. He similarly announced an increase in the Working Tax Credit basic element of the same amount. These increases provided significant help to millions of low-income families.

Claimants in receipt of Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) were excluded as the Department was focusing on delivering changes that could be operationalised quickly. We were advised that uprating of ESA and JSA could not be achieved quickly or safely as there was a well-established uprating cycle for legacy benefits, as well as serious IT challenges to overcome.

While we understand the reasons for not including ESA and JSA in the original announcement, we urged the Department to reconsider its approach for a group of claimants who would continue to have a lower level of income than those in receipt of Universal Credit and Working Tax Credit.

## *Shared Accommodation Rate*

The increase to Local Housing Accommodation Rates was a welcome step in helping to reduce the financial shock that might otherwise impact people coming onto the benefit system having lost their job. However, emerging evidence suggested that a large proportion of those likely to find themselves in this position would be young people. We therefore shared with the Department our view that there was a very strong case for the Shared Accommodation Rate for under 35s to be suspended, not least as it was less appropriate – and more difficult – for those who had lost their jobs to move into shared accommodation during the pandemic.

## *Benefit Cap*

The Government's response to the Coronavirus provided very welcome additional financial support and security to those receiving Universal Credit and Working Tax Credit, for example through removing the Minimum Income Floor, increasing Standard Allowances and pausing debt recovery.

We were concerned, however, that the full value of that additional support was not benefiting all cases because of the application of the benefit cap, particularly in areas with high rental costs. Claimants would normally have the option to move into paid work or to move home to avoid the impact of the benefit cap, but neither of those were realistic choices for many people during the height of the pandemic.

We therefore recommended that the Government considered what action might be possible to ensure that the spirit and intent of the additional package of financial support it has introduced in these challenging times were fully delivered.

Although the Department's response to the pandemic had been impressive, we considered that care would need to be taken to ensure the safe unwinding of the temporary measures as the pandemic eased, and we therefore decided to examine that issue in more detail as part of independent research programme (more on this later).

### **SSAC scrutiny of regulations: numbers**

<b>Numbers of regulations scrutinised in 2020-21</b>	<b>Scrutiny at SSAC meeting</b>	<b>Cleared by correspondence</b>
Covid-related regulations	14	22
Other regulations	15	8

Out of the 36 Coronavirus related regulation packages, 22 were dealt with by correspondence as many of the amendments were simple time extensions of an easement or minor adjustments for the easements previously scrutinised by the Committee. Of the 59 packages presented to the Committee in total, seven were HMRC-led and dealt with under our [Memorandum of Understanding](#) with HM Treasury and HMRC.

The Committee did not take any of the regulations on formal reference.

For a detailed breakdown of all the regulations subject to statutory scrutiny by the Committee in 2020-21, please see annex A.

### **Our independent research programme**

The issues that we examine, and on which we provide advice to Ministers, is designed to reflect the strength of expertise and experience on the Committee as well as the added value of our unique relationship with the Department.

We seek to ensure that the research we carry out as part our independent work programme:

- ✓ provides an evidence base for our work, improving members' ability to scrutinise regulations and provide credible independent advice to ministers;
- ✓ adds value to the debate on a topic that is of current interest to government or a broad range of our stakeholders;
- ✓ stimulates debate or discussion of a specific topic; and/or
- ✓ introduces new thinking on data analysis.

It is also our ambition to be agile, so that we can provide short, constructive, timely responses and advice on emerging and/or unforeseen issues and challenges. It was therefore inevitable that the impact of the Coronavirus pandemic would be a main focus for the Committee during 2020-21. We undertook two reviews – one focusing on the temporary measures that had been introduced within the social security system to deal with the immediate impacts of the pandemic, and a second looking further ahead at longer term challenges the Department would face in terms of jobs and benefits.

## **Covid-19**

### *A review of Covid-19 temporary measures<sup>6</sup>*

In August 2020 we launched a review of the social security measures that had been implemented by DWP and the Department for Communities in Northern Ireland (DfC) to support those whose work, income and social security benefits had been affected by the Covid-19 pandemic. As the changes made were time-limited we considered it important to consider what advice we could provide to government on whether these social security provisions should be extended, adapted or go beyond their original scope in light of the continuing challenges posed by Covid-19. Or if they were to be 'unwound', we wanted to consider how that could be achieved safely. In considering what our advice should be we took evidence from social security claimants, advice sector organisations across the UK, from local authorities, as well as from DWP and DfC officials.

Our review identified six key themes around which our advice, which is provided in full at annex B, is based.

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<sup>6</sup> SSAC Occasional Paper 24: [A review of Covid-19 temporary measures](#)

## *Conditionality*

The reintroduction of conditionality in July 2020 raised concerns about how this would be interpreted and applied. DWP and DfC provided welcome reassurance that they would adopt a light-touch approach and update claimant commitments to reflect the changed landscape of work. In order to support that approach, we recommended that the government should publish strategic policy guidance on what the appropriate flexibilities should be that work coaches can then implement through local discretion. Such an approach would also help address the second theme our review identified, that of communication.

## *Communication*

Providing a clear policy statement on how claimants should act and what the consequences of their actions will be helps to both reassure and guide claimants on how to meet their claimant commitments while various public health measures are in place. Ensuring that claimants remain connected to the system is important and we recommended that DWP and DfC develop a communications strategy, and track its outcomes, to identify whether or why individuals may be disengaging with, or dropping out of, the social security system.

## *Assessments*

Our third theme related to the removal of face-to-face assessments for the Personal Independence Payment (PIP) and the Work Capability Assessment (WCA). We welcomed the move to using paper-based, telephone or video assessments for many claimants, while acknowledging the limitations of this approach for those more complex cases and for claimants who are not able to participate through these measures. While this was a necessary approach during the pandemic, it was not possible for us to understand the impact that these assessment changes had in relation to the outcomes of PIP or Employment and Support Allowance (ESA)/Universal Credit (UC) awards, in the absence of any evaluation from DWP and DfC. We were encouraged that the DWP was developing research on this issue and we recommended it take action to evaluate the outcomes and experiences for claimants, and to publish its evaluation.

## *Easements*

Our fourth theme related to easements that had been introduced, including the suspension of the Minimum Income Floor for self-employed people, a measure which the government had already previously extended. While welcoming this move, we recommended that a plan be developed to phase its re-introduction, with those claimants who would potentially be affected by its reintroduction given at least a month's advance notice of its return. Clarity was also needed on how Self-Employment Income Support Scheme payments (and any replacement scheme) would interact with UC and clarity is also required on the Departments' policy for the recovery of overpayments and debt during the pandemic, with guidance on exemptions to overpayment recovery that would be appropriate during the pandemic.

UPDATE: The Committee scrutinised draft regulations relating to the reintroduction of the Minimum Income Floor at its meeting on 7 July.<sup>7</sup>

The regulations contained several beneficial measures which were broadly welcomed by the Committee:

- (i) the use of discretion to enable businesses who continue to be affected by Coronavirus to remain exempt from the Minimum Income Floor (MIF);
- (ii) the ability of those individuals who were in the middle of their start-up period at the beginning of the pandemic (in March 2020) to retain the remaining months of that start-up period once the regulations come into force, and
- (iii) the provision of an extra assessment period before the MIF is restored in individual cases.

However, we wrote to the Minister for Employment seeking reassurance on the following areas of concern:<sup>8</sup>

### *Communicating the reintroduction of the MIF*

We were concerned that no targeted communications had been planned for those who may be directly impacted until their gainful self-employment interview was imminent. While recognising that the additional assessment period would provide some advance notice, we were of the view that there would be merit in earlier communication of the reintroduction of the MIF to those individuals who might be directly affected, setting out what this might mean for them and signposting them to where they can access further information.

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<sup>7</sup> The minutes from this meeting are available [here](#).

<sup>8</sup> The Chair's exchange of correspondence with the Minister for Employment is available [here](#).

### *Application of discretion*

We recognise the need for discretion to be applied when considering whether the trade of a self-employed person continues to be impacted by Coronavirus. Whilst a broad overview of how discretion would be applied was provided at our meeting, it was less clear what specific factors work coaches would be able to consider, for example geographical considerations, impacts on particular sectors and the implications for the most vulnerable to Coronavirus (for example those who cannot be vaccinated because of health conditions). We asked for an opportunity to review the draft guidance to ensure that we could have a better understanding of the Department's intentions and have an opportunity to consider whether it could be further strengthened to ensure that it is sufficiently clear and comprehensive to ensure that discretion will be consistently applied across Jobcentres.

### *Learning and agile response*

There is much uncertainty about how the economy will respond to further Covid restrictions being lifted, how different geographical regions or sectors of industry may be affected, and on what timescales. We were encouraged to learn that the Department was putting in place arrangements for feedback to be provided from work coaches to ensure that an ongoing analysis of the situation. The success of the policy may depend on the ability to respond timeously to developments. Therefore, it will be important to put in place robust arrangements for systematic collection of detailed data from a variety of relevant sources to enable an informed and agile response to lessons learned during an uncertain period. For example, mandatory reconsiderations and appeals may provide a valuable source of data.

### *Housing and homelessness*

We had previously recommended that the benefit cap should be increased or removed during the pandemic, to avoid the risk of homelessness. As this recommendation had not been accepted, we recommended an alternative approach. There is an existing exemption that provides a nine-month grace period before the cap is applied. This is for those who earn above the earnings threshold in every month for the previous 12 months. We recommended that this exemption is made more generous as continuously earning above the threshold will have been more difficult for many in recent months. Further measures relating to the Shared Accommodation Rate could also be applied to reduce the risk of homelessness.

UPDATE: While we await a formal response to this report, we have been delighted to note that the Chancellor of the Exchequer's Budget Statement on 3 March 2021 signalled that the Government had accepted our recommendations that it should take urgent steps to:

- a) Extend the existing exemption from the Shared Accommodation Rate for 25 to 34 year olds who had spent at least three months in a homeless hostel to all under 35 year-olds; and
- b) Bring forward, from 2023, a previously accepted SSAC recommendation to extend the exemption from the Shared Accommodation Rate for care leavers up to the age of 25 (which, at the time of our recommendation was available up to age 22 only). We put forward a case that, in view of the ongoing COVID-19 outbreak and the fact that youth unemployment was likely to rise sharply, there was a compelling case to bring in that change immediately.

These recommendations came into effect on 31 May 2021, providing additional support for vulnerable young people who would otherwise be at risk of rough sleeping.

### *Eligibility and award values*

We recommended that the impact of the £20 per week uplift for Universal Credit should be considered when deciding whether to extend or end this uplift, as well as reconsidering including legacy benefits within the uplift. In addition, we recommended a review of the support available to carers in recognition of the increased necessity and role of informal caring as a public health service.

### *Jobs and Benefits: The Covid-19 challenge<sup>9</sup>*

The Covid-19 pandemic posed challenges to government of a nature and scale that were impossible to imagine at the beginning of 2020. As has been widely acknowledged, the Department for Work and Pensions responded impressively quickly in adjusting policy and delivering support to those who needed it. But the pandemic has also raised deeper questions about the structure of financial support provided to working age people in the UK and Covid-19 is likely to have a lasting impact on the labour market. Given our common interest in ensuring that government continues to respond well to these challenges, we were delighted to collaborate with the Institute for

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<sup>9</sup> [Jobs and Benefits: the Covid-19 challenge](#)



Government (IfG), the leading think tank working to make government more effective, to explore the key challenges facing government and provide a space for discussion and fresh thinking to help senior politicians and civil servants think differently and bring about change. To help examine the questions emerging from the experience of Covid-19 and provide advice to the government on the areas most in need of attention over the coming months and years, IfG and SSAC organised two virtual roundtable meetings. These brought together a group of experts to discuss what should be learnt from the previous year.

We found that, while the current social security system has held up extremely well in the face of the pandemic, there are ways in which it could be fine-tuned to make it more effective. For example, our report proposed ways in which any potential additional support could be targeted at providing greater help to those losing their jobs in the first few weeks and months of their out-of-work benefit claim. This could be achieved through a number of ways such as starter payments, helping more individuals take up contributory benefits to which they are entitled, and a more generous treatment of those with financial assets.

At the time of the workshops the most important emerging challenge over the coming year looked to be the return to full employment given the economic shifts that Covid has created and exacerbated. There is an important role for a number of government departments – and local authorities – to play, in conjunction with DWP, in bringing this about. This is understood within Whitehall, but a fully co-ordinated response is essential, especially around training and re-skilling. Another point of learning from the last year or so will be to expand the online services that are made available to those seeking work, including those not on benefits as well as those who are.

We also made an overarching proposal. There is also a strong case for the government to reassess what the benefit system is for and to change the language used to describe it – re-adopting the language of social security in place of the widespread use of ‘welfare’. We have a social security system that is for many who are in work as well as those currently out of it, and it is also for those who face the risk of unemployment when the next major shock hits. The language used to describe it should reflect this.

We have presented our findings and recommendations to the Secretary of State. Our specific suggestions – outlined in full at annex C, are designed to illustrate a direction of travel, rather than providing a blueprint to be implemented, and is designed to inform her Department’s own work in this

area. We hope that our report will be seen as a useful contribution to the debates in this area, and we look forward to receiving the Government's response to our conclusions.

## *Disabled People*

Before the Coronavirus pandemic became a reality, the Committee had started to examine two issues relating to the experience of disabled claimants. These projects focused on the way that the Department engages with disabled people on policies and practices that affect them, and the use of public funds in meeting the mobility needs of disabled people. Although these were paused briefly at the start of the pandemic while our focus was rightly diverted to the impact Covid-19 was having on the social security system, we were delighted to be able to present these important reports to the Secretary of State during 2020-21.

### *How DWP involves disabled people when developing or evaluating programmes that affect them<sup>10</sup>*

Our research was designed to develop a better understanding of how DWP involves disabled people in developing, delivering and evaluating programmes that affect them.

There is growing recognition across public policy - from health and care to transport - that involvement of people directly affected can improve policies and services; and this is reflected in DWP's own objectives.<sup>11</sup>

DWP stated aims include:

- ✓ “to deliver policies, strategies and structures that are co-produced with disabled people”; and
- ✓ “to improve outcomes and ensure financial security for disabled people and people with health conditions, so they view the benefits system and the department as an ally”

Through a call for evidence, focus groups and interviews we heard from individual disabled people, Disabled People's Organisations and charities – including both those that had worked with DWP and those who had not – and from DWP officials in different parts the organisation, both nationally and

<sup>10</sup> Occasional paper 25: [How DWP involves disabled people when developing or evaluating programmes that affect them](#)

<sup>11</sup> DWP [Single departmental plan](#)

locally. We found many types of engagement in action, from user-centred design of operational processes to listening events and regular meetings. We met officials who talked confidently about why it was important to involve disabled people and what they were doing to achieve it (from engaging people in discussion on early ideas for its Green Paper to improving access in local Jobcentres). We heard a genuine recognition that trust needed to be strengthened and a commitment to developing effective relationships.

However, we found that good practices were not consistently built into the culture and 'business as usual' activities. It wasn't always clear where on the 'ladder of participation' (from simply informing people or consulting them on a pre-determined plan through to fully co-producing work) the particular involvement approaches sat. This had the potential to cause confused expectations. Our view was that the Department could do more to 'close the loop' and ensure people know what happens to their input, and also to introduce greater diversity among the groups of disabled individuals and organisations that they speak to – including extending their reach to all parts of the United Kingdom.

We also looked at how other organisations involve disabled people, to establish what could be learned from those experiences.

### *Our recommendations*

To build consistent culture and trust, we recommended that DWP co-produces with disabled people a protocol for engagement, setting out what models of engagement should be adopted in which broad circumstances, with principles about feedback, openness and accessibility, so disabled people know what to expect; and identifying how DWP will engage with different types of organisation, including local, diverse and user-led organisations.

To increase the direct voice of diverse disabled people, we recommended a large-scale panel of disabled people with experience of social security that the Department can consult regularly, and draw from to work on detailed projects.

We also made recommendations on the use of accessible networking tools, ensuring accessibility and expecting contractors to adopt good practice in engagement. But given the importance of culture, our final recommendation was that DWP should show through its leadership actions and messages - from all leaders across the organisation - that actively involving people claiming social security, including disabled people, is central to the Department's values and way of working. This should be reflected in governance arrangements, with regular reports to the Executive Team on progress and a non-executive member of the Departmental Board to champion and oversee progress.

We believe these steps would support the Department in meeting its objectives, building relationships and learning from feedback to improve policy and delivery, and look forward to receiving a response for the Department.

A full list of recommendations is provided at annex D.

### *The use of public funds in meeting the mobility needs of disabled people<sup>12</sup>*

The Government has a wide range of policies to support the mobility needs of disabled people. In DWP, its principal support is by enabling the use of both public and private transport. One way in which DWP supports the mobility needs of disabled people is by enabling those in receipt of higher rate mobility allowances, if they choose, to exchange all, or part of, their mobility allowance to lease a private vehicle. This service is provided through the Motability scheme via a single UK wide provider.<sup>13</sup> As such, the scheme enjoys an effective monopoly status whereby the absence of the discipline of competition means scrutiny and oversight have a greater role to play. Hence, it is important to be sensitive to the characteristic risks than can arise in monopolistic situations, such as low access, limited service and high surplusses.

Detailed reviews in 2018, by both the Work and Pensions and Treasury Committees<sup>14</sup> and the National Audit Office (NAO)<sup>15</sup> highlighted that of the 1.7 million people in receipt of higher rate mobility allowances, and therefore eligible for the Motability scheme, only 614,000 (36%) accessed it. A point that was identified by the NAO, whose report made an advisory point to the Government that it should support extensive research into eligible people who do not use the scheme. Whilst a significant body of research exists on disabled people and public transport, very little research has been conducted about the role of private transport for disabled people, or the effect a lack of access to private transport may have on their lives.

In light of these factors, our report explored whether the current support in Motability, coupled with the availability of the Disability Living Allowance (DLA) and the Personal Independence Payment (PIP) mobility component, is the best way to support the mobility needs of disabled people. Specifically, it aimed to explore any potential barriers disabled people may face in accessing the Motability scheme and whether those using the Motability scheme benefit more financially than those eligible for the enhanced rate who do not use the Motability scheme.

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<sup>12</sup> Occasional paper 23: [The use of public funds in meeting the mobility needs of disabled people](#)

<sup>13</sup> Motability Operations Ltd, a private company overseen by the charity Motability.

<sup>14</sup> [The Motability Scheme - Work and Pensions and Treasury Committees - House of Commons \(parliament.uk\)](#)

<sup>15</sup> [The Motability scheme \(nao.org.uk\)](#)

We reflected on the experience of disabled people, both in receipt of higher rate mobility allowances and therefore eligible to use the Motability scheme, and those who are not in receipt of this type of benefit and have no access to the scheme. It considers the knowledge and experience of user-led organisations as well as those serving disabled people. We considered the use of public and private transport by disabled people, the key issues around access to, and use of, the Motability scheme, the experience of benefit reassessment and loss of a Motability vehicle, and the intersection of type of impairment and access to support for mobility needs. The qualitative nature of the research enabled us to obtain a richness of data, and provide a fuller and broader understanding of the issues disabled people face in terms of their mobility and transport needs. We were therefore able to develop a detailed picture about why many eligible disabled people do not use the Motability scheme and shed light on issues that previously may not have been widely discussed.

We found that public transport did not meet the needs of many disabled people; conversely the importance of a car, or other suitable private vehicle, was often paramount, not only to the ability to live independently but also to the ability to continue in paid work, and take an active role in society. Having access to their own vehicle was often described by disabled people as a 'lifeline'. Given the Motability Scheme's effective monopoly status as the only UK-wide car leasing organisation for disabled people, these positive feelings of access to a private vehicle were often associated with the organisation itself. However, the evidence also revealed that disabled people had very different experiences in accessing the scheme; the reasons for these inequalities were grounded in six broad themes.

### *Reassessment*

Reassessment either from DLA to PIP, or from PIP to PIP, was a contentious issue for many of the individuals and organisations who responded to our consultation. The reassessment process that accompanies the PIP award and the loss of vehicles by some, previously eligible people, caused feelings of mistrust, stress and anxiety, and acted as a barrier even to people who had merely heard about the experience of others let alone those whose higher rate mobility allowances are reinstated post appeal. There was a sense amongst some people that the possibility of losing a vehicle through reassessment was too much of a risk to take and outweighed any benefits associated with leasing a car on the scheme.

### *Eligibility*

Individual respondents and organisations were of the strong view that the current eligibility criteria for the Motability Scheme unfairly disadvantaged those who became disabled after reaching the current State Pension age (SPa) who could not receive PIP, as well as families with disabled children

under three years of age. Neither of these groups receive mobility related allowances and therefore are not eligible to join the Motability scheme.

### *Reputation*

Concern was expressed by some about the reputation of the Motability Scheme, in particular since the publication of the NAO report; some respondents expressed feelings of mistrust towards the scheme given the reports of excessive profits and remuneration in Motability Operations. Concern was also outlined at a lack of transparency of Motability Operations and Motability, the charity which oversees it, and at a lack of engagement with disabled people. It is unclear whether, or the degree to which, these concerns present a barrier to people applying for a Motability Scheme vehicle.

### *Financial barriers to Motability*

This was by far the most frequently cited barrier to accessing the Motability scheme, and often intersected with other process and practical barriers. For many eligible disabled people, it was simply a case of being unable to afford to take part in the scheme; the higher rate mobility allowance was prioritised for other costs such as food or household bills. The advance payment or cost of adaptations, particularly for people with higher or more complex needs and those needing larger or automatic vehicles, was described as a major deterrent for many people, as were the recurrent costs associated with lease renewal. The lack of opportunity to own a car via the scheme was a barrier for some disabled people, and many indicated that they preferred, and were better off, to buy a car privately and pay off any loan associated with the purchase using their higher rate PIP allowance. Issues were also raised about value for money; both in terms of whether Motability provides value for money as well as whether those who use their allowance to access the scheme get better value for money than those who do not access the scheme.

### *Process barriers to Motability*

A large proportion of respondents voiced their disappointment at what they believed was a 'one size fits all approach'. The rigidity of the scheme process was a frequently cited barrier for many people; fixed lease lengths were seen as being too long and there was a clear view among respondents that any changes that disabled people needed to make to their lease or vehicle as a result of changes in their condition were not well accommodated. Motability Operations tell us that they try to be as flexible as possible when customers experience changes in their condition, and that they allow hundreds of customers to end their car leases early each month. However, this is not the perception of many disabled people, and could indicate that there is a communications challenge that needs to be addressed.

In addition, a number of concerns were raised around the grants system run by Motability and changes made to the Special Vehicle Fund. Poor promotion of the grants system and a lack of available information meant that disabled people were either unaware that Motability could provide financial assistance, or they perceived the process as being particularly confusing and plagued with difficulties.

### *Practical barriers to Motability*

The perception of some respondents to our consultation was that practical issues such as a lack of choice of vehicles, particularly larger or automatic vehicles, those that may be required by families or wheelchair users, or more environmentally friendly options, were in short supply via the Motability Scheme. The evidence also revealed practical barriers, such as a lack of awareness of the scheme amongst eligible non-customers, a lack of availability of information on the scheme and its services, and issues related to Motability Scheme dealers. All of these acted as very real barriers or deterrents for people who are eligible to join the scheme.

### *Recommendations*

Our report recognises that there are no easy solutions. Ensuring the mobility needs of all disabled people are supported, and that equal access to a private use vehicle via the Motability scheme is made possible are complex issues. Solutions will involve the co-operation of many agencies and further work still needs to be carried out to understand fully the issues highlighted in this report. Nevertheless, our report puts forward a view that more can be done to support the mobility needs of disabled people, and more specifically improvements can be made to make it possible for more disabled people to access the Motability scheme. Our recommendations, which are provided in full at annex E, were designed to help deliver more effective utilisation of public funds in supporting the mobility needs of disabled people.

UPDATE: The Minister for Disabled People, Health and Work's response to our recommendations can be found here. In it, he notes that the:

*"...Health and Disability Support Green Paper<sup>16</sup> will explore how the welfare system can better meet the needs of disabled people and people with health conditions now and in the future, including how we can better meet mobility needs. The Green Paper will be strongly influenced by the views of disabled people and representatives from disability organisations drawing on the significant engagement we have conducted so far."*

Justin Tomlinson MP

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<sup>16</sup> [Shaping future support: the health and disability green paper](#) Department for Work and Pensions, July 2021

## Looking forward

Our priorities for the coming year are:

1. **Scrutiny of draft regulations:** we will undertake impartial, effective and timely scrutiny of draft regulations relating to social security benefits. The Committee's scrutiny of secondary legislation takes priority over its other work.
2. **Research projects:** the Committee will undertake a small number of research projects, providing impartial, well-informed and constructive advice to the Secretary of State for Work and Pensions on issues relating to social security and welfare reform.
3. **Capacity / capability to be responsive:** the Committee will be sufficiently agile, so that it can provide short, constructive, timely responses and advice to the Department on emerging issues.

Our first research project of the year will involve an examination of new-style Employment and Support Allowance and Jobseeker's Allowance. In particular, we plan to look at:

- a) the role that these benefits are playing as part of the benefit system for working age individuals;
- b) whether they are playing as full a role as possible in supporting out-of-work families; and
- c) whether they could be strengthened to improve how they operate alongside Universal Credit.

We consider that this could be a particularly timely piece of work on the basis that there was more than a six-fold increase in the numbers receiving contributory JSA over the past 18 months and, more generally, there may be lessons that could be learnt from experiences during the pandemic. We also think there may merit in exploring how the other parts of the working age benefit system are operating alongside Universal Credit.

## Stakeholder engagement

### External stakeholders

It is a priority for this Committee that our advice is well-informed, evidence-based and that it takes account of a wide range of perspectives – including



that of claimants and taxpayers. The evidence and insight our stakeholders contribute to SSAC's work is greatly valued. Our network of stakeholders on whose experience and expertise we draw, contains over 500 organisations and bodies representing a wide spectrum of interests and insights. This includes voluntary sector organisations representing and/or serving the interests of claimants, policy-makers, think tanks, local authorities, employers, and academia drawn from across England, Northern Ireland, Scotland and Wales.

We consider it particularly important to have a strong understanding of the impact of the UK government's social security policies in Northern Ireland, Scotland and Wales where different challenges and opportunities may exist. We therefore endeavour to undertake regular stakeholder engagement within each the devolved nations.

The Covid-19 lockdown, and subsequent restrictions, initially led to a short pause in our direct stakeholder engagement before we adopted a more remote form of contact via video conferencing. We were delighted to find that one consequence of this digital approach to our engagement meant that we were able to reach a more diverse and geographically spread group than had traditionally been the case pre-Covid. While we are, of course, determined to re-establish our face to face workshops and meetings in the coming year, we are committed to ensure that the lessons we have learned from the past year will be embedded in our working practices to ensure that we are able to reflect the experience and insight of as many voices as possible in our advice to Ministers.

### **Relationships with DWP ministers**

The Committee's primary role, as set out in statute, is to provide advice to the Secretary of State, therefore a constructive relationship with the DWP's ministerial team is important. In recent years we have played our part in building a robust, candid and constructive relationship with Ministers, in keeping with the Committee's status as an independent expert adviser.

We are grateful to the Ministerial team for their willingness to engage with the Committee on a frequent basis, whether that be private keep in touch meetings with our Chair, or informal private sessions with the full Committee. This serves to help gain understanding of the respective roles, and establish the reputation of the Committee as a trusted adviser which strives to provide timely, constructive and supportive advice.

## Transparency

In line with many other organisations, we consider it important to be transparent about our work. Our reports, correspondence with Ministers, minutes of meetings, and responses to Freedom of information requests are all published routinely on our [website](#). We also endeavour to keep interested parties up to date with developments through regular stakeholder meetings, [blogs](#) by Committee members and via our twitter account ([@The\\_SSAC](#)). We are also transparent about Committee members' business interests which we publish quarterly (the latest version of which can be found at annex H), and the costs associated with delivering our work.

## Our resources

The Committee's budget allocation in 2020-21 was £350,000, and this covers all of our operational costs, including members' fees and staff costs

The staffing costs associated with our full time secretariat account for the majority of our annual expenditure. We fund four (FTE) staff who are on loan from DWP at a cost of around £220,000.

The Committee is required by statute to have between 10 and 13 members, plus a Chairman. Our Chairman receives an annual remuneration of £22,000, while 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. A detailed breakdown of these costs in 2020-21 are provided at annex J.

## Regulations subject to SSAC statutory scrutiny during 2020-21

Date of SSAC scrutiny	Statutory Instrument	SSAC minutes and other relevant documents relating to the statutory scrutiny process	Postal clearance?	Urgency?	Formal Reference?
April 2020	<a href="#">The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020</a> SI 2020/618	<a href="#">Minutes</a>	N	N	N
April 2020	<a href="#">The Universal Credit (Miscellaneous Amendments) Regulations 2020</a> SI 2020/611	<a href="#">Minutes</a>	N	N	N
May 2020	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020</a> SI 2020/287	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: Covid-19 SSAC letter from the Secretary of State</a>	N	Y	N
May 2020	<a href="#">The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020</a> SI 2020/374	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: Covid-19 SSAC letter from the Secretary of State</a>	N	Y	N

May 2020	<a href="#">The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations (Northern Ireland) 2020</a>  SR 2020/54	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N
May 2020	<a href="#">The Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations 2020</a>  SI 2020/289	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020</a>  SI 2020/33	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Social Security (Coronavirus) (Further Measures) Regulations 2020</a>  SI 2020/371	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N
May 2020	<a href="#">The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020</a>  SI 2020/53	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N

May 2020	<a href="#">The Social Security (Coronavirus) (Further Measures) Amendment Regulations 2020</a> SI 2020/397	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Social Security (Coronavirus) (Further Measures) Amendment Regulations Northern Ireland 2020</a> SI 2020/61	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Social Security (Coronavirus) (Prisoners) Regulations 2020</a> SI 2020/409	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020</a> SI 2020/63	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Social Fund Funeral Expenses Payment (Coronavirus) (Amendment) Regulations 2020</a> SI 2020/405	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N

May 2020	<a href="#">The Social Fund Funeral Expenses Payment (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020</a>  SI 2020/62	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N
May 2020	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) (No.2) Regulations 2020</a>  SI 2020/304	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) (No. 3) Regulations 2020</a>  SI 2020/427	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The State Pension Credit (Coronavirus) (Electronic Claims) (Amendment) Regulations 2020</a>  SI 2020/456	<a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	Y	Y	N
May 2020	<a href="#">The Maternity Allowance, Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay (Normal Weekly Earnings etc.) (Coronavirus) (Amendment) (Regulations) 2020</a>  SI 2020/450	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N

May 2020	<a href="#">The Maternity Allowance and Statutory Maternity Pay (Normal Weekly Earnings etc.) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020</a>  SI 2020/69	<a href="#">Minutes</a>  <a href="#">Covid-19 - SSAC letter to the Secretary of State</a>  <a href="#">Response: COVID-19 SSAC letter from the Secretary of State</a>	N	Y	N
May 2020	<a href="#">The Universal Credit (Persons who have attained state pension credit qualifying age) Amendment Regulations 2020</a>  SI 2020/655	<a href="#">Minutes</a>	N	N	N
June 2020	<a href="#">The Childcare Payments (Coronavirus, Miscellaneous) (Amendments) Regulations 2020</a>  SI 2020/656	-	Y	N	N/A - HMRC
June 2020	<a href="#">The Social Fund and Social Security (Claims and Payments) (Amendment) Regulations 2020</a>  SI 2020/600	-	Y	N	N
June 2020	<a href="#">The Social Security (Income-Related Benefits) (Persons of Northern Ireland - Family Members) (Amendment) Regulations 2020</a>  SI 2020/683	<a href="#">Minutes</a>	N	N	N
June 2020	<a href="#">The Tax Credits (Coronavirus, Miscellaneous Amendments) Regulations 2020</a>  SI 2020/534	<a href="#">Minutes</a>	N	Y	N/A - HMRC

June 2020	<a href="#">The Child Benefit and Child Tax Credit (Persons of Northern Ireland) (Amendment) Regulations 2020</a> SI 2020/672	<a href="#">Minutes</a>	N	N	N/A - HMRC
June 2020	<a href="#">The Loans for Mortgage Interest (Transaction Fee) (Amendment) Regulations 2020</a> SI 2020/666	-	Y	N	N
July 2020	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) (No.4) Regulations 2020</a> SI 2020/539	-	Y	Y	N
July 2020	<a href="#">The Universal Credit (Coronavirus) (Self-employed Claims and Reclaims) (Amendment) Regulations 2020</a> SI 2020/522	<a href="#">Minutes</a>	N	Y	N
July 2020	<a href="#">The Universal Credit (Coronavirus) (Self-employed Claims and Reclaims) (Amendment) Regulations (Northern Ireland) 2020</a> SI 2020/85	<a href="#">Minutes</a>	N	Y	N
July 2020	<a href="#">The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No.2) Regulations 2020</a> SI 2020/681	-	Y	Y	N
July 2020	<a href="#">The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No.2) Regulations (Northern Ireland) 2020</a> SI 2020/134	-	Y	Y	N



September 2020	<a href="#">The Tax Credits (Coronavirus, Miscellaneous Amendments) (No.2) Regulations 2020</a> SI 2020/941	-	Y	N	N/A - HMRC
September 2020	<a href="#">The Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) (Amendment) Regulations 2020</a> SI 2020/826	-	Y	Y	N
September 2020	<a href="#">The Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) (Amendment) Regulations (Northern Ireland) 2020</a> SI 2020/165	-	Y	Y	N
September 2020	<a href="#">The Statutory Sick Pay (Coronavirus) (No.5) Regulations 2020</a> SI 2020/829	-	Y	Y	N
September 2020	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) (No.6) Regulations 2020</a> SI 2020/892	-	Y	Y	N
September 2020	<a href="#">The Universal Credit (Exceptions to the requirement not to be receiving education) (Amendment) Regulations 2020</a> SI 2020/827	<a href="#">Minutes</a>	N	Y	N
October 2020	<a href="#">The Universal Credit (Earned Income) Amendment Regulations 2020</a> SI 2020/1138	<a href="#">Minutes</a>	N	N	N

October 2020	<a href="#">The Social Security (Personal Independence Payment) (Amendment) Regulations 2020</a> SI 2020/1235	-	Y	N	N
October 2020	<a href="#">The Employment Support Allowance and Universal Credit (Coronavirus Disease) (Amendment) Regulations 2020</a> SI 2020/1097	-	Y	N	N
October 2020	<a href="#">The Social Security Coordination (Revocation of Retained Direct EU Legislation and Consequential Amendments) (EU Exit) Regulations 2020</a> SI 2020/1508	<a href="#">Minutes</a>	N	N	N
October 2020	<a href="#">The Social Security (Coronavirus) (Prisoners) Amendment Regulations 2020</a> SI 2020/1156	-	Y	N	N
October 2020	<a href="#">The Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations 2020</a> SI 2020/1201	-	Y	N	N
December 2020	<a href="#">Universal Credit (Transitional Provisions) (Claimants previously entitled to a severe disability premium) Amendment Regulations 2021</a> SI 2021/4	<a href="#">Minutes</a>	N	N	N

December 2020	<a href="#">The Tax Credits and Childcare Payments (Coronavirus and Miscellaneous Amendments) Regulations 2020 (laid as The Tax Credits, Childcare Payments and Childcare (Extended Entitlement) (Coronavirus and Miscellaneous Amendment) Regulations 2020)</a>  SI 2020/1515	<a href="#">Minutes</a>	N	N	N/A - HMRC
December 2020	<a href="#">The Social Security, Child Benefit and Child Tax Credit (Amendment) (EU Exit) Regulations 2020</a>  SI 2020/1505	<a href="#">SSAC letter to the Secretary of State</a>	Y	Y	N/A - HMRC
January 2021	<a href="#">The Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) (Amendment) Regulations 2021</a>  SI 2021/188	<a href="#">Minutes</a>	N	N	N
January 2021	<a href="#">The Loans for Mortgage Interest (Miscellaneous Amendments) Regulations 2021 (laid as The Loans for Mortgage Interest (Amendment) Regulations 2021)</a>  SI 2021/131	<a href="#">Minutes</a>	N	N	N
January 2021	<a href="#">The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Amendment) Regulations 2021 (laid as The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations 2021)</a>  SI 2021/230	<a href="#">Minutes</a>	N	N	N

January 2021	<a href="#">The Statutory Sick Pay (General) (Coronavirus Amendment) (No.7) Regulations 2020</a> SI 2020/1638	-	Y	Y	N
January 2021	<a href="#">The Universal Credit (Childcare in Wales) (Amendment) Regulations 2021</a> SI 2021/228	-	Y	N	N
March 2021	<a href="#">The Social Security Claims and Payments (Amendment) Regulations 2021</a> SI 2021/456	<a href="#">Minutes</a>	N	N	N
March 2021	<a href="#">The Social Security and Tax Credits (Miscellaneous and Coronavirus Amendments) 2021</a> SI 2021/495	-	Y	N	N/A - HMRC
March 2021	<a href="#">The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations 2021</a> SI 2021/476	-	Y	N	N
March 2021	<a href="#">The Social Security Up-rating Regulations 2021</a> SI 2021/312	-	Y	N	N
March 2021	<a href="#">The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Modifications) Regulations Northern Ireland 2021</a> SI 2021/14	<a href="#">Minutes</a>	N	Y	N

March 2021	<a href="#">The Universal Credit (Extension of Coronavirus Measures) Regulations 2021</a> SI 2021/313	<a href="#">Minutes</a>	N	N	N
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## A review of Covid-19 temporary measures: recommendations

### *Conditionality and the unwinding of easements*

1. DWP and DfC should publish a strategic policy on the purpose and extent of easements and discretion in current circumstances, along with the guidance to claimants, advice organisations and work coaches on how this policy objective can be delivered. That includes making clear the extent to which claimant concerns about working in unsafe environments would constitute ‘good cause’ for refusal to work. Implementing recommendation 4 in our 2019 report on “The effectiveness of the claimant commitment in Universal Credit” – to develop a more rigorous approach to monitoring discretion – will enable DWP and DfC to quality assure the extent to which conditionality is being applied appropriately.
2. DWP and DfC should:
  - a) identify how work coaches can be more proactive in ensuring that relevant information on claimant circumstances is identified as quickly as possible. This would help work coaches understand better the parameters of appropriate conditionality, discretion and easements, taking account of claimants’ caring responsibilities and how these are being affected by any school or childcare provider closures, health risks, triggers of vulnerability and local variations in employment opportunities and lockdowns. A more proactive approach that does not rely on claimants to volunteer information might include, for example, developing a set of ‘smart questions’ that all claimants can be asked.
  - b) support work coaches to identify claimants who are vulnerable to dropping out of the system in advance of any disengagement. This might involve enabling work coaches to access existing departmental data on claimant circumstances to determine the level of engagement needed, and working with local partners to keep informed on local school closures, lockdown requirements, etc.
3. DWP and DfC should communicate clearly with those whose pre-lockdown claimant commitments have not yet been updated to identify

what it is reasonable to expect them to do under their existing claimant commitment. DWP and DfC should also ensure that there is consistent treatment with those who have updated claimant commitments so that no sanctions are applied for something that would not be sanctionable under an updated claimant commitment.

4. DWP and DfC should publish guidance on how claimant 'vulnerability' might be determined in relation to Covid-19, keep this under review and continue to make clear to claimants the circumstances under which they can access face-to-face services. This may incorporate the need for specific training and guidance for work coaches, for example where easements or discretion are to be applied to circumstances involving domestic violence.

### ***Communications with claimants and stakeholders***

5. Where it is already in place, DWP and DfC should continue the good practice of ensuring regular updates on how policy and operations are reacting to the changing Covid-19 circumstances, through meetings with support organisations, supported by public communications on changes being made, using good communication to increase the transparency of decisions. Where this is not in place, DWP and DfC should establish the necessary communication networks to engage on regular updates on Covid-19 related changes in policy and practice.
6. DWP and DfC should:
  - a) prioritise effective individual claimant communications, ensuring that work coaches are supported in the additional effort that may be needed to go beyond standard communications.
  - b) develop a systematic approach to tracking the outcomes of a communication strategy, to help identify individuals who are dropping out of the system who may need further support.

### ***Determinations in an environment of social distancing***

7. The use of telephone ESA, UC and PIP assessments should be retained during the pandemic and claimants should be given the choice over their preferred method of assessment.

8. DWP and DfC should manage the delays in ESA, UC and PIP decision making by establishing maximum time periods during which assessments will take place and decisions made.
9. DWP and DfC should produce – and publish – an evaluation of decision making in ESA/UC and PIP to include a comparative analysis of case outcomes for telephone, paper-based and face to face assessments. This is vital, given that face to face assessments are not likely to be resumed for all claimants in the immediate future. We see this as also contributing towards the lessons that the Department has said it hopes to learn that could be further explored in its forthcoming Green Paper on health and disability.

An evaluation of recent decision making, including assessment outcomes and award recommendations, should also be conducted to ensure consistency and accuracy are maintained.

### *Clarifications to rules and easements*

10. DWP and DfC should develop a phased re-introduction of the MIF with advance notice – of at least one month – of its return given to potentially affected claimants.
11. That UC eligibility is aligned with the point at which the claimant becomes redundant, rather than with the (subsequent) point at which they receive their redundancy payment and that proactive communications on making a claim for UC provide clarity on how redundancy will be treated under UC.
12. DWP and DfC should clarify when payments under the SEISS (or any replacement scheme) might be treated as earnings or capital under UC.
13. The government should consider the impact of the pandemic on the ability of claimants to meet repayments and provide guidance on what exemptions or adjustments to overpayment recovery would be appropriate during the pandemic.

### *Housing exemptions*

14. The DWP and DfC should:



- a) Extend the current exemption from the Shared Accommodation Rate for 25-34 year olds who have spent at least three months in a homeless hostel to all under 35-year olds. This should be introduced for the duration of the pandemic as a minimum.
  - b) Bring forward, from 2023, plans to extend the exemption from the Shared Accommodation Rate for care leavers up to age 25 (currently available up to age 22 only).<sup>17</sup> In view of the ongoing Covid-19 outbreak, and the fact that youth unemployment will rise sharply in coming months, there is a compelling case to bring in this change immediately.
15. We previously recommended that the benefit cap should be increased or removed during the pandemic, to avoid the risk of homelessness. In the absence of this we note that those who had earnings of more than the earnings threshold in every month for the previous 12 months are given a nine-month grace period before the cap is applied. To avoid a situation where more of those who have been unable to do paid work continuously through the pandemic are subject to the benefit cap, we recommend that this exemption is made more generous. Ways of doing this include, for example, auto-crediting months during the lockdown as qualifying regardless of earnings or for the nine-month grace period to be substantially extended.
16. Local Housing Allowance rates should continue to be related to local rent levels so that, for example, UC claimants are not discouraged from moving to areas with growing employment opportunities where local rents are likely to grow faster. The Department should also make clear whether the permanent LHA increase is linked to 30<sup>th</sup> percentile on 2019 figures, or the 30<sup>th</sup> percentile for every year.
17. The government should consider the positive impact of the UC uplift in making a decision on whether or not it should be retained, at least partially, and the implications of removing the uplift when employment prospects for many claimants remain limited. If the uplift is removed, then it is very important this is clearly communicated to claimants in advance, so that they are not surprised when their income drops.

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<sup>17</sup> SSAC's Occasional Paper 20: Young People Living Independently (recommendation 5), May 2018 <https://www.gov.uk/government/publications/ssac-occasional-paper-20-young-people-living-independently>

## *Other issues*

### *Other benefits*

18. If part or all of the UC uplift is retained, then there should be an equivalent uplift for those on ESA and JSA and clarification on whether claimants would be better or worse off on UC.

### *Carer's Allowance*

19. The Department should review the support available to carers in recognition of the increased necessity and role of informal caring as a public health service, and that should include a review of Carer's Allowance and Carer Premium (in legacy benefits).

## Jobs and benefits: The Covid-19 challenge: recommendations

We make three sets of recommendations as steps towards improving the structure of the UK's system of benefit and employment support in the light of issues that the Covid-19 pandemic has highlighted. As already noted, these have not been costed because, in general, we are more concerned about the direction of travel than producing at this stage highly specified recommendations.

First, there are several ways in which the current system could be fine-tuned to make it more effective.

- The £16,000 savings rule in Universal Credit needs to be updated. Savings at that level debar receipt of Universal Credit whether the claimant is in or out of paid work. The limit has not been increased since 2006. Had it risen in line with prices it would be nearer £25,000. We recommend it is increased to £25,000. Funds held in a Lifetime ISA – a longer-term saving instrument – should also be exempt from the savings rule.
- The savings rule should then in future be indexed automatically each year so that its value is maintained over time. This should also apply to all other such thresholds and limits, including the household benefit cap, child benefit withdrawal points and local housing allowances, the last of which was frozen in cash terms in the autumn 2020 spending review.
- When individuals or households are debarred from Universal Credit by their savings, the government should much more actively – on its websites and in its contacts via Jobcentres – point individuals to the possibility that they may qualify for contribution-based JSA or ESA.
- The government should consider introducing a non-repayable 'starter payment' for new claims to Universal Credit, where a run-on of legacy benefits is not otherwise provided. Its precise level, and the steps needed to reduce the risk of fraud, still need to be debated and designed. But as with our recommendations for contributory-JSA below, this would provide a little more initial generosity in the face of unemployment, easing the five-week wait for the first payment and

reducing the need for, and scale of, repayable advances. The government has already conceded the principled need for such a payment in the two week 'run-ons' provided for existing claimants of non-contributory JSA, ESA, Income Support and Housing Benefit.

- Many benefit rates over the 45 years prior to the pandemic had fallen appreciably relative to average earnings and, in the last decade, in real terms. In some cases, they had reached historic lows. This is the long-term background that has led to arguments being made in favour of the 'temporary' £20-a-week (or £1,040-a-year) increase to the standard allowance in Universal Credit being made permanent. Allowing the increase to expire would doubtless be difficult for – and may well surprise – many recipients.

For understandable reasons of speed and simplicity the temporary Universal Credit increase was a flat rate amount. This means it is not as well targeted as it could perhaps have been if there had been more time available. In percentage terms, it is worth appreciably less to families with children than to childless singles and couples and there has been growing concern over poverty amongst in-work families. Therefore, we recommend that the level of support provided by Universal Credit to those out of work is carefully reviewed in the context of the government's objectives for reducing poverty. Any enhancement to Universal Credit should also apply to legacy benefits and (as set out below) to contributory benefits.

- As the unemployment costs caused by the pandemic start to fall, however, some of those savings could be used to adapt Universal Credit (and legacy benefits) to the changing needs of both claimants and the economy. They could be used, for example, to increase work incentives either by increasing the work allowances and/ or reducing the taper in Universal Credit and/or providing stronger incentives than Universal Credit currently does to encourage second earners: a move that would reduce in-work poverty.
- The pandemic has shown that the system can change effectively (and dramatically) if it needs to. In future, it should be much more open to continuous improvement, greater transparency and flexibility.

Second, the Covid-19 experience has shown that the approach for managing the return to employment and the sectoral shifts involved needs to be

systemic. There is a big policy and organisational question about how we deliver the return to employment; this is likely to be the most important emerging challenge in 2021.

- The differential impact of the pandemic on different sectors of the economy raises, to a higher level than usual, the need for re-skilling and re-training. Some people will need to change sectors. The UK has become unusual by international standards in no longer having a Ministry of Labour or its equivalent. Responsibilities for education, training and labour market policy reside in multiple different departments (including DWP, BEIS, DfE and MHCLG). Health issues lie with the Department of Health and Social Care and the NHS, while the Treasury has a clear interest in all aspects of labour market policy. Now is not the time for machinery of government changes. Departments understand the need to work together and are already doing so but a fully co-ordinated response is essential, especially around training and re-skilling. That could be achieved by either an inter-departmental joint committee or a cabinet committee.
- The already announced Kickstart (providing work subsidies for the young unemployed) and Restart (aimed at the long term unemployed) programmes are welcome. But a purely centralised response is unlikely to be fully effective. Jobcentres need to work even more closely with local government – with its knowledge of local labour markets and its ability, alongside the Jobcentres, to bring together employers, education providers and career advice services. To assist them, DWP should seek to provide, automatically, much more detailed data as swiftly as possible on the local Universal Credit claimant population – including information on last job held, gender, family make up, disabilities, and whatever information it holds about skills.

DWP should also learn from other countries that conduct audits of the digital skills of claimants, provide training to enhance them while also offering online and telephone delivery of careers advice that is available more widely than to just those claiming benefits.

- There will, as already noted, be a significant need for re-training and re-skilling, not just for Universal Credit claimants but for those who have lost jobs but whose savings debar them from benefits. Vouchers for training could help there, even though that will involve an element of ‘picking winners’ – that is, choosing the sectors to which they will apply,

while ensuring the eligible training is carefully regulated to make sure that it is of sufficient quality. In the past it has been made a condition of some local and central government contracts that individuals are taken on for training. That approach can be used again.

- The government is likely to have to enlist the independent sector in delivering 'welfare-to-work' programmes. It is crucial that DWP learns lessons from the experience of the Work Programme and from international evidence about how to contract effectively with external organisations – including ensuring that undue risk is not transferred to smaller organisations, whether for profit or not-for-profit. Getting the right balance between 'payment only for results' and service payments will be crucial.
- Greater conditionality should return within Universal Credit. But there should be flexibility locally in how and when that is applied. A constructive relationship between work coaches and claimants in finding not just any job but suitable jobs is likely to yield better enduring results for both individuals and the economy than merely enforcing work search conditions.

Finally, although this is our shortest set of recommendations, it is in many ways our overarching: that there should be a reassessment of what the benefit system is for and a re-adoption of the language of social security. Covid-19 has shown how important out-of-work benefits can be in the face of macroeconomic shocks for those with usually more secure jobs. The system – from low levels of benefit and tight restrictions of savings – has been found wanting by those who believe they have 'paid into' the system but have now lost higher-paying jobs or face losing them.

- It is time to re-adopt the language of social security in place of the widespread use of 'welfare'. Many of those who have already lost jobs had no reasonable prior expectation that was about to happen and that will be even more true in coming months. They will have an entirely reasonable expectation that they should receive at least a degree of security, rather than dependence on 'welfare'. It needs to be better understood that Universal Credit is designed to provide security not just to those who are unemployed but, in normal times, to much larger numbers who are in paid work. Universal Credit is not 'welfare'. It is part of a system of social security. A social security system for many who are in work, for those currently out of it, but also for those who face the risk

of unemployment when the next major shock hits. The language used to describe the benefit system affects attitudes and matters. It should change.

- Contributory JSA should be strengthened. First, the rate should not be below that provided by the standard allowance in Universal Credit. Second, contribution-based JSA should run for a year, not six months. This would bring it into line with contributory ESA, which is already paid for a year. This is in line with our view that both individuals and the economy would benefit from greater, but time-limited, generosity when people who have paid their NICs first fall out of work. There is evidence that the UK's flat-rate benefits lead to longer-term damage to both individuals and families – and potentially to the wider economy – than more earnings-related systems elsewhere. These changes would not make JSA an earnings-related benefit but they would provide a greater cushion against unemployment.
- Finally, we would note that the recommendations here to strengthen contributory benefits are modest. There is a case, which we would urge the government carefully to consider, for going appreciably further – without necessarily moving wholesale to the earnings-related systems that are common in Western Europe and Scandinavia. Consideration should also be given to how such a system might best work for the growing numbers of self-employed, many of whom are in relatively precarious roles in the labour market. Beveridge, in what became the founding document of the UK's post-war welfare state, judged that the British people wanted a 'something for something' system – benefit in return for contributions. That has been progressively eroded. The time has come to restore at least an element of that.

## How DWP involves disabled people when developing or evaluating programmes that affect them: recommendations

### Recommendation 1

Our primary recommendation is therefore that **DWP should develop a clear protocol for engagement**. This protocol should be **co-produced**. It should be applied consistently and comprehensively. It should cover both national and local engagement, and both policy and operational development and evaluation. It should be evaluated and improved over time. It should set out clearly:

- The principle that DWP will engage to the greatest extent possible in the prevailing context; setting out what models of engagement should be adopted in which circumstances.
- Principles about feedback and openness, so that disabled people know what they can reasonably expect when they are engaged by DWP.
- Principles for accessibility, so that disabled people with different impairments can have an equal voice.
- What DWP means by co-production and co-design, incorporating steering arrangements which give disabled people an influential say.
- How DWP will engage with different sorts of organisations, ensuring that user-led organisations, including small and local user-led organisations are actively engaged<sup>18</sup>
- A discipline for assessing whether DWP is hearing from a sufficiently wide variety of voices across the range of protected characteristics, and how it will proactively seek out people with particular experiences to remedy any gaps, for example people with experiences across the spectrum of different impairments, BAME disabled people with different heritages, homeless disabled people, disabled survivors of domestic violence – learning ways of doing it from best practice in government and in national health and social care organisations.
- A commitment that DWP will routinely provide feedback on the outcomes of engagement in terms of action taken, and engage disabled people in assessing whether changes have worked.

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<sup>18</sup> In line with the UN Convention on the Rights of People with Disabilities



## Recommendation 2

Having a protocol will not by itself solve the problem of trust. We have seen that organisations which involve citizens as part of their everyday way of working also demonstrate that they are doing so. We have seen that they are also often described as flexible, open, not defensive. These are terms which only some of our participants have used to describe DWP.

Sometimes Ministers and officials in DWP will need to have confidential discussions about contentious issues. But this should be a conscious choice, not the norm.

To demonstrate that this protocol is real, DWP needs to show that they are involving disabled people, and organisations of and for disabled people. It also needs ground rules which make openness the default position of officials.

**We therefore recommend that DWP routinely publish information about its engagement.** This should include not only terms of reference, membership and minutes of advisory groups, but also how citizens are involved in processes like user-centred design, the lessons that are learnt in that process and what has happened as a result. Where it is necessary that the content of discussions remain confidential DWP could, in line with the approach already taken by Ministers, quarterly publish a list of meetings and subjects discussed.

## Recommendation 3

There is no substitute for engaging with disabled people directly. Much of DWP's engagement on disability issues is with large organisations for disabled people. These employ policy professionals who understand how government operates, can draw on large amounts of data, and often have national networks. However, engaging with a third party, no matter how competent and well informed it is, is clearly not the same as listening and talking to disabled people. No organisation can speak for disabled people unless it is set up to do. There are also obvious risks that disparate voices will be filtered through the organisation's own policies

The Cabinet Office is setting up Regional Networks of disabled people and disabled people's organisations for Government to consult. Some of the Regional Chairs have helped DWP set up local listening events. Whilst the Network will remain an important avenue for DWP to engage with disabled people, the volume of DWP's business would overwhelm the network as it is currently constituted. An alternative would be frequent, large scale surveys and listening events and ad hoc exercises in which smaller groups of disabled

people are engaged in more intensive, longer term pieces of work. However, it can take time for individuals to develop the confidence and skills to enable them to contribute fully to complex discussions, so each discrete exercise might require its own period of capacity building.

**We therefore recommend that DWP recruit a large scale panel of disabled people with experience of social security which DWP can consult regularly, and draw from to work on detailed projects.** The panel should be sufficiently large that surveys using it produce valid results, but it should be weighted to include people with different life experiences who are often overlooked. In Scotland the equivalent panel has over 2,000 members. When asking panel members to join sustained pieces of work, DWP should support them with facilitators and capacity building as necessary. **DWP should also consider recruiting similar panels at local level to support Jobcentres.**

#### Recommendation 4

DWP has traditionally relied on face to face meetings for its engagement. This can not only reduce the amount of time available for meetings, but it can narrow the range of people who can easily attend. At national level this tends to mean people who can get to meetings in London and who are not phased or intimidated by a round table meeting format. The pandemic has shown that other IT-enabled ways of connecting with people are feasible and can increase accessibility.

**We recommend that DWP should make increasing use of publicly available, accessible, networking tools, including video-conferencing, to make meetings and other forms of contact more accessible to disabled people.** Officials who use such tools should be familiar with their accessibility features. Additionally, DWP should supplement these methods with other ways of reaching people who may not be able to use such technology, because the software does not work for them, or because of lack of skills, or good access to IT.

#### Recommendation 5

The services that DWP provides for disabled people are often delivered through third parties – e.g. for carrying out PIP and WCA assessments. It would not be right if involvement with disabled people stopped at the doors of third parties – particularly third parties which provide a crucial part of the interaction that disabled people have with the benefits system.

**We therefore recommend that DWP routinely build its principles of engagement into its contracting processes.** For example, by involving disabled people in co-designing contracts, the methods by which it evaluates bids, and potentially directly assisting it to evaluate bids. DWP might also build evidence of co-design into the way bids are assessed; and require user-experience metrics.

### **Recommendation 6**

It would be hard for DWP to build trust with disabled people if they experience significant barriers in their day to day dealings with the Department. Though we did not seek out evidence about accessibility we received a lot of examples where access needs were not adequately supported both in benefits like Universal Credit and in specific services for disabled people, like Access to Work.

We are therefore pleased that DWP is setting up a Reasonable Adjustment Forum on Accessible Communications to identify, test and recommend improvements to the services provided for those with accessible communication needs. **We recommend that DWP rapidly assess areas in which it needs to improve the accessibility of their services and make it a priority to implement solutions.**

### **Recommendation 7**

Much of this is about culture. Embedding this way of working is a major cultural change. Part of that shift in culture will involve seeing this way of working as not just a nice to have, but as improving the professionalism of policy and operational development as well as improving the department's evidence base. In these terms it is similar to longstanding changes in processes and ground rules which have improved government and DWP statistics, research and economic analysis.

But such cultural change has to be led from the top. There is no point in having the right policies if in practice they are not valued by the organisation or implemented consistently.

**We recommend** that DWP shows through its leadership actions and messages – from all leaders across the organisation - that involvement of people claiming social security, including disabled people, is central to the Department's responsive, learning culture which ensures that feedback is reviewed and acted on. We also recommend that the Department **builds its expectations about involving disabled people into its corporate**

**governance arrangements. The Executive Team should receive regular reports on progress. In addition, a non-executive member of the Departmental Board should be given responsibility to champion disability engagement and to have oversight of the progress being made, reporting back to the Board on the Department's performance at regular intervals.**

## The use of public funds in meeting the mobility needs of disabled people: recommendations

We recognise that there are no easy solutions here. Ensuring the mobility needs of all disabled people are supported, and that equal access to a private use vehicle via the Motability scheme is made possible are complex issues. Solutions will involve the cooperation of many agencies and further work still needs to be carried out to understand fully the issues highlighted in this report. Nevertheless, we believe that more can be done to support the mobility needs of disabled people, and more specifically improvements can be made to make it possible for more disabled people to access the Motability scheme.

We believe that the following recommendations would help deliver more effective utilisation of public funds in supporting the mobility needs of disabled people:

### *Recommendation 1*

DWP to work with the Cabinet Office's Disability Unit, the Department for Transport, the Ministry for Housing, Communities and Local Government and devolved governments to explore what can be done to promote equality of access by disabled people to bus services throughout the UK, regardless of time of day or region.

### *Recommendation 2*

DWP, in collaboration with colleagues in other government departments as appropriate, to explore the feasibility of extending to those who do not obtain a private vehicle via Motability advantages for broader transport options that are equivalent in value to the tax reliefs that those who do use Motability benefit from. This may include taxi schemes, buses on demand or other community bus schemes, as well as alternative vehicle lease providers to compete with Motability Operations.

### *Recommendation 3*

Although the PIP eligibility criteria and reassessment process are outside of the scope of this report, and were not included in the Committee's call for evidence, many respondents made reference to them in their submissions. Given the force of those comments, we suggest that the Department – in consultation with other government departments where appropriate – may wish to take the opportunity presented by an imminent Green Paper to

consider some of the practical and financial impacts of its policies and processes on claimants' ability to use the Motability Scheme. For example:

- reviewing the length of PIP awards (particularly for life-long and progressive conditions);
- reviewing eligibility criteria for PIP/DLA (in particular reviewing the ages at which a mobility element is not currently included in an award, and specifically considering whether there is merit in extending it to children under three and for some<sup>19</sup> who acquire a disability after state pension age);
- exploring whether the length of time between reassessment and appeal can be shortened to prevent those with an ongoing entitlement from losing their car and having to re-apply.

While acknowledging Motability's independent status, the evidence available to us suggests that there are opportunities for Motability to strengthen the equity, flexibility and transparency in the way it delivers its business. We therefore trust that the following recommendations are helpful.

#### ***Recommendation 4***

We strongly encourage Motability to develop a transparent strategy designed to make access to the scheme more equitable.

Motability Operations should place priority on using available resources to deliver an effective scheme that is equitable and as affordable as possible for users; and it should report any profits and projected profits transparently, with independent scrutiny.

Only in the event that Motability Operations makes one-off profits in future should it transfer funds to Motability the charity to dispense grants, and these grants should be planned and dispensed by developing with disabled people and their organisations a transparent strategy for grant-making.

#### ***Recommendation 5***

We recommend that Motability Operations develops a more flexible scheme/service in line with customers' needs, in particular focussing on:

- a more tailor made lease package
- variable lease lengths
- variable insurance options

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<sup>19</sup> For example, those who have deferred state pension

- better promotion of post lease car ownership coupled with the opportunity to purchase the vehicle at a competitive price.
- more environmentally friendly or electric vehicles available. Given Motability Operation's status as one of the largest buyers of new cars in the UK, we recommend they take a lead in making electric cars more widely available to all disabled people on the scheme.

### **Recommendation 6**

The evidence available to us indicates that, as the funding of the scheme has its origins in public money, there is considerable scope to address concerns about lack of transparency, accountability and engagement. We therefore strongly encourage Motability to:

- foster more systematic and inclusive engagement with disabled people across the country to strengthen its decision making for strategy and policy. We note that Motability carried out a major consultation exercise on its future strategy with disabled people and their organisations in spring 2019. However, there is scope for that engagement to go further, for example through the co-production of changes to key issues such as on the criteria for means tested grants and special vehicle funds.
- increase transparency in terms of strategy and the grants system.
- collaborate with DWP, the Financial Conduct Authority, National Audit Office and the Charity Commission to ensure greater confidence in the use of public funds through robust arrangements regarding the scrutiny, transparency and accountability of the organisation and its finances (including its reserves policy); and to ensure the efficient and effective running of the Motability scheme.

### **Recommendation 7**

We recommend that Motability and Motability Operations consider what practical steps they can take to improve their services for customers, including:

- reviewing options for strengthening the communications approach to promote the Motability scheme better, ensuring accessibility of information for all disabled people through clear and well signposted websites.
- publishing clear criteria regarding eligibility for the grants scheme, ensuring that its availability is promoted in an accessible way.

- greater flexibility for mileage limitations to ensure that they do not unduly penalise those who live in rural areas or who need to travel long distances for work and/or education.
- greater accountability for the treatment of customers at Motability dealerships, ensuring improved and more consistent treatment of disabled customers.



## Committee membership during 2020-21

### Committee Membership

Dr Stephen Brien (Chair)<sup>20</sup>

Liz Sayce OBE (Interim Chair)<sup>21</sup>

Bruce Calderwood

David Chrimes<sup>22</sup>

Carl Emmerson

Chris Goulden

Kayley Hignell<sup>23</sup>

Phil Jones

Dr Jim McCormick<sup>24</sup>

Professor Gráinne McKeever

Dominic Morris

Seyi Obakin OBE

Charlotte Pickles

Victoria Todd<sup>25</sup>

### Committee Secretariat

Denise Whitehead (*Committee Secretary*)

Nishan Jeyasingam<sup>26</sup>

Jaishree Patel

George Watley<sup>27</sup>

Richard Whitaker<sup>28</sup>

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<sup>20</sup> Dr Stephen Brien took up his appointment on 14 September 2020

<sup>21</sup> Liz Sayce was interim Chair between 1 April-13 September 2020

<sup>22</sup> David Chrimes stood down from the Committee on 15 June 2020

<sup>23</sup> Kayley Hignell took up her appointment on 1 June 2020

<sup>24</sup> Dr Jim McCormick stood down from the Committee on 31 October 2020

<sup>25</sup> Victoria Todd stood down from the Committee on 15 June 2020

<sup>26</sup> Up to 5 February 2021

<sup>27</sup> Up to 18 December 2020

<sup>28</sup> From 1 February 2021

## SSAC members: biographies

### Dr Stephen Brien (Chair)

Dr Stephen Brien was appointed as Chair of the Social Security Advisory Committee in September 2020.

Stephen is Director of Policy at the Legatum Institute. In addition to overseeing all the Institute's policy programmes, his research focuses on the socio-economic drivers of prosperity around the world. Stephen is also passionate about finding solutions to reduce poverty and improve the lives of the most vulnerable in the UK. From 2015-17, Stephen was an advisor to governments in both the Middle East and sub-Saharan Africa. He has been a Director at Social Finance; and he also advised the UK Department for Work and Pensions from 2010 to 2013. Prior to joining DWP, Stephen spent 15 years at Oliver Wyman, where he was a Partner, and served a term as the head of its London Office. He is the author of Dynamic Benefits (the blueprint for Universal Credit) and Outcome-based Government.

### Bruce Calderwood

Bruce Calderwood 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 is a specialist adviser on inspections of mental health trusts for the Care Quality Commission.

Bruce joined the Committee in 2016.

### Matthew Doyle

Matthew Doyle holds a number of non-executive roles across commercial, not for profit and charitable sectors which have provided him with knowledge and experience on how the social security system is accessed by individuals and families. He also consults on ESG and corporate governance to asset owners.

Matthew's areas of interest include: financial inclusion; digital access; social care & housing; and mental health & wellbeing. Previously he had an executive career in financial services across corporate finance, corporate recovery, asset management and pensions developing analytical and relationship skills.

Mathew joined the Committee in 2021.

## **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.

Carl was appointed to the Committee in 2016.

## **Chris Goulden**

Chris is Director of Impact & Evidence for Youth Futures Foundation. Prior to that, for 17 years, he worked in and then led the research function 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.

Chris joined the Committee in 2012.

## **Kayley Hignell**

Kayley is the Head of Policy for Families, Welfare and Work at Citizens Advice. Prior to joining the national Citizens Advice team Kayley was a frontline adviser at Leeds Citizens Advice where she gave advice on all issues including benefits, debt and housing. She has continued to volunteer as an adviser alongside her policy roles. Kayley has also spent time on secondment to DWP where she worked to bring frontline experience into the early design of Universal Credit.

Kayley joined the Committee in 2020.

## **Philip Jones**

Phil was appointed as Prince's Trust Cymru Director in June 2016. Previously, Phil was the Wales Area Manager for The Royal British Legion during the time of the charity's transformation. Previously, he had served in the Armed Forces for over 25 years as an officer in The Royal Welsh. His roles included overseeing the delivery of combat and leadership training, media and strategic communications, and planning and delivering intelligence training both in the UK and abroad. Phil's family hail from Lampeter and Llandullas. He was born in Bicester, Oxfordshire and attended Lord Williams's School, Thame, before being commissioned into the Royal Welsh Fusiliers in 1986.

Phil joined the Committee in 2018.

## Prof Gráinne McKeever

Gráinne McKeever 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. Gráinne is also a former executive director and Chair of the Law Centre, Northern Ireland, a not-for-profit specialist advice organisation.

Gráinne joined the Committee in 2014.

## Seyi Obakin OBE

Seyi Obakin OBE 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 [Non-executive Director of HM Prison and Probation Service](#).

Seyi joined the Committee in 2014.

## Charlotte Pickles

Charlotte (Charlie) Pickles is Director at Reform. She was previously Reform's Deputy Director and Head of Research. Prior to returning to Reform, Charlie was Managing Editor at UnHerd.com, the comment and current affairs site.

Charlie has worked in a variety of roles covering:

- working age welfare and pension reform
- criminal justice
- poverty and social exclusion
- service delivery

During the coalition government she was Expert Adviser to Rt Hon Iain Duncan Smith MP, then Secretary of State for Work and Pensions. Before that she was Policy Director at the Centre for Social Justice. Charlie has also spent time working as a management consultant in the public sector practice of a global consultancy firm. Charlie is also a member of the NHS Assembly.

Charlie was appointed to the Committee in 2016.

## Liz Sayce

She 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
- 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 Disability Advisory Committee of the Equality and Human Rights Commission; and
- a Trustee of Action on Disability and Development

She chaired a Commission on Equality in Mental Health, convened by the Centre for Mental Health, from 2019-21.

Liz was appointed to the Committee in 2016.

## Register of business interests

Member	Interests <sup>29</sup>
Dr Stephen Brien	Director of Policy, Legatum Institute Member of the Social Metrics Commission Commissioner, No Place Left Behind Technical Adviser, Poverty Strategy Commission
Bruce Calderwood	Specialist adviser to the Care Quality Commission inspections Trustee of Avenues Group, a charity providing services to people with complex needs
Matthew Doyle	Chairman, Money Matters Community Bank Chair, The Adolescent and Children's Trust Non-Executive Director, Pegasus Community Housing Trust Membership, Royal Society for the Arts Manufactures and Commerce Consultancy (HFLI Management Ltd, British Telecom Pension Scheme)
Carl Emmerson	Deputy Director of the Institute for Fiscal Studies Advisory board member of the Office for Budget Responsibility
Chris Goulden	Director of Impact and Evidence, Youth Futures Foundation Member of the Social Policy Association Member of the NESTA Rapid Recovery Challenge Judging Panel Member of the Social Research Association Member of the UK Evaluation Society

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<sup>29</sup> As at 1 August 2021

Kayley Hignell	Head of Policy (Families, Welfare and Work), Citizens Advice
Phil Jones	Director, The Prince's Trust Cymru
Professor Gráinne McKeever	Professor of Law and Social Justice at Ulster University Academic panel member of the Administrative Justice Council Chair, Expert Panel Review of Discretionary Support in Northern Ireland
Seyi Obakin OBE	Chief Executive, Centrepoin Non-executive director of the London Fire Brigade
Charlotte Pickles	Director, Reform Member of the NHS Assembly Member, Poverty Strategy Commission Trustee, Local Trust Partner is a Member of the UK Parliament
Liz Sayce OBE	Visiting Senior Fellow at the London School of Economics Member of the Equality and Human Rights Commission's (EHRC) Disability Advisory Committee Trustee, Action on Disability and Development Member, Advisory Board of the Royal Society of Arts, Manufacture, and Commerce's Future of Work Programme Occasional consultancy in relation to disability and health

## Attendance at Committee meetings 2020-21

	April 2020	May 2020	June 2020	July 2020	September 2020	October 2020	November 2020	December 2020	January 2021	March 2021
Stephen Brien <sup>30</sup>					✓	✓	✓	✓	✓	✓
Bruce Calderwood	✓	✓	✓	✓	x	✓	✓	✓	✓	✓
David Chrimes <sup>31</sup>	✓	✓								
Carl Emmerson	✓	✓	✓	x	✓	✓	✓	✓	✓	✓
Chris Goulden	✓	✓	✓	✓	✓	✓	x	x	✓	x
Kayley Hignell <sup>32</sup>			✓	✓	✓	x	x	x	x	✓
Phil Jones	✓	✓	✓	x	x	✓	✓	✓	✓	✓
Jim McCormick <sup>33</sup>	x	x	x	x	x	✓				

<sup>30</sup> Dr Stephen Brien was appointed at SSAC's Chair on 14 September 2020

<sup>31</sup> David Chrimes and Victoria Todd stood down from the Committee on 15 June 2020

<sup>32</sup> Kayley Hignell was appointed to the Committee on 1 June 2020. She was on maternity leave from October 2020 to March 2021.

<sup>33</sup> Dr Jim McCormick stood down from the Committee on 31 October 2020



Grainne McKeever	✓	✓	✓	✓	✓	✓	✓	x	✓	✓
Dominic Morris	✓	✓	✓	✓	x	✓	✓	x	✓	✓
Seyi Obakin	✓	✓	✓	✓	x	✓	✓	✓	✓	✓
Charlotte Pickles	✓	✓	✓	✓	✓	✓	x	✓	✓	✓
Liz Sayce	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Victoria Todd <sup>34</sup>	✓	✓								

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<sup>34</sup> Victoria Todd stood down from the Committee on 15 June 2020.

## Fees and expenses paid to Committee members in 2020-21

	Travel					Subsistence	Fees	Total
	Air	Rail/tube	Taxi	Car & car parking	Hotel			
Stephen Brien <sup>35</sup>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£12,038.87	£12,038.87
Bruce Calderwood	£0.00	£0.00	£0.00	£0.00	£0.00	£82.77	£12,189.44	£12,272.21
David Chrimes	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£821.76	£821.76
Carl Emmerson	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£3,560.96	£3,560.96
Chris Goulden	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£3,449.68	£3,449.68
Kayley Hignell	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£462.24	£462.24
Philip Jones	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£5,820.80	£5,820.80
Jim McCormick	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£727.60	£727.60

<sup>35</sup> Stephen Brien took up post as SSAC Chair on 14 September 2020. The Chair's annual remuneration is £22,000.

Grainne McKeever	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£4,913.44	£4,913.44
Dominic Morris	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,416.68	£1,416.68
Seyi Obakin	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£3,346.96	£3,346.96
Charlotte Pickles	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£3,098.72	£3,098.72
Liz Sayce <sup>36</sup>	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£2,473.84	£12,434.93
Victoria Todd	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£924.48	£924.48

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<sup>36</sup> Liz Sayce was interim Chair from 1 April until 13 September 2020. Of the total amount of fees paid, £9,961.09 relates to her role of interim Chair. The annual remuneration for that post is £22,000.

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

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