

22 May 2019

**Social Security Advisory Committee
Minutes of the meeting held in room 5.21/5.22
Caxton House, Tothill Street, London, SW1H 9NA**

Chair: Sir Ian Diamond
Members: Bruce Calderwood
David Chrimes
Carl Emmerson
Philip Jones
Jim McCormick
Dominic Morris
Seyi Obakin
Charlotte Pickles
Liz Sayce
Victoria Todd

Apologies: Chris Goulden
Grainne McKeever

1. Private Session

[RESERVED ITEM]

2. Universal Credit: consent

2.1 The Chair welcomed Richard d'Souza (Deputy Director, Universal Credit Strategic Design and Planning) and Lewis Childs (Universal Credit, Product Strategy and Design) to the meeting. The purpose of the session was to discuss developments to date on the joint DWP/SSAC action point set out in the Government response to the Committee's report in UC managed migration, and to agree next steps.

The Committee's recommendation:

...that the concept of 'implicit consent' which applies in legacy benefits should be extended to Universal Credit, but with appropriate safeguards in place to ensure that personal data held by the Department are not compromised. This Committee would be willing to work with the Department and other interested parties to identify what those safeguards should be. This work should be completed, and conclusions published, by the end of March 2019.

The Government's response:

We ... agree to explore options for improving the process of explicit consent in relation to Universal Credit in collaboration with the Social Security Advisory Committee to consider how current practices could be enhanced and to publish a report on our joint conclusions.

2.2 Introducing the item, Lewis Childs noted that, in designing a future approach for consent in Universal Credit, the Department was striving to achieve the right balance between:

- the security of data held on DWP's systems;
- the claimant's ownership of their claims; and
- ensuring that vulnerable claimants can be effectively supported.

There was no dominant factor in the above list, although this might vary on a case by case basis. It was noted that the Department's staff attached particular importance to the need to safeguard the personal data held on DWP's system.

2.3 Lewis briefly outlined the existing arrangements for consent. He noted that Universal Credit claimants were responsible for their own data via on-line accounts, which held a wide range of information on housing, family status, work activity and historical information about their claim. The claimant was able to show the account to family members or support workers if they wished to do so. An appointee could be appointed to manage the affairs of claimants where that was appropriate. However, if a claimant could manage most of their account, but needed support with a particular aspect of it, they could give permission (explicit consent) to someone to manage it on their behalf. Consent can be given verbally (face to face or by telephone), or via a message in the journal on the claimants on-line account. This consent would expire once the specific issue had been resolved or at the end of the following assessment period. The Department was in the process of reviewing the process, and would be undertaking research which reflected the perspectives of both the claimant and the person providing support.

2.4 The Department was also developing its response to correspondence from the Information Commissioner which sets out the following observations:

- **Consent in Universal Credit was overly restrictive:** the Department did not accept this on the basis that its approach was not dissimilar to other organisations, for example medical and financial institutions.
- **There was a need for flexibility when interpreting consent based on the circumstances of specific cases:** the Department's view was that, while its policy started from a position of consent, it was clear that there would be exceptions to that. For example, this would be the case where it was clear

that a claimant with complex needs or where a child faced clear and significant risks to their welfare.

- **The ban on the discussion of specified data with representatives was likely to require a caveat for occasions when the specified personal data is the direct subject of the matter being raised by a representative:** the Department agreed that this was a complex issue and would form part of the research being undertaken to help improve current processes and guidance.
- **The Department should consult on its policy and supporting guidance to ensure it works at a practical level for individuals, their representatives and for the Department's operational staff:** the Department was in agreement with this point, conceding that working with representatives was the most effective way of developing and improving processes and guidance.

A copy of the response to the Information Commissioner would be shared with the Committee once it had been signed off by DWP officials.

[Lewis gave a demonstration of the prototype at this point]

2.5 The following main points were raised in discussion:

- (a) **To what degree is your stakeholder consultation designed to develop something that will work for claimants and their supporters, or are you simply seeking validation of the prototype in development?**

The Department does not have a fixed position. The intention is to conduct research and then share the findings with stakeholders and ask them to share their own experiences and perspectives which will help inform the eventual design. The outcome must, of course, reflect the need to ensure that the security of customer data is not compromised.

- (b) **Are the sessions designed around a presentation of the prototype, rather than engaging with stakeholders about what they need and the challenges they currently face?**

The Department has been using the prototype as a framework for discussion only. Experience suggests that starting with a blank sheet of paper can be too challenging for some, and lead to poor and/or unfocused outcomes.

- (c) **In terms of stakeholder consultation, what other engagement had taken place beyond the session arranged by Centrepoin¹?**

The Centrepoin workshop was the only one that had taken place to date, with one further event arranged for June. The Department would welcome the Committee's support in engaging a broader range of stakeholders.

¹ Arranged by SSAC member Seyi Obakin in his capacity as Centrepoin CEO.

- (d) **Do you have a typography of vulnerable situations which you would like to understand better? It would be important to cover all bases, including those with more marginal vulnerabilities such as those with chaotic lives.**

The research would cover a sample of many different user groups and would include those with chaotic lives and their support workers alongside less 'vulnerable customers'.

- (e) **There might also be claimants in vulnerable situations on a temporary basis, for example because of bereavement, divorce or moving house. The Department should consider undertaking some research around life events, and commissioning some thoughtful partners to help take this forward.**

Noted. There would also be some merit in considering geographical diversity.

- (f) **What is the rationale for 'switching off' the consent after a limited period? Surely a decision about the degree to which they want ongoing support would be a matter for the individual. Some may simply want support to help them get to the first payment of benefit, but others may want ongoing support from, say, a family member. Is ongoing consent an option that remains on the table?**

The Department remains open to the idea of open ended consent. At the same time, it was important to ensure that those who wanted time-limited support on a specific issue only were able to arrange that.

- (g) **There were a number of scenarios that could be built into the system to trigger a review, for example consent could be removed at the point at which a claimant moves house.**

The Department would want to ensure that effective protection of this nature were in place if it were to offer open ended consent. That type of scenario would form part of the research and design piece

- (h) **In terms of the joint action point set out in the Government's response to the Committee's managed migration report, what do you need from SSAC? It cannot be presented as a piece of work where we are co-designing the outcome, but how can SSAC add value to the process? What is the timetable for completing the work?**

The Department would welcome intelligent challenge from the Committee and from its stakeholders in focus group discussions. The Department was keen to gain access to service users and expert users, therefore any support the Committee could provide in this respect would be very helpful. The Department would share a timetable for the remaining stages of the work with the Committee.

- 2.6 Summing up the discussion, the Chair thanked Richard d'Souza and Lewis

Childs for their presentation and for responding to the Committee's questions. He said that the Committee would help in putting them in touch with a range of relevant stakeholders and, in the first instance, would arrange a workshop so that an initial discussion of the issues could take place. A public statement of the Committee's engagement in this process should be made after that initial session had taken place.

2.7 To ensure that progress could be made outside of the main Committee meetings, a sub-group of SSAC members would be established to act as a more agile focal point for the Department.²

3. Private Session

[RESERVED ITEM]

4. Current Issues and AOB

Postal Regulations

4.1 The Committee agreed that the following draft regulations could proceed without a requirement for formal reference:

- *Personal Independence Payment (Transitional Provisions (Amendment) Regs 2019*
- *Child Benefit and Child tax Credit (Amendment) (EU Exit) Regulations 2019*
- *Social Security (Income-Related Benefits) (Updating & Amendment) (EU Exit) Regulations 2019*

4.2 The Chair asked the Committee Secretary to notify the relevant officials of the Committee's decision.

Date of next meeting

4.3 The next meeting was scheduled to take place on 19 June at Caxton House.

² The sub-group membership was subsequently confirmed as: Carl Emmerson; Jim McCormick; Seyi Obakin and Victoria Todd.

Attendees

Guests and Officials

Item 2: Richard D'Souza (Deputy Director, UC Programme)
 Lewis Childs (UC Design Team)