

The Rt Hon. Sir Stephen Timms MP  
Minister for Social Security and Disability  
Caxton House  
Tothill Street  
London  
SW1H 9NA

12 February 2026

Dear Sir Stephen,

**The Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026**

At its meeting on 21 January, the Social Security Advisory Committee undertook its statutory scrutiny of the above regulations, which enshrine within legislation the existing rules – currently delivered through guidance.

Our understanding of the policy intent is for this change to encourage disabled working age people to try work without the fear of repercussions to their benefit award, through the reassessment of their health condition for benefit purposes.<sup>1</sup>

The Committee recognises that a fear of reassessment represents a long-standing barrier preventing many disabled people and people with health conditions from taking steps towards work. We also acknowledge the concerns that have been raised that the fear of losing benefits, or being reassessed unfavourably, can overshadow the potential benefits of trying work. Indeed, this is an issue that the Committee itself raised in 2022.<sup>2</sup> We therefore welcome the Government's intention to address these concerns through the development of a 'Right to Try' policy.

We also acknowledge the broader context within which these regulations are positioned. Supporting people to build confidence, skills and capability for work is central to improving health, wellbeing and longer-term financial security, and forms part of the Government's broader reform agenda. The Committee recognises the opportunity that well-designed policy has to deliver meaningful improvements in claimant experience and participation.

However, as you will be aware, the Committee's starting point for its scrutiny of all regulations is to assess the extent to which the material impact of regulations

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<sup>1</sup> This delivers the 2024 Labour Party manifesto commitment to give "*disabled people the confidence to start working without the fear of an immediate benefit reassessment if it does not work out*".

<sup>2</sup> [Out of work disability benefit reform \(2022\)](#)

delivers against the stated policy intent.<sup>3</sup> After careful consideration of the draft proposals and the evidence presented to us throughout the scrutiny process,<sup>4</sup> the Committee has concluded that the regulations as drafted do not provide the clarity or assurance needed to achieve their intended purpose. The limited scope of the amendments, and the ambiguity that remains around the treatment of work-related activities short of starting work, risk undermining claimant confidence - which the policy seeks to strengthen.

**Accordingly, we have decided to take these regulations on formal reference, under section 172(1) of the Social Security Administration Act 1992.** In doing so, the Committee considers it important to outline the main considerations that informed this decision and that will shape our next steps.

#### *Relationship between the policy intent and the effect of the regulations*

The Committee recognises the Government's aim of offering clearer reassurance to claimants who wish to explore work. However, restricting the amendment solely to the removal of 'starting work' as a reassessment trigger does not address the broader framework within which work-related activities may still be used as evidence of changed functional capability. We are concerned that claimants may not distinguish meaningfully between starting work and engaging in preparatory or exploratory work-related activity. Without clearly defined parameters governing how such activities will be treated, many claimants are likely to continue perceiving reassessment as a potential risk. We therefore consider it important to explore how the Department expects the regulatory change to operate in practice, how it will be communicated, and whether further measures may be needed.

#### *Clarity on change of circumstances and the operational framework*

The Committee is concerned that claimants may find it difficult to understand what constitutes a change of circumstances capable of triggering a reassessment, especially with respect to activities undertaken in the context of having taken up work. Without clearer criteria - and clarity of how work-related activities will be interpreted - there is a risk that the policy could fail to achieve the intended improvement in claimant confidence. We are therefore keen to understand how the Department intends to define, communicate and operationalise these criteria, and how consistency will be ensured across delivery.

#### *Consideration of alternative approaches*

The Department did not provide evidence that a full range of options was explored during policy development. In particular, it would be helpful to understand whether the Department considered time-limited protections, clearer exemptions for low-intensity or exploratory activity, strengthened linking rules, or lessons drawn from comparable systems. A clearer articulation of these points is required to help assess

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<sup>3</sup> We are awaiting clarification from the Department of an explicit articulation of the policy intent.

<sup>4</sup> Including the additional information provided on 5 February in response to our follow up questions to the Department on 23 January.

the degree to which the chosen approach is robust, proportionate and likely to achieve the intended effect.

### *Evidence base, assumptions and likely behavioural impacts*

Given the central importance of claimant confidence to the policy's success, greater clarity is required about the behavioural assumptions underpinning the proposals. It is not yet clear how claimants - especially those with fluctuating or complex conditions - are expected to interpret the amendments, nor how the Department has assessed the risk that claimants will still fear that undertaking work-related activities might lead to reassessment. We remain unconvinced that the planned communications approach alone will be sufficient to shift entrenched concerns, or whether deeper structural changes may be required to give claimants the reassurance the policy aims to provide.

### *Understanding of affected claimant groups*

It is important to understand which groups are most likely to be affected by the proposed change. This includes individuals with fluctuating conditions, those whose functional limitations vary depending on the nature of the work activity, and Personal Independence Payment (PIP) only claimants whose assessment triggers differ from those relating to Universal Credit or Employment and Support Allowance. A fuller understanding of these groups is required to support the Committee's assessment of proportionality, likely impacts and potential unintended consequences.

### *Structural and legislative considerations*

The Committee notes that the draft regulations do not modify the fundamental legislation underpinning Limited Capability for Work, Limited Capability for Work-Related Activity or PIP assessments. This may limit the degree of reassurance that can be achieved through these regulations alone. We would therefore like to have a greater understanding of the structural constraints that the Department considers apply in this area, as well as any alternative legislative or guidance options that may have been considered.

### *Next steps*

The Committee is mindful of your commitment to Parliament that these proposals will be implemented by April 2026, and we will endeavour to provide our final report as quickly as possible. Given the considerable evidence the Department has already gathered through its consultation and collaboration committees – coupled with our own stakeholder discussions when we explored this issue in 2022 – we do not plan to issue a call for evidence on this occasion. Instead, we will have a more targeted engagement with organisations and individuals on issues where we consider there to be evidence gaps.

We will keep the Department informed as this formal reference progresses. To support the early completion of our work, we would welcome any further analysis, evidence or modelling the Department can share, including material relating to behavioural assumptions, claimant segmentation, stakeholder input and the rationale

underpinning the proposed approach. I would, of course, be happy to discuss any aspect of this letter with you if that would be helpful.

In closing, I would like to express my thanks to Graeme Connor and his team for presenting these regulations to the Committee on 21 January, and for the constructive and open engagement throughout our scrutiny of the proposals. I am grateful for the clarity, professionalism and candour with which your officials have supported our work.

A copy of this letter goes to the Secretary of State, The Baroness Sherlock OBE, Bill Thorpe and Graeme Connor.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Brien'. The signature is fluid and cursive, with the first name 'Stephen' and the last name 'Brien' clearly distinguishable.

Dr Stephen Brien  
SSAC Chair