

MINUTES OF MEETING HELD AT NEW COURT ON 1 AUGUST 2007

Present: Chair: Sir Richard Tilt

Members: Mr K Akuffo
Mr L Allamby
Mr S Bartley
Mrs B Campbell
Dr A Erskine
Mr R Excel
Ms A Garnham
Professor E Kempson
Mr L Naumann
Professor A Ogus
Professor J Walker
Professor R Walker

DWP Officials: Ms D Wells (item 3)
Ms B Kelly “
Ms S Fordyce “
Mr A Brittan “
Mr A Pateman “
Mr A Armstrong (item 4)
Ms N Armstrong “
Mr L Walters (items 5 & 6)
Mr P Mackrell (item 5)
Mr P Keen (item 6)
Ms L Fullarton “
Ms C Wilson “
Mr S Brooke (Items 6 & 7)
Mr M King (item 8 & 9)
Ms I MacDonald (item 8)
Ms M Daly “
Ms P Bradshaw “
Ms B Walsh “
Mr D Walsh “
Mr D Fryer “
Ms L Da-Silva “
Mr N Owen (item 9)
Mr L Mahmood “
Mr J Barrett (item 10)
HMRC official: Mr P Hannick (item 6)

Observers: Ms R Foster, Ms G Davies, Mr T Short, Ms J Corkett, Ms L Collinson

Apologies: Ms P Smail

1. Minutes of meeting on 6th & 7th June and matters arising

1.1 The minutes of the June meeting were agreed.

2. Chairman's Report

2.1 Following the change of Ministers it was hoped that the new Secretary of State might attend SSAC in November. The **Chair** had met Caroline Flint, Minister of State, who had been invited to the SSAC stakeholder event. They discussed the paper on call charges, and Child Care.

2.2 *[reserved item]*

2.3 The **Chair** and **Secretary** had met the sponsor team to discuss the Committee's involvement in "6 month" regulations. The sponsor team agreed to discuss with lawyers possible ways forward. It was noted that the Lords debate on sanctions in Housing Benefit had drawn on SSAC's comments.

2.4 **Angus Erskine** had attended the DWP Forum where there were presentations by Ministers and Phil Wynn Owen, discussions about the importance of localism, decentralisation and the role of the private sector, and also a discussion about the Department's aspiration to have one phone number to give answers to the full range of queries.

2.5 The **Chair** said that there had been a good response to the Committee's paper on call charges.

2.6 There had been correspondence with the new Director of DWP Communications, who had suggested that the current vacancy on the SSAC secretariat should be filled to continue to handle the Committee's work in relation to information products. **Members** discussed the difficulties in handling this work and whether it was appropriate for SSAC. The **Secretary** explained that it was unlikely that Comms would be able to comply fully with the provisions of the SSAC Business Guide. It was agreed not to fill the vacancy for the time being and to await the outcome of the Review of SSAC's role regarding information products.

2.7 The Committee's Work Programme had been modified to accommodate a response to the July 2007 Green Paper "In work, better off: the next steps to full employment". **Members** were asked to send contributions to **Anna Bee** by the end of August. A response would be drafted by the end of September to be discussed at the October meeting.

2.8 **Anna Bee** said that she would draft a paper on seasonal workers and their relationship with benefits and tax credits. She also drew the attention of members to a tabled paper on the proposal for a project on Carers' Benefits. The Government had recently announced a cross-departmental review of strategy as part of the New Deal for Carers. It was agreed that, instead of pursuing its own project, SSAC should write offering to support the review

with advice. The **Secretary** agreed to check whether the review covered all of Britain.

2.9 The **Secretary** said that the June 2008 meeting was currently scheduled to run from 3pm on the 4th June to 12.00 on the 5th.

2.10 **Members** had been circulated with copies of emails from a correspondent raising a number of points about the legislation dealing with the 'freezing' of the retirement pensions of certain pensioners living outside the UK. In discussion, **members** noted that it appeared highly unlikely that Government policy with regard to these pensions would be changed. Looking at the history of the 'freeze', it was evident that lobbyists were exploring every avenue for challenge, including a case to the ECJ. **Members** recognised the difficulties faced by some pensioners living abroad but within the context of the limited resources available to devote to the Committee's independent work programme, it was not thought to be a good use of time for SSAC to pursue this matter further.

2.11 **Members** said that there was evidence of problems in Scottish delivery centres when refugees are granted leave to remain status by the Home Office. They are allowed a four week period after which they are expected to receive DWP benefits. In Scotland the Refugee Survival Trust has received increasing demands on its fund from refugees without money because of delays in paying social security benefits. Refugees do not have family support to fall back on and there are problems in obtaining National Insurance numbers. The **Secretary** suggested that such problems might not be on the same scale across the UK. However she would put the problem on the agenda for the next Jobcentre Plus Stakeholder Group meeting. **Members** added that, where there are delays in paying benefits, the use of Crisis Loans to fill the gap is standard. The **Chair** said that the Independent Review Service had complained about the operation of Crisis Loans and the position had been improved by using spare staff in contact centres who were now dealing with them by phone. **Members** said that Crisis Loans were not intended for bridging gaps in the benefits system. This practice takes money away from cases with genuine crises.

2.12 *[reserved item]*

3. The Local Housing Allowance Regulations 2007 – paper 23/07

3.1 **Ms Wells** introduced this package of regulations, which had been put to the Committee under the terms of the trial of its strengthened role in relation to regulations excluded from statutory scrutiny under the terms of the 'six months rule'. Following testing and evaluation in 18 'pathfinder' areas, the local housing allowance (LHA) has been modified and is to be rolled out nationally. **Ms Wells** invited questions, and **Members** raised a number of points about the scheme.

3.2 With regard to monitoring, would the impact of Broad Rental Market Areas (BMRAs) and how Rent Officers (ROs) interpreted them be looked at in

the national context? What would happen if ROs locally behaved perversely? Officials indicated that similar considerations applied to the BRMAs and to the 'localities' that they will supersede. ROs will keep the BRMAs under review but it is thought unlikely that problems will arise. The Department will carry out a full review of the LHA within two years and any local issues would be picked up and dealt with locally as they arose.

3.3 With regard to the memorandum, had the numbers of 'gainers' identified in paragraph 20 of the memorandum been drawn from modelled data? Officials confirmed that they had, and in response to questions about the lack of a complexity statement noted that some complexity was probably unavoidable in such technically difficult sets of regulations. **Members** went on to observe that the introduction of the number of bedrooms as the main criteria for determining entitlement brings with it a specific new sort of complexity. The regulations must detail the different kinds of rooms, an example being regulation I3D where there appears to be a risk of ambiguity in the cross-references. It was suggested that some clarification might be required. **Members** also pointed to a minor drafting errors in regulation 13ZA(i) and Annex A sub-paragraph 11 and questioned the use of the term 'entitlement' in respect of the numbers of bedrooms for specific persons. The latter seemed over-authoritarian. The rules for Pension Credit appeared to incorporate the 'single person under age 25 provisions' and an explanation was requested.

3.4 Officials acknowledged that the regulations dealing with numbers of bedrooms appeared complex but pointed to the system ultimately being simpler for the customer to understand when set against a property market that expresses property types in terms of the number of bedrooms a property offers. **Members** queried whether this would be the case (for example, how easy would it be for a single person to find out what LHA s/he would be entitled to?) and whether this approach might offer scope for manipulation by means of re-definition by unscrupulous landlords. Officials responded by pointing to the information available locally and the operation of the market ensuring that prospective tenants would recognise where property was being marketed dishonestly.

3.5 Turning to other aspects of the package, **Members** welcomed the continuing provision for money advice and asked whether the sums allocated reflected the experience in the Pathfinder areas, and whether the Department would be able to direct the shape and content of advice services and monitor them in the interests of customers. Officials explained that LAs would be able to fit services to local needs and that the figures for funding, although slightly lower per capita than they had been for the Pathfinders, were informed by experience and the evaluation. Monitoring will be light touch and will focus on operational readiness. **Members** went on to express wider concerns about the design and running of the money advice service, questioning why it had not been integrated with the new Ministerial group's work on financial advice, and whether LAs would use the money effectively. Officials pointed out that the service had been developed in the context of cross-government financial

advice initiatives and that the funding was specific to LAs and could not be channelled through other Departments' services.

3.6 With regard to the system of direct payments, **Members** suggested that despite the results of the evaluation, it might still be too early to say that the system works. Problems would build over time, and the system was potentially very sensitive to dips in the economic cycle. Officials replied that guidance for the national roll-out on this and all other aspects of this major change to arrangements reflected experience and good-practice to an unprecedented extent. Payments to tenants will continue to be monitored, and will include checks on patterns of arrears. Evidence indicated that customers are prioritising rent payments and any changes to this pattern – for example in response to economic downturn – would soon become apparent.

3.7 In response to further questions, officials explained that the Regulatory Impact Assessment (RIA) for these provisions had been incorporated with the RIA for the Bill and that a 'table' format for the regulations, demonstrating entitlements, had not been considered appropriate in this instance. Under the LHA scheme the rules for the discretionary payments scheme would be unchanged, but the scheme was under review. Some landlord lobbying about the new arrangements in Northern Ireland was noted.

3.8 In relation to the phased introduction of the new arrangements, **Members** queried why the 'big bang' option had not been selected, especially for those in shared accommodation and young people. Officials replied that the choice had been made to avoid complex transitional provisions and to build on LA experience. Turnover is high for these two groups and it was likely that they would transit quickly to the new scheme.

3.9 The **Chairman** thanked officials for their presentation, asked for a response on the specific drafting points raised.

4. Pensions Transformation Programme: customers reporting changes in their circumstances and making enquiries over the telephone – paper 26/07

4.1 **Alan Armstrong** and **Noreen Armstrong** presented the paper that deals with new Pension Service systems to allow customers to report changes to circumstances and to make enquiries over the telephone. **Mr Armstrong** began by noting that there were three footnotes missing from page 6 of the Explanatory Memorandum (EM).

⁴*Regulation 3 of the Social Security Claims and Payments Regulations 1987*

⁵ **Category A.** *A State Pension based on a customer's own/ex or late spouse's (or civil Partner's) National Insurance contribution record*

⁶ **Category B.** *A State Pension based on the National Insurance contribution record of the customer's spouse or civil partner*

4.2 **Members** raised concerns with the security checks that will be in place to confirm a customer's identity over the phone, especially in situations when someone holds power of attorney for the customer. In these cases, it can be very difficult to recall security details, such as dates, that are relevant to another person. They mentioned that some banks are now allowing the person with power of attorney to use their own information in security checks. A **Member** added that the problems could be more severe when an appointee phoned on behalf of a customer as they would most likely be a professional and very unlikely to be able to answer security questions relating to the customer. **Mr Armstrong** stated that there is the option either to go through the security checks over the phone or for the caller to write to report change of circumstances. The current IT system draws on the customer's details for the security checks and currently it is technically very difficult to draw information from another person's account, if they are not the customer. He added that he would look into the possibility that other details could be used to make it easier for someone acting on behalf of the customer to clear the security checks.

4.3 The **Chair** asked about the number of security questions that will be used and whether the security had become too stringent. **Mr Armstrong** replied that they had consulted on the appropriate number of questions and the consensus was that a minimum of three and a maximum of five was about right. If someone answers the first three correct then they will not be asked any more. **Mr Armstrong** added that they will monitor the number of people who fail to answer the security questions and will record whether they are the customer themselves or instead someone acting on their behalf.

4.4 A **Member** asked what would happen if customer failed the security questions and was unable to proceed with the call. **Mr Armstrong** replied that they will be told that they have failed the security questions and told that they can write or call back once they have checked their details. **Ms Armstrong** added that if a caller appeared distressed and had therefore forgotten their details, that they would arrange a home visit. For someone who does not speak English, the Pension Service will arrange for the use of the translation services and the security questions will be dealt with at this stage.

4.5 A **Member** asked about why the current text in the Smartscrip that adviser will use does not automatically offer a call back to customers. **Mr Armstrong** replied that there was a call back facility but that it was not scripted. It is set out in the guidance for advisers. The **Chair** stated that the call back facility should be included in the script as it is revised and updated. The **Chair** added that there was no diversity and equality impact statement in the papers the Committee had received. **Mr Armstrong** replied that they had spoken to the PTP Customer team and that an impact assessment had been completed and then read out the statement.

4.6 The **Chair** asked whether it will be possible for people to report changes in other ways if they wanted to do this (e.g. face-to-face in a Jobcentre Plus office), given that the offices were trying to reduce 'footfall'. **Mr Armstrong** replied that if a customer wanted an interview they would arrange for one to take place in their home.

4.7 The **Chair** concluded that the Committee would write to officials concerning the offer of call backs to customers, the security issues for people with power of attorney and how Jobcentre Plus offices will deal with people wanting to report changes or make enquiries in person.

5. The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2007 – paper 28/07

5.1 The package of miscellaneous amendments was introduced by **Mr Lyndon Walters** and **Mr Paul Mackrell**.

5.2 Mr Walters said that the proposals were mainly of a technical nature intended to close gaps and resolve anomalies in the 'linked benefit' and decision making provisions. In addition, they would allow for auto claims to SP in prescribed circumstances and where payment was due at death. **Mr Walters** invited comment or questions from the Committee.

5.3 In referring to paragraph 19 of the Explanatory Memorandum, a **Member** asked for an example of when the circumstances described in Para 19 might occur. **Mr Walters** gave the example of a claim to CA/DLA. A customer makes a claim to CA and a new claim to DLA, where DLA had been in payment previously. Under the linking rules, the date of claim to CA would be determined by the date from which DLA is awarded. However, in addition it is also possible to apply the prescribed time for claims rule in regulation 19 of the C&P Regs. This means that the claimant could get an additional three months on top of the linking period. The amendment was intended to remove this possibility: a person would either get the benefit of the linking rule or the benefit of the prescribed time for claiming, but not both at the same time.

5.4 The **Member** asked if anyone was likely to lose out because of this change. **Mr Mackrell** responded that it was likely that some people would lose out but the numbers are likely to be small, and those affected would be benefiting from an unintended windfall anyway.

5.5 A **Member** asked there was any indication of the numbers likely to be affected. **Mr Mackrell** replied that a small number of cases had come to light but no real indication of the numbers that might be affected, but it was felt that it would be very small.

5.6 It was agreed that formal referral was not required.

6. The Social Security (National Insurance Credits) Amendment Regulations 2007, & The Social Security (Miscellaneous Amendments) (No. x) Regulations 2007 – paper 29/07 – and

**The Social Security (Contributions) (Amendment No. x)
Regulations 2007 – paper 32/07**

[reserved item]

**7 The Social Security (Miscellaneous Amendments) (No x)
Regulations 2007 – paper 24/07**

7.1 **Steve Brooke** introduced the item, which was a proposal to increase the higher limit for permitted work earnings to keep pace with changes to the National Minimum Wage (NMW). The lower limit of £20 is to encourage people to do some work and will remain unchanged.

7.2 A **Member** asked why the lower limit was not increased through annual up-rating. **Mr Brooke** replied that the higher limit is time limited at 52 weeks to give people an opportunity try out work. People are allowed to earn the lower limit indefinitely, so if it were increased it might act as a disincentive to work. It is also linked to the Income Support (IS) earnings disregard and any change would therefore have cost implications. A **Member** highlighted the fact that the link to the IS earnings disregard is important as many people will be claiming IS on the grounds of disability without being in receipt of IB. **Members** questioned whether the lower limit would really act as a disincentive and asked whether the work allowed at the lower limit would contribute to the 80 percent employment target. **Mr Brooke** replied that he was not sure whether it would count towards the target. The increases are kept under review and the lower limit was last changed in 2002.

7.3 A **Member** raised the issue of the effect of the date of up-rating of higher limit in October on people who received a pay rise earlier in the year. It was agreed during discussion that it would be complex to try and solve this issue. A **Member** asked why the higher limit was set at a specific number of pounds rather than being built into changes in the NMW. The NMW had increased at a rate of just over three percent while the earnings limit had increased by just under three percent. **Mr Brooke** responded that the higher rate was calculated as 16 hours per week of work at the NMW and then rounded up. A **Member** raised the issue of local councillors and someone who had the opportunity to become a mayor. The 104 week linking rule would apply to someone who was acting as a mayor for one year but not someone who was acting as a councillor for four years. **Mr Brooke** offered to look at whether mayors were dealt with in the regulations.

7.4 A **Member** asked about young people aged 18-20 who might earn a lower rate of NMW. **Mr Brooke** replied that they could still do 16 hours of work. The **Chair** suggested that the lower limit of £20 might act as a break on people taking steps to move into work and suggested it might be better to define it as four hours of work at the minimum wage. **Mr Brooke** replied that there had been investigation into using a formula for the limits but that it would have pre-judged decisions about the future of the NMW, which was for

another department. The **Chair** concluded by stating that SSAC will write to Ministers with its thoughts on the £20 lower limit.

7.5 It was agreed that formal reference of the proposals was not required.

8. The Social Security (Miscellaneous Amendments) (No.) Regulations 2007 – paper 25/07

8.1 **Ms Walsh** introduced this miscellaneous package of amendments to income-related benefit regulations and commented that the main proposals make minor amendments to the IRB Regulations, namely;

- The removal of references to Transitional Provision for Students;
- Aligning the way in which the valuation of National Savings Certificates will be calculated;
- The removal of references to Bereavement Premium;
- The removal of references to Employment Protection (Consolidation) Act 1978;
- Removal of outdated references to paragraphs that no longer exist;
- The Income Tax Act 2007 replaced the term 'lower rate' with that of 'starting rate', the amendment will insert new definitions, update cross references and revoke the former provisions; and
- To ensure that that the notional earnings rules are not applied to people on work trials.

8.2 **Mrs Da Silva** introduced the change clarifying the requirement for Housing Benefit claimants to either make a new claim or declare a change of circumstances, in certain circumstances. **Members** had no questions on any of these points.

8.3 **Ms Bradshaw** introduced the proposals regarding the change to the way in which holiday pay and compensatory pay will be treated. Ms Bradshaw said that it is intended that as from October 2007 all final earnings on new claims to all benefits will be disregarded. This will align the treatment of claims to working age IRBs with those of pension age IRBs. The disregard will apply whether the last employment was remunerative work or part-time work, but only where the employment ceased before entitlement to benefit commences. This will always be the case where someone in remunerative work claims Income support or Jobseeker's Allowance, as they are only entitled to either benefit where that remunerative work has ceased.

8.4 **A Member** noted that that Committee would be very interested in seeing how the Department intended to publicise the change.

8.5 **A Member** welcomed the change and said that it would reduce the number of appeals, and that this would result in a saving. **The Member** asked if the disregard would apply if a final payment was made as the result of a court or employment tribunal hearing, as this may happen sometime after the claim starts. **Ms Bradshaw** confirmed that employment protection payments would continue to be taken into account in the normal way and that as well as

tidying up the regulations generally to reflect the policy intent, the Income support, Housing Benefit and Council Tax Benefit regulations also be further amended in line with the Jobseeker's Allowance Regulations, to fully capture the various employment protection provisions.

8.6 **A Member** commented that it did seem as if policy was being led by the administrative process rather than that of equity. **Ms Bradshaw** explained that the reason for disregarding all final earnings on new claims to benefit was to help smooth the new claims process. At present, the administrative burden on both employers and staff is wholly disproportionate, as termination payments are received in only a small minority of cases. But this rationale could not apply to employment protection payments, and she agreed that the vast majority of these would be received during the currency of the claim. **Ms Bradshaw** further confirmed that lawyers had advised that this difference in treatment could be defended.

8.7 **A Member** asked if Ms Bradshaw would explain the meaning of AME and DEL. **Ms Bradshaw** apologised that the definitions had been omitted and explained that AME referred to Annually Managed Expenditure, which was the cost of social security benefits. While DEL is the Departmental Expenditure Limit, which is primarily the cost associated with administering social security benefits.

8.8 **Ms Bradshaw** then introduced the alignment of the sub-tenant disregard to £20. The amendment will mean that income from sub-tenants will be subject to a flat rate £20 per week disregard, or where such income is less than £20 per week, the whole of that income, in claims for all working age IRBs, in line with the current disregard applied to this income within the pension-age IRBs.

8.9 **A Member** asked if the £20 would be subject to an annual increase. **Ms Bradshaw** said not, but explained that this amount would be kept under review. She also drew the Committee's attention to the reverse situation where, for example, the person *renting* the room was on Housing Benefit and the rent included unidentified fuel costs. In this case, only 50% of the standard amount for fuel (other than for cooking) would be deducted from the rent, rather than deducting the whole of the standard amount for heating, as is the case with the present sub-tenant disregard.

8.10 **Ms MacDonald** introduced minor amendments to Pension Credit, clarity regarding the definition and application of notional income rules, the expansion of the definition of a pension fund holder and the correction of a typographical error. Members had no questions.

8.11 **Mr King** introduced minor amendments that are needed to the HB and CTB Regulations and the HB and CTB (Decisions and Appeals) Regulations that will mirror the language used in the Mental Capacity Act 2005, to describe a person who has been appointed by the Court of Protection with power to claim. Members had no questions

8.12 **Mr Fryer** introduced proposed changes to the earning limit for people in receipt of Carers Allowance. The proposal is to increase the earnings limit at which someone is treated as gainfully employed from £87 to £95 per week. This will ensure that nobody should lose their Carers Allowance from October due to the increase in National Minimum Wage. Members welcomed the change.

8.13 **A Member** commented that he found it very useful, as no doubt did others, to have the regulations that were to be amended attached to the papers, and he thanked Officials for providing them.

8.14 It was agreed that formal reference of the proposals was not required.

9. **The Social Security Jobseeker's Allowance (Joint Claims) Amendment Regulations 2007 – paper 27/07**

9.1 **Mr Owen** introduced the proposals by explaining that they would remove the current age restrictions in the provision for joint claims so that they would extend to everyone up to pension age. Removing the difference in conditionality between those over and under 50 would contribute to the Government's equality agenda. The proposals also aimed to increase employment in the over 50 age group. **Mr Owen** said that paragraph 21 of the memorandum to SSAC should have stated that there would be no impact on business. It should also have said that there would be greater impact on couples and on ethnic minorities. A small increase of about 50 in the number of personal advisers would be required.

9.2 **Members** said that evaluation of joint claims procedures indicated that their impact on unemployment rates was very small. **Mr Owen** replied that the programme was relatively cheap to run and **Mr Mahmood** pointed out that about 600 additional people would be helped into work annually by the proposed extension.

9.3 **Members** suggested that there might be childcare implications if people over 50 undertaking informal childcare were obliged to work. Formal childcare was not always available, particularly in Northern Ireland. **Mr Owen** said that the Government's intention was to help more children into formal childcare. There was evidence that the availability was improving.

9.4 **Members** asked if there would be any monitoring of the proposed sanctions on the over 50s. **Mr Mahmood** said that he would write to the Committee about this. **Mr Owen** said that the information would be on the database.

9.5 **Members** suggested that paragraph 13 of appendix 4 of the memorandum did not deal adequately with the differential impact on older first generation immigrants who had specific gender and cultural issues. It was important to recognise the impact on relations between partners with traditional values and expectations. Presenting them with choices about who should be the payee might be counter-productive in some cases. The issues

were more complex than presented in the memorandum **Mr Owen** said that it was necessary to give a choice and the proposals were only an extension of what was happening already.

9.6 **Members** suggested that this new age group might have significantly different problems. **Mr Owen** said that the number affected – about 13,000 – was relatively small. The Government wanted to keep people in work longer and the Department already had experience of dealing with this age group through New Deal 50+. **Members** considered that the proposal was based on circumstantial evidence and on the assumption that the over 50s were the same as under 50s. There were doubts about whether personal advisers had the tools or resources for this additional task. **Mr Owen** replied that the new tasks would require 53 additional personal adviser to clear the stock reducing to 18 for continuous running. This was a small proportion of the 9200 adviser posts. Work had begun to upskill advisers with better training, including selling skills, better products, better management information and simplified systems.

9.7 **Members** questioned how the programme would deal with a woman married to a man who refused to allow her to participate. This would be particularly difficult in the case of some ethnic groups. **Mr Owen** said that the aspiration was that advisers should reflect the area in which they work and joint interviews were encouraged. All advisers get training in equality and diversity.

9.8 **Members** pointed out that, according to evidence from the Department of Children, Schools and Families, people who use more formal childcare also make more use of informal childcare. **Mr Owen** said that the Government's aspiration was to increase the availability of "wraparound" childcare.

9.9 **Members** noted that the NAO had reported on the impact of discrimination in the workplace. The reason some people were not in work was discrimination on the grounds of age, gender and/or race. **Mr Owen** said that advisers were trained to deal with this.

9.10 Referring to paragraph 15 of the memorandum, **members** noted that, where one member of a couple incurred a sanction or disallowance, the other could claim the single person's rate. It appeared inconsistent that the couple's joint income and capital would still be taken into account. **Mr Mahmood** replied that, for the purposes of the labour market, each member of a couple is an individual and the sanction is applied to an individual. However benefit must take into account the means available to the joint household.

9.11 **Members** expressed concern about cases where husbands do not want wives to work. It would be wrong to sanction where the man stops the wife from attending and/or threatens her. It would be important to build sensitivity into procedures. **Mr Owen** said that sometimes a separate interview is helpful to allow the wife to express her own view. There would not be penalties where this was clearly unfair. He assured **members** that training materials would be amended to reflect issues raised by the extension.

9.12 After a discussion among **members** it was agreed that, although formal reference was not required, the **Chair** should write to Ministers expressing the Committee's concerns about equality impact, informal childcare, and the small number of people who might benefit from the proposals.

10. The Social Security (Claims and Information) Regulations 2007 (paper 30/07) and the Welfare Reform Act (Section 42) (Relevant Enactment) Order 2007 (paper 31/07)

10.1 **Jason Barrett** and **Matthew King** introduced the regulations (in paper 30/07) that are designed to allow local authorities and the Department to make better use of the information that they hold on customers. While the majority of the proposals will be made under the Welfare Reform Act 2007, a number will be made under the Social Security Administration Act 1992 and are therefore required to be formally referred to SSAC.

10.2 **Members** asked how the recovery of overpayments would be dealt with in respect to Housing Benefit, as overpayments made for HB are dealt with in a different way to most other benefits. They asked about the safeguards that are built into the system to protect a customer if an official error is caused by the transfer of data between DWP and the local authority. **Mr King** replied that a customer could not be adversely affected because of official error. **Mr Barrett** added that a customer will be provided with a statement that shows all their information. **Members** suggested that there is still a small risk that information may be transferred wrongly and that a customer could find it difficult to identify that an overpayment has been made. **Mr King** noted that there will not be greater transfer of data but that the regulations allow the local authorities to make greater use of existing data.

10.3 **Members** raised the issue of data sharing with English county councils and noted that there was no mention of data protection issues. **Mr Barrett** replied that county councils are using the data that they already hold but county council staff will now be able to say to customers that they can help them apply for other benefits for which they are eligible. A **Member** asked what would happen if county council staff provided incorrect benefit information and if this would allow the backdating of a claim. **Mr King** offered to check what would happen in this instance. ***[Officials have responded that the position is that if misdirections were given by a local authority, backdating of the DWP claim can be considered. There is no provision for verbal misdirection, but it should be noted that this framework operates at the moment without apparent problem. DWP will review whether an amendment is necessary but lawyers consider that this would constitute a new policy outwith the scope of these regulations and would therefore need fresh Ministerial clearance.]***

10.4 The Order set out in paper 31/07 extends and replaces the current information sharing powers between benefit teams administering some benefits and Supporting People teams in local authorities.

10.5 It was agreed that formal reference of the proposals in paper 30/07 was not required.

11. Action Points and Action Taken

11.1 The secretariat would inform the Department that formal reference was not required in respect of:

i) The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2007 (para 5.6);

ii) The Social Security (Miscellaneous Amendments) (No. X) Regulations 2007 (para 7.5);

iii) The Social Security (Miscellaneous Amendments) (No.) Regulations 2007 (para 8.14);

iv) The Social Security Jobseeker's Allowance (Joint Claims) Amendment Regulations 2007 (para 9.12);

v) The Social Security (Claims and Information) Regulations 2007 (para 30/07).

The Department has been informed that formal referral is not required in respect of the items listed. However, following an enquiry from an external stakeholder, further consideration is being given in correspondence to Paper 30/7 (item v). The outcome will be recorded in the minutes of the October meeting.

11.2 It was agreed that the secretariat would:

i) *[reserved item]*

ii) draft a response to the July 07 Green Paper (para 2.7);

A draft has been circulated for comment.

iii) put the issues around refugees, delays in paying benefits and obtaining National Insurance numbers on the agenda for the next Jobcentre Plus stakeholder forum event (para 2.11);

The problems with NI numbers are being addressed separately by officials and the Secretary has asked senior Jobcentre Plus officials to investigate the problems with late payments.

iv) write to officials with the Committee's concerns about the Pensions Transformation Programme (para 4.7);

A letter has been despatched.

v) draft a letter to ministers about the question of those coming up to pensions age with incorrect National Insurance records (para 6.8);

Prior to the drafting a letter, a letter was received from officials that addressed members' concerns (see 11.3.III below)

vii) draft a letter to Ministers about the £20 lower limit for permitted work (para 7.4);

A letter has been despatched.

viii) draft a letter to Ministers about issues arising from Joint Claims for those age 50 and over (para 9.12).

A letter has been despatched.

11.3 Officials agreed to:

i) respond to the points raised in discussing the Local Housing Allowance Regulations (para 3.9);

A response has been received and approved by members.

ii) look into security issues for people with power of attorney (para 4.2);

A letter was sent by the Secretariat after the meeting and a reply is awaited.

iii) look into the possibility of extending from 4 to 6 months before retirement the limit for asking people to make up missing contributions (para 6.5);

A letter agreeing to an extension has been received and approved by members.

iv) *[reserved item]*

v) respond to questions about the permitted work proposals (paras 7.2 & 7.3);

A letter detailing members' concerns has been sent to MoS

vi) write about monitoring the effects of sanction on over 50s (para 9.4);

Officials have been reminded that a response is required

vi) respond to questions about what would happen if county council staff provided incorrect benefit information (para 10.3).

See 11.1 iv above. Correspondence on this item is ongoing.