

MINUTES OF MEETING HELD AT NEW COURT ON 5TH AUGUST 2009

Present: Chair: Sir Richard Tilt

Members: Mr K Akuffo
Mr L Allamby
Mr S Bartley
Mrs B Campbell
Dr A Erskine
Ms A Garnham
Ms C George
Professor E Kempson
Ms M Reith
Ms P Smail
Professor J Walker
Professor R Walker

Apologies: Mr J Andrews

Guests and Officials: Prabha Mistry (item 3)
Shelley Fuller (item 3)
James McEwen (item 3)
James Bolton (item 3)
Charlie Massey (item 4)
Christine Watkins (items 5 & 6)
Gary Rodgers (items 5 & 6)
Jane Autherson (items 5 & 6)
Marilyn Stephens (item 7)
Pam Bradshaw (item 7)
Beverley Walsh (item 7)
Derek French (item 8)
Sue Sykes (item 8)
Helen Waite (item 8)

Secretariat: Ms G Saunders
Dr A Bee
Dr N Moss
Mrs E Harnett
Mr D Cross
Mr J Allen

Observers: Paul Becker, Bleddyn Goodridge, Tanya Saunders; Judith Lord,
Kate Davies.

A. *Private Session – Reserved items.*

1. Minutes and Action List

1.1 The Chair welcomed the observers to the meeting and invited them to introduce themselves.

1.2 The minutes and action points for the July 2009 meeting were approved after corrections.

2. Chair's Report

2.1 Paper 49/09, the Social Security (Miscellaneous Amendments) (No. #) Regulations 2009 was cleared by post before the meeting and removed from item 9 of the agenda. The measures concerned the annual increase to the higher permitted work earning limits in line with National Minimum Wage in October and include some regulations to address ESA issues.

2.2 The publication of the Rights and Responsibilities paper and despatch of the letter to the Secretary of State took place as planned on 15 July. It has been featured on Rightsnet and in the latest update on the SSAC website. It is unlikely that a response from Secretary of State will be received before September.

2.3 Members and staff have attended a number of events, and reports are being circulated. These include visits to Jobcentre Plus in Wales, The Ageing Society and DWP Forum; Barnado's on a Year in Child Poverty and Barnsbury Jobcentre Plus. The **Chair** spoke about the work of CASPAR in explaining the concept of underlying entitlement. **Members** discussed how some, but not all, carers might be better off if they deferred their claim. The **Chair** agreed to write to the DWP about the lack of a process to point this out.

2.4 The Chair's report on a visit to a Jobcentre identified a special training need for personal advisers dealing with highly qualified clients and issues when clients go away on holiday. A **Member** reported on the process in Wales and advice about how to access appropriate agencies. **Members** also considered the needs of highly qualified IB and ESA claimants, in particular those with mental health problems. Referring back to Paper 49/09, the **Secretary** pointed out that highly skilled workers, such as those with IT skills, could exceed their permitted earnings limit with less than one hour of work. The **Chair** agreed to write to the department about the need to ensure that PAs were fully trained to meet the needs of all their clients. Further discussion followed on the holiday rules for JSA and the Rapid Reclaim process. The **Secretary** undertook to seek clarification on the latter from the Department.

2.5 A **Member** reported on the Big Care Debate and the strong desire for a fair system. However, there is a mismatch between needs and funding. The **Chair** reported attending a presentation where it was considered that the best

way to meet a general need would be through general taxation but that there is no public desire for this. Other members will be attending similar events in the near future.

2.6 The **Chair** confirmed that members have received copies of the summary of the Equality and Human Rights Commission (EHRC) report on Jobcentre Plus compliance with the equality duties. The Department has an action plan in place to address the various shortcomings identified in the report. The **Secretary** reported her involvement in a number of Departmental training and awareness initiatives and a project to complete an audit of pre-2006 policies that are still in place and to conduct retrospective Equality Impact Assessments where necessary.

2.7 The proposed format for the Stakeholder Seminar starts with an opening presentation by the Chairman (the year in review and highlights from the annual report). This is followed by Paul Gregg presenting solo, followed by a panel discussion (line-up to be agreed) and lunch. The afternoon session is to be a presentation on the service delivery challenge. Mel Groves has been invited and has accepted an invite to speak on behalf of Jobcentre Plus. This can feed into the work for the Occasional Paper on vulnerable customers. It will be followed by themed group discussions and feedback.

2.8 Members were reminded that the Secretariat is moving to the Adelphi on the weekend of 14 to 17 August. There will be some disruption and there will be no mailings for two weeks. New phone numbers and the address will be circulated when confirmed. This will include email shots and a website message for stakeholders. Any calls for tickets and accommodation for late August or September must reach Natalie by 10 August.

2.9 The Secretariat has suggested setting up a specialist Committee sub-group for product scrutiny work and this will eventually lead on a response to the forthcoming DWP public information scrutiny document that we expect to see later in the year. **Members** agreed to take this forward. Volunteers should give their name to the Secretary.

2.10 Members were asked for contributions to the Annual Report. The Secretary has started work on this and the first draft will be circulated in September. Publication will be timed to coincide with the Stakeholder Seminar.

2.11 The Secretary is trying to set up a meeting with officials to discuss Housing Benefit reform. Members will be updated when more is known.

2.12 The **Chair** advised that he will write to the new Secretary of State and remind her of his letter to the last Secretary of State about arrangements for lone parents.

2.13 An interim reply to the Gregg letter was tabled for the meeting. The pilots may be brought forward, so there will be another large piece of business to fit into the November and December agendas. The **Chair** and

Secretary agreed to try to meet with Professor Gregg before the stakeholder event. A **Member** agreed to ask him to contact the Secretariat.

2.14 Members were advised that the Jersey SSAC will be visiting us at the stakeholders event and the meeting on 4 and 5 November.

2.15 A **Member** asked whether the Secretariat will be able to manage the increased workload with a number of possibly contentious regulations expected to come before the Committee from October. The **Secretary** advised that December 2009 and January 2010 are expected to be extremely busy months and that some work may have to be deferred. The **Chair** commented that this will have an impact on the work programme. A **Member** asked about additional short term resources. The **Secretary** advised that it can take months for a new member of staff to be recruited and be fully effective and that, in any event, it was unlikely that the necessary additional funding would be made available. She also reminded the Committee that when the election is announced, all work on regulations will cease until such time as there is a new government.

3. Reforming the medical certificate – Presentation on the Medical Evidence Amendment Regulations 2009 Paper 51/09

3.1 **Shelley Fuller, James McEwen, Prabha Mistry and James Bolton** (Health, Work and Wellbeing Directorate) gave a presentation on the Medical Evidence Amendment Regulations and answered questions from Members.

3.2 **Ms Fuller** noted that this was an opportunity for SSAC to contribute to the consultation, which will close on 31 August 2009. The regulations, which will be brought to SSAC in the autumn, will introduce a new medical evidence form, replacing the current Med 3 and Med 5. The new form will include an additional category of advice, 'You may be fit for some work now' and will be computer generated, so that the form can be saved to a patient's medical record.

3.3 A **Member** asked whether there would be a sanction imposed if the employer and employee could not agree on a course of action regarding return to work. **Ms Fuller** noted that the decision on paying Statutory Sick Pay (SSP) remains the employer's decision. The **Member** then asked for confirmation that the employer can refuse to take the employee back until the end date of the sick note. **Ms Fuller** confirmed that this was the case.

3.4 A **Member** asked whether an employee could expect to return to the same activity after the period of sick leave. **Ms Fuller** noted that the return to work would relate to the current contract between the employee and the employer, and that any changes upon return would be for agreement between the two parties.

3.5 **Mr McEwen** highlighted that a GP will provide generic advice on an employee's condition but it will be for the employer to look at the advice in the context of their own circumstances. A **Member** noted that the option on the

form to suggest 'workplace adaptations' seems to move away from the provision of generic advice and questioned whether adequate guidance would be provided to GPs regarding completion of the form. The **Member** was also very concerned by the lack of definitions, for example 'some' [as in 'some work'] is not defined. **Mr McEwen** noted that guidance will be key. Guidance will be produced by working in consultation with experts, for example those in the medical profession and HR professionals.

3.6 A **Member** was concerned that the impact of the revised note may depend on the relationship between the employer and the employee. The **Member** also raised concerns about the potential for discrimination with regard to employees with a mental health condition and noted that although the new form appears to be based on the premise of equal power for the parties concerned, that the patient will be powerless. The **Member** also noted that none of the consultees listed in the consultation document deal with mental health issues. **Ms Fuller** highlighted that the consultation did go out to a recognised list of stakeholders and more widely than listed in the consultation document. She also noted that evidence suggests that disclosure for mental health conditions could help a return to employment. The **Member** felt however that disclosure could have the reverse effect, with a negative impact on mental health. **Mr McEwen** noted that the department could not prevent discriminatory practice, which already exists within some employers in the current system, but highlighted that the aim was to help employers and employees make more informed choices about moving back into work.

3.7 A **Member** noted that they were disappointed to see the use of the term 'may be fit', which she felt was ambiguous, and she suggested an alternative ('you are fit for some work now'). The **Member** also noted that a 'phased return to work' may be difficult in practice, unless the employer supported such a move financially. The **Member** used anecdotal evidence to illustrate how some employees were having to use annual leave for a phased return to work, which was counterproductive to their health.

3.8 A **Member** noted that he would be very interested to see employer responses to the consultation. He noted that the sick note is very useful for small employers in particular, with regard to the fulfilment of their contractual and insurance obligations. The **Member** felt that a phased return could be very bureaucratic, for example if a change to the contract of employment was necessary for insurance purposes. The **Member** highlighted that one of the main issues for employers was not knowing whether an employee would get a further sick note once the current note expired. It would therefore be beneficial for the revised form to give an indication of whether the condition was likely to be ongoing.

3.9 A **Member** asked whether a certificate of return to work was required. **Ms Fuller** noted that this was not a requirement, although employers often requested one.

3.10 A **Member** asked whether the computer-generated form would include the facility for the form to be e-mailed from the GP to the employer. **Ms Fuller**

noted that initially the form would be printed out, but that nothing would prevent it being e-mailed in the future, if that decision were taken later.

3.11 A **Member** noted that they had concerns from a rights perspective and highlighted the tension between informed choice and the need not to be discriminatory. **Mr McEwen** reiterated that the change was not a way to prevent people claiming health related benefits and noted that they would reflect this when developing the Impact Assessment.

3.12 The **Chair** asked about an employee's position with regard to SSP if they refused a return to work offer from their employer. **Ms Fuller** reported that either the employer would continue to pay SSP or would cease payment, in which case the employee could raise a dispute with HMRC. **Mr McEwen** noted that this happens under the current system and employers can also challenge a sick note. The **Chair** accepted this but noted that the new form opens up more possibilities for challenge.

3.13 A **Member** noted that the change adds to complexity within the system and requires GPs to know lots about work in order to give advice, particularly as the advice needs to be a mix of medical and work capability assessment. The **Member** questioned the use of the term 'may be fit for some work now' and asked why 'fit for some work now' was not used instead.

3.14 A **Member** agreed with the point on complexity and highlighted the fact that the evidence from the pilot shows that most GPs will select the middle option of 'may be fit for some work now', but that the evaluation did not look at additional costs, e.g. of employees reducing their hours. **Mr McEwen** accepted that the assumption is that employers will behave in an economically rational way. He also noted that employers had been involved in advising on the change, as had GPs.

3.15 A **Member** asked for clarification on the timing/dating section of the form. **Ms Fuller** noted that guidance on the form will be very important and **Mr McEwen** noted that there is some degree of read across from the current Med5 form with regard to dating. **Ms Fuller** noted that the rules for the form will be included in the regulations and that the new form will indicate whether or not the GP needs to see the patient again.

3.16 A **Member** raised their concerns with the imprecise wording of the form, as it is unlikely that GPs will have time to read all the guidance. They might well therefore tend to mark the 'may be fit for some work now' box. GPs will not want to be the arbiters of social security benefits. **Members** also noted that employers will need training to understand the implications of the new form.

3.17 A **Member** noted that the proposed inclusion of the 'functional effects' section in the form might lead GPs to disclose more information to the employer than the patient might have liked. Another **Member** noted that many smaller employers will have no occupational health support and so they will contact the GP to ask for advice in interpreting the information on the form. If GPs become aware of this happening, they may move away from using the

'maybe fit' box to avoid the need for further time-consuming communication with employers. The **Member** also noted that the proposed wording would have impacts on Tax Credits and asked whether HMRC were ready to deal with the ensuing issues. **Ms Fuller** noted that they had extended the consultation period until 31 August. The **Chair** thanked the officials for their presentation.

4. Presentation on The Ageing Society

4.1 **Charlie Massey**, the Ageing Society Director, gave a presentation on the report '*Building a society for all ages*' that had been circulated to Members prior to the meeting. He began by noting that his role involves working across Whitehall with different Departments, including the DWP and the DoH. As background to the report he quoted some relevant information. In 1950 there were eight people per pensioner and this would fall to two people per pensioner by 2020. In 2007 there were more pensioners than children aged under 16 for the first time ever. **Mr Massey** noted that the recent report attempts to avoid the language of the 'demographic timebomb' and presents a more positive picture of the implications of our ageing society.

4.2 **Mr Massey** set out the five themes that underpinned the thinking behind the report. Firstly, the report wanted to promote age inclusiveness across society. Secondly, there should be better preparation and prevention, with younger people looking after their health and wealth for late life. Thirdly, there should be greater participation. Fourthly, there should be stronger resilience and protection and fifthly, delivery should be strengthened. The 2005 'Opportunity Age' report had similar themes but needed more 'traction' in its policy levers; here the focus is on delivery, especially at a local level.

4.3 **Mr Massey** then outlined the content of the strategy. The report considers the offer of information and advice and proposes a one-stop-shop that would provide advice on money and health etc. It also considers the development of all-in-one cards that would incorporate free bus passes etc. In terms of being 'active and well' there will be a summit with fitness and sporting organisations as well as a package of measures from the Department of Health on prevention. The review of the default retirement age will be brought forward to 2010 to consider older peoples' participation and also pilots looking at digital inclusion and experience exchange will be undertaken. When considering 'design and delivery' there will be studies of public space (e.g. strategies for providing public toilets), so that people of all ages can have better access. **Mr Massey** informed Members that work was underway on implementing the strategy.

4.4 **Mr Massey** added that in terms of local government and local delivery, that better engagement with older people is vital, especially on the demand side. A **Member** noted that there are some dangers in removing the default retirement age. For example, if employers are unable to get people to retire at 65, they may find it harder to bring young people into their businesses if they are not in growth sectors and there may be fewer spaces for apprentices and other young people. **Mr Massey** replied that not all the evidence supported

this and that recent evidence instead suggested that older workers act as a complement to younger workers, rather than as a substitute. The **Member** noted that the evidence had perhaps not considered manual trades in SE England. A **Member** noted that there was likely to be selectivity in terms of who retires in the absence of a mandatory retirement age. **Mr Massey** replied that to a large extent the state pension age was what drives people to retire. He suggested that we need to keep separate the theoretical worse case scenario from what actually happens in practice.

4.5 A **Member** raised the issue of the relationship between policies in Whitehall and the devolved administrations. **Mr Massey** noted that many ageing policies are devolved. Therefore the report has been very England focused and they are now working with Scotland and Wales to co-ordinate policies. It is a complicated picture but Officials are making links and learning from each other.

4.6 A **Member** noted that they were pleased to see that the protection of the rights of the elderly is central to the strategy and asked about the legal framework for achieving this protection. For example, statistics suggest that two thirds of those suffering from dementia remain undiagnosed. **Mr Massey** replied that the strategy does not have a separate legal underpinning and there are some significant unresolved issues. One issue is the implementation of the equality duty in healthcare and so they are working with the DoH to attempt to resolve this. A second issue is access to financial services and insurance (e.g. travel insurance) for older people. The **Member** noted that it would have been useful to consider the legal underpinning of the strategy from the outset. The **Chair** thanked Mr Massey for his presentation.

5. The Housing Benefit and Council Tax Benefit (Earnings Disregards) (Amendment) Regulations 2009 – Paper 46/09

5.1 **Mr Gary Rodgers, Mrs Christine Watkins and Ms Jane Autherson** from Housing Benefit Strategy Division presented the item.

5.2 **Mr Rodgers** explained that this is a Budget measure and the proposals relate to the disregard of earnings from permitted work. The changes would allow Housing Benefit and Council Tax Benefit customers who are also claiming contributory Employment and Support Allowance (ESA), Incapacity Benefit (IB) or Severe Disablement Allowance (SDA) to have their earnings from permitted work disregarded to the same level as in income-related Employment and Support Allowance.

5.3 A **Member** commented that people who were members of the Disability Living Allowance Advisory Board (DLAAB) could not have those earnings disregarded on top of their earnings from permitted work and asked if there was any particular policy reason for this. The **Member** also asked why the disregard did not apply to those in receipt of Income Support (IS). **Mrs Watkins** said that people on IS would be getting full Housing Benefit, and that currently there were no plans to extend the provisions to this

particular group. **Mr Rodgers** said that he would refer the issues to ESA/IB policy colleagues, as they were the expert domain for this area.

5.4 A **Member** referred to example 1 (on page four of the EM) and asked how a customer would receive any other income. **Mrs Watkins** said that along with their permitted work a customer might for example receive a payment for being a member of DLAAB or work as a Councillor.

5.5 A **Member** commented that the change was most welcome, and asked for clarification of how the disregard would work where, in the case of a couple, both of whom were doing permitted work. **Mrs Watkins** said that it is ESA policy that only one of them can get the full disregard and that this would be the one relevant to the ESA customer. However, in HB/CTB, one appropriate disregard would apply and that would always be the higher, where one member had a £20 disregard and the other the £92 disregard. The **Member** asked if where a person had finished their 52nd week but their partner had just completed their 6th week of work, if they would get the remaining 46 weeks. **Mrs Watkins** said that where one member still had earnings from permitted work a disregard would continue to apply.

5.6 A **Member** said a customer notifies the department that they are engaged in permitted work, and asked how the department would notify the LA and vice versa. **Mrs Watkins** replied that there were currently systems in place but that they would be updated. **Mr Rodgers** said that DWP were currently discussing with both JCP and LAs how this would be achieved.

5.7 A **Member** referred to Para 14 of the EM saying that people would only be awarded one disregard, and asked if this would be the highest disregard in all cases. **Mrs Watkins** confirmed that it would be the case.

5.8 A **Member** said that the first bullet point in Para 15 referred to the 30 hours qualification for the additional earnings disregard and asked for an example of when this might happen as they would surely be off benefit. **Mrs Watkins** replied that in the case of a couple the 30 hours can be made up by both members of the couple. Therefore, there could be cases, for example, where one member is working for 18 hours and the other is doing 12 hours of permitted work.

5.9 The **Chair** commented that it was a very positive change, but that it was unfortunate that it added a further degree of complexity. A **Member** added that Annex B was very good and asked if it could not be converted to leaflet form.

5.10 The **Committee** decided that it did not require the proposed regulations to be formally referred.

6. The Housing Benefit (Amendment) (No.2) Regulations 2009 – Paper 47/09

6.1 **Mr Gary Rodgers** and **Ms Jane Autherson** from Housing Benefit Strategy Division presented the item.

6.2 **Mr Rodgers** explained that the proposed amendments would allow LAs to offset HB entitlement for a new address against an overpayment of HB at the customer's previous address when the change of address has taken place within the same LA's area. **Mr Rodgers** said that the changes would potentially produce £10 million in savings and reduce the administrative burden on LAs. **Mr Rodgers** drew the attention of Members to Regulation 104A (2) (page 6) and said that this was drawn up with comments, previously made by Members, in mind.

6.3 A **Member** asked if the subsidy that the LA can claim was on the total amount or only on the overpaid amount. The **Member** commented that the wording used in 104A (1) (c) was unclear. **Ms Autherson** said that (c) referred to payments made to the same person, which could include the same Housing Association. The **Member** commented that it might be useful to consider rewording section (c) and in particular the use of 'payable', which for example might read better as 'paid'.

6.4 A **Member** said that Annex B Para 10 states that DWP and the taxpayer would benefit to the tune of an estimated £10 million, and commented on whether it was DWP or the taxpayer who would benefit. The **Member** asked how LAs felt about this money being taken away from them. **Ms Autherson** said some LAs had not in fact claimed the subsidy and many expressed surprise that they could claim the subsidy twice, when they had not paid benefit out twice.

6.5 A **Member** mentioned a minor drafting error in the title of the regulations. **Mr Rodgers** thanked the member and said he would arrange for it to be amended, though the plan is to combine this set of draft regulations with the proposals relating to permitted work disregards (item 5), therefore the title might change anyway.

6.6 The **Committee** decided that it did not require the proposed regulations to be formally referred.

7 Social Security (Miscellaneous Amendments) (No xx) Regulations 2009 Paper 48/09

7.1 **Ms Marilyn Stevens**, **Ms Pam Bradshaw** and **Ms Beverly Walsh** brought the above regulations before the committee. **Ms Walsh** started by explaining that, in the explanatory memorandum certain changes had been referred to as 'neutral' where they should have been referred to as making 'no material change'. They recognised the connotations of the word neutral that resulted from the 'Howker' case. **Ms Walsh** also pointed out that the

regulations needed to be further refined and that they would be in due course. The committee went straight to questions.

7.2 A **Member** stated that the disregard for child maintenance was a good thing, and then asked whether lump-sum payments would also be disregarded. **Ms Walsh** answered they would be disregarded as long as they could be linked to a payment period, otherwise it would be treated as capital. A **Member** added that as the decision about the attribution of lump sum payments would have an element of discretion, there needs to be suitable training given to ensure that there would be no equity issues. **Ms Walsh** answered that this was already the process and that systems were already in place for providing training.

7.3 A **Member** asked, in relation to the treatment of payments to service users, if research participant payments would be included in the proposed disregard. The **Member** went on to say that there had been ongoing difficulty in the area of research as to whether or not participants should be paid for their contributions, because of the benefit issues this can throw up. The **Member** added that it was current practice to treat such payments as capital rather than earnings in the hope that it would not affect benefit entitlements. **Ms Walsh** answered that research was not covered by the regulations but, in light of this they would have to look again at payments in relation to research and come back to the committee.

7.4 A **Member** asked, in relation to the alignment of notional income disregards, what rationale was there behind treating a relative's contribution towards care home costs as income for the customer. This would be a disincentive for people to pay towards the care of their relative. A **Member** added that if the JSA of the partner was brought in line and benefit was affected by such payments, how they would be able to look for work. **Ms Walsh** answered that she was not aware what the original policy rationale was. These regulations were simply intended to bring JSA into line with the other benefits in this regard. The **Secretary** stated that aligning JSA with the other benefits in this case could produce unforeseen consequences due to the different conditionality requirements of the different benefits. **Ms Walsh** answered that they had not been aware of any such possibility but would consider it.

7.5 A **Member** raised a concern in relation to changing the time limit for correcting defective claims. The assumption was that State Pension Credit and Employment Support Allowance allowed for the time limit to be extended due to the possible vulnerability of the claimants. The **Member** then asked why the time limit was being brought in line with the other benefits. **Ms Walsh** replied that the intention of the change was to fix a drafting error that meant that the time limits could be extended indefinitely and a claim may never be able to be made defective.

7.6 A **Member** asked a question in relation to the child support maintenance assessment linking rule being changed. The **Member** was concerned that customers would not receive transitional protection during the

change. **Ms Walsh** replied that she would have a closer look at the regulation and check that customers received any necessary transitional protection.

7.7 The **Chair** stated that the regulations could proceed without formal referral. However, the committee would like answers on certain issues raised, including in relation to research payments and alignment of notional income disregards. The **Chair** then brought proceedings to a close.

8. The Social Security (Flexible New Deal) (No. 2) Regulations 2009 Paper 50/09

8.1 A team consisting of **Mr Derek French**, **Ms Sue Sykes**, and **Ms Helen Waite** presented proposals to implement the above named regulations. **Mr French** gave an overview of the proposals, stating that the regulations will allow Jobcentre Plus (JCP) to reinstate payments to sanctioned customers who agree to comply with the requirements of the Flexible New Deal (FND). They had initially tried to achieve this outcome by designing a training allowance that would give customers the same amount they had been receiving under Jobseeker's Allowance (JSA), on the understanding that reinstating JSA whilst a sanction was still current would require changes to primary legislation. However, subsequent legal advice was that JSA payments could be reinstated by ending the sanction early, which could be achieved without changing primary legislation. This had the added advantages that there would be less scope for error and delay, and that there would be no outstanding sanction hanging over the customer as there would be under other models, such as paying sanctioned customers with training allowances.

8.2 **A Member** asked what advantage would be gained by requiring customers to serve a four week minimum sanction once they have started complying with the FND requirements. The **Member** questioned whether this would be conducive to a productive working relationship between customer and adviser. **Mr French** answered that there must be a balance in the approach to applying sanctions; if the customer did not have to serve any sanction period at all then the power of the sanction to influence behaviour would be reduced. There would be the possibility that customers could 'dip in and out' of the FND program without committing to it but making sure that their payments kept on being made.

8.3 **A Member** asked if, once the third sanction had been ended early, a customer would be completely free of previous sanction decisions against them, or, would they still be on a second sanction. **Ms Waite** replied that they would still be at the second sanction stage but the third sanction would be removed entirely.

8.4 **A Member** asked if the same change should be applied to other JCP schemes also, as customers may feel that they are being treated unfairly if they are taking part in a different programme and cannot get their sanction lifted. **Ms Waite** replied that the only other programme subject to a full sanction is the Mandatory New Deal (ND). These customers have a slightly

different status to FND customers as they are engaged in third party activity full time and so cannot receive Jobseeker's Allowance in the same way.

8.5 A **Member** then asked if, in relation to ND, a customer will have to be paid a training allowance for the length of a sanction period even if they finish their training. **Ms Waite** replied that there is a mechanism in this circumstance to end a customer's sanction and get their JSA reinstated.

8.6 The **Committee** decided that it did not require the proposed regulations to be formally referred.

9. **Action Points and Action Taken**

AP & Para.	
9.1 A1	<i>Confidential Item</i>
9.2 A3	<i>Confidential Item</i>
9.3 2.2	<p><i>The Chair to write to the Pension Service about the process for informing carers about their State Pension deferral options</i></p> <p>The Secretary is awaiting further information from PCDS about the current processes and procedures, and changes that will be introduced shortly arising out of the Customer Transitions Project.</p>
9.4 2.3	<p><i>The Chair to write to the Jobcentre Plus about the training of PAs dealing with highly qualified clients.</i></p> <p>The Secretary has requested and received further information from the Jobcentre Plus and letter will be drafted shortly. In parallel she has suggested to Jobcentre Plus that the holiday/reclaim/WFI processes be reconsidered in order to streamline the procedures.</p>
9.5 2.7	<i>Members to submit any requests for travel arrangements in August and September by 10th August.</i>
9.6 2.8	<p><i>Volunteers for a product scrutiny sub-committee should give their name to the Secretary.</i></p> <p>Five members have volunteered.</p>
9.7 2.11	<p><i>Chair will write again to MoS the lone parents changes</i></p> <p>A letter has been sent</p>
9.8 2.12	<p><i>Chair and Secretary to speak with Professor Gregg.</i></p> <p>The Secretary has had an exchange of emails with Professor Gregg about his participation in the Stakeholder event.</p>
9.9 7.7	<p><i>Ms Walsh to reply to members about research payments and alignment of notional income disregards.</i></p> <p>The reply has been received and circulated to members.</p>