

Work and Pensions Committee

Oral evidence: Appointment of the Chair of the Social Security Advisory Committee, HC 733

Wednesday 9 September 2020

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Members present: Stephen Timms (Chair); Debbie Abrahams; Shaun Bailey; Siobhan Baillie; Neil Coyle; Steve McCabe; Nigel Mills; Selaine Saxby; Dr Ben Spencer; Chris Stephens; Sir Desmond Swayne.

Questions 1 - 39

Witness

I: Dr Stephen Brien, Government's preferred candidate for Chair of the Social Security Advisory Committee

Examination of witness

Witness: Dr Stephen Brien.

Q1 **Chair:** Welcome, everybody, to this meeting of the Work and Pensions Select Committee, and a particular welcome to Dr Stephen Brien.

Dr Brien: Thank you.

Chair: Thank you for joining us. Congratulations on being the Government's preferred candidate for chairing the Social Security Advisory Committee. Thank you for joining us for this pre-appointment scrutiny session.

Dr Brien: My pleasure.

Chair: You probably know that we did have a conversation with three members of the committee on Monday, just to talk through the work the committee does and what is on its programme. Arising from that and other considerations we do have a number of questions we would like to put to you.

I want to start, if I may. You were a full-time international management and economic consultant. Alongside that, as I understand it, in your spare time you found yourself writing a blueprint for the reorganisation of the social security system. Tell us how that came about.

Dr Brien: That is certainly one way of positioning it, yes. I have had a long-term interest in social security welfare, really going back to my teenage days when—I am sorry to admit it—I kept a diary of policy ideas, so I have been thinking about this space for some time. As I became more experienced as a management consultant, I decided that I wanted to explore other opportunities in life and to give back. I got in touch with colleagues and friends of mine who guided me towards the Centre for Social Justice as an organisation that was keen to bring in new talent and new experience. From that, the work evolved. It had been an issue that I had really been thinking about quite specifically since the mid-1990s. I still remember—it is one of these apocryphal type or restaurant-napkin type conversations—I laid out to a friend of mine, an American friend in Oxford at the time, a structure that ultimately ended up being Universal Credit. It was inspired by a book by Samuel Brittan, *Capitalism with a Human Face*, which is bringing in those ideas of how do you provide the safety blanket, the support, within a capitalist system.

I had joined Mercer Management Consulting, which then became Oliver Wyman. At the very beginning my mentor had asked me, in my early years there, what did I want to do with my life. I said, "Ultimately I want to go into public policy". At the parting dinner to commemorate the end of my time there, he reminded everybody around the table that this actually had been something that 15 years earlier I had set out as a life ambition. This is my dream come true, the opportunity to work in this space, to be able to contribute. It really took a few years while working to understand the



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ideas and to develop them, then the opportunity arose in the 2010 coalition Government to help actually make it real.

Q2 **Chair:** Thank you, that was very interesting. A couple of questions about the role of the committee. As you will know, the committee recently recommended that the Government should increase the rate of legacy benefits in line with the £20 increase in Universal Credit, and this Committee made the same recommendation. I think the Social Security Advisory Committee in the past has tended to be more with technical matters. Would you, as chair, be comfortable with the committee making that kind of policy recommendation in the future as well?

Dr Brien: As I read that letter from the committee chair to the Department, I read it less as a strong issue with policy; I think their argument was more around equity. I think it is at the boundary of where these discussions should be, but I would say as a committee we would need to call out issues that may be seen as gaps, lacunae or oversights within the system. I certainly would not feel that it is the committee's role to be advocating policy per se, which is the role of democratically elected Ministers and parliamentarians.

I think there is value in an expert group challenging and testing, particularly around the rough edges. Where broad-brush policy consent is established through democratic process, as you say, some of the technical issues, but maybe also some of the rough edges, need to be highlighted. It may be the job of the committee at that sort of boundary more to highlight them than to make very specific recommendations. I think it is the job of Government to make those decisions themselves.

Q3 **Chair:** Thank you. In your letter to us you said, "From my experience in the past of giving evidence to SSAC and as an expert adviser in DWP, I have seen the value of the role the Committee plays". I wonder if you can give us a couple of examples of experiences you have had which have illustrated the value of the work of the committee?

Dr Brien: The obvious answer at one level might be in regards to the primary statutory function of reviewing regulations. That is something that, on the other side of the fence, I was very familiar with as I worked with the Secretary of State and Lord Freud.

I think it also does things that are less high profile but sometimes really valuable. I take as an example—back in, I think, 2012—when the Social Security Advisory Committee did some work, as part of their work programme, on passports to benefits. That was where I think the committee was at its best: an independent group that was able to establish trust across Government, not having departmental vested interests and nor being a lobby group. They were genuinely the truth finders, who were able to go to the Department for Education, local government and so on and work out this interconnection between the benefit system and passports to benefits throughout Government. By being inside the tent, they were able to establish trust and to get access to information that say



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an outside group would never really be able to do. By not being part of DWP they were able to broker that area. It was a very technical piece. I think that was a great example of the committee doing “independent work” in a very valuable and constructive way. That, for me, is an exemplar of how the committee can be helpful.

Chair: Thank you very much.

Q4 Sir Desmond Swayne: Your role at the institute enables you to take on work outside. How will you manage the possible conflicts of interest that will arise from the work that you take on outside, and what sort of work are you envisaging taking on outside in addition to the role on the committee?

Dr Brien: I am sorry; there may have been some ambiguity in the way I responded to your request in that letter. The work outside of my work at Legatum would be this work on the committee. This is the only outside work I am currently planning or envisaging. I think maybe they question is more do I have the time to do it or do I have any conflicts—is that what you are getting at, or were you thinking there was a third piece of work that I might be doing?

Q5 Sir Desmond Swayne: Ruling out the third piece of work, how does it apply with just the two jobs?

Dr Brien: Let me first of all maybe address the time issue. I have the full support of the senior team at Legatum to take on this role. Interestingly enough—coincidentally, but I think very serendipitously—we are hiring and bringing a very experienced managing director into the organisation, specifically to allow people like myself to spend more time outside in roles that are complementary to the mission of Legatum Institute to create pathways from poverty to prosperity. From that point of view, me devoting time and energy to the Social Security Advisory Committee is very consistent with the mission of the institute and very much part of what we are keen for us as the senior team to be able to do. By bringing in a managing director, a lot of the internal obligations I would have are going to be relieved.

If there is a conflict of interest, I would obviously have to recuse myself on either side. I have declared—again, as per the exchange of emails we have had over the last week—my role on the Social Metrics Commission, an independent cross-party group looking at developing improved measures of poverty around the UK. We have not been engaging at all around the benefit system per se, other than using that as an input to understand people’s lives. Again, should there be a reason for me to either recuse myself from an inquiry in SSAC going to that area or should I need to not be part of the Social Metrics Commission report, I would be happy to take advice and I feel very comfortable about recusing myself.

Q6 Sir Desmond Swayne: You say, or you have said, you anticipate in the future spending actually a day a week at the DWP offices in Caxton House. Initially, however, how much time will you be spending on the committee’s



work?

Dr Brien: I am ready and prepared to take on the full commitment as has been indicated in the original application—the five days a week plus the expectation that now, for the early months, I will need to invest more time. I think that has been part of the committee’s recommendation—that any chair coming in needs to put in quite a bit of time upfront to understand the ways and to be properly inducted. I am ready to do that. My point about Caxton House was more once normal working is resumed, I would expect my time working on the committee will be substantially physically in the offices, being available for meetings and so forth.

Q7 **Sir Desmond Swayne:** The advert for the role specified a requirement for both independence and impartiality. You have told us that you have been interested in social security issues since the age of 19. You must have opinions, strong opinions. How can you be impartial? This is not a criticism. I am certain I could never be impartial—I have strongly held views.

Dr Brien: I think it is worth thinking through impartiality and independence first of all. I would certainly want to be independent. I would also say, as far as the committee is concerned, the committee needs to be impartial. As, as it were, the public representative of the committee, I need to be impartial when communicating the committee’s views, but I would hope and want that all the committee members are bringing evidence and interpretation of that evidence and opinions to the table. I would also recognise that I would need to be particularly careful. Obviously, as the chair of that committee, my job is to make sure that everybody else’s views to an extent are the primary voices on the table rather than my own.

I also feel that at one level I have gone through a phase of initially developing ideas, working them through within the Department, and have had great opportunities over the last six or seven years I have been in the Department to actually explore those opportunities in the international space. Most of my, as it were, problem-solving brain and where I am pushing ideas is much more international. Therefore I feel very comfortable taking a slightly more reactive, advisory, responsive role within the UK context. I do not have this burning desire within the UK to say, “Change this, change that.” I have been there, I have had some great opportunities. However, I would like to be able to give back with my experience and reflections, to help make sure those who are currently doing that job are doing it as well as they can.

Q8 **Chair:** You were obviously very much an insider in the development of Universal Credit. Is there a conflict there with being impartial now?

Dr Brien: I think it can be what it is perceived to be. It is seven years since I have been there. Universal Credit has developed a long way since then. I think the underlying ideas and purpose are pretty well the same, and I could offer the value of adding a clear understanding and appreciation of that. However, I think you will have seen yourselves as a Committee from my appearances in front of you and, for example, the House of Lords



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Economic Affairs Committee that I am also more than happy to identify issues that I think need to be improved within Universal Credit. I am not wedded to any particular instantiation of it—a sense that it has to be how I thought about it. I am experienced enough to appreciate that those plans never survive contact with the enemy and therefore what actually happens on the ground is now a little bit different. My job would be to help the Committee to evaluate its performance and help identify strengths and weaknesses as appropriate, rather than saying it should go in a particular direction.

Chair: Thank you very much. Steve McCabe, I think Debbie Abrahams wants to come in after your first question, so I will interrupt you before you get to the second one.

Q9 **Steve McCabe:** Good morning, Dr Brien. Is it fair to describe Universal Credit as possibly the most important welfare reform in the last couple of decades?

Dr Brien: I think that is for others to judge. I think it would be fair to describe it as a very significant one. If one looks at the legislative timetable, it has probably had more attention than any other in the last decade or so.

Q10 **Steve McCabe:** You have been fairly closely involved with it. Do you feel some kind of emotional attachment to it?

Dr Brien: It is hard for me to completely detach myself from it—I think we are all human from that point of view. However, as I was responding to the Chair just a minute ago, I am very happy to take an evidence-based stance on it. I think as I have said in evidence to this Committee before, there are always going to have been mistakes, there are always going to be things that you learn along the way. My emotional attachment is to a social security system that works for the most vulnerable in society, which provides value for money for the taxpayer and helps as part of an overarching social structure. That is where my emotional attachment would be. I think Universal Credit can make a contribution to that. There are also many other things that are critical to making sure that the most vulnerable in society are protected. I would not be myopically visioned on Universal Credit.

Chair: Debbie, do you want to come in with your question at this point?

Q11 **Debbie Abrahams:** Thanks, Steve, and thanks, Stephen. Good to see you again, Dr Brien. I also want to explore your impartiality given your role between 2010 and 2013 as an expert adviser to the former Secretary of State. You have explained a bit about how you have been passionate about the social security system—as am I—for a very long time. I wondered what you thought of its purpose. You described it as a safety blanket. Do you think a safety blanket allows an increasing level of child poverty, which is increasingly considered to be contributed to by the inadequacy of the social security system? What do you think the purpose should be?



Dr Brien: I am sorry; maybe I am not quite understanding the core of your question. Might you be able to repeat it? I just want to make sure I am answering it correctly.

Chair: There is an issue on the audio, I think, Debbie.

Debbie Abrahams: Is there? I will speak a little bit closer to the mic. What do you think the purpose of the social security system is? Child poverty is escalating. Many believe—and there is increasing evidence to support this—that the inadequacy of the social security system contributes to that. Where do you sit in that argument?

Dr Brien: I would like to take this question at two levels. One level, where I am going to be very comfortable answering it, is at the principles level. When it comes to some of the specific policy issues, I do not think that as a candidate for the Social Security Advisory Committee I should speak very much on the specifics of policy. As I have said earlier, that is a matter for elected Government members to work on. On the principles—

Q12 **Debbie Abrahams:** There are no black and whites, Dr Brien, and I think that is what you are trying to paint. It goes back to what Sir Desmond was saying: you said you have long-held beliefs around social security that are absolutely central to how you would chair the Social Security Advisory Committee. Again, it comes back to my example. There are actually no regulations for the rest of this year for the committee to scrutinise. However, obviously the committee has a work programme, and a number of occasional papers have been produced. What would your priorities be? For example, would you want to see an occasional paper on the deaths of disabled people after they have been found fit for work, which is an increasing scandal? This is an unintended consequence—I am absolutely sure it was not intended—but it is still happening. Would this be something you would want to explore within your committee?

Dr Brien: I would want to sit down with the committee members and work through with them collectively a set of issues that we thought were the most important areas to work on, and particularly to identify from the point of view of the value of an independent work programme areas that we felt were not being properly addressed, either by other bodies or by the Government. If a committee member identified—or indeed if through conversation with this Committee we identified—that as an important issue, I would not have an a priori reason not to do it.

As you have laid it out, as I am listening to you for a minute, you have made a very compelling argument that there is an issue there that would warrant and benefit from investigation. First, we would want to get a few more facts. Secondly, we would want to check and ask ourselves is it the right body to do that—do we have the skills and the mandate to do that. I would want to consider that. Thirdly, I would want to consider versus our workload, whether there may be even more pressing issues we need to work on. I would certainly not be averse to putting that on a list of issues



to consider. As you laid it out, it does feel like one that warrants consideration.

- Q13 **Debbie Abrahams:** I would suggest the deaths of claimants would need to be a priority, and all that is actually contributing to that.

In relation to that—thinking about something the committee has undertaken recently, which is the scrutiny of the managed migration regulations—300 out of the 400 or so responses were from claimants and carers. I wondered what you thought was the relationship between the committee and claimants and carers.

Dr Brien: Again, maybe you could help me with the question; I am just not quite interpreting correctly what you are trying to get to.

- Q14 **Debbie Abrahams:** Who do you think you are accountable to? Who is the most important person? Are they just collateral damage? I think your comment was, “never survive contact with the enemy”. Who exactly is the “enemy”? These are claimants who we are—

Dr Brien: Sorry, it is a figure of speech—a well-known figure of speech.

Debbie Abrahams: Well, it was unfortunate. Who are you accountable to?

Dr Brien: There are formal accountabilities and substantive accountabilities. The substantive accountability is to, in effect, the people of this country to ensure that our advice to Government improves the quality of the system so that it works well for everybody. I think you will know from my written response to you that when I listed the stakeholders that I felt were there, I explicitly included claimants and users of the system for that very reason.

- Q15 **Debbie Abrahams:** If it is not working well for claimants—and it clearly is not for disabled claimants, for example—is that an issue for you, or is it the fact that your accountability is to the Government?

Dr Brien: The SSAC has two major roles. For the scrutiny of regulations we must think, “Will this work for claimants?” I think SSAC plays an enormously vital role in identifying the hard cases, the rough edges, and calling them out before they go live. The second is the independent work programme. Again, absolutely what should be driving the priorities of the independent work programme is where we think the system, through our broad experience, is not working as well as it should, and particularly where we think that has not been recognised, using the power of the pulpit of the independent work programme to call that out.

Debbie Abrahams: Thank you. Again, “rough edges” seems very similar to what has been said about the EU process at the moment and ironing that out, so slightly unfortunate. Thank you. That is the end of my questions.

- Q16 **Steve McCabe:** Thank you. I think we have exhausted the question of your impartiality for the time being, Dr Brien, so let me move to something a bit different. Would it be right to describe you as an expert on social



security?

Dr Brien: I think I have some expertise in certain areas of it. I would not put myself forward as being an expert on a very wide range of areas, but I would say I have enough familiarity to be able to commence the role as chair knowing that the committee as a whole has a very wide range of expertise that I would want to be informed by, learn from and draw on.

Q17 **Steve McCabe:** If you were identifying areas where you have less expertise and you may have to draw on support and help from others, what would you highlight?

Dr Brien: I would probably highlight areas perhaps around housing and—to the point that has just been mentioned—I have not spent a huge amount of time on any specific area of disability. They would be two that just come to mind. Social security is very broad. As you all know, it is a very broad area with lots of technical issues on many dimensions, so I think it is very hard for any one person to be an expert in all. That is the power of the committee—to have the expertise collectively between us rather any one of us being a very wide-ranging expert.

Q18 **Steve McCabe:** Sure, but you would flag up disability and housing as maybe things where you would look for a bit more advice and support, is that fair?

Dr Brien: I would want to look for advice and support across the board. I would want to look for advice and support on Universal Credit as much as anywhere. I am not seeing myself as coming in as having particular areas that I want to get stuck into or involved. This is a chairing role where at one level my expertise is second order to the expertise of the committee.

Q19 **Steve McCabe:** Thanks. Let me ask you about one last thing. You said in your letter to the Committee, I think you were referring to Universal Credit as it rolls out further and the employment policies evolve, “the dynamics between the social security system and employers and employees (especially part-time staff) will be of increasing importance—and this is an area of expertise that SSAC may wish to develop further.” What did you have in mind when you said that?

Dr Brien: There is a confluence of two things happening at the moment. First, if we look at the medium-term plans of Universal Credit, the next stage of the rollout is to incorporate those who are currently on Working Tax Credits, many of whom will be part-time workers, and also more occasional workers. What you find is that the Universal Credit system and the DWP as a whole will start to engage with a group of claimants who are relatively new to it—they have typically been a group of claimants who have engaged with HMRC. It is a case of understanding that group. What are the dynamics of their work environment? What information does DWP naturally have about them? How does the RTI system work as people join work, leave work and change their hours? There are a whole lot more things that RTI is going to do, the real-time information system that is at a small scale today and will become large scale.



Adding to that, there is the dynamic of the last six months and what I expect to be going forward vis-à-vis the evolution of the furlough programme. There is going to be a lot of noise and action, both from the point of view of the way the labour market evolves and the shifting role of the benefit system within that space. If I look forward to where there are likely to be issues to resolve, I was anticipating that might be one. Then when I look at the committee—again, I am happy to be corrected—my understanding is that the worker representative on the committee is a post that needs to be filled. You add that into the mix again, and that seems to me to be an area that I immediately want to explore, test and check in the early days.

Q20 Steve McCabe: Is it implicit in that answer that you think the current system and the Department maybe are not terribly well sighted on the issues of those who are engaged in quite flexible employment?

Dr Brien: I would not want to say that, but what I would want to say is you have an organisational shift. In any set-up there is a huge amount of institutional knowledge, cultural knowledge, which today resides in HMRC because HMRC is the organisation that has been working for and serving this group for a decade or more. DWP is going to be taking on responsibility. The conscious side, thinking through the explicit work, absolutely has been done but the implicit work, the cultural knowledge, is always harder. This is not pointing the finger at DWP but simply saying in any environment building that institutional knowledge, building that cultural knowledge, takes time. It is always something you have to be particularly careful of because you cannot read it out of a manual, as it were. That is what I was just highlighting; it is a structural challenge and I would like to be able to make sure that if needed we could help play a role there.

Steve McCabe: Thank you very much. Thank you.

Q21 Dr Ben Spencer: I would like to ask a couple of questions about the chair's role and relationship within the committee as you see it. It is my understanding that the committee generally reaches its views and decisions on consensus rather than vote. I agree there are a lot of experts—extremely expert people are part of the committee—and I am sure there will be quite a diverse range of differing opinions, as with all committees. How do you see the chair's role in this process, and could you give an example of an experience you have had reconciling different points of view to come to a shared position?

Dr Brien: The chair's role is an enabling and facilitating role. I think the committee, certainly over the last year, has set up a good structure of delegated responsibility to expert working groups where a lot of work takes place. The chair has typically engaged lightly with those working groups. Then as the working groups report, the chair's job has been to bring in the entire committee to review, scrutinise and challenge the working group's work. I would presume that it would be best for me to continue that practice. I think it is a very healthy way of making sure that issues get



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addressed in a forum that works, as smaller groups can do the problem solving. I do not think a committee forum is necessarily the place to problem solve. That system of smaller groups surfacing issues, wrestling them, creating options, doing the problem solving, and then the wider committee, in effect, taking a judgment, taking a view, across the range of options, is a dynamic that I think works quite effectively.

I have seen it work very well as a participant. I will give two examples where I have seen that work particularly well. The first was quite recently on the Social Metrics Commission, which has had a very, very deliberate disparate set of views brought in to try to achieve consensus. That has been the aim of that, bringing people in from the left and the right and really trying to wrestle to the ground a good, quality, robust measure. That required working groups to surface issues, problem solve, bring them to the committee, lay out the arguments and then allow the committee to work through that debate, but not do the problem solving live in committee.

The other one I have been most impressed by was the time I spent working with Ronnie Cohen on the G8 Social Impact Investment Forum, where he brought together groups from around the world with different technical capabilities to create a blueprint for social impact investment around the world. I was part of his executive team that managed that committee. He dealt with both the formal and the informal. The formal was sometimes slightly stage managed, but with a huge amount of work behind the scenes to make sure that the issues of concern to different people were well understood by him and that he was helping to navigate the waters so that consensus could be achieved and the particular issues that did require solving were addressed earlier rather than later.

Personally, my experience of chairing comes in a number of different roles. I think the closest to the Social Security Advisory Committee probably—I think I mentioned this in my submission to you—was when I was head of the London office of Oliver Wyman. I was chairing the partner group there for four years, a group with many different goals and business models; different practices having different business models therefore requiring different management priorities, different structures, different talent management, different recruiting. Trying to find harmony to create an office that had a common purpose and the different, as it were, business models of the partners required quite a lot of diplomacy and quite a lot of work behind the scenes. That, for me, is where I cut my teeth.

With the Centre for Social Justice, having joined and contributed, Iain Duncan Smith asked me to co-chair a working group on welfare reform. It was the first major piece of policy work. Funnily enough, that co-chairing was with Baroness Stedman-Scott back in 2007.

You may also have a question about how experienced am I at chairing. I think that co-chairing experience was very informative. On the back of that I then chaired the major piece of work that ultimately led to Universal



Credit. There was a working group of about 10 of us who worked over two years with regular meetings. At the moment I am chairing a committee to develop a transformation plan for a developing nation. We have philanthropists, leaders of civil society, church leaders, local think tank leaders, former World Bank experts and financiers on this committee meeting probably twice a month, and then a series of working groups coming off that working across three continents—in Africa, India and the UK. My job is to co-ordinate and chair those groups to land a document and a plan that will be seen as non-partisan and authentic in that country. That is very definitely having to reconcile lots of different views at the moment.

- Q22 **Dr Ben Spencer:** Thank you for that very full answer. The job advert for the role points out that strong, measured and balanced leadership qualities are needed. Just to unpack some of the examples that you have given, what is your approach to resolving conflict when it does arise in a committee and how does that link into your personal skills and abilities? How do you go about approaching it? You have given examples of places where you have resolved conflict, as you said. I want you to get a bit more granular in terms of how you dig in and resolve conflict when it does come up.

Dr Brien: The first thing is listening so as to identify the potential for that conflict in the first place, to recognise it so that it does not, as it were, erupt or surface unawares first up in public. That sometimes may happen but the key thing that I have found, for myself and seeing others do it well, is to stay in regular communication with, for example, all members of the committee, talk them through what is going on, seek their private reactions, listen, test and probe. By saying things like, “Based on your understanding, based on where you are coming from and your interests,” you try to tease out of people at one level where the tensions are and then find ways of getting smaller groups together to work through some of that before we get back into, as it were, a plenary session, to help see whether somebody else could add into the mix to create a third way of doing things. If we have two ideas in opposition to each other, can another person—another party—join the discussion to create the space for a compromise or an alternative approach? Certainly in my experience, I would do a lot of that informally, while keeping everybody informed—not hide away from the fact that something needs to be sorted out, but try to give people space in advance of major committee meetings and major hearings to get most of those issues resolved as much as possible.

- Q23 **Selaine Saxby:** Thanks, Chair. Good morning, Dr Brien. What does a successful relationship look like to you with the DWP and other Government stakeholders?

Dr Brien: I think a successful relationship is one where the committee can be a genuine critical friend, where we can call things out as we see them but do so in a way that is constructive, in a way that allows a resolution so that we are there as another pair of eyes and ears; we are an independent group of experts; we are respected by the Department so that a lot of



times they can say, "That is really helpful. Thank you, we will adopt it," and sometimes maybe saying, "Ouch, you are right. We need to go away and think about it," and try to minimise the number of times that our communications are communicating past each other. I think that is going to be based on developing personal relationships with officials, with Ministers. Again, you are listening to them so that I and the committee know what they are trying to achieve, what their mandate is, how they see their mandate and make sure that we play back to them in a language and in a form that enables them to work with us rather than setting ourselves up in opposition to them but, yes, being critical where we need to be.

Q24 Selaine Saxby: Can you give an example of a time when you have challenged a decision of a senior colleague?

Dr Brien: Yes, let me give you two examples of where I have had to do that in government. The first time I really experienced that was back in 2001. In the summer of 2001, Railtrack was starting to experience some serious financial difficulty, as you may remember. I was leading a team that had been brought in by the Department for Transport to look at the strategic and economic viability of Railtrack. As part of that, I ultimately had to go to senior officials in the Department for Transport and show them the analysis we had done of their spreadsheets, their work, which showed quite a different picture. That was an awkward conversation where it started with, "Who gave you authority to do this analysis?" to, "Okay, I see." The fact that question was asked hopefully illustrates my willingness to be independent. It was not, "Where did the data come from?" it was, "Who said you could analyse it like that?" By analysing it in a different way I was able to—"confront" is probably too hard a word—expose some issues that were not being asked that led to part of the decision-making process that ultimately led to Railtrack entering into administration. It was quite a tough, challenging time to have to lay out some truths on railway economics there. That is where I have, as it were, raised issues with officials that were uncomfortable that I felt needed to be raised.

The other way around actually is at DWP in, I think, 2012. I think all of you are aware of the history of Universal Credit, the IT systems. Universal Credit was not the only IT system that was a matter of concern for the Department at the time. The progress of the new child maintenance system was of extreme worry and concern, and there was a fear at that stage that there may be other problems that had not yet surfaced. With the agreement of the Secretary of State and the Permanent Secretary, I was asked to conduct a rapid-fire review of the child maintenance system IT development. I think the easy way for me to have done it was to come back and say, "Here is a litany of problems. It is all going to fail," but this time I confounded some political expectations by coming back and saying, "I have done a thorough review. These are the issues but I believe the team with the right support is on top of it and can succeed," and with that confidence some political views were changed and the system did get up and running.



Q25 Chris Stephens: Good morning, Dr Brien. I have a couple of questions for you. The first one is who would you consider to be the Social Security Advisory Committee's primary non-Government stakeholders, and could you describe how you would see the relationship in your time as chair with those stakeholders?

Dr Brien: That is an interesting, and in some ways challenging, question. If I were to pick up on the earlier discussion with Debbie Abrahams, I would say the reality is that the most important non-Government stakeholders are the citizens, the users of the system, the claimants and those engaging with it. Obviously a direct line of communication is challenging, simply because we would want to absolutely be listening to the direct voice of the user but to an extent, for practical purposes, that also needs to be intermediated. Therefore for practical purposes not only do we want to be listening directly but we also want to make sure that we are talking to a wide range of representative groups so that when we think about part-time workers, when we think about the disabled, when we think about those with housing challenges and the homeless, when we think about those in deep poverty, we are connecting with people who can inform us, who can act as mediators between us and the broader community and who can also help connect us with the broader community so that we are not always listening to intermediaries. Therefore I would say our most important stakeholders are the broader community, but practically we need to work directly and indirectly with them.

Q26 Chris Stephens: Thank you, Dr Brien. One of the groups you have not yet been mentioned today—which has surprised me, I have to say—is the trade unions. I am thinking particularly of the trade unions who represent DWP staff. Could you maybe just say a bit about any experience you have had in relation to trade unions, and how you would see your role as chair of the Social Security Advisory Committee and the relationship you would have with any representations you would receive from the trade union level?

Dr Brien: As part of my work researching and developing Universal Credit, we took submissions and evidence from a wide range, including trade unions. If I remember rightly, I think I also met with representatives from the DWP. I would say it is not an area of my expertise but I would see them as one of a number of groups that we would want to engage with. They have a very important voice and are a very important group of stakeholders. Linking back to my point about the part-time workers being one where certainly my instinct says that is one we are going to have to pay close attention to, the trade unions would be an obvious group to talk to as well as representative groups. I absolutely welcome the opportunity to engage with and learn from them.

Chris Stephens: Thank you, Dr Brien. I think I got most of that. I had a problem with my screen for a bit but I think I got most of that answer, so thank you.

Another key part of the role you will have, Dr Brien, as the chair would be the formal role you have, giving advice both to the Secretary of State for



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the Department for Work and Pensions but also the Department for Communities in Northern Ireland. Obviously that will leave a question of how do you see the relationship going forward with the devolved Administrations. I am thinking particularly of Scotland, which will receive more devolved powers going forward.

Dr Brien: For Scotland there is an analogous body advising the Scottish Government. As I understand it, SSAC is working to establish a memorandum of understanding with the Scottish body. I think that will lay groundwork for that. For Northern Ireland, I would want to probably take advice from Gráinne McKee, the Northern Ireland representative on the SSAC to really understand the best approach there.

We have a skill-set that I believe can be valuable, but we also absolutely need to respect the devolved authority. I would not want to be overstepping any mark to start opinionating in places that are less welcome. I would really want to perhaps come back to you on that, having consulted and discussed it with Gráinne as the member from Northern Ireland.

Q27 Chris Stephens: Sure, but obviously the decisions the UK Government, and particularly the DWP, can have will impact on the policy areas of the devolved Administrations for Scotland, Wales or Northern Ireland. How would you expect to take into account then the Social Security Advisory Committee scrutiny of proposed regulations and the wider independent work programme as it would then affect the devolved Administrations?

Dr Brien: First, I will go back to my earlier response. We have members of the Committee from the devolved Administration areas. I am operating slightly on assumption, but I would expect that we would always be checking, "Is this a matter of confidence within the area or not? To the extent that this piece of regulation has an impact in Scotland, for example, is it differential to the impact in England because of other regulations or other systems?" Therefore, to the extent we are providing any advice, do we need to differentiate it between advice for operation within England versus operation in Scotland, because even though the competency for the regulation may be across the entirety of GB or UK, if it interacts differently with the system in Scotland we would want to call that out and that may require us to give slightly different advice?

Q28 Shaun Bailey: I want to look a little bit more at the openness and transparency element of the committee, particularly given that the social security system more widely is often viewed as quite opaque. I am curious to understand what your views are around the openness and transparency of the committee's work. I know you have been noted as saying that within the role you did not really intend to publicise the committee's work beyond the normal remit of openness and transparency. Perhaps you could explore with us what that would look like in practice.

Dr Brien: Yes. I think the way in which that response was coming forward was perhaps more my personal publicity and my personal use of publicity



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rather than the committee's. My natural instinct is actually one of transparency, generally erring on the side of transparency. I believe that in the spirit of the committee, and indeed your Committee, scrutiny in general is a good thing. While it may be awkward and uncomfortable for those being scrutinised at times, the system as a whole is better with more scrutiny and more openness.

From the point of view of the committee's work, I would be looking to make sure our minutes are all published, as they are. I would be looking to make sure they are perhaps published a bit faster than they are at the moment. I have noted and commented that we have not had minutes for the last while. I do not think it is a major issue but in terms of my spirit it would be, "Let us get them out there so everybody knows." I see no reason why some of our hearings could not be public, could not be more public. I think there are practical issues but I am going where my instincts are, which would be to allow them to be public. The practice of publishing a letter and publishing a response is good. I would want to make sure our reports all get published. I think that is all there. I think we can explore how to make that more transparent. I do not necessarily think there are other bits of information that have been held back because I do think, at the same time, for a committee to be effective there has to be scope for informal conversations, just as there is in all walks of life. As we get to a decision or a position we would want that to be all out there in the open.

To answer your question, there are two things; I would want to make sure we are very timely with the publication of our minutes and our exposure around workings, and I would want to explore how open, how transparent and how public we can make some of our hearings so people do feel this is not happening behind closed doors because it should not be, particularly given the nature of the committee.

Q29 Shaun Bailey: Do you think there is any merit in increasing the committee's wider profile? I am conscious that obviously the work you do, particularly the advice you give, is very significant, and the committee perhaps is not as well-known as it maybe should be. Do you think there is any merit in that at all?

Dr Brien: There is an interesting balance. If we become very well-known and very high profile we would get drawn into political battles, which is the nature of things. I think then we would lose our ability to be a genuine critical friend. There is a balancing act. When we publish, we may want to explore exactly how wide a reach and how big a profile that is. We have to be very careful how that profile is established so that the independence, integrity and non-partisan nature of the Committee are protected. As one gets into the public square that can get challenged and I want to manage that carefully, while capturing the spirit of transparency as much as possible.

Q30 Shaun Bailey: You have said in answer to a previous question that the most important stakeholders for the committee ultimately are the service users. I am curious to learn a bit more how you would plan to engage with



service users through the committee?

Dr Brien: I would see it, as I was mentioning earlier, as both directly and indirectly. The indirect engagement through representative groups is pretty well established. I would want to review and make sure that group is as broad as possible, so we are making sure that we are not missing important groups and are getting the right balance. From my experience in other walks of life, saying, "Great, we have heard from the interest groups, as it were. Now let us also sit down and meet with the service users." Looking at recent areas around, let us say, consent or surplus earnings or the claimant commitment, are we talking to enough people who actually have gone through the process of claimant commitment, are we talking with enough self-employed people who have been dealing with surplus earnings, do we really understand, in their voice, what is going on as well as understanding the facts, figures and statistics? I would definitely want to make sure that the committee as a whole is reaching beyond the representative groups to combine that with direct meetings with service users.

Q31 **Shaun Bailey:** One final question—if I can, Chair, very quickly. Obviously you are coming in at an unprecedented time. I am curious to understand how you would lead the committee, particularly given the challenges that we are facing more widely with the current situation. You have talked very well about casting the net out for your stakeholder engagement. How would you go about doing that and how, more widely, do you plan to lead the Committee, because obviously meeting physically is going to be bit of an issue and, equally, the logistical side of doing that broad-brush stakeholder engagement might be challenging? I am curious to understand the ways you could see that being adapted or developed, or how you would overcome some of those challenges.

Dr Brien: At the moment, as we are all on Zoom at the moment, this is the way the committee is operating. The committee operation has moved, I think quite sensibly, to more frequent shorter meetings rather than one-day sessions. I think it is probably worth reflecting on that and seeing whether that may be a better way of operating going forward so that the committee perhaps meets remotely and in person on a more regular, more frequent, basis.

If we look at the committee and the history over the last 12 or 18 months, maintaining relationships, maintaining that sense of connection and sense of being a group that is working together is really important. While Zoom does not always do, if Zoom allows us to meet more frequently and have more regular engagement that may well help the way the committee works, as opposed to disappearing away and then coming back once a month and picking things up. It is worth exploring what we have learnt from this experience in terms of running a committee and what good practice we can bring forward.

I personally will be very keen to travel out of London as soon as it is practical and appropriate. I am one of the lucky few in some ways who



have been through Covid and have the antibodies, and I am, on one level, really keen to re-engage. I know others are obviously going to be in, and feel in, a very different position but I would like to explore how we practically get small groups of us as and when it is appropriate. Given the current restrictions—limits of six as of Monday—it is not possible. Therefore, the next thing to say to the representative groups may be, “Could you help us convene a call like this with service users?” Again, there are practical issues of making sure they have the technology but I will be keen to explore that too.

Shaun Bailey: That is great. Thank you, Chair, no further questions from me.

Q32 **Chair:** You mentioned representative groups a couple of times there. What sort of relationship would you envisage with Child Poverty Action Group, Citizens Advice and those kinds of organisations, which often have strong views on social security policy?

Dr Brien: I know the committee engages with them, talks to them and works with them at the moment. I would expect to continue that. We have been talking about the trade unions and you mention the Child Poverty Action Group. I think they are a very important voice and a repository of very important information, evidence and experience that I think the Social Security Advisory Committee would want to be drawing on, and would want to be seen to be drawing on. If we are looking at a piece of regulation, or if we are looking at a particular independent work area, we would want to make sure we are drawing on the expertise not only of the committee members but of all that ecosystem of organisations. I would want to be listening to them. I would also want to be working out, in effect, what we need to be doing so that that group is part of a broader constructive dialogue that helps improve the system as a whole.

We are, to an extent, seen as potentially an intermediary between the Government and some of these groups, as being impartial—we understand the Government’s remit and we understand their evidence. I would like to be able to make sure that our communications are helping with those groups to develop a constructive dialogue. We would not necessarily saying, “What is their representatives’ view on this? How do we support it?”, or anything, but saying, “If that is the language they are using, if that is the way they are thinking about it, how do we write our report such that this variety of interest groups can recognise the constructive role we are playing and be part of that constructive dialogue?” rather than feeling, “We are pushing up against the Government and it is us against them.” I think we can play a valuable intermediary role there.

Q33 **Chair:** Thank you. Can you tell us what is your assessment of the performance and impact of SSAC over the past couple of years?

Dr Brien: Let me go back further one level: I have seen it from the outside and I have seen it from the inside. Certainly in the early 2010s, I thought it was very good, it was very impactful. From 2013 or 2014 onwards, I had



less visibility of it. When I look at the last year or two, I think, as we all know, it has had its pluses and minuses in terms of some of the personnel changes. Some of the independent work programme pieces I think have been very good. This is where the work on surplus earnings and the work on implied consent have been very useful. This is where I think SSAC plays a very positive role, which is—I will not use the term again—those areas where the regulations or the system are not yet working smoothly but the insider view may not see it. The consent and surplus earnings are two examples of where an honest group with integrity points out a real problem, as opposed to a special interest group saying, “My members want this.”

I think where maybe it has more work to do and where the challenge always is are some of the broader issues. What is SSAC’s remit? How does SSAC make sure that its focus is on areas where it has a unique ability to contribute? There are many players in this space—everything from think tanks to Select Committees like yours to others—who have different ways of attacking a problem. I would want to make sure that as we think about our work programme, the choices that we make are ones where we are uniquely able to help. That is probably where, if I look over the last few years, it has had some good reports but I think the better ones have been where it has really found that unique niche where only SSAC could really make its mark, which is what I would want us to focus on.

Q34 Chair: You are saying it has looked at some areas that really would have been better left to others to look at. Can you give us an example of that?

Dr Brien: Maybe there are times it could be joined work. The one where I felt that—I do not want to say this is a bad piece of work, because I do not think it was, but I think it is a case of the uniqueness of SSAC—was the claimant commitment piece. Is that a piece of work that only SSAC could have done or is that a piece of work that SSAC, with others, could have done, or should others have done it?

I am really thinking about scope here. Was it within the remit of SSAC? Was it appropriate? Yes. Was SSAC the only people to do it and the best people to do it? I do not know; I am just commenting. That is in contrast to, say, the surplus earnings or the implied consent work, which I would absolutely say really felt in the heart of SSAC’s expertise and uniqueness. It is the uniqueness point I am making rather than whether it was a good report. Were the people doing it qualified to provide advice? Absolutely, but whether to uniquely provide it is a question mark.

Q35 Chair: What was it about the claimant commitment work that took it a bit outside SSAC’s unique area of expertise?

Dr Brien: In a funny way, I think it was because one of their first recommendations was around DWP articulating clearly the purpose of the claimant commitment and what it was trying to achieve. You are getting into slightly uncharted waters around an operational issue, a policy issue, and so forth. To contrast that with the consent piece or the surplus earnings



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piece, it was very, very clear that this was around how things are impacting on the ground, what is happening and where, and identifying the challenges that need an outsider to call them.

On the claimant commitment, maybe there is one half of that report that is, "This is unclear. The purpose is unclear. It is not clear enough, it needs to be clarified." When that clarification occurs, there may be a second piece of work to then check the performance against the objectives. I think it was certainly challenging to say if the objectives are unclear, or are not clearly stated publicly, it is then more difficult for an SSAC-like organisation to play its role scrutinising it, because the benchmark against which it is scrutinised is not as explicit as it needs to be. The first bit of work was more strategic: "What should that be?" I would maybe split it into two, with SSAC's first observation, "We do not have a clear enough mandate or objective for the claimant commitment", and then a pause. We could say, "Policy, go sort that out. When you have, we can then assess operations against it."

Q36 Chair: Interesting, thank you. A final question from me: how do you think we should judge your effectiveness in this role, if you do take it up, in a year or two's time? How should we measure whether you have been a successful chair?

Dr Brien: I would say it is threefold. First, at the heart of the day job the regulatory scrutiny is highly regarded by outsiders and mostly, predominately, accepted by DWP. The independent work programme is regarded as high quality and apposite. It is highlighting issues that are otherwise not being highlighted and that, in effect, the independent work programme is responded to positively by DWP. That would be, to a great extent, adopted and absorbed within their processes, and where not it is not seen as ship's passing in the night but there is a constructive dialogue and, if nothing else, the SSAC effort has triggered DWP into greater clarification and clearer explanations regards why it is not doing something. Sometimes the independent work programme flushes out a lack of communication about something and sometimes the independent work programme triggers a DWP positive response, and overall a good, healthy relationship where people see SSAC as being that critical friend. It is playing an independent role—the challenge role, but very much a constructive one.

Q37 Chair: If the committee makes recommendations that the DWP refuses, like the one about increasing legacy benefits in line with the increasing Universal Credit, is that a problem or would you expect some of that in the normal course of the committee's work?

Dr Brien: I think I would expect some of that in the normal course of the committee's work. I do not think the committee should regard itself as omniscient. What I would expect in the situations whereby DWP chose not to accept our advice is that we would have a good enough relationship such that the response and explanation as to why that advice has not been accepted is actually regarded as a positive contribution for debate and



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discussion. So we are not getting a flat, "No"; the DWP would come back and say, "Thank you for your thoughts but here are three reasons why we are not taking that on board." People can read those reasons and say, "Okay, yes, this has been a mature discussion or debate. The DWP has responded very positively and has chosen not to but has given good reasons not to."

Q38 Chair: Can I read you, on this particular issue about the increase in legacy benefits in line with Universal Credit, what the Department said in response? It said, "DWP has no plans to increase ESA, JSA or Income Support. These benefits were increased by 1.7% in April 2020 following the Government's announcement to end the benefit freeze. It has always been the case that claimants on legacy benefits can make a claim for Universal Credit", and so on. Is that answer the kind of answer you would hope for from the Department when it is disagreeing with the committee, or do you think we should hope for a fuller justification of the Department's response than that one?

Dr Brien: I do not want to comment on the very specific. I do not know enough of the detail of the ins and outs of that dialogue. I think in principle I would hope that we would be eliciting maybe slightly more open, engaging responses. That is a good challenge for a chair—to establish the relationship and dialogue such that DWP feels comfortable perhaps being a little bit more expansive in its response and feels like it owes the committee. I would have to work with the committee. We would have to earn the right for, as it were, a thorough and richer response. That would be our job to earn that right, as it were.

Q39 Chair: Thank you very much. That is all the questions we have for you. Is there anything else you would like to say for us in concluding?

Dr Brien: Nothing much more than should I be formally appointed I would also welcome the opportunity to work with you, Chair, and your Committee going forward. I think there is a lot of common interest, and a lot of expertise in your Committee as well that I would be keen to make sure we were also able to tap into.

Chair: Thank you very much indeed for being with us this morning, and for the very full and clear answers you have given to our questions. Thank you very much indeed.

Dr Brien: Thank you.