

Work and Pensions Committee

Oral evidence: Universal Credit, HC 336

Wednesday 14 November 2018

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Members present: Frank Field (Chair); Heidi Allen; Rosie Duffield; Ruth George; Steve McCabe; Nigel Mills; Chris Stephens.

Questions 914 - 958

Witnesses

I: Sir Ian Diamond, Chair, Social Security Advisory Committee; and Victoria Todd, Member, Social Security Advisory Committee.

Examination of witnesses

Witnesses: Sir Ian Diamond and Victoria Todd.

Chair: Sir Ian, a warm welcome to you.

Sir Ian Diamond: Thank you very much.

Q914 **Chair:** Thank you for the work you have already done. Could you begin by identifying yourself for the sake of the record? Then we will go to Victoria.

Sir Ian Diamond: I am Ian Diamond, and I am Chair of the Social Security Advisory Committee.

Victoria Todd: Hi. I am Victoria Todd, and I am a member of the Social Security Advisory Committee.

Q915 **Nigel Mills:** Thank you. If you could perhaps just start by outlining what you see as the main risk to claimants, the Department, and probably to the whole UC scheme of not getting this managed migration process right.

Sir Ian Diamond: It is incredibly important because the managed migration will be of people who have been on benefits often for some time. They will include some of the most deserving members of our society, and it is incredibly important to recognise that many of those who could potentially fall through the cracks if this were not organised and managed effectively would be those for whom there was very little safety net of any sort. Getting this right, it seems to me, is absolutely critical for us as a nation in making sure that our benefits system works.

Q916 **Nigel Mills:** Do you have anything different to say?

Victoria Todd: I have nothing different to say. Just to say that one of the main objectives that we identified is that this process needs to minimise the risk on claimants in terms of the transfer process. We very much feel that the risk should be more on the Department.

Sir Ian Diamond: This is an issue for the state, not the individual.

Q917 **Nigel Mills:** Yes. I think the Secretary of State said she had accepted all but one of your recommendations, and the one she did not accept was because she wanted to be more generous. Is that how you read what the Government have said in response to your report?

Sir Ian Diamond: That is a reasonable reflection but, if you would not mind, I would not mind expanding just a little bit. The Secretary of State said very clearly that she was in listening mode. We consulted, had the biggest response we have had, and we made, I hope, a set of constructive recommendations. We welcome the fact that the Secretary of State has responded positively to all except one.



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Having said that, underlying those responses is a degree of detail. We, as a Committee, stand ready to work with the Department to get inside some of that detail because at a simple level some of the conditions that came around the responses concerned me just a little.

Victoria Todd: Just to add, the majority were accepted, as you said, but there were two other areas where our recommendations were not fully accepted. The main one, the one I have just mentioned about minimising the risk: the main way you could do this is by having automatic claims. The majority of stakeholders who responded to our consultation highlighted that as the worrying part, that people were not going to be transferred automatically.

Lots of people were surprised by the name “managed migration”—that came up a lot in the consultation—that it would be managed and that the people would be moved. I think that is what has happened in previous consultations. We thought that was an area where you could remove some of that risk on claimants. We had recommended exploring the possibility of those automatic claims, particularly for certain groups, because this is not a one-size-fits-all situation. You could certainly do different things for different groups because the risks will be different with the different groups.

In terms of the response from the DWP, it identified the reasons why it did not want to do automatic claims. There were concerns around data security, requiring people’s consent to make a claim. In our report, in the detail of the report, we set out some other ways you could address some of the DWP concerns. You could take people across, for example, and then you could do an exercise to check the data within the first couple of months of the claim. Some of the stakeholders who responded had lots of similar ideas. I just wanted to flag up that area as where they did not fully accept what we recommended.

Sir Ian Diamond: If you would not mind, if I could just build on one point there. The Department has said that, in many ways, people are going to have to use technology to apply anyway. I would submit—and this comes back to the point Victoria was making about different groups—there will be people who will migrate in this migration who have never and likely will never use technology. I am not saying that will be a significant part of our population, but it is a part of our population that we need to be concerned with and need to make sure does not fall through any cracks. It seems to us that we need to take groups separately, differently, and we need to consider the best way to migrate each of those groups.

Q918 **Chair:** Would it be better, Sir Ian, to call it “unmanaged” migration?

Sir Ian Diamond: I would not go that far. I would hope that over the next while, if we are able to work constructively with the Department, we can move some of the responses into a position where we can get to



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something that we would all call managed migration. We are not there yet but we need to work together.

Q919 **Chair:** Victoria, what response have you had to other inquiries, and how big was the response, as Sir Ian talked about, to this inquiry? Sir Ian said this was bigger than any other inquiry.

Victoria Todd: Yes. We had 455 stakeholders who responded. Of those, 300 were individual responses. I do not know the numbers of other inquiries, but I think it—

Q920 **Chair:** You might give it to us, might you?

Victoria Todd: Yes. We can certainly get the details, but it dwarfs anything that we have had before.

Q921 **Chair:** Then we can add up how many inquiries equalled your 400-odd.

Sir Ian Diamond: I am very sorry to interrupt, but if you take those 300 individual responses, very many of them were, "I am concerned and I am worried". It seems to me that there is a real message there, and we made that point very much in our recommendations for the communication, and for early communication and appropriate communication. It is incredibly important.

Chair: It comes back to Nigel's point, made a number of times.

Q922 **Heidi Allen:** I am sure we will come on in more detail about how we transfer people across. I think some of the Government's nervousness is around whether the data they hold are right, and my feeling is that they almost want to use it as a data-checking process, to refresh the data and make sure they have got them right.

Could one of the ideas be, when people on benefits come up to a natural review of their disability benefit or whatever it might be, in two years and four months, whatever it might be, that that natural anniversary that would have generated another health check of some form or assessment of some form could be the natural migration point for those people? I am just thinking of different ideas. If the IT and the data are so uncomfortable for the Government to prepopulate, is that an idea?

Victoria Todd: There are probably many ideas that would reach the same result. If there were a set of agreed principles of what good looks like for this migration, there are lots of ways that you could get there. That might be one that you could look at. What we have said in the report in lots of different areas is these are the things that need to be thought about and have dummy tests, have different ways of looking at it, before you start testing with real people. As I say, there are lots of ways you could reach a desired result.

Sir Ian Diamond: Let me give you another example, if I may. I think your suggestion is interesting and sensible. One issue is that currently, with multiple benefits, an individual may not have updated all their records. In my view, we have technology now that quite simply allows us



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to merge data. In the situation where the state holds more than one piece of information, this seems entirely reasonable to go and check which one is right.

Q923 Heidi Allen: To us, too, but the DWP has told us or the Minister has told us, Neil Couling, that some of these systems are so archaic that you cannot easily pull data out of them. I agree. I find that hard to believe. Have you had any conversations along those lines with them?

Sir Ian Diamond: A little. When I responded earlier—

Q924 Chair: When you say “a little”, it is that they wanted to stop the conversation because they would not answer your question?

Sir Ian Diamond: Not at all. We have not yet had the detailed conversations that I intend to have as a result of the responses that we have had. When I responded saying I “hoped” that we would get to a position that we would all agree with managed migration, that would be as a result of some of those conversations that I am looking forward to having.

Q925 Heidi Allen: Victoria, just moving on from what you were just saying about preparation before you put live people through this test and learn, talk to us about how you feel about the preparedness of the Department for that test and learn period, and what shape should Universal Credit be in? I feel like I am banging my head against a brick wall. I have said so often I think there should be KPIs for the system here today about whether it is payment timeliness, amount of debt, whatever it might be. We could set a whole remit. Should we have that in place or something like that now, also before we hit the button for pilot managed migration, and then the really big button for managed migration proper? What are your thoughts on measuring the stability and the readiness of the system?

Victoria Todd: I am pleased you have asked the question in that way because it is quite important to talk about the different stages of this process.

Lots of the stakeholders who responded to the consultation were very concerned about the current state of Universal Credit full service. We did make it clear in the report that we did not intend to go over those policy issues because it was not within the scope of the managed migration. However, you cannot look at one without the other. I think we did acknowledge that if there are things that are not working in the current system, that will have a huge impact when you try to roll out managed migration. It makes sense to try to fix those. That is definitely what was coming through in terms of strength from stakeholders.

What we then said in terms of preparing for the migration was that the Department should publicly define what it considers good, and that should be done before the pilots start. That was our recommendation. In assessing that, it should also think about the wider UC system.



In relation to managed migration specifically, it certainly should be possible—coming back to what I said before—to think, what would good look like? What do we want this process to achieve? List out those principles. That would probably be helpful in terms of the Department having conversations. It has talked about working with stakeholders, with local authorities, with this Committee, with our Committee. Having that set of principles would be helpful, and that is what we have talked about.

Q926 Heidi Allen: Would they be—I do not know, I am thinking randomly—people with terminal illnesses, who should be seamlessly transferred over, for example? I am picking a random example, but set principles of what success would look like.

Victoria Todd: It could be big principles in terms of, what would a good migration look like more generally? What we did suggest is that for those particular groups, there certainly should be some testing without real claimants to pick up those specific issues, where specific groups of people will definitely have problems. Those people should be identified in what we call dummy testing, but a pretest phase before you start dealing with real claimants.

Sir Ian Diamond: Your question is exactly the right one. Where we as a Committee start: a few high levels. We want a simple, well-managed process with safeguards in place, which is communicated well, which ensues no one loses money because the transitional protection is well done. That is simple, right?

From there, you can go below there to a set of clearer questions. What is the time it takes for the process to go through? Who are people who are likely to be most vulnerable? What is the impact in terms of debt? The example you gave about someone with terminal illness. Do you see what I mean? We start at the high level and then within that high level there are clear examples.

We believe, as Victoria has absolutely rightly said, there should be some real simulations of how this process is going to work, where you simulate the easy ones, but most importantly the very difficult ones as well. At the same time, when you do those simulations, you think about how to scale up. It is pretty easy to do it for a post code, but we are talking about doing it for a nation. There are real questions that we think need to be done in a simulated way initially before you start dealing with real people.

The Department is very clear that the test phase will be with a small number of people, 10,000 people. That is fine, but you really need to think about how you scale that up. If, with 10,000 people, it is taking you—let us make it up—a week, and then suddenly you press a button and we are talking about 2.8 million households, that is going to take six months. You will throw enormous numbers of people into destitution, and that cannot be right.

Q927 Heidi Allen: Having very strong KPIs at every stage of this.



Sir Ian Diamond: Absolutely.

Q928 **Heidi Allen:** Victoria, you mentioned the idea—and the Department has committed to doing it—of working with third-party stakeholders to help build the test and learn and the planned migration process. Do you think there is a role also for third parties to be critical friends, a bit like an external auditor, as Government are developing this?

Chair: We have not found they are very good.

Heidi Allen: No. More of an NAO. Should SSAC have another look? I do not know. This strikes me as such a massive project of critical importance and the risks are so huge. Is it good enough to say there, “The regulations are okay. Government, crack on”? Or should there be some review?

Victoria Todd: There has been a willingness from absolutely everybody. In every response that came in that I read, organisations were saying, “We stand ready to help the Government”.

Ian and I were at a workshop with local authorities and the same message was coming through there very strongly that everybody wants the same result. Whether it is SSAC or your Committee or local authorities or other stakeholders, everybody wants this to work well for the people who are going through the process, as does the Department. There is a willingness from everybody to work together to try to get it right. It is just finding a mechanism to take advantage of that engagement.

Sir Ian Diamond: There are two sides to your question, because the local authorities were very clear that they wanted to be full partners. They knew where some of the most vulnerable people were. They were prepared to be partners in helping. That was a message that came across loud and clear.

There are other groups who have said they would be—exactly as you have said—independent, for want of a better word, auditors, so that you could say, “These are the KPIs. This is how it looks. Can you spot any fatal flaws?” It seems to me that whole process and using all the skillsets that we have are critical in taking this forward.

Q929 **Heidi Allen:** Just to wrap up, as it stands at the moment, do you both have comfort that that is where we are and that is how this is going to work?

Sir Ian Diamond: I would say that I have comfort that there is a willingness to continue to have the conversations and that there has not been time for me to feel that those conversations are not going in the right direction.

Q930 **Heidi Allen:** That is positive.



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Sir Ian Diamond: At the moment I set out on this next stage of the journey with hope.

Heidi Allen: Excellent. Thank you.

Q931 **Steve McCabe:** I want to ask first just about the timetable. You said in your report that you welcome the Department's commitment to consult local authorities, stakeholders and other partners, but you added that if that consultation was to be meaningful, you were fearful that the timetable was a bit unrealistic. I just wondered if you could tell us what you think of the current timetable.

Sir Ian Diamond: We were very clear in our response that we did not want to say, "We think you just need to delay this by X weeks, X months, whatever" because that, in my opinion, would not have been terribly helpful. To come back to the point that Heidi Allen made, we would rather agree a set of—we did not use it in the work, but to use your words—KPIs of what success looks like and then have a conversation with the Department about the time it would take to get there.

Our view was that the timetable, as it was when we wrote the report—it has been changed since then—frankly, was unrealistic. I would want to know, before I gave a firm answer to your question, is the current one completely achievable? Let us sit down and get those KPIs, and let us work out the time properly to get there.

Q932 **Steve McCabe:** I do not want to put words in your mouth, but I am right to conclude from that that what you are saying is that until you have those answers to those KPIs, you cannot say that any timetable that has been proposed is realistic?

Sir Ian Diamond: I apologise for not being as eloquent as you in my response.

Q933 **Steve McCabe:** I think we will just accept that we agree on it.

Sir Ian Diamond: Fair enough.

Q934 **Steve McCabe:** I just want to ask about one other thing that you raised in your report. You were concerned that the Department was loading an unrealistic level of risk on to claimants. The Department has suggested some changes in response to the concerns that you raised. Are they enough, or what else do you think needs to happen?

Sir Ian Diamond: No, I do not think they are enough. That is again where the conversation has to come to. As Victoria has said earlier, we are very clear that we do not see why that cannot be a simple, easy migration. The Department said that cannot happen. Let us sit down and find out why, and we will make our case as to why we believe it can. Until that time, we are not sure that individuals are not having too much of the load put on them.



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Communication is so important here as well. There are two responses from the Department. One is saying, "We will send a reminder". I do not believe that kind of approach for many people is in any way possible. Then the Department has also said, "But we will use all methods and all approaches". I welcome that statement, but we need to sit down again with the stakeholders and say, for particular groups of people, what is the best way of communicating, how best do we do that and how do we work to ensure that people can be migrated fully?

Victoria Todd: I just come back to the point I was making earlier, that the primary objective of this should be to reduce the risk. There are many different ways you could do that but you will not know until you start to test them. We put a whole list of things in this initial phase that you could do to really get to the bottom of where the risk sits.

Also, the other point is around the equality impact assessment. That is probably the other thing. Sorry if I have jumped ahead in what you were asking.

Heidi Allen: No, no. I forgot to ask my last question.

Victoria Todd: That was one of the other areas where our recommendation was not accepted in full, which was that by the end of March 2019 there should be a detailed impact assessment and it should be considering the impact at the point of the proposals. If you have a look at the regulations, the explanatory memorandum says there are no impacts on people with protected characteristics and no impacts on civil society.

We would be very interested in hearing from the Department how it came to that conclusion without any impact assessment. We agree that it is an iterative process—that is what the Department has said—but what you should be doing is looking at what the impacts on people will be, and what can you do to mitigate those impacts? That links to the point of where the risk sits. What can you do to mitigate that? You need to do that through a full impact assessment that we have said should be published.

Q935 **Steve McCabe:** You had some quite specific ideas, like you wanted a grace period after the legacy benefits had been terminated and you wanted the possibility of suspending the legacy payment but still being able to pay the arrears, and this was obviously part of your concern that people should not be left destitute or cut adrift. Do you think that those measures are still crucial to include? Are you confident that the Government have heard enough from you to do the right things, or are you still looking for some of these practical ideas to be taken up?

Victoria Todd: As Ian said, we have not had time as a Committee to discuss the new regulations as they stand. In putting forward those suggestions about the grace period and the other ways you could potentially reduce the risk, the regulations covered the full process of



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getting people across and we very much focused on looking at, how can you transfer claims? Can you prepopulate?

There was then a point of saying, if those recommendations are not taken up, what we have in the recommendations is this point where if the person has not made a Universal Credit claim, their existing benefits are going to stop. Stakeholders were very, very concerned about what would happen in that situation. What we were trying to do with those recommendations was to say, "Yes, we need to look at hopefully not having people get to that point, but if they do, what else can we do to reduce the risk at that particular pinch-point of the process?"

There probably are other things that can be done. As I say, we have not had a chance to really think about what else there might be within the process. The other thing with the regulations is a lot of the safeguards that are in the explanatory memorandum are not in the regulations. The Department, to be fair to it, has said it is going to do quite a lot of things along the way to try to make sure people do not fall through the cracks of the process.

Q936 Steve McCabe: Do you have any idea of how long it might take you to make an assessment of this and decide whether or not your concerns have been addressed or there is still a need for some kind of pressing additional measures?

Chair: Can I add to that, Sir Ian, before you start? Are you going to report on the regulations as amended by your report?

Sir Ian Diamond: I hope that we will, and certainly—

Q937 Heidi Allen: Whose decision is that, Ian? Is that yours?

Sir Ian Diamond: Whose decision to do it? The Committee. The Committee will take a decision. The Committee will next meet on 12 December. On that agenda, I can assure you, will be a full discussion of the response and where we should go.

To answer you, I think there are areas that we really do need to continue to look at, but we just need to do so in the context of the entire evaluation of where we are. It is incredibly important that we are not tardy in coming back with a response, but at the same time this is a pretty detailed response to a very detailed paper and it cannot be done in days, I would submit. I would like to do something that you would feel was a really strong piece of work.

Steve McCabe: Fair enough. Thank you.

Q938 Nigel Mills: As part of that work, do you think there is enough detail in the regulations that have been laid before Parliament? They look a bit high-level and you could interpret them any which way you like. Are there things that you think should be written into the regulations to make sure the Department does them, rather than relying on hopes and promises and statements?



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Sir Ian Diamond: I know you are absolutely right that it is at a high level and that is why our response to the Secretary of State's statement last week was to say we look forward to the detail. I think there does need to be some detail. Whether that detail needs to be in the regulations or whether it can be in associated documentation, which is quite clear and clearly part of the regulations, frankly I do not mind that much. There is a lot of detail that we are looking forward to working with the Department to get into.

Q939 **Chris Stephens:** Sir Ian, you were talking earlier about preventing hardship. I am just going to ask you, to what extent will benefit run-on protect migrated claimants from hardship? Have you done any work on that?

Sir Ian Diamond: I am going to come to Victoria in a second. I think that is a response to something that was worrying us enormously, and there is potential really to help there. Again, it comes down to the detail.

Victoria Todd: I would echo what Ian said. They will help obviously because you are getting an extra payment, and that is why we recommended it.

What is unclear at the moment—and perhaps you might ask the Department—is the run-on does not start until July 2020 for both managed migration and natural migration. We are not entirely clear why that is the case. There is a discretionary power in the regulations to make payments to people to avoid hardship during the testing phase of migration. I suppose that could be used in a similar way to provide some payments to people, but that is a discretionary power and we do not have any detail on how that would work. It is not clear why, certainly for natural migration, it is not happening until 2020. It is perhaps something you might want to ask.

Q940 **Chris Stephens:** If the Department holds that line that the run-ons will not apply until 2020, are there any suggestions that the Committee has of how the Department can best protect claimants from migrating on to it before?

Sir Ian Diamond: The first point is to try to get that line changed. To return to the fact that the Secretary of State said she is in listening mode, we would want to go back and say very clearly we think this is a hole in the regulations as they stand. Can we move this back and start much earlier? Yes.

Q941 **Chris Stephens:** The Department had rejected your recommendations by not requiring migrating claimants to make new claims. Do you feel that the reasonings for the rejection of your recommendation are sound?

Victoria Todd: It comes back to what I said earlier. When we had the meeting where these regulations were presented to the Committee, we asked them some questions around, "Why are you requiring people to make new claims?" We got five reasons why that was the case. What we



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did in the report was try to put forward solutions that would address the concerns of the Department but also reduce the risk on claimants. I would say we are still disappointed that they have taken that off the table because the regulations do not allow for that automatic transfer.

Sir Ian Diamond: Exactly so. I completely agree with what Victoria said. I return to something I said already. One of those five reasons is, "People are going to have to get used anyway to using electronic means to apply". I do not accept that. I am not saying it is an enormous group of our population but there will be members of our population, some of them the most vulnerable members of society, who have not and will not use electronic means. Therefore, those people, it seems to me, need the support, and there is no reason in my view why these people could not be migrated up naturally. We need to continue to make that case, and I would hope that your Committee, Frank, would also continue to make that case, should you agree with us.

Chair: We do.

Q942 **Chris Stephens:** Thank you. My last question to you then, Sir Ian. Were you concerned to hear that the Department has such serious concerns about the quality of its data that it cannot directly transfer claimants from one benefit to another?

Sir Ian Diamond: I am concerned but not surprised, not least because many years ago when I was an academic I did a bit of work for DSS—do you remember DSS?—and the data that I was given with colleagues, including Professor Nick Whiteley, to use then were pretty poor. I am not surprised, but disappointed, but I do not personally—and I stress this is a personal view—accept that the managed migration of Universal Credit should be a reason to clean data.

Q943 **Chair:** Could you just explain a little bit more that last sentence, Ian?

Sir Ian Diamond: The Department has not said this, but if you were saying, "We cannot migrate people because the data are not clean and this would enable us to get a clean set of data", I do not think at any level that fits within the principle that Victoria highlighted earlier, that the risk should be with the state, not the individual.

Victoria Todd: One of the points we make in the report is you can still achieve that same outcome if you move the risk a little bit and you do the data-cleansing after the person has come across to Universal Credit.

Sir Ian Diamond: Absolutely. You do the transfer, and then—

Q944 **Heidi Allen:** If data is weak in the first instance, again, whose fault is that? The state's.

Sir Ian Diamond: It could also be that, as I pointed out earlier, an individual's circumstances have changed. They have remembered to change it with one benefit and not with another. I can see an awful lot of people, including myself, who might suffer from doing that sometimes.



Therefore, when we try to merge the data, we find there are some differences. This is an opportunity to meet with the person and sort that out, but it should not be that the first place to do that is them having to migrate. That would be our view.

Q945 Ruth George: Moving on from that, we have said that there is not a lot of identification of claimants with potential vulnerabilities. How do you think the Department might go about improving communication with those groups?

Sir Ian Diamond: The first thing I would say is that I am not an expert on communication with very large numbers of groups. However, particular national organisations who responded to our consultation are. If you wanted to consult with—to make it up—people with sight difficulties, then RNIB responded to our consultation. Part of that consultation is we stand ready to help with advice. When the Department is saying, as it does, rightly, “We will work with stakeholders to find appropriate methods”, then it seems to us that it is incredibly important that it does that. We, as a Committee, are very happy to operate in many ways as interlocutors to ensure that that happens.

What we are very clear about is that for many of the people who we are talking about, a letter in a brown envelope followed three weeks later by another letter in a brown envelope is a completely inappropriate method of communication.

Victoria Todd: Just to add, the Department has mentioned protecting people who are vulnerable in lots of the documents that we have seen. One of the points we made again in the report is that we do not have a lot of detail about what that means, so it is quite difficult to comment on.

What did come through quite strongly from the stakeholders responses is they are definitely concerned about how somebody in vulnerable circumstances will be identified. Particularly when we talk about vulnerability, it can be temporary. For example, you might have a bereavement, and at that point in time you might be vulnerable and find coping with a migration process difficult. The stakeholders were saying, “While we are concerned the Department might not know in many cases about a person’s vulnerability, they might not have disclosed that they are in a situation with domestic violence. They might not have mentioned a mental health condition”.

Although there are safeguards—for example, they will check for vulnerability before they terminate the claim for the legacy benefits—having that safeguard is one thing and being able to deliver it and having the information they need to be able to do that is entirely another. The concern was around how the Department would get that information.

Q946 Steve McCabe: I just wanted to ask a small point on this. I recently asked the Minister whether there would be face-to-face interviews for people with particular vulnerabilities. I was thinking about those with



special educational needs or complex mental health problems. In your experience, is it at all realistic to suppose that the current staff could deal with people with these kinds of difficulties through specialised telephone consultations, or would it be essential to have some kind of face-to-face contact?

Sir Ian Diamond: There is a spectrum here. There is a spectrum, and at one end of the spectrum—we say this very clearly—face-to-face is the only way that this is going to happen. We need to recognise that and we need to make sure that that message gets very strongly across.

I am not able to estimate for you the proportion, and it may not be that that proportion is enormous, but it is certainly the case that there will be a proportion.

I would also add that certainly in Scotland, where I spend a lot of time, for people in rural areas, if you then exacerbate rural on top of maybe complex mental issues, there absolutely has to be the potential for people to visit and do it or people simply will sit in poverty. We all know that in rural areas, pockets of poverty get missed.

Q947 **Rosie Duffield:** In terms of these face-to-face consultations, who do you see as being the best person to carry that out and where? Are you talking about Jobcentre staff? What kind of training would they have?

Sir Ian Diamond: Let us be honest. We are saying that Jobcentre staff will be those people who, if those people were to come to the Jobcentre, would conduct any interview. Therefore—and I am not trying to underestimate the training that is necessary—we have to acknowledge that there have to be, within the Department, within the Jobcentre, people with the skills to be able to conduct interviews with complex people. Victoria will be an expert on this. It may be that they will at times have support, and that is one of the reasons that we also talk in our report about the idea of implicit as well as direct consent. Sometimes support is incredibly necessary.

Victoria Todd: Just to add that what we have recommended around the impact assessment is in part about segmenting people and understanding what their particular needs are, and how do you mitigate things for that particular area that you have identified might be problematic? The answer might be different for everybody. That is why all of this preparation is really very important because you have to tailor things to those specific groups.

The important thing is, within this migration, we are talking a lot about people with complex needs and with vulnerabilities. There will be some of the population who are in tax credits, who are earning enough that they will probably meet the earnings requirements in Universal Credit and do not need to be in any sort of conditionality, and probably do not need any face-to-face within the process. What we have said over and over again is that it is about segmenting the groups, about understanding and working



with people to get that understanding, and then coming up with a series of answers that will address those points.

Sir Ian Diamond: Can I just give you another real example? I was in Edinburgh yesterday. I was in Edinburgh College. Edinburgh College further education has 38 students who were trafficked or were sold. Refugees. All of them are there in Edinburgh College learning English. All of them are getting support through the college into social services. Almost none of them would be able to understand at this time—hopefully, through the kind of education they are getting, they will—the whole issue of benefits and the whole issue of how they could be supported. At the moment they are scared and they are getting some support. My personal belief, very strongly, is there is a real example of people being supported already but who would need real support to get through this process.

Q948 **Ruth George:** That leads on to my next question about the actual process of claiming Universal Credit and that 10-stage process, which involves phone calls, online, gateways, setting up accounts, setting up an e-mail, visiting the Jobcentre twice, logging on, which requires a huge different number of skills and abilities for different groups of vulnerable claimants in particular. Speaking as someone who failed to set up a Government Gateway account last night for my tax, even people who use IT all the time struggle with some of these very, very complicated processes between phones, between digital as well.

Have you taken a view on the process as a whole for claiming Universal Credit and managed migration and the people who will be manage-migrated, whether that system could be simplified or should be simplified?

Sir Ian Diamond: I think it should if it could. That is one of the reasons, in response to Heidi Allen's question around KPIs, my high-level KPI was a simple system. It does have to be a simple system. I take your point about the Government Gateway, but equally, if that is going to be the standard across all of Government, then we perhaps need to accept that but it comes back to the point about support in getting through and understanding. I do not think we should underestimate the resilience and also the flexibility of people but they just need that support and that help to get through it.

I think we should be thinking about simple systems, but equally I would hope that we were able to have a system that covered more than one Government Department so that we do not have to have multiple systems.

Victoria Todd: Just to add to that, there were certainly measures that we suggested of performance. Going back to Heidi's point, the checks that you want to put in place before you expand. Looking at: how are people managing to get through the system? How many people are failing to verify? I have also failed to verify three times, so I completely understand the Government Gateway. Those would be measures that you



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would want to have on this master list of things before you would roll it out.

Q949 **Ruth George:** Bearing in mind the long and complicated application process, what steps should the Department take if a claimant misses their deadline day and enters the one-month grace period, do you feel?

Sir Ian Diamond: This is again a personal view. Once that happens, you are in that grace period but there needs to be urgency then. We all know that a month can fly by. These days a year seems to fly by quickly. A month flies by in a heartbeat. We need to have a system that says, "You are one day past. This is what you need to do", and the panic button has to be pressed.

Victoria Todd: We would hope that not many people will be in that situation because what you want to do is make the process as good as it can be so that people are not falling out at that point. Obviously, that is a fail-safe that if people do, they can come back in within one month. They have accepted the recommendation that they do not have to have a reason.

HMRC has a lot of experience of this from the tax credit system because it has quite a significant number of people every year who miss the tax credit deadline and who then have to come back in. In my personal experience, it is when payments stop that it pushes somebody to do something. People within tax credits have frustration if you cannot get through to speak to somebody, you are in a panic because the payments have stopped and you do not know what to do. Whatever is put in place, there needs to be support for people. It is all well and good having something in regulations that gets you back in, but in practice that needs to be accessible to people.

I think it comes back to all of the things that we have already touched upon about making sure people who are particularly vulnerable or have complex needs can access all of these safeguards.

Q950 **Ruth George:** Thank you. In your view, are there any circumstances remaining where claimants might wrongly lose their transitional protection?

Sir Ian Diamond: One area that we just need to recognise is that while we would all welcome the fact that the Department recognises the extra time that is going to be taken to get to the managed migration, there will be more people who will change their circumstances and will lose transitional protection as a result. That is a point that is not mentioned in any of the responses that I think really does need to be raised and thought through. Victoria has mentioned this before.

Victoria Todd: With transitional protection, we pointed out that it is quite hard to comment on it because we have no analysis of what that might look like in terms of winners and losers. People who know me are probably sick of hearing me say this, but if you put yourself in the place



of a claimant, which is the most important thing here, they will have had some money under the legacy benefit system and then they will get some money under the Universal Credit system. When the Government say, "There are no cash losers at the point of transition", it is those two amounts that the person will be comparing. If that new figure does not look like their old figure, it is going to generate quite a lot of contact, but it is quite hard to assess that because we have no analysis of how the transitional protection—it is calculated in quite a complicated way, so we do not know how that will pan out.

We did have some concerns about self-employed people particularly losing transitional protection, because you do lose the protection when you have low earnings for three months. However, the regulations have a protection in them for the self-employed, so they should not be affected by that particular provision.

What did come across quite strongly from the responses we got to the consultation is stakeholders felt transitional protection should not be lost when you, for example, have another child. If you have been given some transitional protection—let us say because of a loss of disability provision between the two benefits—if you then have a child, that will erode that transitional protection element. Some of the feeling was it is not fair for it to be lost in that position.

There were other issues around the benefit cap and how that interacts with transitional protection. Is it fair for people to lose it? As a Committee, we had certainly in some of the detail talked about the Department doing a bit more work to understand how transitional protection works with couples. If somebody has fled from domestic violence, is there not any specific rule that says it can only attach to one claim. Is there more work that can be done to understand how you might be able to split it? There are still some areas where we might want to look further.

One recommendation that was accepted was that there was a provision to stop people who had made a defective claim from then going on to get some transitional protection if they made a valid claim. The Department accepted our recommendation to get rid of that rule. However, there was a lot of confusion from stakeholders around the difference between a defective claim and one that fails because somebody does not comply with some requirements or they have not accepted their claimant commitment, they have not shown up for an interview, and as a result their claim is closed. There is a query around whether transitional protection might be lost if they then go on to make a new claim, or can they reinstate their claim? There is still quite a bit of work to do and, as a Committee, for us to really think about some of this detail with the regulations.

Q951 Ruth George: Thank you. Yes, and the fact that there is now going to be about 4 million people migrating naturally with no transitional protection



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and 2.8 million to 3 million migrating with protection. I think the budget for that protection works out at about seven months on average before it is estimated—with the change of circumstances within Universal Credit—they will lose it. It is obviously going to be pretty limited in its impact.

Sir Ian Diamond: 100%.

Q952 **Chair:** Ian, at the beginning you mentioned the Department of Social Security. In those days they had visiting officers, which did two things. They were really good in ensuring that people got the entitlements that Parliament had laid down, but it was also a check whether what people had said was truthful or not. Do you not see a role for home visitors again in this whole procedure, particularly for the most vulnerable group? We have been talking about having telephone conversations, talking about other groups interacting with them and so on, but isn't there a role for a visiting officer?

Sir Ian Diamond: Yes, no question. In my response to other questions I said very clearly I believe there has to be face-to-face, and I believe that for some people home visits will be incredibly important.

In the north of Shetland, the bus does not run every day. The bus does not run in a way that you are going to be able to get down to Lerwick to a Jobcentre. The only way effectively this is going to happen, in my view, is that the Jobcentre goes to you. The numbers are not that enormous but they are people who are incredibly important and they require, in my view, the same opportunities that everyone else gets.

Chair: The example of bus availability may not be so extreme. It is difficult to fit your appointments in with existing bus timetables in towns. They might go there, get to the Jobcentre, and what are you going to do going back again? That was hugely helpful.

Q953 **Nigel Mills:** First, would you vote for these regulations if you were in our position, Sir Ian?

Heidi Allen: I think it's Mind that are saying that they're telling MPs not to vote for them.

Sir Ian Diamond: My view is that there is a lot of evidence of listening and that there is a lot of need to continue a dialogue. One of the things we have observed as a Committee, if we are to go over the past, was conflict. Where we are at the moment is we believe we should be firm and clear that we want to do this in a way that gives the Department a clear view that we believe that it is listening.

There are things to do in terms of detail. That is what we have been very clear about. We hope that we will have a positive dialogue with the Department over the next while to get to a position that everyone would want to vote for.

Q954 **Chair:** You said earlier, Ian, that you might look at—it is on the agenda for the next meeting—where the Government is now, after listening to



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your detailed comments to it, and you might be doing another report.

Sir Ian Diamond: Yes.

Q955 **Chair:** What would be the advantages and disadvantages for claimants if they waited until after they gained that report before bringing them before Parliament for a debate?

Sir Ian Diamond: I would have thought that there would be some advantage in terms of enabling a really clear dialogue to have taken place. At the moment we have a position where we have made a set of recommendations. There is a response. It seems to us that there is sense in having a conversation about some of those responses. The advantage is that you are then able to have a proper and full conversation, having seen the response to the response.

The disadvantage would be if nothing happened in terms of preparation while that was happening. I would hope that that would not happen. Therefore, I end up in a position where I would say the advantage outweighs the disadvantage.

Victoria Todd: Only to add, on a factual basis, any delay in the roll-out of the managed migration means that more people will migrate naturally. That is something that did come up, that stakeholders were raising in the consultation responses to SSAC. It is a factor.

There are difficult decisions, and I do not think anybody wants the migration regulations to be rushed through just because of that, but it does then raise further questions because the longer it is until they come in, the more people are going to just naturally move across and they are not going to get any transitional protection. Some people will: the severe disability premium group. It might be for the Government to explore that part.

Sir Ian Diamond: I completely agree but I return to the point that you do not need to stop any of the preparation. We are not talking about saying, "Let's discuss this in a year", for example.

Chair: Jimmy Thomas's point: if you cannot ride two horses at once, you should not be in the circus.

Q956 **Nigel Mills:** The only other question I had was—I do not know whether you had looked at this or not—are you confident that the legacy six benefit systems are sufficiently robust and enough is being spent to maintain them and keep them working, that those six systems will still be available, accurate and giving people the money they need in the right amounts, when they want it, long enough to complete this migration? I assume the Government turned off investment five or six years ago, thinking they were going to have these benefits finished by 2014 at one stage, and now it is going to be 10-plus years longer than that.

Sir Ian Diamond: I am not in a position to answer that with any authority. I have not had that conversation at any level.



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Q957 **Nigel Mills:** Is that something that you would be concerned about or am I just making up problems here?

Sir Ian Diamond: You have raised it rightly, in my view, and I certainly will take that away and raise it in the next conversation I have. Equally, there has been no indication to me or to the Committee at all that there is any real worry about the legacy systems at the moment.

Q958 **Chair:** Victoria, Ian, huge thanks. This will be I hope the first of many of our conversations in Committee.

Heidi Allen: Yes, it is brilliant.

Sir Ian Diamond: I really do hope it will be the first of many. We very much want to work closely with the Committee, not only on this but on many other issues. Chair, I will be writing to you with some suggestions that we think would be incredibly important, particularly around your Committee perhaps linking with other Committees. Some of the issues that we are talking about do cut across more than one Department.

Chair: We are going to make sure you know about our developing work programme.

Sir Ian Diamond: That would be very, very good.

Chair: There are actually two today. Huge thanks.

Sir Ian Diamond: Thank you very much.