



House of Commons
Work and Pensions Committee

The appointment of Dr Stephen Brien as the Chair of the Social Security Advisory Committee

Second Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Work and Pensions and its associated public bodies.

Current membership

[Rt Hon Stephen Timms MP](#) (*Labour, East Ham*) (Chair)

[Debbie Abrahams MP](#) (*Labour, Oldham East and Saddleworth*)

[Shaun Bailey MP](#) (*Conservative, West Bromwich West*)

[Siobhan Baillie MP](#) (*Conservative, Stroud*)

[Neil Coyle MP](#) (*Labour, Bermondsey and Old Southwark*)

[Steve McCabe MP](#) (*Labour, Birmingham, Selly Oak*)

[Nigel Mills MP](#) (*Conservative, Amber Valley*)

[Selaine Saxby MP](#) (*Conservative, North Devon*)

[Dr Ben Spencer MP](#) (*Conservative, Runnymede and Weybridge*)

[Chris Stephens MP](#) (*Scottish National Party, Glasgow South West*)

[Rt Hon Sir Desmond Swayne MP](#) (*Conservative, New Forest West*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

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Committee reports are published on the [publications page](#) of the Committee's website and in print by Order of the House.

Evidence relating to this report is published on the [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Zoë Backhouse (Assistant Clerk), Christopher Barrett (Committee Specialist), Oliver Florence (Senior Media and Communications Officer), Michelle Garratty (Operations Officer), Anne-Marie Griffiths (Clerk), Edward Hamill (Operations Manager), Ailish McAllister-Fisher (Second Clerk), Libby McEnhill and James Mirza Davies (Senior Committee Specialists).

Contacts

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You can follow the Committee on Twitter using [@CommonsWorkPen](#)

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The appointment of Dr Stephen Brien

The Social Security Advisory Committee

1. The Social Security Advisory Committee (SSAC/the Committee) is an independent statutory body that provides advice on social security and related matters to the Department for Work and Pensions (DWP/the Department).¹ Its main responsibilities are to:

- Scrutinise proposed regulations underpinning social security on behalf of the Secretary of State for Work and Pensions. Most social security draft regulations are subject to scrutiny by the Committee, except for those that are referred to other advisory bodies or that set benefit rates.² If SSAC is content for the Department to proceed, it publishes minutes of this decision. If, however, SSAC has any concerns, it can request that the Department send it the regulations under “formal reference”. This usually means that there is a public consultation and the Committee’s report, setting out its advice and recommendations, is laid before Parliament. If the Department disagrees with any of SSAC’s recommendations, and therefore does not amend the draft regulations accordingly, it must publish its response to Parliament at the same time that it lays the regulations. While the Department is obliged to respond to advice offered formally by SSAC, it is not obliged to act on this advice.
- Provide advice and assistance to the Secretary of State for Work and Pensions, whether in response to a specific request or through its own independent research programme.³ The Secretary of State is under no obligation to act upon, or respond to, findings of the Committee’s independent research.

SSAC performs a similar role for the Department for Communities in Northern Ireland. It also has a non-statutory role providing advice to Treasury Ministers and HMRC on tax credits, National Insurance, Child Benefit and Guardian’s Allowance.

2. SSAC is made up of a Chair and up to thirteen other members.⁴ Its activities, as well as those of a small secretariat, are funded by the DWP, with which it shares offices. SSAC’s annual budget, including operational costs, is £350,000. The Chair is expected to dedicate an average of five days per month to the Committee. The remuneration for the post is £22,000 per year.

3. The former Chair of SSAC, Professor Sir Ian Diamond, was appointed in May 2018. Our predecessor Committee endorsed his appointment. Sir Ian announced in August 2019 that he was stepping down from SSAC to take up a new role as National Statistician at the Office for National Statistics (ONS). Liz Sayce OBE has acted as interim Chair in the year since Sir Ian’s departure. We are responsible for pre-appointment scrutiny of the Government’s preferred candidate for his successor, Dr Stephen Brien.

1 SSAC was established by section 9 of the Social Security Act 1980. It is now covered by section 170 of the Social Security Administration Act 1992.

2 For example, regulations relating to Industrial Injuries Disablement Benefit are considered by the Industrial Injuries Advisory Council.

3 Examples of reports that are part of SSAC’s independent work programme can be found at <https://www.gov.uk/government/collections/occasional-papers-ssac>.

4 A full list of current members is available on [Gov.uk](https://www.gov.uk).

4. **We would like to put on record our thanks to Sir Ian Diamond for his service as Chair of SSAC, and to Liz Sayce OBE for acting as interim Chair for a year while the post remained vacant.**

The process of recruiting a Chair

5. As part of their wider role in scrutinising Government, select committees scrutinise some senior public appointments made by Ministers. This is to help ensure that the candidate is suitable for the post. This usually involves a public evidence session (a “pre-appointment hearing”) with the Government’s preferred candidate, after which the select committee produces a report with a recommendation on whether the candidate should be appointed. The Department is under no obligation to accept the select committee’s recommendation, but should take its view seriously.⁵

6. The Cabinet Office guidance on appointments subject to pre-appointment scrutiny makes clear the importance of the Department engaging with the relevant select committee throughout the recruitment process. It says that:

- the Department should engage with the relevant select committee early in the recruitment process;
- the Department should consult the Chair of the select committee about the proposed selection process before a recruitment exercise begins, and should share with the Committee: the job description and person specification, a proposed outline of the timetable for the campaign and any relevant information about the proposed advertising strategy;
- the Committee should be given at least a week to allow it to meet, consider that information and make any representations; and
- the Committee should be engaged in discussions about the timetable for the process before the recruitment begins.

7. In this case, the Department failed to follow Cabinet Office guidance. The recruitment process was launched publicly on 4 May 2020 (some nine months after Sir Ian’s departure) without any consultation with us, or with the Work and Pensions Committee in the previous Parliament. We did receive a letter from Baroness Stedman-Scott, whose portfolio includes responsibility for SSAC, on 7 May, informing us about the recruitment exercise.⁶ While the Minister apologised for not informing the Committee about the start of the recruitment process, she did not comment on the lack of any early engagement.

8. On 18 May 2020, we wrote to the Secretary of State for Work and Pensions, Rt Hon Dr Thérèse Coffey MP (the Secretary of State).⁷ We noted the lack of any explanation of, or apology for, the lack of engagement with us in Baroness Stedman-Scott’s letter of 7 May. We also noted that this letter had only been sent after Committee staff alerted DWP officials on 6 May to the Department’s failure to follow Cabinet Office process. We

5 [Cabinet Office Guidance on pre-appointment scrutiny of public appointments.](#)

6 Letter from Baroness Stedman-Scott to Committee Chair, 7 May

7 Correspondence between Committee Chair and Secretary of State, 18 May and 30 June

expressed our disappointment that the Department had failed to engage with us before beginning the recruitment process. We wanted to understand why this had happened and how similar problems could be avoided in future.

9. The Secretary of State replied on 30 June 2020.⁸ She told us that she was “embarrassed” that the Department had not followed the correct processes before and during recruitment. She explained that she had asked for this to be looked into “as I do not want this failure in process to happen again”. The Secretary of State said that, given the recruitment process was already at an advanced stage, her preference was to continue with it rather than starting over. She also offered some further detail on the person specification for the role and the composition of the recruitment panel.

10. **The Cabinet Office’s guidance clearly says that departments should engage early and openly with select committees to enable effective scrutiny of the Government’s choices for key senior public roles. This should include consulting on job descriptions, timetabling and advertising. The first we heard of the recruitment campaign for a new SSAC Chair, however, was when the campaign was launched in May 2020. Even then, we only received formal communication from the Department after Committee staff raised the issue with DWP officials. Given that the vacancy had arisen some nine months previously, it is not clear why no attempt was made to engage with us or with our predecessor Committee earlier. The Secretary of State of state is “embarrassed” by this failing. We understand that she has asked officials to look into what caused it, and we are grateful for her efforts to address this.**

11. We recognise that the Secretary of State did not want to restart the recruitment process for this role, given how far advanced it was at the point we were notified. If this mistake happens again, we would expect the Department to start over. We note that there are two further DWP posts subject to pre-appointment scrutiny due to become vacant in the near future.⁹ We expect the Department to offer a model of best practice in these, and future, recruitments.

The suitability of Dr Stephen Brien

12. Dr Brien’s background is in consultancy and policy work.¹⁰ He held senior roles at Oliver Wyman, a consultancy, between 1997 and 2012. He held senior policy roles at the Centre for Social Justice (CSJ), the think-tank founded by Sir Iain Duncan Smith in 2004, from 2006 until 2011. While at the CSJ, Dr Brien co-authored a report entitled *Dynamic benefits* (2009), which contained detailed modelling for what would become Universal Credit.¹¹ He also chaired the CSJ’s Economic Dependency Working Group, which was set up to develop welfare policy strategy, from 2006. Dr Brien was an Expert Adviser at DWP from 2010 to 2013, focusing on Universal Credit and welfare reform. He has been Director of Policy at the Legatum Institute, a think-tank, since 2017, and was a board member at the CSJ until 2019. He is also a member of the Social Metrics Commission, an “independent, non-partisan” commission seeking to develop new poverty metrics for the UK.¹²

13. The 2020 job criteria for the role of Chair of SSAC focus on:

8 Correspondence between Committee Chair and Secretary of State, 18 May and 30 June

9 The Pensions Ombudsman and Chair of The Pensions Regulator.

10 A full CV is published alongside this report.

11 Economic Dependency Working Group, [Dynamic benefits](#), 2009

12 <https://socialmetricscommission.org.uk/>

- a) Leadership qualities and skills, which should be “strong, measured and balanced”. The candidate should be capable of setting a strategic direction for the Committee, and of reconciling diverse views to ensure the Committee works as a team;
- b) Relationship building, including with Ministers and other Parliamentarians, senior civil servants and external stakeholders; and
- c) The ability to express an impartial view, and to demonstrate independence from both Government and the Committee’s primary stakeholders.

The job specification also says that “an interest in social security” and “the ability to understand, evaluate and advise objectively on complex issues relating to social security” are essential.

14. It was against these criteria that we considered Dr Brien’s suitability for the role. Dr Brien provided a copy of his CV and answered our written questions, before giving oral evidence on 9 September 2020. In line with Liaison Committee guidance on the conduct of pre-appointment hearings, we sought in evidence to test Dr Brien’s personal independence and professional competence.¹³ We thank Dr Brien for his evidence, which is published alongside our Report.

15. We questioned Dr Brien on:

- his independence, both from the Committee’s stakeholders (for example, organisations that support people who claim benefits) and from the Department, and his political impartiality;
- how he would balance being Chair of SSAC with his other professional commitments, including potential conflicts of interest;
- his depth and breadth of knowledge of social security;
- his views on what “successful” working relationships with both the Department and stakeholders would look like, and how he would develop those relationships as Chair;
- his experience of reconciling divergent views and coming to a shared position; and
- how he planned to prepare for the role, and his future plans for SSAC.

Dr Brien’s evidence

16. In oral evidence, we asked Dr Brien further about:

- How he will demonstrate his independence and impartiality as Chair, especially in light of his involvement with developing and implementing Universal Credit;
- His views on the purpose of the welfare system and his specific policy interests, and how those views might influence SSAC’s work;

13 Liaison Committee, [Pre-appointment hearings](#), June 2019

- His plans for balancing his current role at the Legatum Institute with the role of Chair and his ability to manage any conflicts of interest arising between his SSAC work and his external roles;
- His views on SSAC's relationships with its stakeholders, and how he would develop those relationships. We focused on how Dr Brien would support SSAC to engage with people who use DWP's services and claim benefits and organisations that support workers, such as trade unions;
- Hays of working, including working remotely to engage with a wide range of stakeholders;
- His experience challenging the decisions of senior colleagues, especially during his time working in Government;
- His personal experience of working as a Chair, including of reconciling divergent views to come to a shared position, and resolving conflict between members of a group;
- His social security expertise, and how this complements the expertise of the rest of the Committee;
- His views on how SSAC will relate to the devolved administrations, especially where decisions taken by the UK Government have an impact on devolved policy areas in other administrations;
- What level of publicity is appropriate for SSAC's work and how this relates to the need for SSAC to work transparently;
- His views on SSAC's previous work, including where he feels SSAC has made a particularly positive contribution; and
- How his tenure as Chair of SSAC should be evaluated, included in terms of improving engagement and dialogue with the Department.

17. We are satisfied that Dr Stephen Brien has the personal independence and professional competence to be Chair of the Social Security Advisory Committee. We wish him every success in his new role, and we look forward to working with him. Dr Brien identified in evidence to us some areas where his knowledge and understanding of the Committee's work could be improved. They include:

- **Housing;**
- **Disability; and**
- **Issues relating to the devolved administrations.**

We welcome his commitment to build his expertise in those areas, and look forward to hearing from him in the future about the progress he has made.

Conclusions

1. We would like to put on record our thanks to Sir Ian Diamond for his service as Chair of SSAC, and to Liz Sayce OBE for acting as interim Chair for a year while the post remained vacant. (Paragraph 4)
2. The Cabinet Office's guidance clearly says that departments should engage early and openly with select committees to enable effective scrutiny of the Government's choices for key senior public roles. This should include consulting on job descriptions, timetabling and advertising. The first we heard of the recruitment campaign for a new SSAC Chair, however, was when the campaign was launched in May 2020. Even then, we only received formal communication from the Department after Committee staff raised the issue with DWP officials. Given that the vacancy had arisen some nine months previously, it is not clear why no attempt was made to engage with us or with our predecessor Committee earlier. The Secretary of State is "embarrassed" by this failing. We understand that she has asked officials to look into what caused it, and we are grateful for her efforts to address this. (Paragraph 10)
3. We recognise that the Secretary of State did not want to restart the recruitment process for this role, given how far advanced it was at the point we were notified. If this mistake happens again, we would expect the Department to start over. We note that there are two further DWP posts subject to pre-appointment scrutiny due to become vacant in the near future. We expect the Department to offer a model of best practice in these, and future, recruitments. (Paragraph 11)
4. We are satisfied that Dr Stephen Brien has the personal independence and professional competence to be Chair of the Social Security Advisory Committee. We wish him every success in his new role, and we look forward to working with him. Dr Brien identified in evidence to us some areas where his knowledge and understanding of the Committee's work could be improved. They include:
 - Housing;
 - Disability; and
 - Issues relating to the devolved administrations.

We welcome his commitment to build his expertise in those areas, and look forward to hearing from him in the future about the progress he has made. (Paragraph 17)

Formal minutes

Wednesday 9 September 2020

Members present:

Rt Hon Stephen Timms, in the Chair

Debbie Abrahams	Selaine Saxby
Shaun Bailey	Chris Stephens
Steve McCabe	Dr Ben Spencer
Nigel Mills	Sir Desmond Swayne

Siobhan Baillie was on parental leave from 18 May to 31 October under the terms of the Resolution and Order of the House of 28 January 2019 and 16 January 2020 and the Speaker's certificate of 13 May 2020.

Draft report (*The appointment of Dr Stephen Brien as the Chair of the Social Security Advisory Committee*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 17 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 September at 9.00am]

Witnesses

The following witness gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 9 September 2020

Dr Stephen Brien

Published written evidence

The following written evidence was received and can be viewed on the [scrutiny evidence page](#) of the Committee's website.

- 1 Information provided by DWP about the preferred candidate for Chair of SSAC and the recruitment campaign, including Dr Brien's CV ([correspondence](#))
- 2 Correspondence with DWP about the appointment of Chair of SSAC ([correspondence](#))
- 3 Correspondence with Dr Stephen Brien - preferred candidate for Chair of SSAC ([correspondence](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2019–21

First Report

DWP's response to the coronavirus outbreak

HC 178