



Department
for Work &
Pensions

Minister for Disabled People,
Health and Work

Minister for Welfare Delivery

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Pete Wishart MP
Chair
Scottish Affairs Committee
House of Commons
London
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22 April 2021

Dear Pete,

Thank you for your letter dated 30 March. We would like to extend our appreciation for the opportunity to give evidence to the Committee on 18 March. We hope the information provided was helpful for your inquiry into welfare in Scotland.

Please find your questions answered in turn below.

Functional assessments

You asked about our concerns around people potentially losing out as a result of the Scottish Government's assessment process for the disability benefits which will replace Personal Independence Payment (PIP) and Disability Living Allowance (DLA).

The PIP assessment and Work Capability Assessment in Universal Credit (UC) and Employment and Support Allowance are functional ones. They evaluate the effect of someone's health condition or disability on, respectively, the difficulties they may have in their daily lives or in their ability to work. Collecting information (functional evidence) outside of an assessment can be challenging. This is because there is currently no standard evidence source that can be used. Evidence is obtained from health professionals such as GPs, but often this relates to the person's condition. This is useful as a form of corroboration but in many cases will be insufficient to enable a decision on functional impact without an assessment. Certain professionals, such as social workers or physiotherapists, can provide more functional evidence, but not all claimants interact with such professionals.

Face-to-face assessments, with the claimant accompanied by a trusted companion such as a relative, friend or advisor where necessary, can be an important tool to allow

the individual or companion to provide an accurate account of how their conditions affect them. They also help to draw out issues that may otherwise have gone unreported through other means.

Previously, under DLA, we had a largely paper-based assessment process against highly subjective criteria. Since then, we have introduced PIP with its functional assessments supported by a greater proportion of face-to-face assessments. Under PIP, the published statistics demonstrate that someone with a mental health condition is currently over six times more likely to receive the highest level of support compared to a DLA recipient at the time PIP was introduced in 2013. 37% of PIP claimants receive the highest level of support, compared with 6% of DLA claimants. These figures are taken from published statistics available from [Stat-Xplore](#).

Spilt payments

No research or data is currently available on the merits or otherwise of split payments in UC. This is one of the reasons why we do not share the Scottish Government's interest in adopting split payments by default but will instead continue to make split payments available on request, including to anyone at risk of domestic abuse. As part of that, it is important that we allow the partner who is experiencing domestic abuse to decide whether they think split payments will help in their individual circumstances.

As I mentioned in our evidence, in addition to the right to split payments on request, we have also changed the claimant messaging on the service to encourage claimants in joint claims to nominate the bank account of the main carer to receive the UC payment. The data we have suggests that 60% of UC payments are made to women, who are usually the main carer.

Split payments are not a panacea. Abusive partners may still take money from their victims – whether that is payment of UC or any other source of income – including through intimidation, coercion and physical force. Payment to the victim's individual bank account is no guarantee that they will retain control of those funds, with such partners capable of learning passwords and taking control of bank cards.

There are also some practical considerations that our Department will need to work through with the Scottish Government if its decision is to make split payments the default for UC in Scotland. This would be a fundamental change to the payment structure of UC, which would bring additional complexity. Split payments are currently a manual process, so making them the default option would require substantial recruitment and lead to significant costs for the Scottish Government. In addition, to automate the process would cause considerable disruption and take a substantial amount of time and money to complete.

Vulnerable claimants

You ask for further information on vulnerable claimants and sharing related information with local authorities and/or the Scottish Government. The Department does not have a statutory safeguarding duty; however, we recognise that our work provides a unique opportunity to help vulnerable people access support and advice. Those who need to can access support from expert Government agencies for issues such as domestic

violence, debt and homelessness. We are determined that our engagement with people always takes account of their personal circumstances when administering their benefits entitlement. We have Advanced Customer Support Leaders across Great Britain, who work across services and with key partners to support and deliver a consistent service to vulnerable people.

We work with partners across Scotland, including local authorities, police and social work departments, to support those we provide services to. However, we do not routinely share information about claimants, and their interactions with us, with our partners, beyond assisting certain bodies with their statutory obligations.

We will continue to work with partners and the Scottish Government to share best practice and to make links that help us to support the people we provide services to.

Consent on use of data

You ask about the existing consent process that is in operation on how a claimant's data will be used when they apply for, or are awarded, a DWP-managed benefit.

To comply with UK GDPR and the Data Protection Act, DWP must ensure that data is processed lawfully, in a fair and transparent manner. Furthermore, this should be proportionate and not for purposes that are incompatible with the purpose for which they were collected. If DWP shares data with another party in a way that does not fully meet these and all other data protection requirements, we are vulnerable to challenge and potential enforcement action by the Information Commissioner's Office (ICO.)

The ICO states that public authorities should not rely on consent where they are in a position of power over citizens who rely on their services and may feel that they have no choice but to agree. To be valid, consent must be given freely and be 'specific and informed' of the purpose of processing such data and activities it will be used for. If the request for consent is vague, consent cannot be valid. DWP relies on its powers as a government department and on statutory powers for most of its processing of people's data, rather than on consent. We comply with our data protection obligations to inform people about how we process their data, including who we may share it with and why.

There are some circumstances where DWP does rely on people's consent to discuss their benefit arrangements with people who are representing them and acting solely on their behalf and in their interests.

DWP sometimes supplies information to other parties without consent where doing so is clearly in the public interest – for example to the police to help prevent or detect crime or to local authorities to protect a child or vulnerable adult believed to be at risk. In these cases, the benefit which would be served to the public interest must be weighed carefully against the duty of confidence owed to the individuals concerned.

UC migration

The replacement of six legacy benefits by UC is a large and complex undertaking. For this reason, it is being introduced in a controlled, phased manner to build capacity by safely using a 'test and learn' approach.

We have worked closely with HMRC to encourage people to check their eligibility before making a claim and to ensure tax credits claimants understand that when they claim UC, their tax credits end.

In line with our approach to continually improve UC, on 3 June 2020, the Department introduced a new check-through box to the UC online system to remind claimants to check their eligibility for UC before initiating a claim.

Once claimants make a claim to UC, they cannot move back to legacy benefits. This has been part of the UC design since its early stages and reflects the overarching principle that UC will replace legacy benefits. As a matter of fundamental policy design, therefore, making a UC claim will cease any entitlement to legacy benefits that an individual might have.

The Department estimates that approximately 600,000 households moved to UC naturally, due to a change of circumstance, in 2019. The Department currently estimates around two million households will go through the Move to UC process. As with all of our estimates, we keep this under review. No formal estimate has been made by country or region.

Customer Experience Charter

As Ms Morrison set out during our evidence session, DWP is assessed against the Customer Experience Charter each year by a Customer Service Excellence survey. The Department has received accreditation over the last 10 years for the charter's application across all colleagues in Scotland. Accreditation was recently received for 2020, and we are proud to read positive feedback within the report, despite a challenging year. Please find enclosed the Customer Service Excellence Assessment Report: 2 March 2021 - Assessment Summary: DWP Work and Health Services Scotland and DWP Work and Health Services Scotland: Customer Experience Survey - December 2020.

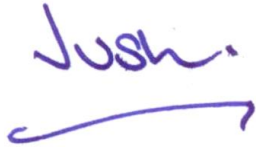
Flexible Support Fund

The Flexible Support Fund provides support for claimants by helping to remove barriers to employment. It is delivered locally through DWP's network of Jobcentres across Scotland. Support is personalised and promoted through Work Coach discussions with claimants, based on the individual needs of each claimant. Options are discussed to support claimants into employment or to move closer to the labour market.

Examples of support provided across Scotland include pre-employment training to help build claimants' capacity in areas such as Customer Service, Digital Skills and Project Management. This has enabled claimants to enter a wide range of sectors, including Health and Social Care, Scaffolding and Childcare. The Flexible Support Fund also contributes to removing barriers to work, assisting people across Scotland with travel-to-work costs, essential tool purchases, clothing - including specialist clothing - internet access and provision of telephony hardware, where these would otherwise present a barrier to employment.

We trust this letter has answered your questions. Our officials will consider the survey you shared with great interest. We look forward to reading the outcome of your inquiry.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Justin', with a long, sweeping horizontal stroke underneath.

Justin Tomlinson MP
Minister for Disabled People, Health and
Work

A handwritten signature in blue ink, appearing to read 'Will Quince', with a stylized, cursive script.

Will Quince MP
Minister for Welfare Delivery