



House of Commons
Work and Pensions Committee

Benefit delivery

Fourth Report of Session 2015–16



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relating to the report*

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The 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.

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Summary

As MPs, we hear about many cases where individuals are entitled to benefit support but encounter delays and errors before they receive their payment. Over the last five years, the Department for Work and Pensions has undertaken a series of ambitious reforms to the welfare system against a backdrop of cuts to its administration and programme funding. Our concern is that the day-to-day delivery of accurate and timely benefits should not be neglected in drives for efficiency and change.

Available data

We have been unable fully to scrutinise some benefit delays because of a lack of available data. We are particularly concerned about the absence of **ESA Work Capability Assessment** and **Mandatory Reconsideration clearance time statistics, and Short-Term Benefit Advance application statistics**. If DWP have these data, they should publish them. If they do not, then they are making policy decisions in the dark. The Department should address the lack of data immediately.

Processes and guidance

The processes and guidance designed to help particularly vulnerable claimants are not working as effectively as they should. Guidance around **Alternative Payment Arrangements and money advice is not always being followed and the related processes are not enough to prevent claimants falling into debt**. DWP's recent **guidance for refugees** has been welcomed and the Department should now look to build on it using local transition guides. In addition, DWP should **investigate the "move-on period"** for refugees, as their own research suggests 28 days is insufficient.

Errors in payment

The Department has set no **target for reducing underpayments** to claimants, despite having a target for reducing overpayments since 2010. This should be remedied immediately as underpayments can have an enormous impact on claimants and their ability to pay for essentials.

Universal credit

The DWP expects Universal Credit, its flagship reform, to simplify the benefit system and make it less open to mistakes. We believe there are further opportunities in it for the Department to exploit. However, during this inquiry we have been made aware of the limitations to Universal Credit improving benefit delivery, including the impact of **"built-in delays" to a claimant's initial payment**. Furthermore, Universal Credit will not be fully implemented for several years and it has already been subject to repeated delays. Until it is fully implemented, DWP must not neglect the delivery of "legacy benefits", which some claimants will receive for at least another 6 years.

1 Introduction

1. MPs' postbags are filled with letters and emails from constituents who are struggling to access benefits. In many cases, the individuals we hear from are entitled to benefit support but encounter delays and errors before they receive their payment. Examples can be found throughout this report. The evidence we received for this inquiry suggests that these cases are not isolated but demonstrate difficulties regularly experienced by claimants.

2. In this inquiry, we did not seek to question the merits or adequacy of particular benefits or which groups of people should be eligible for them. We simply investigated whether people receive what the system intends them to in a timely and accurate fashion and, if not, what should be done about it. We describe the timeliness and accuracy of payments as "benefit delivery".

3. Over the last five years, the Department for Work and Pensions (DWP or the Department) has undertaken a series of ambitious reforms to the welfare system against a backdrop of cuts to its administration and programme funding.¹ This pattern, which is undoubtedly a challenge, is set to continue over the next five years. Our concern is that the basic day-to-day delivery of benefits should not be neglected in drives for efficiency and change.

4. The Department's flagship reform, Universal Credit (UC), has been hailed as the solution to a wide range of problems in the welfare system, including over-complication and error. Even the most fervent proponents of UC do not, however, expect it to solve all problems of benefit delivery, not least because it will not replace all working age benefits. It is also no immediate answer: the programme has been subject to repeated delays and even on the current timetable some claimants face another six years on what the Minister for Welfare Reform described as a "carbunclised benefit system".²

5. This Report sets out major problems with benefit delivery and recommends changes to address those problems. In addition, we have made recommendations where we think there are further opportunities to improve delivery as part of Universal Credit. We would like to thank everyone who assisted us with this inquiry. Our conclusions are set out in **bold type** and our recommendations, to which the Government is required to respond, are set out in ***bold italic type***.

1 NAO, [Department for Work and Pensions: Welfare reform—lessons learned](#), HC77, May 2015

2 [Q187](#) (Lord Freud, Minister for Welfare Reform)

2 Overpayments and underpayments

The scale of incorrect benefit payments

6. In 2014–15, the DWP paid out £168 billion in benefits to support a wide range of claimants including pensioners, working people, jobseekers and disabled people. The Department has the largest overall budget in government, accounting for 23% of the Government’s £735 billion of Total Managed Expenditure.³

7. Official estimates showed that, in 2014–15, £4.5 billion of the DWP’s total benefit spending was incorrectly paid as a result of fraud or error on the part of the Government or claimants, equivalent to 2.7% of total benefits spending. Of this, £3.0 billion was incorrectly overpaid (1.8%) and £1.5 billion was underpaid (0.9%).⁴ Of this 0.9%, official error accounted for 0.3% and the remaining 0.6% was due to errors by claimants. Overpayments increase costs to taxpayers and reduce public resources available for other purposes. Underpayments mean households do not receive the support they are entitled to.⁵ This section of our report examines the impact of such errors on claimants.

A significant and long-standing issue

8. Each year, the UK Parliament sets the total amount that the DWP can spend on benefits. The Comptroller and Auditor General (C&AG) determines whether DWP’s spending is in line with Parliament’s intent, and issues an opinion on DWP’s accounts.⁶

9. In 2014–15, the C&AG qualified his opinion on the regularity of benefit spending, other than on the state pension, because of the “unacceptably high” level of fraud and error.⁷ The DWP’s accounts have received similar qualified audit opinions in each year since 1988–89. The C&AG reported that “the fact that such audit qualifications have been in place for such a long period of time does not lessen that seriousness”.⁸

10. Rt Hon Iain Duncan Smith MP, Secretary of State for Work and Pensions, was frustrated by the ongoing accounts qualification, arguing it was illogical and said that such levels of fraud and error would be tolerated in a commercial context:

If this was outside and it was a company, I do not think this would be happening like this. I suspect what is going on here is that nobody wants to be the first person not to qualify the accounts of this Department [...] nobody quite wants to break ranks.⁹

11. In contrast, Robert Devereux, Permanent Secretary of the DWP, recognised the C&AG’s conclusion, acknowledging that “what Parliament wanted is not what is happening” and saying that he aimed to be the accounting officer to have the qualification

3 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015.](#)

4 [Department for Work and Pensions, Fraud and error in the benefit system: financial year 2014/15 estimates, November 2015.](#)

5 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015: Report by the Comptroller and Auditor General, p. 93, para 2.](#)

6 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015: Report by the Comptroller and Auditor General, p. 90.](#)

7 See reference 5, p. 91 and p. 95.

8 See reference 5, p. 95.

9 Oral evidence HC 507, [Q16](#).

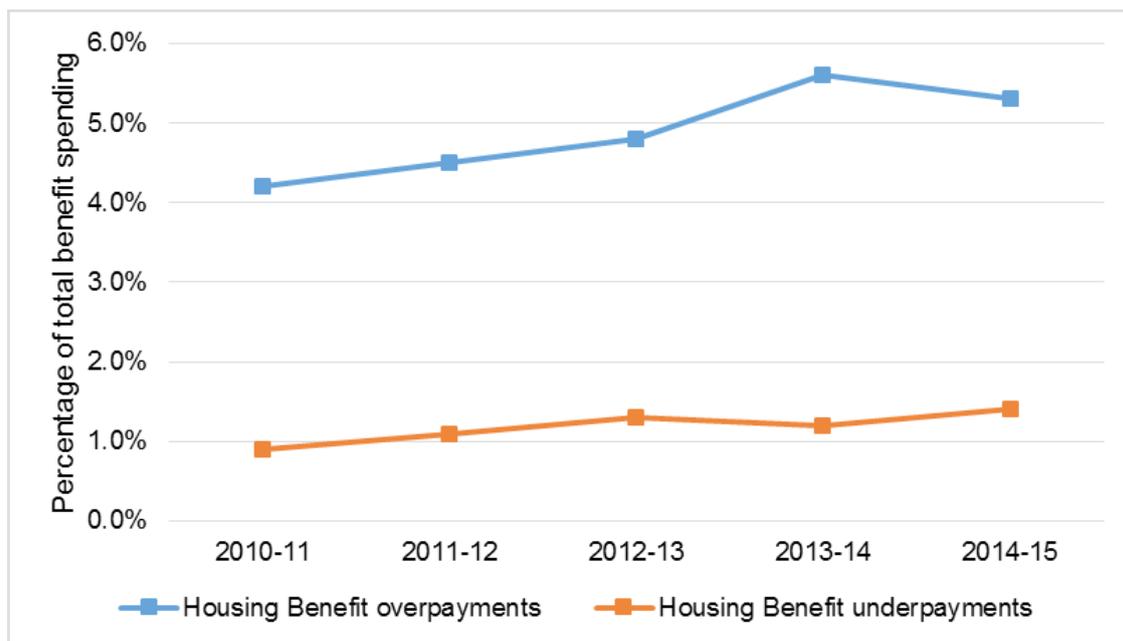
lifted.¹⁰ He told us that the DWP is working with the National Audit Office (NAO) to understand fraud and error and develop a tailored reduction plan for each major benefit.¹¹

12. The C&AG told the Committee of Public Accounts (PAC) in September 2015 that if he is satisfied that the DWP has the level of fraud and error “down to the lowest level feasible” in a specific benefit, he will consider lifting the qualification.¹² The PAC concluded, however, that the Department had so far shown little ambition in tackling fraud and error.¹³

Error in Housing Benefit

13. The Department spent £23.1 billion on housing benefit (HB) in 2014–15, 14% of total benefit spending.¹⁴ HB, which is administered by local authorities, helps people on low incomes pay rent. Eligibility is determined by income, rent level and circumstances. Overpayments due to fraud and error within HB increased from 4.2% to 5.3% of expenditure between 2010–11 and 2014–15.¹⁵ Underpayments in HB also rose, from 0.9% of total HB spending in 2010–11 to 1.4% in 2014–15¹⁶ (Figure 1).

Figure 1: Estimated Housing Benefit over and underpayments due to fraud and error, 2010–11 to 2014–15



Note: All numbers are based on the same method for “netting” underpayments from overpayments as the DWP does for other continuously measured benefits. When a claimant had an underpayment and an overpayment, the DWP used to count both. From 2014–15 onwards, the DWP cancels them out and only reports the difference.

Source: Analysis of DWP data on [fraud and error in the benefit system: financial year 2014/15 estimates, November 2015](#).

10 Oral evidence HC 507, [Q17 and Q20](#)

11 Oral evidence HC 507, [Q17 and Q20](#)

12 Committee of [Public Accounts, oral evidence: fraud and error stocktake, HC 394, 14 September 2015, Q157](#).

13 [House of Commons, Committee of Public Accounts, Fraud and error stocktake, Session 2015-16, HC 394, 19 October 2015](#).

14 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015, p. 33](#).

15 DWP, [Fraud and error in the benefit system: financial year 2014/15 estimates, November 2015, table 13. Consistent series using the updated methodology used in 2014-15](#).

16 DWP, [Fraud and error in the benefit system: financial year 2014/15 estimates, November 2015, table 14. Consistent series using the updated methodology used in 2014-15](#).

14. The Permanent Secretary told us that the principal cause of increases in HB fraud and error was claimants failing to inform the Department of a change in circumstances in a timely manner.¹⁷ Mike Driver, Finance Director of the DWP, noted that local authorities could now check their systems against real-time information (RTI) income tax data.¹⁸ We were, however, cautioned of the limits of RTI. The system only covers earnings data for those in employment, excluding those in self-employment.¹⁹ Furthermore, earnings are only one part of the picture. For example, the PAC concluded that the DWP continues to struggle to tackle overpayments caused by uncertainty over claimants' living arrangements.²⁰ It recommended that DWP should jointly explore with HM Revenue and Customs (HMRC) how to exploit third party data to identify high risk claims.²¹

15. Mike Driver told us that the Department planned to make better use of data and was working with the NAO to improve data-matching.²² For example, DWP is beginning to access data from a "wide range of public and private sector organisations",²³ to help address fraud and error from undeclared partners, income and capital.

16. Fraud and error in housing benefit have increased in the past five years, despite DWP's use of real-time information on claimant incomes. We recommend the Government set out in detail how it will exploit other sources of data to gain a better picture of claimant circumstances, including living arrangements, and what reductions in fraud and error it expects these to achieve. We expect the DWP's 2015–16 annual report and accounts to show progress in this area.

More focus on underpayments

17. In 2010, DWP set a target to reduce the level of benefit overpayments²⁴ to 1.7% of benefit expenditure by 2014–15, an aim it narrowly missed.²⁵ It did not, however, set a target for reducing underpayments.²⁶ The level of underpayments has stayed largely flat over time, compared with the level of overpayments (Figure 2).

17 Oral evidence HC 507, [Q28](#).

18 Oral evidence HC 507, [Q28](#).

19 [Work and Pensions Committee, Fraud and error in the benefit system, Session 2013-14, HC 1082, 7 May 2014, para 48](#). In their additional written evidence, DWP told us that they have a "variety of initiatives underway to combat non-PAYE fraud and error".

20 [House of Commons, Committee of Public Accounts, Fraud and error stocktake, Session 2015-16, HC 394, 19 October 2015](#).

21 [House of Commons, Committee of Public Accounts, Fraud and error stocktake, Session 2015-16, HC 394, 19 October 2015](#).

22 Oral evidence HC 507, [Q29](#).

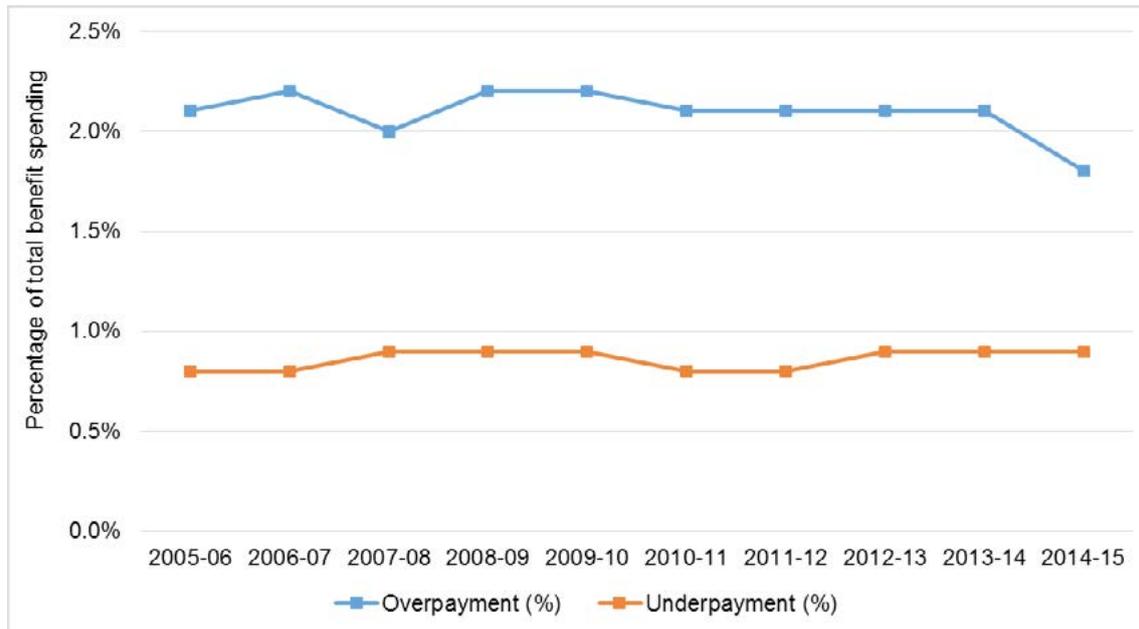
23 DWP, [Annual Report and Accounts, supplementary written evidence](#)

24 The calculation for underpayments only includes claimants that are getting less than they are entitled to and does not include those people who are entitled to benefits but who do not apply, or whose applications are not awarded when they should be.

25 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015: Report by the Comptroller and Auditor General, p. 96, para 21](#).

26 [Department for Work and Pensions, Annual Report and Accounts 2014-15, July 2015: Report by the Comptroller and Auditor General, p. 96, para 21](#).

Figure 2: Estimated over and underpayments due to fraud and error, 2005–06 to 2014–15



Source: Analysis of DWP data on [fraud and error in the benefit system: financial year 2014/15 estimates, November 2015](#).

18. The Permanent Secretary told us that many of the measures the DWP was taking to improve efficiency were “almost blind to whether it is an overpayment or an underpayment”²⁷ and should result in reductions in both. These measures include the automation of benefit payment processing and sharing best practice to ensure that staff “do things once rather than do them multiple times”.²⁸ Lord Freud, the Minister for Welfare Reform, said that by using RTI income tax data, UC would act to reduce underpayment levels.²⁹

19. Reducing underpayments was also a matter of resources. Lord Freud told us “at one level, this is about costs [...] if you spend a lot of money fixing it, you can”.³⁰ The Permanent Secretary stated that the amount of money available to address underpayments would be assessed in the light of the Spending Review.³¹

20. Advice and support organisations told us that benefit underpayments left individuals vulnerable.³² Shelter told us that “benefit problems often led claimants to face difficult decisions over whether to pay their rent or provide essentials such as food, gas and electricity for their household”.³³ Citizens Advice reported that errors can push those less able to support themselves towards expensive borrowing and had “clear consequences for physical and mental health, with stress and anxiety creating or exacerbating existing health conditions”.³⁴ Others found that individuals can become reliant on food banks as a result of underpaid benefits.³⁵

27 Oral evidence HC 507, [Q37](#)

28 Oral evidence HC 507, [Q12](#), [Q37](#).

29 [Q191](#)

30 [Q192](#).

31 Oral evidence HC 507, [Q37](#).

32 See, for example, Zacchaeus 2000 Trust ([BFD0148](#)).

33 Shelter ([BFD0163](#))

34 Citizens Advice ([BFD0173](#)).

35 See, for example, St Mungo’s Broadway ([BFD0171](#)); Durham University ([BFD0121](#)).

Box 1: Illustrative case example of the human impact of a benefit underpayment.

A claimant faced significant financial hardship from underpayment of their Jobseekers Allowance.

Nathan was a Jobseekers Allowance (JSA) claimant who came to Citizens Advice in Watford. He had previously secured part-time seasonal work, so had been on a reduced rate of JSA.

When this ended, he informed his local Jobcentre Plus of his change in circumstances. However, nearly two months later no changes to his benefit had been made.

Citizens Advice advisers helped him contact the Jobcentre, who informed him that his JSA would be backdated once approved.

Yet this meant that Nathan was struggling to survive on a very low income; he had already fallen into rent arrears. He was trying to reduce all other outgoings, but had been told he could not cancel his mobile phone contract without a penalty.

He now risked falling into more serious debt.

Source: Citizens Advice written evidence submission.³⁶

21. We also heard that benefit underpayments transfer the financial strain to other areas of public spending. We were told that benefit errors were having “knock-on effects” which increased demand for health, social care, children’s and housing services as well as “creating a huge demand for advice services, which are generally funded by the council”.³⁷ Milton Keynes Council drew our attention to benefit errors adding to demand for discretionary welfare schemes which are provided by local authorities.³⁸ These schemes are the subject of another of our inquiries.³⁹ Durham University said that when underpayments occur, claimants go “without sufficient food and/or energy required to maintain health of themselves and their family”.⁴⁰

22. Lord Freud told us that UC would “dramatically” improve the DWP’s ability to reduce the incidence of underpayments.⁴¹ Both he and the Secretary of State invited the Committee to suggest a target for a reduction in the rate.⁴²

23. The DWP has a target for reducing benefit overpayments but not for reducing benefit underpayments. This indicates their relative priorities as the Department seeks to reduce costs. Underpayments, however, can have an enormous effect on individuals and can be a false economy as they transfer the burden to other services. Real time earnings information in Universal Credit is expected to improve the accuracy of benefit payments and should result in a reduction in underpayments over the next few years. We welcome the Department’s invitation to hold them to that expected ‘dividend’ from Universal Credit.

³⁶ Citizens Advice ([BFD0173](#)).

³⁷ Lambeth Council ([BFD184](#));

³⁸ Milton Keynes Council ([BFD0160](#))

³⁹ Work and Pensions Committee, [Local welfare safety net inquiry](#)

⁴⁰ Durham University ([BFD0121](#))

⁴¹ [Q220](#).

⁴² Oral evidence HC 507, [Q42](#); [Q192](#)

24. Underpayments totalled £1.5 billion, or 0.9% of benefit expenditure, in 2014–15. We recommend the DWP introduce a target to reduce underpayments to less than 0.5% of expenditure by the end of this Parliament. The Cabinet Office’s Fraud, Error and Debt Steering Group should monitor the Department’s progress towards achieving the target.

3 Universal Credit

25. The DWP’s key reform, Universal Credit (UC), will replace six benefits with a single monthly payment.⁴³ It is currently being rolled-out, largely for those JSA claimants who are single, and three Jobcentres are operating the digital service.⁴⁴ The DWP expects UC to simplify the benefit system and make it less open to mistakes. In this chapter we examine the opportunities for UC to improve benefit delivery.

Opportunities for Universal Credit

The housing element

26. Housing benefit (HB) will eventually be replaced by the housing element of Universal Credit, and will be paid directly to the tenant. This housing element is likely to be a large component of a claimant’s monthly benefit income, so inaccuracies can cause real hardship.⁴⁵ If too little is paid, a claimant may be unable to meet their housing costs and may incur debt with their landlord.⁴⁶ If too much is paid, then this money is deducted from subsequent payments, resulting in a lower amount each month until the overpayment is recovered.⁴⁷ UC offers opportunities to increase the accuracy of the housing element, and improve the experience for claimants. We were told that, currently, local authorities may take some time to get a claimant’s HB back to them if they suddenly leave work, whereas under UC it is “automatically reset”.⁴⁸

27. HB is currently managed by local authorities. Sarah Seeger, Head of Customer Accounts at Curo, a housing association, described how an established relationship with the local authority helped resolve HB issues:

Where we have a problematic Housing Benefit claim, we have a longstanding relationship with the local authority and they will engage with us in conversations about claims so that we can understand what may have gone awry and work with the claimant to get that sorted out.⁴⁹

She said her experience with UC was “very different”, involving calling a generic service centre and only reaching housing specialists after a “lengthy escalation process”.⁵⁰

28. Sarah Seeger suggested a “landlord portal” would save a lot of time by allowing landlords to deal with simple enquires. The National Housing Federation said that a landlord portal should “allow a two-way flow of information between landlords and the DWP”, and be trialled before digital expansion.⁵¹ Lord Freud said that it was “absolutely right”⁵² for the Department to consider a landlord portal, or something similar, and that

43 Income Support, income-related Jobseeker’s Allowance and Employment and Support Allowance, Housing Benefit, Working Tax Credit and Child Tax Credit

44 Croydon, Sutton and London Bridge. Jobcentres with the UC digital service are taking cases for all types of benefit claim in certain postcode areas.

45 Durham University ([BFD0121](#))

46 St Mungo’s Broadway ([BFD0171](#))

47 Liverpool City Council ([BFD0145](#))

48 Oral evidence HC 507 [Q4](#)

49 [Q37](#) (Sarah Seeger)

50 [Q37-8](#) (Sarah Seeger)

51 *Ibid*

52 [Q211](#) (Lord Freud)

data sharing with housing associations was “a matter of real importance”.⁵³ We note that, in response to Paul Gray’s independent review of Personal Independence Payments, the Department agreed to explore a “digital solution”, which would allow claimants to track a PIP claim online.⁵⁴

29. The DWP is already exploring options for online resources in the digital service and Universal Credit is still in the ‘test and learn’ stage. Now is therefore an opportune time for the Department to develop other online tools, such as a landlord portal for the housing element. We recommend the Department trial a landlord portal in an area where the digital service is operating.

Personal Budgeting Support

30. Under UC, most households will receive a single, monthly benefit payment, including, where applicable, a housing element. The aim of the monthly payment is to replicate payment of wages and therefore ease the transition from benefits into work.⁵⁵ It is, however, a major change for many households used to dealing with a large number of smaller payments with HB paid directly to their landlord. Personal Budgeting Support (PBS) has two elements: Alternative Payment Arrangements (APAs) and money advice.

Alternative Payment Arrangements

31. Alternative Payment Arrangements (APAs) allow the housing element of UC to be paid directly to the landlord, split between partners, paid more regularly than once a month, or a combination of those things. They can be requested by the claimant, their representative or the landlord.⁵⁶

32. Housing association representatives told us that the introduction of APAs has been “positive” and welcomed the ability to have rent paid directly to them.⁵⁷ We heard, however, a number of concerns relating to APAs, including:

- the requirement for a tenant to have built up rent arrears;⁵⁸
- cancellation of APAs without review;⁵⁹
- lack of awareness among Jobcentre staff of personal characteristics such as addiction or a mental health condition, known as tier 1 criteria, that may indicate a highly likely or probable need for an APA;⁶⁰ and
- payment defaulting back to the claimant in error.⁶¹

53 Ibid

54 DWP, [Government’s second response to the Independent Review of the Personal Independence Payment Assessment](#), Cm 9159, November 2015 p.14

55 Department for Work and Pensions ([BFD0191](#))

56 APAs can also allow a claimant to have multiple payments over the month or allow a split of payment between partners. DWP, [Personal Budgeting Support and Alternative Payment Arrangements: Guidance](#), p.7

57 National Housing Federation ([BFD1080](#)); [Q37](#) (Sarah Seeger)

58 [Q88](#) (Peter Hughes)

59 Wigan & Leigh Homes ([BFD0176](#)), [Q89](#) (Peter Hughes)

60 [Q38](#) (Sarah Seeger), Community Housing Cymru Group ([BFD0185](#))

61 Northern Housing Consortium ([BFD1050](#))

33. Where a tenant has built up rent arrears, the housing association can request a Third Party Deduction (TPD) to reduce the outstanding debt. These deductions come off a claimant's subsequent benefit payments. Peter Hughes, Group Manager at Wigan and Leigh Homes, said that in some cases up to £1,300 worth of rent arrears were generated by an individual before an APA was put in place.⁶² He added that some APAs were subsequently reviewed and cancelled without the landlord or the claimant being made aware and so the reduction of arrears ceased without warning.⁶³

34. Rent arrears are not just a problem for landlords but have a detrimental impact on the lives of individual claimants. If they are unable to manage a large lump sum for rent then it can get swallowed up "by their associates, by their chaotic lifestyle or on other debts [...] leaving them with a debt that they cannot afford to pay back".⁶⁴ Furthermore, the deductions for TPDs are usually set at 20% of the payment, which the National Housing Federation said had "caused hardship amongst tenants".⁶⁵

35. *Alternative Payment Arrangements (APAs) are an important backstop to protect claimants who will struggle to manage a single monthly benefit payment. We recommend the DWP review its guidance, and application of that guidance, to ensure that (a) there is no requirement for a claimant to have built up rent arrears before an APA can be put in place; and (b) no APA can be cancelled without ensuring the claimant is aware of the change.*

Money advice

36. The money advice element of PBS can be offered online, over the phone or delivered by external organisations.⁶⁶ Stakeholders welcomed the introduction of PBS money advice but raised concerns that uptake has been lower than anticipated.⁶⁷ Clarissa Corbisiero-Peters, Head of Policy at the National Housing Federation, said that money advice was either "not offered or understood that it is offered".⁶⁸ Sarah Seeger referred to survey evidence that only a quarter of UC claimants realised they had been offered support.⁶⁹

37. We also heard that the delivery of PBS money advice could be "impossibly slow"⁷⁰ and "condescending".⁷¹ Rhiannon Simms, Policy Co-ordinator at Citizens Advice Scotland, said that, in order for PBS to be delivered effectively, there needs to be proper assessment of a claimant's circumstances and needs. She said that the current process lacked "proper care and attention".⁷² The Money Advice Service said that, whilst many claimants keep track of their finances, others have little confidence with money management.⁷³ These claimants need support to build their financial resilience and should have access to financial products that help them to budget effectively.

62 [Q89](#) (Peter Hughes)

63 Ibid

64 [Q38](#) (Sarah Seeger)

65 National Housing Federation ([BFD1080](#))

66 DWP, [Personal Budgeting Support and Alternative Payment Arrangements: Guidance](#), p.3

67 Liverpool City Council ([BFD0145](#)), National Housing Federation ([BFD1080](#))

68 [Q14](#) (Clarissa Corbisiero-Peters)

69 [Q43](#) (Sarah Seeger)

70 [Q45](#) (Rhiannon Sims)

71 Ibid (Clare Jephcott)

72 [Q14](#) (Rhiannon Sims)

73 Money Advice Service ([BFD0197](#))

38. **The introduction of Personal Budgeting Support (PBS) money advice is a good step towards helping claimants manage their monthly Universal Credit payment. We are concerned, however, that in these early days it is not being delivered as effectively as it should be and uptake is low. We recommend the DWP review the processes for assessing and delivering PBS to ensure claimants are receiving the support they need to manage a single monthly payment. We further recommend that DWP conduct a study of the best way to encourage claimants to use the financial products available in order to manage their budget.**

Initial Universal Credit payment and “passported” benefits

39. Witnesses told us of a “built-in delay” of “around 6 weeks” from application to receipt of an initial monthly UC payment.⁷⁴ In addition to the monthly cycle, the DWP has introduced an extra seven-day waiting period before a claim can be made. Ostensibly, this is to help claimants focus on looking for work during that initial week,⁷⁵ but some organisations have branded it an “inequitable extra delay” and “a real concern”.⁷⁶ A delay to the initial UC payment will also delay access to “passported” benefits such as free school meals and free prescriptions. We were told of individuals who received fines of up to £170 for claiming free prescriptions as they were not eligible in the weeks before their first UC payment.⁷⁷

40. We heard that initial UC payment delays can only be managed if claimants have savings or a redundancy payment from their last employer.⁷⁸ While some claimants will have such funds, others will not: for example if they were paid weekly rather than monthly,⁷⁹ or if they have been released from prison.⁸⁰ Carmel Keddy, from Derbyshire County Council, told the Committee that the first payment “cannot cover the six weeks previous and the four weeks going forward”.⁸¹ As a result, she said that the situation could push claimants into debt as they were “starting with zero so six weeks down the line they have got a hell of a lot less than zero”.⁸²

41. **It is too early fully to assess the impact of the five to six week wait claimants have for their first Universal Credit (UC) payment. We are concerned the DWP has not properly considered households who have no savings or a final paycheque to fall back on. We will continue to monitor the effects of this built-in delay and return to it when we examine UC in more depth.**

The limitations of Universal Credit for improving benefit delivery

42. Ministers expect UC to result in a simpler and more efficient benefit system less prone to claimant or administrative error. By using HMRC real-time information on income tax

74 National Housing Federation ([BFD1080](#)), Financial Action and Advice Derbyshire ([BFD0164](#)); and DWP, Universal Credit: what you’ll get, <https://www.gov.uk/universal-credit/what-youll-get>

75 [HC Deb 26 June 2013 c 315](#)

76 Local Government Association ([BFD0153](#)); Church Action on Poverty ([BFD0159](#))

77 [Q163](#) (Sue McCarron)

78 National Housing Federation ([BFD1080](#))

79 Citizens Advice, [Waiting for Credit: The delivery of Universal Credit as experienced by Citizen’s Advice clients in England and Wales](#), p.8

80 [Q96](#) (Carmel Keddy)

81 [Q95](#) Ibid

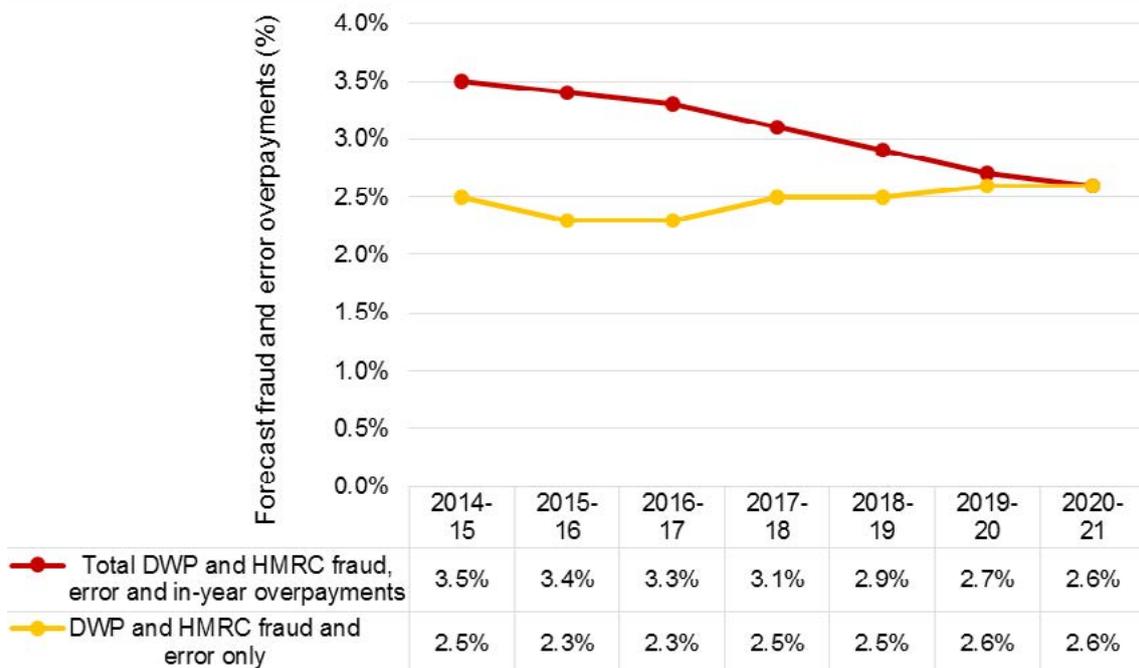
82 [Q96](#) Ibid

data, the DWP expects “far more timely information to get the figures right”.⁸³ There are, however, limitations to the improvements to benefit delivery that can be expected of UC.

43. First, the DWP do not project the rollout of UC to be accompanied by a large reduction in fraud and error. The NAO reported that the DWP expects the full implementation of UC alone to reduce overpayments by £0.5 billion a year.⁸⁴ The DWP’s preferred fraud and error measure shows a steady projected reduction in total overpayments over the next five years, from 3.5% of benefit spending in 2014–15 to 2.6% by the end of this Parliament. This primarily reflects the phasing out of in-year overpayments, whereby tax credit entitlements are estimated at the beginning of the financial year and finalised later, as real-time information is used in UC. The DWP told us that “overpayments are an inherent feature of tax credits” as, in that system, “benefit payment does not reflect the claimant’s circumstances at the point it is paid”.⁸⁵ Both HMRC and the NAO, however, do not regard such payments as error.⁸⁶ Once they are excluded, overpayments due to fraud and error are projected to be largely flat over the period, rising slightly from 2.5% of benefit spending in 2014–15 to 2.6% in 2020–21 (Figure 3).

Figure 3: Forecast fraud and error in DWP and HMRC, 2013–14 to 2020–21

The removal of tax credits in-year overpayments is the main driver in reducing DWP’s definition of fraud and error



Source: National Audit Office analysis of Department for Work & Pensions and HM Revenue & Customs data on long-term forecasting of benefits and credits overpayments, Fraud Error and Debt Steering Group, April 2015.

44. Second, UC will not be fully implemented for several years and has been subject to repeated delays. In November 2015 Office for Budget Responsibility (OBR) economic forecasts noted the DWP has “decided to slow the pace of natural migration” to UC of claimants with new or changed circumstances.⁸⁷ The OBR also incorporated a further

⁸³ Q191.

⁸⁴ [Department for Work and Pensions, Annual Report and Accounts 2014-15, Report by the Comptroller and Auditor General, p. 98, para 29.](#)

⁸⁵ DWP, [Annual Report and Accounts, supplementary written evidence](#)

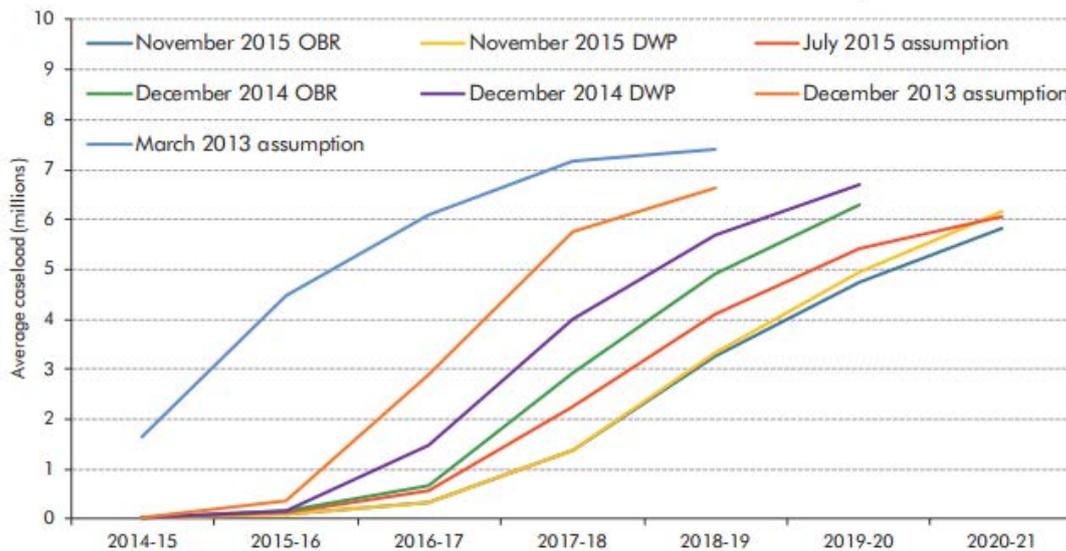
⁸⁶ See reference 13.

⁸⁷ OBR, [Office for Budget Responsibility: Economic and fiscal outlook](#), Cm 9153, November 2015, p.136

6-month delay in their “forecast judgement” assumption about UC noting “considerable uncertainty remains over the ‘managed migration’ phase” of transferring existing claimants⁸⁸ (Figure 4). These are the latest in the string of delays that led our predecessor Committee to express concerns about the DWP’s ability to realise its rollout timetable.⁸⁹

Figure 4: Successive revisions to the Universal Credit rollout assumption

The OBR forecasted a further six-month delay to the UC rollout.



Source: [Office for Budget Responsibility, Economic and fiscal outlook, November 2015.](#)

45. Lord Freud attempted to reassure us that the bulk of “legacy” cases, people on benefits that will be replaced by UC, would be transferred to the UC system “by the end of this Parliament or end of 2020.”⁹⁰ He argued that this meant that resolving benefit delivery problems on legacy benefits should not be prioritised:

The reality is we are talking about the problems of some dying legacy benefits, which, frankly, by the time you have done all the work to adjust, you would have been better off putting that energy into getting UC working as slickly as you possibly can.⁹¹

46. The NAO has warned that the DWP should not neglect levels of fraud and error in legacy benefits.⁹² But recent estimates show that between 2013–14 and 2014–15, the level of fraud and error overpayments in Jobseekers Allowance increased from 3.9% to 5.1%; and underpayments increased from 0.4% to 1.1%.⁹³ Even assuming the DWP’s latest UC timetable is correct, some existing claimants face another 4–6 years in the legacy system. It is to that system that we now turn.

⁸⁸ Ibid, p.137

⁸⁹ [Work and Pensions Committee, Universal Credit implementation: monitoring DWP’s performance in 2012-13, Session 2013-14, HC 1209, 2 April 2014.](#)

⁹⁰ [Q228](#) Ibid

⁹¹ [Q196](#) Ibid

⁹² [Department for Work and Pensions, Annual Report and Accounts 2014-15, Report by the Comptroller and Auditor General, p. 98, para 29.](#)

⁹³ [Department for Work and Pensions, Fraud and error in the benefit system: financial year 2014/15 estimates, November 2015.](#)

47. The six “legacy benefits” scheduled to be replaced by Universal Credit will be with us for many years yet. Ensuring they are delivered in an accurate and timely fashion should not be neglected in the meantime.

4 Legacy benefits

48. This chapter considers potential improvements to the DWP's delivery of the benefits it intends to replace with UC over the coming years. As set out in the previous chapter, some claimants will be in receipt of these benefits until at least 2020–21.

Employment Support Allowance

49. Employment and Support Allowance (ESA) replaced incapacity benefits (IB) for new claimants in 2008. Since 2010, existing IB claimants have been undergoing reassessment through Work Capability Assessments (WCA) as they migrate to ESA. WCAs are conducted by contracted healthcare professionals who produce an assessment report on the claimant's functional capability for work. The report is used by the DWP to make a decision on the claimant's eligibility for ESA.⁹⁴

50. The DWP's original intention was that the entire IB caseload of around 1.4 million people would be reassessed for ESA by April 2014, but the process has been dogged by delays. Five independent reviews, and reports published by our predecessor Committee and others, have sought to improve both the efficiency and accuracy of the WCA.⁹⁵ The previous contracted provider, Atos Healthcare, was replaced by Maximus in 2015, with a view to improving efficiency and clearing the backlog of WCAs.⁹⁶ However, in May 2015 there were 86,500 people still in receipt of IB and some 600,000 WCAs, including new ESA claims, outstanding in total. Maximus completes between 6,000 and 10,000 assessments per week.⁹⁷

51. Several organisations told us they remained concerned about the length of time claimants were waiting for WCAs.⁹⁸ The DWP aims to complete WCAs within 13 weeks of a claim. During this period claimants receive ESA at the "assessment rate" (£73.10 per week, for claimants aged 25 and over). If found eligible for ESA they could currently receive either £102.15 per week or, if their functional capability is more severely limited, £109.30 per week.⁹⁹ The Community Housing Cymru Group emphasised that, despite DWP assurances that average waiting times are down, "there are still people who have been waiting for over a year to be assessed and to receive the additional money".¹⁰⁰

52. Citizens Advice Scotland reported that Maximus had admitted to a local CAB that "the 13 week target for assessments has not applied for 'about a year'".¹⁰¹ This seems to reflect the casework of Members of Parliament, who are often asked to step in when their constituents experience lengthy waiting times (see boxes 1 and 2 below). The caseworker

94 See Work and Pensions Committee, First Report of Session 2014–15, *Employment and Support Allowance and Work Capability Assessments*, HC 302

95 See, for example, Dr Paul Litchfield, *An independent review of the Work Capability Assessment*, November 2014

96 "MAXIMUS appointed to carry out health assessments for the Department for Work and Pensions", DWP press release, 30 October 2014

97 ESA benefit caseloads from [DWP Tab Tool](#); Oral evidence taken on [28 October 2015](#), HC (2015–16) 507, Q83 [Mike Driver]

98 Church of England and Oxfam ([BFD0190](#)), Caritas Social Action Network ([BFD0165](#)), Citizens Advice Scotland ([BFD0158](#)), Z2K ([BFD0148](#))

99 <https://www.gov.uk/employment-support-allowance/what-youll-get>, House of Commons Briefing Paper, *Employment and Support Allowance: An introduction*, CBP 07181

100 Community Housing Cymru Group ([BFD0185](#))

101 Citizens Advice Scotland ([BFD0158](#))

for Gisela Stuart MP told us that “in August 2015, Maximus confirmed to us they were 2 years behind in processing and still dealing with 22nd June 2013 cases”.

Box 2: Casework—Jeremy Lefroy, MP for Stafford, Delay in ESA assessment

I am writing as your constituent about my ongoing difficulty applying for Employment and Support Allowance (ESA), and to ask that you intervene on my behalf.

I have Parkinson’s and received contributory ESA from August 2014, but the benefit stopped automatically after 365 days because I was not reassessed.

The reason the support has stopped is not because of anything I have done (or not done), but because of an apparent lack of resource in the system on the part of Maximus (the contractor doing Work Capability Assessments) and/or DWP.

My wife and I asked for an assessment and sent in plenty of supporting evidence but I was told I would have a long wait.

A local Parkinson’s UK advisor contacted the DWP and Maximus to make a complaint.

This resulted in a letter and phone call to say that I was not even near the front of the queue, and that there are people in the Birmingham and Bristol areas who have been waiting for an assessment since 2013, because Maximus can’t (or hasn’t) recruited enough doctors in these areas! This particularly affects people with Parkinson’s as we (rightly) need to be assessed by a doctor, rather than a nurse, under DWP guidelines.

As a result of the complaint the DWP has “fast-tracked” me for an assessment but this only means I will get an appointment letter with an assessment date on it. They cannot say what the timescale for the appointment may be, and this could be several more months.

Box 3: Casework—Gordon Henderson, MP for Sittingbourne and Sheppey, Delay in ESA assessment

1) One constituent applied for Employment and Support Allowance in June 2013, however, she was only referred by the Department for Work and Pensions in November 2014 and did not receive her assessment until March 2015. This is a total waiting time of 21 months.

2) Most recently I have dealt with a constituent who has finally received assessment date after a wait of 20 months.

53. Since 2012, the DWP has dropped targets for average actual clearance time for ESA and replaced them with a target to process 85% of assessments within 16 days. As the 15% of assessments that take the longest to clear are not monitored as part of the assessment, there is a danger of particularly long delays not being tackled.

54. We have been unable to determine exactly how many people with health conditions or illnesses have been subject to protracted ESA assessment delays. Church Action on Poverty highlighted that “no more recent information is available, nor is there any published information on how long claims falling outside of this [16 day] target took to be

processed”.¹⁰² Individual Members of Parliament have asked the Department to provide figures but it has either been unable to provide answers or refused to answer on the grounds of “disproportionate cost”.¹⁰³

55. The lack of available data on ESA and WCA clearance times is unacceptable. The DWP cannot properly monitor Maximus’ performance, make clear policy decisions or effectively support claimants without it. We recommend, where applicable, the Department publish quarterly official statistics on ESA clearance times, including data on time from claim to completion of WCA; time from WCA to decision; and time from decision to payment of benefit, showing not only averages but a breakdown of the ranges of clearance times. We further recommend that in addition to the current average claim processing time target, the Department set a target time within which ALL claims should be processed.

Interaction between ESA and JSA

56. The problems for claimants caused by delays can sometimes be compounded by the interaction between ESA and JSA. For example, if an individual claims ESA but is found “fit for work”, then they can only claim JSA during the Mandatory Reconsideration stage of challenging that decision, or receive no benefit support.¹⁰⁴ One reason the claimant might choose not to claim JSA is that they believe their health condition or disability would prevent them from meeting JSA’s very stringent work-related conditions. The Government acknowledged this in response to a report by our predecessor Committee and said that it had issued guidance to Jobcentre staff “to improve awareness of how the JSA regime can be varied to take account of the claimant’s physical or mental health condition”.¹⁰⁵

57. We heard evidence that, contrary to the guidance, Jobcentre staff were not varying JSA conditionality for claimants with health conditions who had been found fit for work, and that some claimants had been sanctioned as a result.¹⁰⁶ Problems can also arise because claimants found fit for work remain ineligible for ESA for six months, unless they can demonstrate a worsening of their health condition. The example below describes an instance where a claimant fell into “the gap between ESA and JSA”. Despite Jobcentre staff acknowledging a deterioration in her condition to the extent that she no longer met the conditions for JSA, she was refused ESA on the grounds that her condition had not deteriorated significantly enough. In effect, she was considered by DWP to be too ill to claim JSA but not ill enough to be eligible for ESA.¹⁰⁷

102 Church Action on Poverty ([BFD0133](#))

103 See Written answer [228323](#) (24 March 2015) and [228623](#) (25 March 2015)

104 If a claimant disagrees with a decision about their benefit claim then they must request a Mandatory Reconsideration before appealing to tribunal.

105 Ibid

106 Z2K ([BFD0148](#))

107 Derbyshire County Council ([BFD0181](#))

Box 4: Example from written evidence—interaction between JSA and ESA

In July 2015 this client had gone six weeks without any money at all.

She had been on ESA suffering stress, but the award had been stopped after an unsuccessful appeal in mid-2014 (of which the claimant appeared to be unaware)

She claimed Jobseeker’s Allowance and was sanctioned for not doing sufficient to seek work. The Welfare Rights Service had sought a Mandatory Reconsideration, as health problems caused the failure, and the sanction was dropped.

However, the claimant’s health became worse—she was permitted three months’ ‘sick leave’ under new JSA rules but after this her JSA stopped as she was deemed incapable of work and not eligible for benefit.

She re-claimed ESA on the advice of Jobcentre staff.

ESA was refused on the grounds that the claimant had not shown that she had a new health condition, or that her existing condition was significantly worse.

This claimant was therefore too ill for JSA, but not ‘ill enough’ for ESA. She qualified for no benefits at all.

58. There is a growing consensus that the Work Capability Assessment needs to be reviewed. Our predecessor Committee found that it “frequently fails”.¹⁰⁸ Phil Reynolds, a member of the Disability Benefits Consortium, told us that the “quality of assessments is generally not what it should be [...] there are big problems in terms of understanding people’s conditions.”¹⁰⁹ The Secretary of State said that “there is a fundamental problem at the heart of this benefit itself, which is this binary choice that you have to be too sick to work or you can work.” He said that he had announced a review of whether a partial capacity assessment would be feasible and asked for “interchange” with the Committee to see whether it was possible.¹¹⁰

59. We welcome both the Secretary of State’s intention to review the nature of the Work Capability Assessment and his commitment to engage with us in this work. However, people with significant health conditions who have been found “fit for work” and who are currently struggling to meet JSA conditionality cannot wait for a more nuanced assessment to be designed and implemented. They require immediate action to prevent them falling in the gap between JSA and ESA. We agree with our predecessor Committee that it is inappropriate for those challenging ESA decisions to claim JSA as some claimants are refused JSA due to being “unfit for work”. We recommend that assessment rate ESA be paid to claimants throughout reassessment of their claim, not only once an appeal is lodged.

¹⁰⁸ Work and Pensions Committee First Report of Session 2014–15, [Employment and Support Allowance and Work Capability Assessments](#), HC 302

¹⁰⁹ [Q124](#) (Phil Reynolds)

¹¹⁰ Oral evidence HC 507, [Q89](#)

5 Other delivery issues

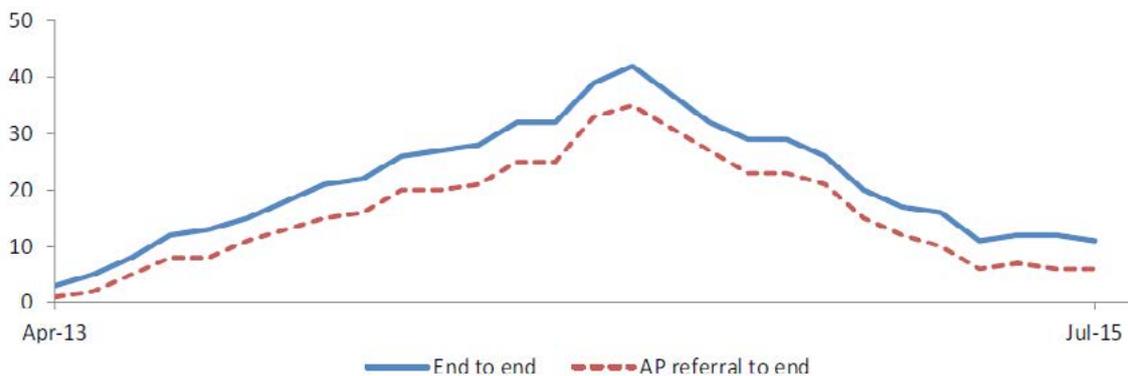
60. We also took evidence on a range of concerns outside, or not limited to, UC or the legacy benefits it will replace. Those issues are considered in this chapter.

Personal Independence Payments

61. Personal Independence Payment (PIP) is an extra-costs disability benefit for working-age people. It is currently replacing Disability Living Allowance (DLA), and will remain outside UC.

62. The Department has made major improvements to PIP waiting times. The median time for end-to-end processing of a PIP claim from registration to DWP decision fell from 42 weeks in July 2014 to 11 weeks in July 2015, a very considerable improvement¹¹¹ (Figure 5). Evidence to our inquiry suggests that average waiting times for a PIP assessment are now down to five to six weeks.¹¹²

Figure 5: Median clearance times for new PIP claims, in weeks



Source: [DWP PIP official statistics to July 2015, p. 4.](#)

63. Nevertheless, a number of MPs have contacted the Committee with examples where claimants are still experiencing long delays for either an appeal date or their first PIP payment. In the cases below, the delay occurred when a decision was appealed.

¹¹¹ DWP, [Official Statistics: Personal Independence Payment: April 2013 to July 2015; Q215](#) (Andrew Rhodes)

¹¹² Oral evidence HC 507, [Q77](#)

Box 5: Casework—Rt Hon Frank Field, MP for Birkenhead, Personal Independence Payment

A constituent had put in claim for PIP. He had gone to a medical which had failed him so the constituent, with assistance of an advice agency, took his case to a Tribunal in which he was successful.

His case was heard on 16 July 2015 and by the 14 September the claimant had still not received any payment. It took the DWP till the 17 September for my constituent to receive his first payment. The DWP states this was down to a systems error and blame the court taking a long time to get back to them.

This type of case has been repeated with the same reason given by the DWP, all relating to cases where it is either a fresh claim for PIP or a DLA PIP transfer. They all relate to cases that have been to tribunals.

I personally think that there need to be clearly better communication between the Courts and the DWP to ensure that payments are not taking so long. But on a wider scale there needs to be better testing of the claimants to ensure not so many have to go to tribunals.

Box 6: Casework—Barry Sheerman, MP for Huddersfield, Personal Independence Payment

Mr A was previously receiving DLA for severe and ongoing depression. Unfortunately last year he developed cancer. As the letter confirming his entitlement to DLA advised that he should contact them if anything changes, his mother (his appointed proxy) did contact the DWP to let them know that in addition to his depression he was now receiving treatment for cancer. The DWP said he needed to fill in a form for PIP due to this change in his case. He did so, and ultimately received a visit from a medical assessor. This included handing Mr A a carrot to peel. Mr A has had multiple surgeries for his cancer, resulting in him being more or less immobile and relying more heavily than ever on his mother. Understandably, these aggressive surgeries have only worsened Mr A's depression.

However, unbelievably the DWP have refused him PIP meaning he no longer receives any disability benefit. This is despite him suffering from the same mental health issue he previously received DLA for, but with the addition of cancer. He is now facing a wait until what apparently may be March 2016 for an appeal. Given his severe and worsening depression and his ongoing and serious cancer this timescale seems unacceptable, and the decisions made by the DWP seem deeply wrong.

64. Delays to PIPs have a knock-on effect to “passported” benefits such as Carer’s Allowance.¹¹³ Without PIP in place, an individual does not have access to this additional support, including during the often long wait for an appeal to be heard.

65. We commend the Department on the impressive reduction in waiting times for Personal Independence Payments. However, there is much work still to be done

to ensure that those claimants awaiting an appeal, or their first payment following a successful appeal, receive the correct decision and award in good time.

Refugees

66. Those granted refugee status have “fled persecution, trauma, violence and war”.¹¹⁴ The claimant journey for such people presents additional challenges to ensuring the timely and accurate payment of benefits.¹¹⁵ In their 2014 report, *The Move-On Period*,¹¹⁶ the British Red Cross identified 23 factors which make the claimant journey for refugees “more complicated than for the normal average claimant”.¹¹⁷

67. Whilst awaiting refugee status, a claimant is not permitted to work but can apply for Home Office administered support under the Immigration and Asylum Act 1999.¹¹⁸ Asylum support is then terminated 28 days after an individual has received their Biometric Residence Permit (BRP).^{119,120} The person then becomes eligible to work in the UK, and to claim welfare benefits on the same basis as British citizens. These 28 days are referred to as the “move-on” period.¹²¹

68. Research suggests that 28 days is insufficient time for refugees to make the transition from Home Office support in many cases. In 2013 DWP research showed it takes on average 32 days from receipt of claim to first payment for a claimant with a National Insurance number and 35 days for a claimant without.¹²² The British Red Cross found 42 days on average, including several cases taking longer than 75 days to process.¹²³

69. *We question why the “move-on” period for new refugees is only 28 days, when it is clear from research conducted by charities and the Government that it is in many cases insufficient. We recommend the DWP conduct an immediate investigation into the “move-on” period and work with the Home Office to amend the length of time if necessary.*

70. We heard that limited guidance available to refugees can compound the problem of an inadequate “move-on” period.¹²⁴ The DWP has released new guidance for refugees.¹²⁵ While welcoming it, the British Red Cross also cautioned that there remains confusion around which documents will be accepted by DWP staff as proof of status.¹²⁶ It is also national in outlook. Belfast City Council commissioned Law Centre (NI) to produce a

114 [Q126](#) (Lorna Gledhill)

115 British Red Cross ([BFD0169](#)), West Yorkshire Destitute Asylum Network (WYDAN) ([BDF0115](#))

116 British Red Cross, [The Move-On Period: An ordeal for new refugees](#), 2014

117 [Q127](#) (Fabio Apollonio) Factors include: change of address, lack of documentation, full interpretation of the guidance and others

118 For further information see, <https://www.gov.uk/asylum-support/what-youll-get>

119 Biometric Residence Permits are issued by the Home Office and are standalone documents as evidence of leave to remain

120 DWP, [Help available from the Department for Work and Pensions for people who have been granted leave to remain in the UK](#)

121 British Red Cross ([BFD0169](#))

122 DWP, *Asylum Seekers Transition to Mainstream Benefits: Deep Dive Investigation Results and Recommendations*, July 2013, p.7

123 [Q128](#) (Fabio Apollonio)

124 British Red Cross ([BFD0169](#))

125 DWP, [Help available from the Department for Work and Pensions for people who have been granted leave to remain in the UK](#)

126 *Ibid*

local transition guide for refugees at the cost of just over £5,000.¹²⁷ It was described by witnesses as a self-help guide which would be “quite easy to replicate nationally”.¹²⁸

71. We welcome the recent guidance for refugees issued by the DWP. We also recognise the advantage of local transition guides, which can be used as self-help handbooks for new refugees and their advisors. Such guides can be a low-cost means of assisting refugees with unfamiliar concepts and surroundings. We recommend the Department review the Belfast City Council transition guide and consider supplementing existing national guidance and/or issuing similar guides to other local authorities. These can then be supplemented by local authorities with information tailored to their area.

Short-term benefit advances

72. Individuals may be given a short term benefit advance (STBA) on a first benefit payment if they are in urgent financial need and have either:

- made a new claim for a benefit and are waiting for the first payment; or
- had a significant change in circumstances that means their benefit will go up by a large amount and cannot wait until the next payment.

73. STBAs are then recovered from subsequent benefit payments. Andrew Rhodes, Benefits Services Director at DWP, told us that the number of STBA payments rose by around 25% to approximately 100,000 between 2013–14 and 2014–15. He partly attributed this to increased public awareness of the scheme.¹²⁹

74. Advice organisations, however, told us that claimants are “routinely not told about” and “never offered” STBAs.¹³⁰ Church Action on Poverty emphasised that *applications* for STBAs went down from “261,000 in the first 9 months of 2013–14 to 184,000 in the first 9 months of 2014–15 [...] demonstrating that fewer people are aware” of STBAs.¹³¹ There are no regular official statistics.

75. Trends in short-term benefit advance applications and awards are unclear. We recommend the Government set out its plans for the publication of regular statistics in response to this Report.

76. At our request, the DWP provided the scripts used by Jobcentre staff to structure conversations with claimants. These set out the mandatory questions which must be asked of claimants. The first contact script includes a section on STBAs but says the staff member should raise them with the claimant “**If** a claimant indicates that they have an immediate financial need” (our emphasis).¹³² If claimants are unaware of the availability of STBAs then they may not volunteer information about their immediate financial situation.

77. We recommend that the Department include information about Short-Term Benefit Advances as part of the mandatory text in Jobcentre scripts. Jobcentre staff should ask

127 Belfast City Council, *Refugee transition: A guide for people who have just received refugee status and for their advisors*, 2014

128 [Q140](#) (Lorna Gledhill)

129 [Q198](#) (Andrew Rhodes)

130 [Q92](#) (Carmel Keddy); [Q18](#) (Rhiannon Sims)

131 *Ibid*

132 Jobcentre scripts, First contact script (emphasis added)

every claimant whether they have an urgent financial need rather than wait or the claimant to volunteer that information.

Mandatory Reconsiderations

78. If a claimant disagrees with a decision about their benefit claim they can challenge it. Before appealing to the Social Security and Child Support Tribunal, a claimant must first formally ask the DWP to review the decision through a Mandatory Reconsideration (MR).¹³³ MRs are described by the Department as an “opportunity to request a ‘second opinion’”.¹³⁴

79. The MR stage of the appeals process applies to almost all benefits, including appeals against sanctions for Job Seekers Allowance. The statistics available show that the number of JSA sanctions overturned at MR stage has been consistently high. On average 30% of sanctions are overturned at MR stage. We were assured that the normal rate for overturned decisions is now at 15%¹³⁵ but this still means that one in seven JSA original sanctioning decisions are incorrect. Far fewer ESA sanctions are applied but 61% are overturned at MR stage.¹³⁶

80. The statistics available expose flaws in the sanctioning process. DWP must address the quality of original decisions in order to maintain a downward trend in the number that are overturned at MR stage.

81. A major criticism of MRs has been the length of time taken to process them and the lack of any target clearance time.¹³⁷ Official data on these waits are, however, sporadic and incomplete. Pointing to a “very dramatic improvement” in waiting times, Ministers told us that 95% of working age benefits are now cleared in 10 days.¹³⁸ The DWP were unable, however, to supply us with a breakdown of MR clearance times in excess of that level. The latest summary statistics on MRs cover the period to October 2014 and show that 25% of ESA MR decisions took over 30 days.¹³⁹ These are the most recent available figures.

82. Advice organisations reported that MRs were taking “an extremely long time”,¹⁴⁰ and that they had even seen cases where it had been over a year.¹⁴¹ Such delays were an “upsetting and confusing process”,¹⁴² which was “pushing claimants into destitution, hardship, poverty and often homelessness”.¹⁴³ The DWP has assured us that it plans to introduce a target clearance time for MRs, starting with one for ESA from April 2016.¹⁴⁴

133 The Department itself may also change a decision, which is referred to as a “decision review”

134 Department for Work and Pensions ([BFD0191](#))

135 [Q207](#) (Andrew Rhodes)

136 These percentages in this paragraph are proportions of sanctions that have been referred to Mandatory Reconsideration only. Between November 2013 and March 2015, 31% of JSA sanction decisions referred to Mandatory Reconsideration were overturned.

137 [Q30&31](#) (Sarah Seeger and Rhiannon Sims)

138 Oral evidence HC 507, [Q74](#); [Q204](#) (Lord Freud) Lord Freud said that 95% of ESA MRs were cleared in 10 days—we are counting these under “working age benefits”

139 DWP, [Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain: Experimental Official Statistics](#)

140 St Mungo’s Broadway ([BFD0171](#))

141 [Q7](#) (Carmel Keddy)

142 [Q56](#) (Carmel Keddy)

143 Islington Law Centre ([BFD0183](#))

144 [Q205](#) (Lord Freud)

Box 7: Casework—Roger Mullin MP, MP for Kirkcaldy and Cowdenbeath, Mandatory Reconsideration delay

Mr X had problems appealing a Tax Credits decision. He sought to appeal the decision which was taken against him, but he required a Mandatory Reconsideration Notice in order to do so.

He had made attempts to obtain this, but he had been sent the wrong paperwork, and as such, he approached you to obtain this on his behalf in order to pursue his Tax Credits appeal. Over the course of eight weeks, we contacted HMRC a number of different times to request that this Mandatory Reconsideration Notice was sent, stressing that it was this form which was needed and that it was needed to pursue Mr X's appeal.

We encountered a number of delays, including advisors informing us that this form would be sent out and this later transpiring not to be the case, and advisors failing to contact us to update us on the case when they had confirmed that they would do so.

Resultantly, Mr X found that his appeal had been entirely rejected based upon the failure to produce the requested Mandatory Reconsideration Notice, and the delays experienced meant that he was obligated to lodge an entirely new appeal, with a letter of support from Roger detailing the difficulties his constituency team had experienced in obtaining this document.

83. We welcome the news that Mandatory Reconsideration clearance times for some benefits are coming down. We also welcome the proposed and long overdue introduction of a Mandatory Reconsideration clearance time target. A remaining concern is the monitoring of long decisionmaking times for individuals in excess of those targets and averages. These people are not just outliers on a clearance time chart.

84. We recommend the DWP publish Mandatory Reconsideration clearance time statistics by April 2016. These should include the proportion of MRs which were cleared in 1 to 7; 8 to 14; 15 to 30; and more than 30 days. We further recommend the DWP introduce a seven day clearance time target for all Mandatory Reconsiderations.

Joint working

85. Throughout this inquiry, witnesses told us that many of the problems with the delivery of legacy benefits could be solved by better co-operation and communication between advice agencies and the DWP.¹⁴⁵ Fabio Apollonio described how liaison meetings can result in better understanding, as “practice prevails over policy”.¹⁴⁶ Lorna Gledhill described how co-ordination was beneficial in her field:

We have local multi-agency meetings for organisations that work with refugees and asylum seekers. In some parts of the region there are representatives from local Jobcentres, whereas up in Halifax there is a rep that comes. With that, the communication between the refugee sector, for example, and the Jobcentre is much better. There is a much better understanding on either side. As a recommendation, I recognise that Jobcentres are stretched and people have

¹⁴⁵ Lambeth Council ([BFD0184](#)), British Red Cross ([BFD0169](#))

¹⁴⁶ [Q160](#) (Fabio Apollonio)

a lot on their plates, but having a rep at those meetings does get some issues solved out quickly because at least there is an understanding of the refugee condition more generally among people from the Jobcentre.

86. We also heard of the advantages of joint-working with MPs. As the casework in this report demonstrates, MPs frequently step in to help constituents with problems of benefit delivery. MPs can use their hotline access to Government Departments to try to identify the source of delays or concerns and resolve them. When asked whether MPs should raise delays in PIP directly with the DWP, the Secretary of State replied “I would not just say you should, I would encourage anybody to do that”.¹⁴⁷

87. Many problems with benefit delivery can be solved by better joint working. The DWP, welfare advice agencies, MPs and claimants themselves all have a part to play. We encourage local liaison meetings between advice agencies and the DWP, as this can tackle issues before they escalate. Advice agencies should also agree arrangements with their local MP to refer problem cases when appropriate.

6 Conclusion

88. The last five years have seen substantial change to the welfare system. The DWP described the period as “most fundamental change to the social security system in 60 years”. The NAO noted an “unprecedented number of major programmes and reforms”, including “some change to almost every benefit”.¹⁴⁸ This change is set to continue, most notably with UC, the Department’s flagship reform, scheduled to be rolled out over the next five years.

89. At the same time, significant real cuts have been made to the DWP’s administration and programme funding. Since 2010–11, such spending has fallen by 24% even before accounting for inflation.¹⁴⁹ The November 2015 Spending Review announced additional cuts of 14% by 2019–20, including 22% less on administration alone.¹⁵⁰

90. Many parts of the welfare system work well for many people and we wish to record our thanks to those frontline staff whose efforts ensure a proper service to claimants. In the course of this inquiry, however, we have encountered evidence of too many errors and too many delays. While we are concerned at the lack of monitoring in many cases, these should not be seen as mere statistical and administrative concerns; errors and delays can leave vulnerable people in desperate situations.

91. Universal Credit is an ambitious scheme with laudable objectives of simplifying and streamlining much of the working-age welfare system. Its dissemination, and therefore those potential benefits, has repeatedly been delayed. This is a concern. So too, at a time of administrative cuts, is the potential for valuable resources to be consumed by the programme. It is imperative that the business-as-usual delivery of benefits is not sacrificed in pursuit of reform.

148 NAO, [Department for Work and Pensions: Welfare reform—lessons learned](#), HC77, May 2015

149 Departmental Expenditure Limit,

150 HM Treasury, Spending Review and Autumn Statement 2015, November 2015, p.89

Conclusions and recommendations

In this list, conclusions are set out in plain type and recommendations, to which the Government is required to respond, are set out in italic text.

Error in Housing Benefit

1. *Fraud and error in housing benefit have increased in the past five years, despite DWP's use of real-time information on claimant incomes. We recommend the Government set out in detail how it will exploit other sources of data to gain a better picture of claimant circumstances, including living arrangements, and what reductions in fraud and error it expects these to achieve. We expect the DWP's 2015–16 annual report and accounts to show progress in this area.* (Paragraph 16)

More focus on underpayments

2. The DWP has a target for reducing benefit overpayments but not for reducing benefit underpayments. This indicates their relative priorities as the Department seeks to reduce costs. Underpayments, however, can have an enormous effect on individuals and can be a false economy as they transfer the burden to other services. Real time earnings information in Universal Credit is expected to improve the accuracy of benefit payments and should result in a reduction in underpayments over the next few years. We welcome the Department's invitation to hold them to that expected 'dividend' from Universal Credit. (Paragraph 23)
3. *Underpayments totalled £1.5 billion, or 0.9% of benefit expenditure, in 2014–15. We recommend the DWP introduce a target to reduce underpayments to less than 0.5% of expenditure by the end of this Parliament. The Cabinet Office's Fraud, Error and Debt Steering Group should monitor the Department's progress towards achieving the target.* (Paragraph 24)

Opportunities for Universal Credit

4. The DWP is already exploring options for online resources in the digital service and Universal Credit is still in the 'test and learn' stage. Now is therefore an opportune time for the Department to develop other online tools, such as a landlord portal for the housing element. (Paragraph 29)
5. *We recommend the Department trial a landlord portal in an area where the digital service is operating.* (Paragraph 29)
6. *Alternative Payment Arrangements (APAs) are an important backstop to protect claimants who will struggle to manage a single monthly benefit payment. We recommend the DWP review its guidance, and application of that guidance, to ensure that (a) there is no requirement for a claimant to have built up rent arrears before an APA can be put in place; and (b) no APA can be cancelled without ensuring the claimant is aware of the change.* (Paragraph 35)

7. The introduction of Personal Budgeting Support (PBS) money advice is a good step towards helping claimants manage their monthly Universal Credit payment. We are concerned, however, that in these early days it is not being delivered as effectively as it should be and uptake is low. (Paragraph 38)
8. *We recommend the DWP review the processes for assessing and delivering PBS to ensure claimants are receiving the support they need to manage a single monthly payment. We further recommend that DWP conduct a study of the best way to encourage claimants to use the financial products available in order to manage their budget.* (Paragraph 38)
9. It is too early fully to assess the impact of the five to six week wait claimants have for their first Universal Credit (UC) payment. We are concerned the DWP has not properly considered households who have no savings or a final paycheque to fall back on. We will continue to monitor the effects of this built-in delay and return to it when we examine UC in more depth. (Paragraph 41)

The limitations for Universal Credit for improving benefit delivery

10. The six “legacy benefits” scheduled to be replaced by Universal Credit will be with us for many years yet. Ensuring they are delivered in an accurate and timely fashion should not be neglected in the meantime. (Paragraph 47)

Employment Support Allowance

11. The lack of available data on ESA and WCA clearance times is unacceptable. The DWP cannot properly monitor Maximus’ performance, make clear policy decisions or effectively support claimants without it. (Paragraph 55)
12. *We recommend, where applicable, the Department publish quarterly official statistics on ESA clearance times, including data on time from claim to completion of WCA; time from WCA to decision; and time from decision to payment of benefit, showing not only averages but a breakdown of the ranges of clearance times. We further recommend that in addition to the current average claim processing time target, the Department set a target time within which ALL claims should be processed.* (Paragraph 55)

Interaction between ESA and JSA

13. We welcome both the Secretary of State’s intention to review the nature of the Work Capability Assessment and his commitment to engage with us in this work. However, people with significant health conditions who have been found “fit for work” and who are currently struggling to meet JSA conditionality cannot wait for a more nuanced assessment to be designed and implemented. They require immediate action to prevent them falling in the gap between JSA and ESA. (Paragraph 59)
14. *We agree with our predecessor Committee that it is inappropriate for those challenging ESA decisions to claim JSA as some claimants are refused JSA due to being “unfit for work”. We recommend that assessment rate ESA be paid to claimants throughout reassessment of their claim, not only once an appeal is lodged.* (Paragraph 59)

Personal Independence Payments

15. We commend the Department on the impressive reduction in waiting times for Personal Independence Payments. However, there is much work still to be done to ensure that those claimants awaiting an appeal, or their first payment following a successful appeal, receive the correct decision and award in good time. (Paragraph 65)

Refugees

16. *We question why the “move-on” period for new refugees is only 28 days, when it is clear from research conducted by charities and the Government that it is in many cases insufficient. We recommend the DWP conduct an immediate investigation into the “move-on” period and work with the Home Office to amend the length of time if necessary.* (Paragraph 69)
17. We welcome the recent guidance for refugees issued by the DWP. We also recognise the advantage of local transition guides, which can be used as self-help handbooks for new refugees and their advisors. Such guides can be a low-cost means of assisting refugees with unfamiliar concepts and surroundings. (Paragraph 71)
18. *We recommend the Department review the Belfast City Council transition guide and consider supplementing existing national guidance and/or issuing similar guides to other local authorities. These can then be supplemented by local authorities with information tailored to their area.* (Paragraph 71)

Short-term benefit advances

19. *Trends in short-term benefit advance applications and awards are unclear. We recommend the Government set out its plans for the publication of regular statistics in response to this Report.* (Paragraph 75)
20. *We recommend that the Department include information about Short-Term Benefit Advances as part of the mandatory text in Jobcentre scripts. Jobcentre staff should ask every claimant whether they have an urgent financial need rather than wait or the claimant to volunteer that information.* (Paragraph 77)

Mandatory Reconsiderations

21. The statistics available expose flaws in the sanctioning process. DWP must address the quality of original decisions in order to maintain a downward trend in the number that are overturned at MR stage. (Paragraph 80)
22. We welcome the news that Mandatory Reconsideration clearance times for some benefits are coming down. We also welcome the proposed and long overdue introduction of a Mandatory Reconsideration clearance time target. A remaining concern is the monitoring of long decisionmaking times for individuals in excess of those targets and averages. These people are not just outliers on a clearance time chart. (Paragraph 83)

23. *We recommend the DWP publish Mandatory Reconsideration clearance time statistics by April 2016. These should include the proportion of MRs which were cleared in 1 to 7; 8 to 14; 15 to 30; and more than 30 days. We further recommend the DWP introduce a seven day clearance time target for all Mandatory Reconsiderations.* (Paragraph 84)

Joint working

24. Many problems with benefit delivery can be solved by better joint working. The DWP, welfare advice agencies, MPs and claimants themselves all have a part to play. We encourage local liaison meetings between advice agencies and the DWP, as this can tackle issues before they escalate. Advice agencies should also agree arrangements with their local MP to refer problem cases when appropriate. (Paragraph 87)
25. Many parts of the welfare system work well for many people and we wish to record our thanks to those frontline staff whose efforts ensure a proper service to claimants. In the course of this inquiry, however, we have encountered evidence of too many errors and too many delays. While we are concerned at the lack of monitoring in many cases, these should not be seen as mere statistical and administrative concerns; errors and delays can leave vulnerable people in desperate situations. (Paragraph 90)
26. Universal Credit is an ambitious scheme with laudable objectives of simplifying and streamlining much of the working-age welfare system. Its dissemination, and therefore those potential benefits, has repeatedly been delayed. This is a concern. So too, at a time of administrative cuts, is the potential for valuable resources to be consumed by the programme. It is imperative that the business-as-usual delivery of benefits is not sacrificed in pursuit of reform. (Paragraph 91)

Formal minutes

Wednesday 16 December 2015

Members present:

Rt Hon Frank Field, in the Chair

Heidi Allen

Mrs Emma Lewell-Buck

Mhairi Black

Craig Mackinlay

Ms Karen Buck

Jeremy Quin

John Glen

Craig Williams

Draft report (*Benefit delivery*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 91 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Fourth 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 6 January at 9.15 a.m

Witnesses

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

Wednesday 21 October 2015

Question number

Clarissa Corbisiero-Peters, Head of Policy, National Housing Federation, **Rhiannon Sims**, Policy Co-ordinator, Citizens Advice Scotland, **Clare Jephcott**, Islington Law Centre, and **Sarah Seeger**, Head of Customer Accounts, Curo

[Q1–54](#)

Peter Hughes, Group Manager, Wigan and Leigh Homes, **Clare Hughes-Cross**, Advice Services Manager, St Mungo's Broadway, and **Carmel Keddy**, Team Manager of Access and Information, Derbyshire County Council

[Q55–122](#)

Wednesday 4 November 2015

Lorna Gledhill, Regional Asylum Activism Co-ordinator and member of West Yorkshire Destitute Asylum Network, **Fabio Apollonio**, Project Manager, Policy, Research and Advocacy, British Red Cross, **Phil Reynolds**, Disability Benefits Consortium, and **Sue McCarron**, Wirral Citizens Advice Bureau

[Q123–184](#)

Lord David Freud, Minister for Welfare Reform, Department for Work and Pensions, and **Andrew Rhodes**, Benefits Services Director, Department for Work and Pensions

[Q185–252](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry page](#) of the Committee's website. BFD numbers are generated by the evidence processing system and so may not be complete.

- 1 Action for M.E. ([BFD0178](#))
- 2 Age UK ([BFD0125](#))
- 3 Amanda Harris ([BFD0194](#))
- 4 British Red Cross ([BFD0169](#))
- 5 Care Plus Group - N E Lincolnshire ([BFD0009](#))
- 6 Changing Lives ([BFD0141](#))
- 7 Child Poverty Action Group ([BFD0189](#))
- 8 Childhood Bereavement Network/National Bereavement Alliance ([BFD0177](#))
- 9 Church Action on Poverty ([BFD0133](#))
- 10 Church Action on Poverty ([BFD0159](#))
- 11 Citizens Advice ([BFD0173](#))
- 12 Citizens Advice Scotland ([BFD0158](#))
- 13 City of York Council ([BFD0138](#))
- 14 Community Housing Cymru ([BFD0185](#))
- 15 CSAN (Caritas Social Action Network) ([BFD0165](#))
- 16 Department for Work and Pensions ([BFD0191](#))
- 17 Department for Work and Pensions ([BFD0196](#))
- 18 Derbyshire County Council ([BFD0181](#))
- 19 Disability Benefits Consortium ([BFD0156](#))
- 20 Diverse Cymru ([BFD0155](#))
- 21 Durham University ([BFD0121](#))
- 22 Financial Action and Advice Derbyshire ([BFD0164](#))
- 23 Gipsil ([BFD0140](#))
- 24 Homeless Link ([BFD0151](#))
- 25 Islington Law Centre ([BFD0183](#))
- 26 Leicestershire County Council ([BFD0044](#))
- 27 Leicestershire County Council ([BFD0152](#))
- 28 Liverpool City Council ([BFD0145](#))
- 29 Local Government Association ([BFD0153](#))
- 30 London Borough of Lambeth ([BFD0184](#))
- 31 Macmillan Cancer Support ([BFD0193](#))
- 32 Manchester & Warrington Area Quaker Meeting Social Justice Group ([BFD0143](#))
- 33 Migrants Resource Centre ([BFD0131](#))
- 34 Milton Keynes Council ([BFD0160](#))

- 35 Money Advice Service ([BFD0197](#))
- 36 Mr Jason Beckley ([BFD0083](#))
- 37 National Association of Funeral Directors ([BFD0166](#))
- 38 National Housing Federation ([BFD0180](#))
- 39 NHS Health Scotland ([BFD0132](#))
- 40 North Liverpool Citizens Advice ([BFD0170](#))
- 41 North London Credit Union Limited ([BFD0187](#))
- 42 Northern Housing Consortium ([BFD0150](#))
- 43 Nottingham City Council ([BFD0188](#))
- 44 Oxfam GB ([BFD0190](#))
- 45 Parkinson's UK ([BFD0135](#))
- 46 PCS Union ([BFD0146](#))
- 47 Peabody ([BFD0048](#))
- 48 Phoebe Spence ([BFD0144](#))
- 49 Professor Daniel Finn ([BFD0130](#))
- 50 Quaker Social Action ([BFD0174](#))
- 51 Residential Landlords Association ([BFD0162](#))
- 52 Royal London Group ([BFD0182](#))
- 53 Scope ([BFD0172](#))
- 54 Scottish Federation of Housing Associations ([BFD0122](#))
- 55 Shelter ([BFD0163](#))
- 56 St Mungo's Broadway ([BFD0171](#))
- 57 Surrey County Council ([BFD0161](#))
- 58 The Highland Council ([BFD0167](#))
- 59 The Mnd Association ([BFD0168](#))
- 60 The Royal British Legion ([BFD0179](#))
- 61 Trades Union Congress ([BFD0108](#))
- 62 Trussell Trust ([BFD0147](#))
- 63 Welfare Rights and Money Advice Service, Bristol City Council ([BFD0157](#))
- 64 West Yorkshire Destitute Asylum Network ([BFD0115](#))
- 65 Westminster Citizens Advice Bureau ([BFD0142](#))
- 66 Wigan & Leigh Homes ([BFD0176](#))
- 67 YMCA England ([BFD0192](#))
- 68 Z2k ([BFD0148](#))

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 2015–16

First Report	Pension freedom guidance and advice	HC 371
Second Report	Welfare-to-work	HC 363
Third Report	A reconsideration of tax credit cuts	HC 548