House of Commons

Work and Pensions Committee

Universal Credit: childcare: Government Response to the Committee's Twenty-Second Report

Twenty-Fifth Report of Session 2017–19

Report, together with formal minutes relating to the report

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Work and Pensions Committee

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

Current membership

Frank Field MP (*Independent, Birkenhead*) (Chair)

Heidi Allen MP (*Independent, South Cambridgeshire*)

Jack Brereton MP (*Conservative, Stoke-on-Trent South*)

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

Rosie Duffield MP (*Labour, Canterbury*)

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Anna Soubry MP (*Independent, Broxtowe*)

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

Derek Thomas MP (*Conservative, St Ives*)

Powers

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

Publication

Committee reports are published on the publications page of the Committee's website and in print by Order of the House.

Evidence relating to this report is published on the inquiry page of the Committee's website.

Committee staff

The current staff of the Committee are Anne-Marie Griffiths (Clerk), Stuart Ramsay (Second Clerk), Libby McEnhill and James Mirza Davies (Senior Committee Specialists), Kemi Duroshola (Committee Specialist), George Steer (Assistant Policy Analyst), Esther Goosey (Senior Committee Assistant), Michelle Garratty (Committee Assistant) and Jessica Bridges Palmer (Senior Media and Policy Officer).

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Contents

The Report

Our Report

1. We published our Report on Universal Credit and childcare on 23 December 2018. Our inquiry heard evidence from parents, childcare providers and support organisations about difficulties with childcare payments under Universal Credit (UC). In some cases, these difficulties were so severe that parents who wanted to work were being prevented from doing so.

2. We received the Government's response to our Report on 6 March 2019. We were disappointed by both its brevity and its content; it may well be the most skimpy and disappointing response we have ever received. It fails to engage with the Committee and with the recommendations that we put forward—after carefully weighing the evidence—to help improve the delivery of a Government policy.

3. Overall, the response gave the impression that the Government was simply dismissing the very serious problems that are plaguing parents who are trying to get into work. This was particularly disappointing given that the Government is relying on working mothers to contribute the vast majority of the additional hours of work expected under UC. We have taken the unusual step of producing a Report on the Government's response in order to urge it to think again and to offer a more substantive response to our recommendations.

Developments since our Report

4. Shortly after the publication of our Report, on 11 January 2019, the Secretary of State made a speech at Kennington Jobcentre, setting out "a fresh approach to Universal Credit".[1] In that speech, she recognised the difficulties that UC's systems for paying childcare costs could cause, saying:

> Although UC's provision of funding up to 85% of a claimant's childcare costs is higher than its predecessor, this is paid in arrears only once actual costs are known.
>
> So I recognise that this can cause financial difficulty, with some claimants struggling to pay upfront or report their costs on time.[2]

It was clear from this that the Secretary of State recognised that the additional support offered under Universal Credit would only make a real difference to parents if the structural and administrative problems were solved. She announced two changes to address the problems. First, she said that she had:

> instructed jobcentres that if the initial month's childcare costs prevent a claimant from starting work, the Flexible Support Fund should be used to help smooth the transition for this priority group.[3]

1 Department for Work and Pensions, Press release: Amber Rudd sets out fresh approach to Universal Credit, 11 January 2019

2 Department for Work and Pensions, Speech: Universal Credit: personal welfare, 11 January 2019

3 Department for Work and Pensions, Speech: Universal Credit: personal welfare, 11 January 2019

Second, she said that she had decided that the Department for Work and Pensions should be flexible when parents were unable to report their costs immediately.[4]

5. We wrote to the Secretary of State on 11 January to ask for more details about these announcements.[5] In response, she told us that her instruction to Jobcentres was not a new policy. She explained that the Flexible Support Fund could already be used to help with upfront childcare costs, and indeed had been used in that way "for some time".[6] She did not believe, however, "that the policy was being implemented as intended".[7]

6. We also asked for further details about the increased flexibility which the Secretary of State had described in her speech. She told us that the current system required parents to submit childcare receipts for reimbursement within the Universal Credit assessment period in which they were paid. It was, however, sometimes not possible for parents to do this. She explained:

> To acknowledge this, we are refreshing our guidance, and trialling a more flexible approach in a number of areas. Once these pilots have concluded we will consider how to roll-out this approach further later in the year.[8]

The Government's response to our Report

Media comment

7. The Department's dismissive approach to our inquiry was evident shortly after we published our Report. The Department's media spokesperson commented:[9]

> This report doesn't acknowledge that with Universal Credit childcare is more generous […] Working parents can claim back up to 85% of eligible costs, compared to 70% on the old system.

This fact was noted in the Report summary[10] and was the subject of one of our conclusions and recommendations.[11] As such, it was discussed extensively in the body of the Report.[12] That the Department gave its initial response seemingly without the benefit of even a cursory glance at our Report is not good enough. It is disrespectful to the organisations and individuals who submitted thoughtful and detailed evidence on this point, and risks bringing into doubt amongst the general public the value of giving evidence to a select committee.

4 Department for Work and Pensions, Speech: Universal Credit: personal welfare, 11 January 2019
5 Letter from the Chair to the Secretary of State for Work and Pensions, 11 January 2019
6 Letter from the Secretary of State to the Chair, 31 January 2019
7 Letter from the Secretary of State to the Chair, 31 January 2019
8 Letter from the Secretary of State to the Chair, 31 January 2019
9 The Times, Parents won't work because universal credit pays childcare too late, 24 December 2018
10 Work and Pensions Committee, Twenty-Second Report of Session 2017–19, Universal Credit: childcare, HC 1771, summary
11 Work and Pensions Committee, Twenty-Second Report of Session 2017–19, Universal Credit: childcare, HC 1771, para 46
12 Work and Pensions Committee, Twenty-Second Report of Session 2017–19, Universal Credit: childcare, HC 1771, chapter 3

Direct payments to childcare providers

8. We recommended that the Government "develop Universal Credit's systems to enable childcare costs to be paid directly to childcare providers". Our recommendation aimed to:

- Address the difficulties faced by parents who had to make upfront payments for childcare, which were often unaffordable.
- Give childcare providers certainty about receiving payments.
- Support the Department's aim of reducing the risk of fraud and error in childcare payments.

In response to our recommendation, the Government said simply that it has "no plans" to make direct payments. It failed entirely to engage with our concerns, backed by extensive evidence, about parents struggling with prohibitively high upfront costs and about the impact on childcare providers. This is unacceptable.

Use of the Flexible Support Fund

9. The Flexible Support Fund (FSF) is a fund available to Jobcentres to help claimants with the costs of getting into work. In the course of our inquiry, the Flexible Support Fund was described by one witness as the "biggest secret in the Jobcentre".[13] Gingerbread, a charity supporting single parents, told us that it was "very common" for claimants to receive little or no information about the Flexible Support Fund from their Work Coach.[14]

10. Data supplied by the Department up to 2016–17 showed that, in the previous four years, only a very small proportion of FSF spending had gone towards childcare. The FSF has also been underspent each year. The Department could not supply data for 2017–18, which might have given a fuller picture of how the FSF is being used as UC rolls out. We concluded that:

> The Department does not consistently gather and publish data on usage of the Fund. [...] The failure to gather data means the Department cannot verify that the Fund is fulfilling its intended purposes. And it should not expect claimants, or the organisations supporting them, to take on trust that the Fund will meet their needs.[15]

To address this, we recommended that the Government publish a quarterly statistical update on the use of the Flexible Support Fund. The Secretary of State's admission in January that Government policy on the Flexible Support Fund was not being implemented further serves to support the case for transparency.

11. In response, the Government said that it would not publish data on use of the FSF because it did not want "to introduce unnecessary administration on operational staff which may deter the use of this fund". The Department did not explain what additional administrative burden would be created, nor how it had determined that this could deter Work Coaches from using the Fund.

13 Q876 (Lucy Collins)
14 Q849 (Dalia Ben-Galim)
15 Work and Pensions Committee, Twenty-Second Report of Session 2017–19, Universal Credit: childcare, HC 1771, para 34

12. The Government also said:

> We do not publish financial data [about the Flexible Support Fund] as we do not wish to detract from the discretionary nature of this fund.

It is not at all clear to us what this statement means. If the Government does not want to use the FSF further, utilise the resource set aside for this Fund, or expand its capabilities, Ministers should be frank and open. As things stand, people who need help to get to work are not receiving it and Work Coaches seem unable or unwilling to access the FSF to help in the way we recommended. The Government must better explain what the barriers are.

Affordability

13. We found that some 100,000 households stood to receive less childcare support under UC than they would have under the legacy system. This includes households who are among the poorest UC claimants. We also heard that the maximum amounts that the Department will reimburse for childcare have not increased since 2005. This means that, for many claimants, their reimbursements would fall short of their needs. We concluded that it was simply unacceptable that households claiming UC—including some of the poorest in society—should be struggling with childcare costs while the Government was funding childcare support for households earning up to £200,000 per year via Tax Free Childcare and the 30 hours free childcare. We accordingly recommended that the Government "divert funding from the schemes aimed at wealthier parents […] towards Universal Credit childcare".

14. In response, the Government said merely that it noted our recommendations. It then set out the amount it was spending on childcare and described its current childcare offer. We assume from this that it has actually rejected our recommendation. We would expect it to have observed the usual courtesy of explaining why it has done so.

15. The Government added that:

> The childcarechoices.gov.uk. website provides an easy look up tool so parents can identify what they may be eligible for as well as offering support and advice about how to apply.

It is not clear why the Government's Childcare Choices website is relevant to a recommendation urging it to divert funds from the wealthy to those who are most in need. This was also not a particularly helpful suggestion for claimants of UC, for whom only generic information is available on *childcarechoices.gov.uk*. The Government explained elsewhere in the response that its own Childcare Calculator cannot calculate Universal Credit entitlement, because it is "too complex to include this functionality in the calculator".

Conclusions

16. **The Secretary of State has acknowledged the very serious problems that structural flaws in Universal Credit are causing for parents who rely on childcare support to be able to work. This makes the Government's curt and dismissive response to our**

recommendations all the more disappointing. Witnesses—including parents, charities and support organisations—gave up their time to contribute to our inquiry. They deserve much better treatment than this.

17. ***The Government should now review its response and provide a response which matches the consideration the Committee employed in an attempt to help parents to move into work, as the Government claims it is encouraging them to do. If the Government considers that the solutions we have recommended are not practicable, it should take the opportunity to explain and to set out alternative means of addressing those problems. In particular, we recommend that the Government explain:***

(a) ***in the absence of plans to introduce direct payments, how it intends to address the serious difficulties that both parents and childcare providers are experiencing with the current system;***

(b) ***the details of the pilots it is running to trial a more flexible approach to the provision of receipts for childcare costs, including where these pilots are being run, what options for providing evidence of childcare costs are being trialled, when the pilots started, how long they will run for and how they will be monitored;***

(c) ***why it is so difficult to publish information about the use of the Flexible Support Fund, what analysis it has done of the additional administrative work that would be created, and if it will be published in full;***

(d) ***its view on our recommendation that it should divert funding from the schemes aimed at wealthier parents (Tax Free Childcare and the 30 hours free childcare) towards Universal Credit childcare to help more people into work. The Department should also commit to providing, in consultation with other relevant Departments, an analysis of the Government's spending on the 30 free hours free childcare by income decile, to show which households are benefiting from this policy. This should be in addition to, or in combination with, the analysis on the impact of UC childcare cost caps that the Department has undertaken to provide in summer 2019.***

Appendix: Government Response

1. The Government welcomes the Twenty-Second Report of Session 2017–19, following the Committee’s ongoing inquiry into Universal Credit and childcare.

2. The Committee published its report on 23rd December 2018, which included nine helpful recommendations for the Government to consider.

3. The Government has carefully read the Committee’s report and noted the recommendations and points raised and has listened to the concerns expressed by parents and other key stakeholders including Save the Children and the Centre for Social Justice. The Government has set out its response to each of the Committee’s recommendations in the section below.

4. The Government recognises that high childcare costs can be a real barrier to parents taking up employment or increasing their working hours. To help overcome this, Universal Credit is more generous than legacy benefits in the support it provides towards childcare costs with an increased level of support for childcare costs from 70% in legacy to up to 85% in Universal Credit.

5. The Government now provides more support than ever before to help parents with the costs of childcare. The wider childcare offer includes Tax Free Childcare, which allows parents to save up to £2000 per child each year on childcare, and the provision of free hours of childcare. The free childcare offers include providing 15 hours a week of free childcare in England for all 3 and 4 year olds and disadvantaged 2 year olds, and doubling free childcare available for working parents of 3 and 4 year olds to 30 hours a week.

6. The Government was particularly concerned about the financial difficulty caused for some claimants in meeting upfront childcare costs highlighted in the Committee’s report.

7. To help remove the barrier caused by upfront costs, the Secretary of State announced in her speech of 11 January 2019 that, where the initial month’s childcare costs may prevent a claimant from starting work, jobcentres have been instructed to use the Flexible Support Fund to support the transition into work. Furthermore, when parents have good reason for not reporting their childcare costs immediately, the Department will be more flexible to enable parents to be reimbursed at a later point.

8. Changes have already been made to the Flexible Support Fund guidance to align it more closely with Universal Credit. The changes include the removal of the 16 hours employment restriction to enable claimants starting work of less than 16 hours to get help with upfront childcare costs and raising the age of dependent children to 16.

9. Other progress to date includes the introduction of a digital upload for receipts of paid childcare costs to remove the burden on claimants as they previously had to provide these in person.

10. Significant work is being undertaken within the Department for Work and Pensions to increase work coaches understanding and promotion of both the UC childcare offer and the wider Government childcare offer.

11. The childcare infographic, a newly developed visual aid setting out the different Government childcare schemes is being made available to work coaches in Jobcentres. Roadshows and internal staff conference calls have helped to raise awareness and share information about the guidance changes amongst work coaches and we are providing guidance to enable greater flexibilities in terms of late reporting and reimbursement of UC childcare costs.

12. These changes illustrate the progress the Government is making to make childcare less of a burden for working families and to smooth the transition from welfare benefits into work. More needs to be done and the Department for Work and Pensions continues to work closely with other Government Departments to ensure Childcare schemes complement each other to deliver effective support for working families.

Recommendation 1

We recommend the Department develops Universal Credit's systems to enable childcare costs to be paid directly to childcare providers. This would alleviate the problem of prohibitive upfront costs, help claimants with budgeting and give providers themselves much needed certainty of Income. Direct payments would also substantially reduce the risk of fraud and error. (Paragraph 20).

13. The Flexible Support Fund can be used to support paying childcare deposits and upfront costs. Where this is used, the payments will be paid directly to the childcare provider.

14. The inclusion of childcare costs where they are incurred as part of the total Universal Credit award paid to a claimant is integral to determining entitlement and there are no plans to pay this separately to childcare providers.

Recommendation 2

We recommend the Department amend its guidance to Work Coaches and Universal Credit staff to make clear that Budgeting Advances are not an appropriate option for claimants struggling with the day-to-day costs of childcare. The guidance should make clear that claimants struggling with such costs are to be directed to the Flexible Support Fund in the first instance (Paragraph 27).

15. We agree with the Committee that claimants requiring help with upfront childcare costs and deposits should be directed to the Flexible Support Fund in the first instance and the Department has recently changed guidance to Work Coaches and Universal Credit staff to make this clear.

16. Budgeting advances remain an appropriate means of helping claimants with upfront childcare costs and deposits they may incur when they are in work. A claimant in receipt of Universal Credit and in work can access a budgeting advance (providing they do not already have an outstanding one) to cover the cost of paying upfront childcare costs or a deposit which will then be reimbursed when they later submit a receipt.

Recommendation 3

We recommend the Department set out in response to this report its strategy for promoting the use of the Flexible Support Fund to help with upfront childcare costs to Work Coaches, claimants and other interested parties such as childcare providers. This should include details of any mandatory or optional training and development taken on by Work Coaches and other JCP staff and managers. (Paragraph 33).

17. We agree with the Committee that the Flexible Support Fund needs to be widely promoted. The Department has very recently increased promotion of the Flexible Support Fund to help with upfront childcare costs through internal campaigns and this is set to continue with further activity being planned. Our Employer & Partnership community, both at regional and national level, will continue to promote the use of Flexible Support Fund through our external agenda. We are considering what more can be done.

18. We have updated Flexible Support Fund guidance to encourage the use of the Fund in Universal Credit to pay for upfront childcare costs where this may be a barrier to starting employment. In legacy benefits, claimants have to work at least 16 hours a week to qualify for this support. We have removed the minimum number of hours requirement for Universal Credit claimants so that if a Universal Credit claimant is starting work of less than 16 hours they can utilise the Flexible Support Fund for upfront childcare costs.

19. We will undertake regular internal reviews to ensure colleagues nationally are maximising the benefits that the fund can bring to our customer base. In addition, we will internally review our operational policy to ensure we capitalise on the opportunities that Flexible Support Fund affords us to support individual customers in moving them into sustainable, quality employment.

Recommendation 4

We recommend the Department publish a quarterly statistical update on the use of the Flexible Support Fund. This should include breakdowns of both the purposes for which the Fund is used and differences in spending by Jobcentre Plus district. (Paragraph 34).

20. The Flexible Support Fund is a discretionary fund which is utilised to meet individual and local labour market needs and as such the Department does not want to introduce unnecessary administration on operational staff which may deter the use of this fund. We do not publish financial data as we do not wish to detract from the discretionary nature of this fund.

21. We continually monitor spend internally and review our processes. As part of this, we will be monitoring Childcare expenditure within the Flexible Support Fund following the recent policy changes removing the 16 hours' threshold for Universal Credit claims only. Where there is a need for change we will consider amendments and improvements to the Flexible Support Fund policy and process.

Recommendation 5

We recommend the Department trial a childcare deposit scheme using the Flexible Support Fund. This would involve paying deposits direct to providers from the Fund. The

Department should see this as an opportunity to pilot paying costs direct to providers. We therefore recommend it commission and publish an evaluation of the trial that includes lessons learned for further direct payments to childcare providers. (Paragraph 35)

22. The Flexible Support Fund can provide help with paying childcare deposits and the payments are always paid directly to the childcare provider. We therefore do not see the need to carry out an additional trial using the Flexible Support Fund in this case.

Recommendation 6

We recommend the Department:

(i) ***Review the maximum caps on childcare costs that can be reimbursed under Universal Credit. This should include modelling the effect of higher caps on work participation amongst claimants with children and introducing a "London weighting" to account for the very high costs of childcare in the capital. The Department should use this work to inform its thinking on whether further regional variations would be appropriate; and***

(ii) ***Carry out its own modelling of the costs and effect on work incentives of increasing the maximum reimbursement under Universal Credit from 85% to 100% of allowable costs. The Department should commit to implementing the approach that will have the greatest impact on work incentives, prior to scaling up "managed migration" in 2020***. (Paragraph 46).

23. The Government notes the Committee's recommendations. Universal Credit provides more generous childcare support than is available under Tax Credits increasing from 70% to up to 85% and with more generous limits. An increase to 100% would require very careful considersation as it could result in an increased hourly rate of childcare provision for parents in the wider market.

24. Currently under Universal Credit, working families who claim up to the 85% reimbursement limit can claim up to a maximum of £646.35 for one child and £1,108.04 for two or more children. This can be claimed up to a month before starting a job. For families with two children this could be worth up to £13,000 a year.

25. The data structure of childcare expenditure information is complex and will require significant quality assurance. We estimate it will be possible to provide further analysis on the UC childcare cost caps in a statistical ad-hoc publication in summer 2019, subject to managing other demands for analysis and in line with other priorities such as our work moving legacy claimants onto UC.

Recommendation 7

We recommend the Government divert funding from the schemes aimed at wealthier parents (Tax Free Childcare and the 30 hours free childcare) towards Universal Credit childcare. (Paragraph 47).

26. The Government notes the Committee's recommendations. The Government will be spending around £6 billion on childcare support in 2019–20 – a record amount. That will include funding for free early education entitlements, on which the plan is to spend

around £3.5 billion this year alone. We believe that helping parents with their childcare costs is one of the best ways to help people into work, support families with the cost of living, and ensure every child has the opportunity of a high quality early education.

27. The current childcare offer is comprehensive, broad ranging and reflects different family circumstances, covering children over a range of ages. Tax Free Childcare allows parents to save up to £2000 per child each year on childcare. Universal Credit supports families with up to 85% of their childcare costs. Finally the early years entitlements provide 15 hours of free childcare a week for all three- and four-year-olds, worth around £2,500 a year on average, helping them develop social skills and preparing them for school. 15 hours of free childcare a week is available for disadvantaged two-year olds and an additional 15 hours of free childcare a week for working parents of three- and four-year-olds. The 30 hours offer saves parents using the full entitlement up to £5,000 a year. Each parent, or a lone parent, can access 30 hours of free childcare if they earn from £6,500 a year. Some entitlements can be used in conjunction with each other, based on individual circumstances.

28. The childcarechoices.gov.uk. website provides an easy look up tool so parents can identify what they may be eligible for as well as offering support and advice about how to apply.

29. The Department continues to work across Government to support take up of the different offers, and ensure we have accessible information for parents supporting their ability to take up support.

Recommendation 8

We recommend that Government updates the Gov.uk Childcare Calculator to calculate fully Universal Credit entitlement as it currently does for tax credits. This should be operational before the Department starts moving large numbers of claimants to Universal Credit in mid-2020. (Paragraph 52)

30. Universal Credit Childcare costs are intrinsically linked to the total Universal Credit award and are impacted by earnings and taper elements. The issue is too complex to include this functionality in the calculator to enable Universal Credit entitlement to be calculated and there are currently no plans to make this change.

31. We will work closely with Gov.uk to improve the information on Universal Credit and the different childcare offers available to parents. The Department will continue to work closely with other government departments on communicating the different childcare offers available to parents, providers and employers, including via digital channels.

Recommendation 9

We recommend that alongside developing the Childcare Calculator, the Department engages with Citizens Advice (its delivery partner for the Universal Support service) about how in-person, expert advice and support on childcare schemes can be included in and funded via Universal Support. (Paragraph 53)

32. We agree with the Committee's recommendation. The Help to Claim service is the new offer of support which replaces Universal Support. This will be run by Citizens Advice and Citizens Advice Scotland. It goes further than offer assisted digital and personal budgeting support and supports claimants to make a Universal Credit claim through to their first full payment. The service will include helping people to get appropriate evidence of their childcare costs, information about how childcare payments under Universal Credit operate and making people aware of the availability of additional financial support where appropriate.

Formal minutes

Wednesday 3 April 2019

Members present:

Rt Hon Frank Field, in the Chair

Heidi Allen	Nigel Mills
Ruth George	Chris Stephens
Steve McCabe	Derek Thomas

Draft report (*Universal Credit: childcare: Government Response to the Committee's Twenty-Second Report*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 17 read and agreed to.

The Government's response to the Twenty-second Report from the Committee was appended to the Report.

Resolved, That the Report be the Twenty-fifth 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 24 April at 9.15am

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 2017–19

First Report	Universal Credit: the six week wait	HC 336
Second Report	A framework for modern employment	HC 352
Third Report	Protecting pensions against scams: priorities for the Financial Guidance and Claims Bill	HC 404
Fourth Report	PIP and ESA assessments: claimant experiences	HC 355
Fifth Report	Universal Credit Project Assessment Reviews	HC 740
Sixth Report	British Steel Pension Scheme	HC 828
Seventh Report	PIP and ESA assessments	HC 829
Eighth Report	European Social Fund	HC 848
Ninth Report	Pensions freedoms	HC 917
Tenth Report	Assistive technology	HC 673
Eleventh Report	Universal Credit: supporting self-employment	HC 997
Twelfth Report	Carillion	HC 769
Fourteenth Report	Appointment of Professor Sir Ian Diamond as Chair of the Social Security Advisory Committee	HC 971
Fifteenth Report	The Motability Scheme	HC 847
Sixteenth Report	Collective defined contribution pensions	HC 580
Seventeenth Report	Universal Credit and Domestic abuse	HC 1166
Eighteenth Report	Universal Support	HC 1667
Nineteenth Report	Benefit Sanctions	HC 955
Twentieth Report	Universal Credit: managed migration	HC 1762
Twenty First Report	Universal Credit: support for disabled people	HC 1770
Twenty-Second Report	Universal Credit: Childcare	HC 1771
Twenty-Third Report	Two-child limit	HC 1540
Twenty-Fourth Report	The benefit cap	HC 1477
First Special Report	Child Maintenance Service: Government's Response to the Committee's Fourteenth Report of Session 2016–17	HC 354
Second Special Report	Self-employment and the gig economy: Government Response to the Committee's Thirteenth Report of Session 2016–17	HC 644

Third Special Report	Disability employment gap: Government Response to the Committee's Seventh Report of Session 2016–17	HC 652
Fourth Special Report	Victims of modern slavery: Government Response to the Committee's Twelfth Report of Session 2016–17	HC 672
Fifth Special Report	Employment Opportunities for Young People: Government response to the Committee's Ninth Report of Session 2016–17	HC 872
Sixth Special Report	Protecting pensions against scams: priorities for the Financial Guidance and Claims Bill: Government Response to the Committee's Third Report	HC 858
Seventh Special Report	A framework for modern employment: Government response to the Second Report of the Work and Pensions Committee and First Report of the Business, Energy and Industrial Strategy Committee	HC 966
Eight Special Report	PIP and ESA assessments: Government Response to the Committee's Seventh Report	HC 986
Ninth Special Report	British Steel Pension Scheme: The Pensions Regulator Response to the Committee's Sixth Report	HC 987
Tenth Special Report	Pension freedoms: Government response to the Committee's Ninth Report	HC 1231
Eleventh Special Report	Carillion: Responses from Interested Parties to the Committee's Twelfth Report	HC 1392
Twelfth Special Report	Universal Credit: supporting self employment: Government Response to the Committee's Eleventh Report	HC 1420
Thirteenth Special Report	Employment Support for Carers: Government Response to the Committee's Thirteenth Report	HC 1463
Fourteenth Special Report	Carillion: Government Response to the Committee's Twelfth Report	HC 1456
Fifteenth Special Report	Assistive technology: Government Response to the Committee's Tenth Report	HC 1538
Sixteenth Special Report	Universal credit and domestic abuse: Government response to the Committee's Seventeenth Report	HC 1611
Seventeenth Special Report	Universal Support: Government Response to the Committee's Eighteenth Report of Session 2017–19	HC 1862
Eighteenth Special Report	Universal Credit: managed migration: Government Response to the Committee's Twentieth Report of Session 2017–19	HC 1901

Nineteenth Special Report	Benefit sanctions: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 1949
Twentieth Special Report	Universal Credit: support for disabled people: Government Response to the Committee's Twenty- First Report of Session 2017–19	HC 1998