

HOUSE OF LORDS

Merits of Statutory Instruments Committee

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27th Report of Session 2010-11

Drawing special attention to:

**Jobseeker's Allowance  
(Mandatory Work Activity  
Scheme) Regulations 2011**

**Statement of Changes in  
Immigration Rules**

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### *The Select Committee on the Merits of Statutory Instruments*

The Committee has the following terms of reference:

- (1) The Committee shall, subject to the exceptions in paragraph (2), consider—
  - (a) every instrument (whether or not a statutory instrument), or draft of an instrument, which is laid before each House of Parliament and upon which proceedings may be, or might have been, taken in either House of Parliament under an Act of Parliament;
  - (b) every proposal which is in the form of a draft of such an instrument and is laid before each House of Parliament under an Act of Parliament,with a view to determining whether or not the special attention of the House should be drawn to it on any of the grounds specified in paragraph (3).
- (2) The exceptions are—
  - (a) remedial orders, and draft remedial orders, under section 10 of the Human Rights Act 1998;
  - (b) draft orders under sections 14 and 18 of the Legislative and Regulatory Reform Act 2006, and subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001;
  - (c) Measures under the Church of England Assembly (Powers) Act 1919 and instruments made, and drafts of instruments to be made, under them.
- (3) The grounds on which an instrument, draft or proposal may be drawn to the special attention of the House are—
  - (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
  - (b) that it may be inappropriate in view of changed circumstances since the enactment of the parent Act;
  - (c) that it may inappropriately implement European Union legislation;
  - (d) that it may imperfectly achieve its policy objectives.
- (4) The Committee shall also consider such other general matters relating to the effective scrutiny of the merits of statutory instruments and arising from the performance of its functions under paragraphs (1) to (3) as the Committee considers appropriate, except matters within the orders of reference of the Joint Committee on Statutory Instruments.

### *Members*

The members of the Committee are:

Rt Hon. the Baroness Butler-Sloss GBE	The Lord Methuen
The Lord Eames OM	Rt Hon. the Baroness Morris of Yardley
Rt Hon. the Lord Goodlad ( <i>Chairman</i> )	The Lord Norton of Louth
The Baroness Hamwee	The Lord Plant of Highfield
The Lord Hart of Chilton	Rt Hon. the Lord Scott of Foscote
The Lord Lucas	

### *Registered interests*

Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the House of Lords Record Office and is available for purchase from the Stationery Office.

Declared interests for this Report are in Appendix 3.

### *Publications*

The Committee's Reports are published by the Stationery Office by Order of the House in hard copy and on the internet at [www.parliament.uk/parliamentary\\_committees/merits.cfm](http://www.parliament.uk/parliamentary_committees/merits.cfm)

### *Contacts*

If you have a query about the Committee or its work, please contact the Clerk of the Merits of Statutory Instruments Committee, Delegated Legislation Office, House of Lords, London SW1A 0PW; telephone 020-7219 8821; fax 020-7219 2571; email [merits@parliament.uk](mailto:merits@parliament.uk). The Committee's website, [www.parliament.uk](http://www.parliament.uk), has guidance for the public on how to contact the Committee if you have a concern or opinion about any new item of secondary legislation.

### *Statutory instruments*

The National Archives publishes statutory instruments on the internet on behalf of the Government at [www.legislation.gov.uk/ukxi](http://www.legislation.gov.uk/ukxi), together with an explanatory memorandum (a short, plain-English explanation of what the instrument does) for each instrument.

# Twenty-seventh Report

## INSTRUMENTS DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE

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The Committee has considered the following instruments and has determined that the special attention of the House should be drawn to them on the grounds specified.

**A. Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 (SI 2011/688)**

*Date laid: 14 March 2011*

*Parliamentary Procedure: negative*

*Summary: Although there is a considerable amount of paper attached to this instrument the information it contains is very vague. Subsequent questions asked by the Committee have produced little more clarity. Given that the sanction on the individual claimant for failing in any element of the Mandatory Work Activity Scheme to which they are referred is the loss of 3 months' benefit, the content and operation of the Scheme should be much more clearly set out. The degree of flexibility and discretion built into the arrangements causes the Committee to question how it can be delivered with any degree of consistency. Unlike its predecessor, the Work for Your Benefit Scheme, this is not a small pilot exercise but will be implemented nationally from May. The SSAC report on the proposal highlights a number of concerns, in particular the lack of clarity about whether the scheme is intended as training or punishment. **The Committee considers it unacceptable that the House has been given insufficient information to understand the policy objective of the scheme; to determine how the scheme will work; and effectively to assess whether the outcome will help claimants to improve their prospects of obtaining employment.***

**These Regulations are drawn to the special attention of the House on the grounds that they give rise to issues of public policy likely to be of interest to the House and they may imperfectly achieve the policy objective.**

1. The Department for Work and Pensions (DWP) has laid this instrument under the Social Security Contributions and Benefits Act 1992, the Social Security Act 1998 and the Jobseekers Act 1995 (as modified by the Welfare Reform Act 2009) along with an Explanatory Memorandum (EM). A report by the Social Security Advisory Committee (SSAC), a statutory consultee has been published with the instrument ("the Act Paper").<sup>1</sup> The Committee also sought further evidence from the DWP. Their response is printed in Appendix 1.
2. The instrument sets up the Mandatory Work Activity Scheme. This is defined in Regulation 2 as "a scheme within section 17A (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc.) of the Act ... that is designed to provide work or work-related activity

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<sup>1</sup> On the official documents website:

<http://www.official-documents.gov.uk/document/other/9780108510403/9780108510403.asp>

for up to 30 hours per week over a period of four consecutive weeks with a view to assisting claimants to improve their prospects of obtaining employment”. These Regulations also provide for Jobcentre Plus personal advisers to have discretion to require that a Jobseeker’s Allowance claimant participates in the Scheme and sets sanctions for those who fail to participate without good cause. Claimants will still be required to be actively seeking work during their time on the Scheme which is one of the conditions of receiving Jobseeker’s Allowance (JSA).

*Purpose of the scheme*

3. This is not stated clearly or consistently. Paragraph 2 of the EM says:

“This scheme is aimed at those who require extra support to help them re-focus their approach to job search and gain work-related disciplines. The purpose of the Scheme is to provide work or work-related activity with a view to assisting the customer to improve their prospects of obtaining employment.”

But the Departmental Memorandum to the SSAC states:

“Jobcentre Plus advisers have clearly identified a small number of Jobseeker’s Allowance customers who may be doing only the very bare minimum to comply with the requirement that they actively seek work. Advisers have made clear that a programme that allowed them to actively intervene at an early stage with these specific customers could have a positive impact.... This small minority requires active engagement through a mandatory programme, in order to reorient their mindset and change their approach to their search for work” (para 2.2)

4. The SSAC’s letter to the Secretary of State included in the Act Paper states explicitly the concerns of consultees that the scheme appears to be a punishment rather than a way to help people improve their skills and help them back into work (paragraphs 4.4 & 5.2). This view is underpinned by the very strict sanction régime – failure to participate fully in the 4-week scheme without good cause results in a 3-month benefit sanction. Failure to participate following a second referral to a scheme would result in loss or reduction of JSA for 6 months. Unusually, the claimant cannot avert the penalty by re-engaging with the scheme, and the first sanction is more severe than for other circumstances where the length of an initial penalty for failing to meet particular requirements is more normally 2 weeks’ loss of benefit.
5. The DWP disputes this, stating in their response: “the Mandatory Work Activity Scheme is not a sanction or a punishment but has been developed in recognition that some customers require additional support.” (paragraph 16, Act Paper). DWP go on to argue that “after their four week placement, they will be better placed to re-assess their approach and engage more effectively with the requirements of seeking work and the other support offered by Jobcentre Plus” (paragraph 21, Act Paper). The Committee asked DWP to provide evidence to support this assertion and they responded “Mandatory Work Activity is a new scheme and therefore we have limited evidence.” The Department did express its intention to collect evaluation data but current plans are imprecise and no timetable is given.

*Content of the scheme*

6. The SSAC is sceptical that the Scheme will improve claimants' prospects of obtaining employment in line with the provisions of the Act. "Published evidence is at best ambivalent about the chances of 'workfare' type activity improving outcomes for people who are out of work" (SSAC letter, paragraph 4.2). The Department's own research on similar schemes overseas indicates that "there is little evidence that workfare increased the likelihood of finding work" unless conditions are as close to work as possible.<sup>2</sup> The effectiveness of the Scheme may therefore depend on the nature of the activities, but material in the EM and the Act Paper gives very little indication of what claimants on the scheme might actually be asked to do. Given that the Departmental tender for providers went out on 14 February and the scheme is intended to commence on 25 April, the Committee asked DWP officials if they could provide some examples of actual schemes. DWP said:

"The contracting process for Mandatory Work Activity has not yet been completed, contracts will be awarded in April 2011.

We have not asked bidders to specify the placements that they propose to find for customers; instead we will rely on their ability to source appropriate placements throughout the life of the contracts. This is in keeping with changes across the Department, which focus on allowing as much flexibility as possible to consider what will best support customers.

However, all the placements that the providers find must offer people the opportunity to gain fundamental work disciplines, as well as being of benefit to local communities. The Department has stipulated that each provider will be expected to have placements available across a range of sectors."

**The House may wish to press the Department for further detail.**

7. These Regulations bear similarities to the Work for Your Benefit regulations which the Committee considered last year,<sup>3</sup> although they were not actually implemented and the current Regulations revoke that scheme. One of the key concerns at that time was that providers should not exploit participants as a source of cheap labour and that participants would gain relevant skills from the experience. These concerns remain for the replacement Scheme set out in the current Regulations. The Work for Your Benefit Scheme differed in that it was based on a randomised selection process and was a small pilot scheme with a clear evaluation plan aimed at examining whether mandatory work activity had demonstrable benefits. That evidence was not obtained but the Mandatory Work Activity Scheme is being introduced nationally from the start of May 2011.

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<sup>2</sup> Richard Crisp and del Roy Fletcher Department for Work and Pensions Research report No 533: *A comparative review of workfare programmes in the United States, Canada and Australia* <http://research.dwp.gov.uk/asd/asd5/rports2007-2008/rrep533.pdf>

<sup>3</sup> Draft Jobseeker's Allowance (Work For Your Benefit Pilot Scheme) Regulations 2010 (Made as SI 2010/1222) – see 13th Merits Committee Report of Session 2009-10 <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldmerit/84/8402.htm>

*Selection of participants*

8. Whatever the Department's intention, a key factor in the way the scheme will work in practice is the way in which a customer can be selected for participation in the scheme. The Departmental Memorandum in the Act Paper indicates that although under the Regulations advisers will be able to send a customer to Mandatory Work Activity at any point in their claim, they expect most referrals will be for customers who do not find work quickly and have been unemployed for 13 weeks or more, but this will normally not include people actively participating in other elements of the Work Programme such as Work Club or Work Experience (paragraph 4.1). DWP estimate that the Scheme will initially deliver around 10,000 placements per year<sup>4</sup> but expects that this number will increase because "the competition to deliver Mandatory Work Activity asked bidders to maximise the number of places that they offer". No evidence is provided to explain how this scale of provision has been assessed to meet the expected level of demand or need for the scheme.
9. Detailed criteria on the basis for referral to a Mandatory Work Activity are not included in the Regulations as DWP's intention is to allow Jobcentre Plus advisers discretion in deciding when a referral is most appropriate. The Departmental Memorandum in the Act Paper indicates that the Adviser will be required to consider whether the particular activity is reasonable for the individual customer and to take into account any circumstances that may affect a customer's ability to participate in the Scheme (for example childcare responsibilities).
10. The Committee has commented before on the great responsibility placed on the individual Jobcentre Plus Adviser. We welcome the intention stated at paragraph 30 of the DWP's response to the SSAC that, as an additional safeguard, once a personal Adviser has identified that a customer may be suitable for the Mandatory Work Activity Scheme they will be encouraged to discuss the appropriateness of the referral with their Adviser Manager who will decide whether to approve the referral. However we note that this safeguard is indicated as recommended best practice rather than a statutory requirement.
11. As the Guidance to Advisers is an important element of understanding how the Scheme will work the Committee asked to see the extract from the guidance that sets out how Advisers will identify claimants as being suitable for referral to mandatory work activity. DWP replied:

"The Department is currently in the process of finalising the guidance for Jobcentre Plus advisers, and so is unable to share an example of the Guidance with the Committee. However, we are able to share the high level principles that will be used to identify suitable customers.

Jobcentre Plus advisers will consider evidence demonstrated by the customer against a set of standards to make constant judgements about whether the customer would benefit from the Mandatory Work Activity support. These standards will be underpinned by indicating behaviours associated with the disciplines that are key requirements of finding, securing and retaining employment.

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<sup>4</sup> This represents less than 1% of the 1.45million people claiming Jobseeker's Allowance at March 2011.

Customers who consistently fail to demonstrate a number of these indicators over a period of time will be considered for a referral to Mandatory Work Activity.

Some of the indicators Jobcentre Plus advisers may include:

- tends to take no personal responsibility for job search activity, waits to be organised/contacted;
- reluctant to make speculative approaches, follow up advice or job leads;
- regularly fails to attend appointments and interviews on time;
- has little or no recent work experience;
- limited awareness of the types of support available to help them with their jobsearch; and
- has no realistic appreciation of employer attitudes or requirements.”

12. We are concerned that the EM attached to the instrument mentions that this Guidance to Advisers will be issued via the intranet. To reduce the likelihood of appeals and to ensure that the guidance is applied with transparent fairness it would be appropriate for it to be made available to the public.

*Conclusion*

13. Although there is a considerable amount of paper attached to this instrument the information it contains is very vague. Subsequent questions asked by the Committee have produced little more clarity. Given that the sanction on the individual claimant for failing in any element of the Mandatory Work Activity Scheme to which they are referred is the loss of 3 months’ benefit, the content and operation of the Scheme should be much more clearly set out. The degree of flexibility and discretion built into the arrangements causes the Committee to question how it can be delivered with any degree of consistency. Unlike its predecessor, the Work for Your Benefit Scheme, this is not a small pilot exercise but will be implemented nationally from May. The SSAC report on the proposal highlights a number of concerns, in particular the lack of clarity about whether the scheme is intended as training or punishment. **The Committee considers it unacceptable that the House has been given insufficient information to understand the policy objective of the scheme; to determine how the scheme will work; and effectively to assess whether the outcome will help claimants to improve their prospects of obtaining employment.**

**B. Statement of Changes in Immigration Rules (HC 863)**

*Date laid: 16 March 2011*

*Parliamentary Procedure: form of negative procedure*

*Summary: this Statement makes a number of significant changes to the Immigration Rules, including giving effect to the full migrant caps under Tiers 1 and 2 of the Points Based System (“the PBS”) relating to Highly Skilled and Skilled Migrants respectively. The Committee has restricted its analysis to the changes to Tiers 1 and 2. The Committee has followed the development of the Government’s migration cap policy, having taken oral evidence from the Home Office Minister Baroness Neville-Jones last Summer and drawn two earlier Statements to the*

*special attention of the House. The policy objectives for the changes are challenging, and have evolved since the interim migration cap was introduced. When the Government laid an earlier Statement effectively closing down the old Tier 1 (General) category to persons applying from overseas, the Committee expressed its disappointment to the Government about the level of supporting information. Despite the Committee's request for this to be rectified when the full migration limits policy was introduced, the Government have still not published a comprehensive explanation of the findings from the consultation on Tiers 1 and 2. This makes it difficult to know stakeholders' views or understand why the Government have made the policy decisions they have. The UK Border Agency has published an Impact Assessment in support of the changes and this is available on the UKBA website. Whilst this IA provides some useful information, the Committee considers that there remain significant evidence gaps which appear to have a direct bearing on whether the Tiers 1 and 2 changes will achieve their policy objectives.*

**This instrument is drawn to the special attention of the House on the ground that it gives rise to issues of public policy likely to be of interest to the House and may imperfectly achieve its policy objectives.**

14. This Statement of Changes in Immigration Rules (“the Statement”) makes a number of significant changes to the Immigration Rules. The Statement was laid on 16 March with an Explanatory Memorandum (EM) and was accompanied by a Written Statement from Baroness Neville-Jones (Minister of State, Home Office) [HL Deb 16 March 2011 WS13-15]. The UK Border Agency (“UKBA”) has published an Impact Assessment (IA) with Annexes on its website<sup>5</sup>. The UKBA has also placed a Statement of Policy<sup>6</sup> for the Tier 1 changes in the Library of the House. Although the EM lists twelve substantive changes to the Immigration Rules as the purpose of the Statement (EM paragraph 2.1), the Committee has restricted its analysis to the changes to Tiers 1 and 2 of the Points Based System (“the PBS”).
15. The key changes to Tier 1 are as follows:
  - To close Tier 1 (General) category in-country, other than for extension applications from migrants who are already in the UK in this category, or one of the categories, now closed which preceded it before the introduction of the PBS;
  - To create a new category in Tier 1 of the PBS for exceptionally talented economic migrants with a limit of 1,000 grants of entry clearance in the first year of operation; and
  - To implement changes to the Tier 1 categories for Entrepreneurs and Investors, including provisions for accelerated settlement (see EM paragraphs 7.4 to 7.9).

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<sup>5</sup> ‘Migration Permanent Limit (Points Based System Tier 1 and Tier 2)’ - available at: [www.ukba.homeoffice.gov.uk/policyandlaw/ia/](http://www.ukba.homeoffice.gov.uk/policyandlaw/ia/)

<sup>6</sup> ‘Statement of Policy: changes to the Tier 1 of the Points Based System – March 2011’

16. The key changes to Tier 2 are:
- To implement changes to Tier 2 (Intra-Company Transfer) category, including differing requirements for transfers depending on whether they are to be for more or less than 12 months; and
  - To implement changes to the Tier 2 (General) category, including a limit of 20,700 overseas applicants who can be sponsored under this category in the first year, and revised minimum skill, salary and English language thresholds (see EM paragraph 7.10 to 7.12).

*Background*

17. In Her Majesty's Speech to both Houses of Parliament at the State Opening<sup>7</sup> on 25 May 2010, it was announced that the Government would limit the number of non-European Union economic migrants entering the United Kingdom. The development of this migration cap is one of the more significant developments in immigration policy since the Immigration Act 1971 came into effect. The Government's general approach has been to put in place interim limits pending the development of the policy for the full limits for Tiers 1 and 2. There have been a number of other notable Statements of Changes of Immigration Policy since the policy was announced, including:
- **HC 59 Statement of Changes in Immigration Rules ("HC 59"):** this provided for the application of an interim limit on applications approved under Tier 1 (General) of the PBS, and increased the number of points required to qualify under Tier 1 (General). The Committee issued a Call for Written Evidence when HC 59 was laid, and took oral and written evidence from Home Office Minister Baroness Neville-Jones. The Committee reported HC 59 on the ground that it gave rise to issues of public policy likely to be of interest to the House [4th Report, HL Paper 17]; and
  - **HC 698 Statement of Changes in Immigration Rules ("HC 698"):** this closed Tier 1 (General) interim category to persons applying from outside the UK, and specified the level of the Tier 2 (General) interim limit in the Immigration Rules in response to a recent Divisional Court decision. HC 698 was also reported to the House by the Committee [17th Report, HL Paper 80].

18. On 23 November 2010 the Home Secretary announced<sup>8</sup> the scope of the full limits for Tiers 1 and 2 which would take effect from April 2011. There has been a significant amount of media coverage both before and after this announcement.

*Parliamentary Scrutiny*

19. The parliamentary scrutiny process for this type of instrument is unusual but is explained in the Committee's 4th Report (paragraphs 12 and 13). With any policy changes of this importance, the Government should always be aware of the need to allow the House full opportunity to scrutinise the changes. The Committee was critical of the lack of information presented to

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<sup>7</sup> Her Majesty's Most Gracious Speech to Both Houses of Parliament: Delivered on Tuesday 25 May 2010

<sup>8</sup> <http://www.homeoffice.gov.uk/publications/parliamentary-business/oral-statements/limits-statement/>

Parliament to explain why HC 698 effectively ended Tier 1 (General) to overseas applicants (see 17th Report, HL Paper 80, paragraph 10). As a result, the Committee wrote to Damian Green MP (Minister for Immigration) saying that we would have expected to see an evidence based explanation as to why the Government was changing Tier 1, some measurement of the impact of the changes, and a more comprehensive explanation of the findings from the consultation on which the changes were based. The Committee also asked for assurance that a better package of supporting information be provided when the full migration limits are introduced in April (see 19th Report, HL Paper 19, Appendix 2).

20. It is disappointing that, despite the Committee's letter, the Government have still only made very limited information available from the outcome of the consultation into this policy. The EM says that the changes to Tiers 1 and 2 have been developed following a full public consultation, "Limits on non-EU economic migration", which ran from 28 June to 17 September 2010; and that a summary<sup>9</sup> of the findings is published on the UKBA website (EM paragraph 8.1). The summary shows that there is a high level of interest in the development of the policy as 3,201 responses were received to the questionnaire during the consultation period; and that these were received from a range of organisations, including: accountancy firms, manufacturers, telecommunications, universities, transport, retail, the media, the health sector, third-sector organisations, unions and professional bodies, as well as private individuals. However, the summary is limited to a two and a half page numerical breakdown of the responses with a few unattributed suggestions, and an Annex providing a list of the 571 responding organisations which provided their details (but unfortunately no information about the rest of the respondents - the great majority). The Committee considers that this does not provide a sufficiently detailed account of what has been learnt from the consultation exercise and therefore allows only a limited understanding of the resulting decisions.

*Policy Objectives*

21. The IA lists the policy objectives for the design and implementation of measures to apply limits on the number of economic migrants and tightening settlement criteria as being to:
- Contribute to the Government's target of lowering net migration to the tens of thousands;
  - Reduce any adverse social impacts of immigration;
  - Augment the selectivity of the system so that the operation of the limit does not exclude the brightest and the best;
  - Achieve the right balance between admitting those with the greatest potential benefits to the UK and the immediate need of employers to fill specific vacancies;
  - Ensure that the limit operates in a way that is fair and, so far as possible, offers certainty to businesses and other users of the system; and
  - Incentivise the skills system and encourage employers to give priority to the training and recruitment of resident workers to meet skill needs.

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<sup>9</sup> 'UKBA Consultation on limits on non-EU economic migration: 28 June to 17 September 2010'

It is noted that by including the changes to tighten the settlement criteria, these objectives go beyond just the migration cap.

22. Given the combination of immigration and employment objectives, as well as high level social and economic objectives, this is a very challenging set of policy objectives. When the Committee was considering HC 59, we were given assurances that the interim limits would be kept under constant review to assess whether they are meeting the objectives outlined and to monitor any unintended consequences (4th Report, Appendix 3, page 42). The policy objectives above have developed significantly from those identified in the IA for the interim limits, which were: to reduce net migration; to reduce any adverse social impacts of immigration; and to continue to attract the brightest and the best people to the UK (4th Report, paragraph 3). Although this is presumably as a result of the ongoing review, it is not immediately clear to the Committee why the objectives have evolved as they have.

#### *Impact*

23. The challenging nature of the policy objectives means that the IA has an important role in providing reassurance that the migration cap policy is based on solid evidence. The Committee is particularly alive to this issue as the responses to the Committee's earlier Call for Written Evidence demonstrated the complexity of the possible impacts from any migration cap (see 4th Report, Appendix 2).
24. The IA considers the impacts of the Tiers 1 and 2 migration cap, as well as a 'do nothing' option and non-regulatory options. The IA looks at the impact on migration volumes, costs and benefits, wider economic impacts, public services, and risks. The Annexes to the IA cover the Post Implementation Review (PIR) Plan, the statutory equality duties, net migration, the migration cap policy proposals, costs and benefits, wider economic impact, public services and other wider impacts, and occupations affected. There are a number of findings and assumptions in the IA which the Committee wishes to highlight to the House. These are:
  - Lowering net migration: the volume impact of the 'do nothing' option and the migrant cap option receives a significant focus in the IA (IA pages 13, 14 and 15, and Annex 3). This is to be expected given the Government's target of lowering net migration to the tens of thousands;
  - Social impacts: the IA provides some analysis of the impact of the changes on demand for healthcare, social work, social care and housing, as well as some limited analysis of public opinion and social cohesion (IA pages 24 to 26). Annex 7 expands on this, although the analysis of the impacts on public opinion and social cohesion is still very light. Although the IA cites a lack of academic research into the relationship between migration and cohesion (Annex 7, page 71), the Committee would have liked to see more evidence of the possible impacts of the changes in this regard, possibly with the consultation used to bring this out;
  - Augment the selectivity of the system so that the operation of the limit does not exclude the brightest and the best: the IA includes some analysis of the productivity levels of Tier 1 and 2 migrants and the economic effect of the policy on trend growth (IA, page 19 and 20). This is expanded in Annex 6 of the IA. The Committee welcomes this

analysis which draws heavily from Labour Force Survey statistics and academic research. However, the Committee would have liked to have seen more evidence from the consultation to enable us to form a view as to whether or not the policy will achieve this objective;

- Needs of employers: the Committee's earlier Written Call for Evidence highlighted a number of concerns about whether the Tier 1 interim cap would allow employers to get the staff they require (4th Report). The Committee therefore welcomes the analysis in the IA of the impact of the changes on the various employment sectors (IA pages 21 to 25). The Committee also notes that the UKBA has previously provided statements from the Confederation of British Industries and the British Chamber of Commerce to support the changes (see 17th Report of this Session, page 7). During the Committee's earlier oral evidence session, Baroness Neville-Jones said that they were mindful of the need to consult on the scope of the full migration caps and that the Government was not going to ignore the fact that groups of employers were concerned about the potential impact (4th Report, page 39). It is disappointing therefore that although the IA acknowledges that the proposals will not affect migrant workers uniformly, creating greater difficulties for some sectors and occupations than others (IA page 21), there is very little evidence from the consultation showing exactly where the risks are likely to be;
- Potential benefits to the UK: this objective is of particular importance given the current economic situation. The Committee notes that the Home Secretary<sup>10</sup> had used the fact that at least 30% of Tier 1 migrants were either not working, or working in low paid jobs, as a reason for closing the old Tier 1 (General) route. In explaining the Tier 1 policy decisions, the Committee would have expected to see some analysis of the contribution made by the other Tier 1 migrants; and
- Fairness: one of the objectives of the policy is that it operates in a way that is fair. The House may wish to note the findings from the Specific Impact Tests at Annex 2 which show the percentage breakdown of Tier 1 and 2 visas in 2009. This shows that 55% of Tier 2 visa issues were for Indian nationals, and 39% and 18% of Tier 1 visa issues were for Indian and Pakistani visa nationals respectively (IA page 30 and 31). The IA also says that the changes to intra-company transfers would impact on Indian nationals, and the changes to Tier 2 (General) criteria will impact on specific occupations for which, typically, migrants from the Indian sub-continent and the rest of Asia have previously been admitted under Tier 2 (IA page 30 and 31). The IA however is silent on how the Government will manage any perceptions of unfairness as a result of the changes.

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<sup>10</sup> Home Secretary statement of 23 November 2010

*Review*

25. The EM says that all the changes made by this Statement will be monitored on an on-going basis as part of the review of progress towards meeting the Government's commitment to reduce annual net migration from the level of hundreds of thousands to the level of tens of thousands (paragraph 12.2). The PIR Plan (see Annex 1 of the IA) says that there will be a review of the policy before April 2012, and the success criteria will include: a reduction in PBS numbers; the UK economy continues to perform well; firms up-skill their workers; businesses adjust to the new equilibrium; and perceptions of immigration as a negative factor decline. However, the House may be interested to note that there are also review clauses at the beginning of the Statement which require the Secretary of State to review the operation and effect of the changes, and lay a report before Parliament, within five years after these changes come into force and within every five years after that.

*Conclusions*

26. This is an important instrument introducing a significant change of policy for the UK immigration system. The Committee recognises the challenges of introducing the migration cap. However, although the Government has produced some useful supporting information, the Committee considers that this falls short of what we would expect for such an important policy change. This is particularly disappointing as the interim caps have been in place since last summer and should have provided a basis for a thorough assessment of the impacts of the policy. On consideration of this instrument, the Committee believes that the gaps in the evidence presented by the Government are sufficient to create a measure of doubt as to whether the Statement will achieve its policy objectives.

**OTHER INSTRUMENTS OF INTERESTS**

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***Draft Social Security (Electronic Communications) Order 2011***

27. This Order is to enable the use of electronic communications and electronic storage in connection with claims for or awards of Jobseeker's Allowance, Income Support, Employment and Support Allowance, Disability Living Allowance and Attendance Allowance. Paragraphs 7.4-7.5 of the Explanatory Memorandum mention the Department for Work and Pension's plans to introduce new technology to Jobcentres to replace paper-based forms which currently require a "wet" signature. DWP assert that this technology will reduce error rates and fraud. The Committee asked for further information which is set out at Appendix 2.

***Greenhouse Gas Emissions Trading Scheme (Amendment) (Fees) and National Emissions Inventory Regulations 2011 (SI 2011/727)***

28. The Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2005 ("the 2005 Regulations") establish an application procedure by which a person may apply to the Secretary of State for approval of one of the project activities established under the Kyoto Protocol or for authorisation to participate in such a project activity. These Regulations amend the 2005 Regulations to provide that the Environment Agency must determine applications for the above projects on

or after 1 June 2011 except where the Secretary of State requests it to refer an application to the Secretary of State; although the Environment Agency is required to consult the Secretary of State in relation to certain categories of application. The Regulations also require the payment of fees in relation to such applications until 6 April 2012. The Government also proposes to confer powers on the Environment Agency to enable it to make a charging scheme to cover the transferred functions later this year (Explanatory Memorandum paragraph 7.6).

***Sea Fishing (Penalty Notices) (England) Order 2011 (SI 2011/758)***

29. This Order creates a scheme for the issuing and payment of penalty notices for certain offences relating to sea fishing. It revokes the Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008 except in so far as it applies to Wales or to Welsh fishing boats, and replaces it with a scheme that applies to offences created under domestic legislation as well as those arising as a result of a breach of an enforcement community restriction or other obligation. In response to the Committee's observation that the Order does not make provision to set-off an order in respect of costs, the Department for Environment, Food and Rural Affairs have undertaken to explore this issue when the Order is reviewed.

***Aviation Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2011 (SI 2011/765)***

30. The EU Emissions Trading Scheme ("the EU ETS") works on a 'Cap and Trade' basis, with Member States required to set an emissions cap for sectors covered by the EU ETS. This instrument amends the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010 ("the 2010 Regulations") which implemented the EU Directive which extended the EU ETS to aviation activities. The 2010 Regulations apply to "UK operators", defined as persons who are specified in a list drawn up by the European Commission as operators to be administered by the United Kingdom. The effect of the amendment is to require the Secretary of State to supplement that list, where necessary, by designating additional persons as UK operators. This instrument has been laid on an urgent basis as it has recently become apparent to the Government that the Commission's list cannot wholly be relied upon as an exhaustive list of operators to be administered by the UK, and the situation needs to be remedied in time for the relevant operators to apply for a free allocation of emissions allowances, which must be done by 31 March 2011 (see Explanatory Memorandum paragraph 3.1).

***Insolvency (Amendment) Rules 2011 (SI 2011/785)***

31. This instrument amends existing provisions within the Insolvency Rules 1986 ("the 1986 Rules"). The amendments fall into two categories: those which implement widened access to the Debt Relief Order regime; and changes providing for certain insolvency proceedings in relation to individuals to be allocated to the London insolvency district, and for petitions or applications in relation to proceedings so allocated to be presented to the High Court or Central London County Court. The latter

includes the petition debt thresholds for these two Courts. The instrument has been laid with an Impact Assessment.

***Social Security (Contributions) (Amendment No.3) Regulations 2011 (SI 2011/797)***

32. These Regulations amend the Social Security (Contributions) Regulations 2001 and make provision for repayment of Class 1A National Insurance Contributions (“NICs”) which were paid on an amount treated as earnings which is now exempt from income tax by virtue of the provisions at sections 100A and 100B of the Income Tax (Earnings and Pensions) Act 2003 (“the 2003 Act”). Those provisions in the 2003 Act introduced an exemption from income tax in respect of benefits in kind provided for certain employees and office holders in the form of qualifying overseas holiday homes. The Committee notes that although the provisions in the 2003 Act were introduced by the Finance Act 2008, it has taken until now to make the changes for the Class 1A NICs.

***Export Control (Libya) Order 2011 (SI 2011/825)***

33. Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya (“the Libya Regulation”) included prohibitions on trade, technical assistance, financing, financial assistance or brokering in equipment which may be used for internal repression. This negative instrument provides for national offences, penalties and licensing provisions which are required to supplement some parts of the Libya Regulation. The instrument also amends the Export Control Order 2008 to make Libya an “embargo destination” for the purposes of the trade controls in that Order, so that stricter levels of control apply, including restrictions on the activities of United Kingdom persons overseas (see Explanatory Memorandum (EM) paragraph 7.3). The EM says that a notice to exporters will be published explaining the implementation of the Libya Regulation but the Order will have minimal impact on business, charities or voluntary bodies. The Committee is aware of the importance of ensuring that the provisions of the Libya Regulation are understood by all interested parties, and in particular, how it relates to the rebel forces.

**INSTRUMENTS NOT DRAWN TO THE SPECIAL ATTENTION OF THE HOUSE**

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**The Committee has considered the instruments set out below and has determined that the special attention of the House need not be drawn to them.**

**Draft Instruments subject to affirmative approval**

Draft Social Security (Electronic Communications) Order 2011

**Instruments subject to annulment**

- SI 2010/709 National Insurance Contributions Credits (Miscellaneous Amendments) Regulations 2011
- SI 2010/714 Smoke Control Areas (Exempted Fireplaces) (England) Order 2011
- SI 2010/715 Smoke Control Areas (Authorised Fuels) (England) (Amendment) Regulations 2011
- SI 2010/719 Police Act 1997 (Criminal Records) (Amendment) Regulations 2011
- SI 2010/724 National Assistance (Sums for Personal Requirements) Amendment (England) Regulations 2011
- SI 2010/725 Statutory Maternity Pay (Compensation of Employers) Amendment Regulations 2011
- SI 2010/726 Pension Protection Fund (Pensions on Divorce etc: Charges) Regulations 2011
- SI 2010/727 Greenhouse Gas Emissions Trading Scheme (Amendment) (Fees) and National Emissions Inventory Regulations 2011
- SI 2010/728 Education (Free School Lunches) (Prescribed Tax Credits) (England) (Amendment) Order 2011
- SI 2010/730 Education (Residential Trips) (Prescribed Tax Credits) (England) (Amendment) Regulations 2011
- SI 2010/731 Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011
- SI 2010/735 Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011
- SI 2010/745 Health and Safety at Work etc. Act 1974 (Application outside Great Britain) (Variation) Order 2011
- SI 2010/758 Sea Fishing (Penalty Notices) (England) Order 2011
- SI 2010/761 London Insolvency District (Central London County Court) Order 2011
- SI 2010/765 Aviation Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2011
- SI 2010/776 Former Equality Commissions' Codes of Practice (Employment, Equal Pay, and Rights of Access for Disabled Persons) (Revocation) Order 2011
- SI 2010/778 School Finance (England) (Amendment) Regulations 2011
- SI 2010/780 Divorce and Dissolution etc. (Pension Protection Fund) Regulations 2011
- SI 2010/781 Child Trust Funds (Amendment) Regulations 2011
- SI 2010/783 National Savings Bank (Amendment) Regulations 2011
- SI 2010/784 Education (Student Loans) (Repayment) (Amendment) Regulations 2011
- SI 2010/785 Insolvency (Amendment) Rules 2011

- SI 2010/786 Social Security (Deferral of Retirement Pensions) (Amendment) Regulations 2011
- SI 2010/790 Immigration and Nationality (Cost Recovery Fees) Regulations 2011
- SI 2010/797 Social Security (Contributions) (Amendment No. 3) Regulations 2011
- SI 2010/811 Personal Injuries (Civilians) Scheme (Amendment) Order 2011
- SI 2010/825 Export Control (Libya) Order 2011
- SI 2010/826 Pensions Increase (Modification) Regulations 2011
- SI 2010/827 Pensions Increase (Review) Order 2011

## APPENDIX 1: JOBSEEKER'S ALLOWANCE (MANDATORY WORK ACTIVITY SCHEME) REGULATIONS 2011 (SI 2011/688): FURTHER INFORMATION

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### Further information from the Department for Work and Pensions

**Q1.** *The scheme is for “a small number of JSA participants” – could you indicate how many the programme is aiming to accommodate both as a number and as a percentage of the total number of claimants. Will these be evenly distributed around the country and therefore reasonably local to the claimant?*

**A1.** The Specification that was issued to potential providers as part of the Invitation to Tender set out that the Department expected a minimum of 10,000 Mandatory Work Activity placements per annum. This represents less than one percent of the 1.45 million people claiming Jobseeker's Allowance at March 2011.

The Department expects this number to increase, as the competition to deliver Mandatory Work Activity asked bidders to maximise the number of places that they offer. However, the final number is subject to the completion of the Mandatory Work Activity tendering process, which will be completed by early April.

The funding available for placements has been distributed around the country on the basis of an estimate of the number of customers that are likely to be referred in each area, in order to make the provision available where it is needed most. Additionally, customers will not be required to travel excessive distances in order to attend Mandatory Work Activity, and a customer's travel costs will be met.

**Q2.** *What type of work/activity will they be offered? – the tender went out on 14 Feb and the scheme commences on 25 April – have any decisions been made. Can you yet cite some actual schemes?*

**A2.** The contracting process for Mandatory Work Activity has not yet been completed, contracts will be awarded in April 2011.

We have not asked bidders to specify the placements that they propose to find for customers; instead we will rely on their ability to source appropriate placements throughout the life of the contracts. This is in keeping with changes across the Department, which focus on allowing as much flexibility as possible to consider what will best support customers.

However, all the placements that the providers find must offer people the opportunity to gain fundamental work disciplines, as well as being of benefit to local communities. The Department has stipulated that each provider will be expected to have placements available across a range of sectors.

**Q3.** *Please confirm that the scheme starts nationally on 25 April ie there are no pilot schemes to be later followed by a phased roll-out (which some of your schemes have had)*

**A3.** The scheme will be available nationally from May 2011. We will not be operating a pilot scheme.

**Q4.** *EM para 9.1 says guidance will be issued detailing how JCP advisers will identify customers as being suitable for referral to mandatory work activity. Please can we see the extract from the guidance that sets this out.*

**A4.** The Department is currently in the process of finalising the guidance for Jobcentre Plus advisers, and so is unable to share an example of the Guidance with the Committee. However, we are able to share the high level principles that will be used to identify suitable customers.

Jobcentre Plus advisers will consider evidence demonstrated by the customer against a set of standards to make constant judgements about whether the customer would benefit from the Mandatory Work Activity support. These standards will be underpinned by indicating behaviours associated with the disciplines that are key requirements of finding, securing and retaining employment. Customers who consistently fail to demonstrate a number of these indicators over a period of time will be considered for a referral to Mandatory Work Activity.

Some of the indicators Jobcentre Plus advisers may include:

- tends to take no personal responsibility for job search activity, waits to be organised/contacted;
- reluctant to make speculative approaches, follow up advice or job leads;
- regularly fails to attend appointments and interviews on time;
- has little or no recent work experience;
- limited awareness of the types of support available to help them with their jobsearch; and
- has no realistic appreciation of employer attitudes or requirements.

After the identification of a suitable customer, and prior to any referral, the Jobcentre Plus adviser will discuss the referral with a manager outlining the benefits of the referral to the customer.

**Q5.** *If someone fails in their first referral they can be referred a second time after the sanction has expired. Could someone on long-term unemployment be referred a third or fourth time?*

**A5.** If a customer's Jobcentre Plus Personal Adviser felt that Mandatory Work Activity continued to be suitable for a customer, they could be referred again at a later date. We would not expect customers to regularly be referred three or four times, but the final decision as to who to refer would rest with the Jobcentre Plus adviser.

Additionally, if a customer has a complaint about Jobcentre Plus they will be able to escalate this through the existing Jobcentre Plus complaints procedure.

**Q6.** *Can you please confirm that a sanction would be complete cancellation of benefit for 13 weeks – under what circumstances and at what level would hardship payments be made? If the claimant was also eligible for say Housing Benefit would that continue unaffected if their JSA was sanctioned?*

**A6.** I can confirm that for customers (other than those with joint claim Jobseeker's Allowance) the full amount of their Jobseeker's Allowance payment will not be paid for the full period of 13 weeks.

As is the situation for all Jobseekers Allowance customers, those participating in Mandatory Work Activity who are sanctioned can apply for, and receive hardship payments.

Hardship payments are made when a decision maker acting on behalf of the Secretary of State for Work and Pensions, having considered all the circumstances of the claimant or family determines that hardship will occur if Jobseeker's Allowance is not paid.

The process takes account of other income (including benefits), savings and debts together with other help from friends and relatives.

A hardship payment is the normal amount of Jobseeker's Allowance reduced by a sum equivalent to 40% of the claimant's personal allowance or 20% in a case where the claimant or any other member of the family is either pregnant or is seriously ill.

Although a customer has been sanctioned, they retain their underlying entitlement to income based Jobseekers Allowance and therefore their entitlement to Housing Benefits is not affected by the sanction.

Measures in the Welfare Reform Bill are intended to support some changes to the current system of hardship payments. For example, to make hardship payments to non-vulnerable claimants only available on a recoverable basis. Our aim is to ensure that these payments do not undermine the deterrent effect of sanctions. These proposals will be debated during the passage of the Bill.

**Q7.** *What evidence do you have to support the assertion that “After their four week placement, they will be better placed to re-assess their approach and engage more effectively with the requirements of seeking work and other support offered by Jobcentre Plus.”*

**A7.** Mandatory Work Activity is a new scheme and therefore we have limited evidence.

Looking forward, evaluation is important for a new proposal such as the Mandatory Work Activity Scheme. We are preparing a detailed evaluation strategy which will include qualitative research with customers to gather their feedback on the policy. The qualitative research will also collect feedback from providers, Jobcentre Plus Advisers and others involved in delivering the Mandatory Work Activity Scheme. We also intend to conduct an impact assessment on the policy by analysing data on the employment and benefit receipt outcomes of participants in the scheme compared to a suitable comparison group.

This policy is targeted at those customers who have demonstrated that they require support to gain work related disciplines and re-engage with their search for work, as well as failing to voluntarily engage in the support that is offered by Jobcentre Plus. We believe that the short placement will provide the encouragement needed by some customers to engage fully with the Jobcentre Plus managers and advisers. Advisers will then judge which interventions will help individuals and have more discretion to support to customers according to their individual needs.

**Q8.** *There is a complaints procedure in place within the scheme para 53 ff but how will the JCP Adviser be made aware of the claimant’s concerns?*

**A8.** Information on complaints will not be automatically passed to Jobcentre Plus Personal Advisers, however participants will continue to attend Fortnightly Jobsearch Reviews, where they are able to raise any concerns with their Personal Adviser directly.

Additionally, Jobcentre Plus will provide advice and support to customers who need any help to understand the complaints procedure, or require support to lodge a complaint with the provider.

30 March 2011

## APPENDIX 2: DRAFT SOCIAL SECURITY (ELECTRONIC COMMUNICATIONS) ORDER 2011: FURTHER INFORMATION

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### **Further information from the Department for Work and Pensions**

The references to reducing paper, preventing errors and fraud in paragraph 7.4 are specific to the software and hardware being introduced by Jobcentre Plus that will replace certain paper-based forms and signatures.

#### *How will people provide an electronic signature?*

A number of electronic signatures will be taken from the customer as sample signatures on an electronic signing pad. The software will store characteristics of that customer signature such as angle of the pen, pressure applied, speed (including pauses) etc. When the customer attends the Jobcentre to provide a declaration of unemployment on a regular basis the electronic signature will be compared to the sample electronic signatures held. The software will compare if the customer signature matches.

#### *Reducing paper*

There will be a reduction in paper because people in receipt of Jobseeker's Allowance (JSA) will be able to provide signed declarations that they meet the conditions of entitlement, and confirm their jobseeker's agreement by means of an electronic signature (as opposed to a traditional signature on a paper form as happens now).

#### *Reducing fraud*

The new technology will assist Jobcentre Plus to confirm that a customer's signature matches specimens previously given. Basic identification checks will continue to be carried out ahead of taking a signature. The current process of confirming a signature is carried out by staff visually comparing two clerical signatures. The new technology will compare a number of factors such as the speed at which the signature is written, the pressure applied, the angle of the pen etc. This makes it virtually impossible for a customer to be impersonated as the signature will not be accepted if the factors do not fall within the set boundaries.

#### *Preventing errors*

On occasions, payments of JSA are made late due to staff error (confirmation by staff to the IT system to release a payment is sometimes missed). The error is only picked up when the customer notices they have not received their payment and make contact with Jobcentre Plus. Electronic signing aims to eradicate this type of payment delay by automating the link to the payment system to release a payment (where one is due), following electronic confirmation of the customer's signature.

#### *Fraud and security*

Officials responsible for delivering the new online service have been working closely with the private sector, senior security experts within the Department and the Communications Electronic Security Group (the Government's national technical authority) to assess the levels of risk the new online service might face and introduce appropriate countermeasures. This includes working to achieve security accreditation in line with the Department's Information Systems Security Standards to provide assurance that information and data will be protected and secure. As part of this work, fraud risk assessments have been carried out to highlight potential threats to the online service and put in place suitable tactical and strategic solutions. Accreditation is on course to be achieved before implementation is due to begin in June 2011. In addition, advice will be provided to customers on how to protect themselves and transact securely online with the Department.

*Has it been successfully trialled elsewhere – e.g. banks?*

We are working on refining the technical solution for Electronic signing. However, there is some precedent on this 'type' of technology.

Similar technology was initially developed and used in Israel in two banks - Bank Hapoalim and Bank Leumi – they were the first to use both a biometric and paperless solution together. The Court of Sao Paulo (Brazil) is currently the biggest user worldwide and they use the technology to sign off bench warrants on some 16,000 stations. T-Mobile in the United States has now started using it to sign contracts from retail locations.

In the UK this technology is not prevalent as banks have moved significantly toward chip and PIN technology. However, digital signature pads without biometrics are being used by telecommunications companies to sign contracts. Some retail companies in the car industry are also using them for customers to sign Financial Services Authority (FSA) documents that are periodically audited to ensure compliance.

*How robust is it – will the machines break down frequently?*

Key to the selection of the final technical solution for Electronic Signing will be scalability and robustness of operation. This is a high volume and critical business process for customers and staff users. The governance process the project will need to pass through at each stage of development will ensure that the design is as robust as possible (in the context of this being a front line business critical service) Governance will also ensure that full business continuity and disaster recovery processes are in place from day one to minimise business risk. A small scale Proof Of Concept has already been successfully completed, and during the three month period the technology proved reliable and no breakdowns were reported. Lessons learned from this POC have been carried forward to the national project. Additionally, we would expect suppliers to make use of their previous lessons learned and industry best practice during the design, deployment and live running of the solution.

*What is the failure rate for the signatures – how many false results does it produce – e.g. when you know it is the correct person but the machine fails to recognise the signature against the initial sample?*

The biometric validation of signatures is based on a number of variables. Sensitivity on the application of the verification engine can, and will, be set according to agreed business requirements to strike the right balance between security/fraud prevention and business practicalities. It is worth remembering that even if the biometric validation is set within the lowest set of parameters, this still represents a significant increase in fraud prevention over the current system which is essentially clerical. It is also envisaged that within clearly defined and fully audited boundaries, staff will be able to intervene manually on the system to accept a signature during the face to face interview where failure has occurred - for example, perhaps due to temporary or permanent loss/reduction of hand function.

March 2011

### **APPENDIX 3: INTERESTS AND ATTENDANCE**

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Committee Members' registered interests may be examined in the online Register of Lords' Interests at [www.publications.parliament.uk/pa/ld/ldreg.htm](http://www.publications.parliament.uk/pa/ld/ldreg.htm). The Register may also be inspected in the House of Lords Record Office and is available for purchase from The Stationery Office.

For the meeting on 29 March 2011 Members declared no interests.

#### ***Attendance:***

The meeting was attended by L. Eames, L. Goodlad, B. Hamwee, L. Hart of Chilton, L. Lucas, L. Methuen, B. Morris of Yardley, L. Plant of Highfield and L. Scott of Foscote.