

Advice NI Briefing Paper

Safeguarding Vulnerable Social Security Benefits Claimants

December 2020

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Background

Social security benefits are designed to provide financial support, when the claimant experiences illness, disability and/or unemployment. Further support is needed if the claimant has dependents.

Through devolved legislation, the Department for Communities [DfC] administers these benefits in Northern Ireland, which includes PIP and Universal Credit. The Department for Work and Pensions [DWP] operates in GB.

Navigating the N.I. Social Security system and achieving a successful outcome can be challenging. A claimant with financial concerns (even without illness) needs to collate extensive and accurate evidence for the claim. This requirement, plus the Department's administration, can take time¹. This is unfortunately exactly when securing financial support is urgent.

This challenge is compounded where the claimant is vulnerable or has complex needs. For whatever reason, the claimants often do not have the capacity to complete the application without 3rd party support. Furthermore, explicit consent is now required for all UC claims², whereas implied consent was used for legacy benefits. The issues surrounding explicit consent, and how it can generate more difficulties for vulnerable clients, is explored later. On top of vulnerabilities and consent, Universal Credit is means tested, and is often the sole form of income. A delay therefore, for whatever reason, can have a profoundly negative effect on the claimant.

The stakes are high. In February 2020, the National Audit Office published a report on the information held by DWP on benefit claimants who ended their lives by suicide³. Our social security system should provide just that: security. It shouldn't be responsible for exacerbating claimants' health problems, or for driving them to suicide.

DfC is fully aware of the existence of claimants with complex needs and vulnerabilities; one example is mental illness. In 2014, the NI Executive itself found that Northern Ireland has a 25% higher overall prevalence of mental illness than England⁴. In April 2020, the N.I. Department of Health announced it will appoint a new Mental Health Champion⁵ who is now in place⁶. This awareness should more robustly inform DfC's approach.

This paper explores the challenges facing vulnerable claimants; the current support provision from DfC and DWP; and recommendations to drive a more claimant-led safeguarding process, across all benefits.

¹ UC claims have an obligatory 5-week wait. This wait may extend further, due to demand of sudden redundancies, following the impact of Covid on the labour market

² <https://www.gov.uk/guidance/universal-credit-consent-and-disclosure-of-information>

³ <https://www.nao.org.uk/wp-content/uploads/2020/02/Information-held-by-the-DWP-on-deaths-by-suicide-of-benefit-claimants.pdf>

⁴ https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/making-life-better-strategic-framework-2013-2023_0.pdf

⁵ <https://www.health-ni.gov.uk/news/mental-health-champion-northern-ireland>

⁶ <https://www.nidirect.gov.uk/contacts/contacts-az/office-mental-health-champion>

Challenges for vulnerable social security benefit claimants

Should the applicant have vulnerabilities, there exists more challenges for them to achieve a successful benefits application. These vulnerabilities are wide-ranging and can include:

Communication:

- Inability to read/write English [as a first or second language]
- Inability to read English [visual impairment]
- Lack of digital literacy [at any age]
- No access to the Internet [particularly relevant as UC is designed to be applied for on-line]

Health:

- Mental Health issues/learning difficulties
- Addiction issues

As these vulnerabilities can impact behaviour, claimants are sometimes non-compliant with the extensive conditionality requirements. This can result in sanctions, which is unfair and unduly punitive. The NAO is clear:

“Claimants with more complex needs and circumstances can struggle to engage with the claim process or provide the evidence required, leaving them at greater risk of being paid late.

The majority of late payments appear to result from claimants not engaging with the claim process or providing evidence in a timely manner.

Stakeholders expressed concern that some vulnerable groups, such as people with learning disabilities, people with chaotic lives and people with low digital skills may find it particularly difficult to make a claim and provide the evidence required.⁷

Those claimant vulnerabilities are not facilitated by the system used by DWP, as stressed by Gareth Davies, Comptroller and Auditor General of NAO:

“...the system is designed for really simple cases, and it works well for these cases....it works less well where there are specific needs for individuals that need a tailored approach....there’s a big learning point here for Government”⁸

Therefore, it is clear that the current system is designed for the majority of ‘simple’ cases; whereas it is the more complex cases of vulnerable claimants, that the system needs to proactively support.

⁷ <https://www.nao.org.uk/wp-content/uploads/2020/07/Universal-Credit-getting-to-first-payment.pdf>

⁸ <https://www.parliamentlive.tv/Event/Index/5f28188e-3242-463c-ba0f-243bc89bd297>

Consequences

Many claimants who apply for means-tested benefits have no other capital or form of income. They therefore have no financial cushion, should the administration of the benefit be delayed, or sanctions applied. This circumstance can have profoundly negative effects, and exacerbate mental health issues of vulnerable claimants.

When benefits are delayed, the claimant often has no other recourse but to rely on food banks for basic necessities. The Trussell Trust carried out research with Heriot Watt University. It estimates 846,000 food parcels will need to be provided by them to people in crisis during October to December 2020 – a 61% increase on last year. And an additional 670,000 people will be destitute by the end of the year, meaning they cannot afford essentials like housing, energy, and food⁹.

Advice NI has entered into a referral partnership with the Trussell Trust, due to demand rapidly rising in 2020. While the pandemic has undoubtedly contributed to this increase, resources are limited, and not everyone will get what they need. This is particularly concerning when the claimant has children.

In February 2020, The NAO published a report ‘Information held by the Department for Work & Pensions on deaths by suicide of benefit claimants’¹⁰. These deaths can happen while claimants are waiting on benefits and assessments, after they’ve had their benefits cut or stopped, or after they’ve been sanctioned or deemed fit-to-work.

It found that the Department has investigated 69 suicides of benefit claimants since 2014-15. It is highly unlikely that the 69 cases the Department has investigated represents the number of cases it could have investigated in the past six years. The parliamentary debate on social security benefits and claimant deaths highlighted how the application of reforms and policies and a failure to follow safeguarding guidelines have resulted in the deaths of vulnerable claimants, and that immediate action was needed. The Minister for Disabled People, Health and Work himself conceded that much more had to be done to identify all vulnerable claimants.

A DWP spokesperson acknowledged the NAO’s findings and said that it took them “*extremely seriously*”. “*Suicide is a devastating and complex issue. We are urgently working to drive forward improvements and learn the lessons from these tragic cases. We will now carefully consider the NAO’s findings as part of our ongoing work.*”¹¹

Applying for food bank assistance is one thing; any deaths due to departmental maladministration is simply unacceptable.

⁹ <https://www.trusselltrust.org/heriot-watt-research-2020/>

¹⁰ <https://www.nao.org.uk/wp-content/uploads/2020/02/Information-held-by-the-DWP-on-deaths-by-suicide-of-benefit-claimants.pdf>

¹¹ <https://www.theguardian.com/society/2020/feb/07/dwp-benefit-related-suicide-numbers-not-true-figure-says-watchdog-nao>

Departmental Support

Safeguarding measures for vulnerable claimants are not, as yet, set in legislation, in GB or NI:

“It is fair to say, legally, we do not have a legal duty of aspects of what you would consider to be safeguarding.”¹²

While the DWP may not have a legal obligation, it is a government agency funded by the taxpayer. It can be argued it has a moral responsibility to ensure that vulnerable claimants are not disadvantaged.

The DWP was due to complete a Safeguarding Policy Review in August 2019. The spending round document published by the Treasury on 4 September said the new independent serious case panel would aim to improve DWP safeguarding. The Treasury said it would provide funding of £36 million for 2020-21 to fund both the panel and ensure that decision-making on benefit claims was “accurate” and that benefit application processes were “straightforward and accessible”¹³.

When the Secretary of State was asked what progress had been made by the Department:

“It would be inappropriate to comment on the Safeguarding review due to current legal proceedings. However, as part of our commitment to improving vulnerable customers’ experience with the Department; we currently have 10 Senior Safeguarding Leaders in place and plan to have 25 in place by Autumn. They will work across all services and with key partners to support and deliver a consistent service to vulnerable customers. We have also established the Customer Experience Directorate to co-ordinate policy development, guidance and learning as well as monitor the implementation of change”¹⁴.

As can be seen by the following, this positive intent does not always materialise, whether through time/resource constraints, training needs of UC staff or the rigid IT system.

Advice NI asked [in 2019] if UC as a business area within DfC has its own safeguarding champion. DfC stated:

There is no ‘safeguarding champion’ role within Universal Credit operations¹⁵.

This is surprising, as DWP intend to have up to 25 ‘Senior Safeguarding Leaders’ in place by Autumn 2020. While the operating systems may vary between DfC and DWP, the need to safeguard vulnerable clients should be the same.

In September 2020, N.I.’s Health Minister pledged to bring forward a new Adult Safeguarding Bill for Northern Ireland, to help protect care home residents and other vulnerable members of society.

¹²Rt Hon Dr Thérèse Coffey MP, Secretary of State for Work and Pensions, 22 July 2020

<https://committees.parliament.uk/oralevidence/759/default/>

¹³ <https://www.disabilitynewsservice.com/tomlinson-dodges-questions-over-serious-case-panel/>

¹⁴ PQ 77585, Answered by Justin Tomlinson, 1 September 2020

¹⁵ <https://www.adviceni.net/publications>

Chief Social Worker Sean Holland, will chair a new Adult Safeguarding Transformation Board¹⁶ to oversee this work and to strengthen the governance around adult safeguarding to achieve a more accountable, regional approach.

Advice NI is keen to contribute to this work, and feels the Bill must have a broad scope, to protect vulnerable social security claimants.

In July 2020, the Work and Pensions Select Committee was told what DWP measures would be in place to better protect vulnerable claimants:

“Frontline staff would offer support to at-risk claimants who fail to co-operate with jobcentre staff by liaising with other agencies such as the NHS and police, rather than terminating benefits after failure to make contact with Claimants.”

This is a crucial development and ‘pause’, before the claimant is unduly fiscally punished for behaviour that may be beyond their control. Considering the sanctions culture that permeates DWP, it will be interesting to see how rigorously this will be implemented.

In this evidence session, the NAO pointed out a curious methodology employed by the DWP for vulnerable UC claimants:

“It appears to be a philosophy that you should not record vulnerable characteristics in a structured data way. Because they [DWP] are worried, they tell us, that if you record it in a structured data way, it becomes out of date and becomes prejudicial to the individual”¹⁷

This is concerning for several reasons:

1. If vulnerability information is not captured, DWP staff not familiar with the claimant may not be aware of issues relating to their ability to make and maintain a claim.
2. If the vulnerability relates to certain conditions. An example is autism, which does not disappear overnight: this is a long-term vulnerability that the department needs to be aware of.
3. DWP staff should not be allowed the opportunity to be prejudicial to claimants, no matter the specific vulnerability. Training should ensure that DWP staff check information is up to date, and be non-prejudicial [which they should be anyway]. Further, there should be audits in place to ensure this prejudice does not affect a claim.

Advice NI asked: When telephony staff are alerted that a UC claimant is vulnerable and safeguarding measures should be triggered, what happens next; is the safeguarding champion alerted / what are the safeguarding measures that can be deployed to assist the claimant?

DfC: *Universal Credit telephony staff are trained to recognise the various indicators/flags that would identify a claimant as vulnerable, once identified, the help and support required by the claimant would be tailored to meet their individual needs.*

¹⁶ <https://www.health-ni.gov.uk/news/minister-announces-plans-adult-safeguarding-bill-northern-ireland>

¹⁷ Joshua Reddaway, NAO, Evidence to the Select Committee July 2020

Vulnerability is an issue that the NAO has also raised with DWP in 3 separate reports since 2018. The NAO stated that the department had accepted all recommendations and were looking to implement them, but could not give a time frame for implementation. It added:

“The Department [DWP] does not have all the information it needs to track vulnerable claimants and ensure its support is effective. The Department provides a range of support for vulnerable claimants, particularly at local level, and staff can make notes on individual claims. However, it does not use data ‘flags’ or markers to highlight claimants’ vulnerabilities or complex needs within the Universal Credit digital system.

This means it cannot produce national-level management information on vulnerable claimants, and its front-line staff cannot use data within the system to easily identify all those people who might struggle with the process. Nor can the Department currently track within its systems all claimants that may have accessed the Help to Claim service, particularly where these claimants are not referred directly by the Department. As such, it lacks a complete picture of who is accessing this support and how it affects outcomes, including payment timeliness.”

Aside from assisting claimants, tracking vulnerable claimants needs to be a priority. How can the department audit its service for vulnerable claimants when the data does not exist? Meanwhile, the DWP has confirmed its use of 'additional support' markers to identify PIP claimants who may not be able to engage effectively with the claims process:

“During the gathering of initial claim information, claimants who are identified as requiring additional support from DWP will have an additional support (AS) marker attached to their case on the PIP computer system. Using the information available to them, health care professionals will need to consider the most appropriate approach to completing the assessment for these claimants, be that paper based review or face-to-face consultation.

During all face-to-face consultations, if the AS marker has not already been added on the PIP computer system, health care professionals should identify if a claimant who does not have [an appointee] required the AS marker to help them engage with the PIP journey, especially where there is a mental health, intellectual or cognitive impairment [my emphasis]. If the health care professional believes that the AS marker should be applied, this should be indicated in the advice given to DWP.”¹⁸

PIP therefore utilises health-care professionals to assess the claimant’s ability to complete the assessment. Let’s say a PIP claimant also applies for UC [which is may often be the case]. This claimant has identical issues that requires support to apply for PIP, but is not afforded the same support from UC. This is because UC strongly promotes self-support, which is illustrated later in this brief. The benefits may be different, but the client’s needs remain the same.

¹⁸ <https://www.gov.uk/government/publications/personal-independence-payment-assessment-guide-for-assessment-providers/pip-assessment-guide-part-1-the-assessment-process#identifying-claimants-who-require-additional-support-with-the-pip-process>

Complex Needs Toolkit

Advice NI is aware that DfC commenced work on a 'Complex Needs Toolkit', listing guidance/tools which staff should use to ensure claimants are given the required support at the earliest opportunity. DfC also states that there is guidance for dealing with vulnerable claimants:

"The Universal Credit agreed definition for a vulnerable claimant is: "An individual who is identified as having complex needs and requires additional support to enable them to access Universal Credit Services.

When a claimant with complex needs contacts Department for Communities (DfC), their customer journey must be comparable in quality and outcome to those whose needs are non-complex."

Advice NI suggests that if certain recommendations are implemented, this ambition could be more fully realised than what exists for claimants currently.

Toolkit Issues

Similar to additional supports, the default message in the Toolkit guidance about digital support is self-service with a heavy emphasis on *"coaching, challenging and motivating claimants to become more digitally competent"* and on making claimants aware that they will *"increasingly need to be able to use online services to make and maintain their claim"*.

Making claimants aware of using online services is all very well, but is also pointless when the claimant is physically/mentally incapable of completing the required action.

Only when the self-service approach is tried does the Toolkit guidance require staff to offer additional support. This additional support takes the form of signposting to other services that can assist with or help build digital needs. Claimants are frequently directed away from staff in favour of family and friends, advice centres, etc.

The Toolkit guidance instructs staff not enter any data for the claimant and to place responsibility for the accuracy of the data with the claimant. While that's reasonable in normal circumstances, when it comes to vulnerable claimants this approach contradicts the very meaning of additional support.

Universal Credit Digital Support

The Assisted Digital program is provided by UC to provide support for those with digital literacy/access issues.

While digitisation is invaluable in many situations, saving time and helping to automate rote tasks, we need to be careful when it's used in systems that involve vulnerable people to ensure it doesn't cause unnecessary hardship and difficulties.

Frontline advisers report that the digital nature of UC is causing severe problems for vulnerable people, particularly for ethnic minorities with little or no English and for those with literacy problems, mental health problems, etc. Therefore, vulnerable people are more likely to require additional digital assistance. Unfortunately, advisers say that this digital assistance is often inadequate.

The UC system wrongly assumes that everybody has the necessary facilities readily available to use the digital system. The digital system doesn't take into account that some people are not online, for example people who don't live in an area that gives them Internet access; who can't afford Internet access; who haven't got a PC, laptop, smart phone; who have no easy, daily access to a public space that provides Internet access such as JBO, library, etc.

Even if a vulnerable claimant does manage to navigate the online service or get support outside the JBO, they inevitably have to go to the JBO anyway for other elements of their claim (pre-Covid19 easements) such as ID verification, claimant commitment, UC advance, discretionary support, etc.

The November 2018 UN Special Rapporteur's report heavily criticised the "digital by default" approach in UC saying it was closer to a "digital only" approach and noted that the government has openly stated preference for alternative routes to be kept to a minimum¹⁹. According to the Rapporteur, the automation of UC has built a digital barrier that obstructs access to benefits and disadvantages certain claimants. The automation of monthly benefits calculations also lends itself to error at scale, and also minimises the opportunity for claimants to content adverse decisions. Further, the UC helpline, supposed to be an alternative to the digital route, has long waiting times and poorly trained call centre staff which makes it off-putting for claimants. Jobcentres offer online access but very little digital assistance and the official policy is to keep "face-to-face" help to a minimum.

DfC states: *If claimants are having difficulty using the online service Universal Credit staff will establish the reasons for this. Based on their circumstances, claimants will be assisted in accessing the Universal Credit service through a channel that is appropriate for their needs:*

¹⁹ <https://undocs.org/A/HRC/41/39/Add.1>

The following options are available to assist claimants to access the online service:

- *support from family or friends - We will always ask whether the claimant has friends or family that could support them to make and maintain their claim.*
- *telephone support when using the online channel - If a claimant needs assistance with an element of the online service they can contact the Universal Credit Service Centre (0800 012 1331) for assistance allowing them to continue with their claim.*
- *in-house coaching in the front office – The front office will have a Digital Zone. There will be PCs and free Wi-Fi available for claimant use. DfC staff will be available to provide assistance to any claimant who requires help to make or maintain their Universal Credit claim.*
- *home visit – In exceptional circumstances, where a claimant has no phone, no access to information technology, they are housebound/hospitalised due to a health condition and has other complex needs, a home visit can be arranged.*
- *agent as proxy - Agent by proxy is a last resort for Assisted Digital support, where all reasonable attempts have been made to enable, support and educate claimants to 'self-serve'. This process is completed by Universal Credit staff and is used for claimants unable to complete the online service when classed as vulnerable or presenting with very complex needs, due to being unable to complete the registration independently, not having anyone to support them online and being unable to attend for in-house support.*
- *Universal Credit staff cannot enter information on a claimant's behalf unless it is in extreme circumstances where the agent is acting as proxy. The information entered and the accuracy of this information is the responsibility of the claimant.*

DfC needs to ensure that a claimant with vulnerabilities can make and maintain a claim, in a much more proactive and user-friendly way than is available now.

Consent

There are two types of consent that are used to assist claimants when applying for social security benefits.

Explicit consent: Explicit consent requires a subject [e.g. claimant] to clearly and explicitly agree to their personal and (crucially) sensitive data being processed²⁰.

Implied consent: The subject [claimant] provides personal information to an organization and it is used in a way that clearly benefits the subject and the organization's expectations are reasonable²¹.

Under the legacy benefits system, implied consent is used where the claimant has provided their personal details to the independent advice organisation, allowing the organisation to contact the government departments on their behalf, and resolve any issues.

However, UC requires 'explicit' consent to be given repeatedly. The claimant can't state once that an adviser is helping them; they must provide information on what specific support is needed.

The requirements set out on GOV.UK make clear that claimants must:

- *give consent for your personal information to be shared with the representative*
- *outline what information you want to be disclosed*
- *explain why the information is needed*
- *explain the representative's relationship to you where the representative is your family member or friend*
- *give the name of the representative and the organisation, including the branch where applicable. If you cannot provide the name of the representative, you need to be as specific as possible, for example you should provide the representative's job role or team name within the organisation*

The Social Security Advisory Committee (SSAC) has recommended that the DWP undertake further work to explore using the 'implicit consent' model within universal credit²². The SSAC states: "The Department has a clear responsibility to safeguard the integrity of an individual's personal information. This requires a claimant's consent for any third party to act on their behalf." Organisations explained to the committee that:

"[explicit consent]..... hinders their ability to help, causes distress for some claimants with mental health problems who rely on the support of an advocate and creates delays. We were told that the consent process causes particular challenges for corporate appointees who were tasked with making and supporting online claims for multiple claimants. These challenges

²⁰ <https://www.datastreams.io/explicit-vs-unambiguous-consent-whats-the-difference/>

²¹ <http://www.privacysense.net/different-types-consent/>

²² <https://www.gov.uk/government/publications/consent-in-universal-credit/consent-in-universal-credit>

would be exacerbated during periods when volumes were higher which could, for example, occur during the managed migration process.

The SSAC's recommendation was:

... the concept of 'implicit consent' which applies in legacy benefits should be extended to Universal Credit, but with appropriate safeguards in place to ensure that personal data held by the Department are not compromised. This committee would be willing to work with the Department and other interested parties to identify what those safeguards should be²³.

The Department's response:

"Because Universal Credit is delivered on a different platform to legacy benefits, and it replaces six major benefits, the approach taken to consent needs to be different. The amount of personal data available on Universal Credit is far greater than the individual legacy systems, meaning that any data breach has far reaching consequences for claimants. We therefore need to balance consent against this risk.

Where consent is needed it can be quickly given in different ways. For example, claimants only need to put a note in their journal to give consent, this is a far simpler and more straightforward process than in legacy systems. Once consent is given, advisers will work with the claimant's representatives."

A number of organisations have raised concerns as to whether the implicit consent rules are sufficiently flexible. We therefore, agree to explore options for improving the process of explicit consent in relation to Universal Credit in collaboration with the Social Security Advisory Committee to consider how current practices could be enhanced and to publish a report on our joint conclusions²⁴.

GDPR appears to be a concern, but it is encouraging that the DWP is exploring options re: explicit consent.

In October 2020, the Scottish Government confirmed new process for helping third-party representatives with enquiries where claimant unable to give explicit consent²⁵:

Representatives who are able to answer questions to verify that they are genuine will be given limited information in compliance with data protection requirements. Social Security Scotland has now developed a policy to ensure that claimants can benefit from representation by third-parties in as wide a range of circumstances as possible, and that –

Our policy allows clients to give a third party representative consent to help them at any point during the processing of their application and lifecycle of their claim. Clients must give explicit consent, verbally or in writing, to allow a third-party to fully act for them and have access to their information. Where the client has been unable to give explicit consent, our policy allows their third party representative to call one of our client advisers and, provided they are able to

²³ <https://www.gov.uk/government/publications/consent-in-universal-credit/consent-in-universal-credit>

²⁴ Ibid

²⁵ https://www.parliament.scot/S5_Social_Security/David_Wallace_to_Convener_-_Social_Security_Committee_-_21_Sep_2020.pdf

answer questions that will allow us to verify they are a genuine third party representative, we can share some limited information with them, to help with their enquiry.

As you'll be aware, this limitation on the level of information that can be shared without explicit consent is a requirement of data protection legislation.²⁶

This policy regarding explicit consent is more helpful to the claimant, and DfC could consider this approach to achieve the best result for the claimant.

Independent Support

For all benefits, independent advisers have helped claimants complete forms, provide evidence, and challenge decisions. This service is provided at no cost to the claimant. Funding for this comes from a variety of sources, including DfC, local Councils and other funders.

UC is designed to be an on-line claim. This reduces the adviser's ability to assist the claimant. For example, few advice centres have the facilities necessary on a large scale for this purpose.

The use of explicit consent also negatively impacts on the adviser's ability to resolve issues quickly.

²⁶ <https://www.rightsnet.org.uk/welfare-rights/news/item/scottish-government-confirms-new-process-for-helping-third-party-representatives-with-enquiries-where-claimant-unable-to-give-explicit-consent>

Recommendations

- **Consultation on proposed Safeguarding legislation.** The fact that the Department of Health is introducing Safeguarding legislation means it acknowledges the need. The Department of Health should explore appropriate social security safeguards with the Department for Communities, the 3rd sector, the independent advice sector and SSAC.
- **Extend Implicit Consent to Universal Credit in NI** as is the case in Scotland and as recommended by the SSAC.
- **Retrain staff on vulnerable claimants.** Advisers believe that DfC has failed to adopt or follow its own policy on vulnerable claimants. Even when the policy is quoted to them, barriers remain and there seems to be a lack of knowledge of the safeguards that are supposed to be in place.
- **Review how Vulnerabilities are recorded on a UC claim;** [could use data flags or markers, as suggested by the NAO]. This is for the benefit of both work coach and claimant.
- **Proactively advertise telephone assistance for claims.** Advisers have reported that JBO staff are extremely reluctant to offer the option of telephone assistance or home visits for vulnerable claimants.
- **Ensure there's no 'break' in a claim when moving from legacy benefits to UC.** For example, a claimant moving from ESA to UC needs to lodge their UC claim on the same day as they close their ESA claim to ensure there is no 'break' (which will likely not happen in most circumstances); if because they're vulnerable, they can't make their UC claim on the same day, that breaks the claim and can result in delays in getting payments and additional elements not being carried across to the UC claim. There should be a system in place where legacy benefits are only terminated when the UC claim has been lodged, so ensuring no break in claim.
- **Ensure no overpayments arise when some moves from legacy benefits to Universal Credit.** It is unacceptable that the system itself can be responsible for overpayments due to delayed 'stop' notices being sent between Universal Credit and legacy benefits.
- **Track claimants who access the 'Help to Claim' service.** These claimants with additional needs need to be recorded on the system to ensure appropriate additional support is in place, for example to ensure stop preventable sanctions at a later date.
- **Proactively offer digital support** where necessary, and not put the onus on the claimant to ask for or evidence the need for digital support.
- **Review and reconfigure the Complex Needs Toolkit guidance, with consultation with key stakeholders including advisers and claimants:** to ensure staff proactively look for signs of vulnerability, checking the vulnerability checklist from the outset to identify vulnerable claimants. Currently they are signposted to the self-service and online route or putting the onus on the claimant to declare themselves vulnerable. Also to have staff offer telephone support, home visits and agent by proxy support as the first options, together with referral to the independent advice sector as appropriate.
- **Ensure the Toolkit emphasises the need for staff to proactively offer reasonable adjustments or tailored support where necessary,** and not put the onus on the claimant

to ask for reasonable adjustments. Under the Disability Discrimination Act 1995, DfC has a legal duty to provide reasonable adjustments for disabled claimants.

- **Flag a claimant identified as vulnerable** to ensure they continue to get additional and digital support.
- **Add clarity to the Toolkit about the quantity and/or severity of vulnerability** indicators required to deem a claimant as vulnerable.
- **Hardship should be added to the Toolkit** as an indicator of vulnerability and a suitable definition applied.
- **Add a 'case-closed' check to the Toolkit, for UC claimants** flagged as vulnerable, that if their case has been closed, staff will follow-up to determine why the case was closed. In many instances, this may be because of a client struggling with the system administration.
- **Develop a series of visual 'journeys' or pathways in the Toolkit**, tailored to capture the specific steps for different types of vulnerable claimants e.g. for those coming out of prison or care, etc. The 'journeys' would provide tailored support for claimants and would focus on potential points at which customers may fall into a 'non-compliance' position.
- **Add a dedicated section on 'Sanctions' to the Toolkit which would provide additional safeguards** to ensure that sanctions are avoided as much as possible for claimants who are vulnerable and who 'did not comply' with a mandated activity where their reason for 'non-compliance' was as a result of their circumstances and not a choice.
- **Staff to offer additional support** to vulnerable claimants before imposing a sanction.
- **Ensure that staff increase awareness with UC claimants about 'easements' and apply 'easements' more often** before sanctions are ever considered. These allow conditionality to be switched off in certain circumstances and would effectively reduce the need for sanctions.
- **Add a dedicated section on 'Missed Appointments'** to the guidance which would instruct staff to carry out additional steps in the case of vulnerable claimants and consider what additional support is needed.

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