

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INFORMATION-SHARING IN RELATION TO
WELFARE SERVICES ETC.) REGULATIONS (NORTHERN IRELAND)
2016

2016 No. 56

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Social Development (Northern Ireland) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The instrument provides for the sharing of data between the Department for Social Development, other Departments and authorities that administer housing benefit, rate relief schemes, discretionary support provision, or other welfare services.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 [Section 87 of the Northern Ireland Act 1998](#) places a statutory duty on the Minister for Social Development and the Secretary of State for Work and Pensions to consult with one another with a view to securing a single social security system for the United Kingdom. Section 88 of the 1998 Act makes provision for financial adjustments to support the maintenance of these parity arrangements.
- 4.2 Underpinning the parity principle is the arguments that as people in Northern Ireland pay the same rates of income tax and National Insurance contributions as people in Great Britain; they are entitled to the same rights and benefits paid at the same rates.
- 4.3 The [Welfare Reform Act 2012](#) introduced a number of reforms including Universal Credit, Personal Independence Payment, the Jobseeker's Allowance Claimant Commitment and a cap on the amount of benefits working age people can receive. It also reassessed incapacity benefits claimants for Employment and Support Allowance, improved the Work Capability Assessment and made sure housing support is fair.
- 4.4 On 17 November 2015 "A Fresh Start: The Stormont Agreement and Implementation Plan" was agreed by the main political parties in Northern Ireland. Included in this agreement was the approach agreed by the Executive and HM Government to implementing welfare reform in Northern Ireland. The Northern Ireland (Welfare Reform) Act 2015 provides a power for Her Majesty to legislate on social security,

child support and certain matters related to employment and training in Northern Ireland by Order in Council. Any such Order in Council may then confer power on the Secretary of State or a Northern Ireland department to make further provision regarding these matters by regulations or order. The Welfare Reform (Northern Ireland) Order 2015 was made on 9 December 2015 and regulations stemming from the Order to implement the various welfare reforms set out in the Welfare Reform Act 2012 in Northern Ireland are now being brought forward.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Northern Ireland only.
- 5.2 The territorial application of this instrument is Northern Ireland.
- 5.3 These regulations replicate for Northern Ireland the legislation that applies to Great Britain.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

Background

- 7.1 These Regulations aim to enable more efficient use of data by relevant authorities by removing the need to seek consent from an individual in prescribed circumstances, thereby speeding-up decision making and improving customer service.

Overnight Care

- 7.2 Claimants of certain social security benefits have their benefit awards reassessed when they go into or are discharged from hospital or residential care in Northern Ireland. Claimants are already required to report such changes. These Regulations will allow a relevant body to use that information themselves, or supply the information to the Department, the Housing Executive or the Department of Finance and Personnel (Land and Property Services) in Northern Ireland, for purposes relating to the payment of benefits. Relevant bodies will therefore be able to inform the Department or the Housing Executive or Land and Property Services (which deal with housing benefit) when a person has been, or is likely to be, admitted to or discharged from residential care or hospital. This will allow reassessment of benefit awards that are affected by these changes.
- 7.3 People who are disabled and require an overnight carer will also be able to qualify for a higher rate of housing benefit if they have an extra room which is used by a non-resident carer or team of carers. This provision will also allow Housing Executive housing benefit teams to use information from social services teams to confirm whether a person does or may require an overnight carer; if social services are providing the carer; and confirmation that the care has been provided.

Information-sharing in relation to welfare services

- 7.4 The information-sharing powers in Article 121 (Information-sharing in relation to welfare services etc.) of the Welfare Reform (Northern Ireland) Order 2015 broadens the scope of existing data sharing arrangements. It allows ‘relevant information’ to be shared between the Department, relevant bodies, the Housing Executive and Land and Property Services. Information can be shared in relation to the provision of welfare services and for housing benefit purposes or certain rates (in Northern Ireland, housing benefit contains an amount made up of rent and rates, the latter being equivalent to former Council Tax Benefit).
- 7.5 Health and Social Care Trusts provide a range of welfare services to claimants in their area, and many of these are in part dependent on a means test either to determine eligibility or to assess a person’s ability to contribute towards the cost of the service. Health and Social Care trusts require details of a person’s income and capital to complete the means test. Often the customer is unable to provide all details and, Land and Property Services or the Housing Executive will be approached for information about any social security benefit in payment.
- 7.6 These Regulations allow data to be shared in Northern Ireland for the purpose of deciding whether a person is entitled to free or subsidised help under the Supporting People scheme. Supporting People is a scheme that is part funded by a grant from central government and administered by the Housing Executive. Legislation does not allow data to be shared in relation to other welfare services which are not grant funded. Supporting People funds housing related support services that a landlord (such as a housing association for example) or other provider such as a voluntary organisation can provide. Support means advice and help to make it easier for vulnerable people to maintain their independence in their home. People can receive support in a hostel or in sheltered housing or other type of supported living.
- 7.7 These Regulations allow a qualifying person providing welfare services (and others such as service providers) to supply relevant information to the Department (or the Department’s service providers) in certain circumstances. This information can only be supplied for a prescribed purpose.
- 7.8 In determining a person’s eligibility or continued eligibility for a welfare service, welfare services include:
- Blue Badge Scheme: a disabled person’s badge, or concessionary travel under the Northern Ireland Concessionary Fares Scheme.
 - The Healthy Start scheme: a scheme which provides vouchers to pregnant women and families who qualify.
 - Discretionary Support: a scheme for providing financial (or other assistance) to an individual in respect of short-term needs or enabling an individual to establish (or maintain) a settled home.
 - Free School meals.
 - School uniform grant.

Consolidation

- 7.9 This instrument will not be informally consolidated in the GB Law Relating to Social Security (or “Blue Volumes”), as the legislation applies only to Northern Ireland. However, it will be available to the public at no cost via the internet at: <https://www.dsdni.gov.uk/services/law-relating-social-security>.

8. Consultation outcome

- 8.1 The Department for Social Development consulted extensively about the implications of the wider reforms in the [Welfare Reform Bill](#) consultation process, and has also discussed informally with stakeholders to ensure that the operational implications are fully understood and that processes are in place to ensure that the change is implemented correctly in Northern Ireland.
- 8.2 The Department for Social Development published an [Equality Impact Assessment](#) on the proposals contained in the draft Bill.

9. Guidance

- 9.1 Guidance is being developed for staff and Decision Makers and the relevant guidance will be available before this rule comes into force.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is negligible. It will comprise the administrative burdens of sharing the data and ensuring safe storage. However, this is balanced with the benefits of better targeted services and increased understanding of individuals and households who receive services. This measure is part of the welfare reform package that will restore parity with the rest of the UK and contribute toward sustainable finances for the executive.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The operation of the Regulations will continue to be reviewed through the normal avenues of guidance enquiries received from the Department's offices and correspondence from members of the public.

13. Contact

- 13.1 Anne McCleary at the Department for Social Development Telephone: 02890 819984 or email: anne.mccleary@dsdni.gsi.gov.uk can answer any queries regarding the instrument.