

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (NOTIFICATION OF CHANGES OF
CIRCUMSTANCES) REGULATIONS 2010

2010 No. 444

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

Where a person is in receipt of a benefit administered by the Department for Work and Pensions (a DWP benefit), Housing Benefit (HB) or Council Tax Benefit (CTB), they are under a legal duty to notify relevant changes of circumstances which they might reasonably be expected to know may affect their benefit entitlement or amount in payment. Existing regulations set out the means by which, and to whom, such notifications may be made (as explained in more detail below). This instrument allows benefit recipients to discharge this duty through alternative methods where the change of circumstances is a birth or a death.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Context**

4.1 Secondary legislation imposes a duty on benefit recipients to report any changes that affect entitlement or payment of their benefit. In respect of DWP benefits, such changes must be notified to a DWP office. For HB and CTB, such changes must be notified to the office designated by the authority administering HB/CTB. Such notifications must generally be made in writing or by telephone, although in particular cases notification may be accepted by alternative means. Further, under primary legislation, a knowing or a dishonest failure to give prompt notice of a change of circumstances is a criminal offence. Secondary legislation sets out the person to whom and the manner in which notifications must be made, and these mirror the notification requirements set out above.

4.2 These amending regulations broaden the means by which a benefit recipient can discharge their duty to notify a change where it is a birth or a death. The effect of the amendments is to allow such notifications to be made through personal attendance at a Local Authority (LA) office where the

Secretary of State has agreed with that LA for it to facilitate notification. Where the change is a death, notification may alternatively be given by telephone. The precise cases where this may be done, and the conditions subject to which it may be done, will be set out in guidance by the Secretary of State.

4.3 In relation to HB and CTB, the authority administering the benefit recipient's benefit must also agree with the Secretary of State that birth and or death notifications may be made through these alternative methods of notification.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

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

7. Policy background

7.1 The report by Sir David Varney (1)– *Service Transformation: a better service for citizens and businesses, a better deal for the taxpayer* published in December 2006 found that people often had to provide the same information to different Government Departments. It recommended that citizens, taxpayers and Government could benefit from the provision of a joined-up notification service provided through a single point of contact, particularly if those changes were to do with reporting a death, a birth or a change of address. As a result the Tell Us Once (TUO) cross-Government programme, led by DWP, was set up to look at developing such a service.

7.2 The services for reporting a birth or death were developed and tested in a series of pilots. Pathfinders were then launched in November 2008. (See section 8 below.) Since then the service has been running in 15 LA areas and providing contact for up to 24 core services (including UK passports services and LA Council Housing services). National roll out of the service will begin in July 2010 with the first set of LAs facilitating the service from around November 2010.

7.3 At this stage, the service provides an alternative method for notifying a birth or death. Its use is voluntary. Citizens can use the service to notify a birth or death to the Secretary of State for Work and Pensions by attending in person at an office of any participating LA, or for deaths only, by telephoning a dedicated telephone line operated by the Pension, Disability and Carers Service (PDCS). The longer term aspiration is for citizens also to be able to report changes online.

(1) http://www.hm-treasury.gov.uk/d/pbr06_varney_review.pdf

7.4 The aim is that where citizens wish to take advantage of this service, an LA employee, or a PDCS employee where the telephone service is used, will act on behalf of the citizen to enter the verified birth or death notification and related information onto a single IT application designed, administered and owned by DWP.

7.5 The data will be recorded on the IT application which has the ability to collect, store and share (and later delete in accordance with DWP retention of documents policy) information. With consent, the information is securely passed on to the relevant departments and agencies. Each receiving department will use this notification to process the change as they would have if the customer had contacted them directly. The information sought from the citizen and forwarded to the departments is proportionate and limited to their business needs and is processed in accordance with the Data Protection Act 1998 and the Human Rights Act 1998.

7.6 These amending regulations also state that the alternative means of notification may only be used in cases specified by the Secretary of State and only where specified conditions are met. These cases and conditions will be included in widely available guidance and will include the following conditions:

- the citizen must have first registered the birth or death with a recognised authority and have evidence of the registration;
- the citizen must have the authority to notify the death and related information and consent to it being shared with Her Majesty's Revenue, and Customs (HMRC) Identity and Passport Service (IPS) and LA offices for HB/CTB purposes;
- the citizen will have a choice as to whether they want DWP to inform the other departments of the LA (including library, electoral and blue badge services) and the Driver and Vehicle Licensing Agency (DVLA);
- it will only be possible to use the service once in relation to any particular birth or death.

7.7 By using this service, the citizen does not then separately have to notify the participating departments or agencies with which the information is to be shared. For example, in the case of a husband and wife where the husband is in receipt of HB/CTB and State Pension Credit (SPC) on behalf of both of them and the wife dies, the husband will be able to report her death to the Secretary of State for Work and Pensions through personal attendance at a participating LA office or by telephone call to the dedicated telephone number in PDCS. The DWP office administering his SPC and the LA office administering his HB/CTB (where it has agreed with the Secretary of State to receive notifications in this way) will then be notified of this change through the DWP IT application and he will also be able to notify the blue badge services.

Consolidation

7.8 Informal consolidation of the amended instruments will be included in

due course in the Department's "the law relating to Social Security" (the Blue Volumes) which are available at no cost to the public on the internet at: <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security>. It is also the Department's intention to consolidate the Social Security (Claims and Payments) Regulations within the next two years, dependent on resource availability.

8. Consultation outcome

8.1 The feasibility of, and design for, a single point of contact notification service was investigated and developed in collaboration and consultation with staff and potential and actual users of the service as well as the Citizens Advice Bureau, Cruse Bereavement Care, the General Register Office, and Local Government.

8.2 In December 2007 the TUO programme commissioned customer research to find out whether people would value a service which (1) advised them who to notify of changes and (2) whether they would welcome a service that notified Government Departments on their behalf. The findings from almost two thousand interviews with citizens were very positive and indicated a clear demand to have such a service delivered in person, by a telephone service and over the internet.

8.3 In the 4 pilots and 15 pathfinders evidence gathered shows that more than 17,500 people have used the service up to December 2009 with take-up rates in the established pathfinder sites reaching in excess of 90 per cent. Surveys showed overwhelming support (more than 97 per cent) for the service from both customers and staff.

8.4 A full and formal public consultation has not been undertaken. The Prime Minister has made a public commitment to Tell Us Once, and the service is in alignment with transformational government principles. Extensive consultation and evaluation of public opinion has already taken place through the early customer research, pilots and pathfinders and will continue throughout the implementation phase. Consultation with public forums and support groups (such as Cruse Bereavement Care) continues to take place on the design and development of the service and supporting products.

8.5 Under section 176 of the Social Security Act 1992 the Secretary of State must consult Local Authority Associations (LAAs) before amending the HB/CTB Regulations. The agreement with the Association was a six week consultation for these proposals which ran from 1 December 2009 to 16 January 2010. Consultation with the LAAs and also the Devolved Administrations demonstrated their unanimous agreement with the regulation amendment proposals.

8.6 This instrument was also scrutinised by the Social Security Advisory Committee under the provisions of section 173 of the Social Security Administration Act 1992. The Committee decided that it did not require the instrument to be formally referred to it for the preparation of a report to the

Secretary of State for Work and Pensions and, accordingly, it did not conduct a public consultation exercise upon the proposals.

9. Guidance

9.1 Guidance will be provided for citizens and staff to explain how the alternative methods of notification of births and deaths will operate and the conditions attached to their use. This guidance will be made available at offices of the DWP, Directgov and at participating LA offices. Implementation packs are being provided to all LAs to assist with the initial set up. Explanatory documents will be produced for use at the point of service which clearly set out the circumstances in which citizens can use it. Marketing of the service will be carried out by each LA alongside the publicising of other services they offer. The relevant HB/CTB and DWP benefit leaflets, forms, web-based advice and information, guidance manuals and materials will be amended where necessary, as will those produced locally by the LAs.

9.2 Training material and guidance, which has been designed and developed in conjunction with Cruse Bereavement Care, bereavement counselling trainers, will be available to train and support agents providing the service.

10. Impact

10.1 The legislation does not impact business, charities or voluntary bodies.

10.2 This legislation has a negligible impact on the public sector.

10.3 A full impact assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring and Review

DWP will monitor the impact of the new service during the national roll-out period beginning in July 2010 and which is expected to be completed by April 2011. This will be carried out through the evaluation of public and staff surveys. In addition, the Local Authority Associations, with whom DWP has regular communication, will be able to alert the Department to any issues. The outcome of this evaluation will be fully documented in a post implementation report produced towards the end of 2011.

13. Contact

Tara Solanki, will answer any queries regarding the instrument.

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