

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (INFORMATION-SHARING IN RELATION TO WELFARE SERVICES ETC.) (AMENDMENT) REGULATIONS 2015

2015 No. 46

1. This explanatory memorandum has been prepared by the Department for Work and Pensions (DWP) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 These regulations prescribe the purposes where information can be shared in accordance with powers in section 131 (information-sharing in relation to welfare services etc.), of the Welfare Reform Act 2012.
 - 2.2 The purpose of the regulations is to enable information sharing between DWP and local support providers, specifically local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities for the purposes of Universal Support (formerly Local Support Services Framework), to enable them to help Universal Credit (UC) claimants make and manage a UC claim.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 Information sharing regulations were made in 2012 (The Social Security (Information-sharing in relation to Welfare Services etc) Regulations 2012¹) <http://www.legislation.gov.uk/uksi/2012/1483/contents/made> under section 131 of the Welfare Reform Act 2012. They enable the Secretary of State to supply relevant information (i.e. information relating to social security benefits or welfare services) to prescribed qualifying persons for certain prescribed purposes relating to welfare services. For example to identify and provide appropriate types of advice, support and assistance to persons in receipt of a social security benefit who are or may be affected by the benefit cap.
 - 4.2 This instrument amends those regulations by prescribing providers of local support (Universal Support) as qualifying persons and prescribing new purposes for which the Secretary of State may supply them with relevant information. For example to enable Universal Support providers to assist UC claimants in connection with their claims and awards.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to Great Britain.

¹ S.I. 2012/1483.

6. European Convention on Human Rights

- 6.1. As this 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**

- 7.1 For some UC claimants there will be a need for varying degrees of support in order for them to be able to make and manage their UC claim.
- 7.2 We have worked closely with a range of key stakeholders including local authorities and representatives from the housing, and voluntary and community sector organisations. Feedback has identified that information sharing is key to supporting claimants effectively and in enabling a coherent claimant journey amongst relevant support providers, especially for the most vulnerable.
- 7.3 We have learned that claimants with more complex requirements, such as people with mental health needs, learning disabilities or addictions, or who are homeless, may need more support, involving many different agencies, from the start. Services may need to vary to take account of local geography, population and infrastructure. For all these claimants the proper alignment of services behind a single claimant journey will be essential to helping them to move closer to independence.
- 7.4 This support will be provided by a delivery partnership and support for claimants will be decided locally, enabling services to be flexible and sensitive to local needs but with the ultimate aim of delivering a joined up and coherent journey between services for the claimant, so that they are not receiving duplicated or conflicting advice and support from different organisations.
- 7.5 The sharing of information would enable DWP, local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities to collaborate more effectively for the planning of holistic and integrated localised claimant support so that claimants at risk can be easily identified and helped through the process.
- 7.6 The proposed changes will:
- Facilitate effective partnership working between support providers
 - Facilitate the capability of support providers to effectively identify claimant needs to make and manage a claim for UC
 - Improve the capability of the UC claimant to manage their money, reducing the risk of debts and arrears or need for an Alternative Payment Arrangement
 - Ensure the claimant has suitable access to make and manage their claim online
 - Provide support so that claimants are able to make and manage their claim online – longer term this may result in improved skills so they claim with reduced support or without additional support
 - Facilitate a holistic and coherent claimant journey
- 7.7 The amended regulations will allow local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities (the Universal Support providers) to share relevant information about the claimant's support needs with one another, and with DWP, in order to provide a consistent and joined up support package which does not require the claimant to repeatedly give the same information to these partnership organisations.

- 7.8 The regulations will enable the sharing of limited relevant information by the Secretary of State with social landlords for the prescribed welfare purpose of assessing which UC claimants may need advice, support and assistance in relation to managing their financial affairs. As UC payments are made on a monthly basis, some claimants may need support and advice to help them adjust from weekly or fortnightly payments to this new payment frequency. Information provided by the Secretary of State to social landlords could include the name and address of the tenant in question together with details of the date on which the next UC payment is due to be made and the amount of housing costs to be included in such payment. This information will be sufficient to enable social landlords to determine who requires assistance with their finances.
- 7.9 The regulations will also enable the Secretary of State (on request) to supply a wider range of relevant information, for example: level of budgeting skill, level of digital skill, and qualifications / training status, to social landlords and other Universal Support providers for the purposes of providing advice, support and assistance in relation to UC claims and awards (for example digital access, digital competence, household budgeting or other planning) to those individuals who have been identified as needing it, and for monitoring and evaluating such assistance. The regulations will enable Universal Support providers to use relevant information for other purposes relating to Universal Support, and to share the information amongst themselves and with DWP for such purposes.
- 7.10 Data provided by the Secretary of State would be limited to relevant information aimed at enabling joint working between DWP, local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities in order to help and support people who have made a claim for UC, as well as claimants with new and existing UC claims.
- 7.11 The proposed regulations are in accordance with the proportionality requirements of the Data Protection Act 1998 and the Human Rights Act 1998. Being able to share this claimant data helps to speed up decision making, makes the process of providing Universal Support much simpler for the individual, and will help to improve the service we offer to customers.

- **Consolidation**

- 7.12 Informal consolidated text of instruments is available to the public free of charge via ‘The Law Relating to Social Security’ (Blue Volumes) on the Department for Work and Pensions website at <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/> or the National Archive website legislation.gov.uk . An explanation as to which instruments are maintained on each site is available [here](#).

8. Consultation outcome

- 8.1. A public consultation on one aspect of the draft regulations was launched on 19th September and ended on 19th October 2014
<https://www.gov.uk/government/consultations/universal-credit-data-sharing-with-social-landlords>.
- 8.2 This consultation focused specifically on the sharing of data by DWP with social landlords. In all, 172 responses were received with ninety nine per cent of the responses strongly in favour of the proposals. The consultation respondents make it clear that both social

landlords and claimants view these proposals as a welcome step which would ultimately benefit vulnerable claimants. We have taken note of all comments received as part of the development of these regulations. Some landlord groups had expressed views on specific UC related data which could be shared. The revised proposals will allow relevant UC related information to be shared in accordance with requirement of the Data Protection Act 1998.

- 8.3 The need for DWP to share data with landlords featured prominently in DWP's internal Universal Credit Rent Data Sharing Taskforce Report findings in May 2014 and informed the decision to conduct a shorter consultation period. The internal Taskforce² was set up by DWP in July 2013, to examine the need for data sharing with landlords and the options for achieving it.
- 8.4 As part of our stakeholder engagement strategy we have worked closely with local authorities and representatives from the housing, and voluntary and community sector organisations. Feedback from these groups tells us that information sharing is key to supporting claimants effectively and in enabling a coherent claimant journey amongst relevant support providers, especially for the most vulnerable. Responses to the first consultation also showed that there was a demand for the data sharing proposals to be widened.
- 8.5 We therefore launched a further public consultation on the draft regulations for sharing data with a wider group to include not only social landlords but also local authorities, citizens advice bureaux, credit unions and relevant registered charities https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385407/universal-credit-data-sharing-local-support-providers-consultation.pdf.
- 8.6 This consultation was launched on 10th December 2014 and ended on 12th January 2015 and attracted 113 responses with ninety six per cent of the responses showing strong support for our ambitions. Responses to this consultation re-iterated the demand for a wider scope, and also confirmed the importance of ensuring clarity of instruction, process and consequences for staff, and claimants, going forward.
- 8.7 We have taken note of all comments received as part of the development of these regulations. We acknowledge that a shorter than usual consultation period over the Christmas break, was not ideal, but consider it adequate in view of earlier positive engagement with stakeholders; previous consultation responses, and the overwhelming support for these proposals.
- 8.8 UC claimants will be informed about the proposed information sharing in keeping with the Data Protection Act 1998 so that they have an opportunity to object. If someone prefers not to share information, it could make it more difficult for them to get the kind of support they need from other partners - but it would have no impact on their UC claim. Claimants will need to be advised about the possible adverse consequences of objecting to information sharing.

9. Guidance

² The internal Taskforce report on data sharing with landlords has not been published as it was intended as an internal document.

9.1 Guidance will be made available to UC (DWP) and local authority staff prior to the regulations coming into force.

10. Impact

10.1 There will be a negligible impact on local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities. The purpose of the legislation is to provide these parties with timely information to allow them to target the support they already provide to vulnerable UC claimants more effectively.

10.2 There is no impact on the public sector, the legislation is designed to help local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities target support to vulnerable claimants.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Monitoring of the changes will be part of the general monitoring of UC claims using test and learn principles to evaluate and respond to new evidence as it emerges.

13. Contact

Darrell Smith at the Department for Work and Pensions Tel: 020 7449 7345, email: DARRELL.SMITH@DWP.GSI.GOV.UK or Izzie Pragnell at the Department for Work and Pensions Tel: 0113 232 7716, email: IZZIE.PRAGNELL@DWP.GSI.GOV.UK can answer any queries regarding the instrument.