



Northern Ireland  
Assembly

Committee for Social Development

# OFFICIAL REPORT (Hansard)

Welfare Reform Bill: Consideration of DSD  
Responses

30 January 2013

# NORTHERN IRELAND ASSEMBLY

## Committee for Social Development

Welfare Reform Bill: Consideration of DSD Responses

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**Members present for all or part of the proceedings:**

Mr Alex Maskey (Chairperson)  
Mr Mickey Brady (Deputy Chairperson)  
Ms Paula Bradley  
Mr Michael Copeland  
Mr Mark Durkan  
Mr Fra McCann  
Mr David McClarty

**Witnesses:**

Ms Martina Campbell	Department for Social Development
Mr Michael Pollock	Department for Social Development

**The Chairperson:** The Minister will be here tomorrow morning. We wanted to get the Committee back into harness again and focus our minds on the work that we have to do. We have a Committee Stage extension, and we are committed to trying to deliver our report short of the time of that extension. It is in nobody's interests to delay this any longer than necessary. We are trying to schedule our work programme to facilitate expediting our work on the consideration as best as we possibly can. I will talk about that in a couple of minutes.

We have Michael Pollock and Martina Campbell here. It might be useful to have some commentary on the departmental responses this morning, if you do not mind. We have to hear the Minister's response tomorrow morning, but perhaps you could give us a flavour of the departmental responses. That will allow us to put a wee bit of forethought into tomorrow. I appreciate that you will be very limited in what you can say because, obviously, you have to follow on from what the Minister will say. I am not suggesting that you can go through all of the report — far from it. It is just to get a wee flavour. The Committee needs to serve notice on ourselves that we need to get back into our work again.

**Mr Michael Pollock (Department for Social Development):** It was as interesting for us as it was for members to see the work of the Ad Hoc Committee. We were there for the debate yesterday. As you say, the Minister is coming along tomorrow. That is on advice from us, in so far as, ordinarily, the process is that the Minister and the Committee reach an agreed position on where the Welfare Reform Bill stands. As you know, there was a schedule of key issues, which the Committee Clerk provided to us. We have gone through it in discussions with you and, reverting to the Department, with various stakeholders, be it operational or in respect of delivery in another part of the Social Security Agency. We wanted to see the issues around delivery that some of the recommendations that the Committee may raise would have for the Department or for the agency. The paper that has been provided in respect of the Minister is a combination of that. As I say, on advice from us, he wants to talk through

that with you to try to reach an agreed position. I do not know whether we need to go through anything on the specific issues today. I am sure that we will go through them at length with the Minister tomorrow.

**The Chairperson:** I appreciate that, Michael. I was not putting you on the spot by asking you to come forward; I know that what you can say is very limited. Members have the responses in front of them. I suggest that members reflect on those today, and we will hear from the Minister tomorrow morning and have our discussion with him. The Minister will be here for about 45 minutes, then he will have to leave.

**Ms Martina Campbell (Department for Social Development):** We will be available to the Committee after that.

**The Chairperson:** That frees you up to continue with the discussion.

**Mr Pollock:** The Minister is genuinely keen to take the Committee's views. There are lots of issues that he can relate to and on which he has already had discussions with the Department for Work and Pensions, and everybody else. Tomorrow is about trying to move that forward to the next stage, because time is moving on in respect of the Bill.

**The Chairperson:** Thank you for that. Does anyone want to ask Martina or Michael anything?

**Mr Brady:** I have one question. The paper states that 75% of households have a broadband connection and that many customers and people use the internet regularly for complex transactions. I find that hard to believe. Where did that research come from? There are vast swathes of rural areas that have no broadband connection.

**Ms M Campbell:** Yes. I am aware of that. We will get that checked for you and tell you tomorrow.

**Mr Brady:** For context, contact with local offices, or whatever, will be complex, especially in relation to new arrangements.

**Ms M Campbell:** It will be time consuming; that is for sure. If claimants who do not have access to online facilities communicate by phone, it will be a lengthy process. There will still be the facility for them to go into the office.

**Mr Brady:** I think most people will avail themselves of that. That is my experience. It comes across as if there will be only 25% to deal with, because 75% have broadband, and that it will be easy-peasy. I do not think that that will be the case.

**Mr Pollock:** It is a very fickle thing. I know that from moving house a few months ago and trying to get a broadband connection.

**Ms M Campbell:** That was the bottom of the Mournes.

**Mr Pollock:** I suppose that it was behind a hill, but that is beside the point. You get promised the earth, but delivery is another thing. I do not think the agency is going to be fully automated for a considerable time. The face-to-face relationship with the claimant is still something that it advocates and pushes forward.

**Mr Brady:** My constituency is a huge rural hinterland. You cannot even get a phone signal, never mind anything else. We are doing our best. You move in and out of signal. In Newry, there are Wi-Fi hotspots. Some drivers park outside particular coffee shops so that they can get a connection. There is a long way to go.

**Mr Pollock:** The figures that you are seeing would be unofficial statistics. As Martina said, we would not know exactly where they were sourced, as such. They would not be the official figures.

**Mr F McCann:** Mickey was actually wondering why all the cars were stopping outside his house. He started to charge people. *[Laughter.]*

**Mr Brady:** We tried that. It did not work.

**Mr F McCann:** Obviously, Mickey is right to raise the issue of 75% broadband connection. There is another issue. I do not know whether any research has been done into it. Although the paper may say, rightly or wrongly, that 75% of people are connected to broadband, a huge number of people have computers in their houses who do not have the capacity to use them. You will probably find that that will add to the serious problems that people will face.

**Mr Durkan:** The 25% who do not have broadband connection may be among the most vulnerable.

**The Chairperson:** Will you look into that?

**Ms M Campbell:** We will source that reference for you for tomorrow.

**Mr Pollock:** We will if I can get onto the internet.

**Ms M Campbell:** The agency is piloting a new text service. I will find out about it and get back to you on that as well.

**The Chairperson:** I suppose that we will just have to leave that at this stage, Michael. Because we have the Minister in tomorrow morning, obviously, we are just having a brief look at the departmental response and how to prepare for that meeting. We will deal with that tomorrow morning when the Minister is here.

**Ms M Campbell:** You can save all your difficult questions for him.

**The Chairperson:** Are members happy enough that we leave that item for now?

*Members indicated assent.*

**The Chairperson:** Again, people need to read the material in the next day to prepare for tomorrow morning's meeting because it will be an important one for the Committee. Martina and Michael, thanks for your help this morning.

**Ms M Campbell:** Thank you, Chair.

**The Chairperson:** That leaves us in a wee bit of a — not an awkward — position. We have slight problem in that the Clerk of Bills was supposed to be here. We wanted her to take members through the amendments and a range of other technical issues that we have to deal with. However, she will not be free until after 11.00 am, so we will, obviously, have to defer that until tomorrow morning. It is important that the Clerk of Bills takes people through where we are at with regard to the Bill and the suggested amendments that people put forward before the Ad Hoc Committee was established. It is very important that she then takes us through the procedure from now and what we have to do by completion of Committee Stage. A fair bit of work will be condensed into the next couple of weeks. That is very clear. We have to wrap this up fairly quickly. I would have preferred for the Clerk of Bills to appear. However, she cannot be free until at least 11.00 am. We will just have to suspend consideration for this morning.

**Ms P Bradley:** We have plenty of reading to do, Chair.

**The Chairperson:** I am sure that we all have work to do anyway.

**Mr Copeland:** Would it be possible at some stage for someone to give us — me, particularly — some understanding of the position if we pass the Bill in the absence of full knowledge of the forthcoming regulations and whether they conform with human rights, equality requirements, etc. I am not terribly sure whether accepting the Bill in its current form actually removes any future possibility of effects that were not apparent to us when we passed the Bill. I know that it is a very silly question. However, I am a relatively new Member, despite the fact that I was here eight years ago. Things did not actually operate in the way in which they do now. I am curious about the relationship between accepting or passing the Bill and then finding something in the regulations that we cannot do anything about, despite the fact that we have passed the Bill.

**The Chairperson:** It would be helpful and important for the Clerk of Bills to explain the legislative procedure, the importance of primary legislation — in this case, enabling legislation — and what you may or may not be in a position to do when we get supplementary legislation or statutory regulations. Simply put, you can vote for or against them when they arrive. That is why people on the Ad Hoc Committee argued that some of those things should be dealt with by way of affirmative resolution as opposed to the confirmatory procedure. There are checks and balances in the legislative process, which the Clerk of Bills will probably explain. Ultimately, members have to make a decision as to whether they believe something is worth supporting or not. We will take as much information as possible on the legal arguments from the Clerk of Bills, who will be here tomorrow morning. She will take members through the legislative process. That will be helpful.

**Mr Copeland:** I am just curious about what the actual implications are should we accept the Bill and subsequently find that there is something we are not happy about. It is about cause and effect.

**The Chairperson:** That is fair enough.

**Mr F McCann:** I think we have got to get through a lot that we are not happy about before we pass the Bill.

**Mr Brady:** There is obviously the whole issue around whether it is affirmative or confirmatory resolution. If it is affirmative, regulations will be debated before they are made. If it is confirmatory, they will be debated afterwards. That is why it was felt affirmative resolution is important.

**Mr Copeland:** But would that be done in light of us having accepted the policy intent inculcated in the Bill?

**The Chairperson:** Legally, you would be advised that if a Bill comes through the Speaker, the Departmental Solicitor's Office, and all the rest of it, it is fit for purpose, so you can vote on it. The issue in your mind is that you might have an idea what the policy intent is, but are not sure how that would work its way out. Those are decisions that you are going to have to make. However, the Clerk of Bills will tell you that if the Bill is cleared by the Speaker and goes through all the processes, it is fit for purpose. That is why the Ad Hoc Committee was set up; some people argued that the Bill may not be compliant with equality requirements, and so on. The report from the Ad Hoc Committee has no formal status here because it was not agreed by the Assembly. We had a brief discussion earlier on that. The report is there. It does not deal with things in the way in which some people might have wanted it to. Nevertheless, there was a debate around that. You will be faced with the situation, as will all Members, of having a Bill in front of you that is legally appropriate. We have to decide whether we support the Bill, or aspects of it. The Clerk of Bills will take you through the legal status of it; in other words, what legally allows a Bill to be on the table for debate and what the consequences are if that Bill is passed. Remember, the Bill could, theoretically, be amended between now and when it is actually finally enacted.

**Mr Brady:** You make the point about amendments. If amendments were made to the Bill, you would assume that they would be crafted in such a way that the regulations would have to conform to the intended changes. That is maybe a simplistic way of putting it, but it seems to me that there is no point putting forward amendments that are going to have no effect if the regulations do not then conform to your policy intent. That is why the amendments are so important. The Clerk of Bills will give us the detail of what is involved in that.

**Mr Copeland:** Do the amendments have to be accepted by the Department and, by implication, the Minister?

**Mr Brady:** By the Assembly, I would imagine.

**The Chairperson:** Ultimately, the Assembly. David will know that, as a former Deputy Speaker. Part of the process of legislation is that you actually ask for the Department's co-operation. This Committee has already told the Department — unanimously, in fact, which is very good — that it wants the Department and the Minister to take on board certain things that are different from what is in the Bill. The Department may or may not do that. It would be preferable that the Department and Minister do that, because that shows greater consensus and makes the process easier. However, if the Minister and the Department do not agree with something, it is still up to the Assembly to put

forward amendments. That happens for every piece of legislation that people seek to amend. It is open to any Member to seek to amend legislation, as a party member, a member of a Committee or an individual Member. Any Member can table any amendment to a Bill. David could give you better clarity on it, but you can seek to change a Bill with or without the Minister's or Department's agreement.

**Mr Copeland:** Can you put caveats on clauses in the Bill, preventing their enactment until you have seen the regulations coming from them?

**Mr McClarty:** No.

**Mr Brady:** A lot has been said about parity. A lot of the changes in the amendments would change the administration of the Bill in a sensible way, you would hope, rather than necessarily impacting on the amount of money. Take, for instance, sanctions. The people on sanctions are still going to get paid anyway. That is the kind of thing we are talking about. There are issues around particular parts of the Bill where finance may come into it, but a lot of the amendments, and certainly the recommendations that the Ad Hoc Committee made, would not necessarily impact on the amount of money that would have to be paid under parity. There is a notion abroad — probably put abroad by government — that if you amend something, it is going to cost you. That is not necessarily the case at all. It is another avenue that needs to be explored in more detail. In many cases, it could be cost neutral. That is important.

**The Chairperson:** No doubt, we will get into all that. We will ask the Clerk of Bills for as much information as possible. It is a bit unfortunate that we have to end the meeting now, because I would have liked to have got that work done, but there we are.