



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Welfare Reform Bill:
Committee Consideration

31 January 2013

NORTHERN IRELAND ASSEMBLY

Committee for Social Development

Welfare Reform Bill: Committee Consideration

31 January 2013

Members present for all or part of the proceedings:

Mr Mickey Brady (Deputy Chairperson)
Ms Paula Bradley
Ms Pam Brown
Mr Michael Copeland
Mr Mark Durkan
Mr Fra McCann

Witnesses:

Ms Martina Campbell	Department for Social Development
Ms Jane Corderoy	Department for Social Development
Mr Michael Pollock	Department for Social Development
Mr Conrad McConnell	Social Security Agency

The Deputy Chairperson: I welcome you back and apologise for any delays. I ask people in the Public Gallery and members of the Committee to switch off any electronic devices.

The Minister went through some of the issues this morning. I have some questions, Conrad, that maybe you could address, specifically around cautions, fraud and penalties. First of all, people had questions around clause 115 and cautions. The Committee had talked about the implications of removing that clause because of the issues around cautions. I mentioned a case that was on the radio the other day about some young fellow who applied for a job and had a caution about something to do with stealing a bicycle when he was 11 years old. That was on a criminal record. Obviously, that is something to be avoided. As it stands, I think, you can sign a waiver and have a financial penalty rather than go to prosecution.

Mr Conrad McConnell (Social Security Agency): Yes.

The Deputy Chairperson: That is going to change in the context of welfare reform.

Mr McConnell: At the minute, we have essentially three forms of penalty for fraud. There is the administrative penalty or internal fine. There is an option to pay that internal fine, which is 30% at the minute and will go up to 50% under the changes in the Bill. That is one way of dealing with cases of lower-level fraud. For cases that are slightly more serious but not up to £2,000, perhaps, we would give people the option of the caution, which is a formal caution that avoids you going to court. So, there is the option of paying for some cases, and there is the caution for some other cases. The third option is to recommend prosecution to the Public Prosecution Service, which might then go ahead with a prosecution in court. That is what happens at the minute. What the Bill was saying was that we

would take the cautions element out, and there would simply be two forms of penalty for fraud, not three. That was what we were saying originally in the Bill.

The Deputy Chairperson: If the formal caution was to be retained, does that then go on a criminal record?

Mr McConnell: It does. As it does at the minute, it would continue to.

The Deputy Chairperson: Presumably, then, people would maybe consider that it was worth testing a case in court, because it is a double whammy: if you get a formal caution and pay a fixed penalty, you are going to have a criminal record anyhow.

Mr McConnell: You would not have the administrative penalty plus the caution. You would have one or the other. Someone who chooses to take a caution is choosing that as an alternative.

The Deputy Chairperson: So, if you pay the penalty, you do not get a caution?

Mr McConnell: Yes, that is right.

The Deputy Chairperson: You avoid, then, that going onto a criminal record?

Mr McConnell: Yes, although —

The Deputy Chairperson: That is up to only a certain stage.

Mr McConnell: Yes, exactly. We would offer the administrative penalty for cases that we would deem to be slightly less serious. For cases that fall into the middle group, we would offer a caution as an alternative to going to court. It is up to the person to decide whether they want to take that option, in the knowledge that if they accept the caution, it will go onto their record.

The Deputy Chairperson: You do not have to pay an administrative penalty?

Mr McConnell: No, exactly.

The Deputy Chairperson: If you pay the administrative penalty, is there also a period when you lose benefit?

Mr McConnell: Not at the minute.

The Deputy Chairperson: But there may well be.

Mr McConnell: Yes, in future, administrative penalties and cautions will trigger the loss of benefit.

The Deputy Chairperson: So, we are back to a double whammy, really.

Mr McConnell: That is the whole debate around loss of benefit generally in relation to whether it is a deterrent or not.

The Deputy Chairperson: You are being penalised twice.

Mr McConnell: Well —

The Deputy Chairperson: You are going to have to pay an administrative penalty, which, if you are on benefit, you would normally pay out of your benefit, but you are not going to get your benefit. So, you know, I am not sure how that —

Mr McConnell: Yes, although I suppose that it is back to the principle of the loss of benefit regulations. It applies currently whereby if you are found to have committed fraud, you lose benefit for a period.

The Deputy Chairperson: I understand that.

Mr McConnell: It is about increasing that period further, but the principle is there —

The Deputy Chairperson: It is punitive.

Mr McConnell: It is about trying to deter people from —

The Deputy Chairperson: I can understand that, but it is still a double whammy.

Mr Copeland: Will there be a differentiation between deliberate fraud and accidental fraud, and what is the nature of the criminal conviction that will be applied if one or the other is found to be the case for future employment prospects or perhaps for even visiting foreign countries? The reason I ask is quite simple: a chap employed at Belfast City Airport was working quite happily until his Access NI check came back and it was discovered that he had robbed the Chinese restaurant that he had worked in with a water pistol when he was 17. The net proceeds were a Chinese cookery book, and he had no knowledge of Chinese, so it was hardly the crime of the century. However, it was sufficient to indicate that he was not a person who should be employed as a cleaner in an airport, and he lost his job. He also took his own life, which was the other aspect of it.

Mr McConnell: To answer the question: fraud has to be intentional. Whether you deal with the fraud through an administrative penalty, a caution or a prosecution, it has to be a fraud.

Mr Copeland: The discretion exists —

Mr Michael Pollock (Department for Social Development): There is no such thing as unintentional fraud. There are very strict —

Mr Copeland: The outcomes are the same; I understand the legal difference. So, basically, once you get to that stage, you have admitted or have been convicted of illegal activity.

Mr McConnell: It is important to really stress the point that we would not seek to offer someone a penalty for fraud unless we were satisfied that fraud had been committed. The other really important point to make is that if anyone has any doubt as to whether they have committed fraud, they are free to challenge that through the courts. Fraud has to be intentional. This is not about customer error.

Mr Copeland: How long does such a — *[Inaudible due to mobile phone interference.]* — if that is the right word, appear on someone's record for the purposes of Access NI.

Mr McConnell: I would need to find that out for you. It is part of the Rehabilitation of Offenders Order.

Mr Copeland: When is it spent?

Mr McConnell: I would need to find that out.

Mr F McCann: Is there a sliding scale in how long something stays on your record?

Mr McConnell: I am not sure; I will need to check that. That is all part of another Act, which, as far as I know, is the Rehabilitation of Offenders Act. That deals with spent convictions for cautions and other offences and how long they appear on your record. I can certainly find that out for you.

Mr F McCann: I would appreciate that.

If memory serves me right — it usually does not — I think that if someone receives an overpayment, even if they did not realise it, they will be brought to a disciplinary hearing. Tommy O'Reilly said this morning that there was a problem with the system at Christmas and people got overpayments. Under the new regulations, if they receive an overpayment — even if they did not know — would that be classed as fraud?

Mr McConnell: No; fraud has to be intentional. It has to be deliberate behaviour. It would not be possible for someone to find themselves at the wrong end of a fraud case not having known that they had done something wrong. It has to be intentional. If there is any doubt in their mind as to whether they did or did not know what they were doing, the court is the ultimate arbiter of guilt. Error does not come into fraud. It is a completely different thing, and it is dealt with in a very different way that does not involve penalties.

Mr F McCann: If someone gets an overpayment, will they face penalties?

Mr McConnell: Perhaps your question relates to the civil penalty. There is a clause in the Bill that deals with civil penalties. That is a new thing, and the proposal in the Bill is to apply a civil penalty, which would be set in regulation — at the minute, the intention is to set it at £50. That would apply to people who have been negligent in their claim; not necessarily fraudulent, but certainly negligent. That —

Mr F McCann: Will you give me an example of that, Conrad?

Mr McConnell: If someone had an overpayment for something they did not tell us about and said that they simply forgot to tell us, we would deem that to be negligent. In contrast, if someone did not report a change in circumstances that was relevant to their benefit but, perhaps, they had been bereaved or had suffered some trauma that seemed to us to be a reasonable reason why they had not come to us, that would not apply. That is the distinction. The decision would be made by the decision-makers as part of the benefit process.

The Deputy Chairperson: Fra, before you go on, I remind members about their mobile phones. There is some interference, and it is affecting the Hansard recording. Make sure your phones are switched off.

Mr F McCann: Mine is off.

I got it mixed up. That may be because we were discussing it in and around the same period the last time. I want to be clear about this in my mind: if someone is given an overpayment, they do not realise it and the office catches on, they will be liable to penalties.

Mr McConnell: Yes, but it all depends on the nature of the non-recognition, if you like, of what went wrong.

Mr F McCann: Let me give you an example. Tommy talked this morning about an error in the computer system. Many people get their money paid into a post office account: it is Christmas and people go out; they do not even know what they have got; they spend it. It is still an overpayment, but under any new legislation, they will be fined because they did not —

Mr Pollock: No; they may have to repay it, Fra, as I understand, but there would not be a penalty attached to that.

Mr F McCann: I understand that.

Mr McConnell: There is no penalty for official error. If the system gets it wrong or we get it wrong, we certainly would not apply a penalty for that; absolutely not. If someone did not tell us something that created the overpayment, and we deemed it to be not fraudulent or intentional but negligent or careless — a failure to take reasonable care — it would attract the civil penalty of £50, which is the new —

Mr F McCann: I suppose that the devil is in the detail.

Mr McConnell: It is down to a judgement of the circumstances and all of that.

The Deputy Chairperson: In the "proposed way forward" under the summary of issues raised about cautions, the Minister said:

"In the event agreement is made to retain cautions and remove clause 115, then it would in fact make sense to keep clause 109 and amend it to have the power to apply an admin penalty or caution for attempted fraud."

Will you clarify that?

Mr McConnell: Certainly; the suggestion previously was that cautions would remain. Clause 115 proposed to take cautions away, so that rather than having the three options of dealing with fraud, there would be two, and cautions would not be there anymore. The suggestion was that cautions should stay and that those three options should remain. The Minister has said that, in the event that clause 115 does not go forward and cautions remain as a means of dealing with benefit fraud, it would make sense to have cautions as a means of dealing with attempted benefit fraud as well. Clause 109 deals with the attempted side of things. That is really saying that if you are going to keep three options for actual fraud, keep the same three options for attempted fraud and do not have a system where you have three here and two up there.

The Deputy Chairperson: We have had the discussion before about what constitutes attempted fraud and how the Department quantifies, finds out or lets us know what attempted fraud is.

Mr McConnell: Someone who completes a form to apply for benefit tells us things, in doing so, about their circumstances — their means, income, family, relationships, perhaps illness — so that all the information comes together to allow our people to decide what benefit they are entitled to. It would be attempted fraud for someone to put false information in that form that, if we had not checked, would have led us to pay that person money to which they were not entitled because their circumstances were not as described. The difference between attempted and actual is that we catch it before the money is paid out, but the crime of attempting to claim has still been committed.

The Deputy Chairperson: You get your retaliation in first, so to speak.

Mr McConnell: It is about trying to deter people from giving us false information to try to get benefit that they are not entitled to. It is about trying to deter behaviour that, if not caught, would lead to fraud that could go on for months or years.

The Deputy Chairperson: If cautions were to be retained, would that caution go on the person's record?

Mr McConnell: Yes. The suggestion is that if cautions stay as part of the fraud process, we will want them to stay as part of the attempted fraud process as well. That being the case, whether it was for attempted or actual fraud, a caution would go on your record.

Ms P Bradley: In my opinion, attempted fraud is every bit as bad as actual fraud, because you are going out there with the clear intent to commit fraud. However, a person who attempts fraud will not have received anything from you. They will not have received any money.

Mr McConnell: Yes.

Ms P Bradley: So, looking at the way things are at the minute to do with the fine for low-level and a caution for up to £2,000 and all that, how do you work any of those penalties in for someone who has not received any money? How does that work out? I can understand how it applies when they have received money, but how is it applied where they have not? I know of people who are putting in things like, "No; he doesn't live with me. He lives in another house." I know that that happens. I have seen it. How do you deal with that, though?

Mr McConnell: The detail of that will be in regulations and depend on the severity of the attempt. As you said, we would say that the attempt is every bit as bad as the actual, because they tried to do the same thing but just did not happen to get there. Under the proposals, it could be dealt with through an administrative penalty — that is what clause 109 is about — which allows us to provide an alternative to court for someone who has tried to commit fraud. Under the Bill, such a penalty would be set at a minimum of £350, because there is no actual overpayment. Normally, it is 30%; now, in the Bill, it is set at 50%. There is nothing to apply a percentage to, but the minimum penalty would be £350.

Ms P Bradley: I understand it now. It would be a fine — a penalty. OK.

Mr Durkan: Thank you, Conrad. I want to ask about the differentiation between fraudulence and negligence. I understand fully the approach taken to attempted fraud. The examples that you gave were of someone entering information. Is it the case that if someone enters erroneous information, that constitutes fraudulence, but if they omit information, that is more likely to be seen as negligence, even though the information can be deliberately omitted?

Mr McConnell: I suppose that, in all cases, there is no clear black and white. The behaviours range from people who make genuine errors to those who intentionally set out to commit fraud. All this gives us a range of options to deal with that range of behaviours, from genuine mistakes, where nothing would happen, through to failing to take care and to actual intent to commit fraud.

The Deputy Chairperson: It goes back to the old argument about failure to disclose the misrepresentation. There was a lot of contention around that.

Thanks for that, Conrad. Are there any other issues that you want to raise about your speciality, or want of a better word? *[Laughter.]*

Mr McConnell: No. I am happy to take questions, if there are any. I am happy to come back to the Committee on the issue of spent convictions.

The Deputy Chairperson: OK, thank you very much.

We will move on. The Minister dealt with some of the issues this morning, but we did not have time to discuss them all and there may be other issues that you want to deal with. We dealt with the issues of payments and underoccupancy. Perhaps you could deal with some of the issues that the Minister did not cover.

Ms Martina Campbell (Department for Social Development): Yes. Do you want to start with the claimant commitment, which is dealt with in clause 4?

I think that we are all clear that if, in a joint claim, one member of the couple refuses to sign the claimant commitment, there will be no claim and it will fall. There is no facility for any money to be paid. A short cooling-off period will be allowed, and attempts will be made to get the claimant — the unwilling partner, if you like — to re-engage. For us to do anything different would, obviously, break parity, as a couple here who are in the same circumstances as a couple on the mainland would be treated differently. So, we are not minded to do anything on that.

The Deputy Chairperson: One of the issues raised was that if someone makes, if you like, an informed decision from their point of view not to sign the claimant commitment, that gives them a choice. However, the person who is the partner — the other half of the claim — does not have that choice. I know that you have mentioned the cooling-off period of four weeks.

Human rights was one of the issues that the Ad Hoc Committee looked at. Human rights relates to individuals rather than households. The European Convention on Human Rights says that no one should be made destitute. However, there is the potential for a situation in which someone will have no access to any money at all for four weeks, through no fault of their own. That is one of the issues.

Ms M Campbell: Yes. The Minister fully appreciates that. First, we do not expect there to be a very large volume of such cases. Secondly, the facility exists, as you know, under the current jobseeker's allowance, if both individuals do not sign the agreement, for the willing partner to make a claim in his or her own right. That is being done away with because universal credit is a household benefit and is concerned with taking into account all the income within the household. There could be a situation of an abusive relationship, and the willing partner will be disadvantaged or, to use your word, destitute in some circumstances. However, as long as they remain a couple, they cannot satisfy the household claim element.

The Deputy Chairperson: You said that universal credit deals with the household. The human rights aspect deals with individuals. So, there is an issue there. A scenario could occur where the couple goes in, one of them refuses to sign and they do not get any money. That is four weeks. What will happen if the woman — without being sexist about it — comes back the next day and says, "He is gone, and I want to make a fresh claim"?

Ms M Campbell: That is fine. If they separate, it is no longer a joint claim. If the woman comes in and says that she has called a halt to the relationship but her partner has not moved out because they are in negative equity or whatever, you are then into the process of verifying whether or not —

The Deputy Chairperson: That can take another four weeks.

Ms M Campbell: Hopefully not.

The Deputy Chairperson: I am not being facetious when I say that. There will still be a period where that person is without benefit through no fault of their own. That is at the core of this.

Ms M Campbell: I cannot be definitive about that circumstance; I will have to check. However, if the woman comes in and says that she is now claiming as a single person and taking steps to terminate the relationship, that person, the same as any claimant, will be entitled to make a claim for a discretionary payment — what we know as social fund — or a hardship payment within the universal credit world or a budgeting advance.

The Deputy Chairperson: Before I let Mark in, I have two points on that. When you talk about "taking steps", presumably you mean possibly seeing a solicitor.

Ms M Campbell: It is the same process. The existing guidance on determining whether or not a couple is a couple — that can be a heterosexual couple or a civil partnership couple — will carry forward. It is our good friend common sense again here.

The Deputy Chairperson: Common sense is not so common in my experience.

My other point, before I let Mark in, is about hardship payments. Under universal credit, hardship payments will be recoverable. If that woman has to apply for a hardship payment through no fault of her own and benefit is eventually paid, she will be below subsistence level, again through no fault of her own.

Ms M Campbell: My understanding is that, in human rights law, the threshold to determine destitution is very high, and it is not defined, as I understand it, in the Human Rights Act.

The Deputy Chairperson: With respect, the reason it is not defined is that it is subjective rather than objective.

Ms M Campbell: Absolutely. We would argue that hardship money will be repayable in the same way that social fund is currently repayable out of people's benefit, as will the discretionary payment scheme — I think that that is what it will be called.

Mr Pollock: The entitlement is protected as opposed to the amount.

Mr Durkan: The response states that there will be a cost attached to accepting the amendment. What would that cost be?

Ms M Campbell: As I said, people in Newcastle upon Tyne and in Newcastle, County Down face the same set of circumstances. They might have an abusive partner who is possibly working and does not need to sign the claimant commitment. The only form of control that he has over her is to withhold his consent to the commitment. Therefore, the claim is void. He is OK, because he is getting his wages. He is not dependent on the benefit. A couple may be in those circumstances in Northern Ireland, and the same circumstances exist in England, Scotland or Wales. If we change this provision and allow for a claim to be made by the woman in her own right without them ending the couple element of their relationship, we are treating claimants here more advantageously than our colleagues in England. That is where the cost comes in. There is a cost to the public purse, because that claim would not exist otherwise. Do you see what I mean? Have I not explained that well?

Mr Durkan: It could exist if she said that he is gone.

Ms M Campbell: Yes; but then that clause does not come into play, because she is claiming as a single person anyway.

Mr Durkan: But then that claim would exist.

Ms M Campbell: We are talking about circumstances here and policy intent. The policy intent is that, for couples, the universal credit is paid as a household claim, and that means taking into account all of the circumstances, including earnings or any other income of the couple. In your circumstance, when she comes in and says, "OK, the relationship has irretrievably broken down, and I want to claim as a single person," she is not claiming under that clause as a couple; she is claiming as a single person. However, let us keep on the track that she is still maintaining that she is in a relationship with him. If he is working, for example, and we accepted her claim as a single person, we could not take into account his earnings. He could be earning, for example, £26,000, and we would not be able to take that money into account, because she is saying that she is a single claim, but they are still together for all intents and purposes.

The Deputy Chairperson: Just to clarify that, why would they be making a claim if he was earning £26,000 in the first place?

Ms M Campbell: Because they can still claim universal credit, even up to —

The Deputy Chairperson: But it is more unlikely. We know that universal credit is going in one end and coming out the other, but I imagine that those cases would not be that frequent, would they?

Ms M Campbell: No, but neither, we believe, would these cases here, and it is about protecting the public purse.

Mr Durkan: That is the thing. If they are going to be so rare, it would not do that much damage.

Ms M Campbell: But there is still a cost. I cannot determine what the cost is, because we do not know how many claimants are going to be in that situation. However, there will be a cost, and we will be breaking parity with the rest of England, Scotland and Wales.

Ms P Bradley: It just gets more complicated. Martina just made my point. I was going to ask about someone who was suffering abuse, even if it was financial abuse. That is the perfect scenario for the abuser: they can cause the other person in the relationship extreme hardship. That, to me, would be a great worry. However, you have now explained the other side. As we have said before, we know that people are making claims and saying that they are not actually living there, and so on. I have seen it, and I am sure that other people have seen it. We could have people saying that they are in an abusive relationship, but, as you say, you cannot take that into account.

Ms M Campbell: It is a bit like Conrad's point about attempted fraud, fraud, negligence, or whatever.

Ms P Bradley: Exactly. Again, looking at it very cynically, there is an opening for attempted fraud. However, I still cannot get my head round how we could possibly leave vulnerable people, especially if there are children in the relationship, without an income.

The Deputy Chairperson: I did not realise that you were cynical, Paula, until now.

Ms P Bradley: It is from being in your company, Mickey.

It has just got even more complicated. We want to protect the vulnerable in our society, but we do not want to open it up again to abuse.

The Deputy Chairperson: That highlights the need for clarification on these issues.

If nobody else has a question on that issue, we will move on to third-party verification.

Ms M Campbell: I think that we are OK on that. That was a bit of a misunderstanding on behalf of some of the stakeholders. Where a claimant is asked to provide identity verification, the same system

as now will hold. Where a claimant does not have access to a bank account, there will be a simple payment card — I think that is what it is called.

The Deputy Chairperson: Simple payment service.

Ms M Campbell: I think that it is similar to the PayPoint system. I do not think there is any issue there.

The Deputy Chairperson: The next issue is 16- and 17-year-olds registered in training but not placed. I have a couple of things to say before other members come in. The paper talks about the Department for Employment and Learning (DEL) not being aware of any 16- or 17-year-olds on a waiting list, as such. It is my understanding that child benefit is a qualifying benefit: if a parent wants to claim child tax credit, for instance. We are really talking about children who are in limbo, even in the short term. The logistics of children coming out of care would initially be dealt with by social services, before they may go onto benefits. It does say that if someone is going for a particular course and it is not available, they may be put on another course. That is speculative, I suppose; it depends on how many places are available. Someone who is estranged from the family home at that age may be entitled to benefit, because they are one of the exceptions.

Ms M Campbell: Yes, they are special exceptions, as is a care leaver if they have responsibility for a child.

The Deputy Chairperson: And someone who is a lone parent, in those circumstances. We are really taking about a group that is in between; who are not on a course and whose parents are not getting benefit for them. As you know, there is a child benefit exclusion date, which comes in September. People are normally informed about that in April of the year. Unless they say what is happening to that child after the first week in September —

Ms M Campbell: They are cut off, yes.

The Deputy Chairperson: I am wondering what happens in those situations. That is a concern.

Ms M Campbell: In those situations, there will be no claim. We were not able to determine the number of 16- and 17-year-olds who accessed the hardship payments under jobseeker's allowance. However, the total number of hardship payments made was 413.

The Deputy Chairperson: The Minister mentioned the new discretionary support scheme, which may be available in particular circumstances for those leaving care. Those are the kids who are going into the mainstream, if you like. They have come out of care, and social services will have looked after them in a halfway house situation. Is that right? The discretionary support scheme will deal with those who are moving on from that.

Ms M Campbell: It is really NEET category: they are not in education, employment or training, they are not a lone parent and they are not a member of a couple. It should be a small number. Of course, that is where entire Executive responsibility comes in. The whole emphasis, as you know, is on getting kids between the ages of 16 and 18 to either remain in education or go into training. This is part of that.

Mr F McCann: It says that the education maintenance allowance training budget of £40 a week is unique to here. I thought that there was a system in England where young people between 16 and 18 who go into training are paid at a higher rate than that. I remember raising a question about six months ago. I think that £1 billion was set aside for people aged between 16 and 18 to go into employment; I think that people were paid £6 or £7 an hour. I remember raising a question about that here. The Minister for Employment and Learning said that he would bring in something that would pay at £40 a week. I just wonder —

Ms M Campbell: I cannot give you an answer on that, Fra. That is for DEL, but I will see whether it will give me some more information for you.

Mr F McCann: I think that, in England, they were paid minimum wage.

Mr Pollock: Yes. I remember your question, but there was a wee bit of overlap between the work programme that was associated with the social security side of it and some other DEL initiatives.

The Deputy Chairperson: If nobody else has any questions on that, we will move on to restrictions on entitlement, which is clause 6.

Ms M Campbell: This is about passported benefits. It is where the claim is for less than seven days. It would be administratively prohibitive to pay any money that is due, but the claimant would still have an underlying entitlement to any passported benefits, such as dental, eye tests or free school meals, for that week.

The Deputy Chairperson: So if somebody is entitled for six days, they do not get paid, but they may have an underlying entitlement for dental or optical charges, and that kind of thing?

Ms M Campbell: Yes. Their award letter will, for example, say that they are entitled to, say, £15 universal credit from Monday to Thursday. However, because it would cost too much administratively to pay that, they are not getting it. There is also the issue of the three waiting days. However, the letter will list the benefits to which they may be entitled, including free school meals and all the other passported benefits.

The Deputy Chairperson: The administration of doing that —

Ms M Campbell: But the award notice is standard.

The Deputy Chairperson: I understand that, but a cost is still involved in the administration of the passported benefits.

Ms M Campbell: That will be for the responsible Departments to worry about.

Mr F McCann: It must be inflation. I remember that it used to be to the nearest penny.

Ms M Campbell: Yes. If you are entitled to 1p, that letter will still be sent out. It will cost 38p or whatever a first-class stamp costs to send out a letter to tell you that you are entitled to 1p but that it will not be paid.

The Deputy Chairperson: It is much dearer than that, Martina. Obviously, you use internal post.

Ms M Campbell: No. I gave away a stamp yesterday, but I buy them in books, so I never know how much they are.

The Deputy Chairperson: That is the position on the restrictions on entitlement. Does anybody have any further questions? If not, we will move on.

Ms M Campbell: The next issue is the child disability rate. I did the calculation; I admit that it is very crude. We estimated it at around £11 million, with additional administration costs. That figure does not take in the clerical workarounds and all of that. The child tax credit shows that 7,600 children receive the disabled child element and 6,000 receive the severely disabled child element. Roughly, you are talking about 6,000 children who will receive more, because, under universal credit, the higher rate of the disabled child element is more than the child tax credit element. There will also be 7,600 children who will receive less under universal credit. If you take the tax credits rate, less the universal credit rate, and multiply it by the number of children, that is how I calculated the £11.3 million.

The Deputy Chairperson: The potential cost to reinstate the child tax credit is the lower rate. I think that you estimated it at £11.3 million. You say that the disabled child element of lower rate of universal credit would be less than the lower rate of child tax credit.

Ms M Campbell: Yes, that is the difference between the two.

The Deputy Chairperson: But there are 7,600 children who are losing out.

Ms M Campbell: Yes, but Lord Freud has committed to a review of the gateway elements. I presume that that is something to do with DLA. As we state in the paper, Lord Freud committed to a:

"review of the gateway which passports children to the disability additions under UC."

The rates are linked to the rate of DLA that they get. He is saying that the work is expected to begin in 2015.

The Deputy Chairperson: Has he committed to that?

Ms M Campbell: He committed to that during the passage of the Bill.

Mr Durkan: It is the crossover between the DLA and the tax credits aspects of it.

Ms M Campbell: I think it is.

Mr Durkan: How can you have 7,580 higher rate cases from the DLA aspect but only 6,000 receiving the severe disability premium, given that one of the first things that we are told in the paper is that the coalition Government are extending eligibility for severely disabled children?

Ms M Campbell: They have included visually impaired children.

Mr Durkan: Is the number of children who are eligible not likely to go up?

Ms M Campbell: Could you say that again?

Mr Durkan: If the Government are extending eligibility, is the number of children who are eligible not likely to increase?

Mr Pollock: Do you mean extending eligibility for universal credit?

The Deputy Chairperson: To clarify the figures, we were told at one stage that the disability premium on tax credits for a child was going from £58 to, I think, £27. The rationale for that was to spread it out. Ultimately, then, the rationale for having it in the first place is, in a sense, diminished because, presumably, the whole idea of having a disability premium was to enable those children to have a better quality of life. There is no doubt that that is being diminished, and the argument for the need to spread it around does not stand up as a rational one because the child's disability will remain the same. Again, we are probably into an equality/human rights issue there, and that is something to be discussed when we are going through the Bill, clause by clause.

Has anyone else any questions on that? It is a fairly complex argument. It is a personal observation that it is probably to justify the unjustifiable on the matter of disabled children. There is a duty of care on the state to protect the most vulnerable and, if disabled children are not seen as being among the most vulnerable, I imagine that we are failing in our duty. That is a personal observation, but one that can be reasonably argued. If no one has any further questions, I will get off my soapbox for the moment.

Ms M Campbell: I am sure that you will be back on it shortly. *[Laughter.]*

The Deputy Chairperson: I have a new one built, you will be pleased to hear.

The next issue is other particular needs or circumstances.

Ms M Campbell: Yes, this is about the adult severe disability premium. Under universal credit, there will be a limited capability for work element. The assessment will be made through the work capability assessment, which is used to assess eligibility for the employment and support allowance (ESA). Under the current system, there is a very small difference between the two ESA components: it is only £5. The coalition Government believe that people who need the support most should get more money. Under the review that Lord Freud has undertaken, he intends to, as resources become available, increase in stages the weekly rate of the support component, which is equivalent to £34.05

today, to around £81 a week. Again, that is where he is saying that this will focus and target resources to those who need it most.

The Deputy Chairperson: Of course, they are finding people capable of doing particular things in the assessment. Anybody who saw the 'Panorama' programme and the anecdotal evidence that it came up with for the fall in statistics will have severe reservations about the policy intention involved here. I have experience of this, as, I am sure, have others here who have had clients come to them. I mentioned one case in which the mother of a young fella with Down's syndrome was asked how long he had had it and when he would be cured. That is the kind of thing that is going on. Unless that is addressed —

Mr F McCann: It was the health professionals who did that?

The Deputy Chairperson: Yes, health in inverted commas. That is a big issue that needs to be addressed, and I am not sure that anyone would disagree.

Ms M Campbell: I think that that is a contractual issue. Those types of things should be addressed through the performance management of the contract. It is not necessarily the provision of the Bill.

The Deputy Chairperson: But it is an integral part of the whole welfare reform. That is the issue. You cannot divorce one from the other. These are the people who are implementing the policy intention, and they are getting very, very well paid for it.

Mr F McCann: Atos, the company that is doing it, said that it is implementing only what the Department for Work and Pensions has told it to do.

Ms M Campbell: I do not know, because I am not involved in that.

Mr F McCann: I understand that. It might be unfair to ask you to deal with that.

Ms M Campbell: The decision on whether to award benefit lies, ultimately, with the decision-maker. It is not the healthcare professional. They make the medical assessment and send it back to the decision-maker, who looks at all of the evidence, including any medical evidence that the claimant supplied, and makes the decision based on all of the information in front of them. You have the high level of successful appeals because claimants, in the main, produce more evidence when they decide to go to appeal than they do at the point of claim.

The Deputy Chairperson: Maybe that is where the primacy of medical evidence comes in; it would cut out all of that cost.

Mr F McCann: The problem is the amount of people who were initially awarded points to determine their level of disability, but who ended up with zero points. It would be interesting to find out how many of those people's level of points the decision-maker actually queried. You would probably find that it was zero.

Ms M Campbell: I do not know whether the agency would have that, but we can look at that.

Mr F McCann: Do you understand what I am saying?

Ms M Campbell: I appreciate what you are saying. I cannot argue. You are seeing this on a daily basis, and I am not. I can only tell you what is in the Bill, what is proposed and how the system should work. In practice, I cannot —

Mr F McCann: You are saying that, once it goes to the decision-maker, they will take into account a range of things. I emphasise, again, that quite a number of people, who were formerly on benefits, were awarded zero points. I have seen decision-makers appealing decisions that may have been made. However, the point that I am making is that I do not see any decision-makers saying that they disagree with someone getting zero points and that they want to look at it again. It does not happen like that. It is just accepted; that is the status quo.

The Deputy Chairperson: The Minister stated that he is not prepared to consider this amendment.

Ms M Campbell: I have done a crude calculation for you. The number of claimants currently in receipt of the severe disability premium is 17,000 multiplied by the current rate, £59.50, multiplied by 52 weeks. That gives you the £52 million. There will also be clerical work and costs added in around that. That is just a starting figure, and that is how I arrived at it.

The Deputy Chairperson: That leads us nicely on to —

Ms M Campbell: I will put on the record that I stand to be corrected, because, as you know from previous occasions, maths is not my strongest point.

The Deputy Chairperson: As one who still uses an abacus, I am sure that you are better than me. That links into what we were talking about: capability for work or work-related activity. It is this whole issue of the primacy of medical evidence. Again, it could be argued that it is common sense. At the moment, the health professional ticks a box on a form and it goes to the decision-maker, in a lot of cases without medical evidence, and then medical evidence comes along at the appeal. I suppose the argument is that, if the decision-maker had the medical evidence to start with, he might have come to different decision, which a lot of the tribunals are.

Ms M Campbell: I will say it again: medical evidence is a part of the package, but, as I have said, the appeals that are successful are generally so because the claimant has introduced additional evidence that was not available decision-maker at the point of claim.

However, the Department is introducing a number of measures aimed at reducing the number of those appeals, which I think is good, in that it will, hopefully, elicit that medical evidence, or any evidence that the claimant is holding, a consultant's report or whatever, sooner than having to go to the expense and stress of an appeal.

The Deputy Chairperson: The Minister suggested:

"the Committee considers writing to the Health Committee asking them to consider the issue of GPs/Consultants charging claimants to supply evidence in support of their claim."

In my experience of representing people at tribunals, if someone is referred by their GP to a specialist and a report comes back, that is included in the file. The file is computerised, as all records are now. There is a code that the GP can simply type into the computer which prints off that consultant's report, whether it be up to date or over a period, which may illustrate, for example, a manic depressive condition. So there is no charge necessarily involved. That had never been the case, certainly in my experience. Obviously, it depends on GP or the consultant.

Ms M Campbell: I think that that came from one of our sessions; I cannot remember which. Anecdotal evidence was cited where claimants were being charged £10 by their GP. If the Department requests medical evidence or a consultant's report, the Department will bear the cost, not the claimant. It is only if the claimant, off their own bat, gets a consultant's report that they will be charged, if his GP has not authorised it or whatever. That is where we are coming from. That is one of the issues and concerns that the Committee has, and we think that that is a Department of Health issue. It is not our issue, because we have no control over GPs.

The Deputy Chairperson: It is an interdepartmental issue, because I sit on the Social Development Committee and the Health Committee, and there are overarching issues like that. What we are talking about is medical evidence available at a particular time. If someone is to go and make an appointment with a specialist, it may take six months, even if they are paying for it. So there is a timescale involved. That might not necessarily be the best way forward at that particular time. We are talking about the primacy of medical evidence, and that is what is available. That is to cut out cost as well. It is advantageous to the Department in that sense.

Ms M Campbell: I think that is why this additional step will be introduced by the Department, whereby the claimant is given that opportunity to go and get whatever evidence they can, if they want to.

The Deputy Chairperson: I think that is something that the Committee will obviously want to discuss in more detail.

Mr F McCann: I know that you are trying to answer these questions to the best of your ability, and that is part of the general Bill process. However, there seems to be an implication that GPs cannot be trusted or believed when it comes to their own patients. The paper says that GPs are not the people best placed to give an assessment. It says that GPs:

"are not experts in disability assessment and, as advocates for their patients, are not best-placed to make an independent decision".

That is a broad swipe at GPs. I have dealt with quite a number of cases where GPs have been sent out to assess people who have disabilities and illnesses, and people have been turned down on the basis of GP reports. I cannot understand that, because people place a lot of trust in their GPs, more or less, and, when they get the medical evidence, they believe that that is sufficient to deal with it. That calls that all into question.

Ms M Campbell: I think it is attempting to say that the GPs who are sent out by the Department to assess people have undergone training in what is required or in whatever benefit the person is being assessed for. GPs, in the main, do not have that training. Medical evidence is one element, but there are other factors to take into account.

Mr F McCann: Let me give you an example. I dealt with a case about three months ago of a guy who has very severe spinal problems. The medical professional who did the assessment asked him to crouch down, and he was in agony and severe pain doing it, but the person would not accept that. It got to a stage where he fell over and lay on the ground. The man is in his 50s, and he started crying. The person would not even give him a hand up or help him out the door, and the guy was distressed.

Ms M Campbell: That is a professional issue to be taken up under the terms of the contract.

Mr F McCann: Tens of thousands of people have gone through the same thing.

Mr Pollock: That is not the way the system should work.

Mr F McCann: My point is that the system is completely flawed. There is clear evidence of it, and British Medical Association people have criticised it. People have taken their own lives in England over this. That guy's doctor would have provided evidence to say that he was under severe stress, but that is not acceptable. It is more or less saying that the GP will take the patient's side. A person who assessed someone else who I have been dealing with was not trained up in anything but just got into the system and was getting the extra few quid on top of their money.

Ms M Campbell: It is the Committee's decision whether or not it wishes to amend that, but the cost is —

The Deputy Chairperson: In my experience over the years, I could never understand why GPs did not take a more active role, because they acquiesce to someone who does not know you from a bar of soap, sees you for 10 minutes and decides whether you are fit or not. That is another issue.

I am conscious of time, and I think that everybody is starting to lose the will to live. We will concentrate on the Minister's proposed way forward, and we have dealt with the issue of mortgage interest in housing. There were pilot schemes, and the Minister said that he will write to Lord Freud, that oracle of knowledge about welfare reform, who presumably has the answer to all our problems.

Mr F McCann: All our ills.

The Deputy Chairperson: As long as Atos is not involved. The briefing states that the:

"Minister notes the Committee's concerns and will write to Lord Freud, at final stage ... about including"

— the North —

"in future pilots so that ... demographics can influence the application of learning."

The Committee felt — it came up in the last mandate, too — that pilot schemes carried out in the leafy suburbs of Oxfordshire, for instance, really have no relevance to north, west or east Belfast, Newry, Strabane, Derry or wherever. That was the issue because you may include them in the demographics, but, as we discussed earlier, if you take the underoccupancy in the North, circumstances here can be so different. The Housing Executive is carrying out a pilot scheme in Craigavon to encourage people to take in lodgers, for example. Therefore pilot schemes can be introduced selectively and when required if the Department, but not necessarily others — such as our good selves — feel that they may be needed. Perhaps you would cogitate on that, Martina, and come back to me. Is that OK?

Ms M Campbell: OK.

The Deputy Chairperson: Moving on, housing and underoccupancy have been —

Ms M Campbell: Done to death.

The Deputy Chairperson: Pensions have been dealt with as well, I think.

The Minister said that the contracting-out clause was "primarily" an issue for DEL, and:

"there are no plans to use this clause to privatise services currently delivered by the public sector".

In 2007-08, we were told by a former Minister that privatisation would not come into being. We wanted to delete clause 16 in the original Bill because it dealt with privatisation, but we were told that that would not happen. I asked why it should be kept if it was not going to happen. However, it was kept and, about three or four weeks later, medical support services were privatised. Forgive me, therefore, if I am sceptical.

Ms M Campbell: Yes, but this clause is only for DEL to contract out training schemes, and it contracts them to the voluntary and community sector as well.

The Deputy Chairperson: The tip of the iceberg springs to mind.

Ms M Campbell: I can never win with you, Mickey, can I? *[Laughter.]*

The Deputy Chairperson: I have probably been around too long. I was born cynical, and I presume that I will die cynical.

Ms M Campbell: Perhaps you will have a conversion on the road to Damascus.

The Deputy Chairperson: I have been on a few roads to Damascus, I can tell you. *[Laughter.]* I have never been to Damascus, and I have no intention of going at this point in time —

Mr F McCann: Damascus is lovely.

The Deputy Chairperson: Damascus is in trouble at the moment.

The 365-day time limit for employment and support allowance is provided for in clause 52. The Minister says that he shares our concerns but points out that the cost of not implementing this measure is "approximately £3 million per month". He asks:

"to discuss with the Committee the additional cost of extending the period of contribution-based ESA to more than 12 months before approaching the Executive".

I presume that that will happen.

Mr Pollock: It is up to the Committee to decide whether it wants to move an amendment.

The Deputy Chairperson: We would need to talk to the Minister to find out what the possible cost implication of our doing that would be.

Mr Pollock: In his "Proposed way forward" he talks about "£3 million per month" for 12 months, which is a considerable sum.

The Deputy Chairperson: People may think that they have paid 30 years' contributions and are getting only a year back. It cuts both ways, I suppose. However, I take your point.

If no one has any questions, I will move to the provisions for youth claimants, under which we are talking about the replacement for the severe disablement allowance and the waiving of contributions, which is going to change. The Minister says:

"There is an equality issue here in that no other contributory benefit waives its conditions of receipt for any other age or client group."

That, however, flies in the face of what the severe disablement allowance was introduced for: young people who would never work in normal circumstances because of their mental or physical disability.

Ms M Campbell: However, they can still qualify for the income-related element. There are only two claimants in the entire live load that would not qualify for the income-related element because they have separate means, in the form of savings or a working partner.

The Deputy Chairperson: I understand that. However, there are young people coming through and this will put that group into the larger group that will be assessed. That is my understanding. They will be assessed in the normal — if that is the right word — way that other claimants are.

Mr Pollock: When you talk about equality, up until now they were treated more advantageously. This is just levelling the playing field.

The Deputy Chairperson: The issue that members may have is that assessing those people under the ESA capability assessments could put them at a disadvantage if we are to go by evidence of what is happening with those assessments. Normally, if you were on severe disablement allowance, you were not assessed and did not have to go to be assessed.

Ms M Campbell: Yes, but severe disablement allowance is gone.

The Deputy Chairperson: Yes, but it was replaced by incapacity allowance; however, you did not have to satisfy the contribution conditions.

Ms M Campbell: Yes.

The Deputy Chairperson: Now, we are on to ESA for those young people.

Ms M Campbell: And they still do not have to satisfy the income to declare.

The Deputy Chairperson: Will they not be assimilated into the group that will be assessed as being capable or otherwise?

Mr Pollock: No.

The Deputy Chairperson: If you are talking about an equality issue and they have been outside the normal process, will they still be outside the normal process in not having to go through work capability assessments, for instance?

Mr Pollock: I am not exactly sure where you are coming from on that, Mickey.

The Deputy Chairperson: If someone is claiming ESA, the people who are being migrated across and coming on will eventually be assessed on whether they go into a work support group or otherwise.

Mr Pollock: We are talking future-proofing there. They will be in universal credit. Are you talking about universal credit?

The Deputy Chairperson: Yes, and will they not be assessed at some stage on their capability or otherwise?

Mr Pollock: It depends on which grouping they fall into.

The Deputy Chairperson: That is what I want to find out.

Mr Pollock: If they were not capable of work, they would not be subject to —

The Deputy Chairperson: The point is that they would have to be assessed. They will be assessed for that purpose in the way that other people in ESA are being assessed at the moment. The difficulty therein is how those people are assessed.

Ms M Campbell: They must undergo the assessment at the minute. We will have to check that.

The Deputy Chairperson: Will you check that?

Ms M Campbell: I would say that even for contributory ESA, they have to undergo a work capability assessment.

The Deputy Chairperson: Yes, but to date, they have not had to go through that because the contribution conditions have been waived because it replaced severe disablement allowance, which was there for a specific purpose. That is the point that I am trying to get across. It was recognised that those young people had lifelong chronic conditions: they will never be able to work.

Mr Pollock: In that case, they would not be in a work-related activity group.

The Deputy Chairperson: Will they be assessed? There are many people who should not be in work-related groups but who are because the assessment is flawed.

Mr Pollock: You are talking about people coming forward. There will be transitional protection for anybody coming across.

The Deputy Chairperson: I understand that, but will young people in that situation eventually be assessed? If that is the case, that is a major change for those young people.

Ms M Campbell: We will have to check that.

The Deputy Chairperson: The Minister does not believe that there is a strong enough case for making exceptions, which puts young people on the same foot. The idea of severe disablement allowance was that they would not be put on the same foot, so it gets away from that concept.

I now turn to the personal independence payment (PIP). The Minister talked about welcoming the change to 13 weeks and he will continue to raise with the Department for Work and Pensions Ministers the issue of the number of claims here and the higher incidence of mental health here among claimants. I suppose that raising those issues and getting a response may be two different things.

Ms Jane Corderoy (Department for Social Development): Originally, it was four weeks, and the Committee was keen that it should be extended.

The Deputy Chairperson: That is a positive.

Ms Corderoy: I think so, yes. There are still the 26 weeks in PIP for medical reasons and medical absence, but 13 weeks is now the standard period for temporary absence.

The Deputy Chairperson: I came across a case where somebody who lived in the South, and who was getting a pension from the South, moved here and satisfied the health and residence conditions. However, they were told that because they have no insurance number, they cannot get attendance allowance. The reason that they will not get an insurance number is that they are not of working age.

That is a complete anomaly in the system; I never came across it before. They satisfy all the other conditions, but you need an insurance number to get the benefit, and they will not be given one — I am checking it out at the moment — because they are of pension age and they are getting a pension from the South. Tenant's allowance and DLA are not means-tested, so you could be a lottery winner and still get then based on your medical condition. The anomaly is that they do not have *[Interruption.]*

Ms Corderoy: I do not know.

The Deputy Chairperson: That is the sort of thing that you might be faced with.

The next issue is prisoners on remand. The paper states that the :

"Minister notes the Committee's concerns but believes that the policy intention to treat those people on remand or who have their conviction quashed in the same way as people are treated who go into hospital and that is a fair and equitable approach."

People in that situation may think that it is slightly different from hospital. Having visited Hydebank Wood with the Health Committee, I would rather be in hospital.

Ms Corderoy: As you know, PIPs will be retained for 28 days, even if people are on remand. It is, again, about avoiding the duplication of provision.

The Deputy Chairperson: Yes; that is what the Minister is saying. It is something for discussion.

Moving swiftly on to the timing of the report to the Assembly, which is clause 88.

Ms Corderoy: There is a long explanation for that. From initial reactions, we thought that that could have been done legislatively. However, we looked into the detail, particularly the Committee's concerns about people transferring from DLA to PIP not being caught in the analysis of the report. That very detailed explanation says that we are better off sticking with what we have at the moment because that is how we can —

The Deputy Chairperson: We were told the same about the pension: the report would take two years or longer, or the stuff would not be available. However, the amendment was accepted for one year. It is more or less the same argument that is being put forward: that there is not enough evidence. Going from two years to one is something that the Committee will discuss. The idea is to get a report that will give some indication of how people are being affected in a shorter rather than a longer time. Due to the nature of the changeover from DLA to PIPs, particularly, and how people may be affected, that information should be available sooner rather than later.

Ms Corderoy: A very minimal number of people here will move from DLA to PIPs. It will be difficult to assess the impact on those people, and whether they —

The Deputy Chairperson: You are talking more about the logistics. At one stage, there was talk of doing 1,000 cases a week. I am not sure who came up with that. The number of people is 187,000. Children are not affected, but you are still talking about a huge number of people. Doing 1,000 a week would still take about four years. Martina's maths are better than mine, so she might help me out. You are saying that it is the logistics of the transfer.

Ms Corderoy: Yes.

The Deputy Chairperson: Perhaps that needs to be looked at, because it was not apparent in the response.

Ms Corderoy: OK. When Mickey Kelly was here, he said that there will be ongoing analysis of the agency as it gets implemented and that there will be opportunity to amend as things go along.

Ms M Campbell: Yes. I think that it can give that type of factual information, such as the number of people who have been assessed and the number who have been turned down. That is no issue. The Committee could have that any time it wanted. Changing the legislation to have the report after one year will not be to any advantage because, first, DWP will say that your sample size is too small and

that therefore your evidence is null and void or not acceptable — or whatever the statistical term may be. Secondly, DWP will not have reached the point of doing its report, so it would not entertain any recommendations from us until such times as it has done its sampling.

The Deputy Chairperson: With respect, we are talking about how this affects people here.

Ms M Campbell: Absolutely.

The Deputy Chairperson: The point of going through all this is that it is a devolved issue. What DWP wants to do with its statistics is, quite frankly, entirely up to it; what we are talking about is what pertains here and any report that the Assembly might have.

One of the arguments about the changeover and DLA is that more people here qualify for the right reasons because of their disability. That is the issue. Therefore, as I say, what DWP wants to do with its statistics is entirely up to it. I am personally not that interested. However, I am certainly interested in what happens to the people here whom we represent, because it is our constituents who will be affected by this. That is the issue. I am not sure whether people agree or disagree with that point, but it is important to make it.

Mr Pollock: On Martina's point about the statistics, there will be certain categories in the assessment criteria. Producing a report after, say, one year means that you will not necessarily have enough claims through the system to make a statistically valid judgement to adjust the criteria.

Ms Corderoy: If we do a report after one year here, we will not catch anyone who has transferred from DLA to PIP; we will have only new PIP claimants. Therefore we will not have anything on how people here who are on DLA are affected by the transfer to PIP, because nobody will have gone through the process by that point.

The Deputy Chairperson: Again, the logistics are that the changeover for people who have indefinite awards has been put back for 21 months.

Ms Corderoy: Yes; the managed assessment.

The Deputy Chairperson: Therefore presumably more people will have changed over from DLA to PIP during that time. Is that true?

Ms Corderoy: Nobody will have done so.

The Deputy Chairperson: Therefore it will not start then? I want to clarify this.

Ms Corderoy: No; it will be only those who make new claims.

The Deputy Chairperson: Therefore any report would have to start from the date on which people transferred over; it would be pointless otherwise. Therefore it would not start until 2015, which is when the changeover starts.

Ms M Campbell: The changeover is not until October 2015.

The Deputy Chairperson: Therefore you could not do a report until at least 2016 if you are going for a year.

Ms M Campbell: Well, yes.

The Deputy Chairperson: There would be no point. You would not have any stats, would you?

Ms M Campbell: DWP is planning a report by 2014.

The Deputy Chairperson: Because it started early.

Ms M Campbell: Because it started before us.

The Deputy Chairperson: For claimants this year.

Ms M Campbell: Yes. However, we will only be starting the managed reassessment in October 2015.

The Deputy Chairperson: Therefore the DWP report will be out earlier, and it will presumably be used for information purposes.

Ms M Campbell: Yes.

The Deputy Chairperson: Again, the Committee will consider that.

Ms P Bradley: It would be good to have that for that purpose, in preparation for what is coming.

Ms M Campbell: As far as I know, the agency would be able to give factual details of the number of new claims and assess the numbers applying, but it could not give you trends because there would not be sufficient numbers.

The Deputy Chairperson: One of the things that it might highlight is the effectiveness or otherwise of the assessment. Although that will be done by a different company here, will it not?

Ms M Campbell: Yes.

The Deputy Chairperson: Capita. However, it would perhaps give a flavour of how people are affected.

Ms M Campbell: You could probably draw inferences.

The Deputy Chairperson: I am sure that you could if you really wanted.

We will move on, before I draw any more inferences.

The next issue is the recovery of benefit overpayments.

Ms Corderoy: I think that Fra touched on that.

The Deputy Chairperson: I think that Fra dealt with it fairly comprehensively.

I think that we have dealt with sanctions as well.

Ms M Campbell: Assembly control is the next one. The Ad Hoc Committee also made that recommendation. Again, the legislation allows for the first set of regulations to be by confirmatory resolution, which will be the debate six months after, as opposed to prior, which is the affirmative process. From your perspective, I suppose that one of the advantages of the confirmatory process is that you would have six months of constituents telling you what is happening. You could have a more informed debate.

The Deputy Chairperson: Let us talk about the disadvantages, in that the regulations would be a fait accompli by the time we started to debate them. You might wonder how effective that might be. It seems to me that if you are introducing legislation as important and far-reaching as welfare reform, to debate it before it is laid might be advantageous to the people we represent.

Mr Pollock: Historically, Northern Ireland would have adopted the confirmatory —

The Deputy Chairperson: I understand that

Mr Pollock: — because of the timing of the IT releases.

The Deputy Chairperson: This is the biggest change since 1948, and it is a devolved matter. Being a devolved matter, I think that it is only right and proper — some members may disagree — that we

should debate it before it is implemented. That might not be a bad thing. We get the chance to do that with other legislation.

One of the issues in the Ad Hoc Committee — Paula can confirm this or otherwise — was about policy and what is perceived as a policy change. However, the issue there was who decides whether it is a policy change. That is why we felt that the use of affirmative rather than confirmatory resolution was appropriate.

Ms M Campbell: We are pursuing that with the Office of the Legislative Counsel. We will come back to you on that.

The Deputy Chairperson: What is the time frame?

Ms M Campbell: Hopefully, I will get an answer for you next week.

The Deputy Chairperson: I think that estimated costs were the next thing, but that is an issue to be discussed. We have already dealt with sanctions and fraud. On that note, thank you very much.