



JUSTICE and the Administrative Justice Council launch report on reforming the benefits system



The joint Administrative Justice Council and JUSTICE Working Party publishes its report ***Reforming Benefits Decision-Making***, on 8 July 2021. It makes recommendations aimed at creating a benefits system that prioritises dignity and respect and places the user at its heart.

The benefits decision-making system forms a huge part of the administrative justice landscape in the United Kingdom. However, the system is performing poorly, and can have devastating impacts on peoples' lives. Individuals often lack knowledge as to their possible entitlements; the application process can be inaccessible and confusing; and many are incorrectly denied benefits to which they are entitled or have their benefits terminated or suspended when they are wrongly sanctioned. Challenging incorrectly made decisions is often stressful and lengthy and many individuals give up when faced with a long fight for their entitlement.

Having sat since April 2020, this report makes 44 recommendations aimed at improving the administrative and procedural aspects of the benefits system. It considers initial decision-making, through to appeals, to ensure that the system works well for everyone, regardless of their digital capability, their health, their disabilities, or their vulnerabilities. With increased unemployment and the full economic impact of the pandemic still yet to be realised, the need to ensure a fair benefits system that is accessible and makes timely and accurate decisions is greater than ever.

Key recommendations include:

- **Changes to improve the quality of the health and disability assessment** process including: opt-in audio recording of assessments; greater clarity over who will obtain medical evidence; claimants being assessed by assessors with specialist knowledge of their condition and an end to the outsourcing of assessments to private companies.
- **Better data collection and evaluation**, including on protected characteristics of claimants, the setting of claimant commitments, the use of easements and sanctions.
- **Clear structures and rules to prevent the inconsistent and unfair application of discretion**, including a statutory list of 'good reasons' for failure to comply with the claimant commitment.
- **Greater transparency on the use of automation** and how it feeds into decisions and the technological constraints of computers systems.
- **The establishment of clear, public performance standards and an independent reviewer or regulator for welfare benefits.**

- **The removal of the mandatory reconsideration stage** so that claimants are able to appeal directly to the Social Security Tribunal, but with an automatic internal review required by the DWP once an appeal has been lodged.
- **Streamlining the appeals process** to reduce the need for appellants to repeatedly provide the same information and **greater use of tribunal caseworkers to reduce adjournments.**
- **The adoption of a ‘no wrong door’ approach to applying for Universal Credit and managing a claim,** including meaningful alternative channels of engagement.
- **An advice portal which provides information on organisations providing welfare benefits advice** and which should be clearly signposted to on all webpages providing information on benefits, all paper-based forms, decision letters and mandatory reconsideration notices.

Chair of the working party, Lord Low of Dalston CBE said:

These changes would build a system that prioritises dignity and respect and that places the user at its heart: a procedurally fair, efficient, accessible and robust system that works well for everyone and provides claimants with the support they require.

JUSTICE’s director, Andrea Coomber said,

The Coronavirus pandemic has shown, more than ever, how important the benefits system is to people’s survival when they are unable to work. For many people navigating the system of asking for financial help is incredibly hard. Government should be aiming to make this as straightforward and supportive as possible.

Standard Life Foundation’s Programme Manager, Rebecca Graham said,

The welfare benefits system is an important lifeline but one that is difficult to navigate and to access for many. For some, the very basis for their claim can mean that the complex stages involved in applications, appeals and adjustments are a serious barrier. These recommendations provide a roadmap for policy makers, enabling them to develop the system so it is fairer for all.

Notes to Editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. The working party was generously supported by BlackRock, the Standard Life Foundation, and Weil, Gotshal and Manges LLP.
3. This Working Party was set up and supported by JUSTICE and the AJC, and included individuals drawn from their membership. The Working Party was chaired by Lord Low of Dalston CBE and comprised the following members Heidi Bancroft, Administrative Justice Council, Judge Mehran Behvandi, First-tier Tribunal (Social Entitlement Chamber), Rebecca Henry, BlackRock, Judge David Chrimes, First-tier Tribunal (Social Entitlement Chamber), Professor Naomi Creutzfeldt, University of Westminster, Richard Drabble QC,

Landmark Chambers, David Hawkes, AdviceUK, Anne Killen, Z2K (Zacchaeus 2000 Trust), Owen McCloskey, Law Centre NI, Rosalind Meehan, Weil, Gotshal & Manges (London) LLP, Stephanie Needleman (Rapporteur, from August 2020), Senior Lawyer, JUSTICE, President Judge Anne Scott, First-tier Tribunal for Scotland, Social Security Chamber, Diane Sechi, Social welfare lawyer South West London Law Centre and Senior pro bono lawyer Simmons & Simmons LLP, Kavisa Thacker, Weil, Gotshal & Manges (London) LLP, Professor Robert Thomas, University of Manchester, Alex Walters (Rapporteur, April 2020 to August 2020), Lawyer, JUSTICE.

4. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk
5. The Administrative Justice Council is an oversight body for the administrative justice system in the UK. Chaired by Sir Keith Lindblom, Senior President of Tribunals, membership is made up from the judiciary, ombudsman schemes, academics, organisations representing 'users' and civil servants. It was set up in March 2018 and the secretariat is provided by JUSTICE.
6. Please direct queries to Jodie Blackstock, Legal Director at jblackstock@justice.org.uk