

Public discovery phase for Annex 5:

What is *not* automated, and why?

**If you have contributions on this topic, please e-mail
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One of the decisions Government makes most often, which usually gets the least attention, is What is *left out*? What is *not* done? What is *not* automated?

When a service claims to be ‘highly automated’, or ‘digital first’, who asks what is left (behind) on paper?

The [creation of the NCC1 form involved no meetings to review wording](#); there is still no digital option; there was no service design.

And there are countless similar examples of this across Government, that the potential introduction of a “GOV.UK Login” service¹ provides a strategic opportunity to improve, in a more general sense.² If the Cabinet Office is looking to identify savings in Departments, taking a look at the highest volume processes that still require paper forms to be submitted, might be a good start.

Ofqual’s 2020 A-levels algorithm did not automate grades for “small” class sizes; normally those in private schools. And the Home Office does not have a digital process for the many forms it requires from overseas residents to update their records – the burden being entirely put on the resident, who may be deported if the Home Office makes a typo (noting that the Home Office has to retype whatever it receives on paper).

As across many parts of Government, when an inaccuracy is created due to process, Government inaccuracies are defined as error – while citizen inaccuracies are defined as fraud [see Annex 3].

Paragraphs 2.24 - 2.27 of our core report noted the scope for Government to make certain things easier for itself, while choosing not to do so for citizens.

¹ <https://medconfidential.org/wp-content/uploads/2020/09/2020-05-20-Fixing-login-to-Government.pdf>

² There have been previous pilots in this direction which did not make it to the stage of becoming reusable components: https://www.whatdotheyknow.com/request/reports_following_discovery_and

What's on paper?

Lots of forms!

DWP

- Reporting change of circumstances
- ...

Home Office

- Reporting a change of circumstances
- ...

What is digitised but not machine readable?

DWP

- Tribunal judgments and confirmed eligible and confirmed disabled claimants being forced to undergo the stress of preparing for an assessment that will be cancelled on the day.
- ...

Home Office

- HO retypes names into different systems and makes typos, which means people are told to leave a country they are in perfectly legally, only because HO can't type.
- ...

A model data set for analysis of DWP ‘black boxes’

Since we began this work, Ofqual’s 2020 exam grading algorithm has raised public awareness of the use of algorithms across Government – and also of the data they use and ignore. Both Ofqual’s algorithm and the data set used for testing it were revealed to be fundamentally flawed.

As DWP (and the rest of Government) use their algorithms and ‘black boxes’, there must be clarity on what ‘user stories’³ are being used, and their data characteristics. Only when these are published can gaps in institutional thinking be seen and understood – and only after that can the work begin to bridge the chasm that exists between official truth and ground truth.

To give one example, UC assessments are valid only on a per-person-per-week basis, which makes detecting mistakes by reverse-engineering the payment algorithm effectively impossible – since an individual will not know the required details within the given time frame. (Such analyses can only be done in retrospect, and at scale.)

For other questions on the UC application, however – especially around the items of information used in RBV (see Annex 2) – the relatively small number of categories within DWP’s database can be enumerated from the questions asked, and compared. So, if it is indeed the case that ‘high risk’ is a euphemism for ‘complex’ claims, that will be detectable using methods available to civil society, along the lines of the JCWI precedent.

Where UC does produce statistics, it may be notable who appears to be missing the most from normal analyses – and the characteristics they share in common.

The recent Bridges judgement on police systems for facial recognition suggests the implications of inadequate Equality Impact Assessments are of real interest to the Courts, as first argued by Dr Byrom’s work on digital justice.⁴ There is no reason why a digital welfare state should have any lower standards.

³ <https://www.gov.uk/service-manual/agile-delivery/writing-user-stories>

⁴

<https://www.thelegaleducationfoundation.org/articles/the-legal-education-foundation-is-today-publishing-a-blueprint-for-digital-justice>

Ongoing items to pursue

- UC – What is the *process* for automating / adding a ‘new’ feature?
 - Timeframe (and process) for gathering info / user needs?
 - Who has oversight / accountability?
 - What is the testing process?
- UC – Nowhere to report claimant’s partner has No Recourse to Public Funds (NRPF)
- UC – Fix the Maternity Allowance / Maternity Pay discrimination (metadata issue?)
- UC – What is the boilerplate Agents put into the Journal with an attachment?
 - “Please see the attached letter”? (need exact language)
- UC – “Forms to give to people”

Applying for New Style JSA

Find a claim

Mr John Doe QQ 12 34 56 D

Telephone: 01234 567890 Conflicting claim: Claimant has existing ESA claim

Back

! The person to whom the account relates is potentially violent

Print statement

Claimant's evidence to check

Primary ID	One primary identity document
Secondary ID	Two secondary identity documents
Jury service	A letter from the court to prove when the jury service ended
Current employment	5 payslips relating to their weekly or fortnightly paid job(s)
Previous employment	A P45 from previous employer
Previous employment	Wage slips and/or supporting letter to confirm their payments from their previous employer(s)
Pensions	Proof of any pension(s)

Forms to give to claimant

JSA5	Back dating your JSA claim
ES5675JP	Attending a training or education course
ST1	Student or ex student
VOLWORK1JP	Voluntary working
B16	Self employed or company director
B7	Part time working
ES84JP	Claimant has indicated they left a previous job voluntarily

Clear data

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- UC – Deletion within 30 days?
 - Silently?

- UC – Do DWP officials have access to information about how a calculation has been made? (They should...)
 - Staff on the UC helpline do not have access to a full calculation of awards, so claimants may not be able to get a full explanation. Claimants have a legal right to request a written statement of reasons from the DWP, but CPAG Early Warning System cases show claimants experience barriers when they try to do so, and the information subsequently provided varies greatly in quality.
- UC – Individuals themselves don't have access to the information about how a calculation has been made. (They should...)
 - This is especially the case around housing and childcare costs; automatically exposing more of each individual calculation, e.g. via an on-demand, detailed breakdown in the (long) Statement, could prevent errors and save time and resources.

Transparency and Informational issues

While not automation of the UC *calculation*, the regular, **automated generation of (standardised) statistical outputs** could provide far better visibility of the UC system and its performance.

Information provided via the online account doesn't make it clear that UC is a **decision-based system**; decisions are scattered across the account in the form of payment statements, letters and via informal chats with their work coach. This makes it difficult for claimants to even identify decisions, in order to challenge them.

As it stands, the **information DWP provides does not meet legal requirements**.⁵ The notice currently provided to claimants about their appeal rights does not contain sufficient information to comply with the regulations; it doesn't provide even the basic information that would assist claimants to understand what their rights are, and how to exercise them.

DWP should introduce processes to ensure that claimants are clear when a decision has been made in relation to their award, and **what they can do if they do not agree with a decision**. This could be via a dedicated place on the UC online account where all decisions that *can* be challenged are collated, alongside information on how to appeal a decision.

DWP could **add a 'dispute this decision' button** to the online account at key points where decisions have been made about a person's claim, to enable them to more straightforwardly challenge decisions where they believe an error has been made.

⁵ See, e.g. <https://www.legislation.gov.uk/ukdsi/2013/9780111531556/contents> and pages 16-19 of <https://cpag.org.uk/sites/default/files/files/policypost/Computer%20says%20%27no%21%27%20Stage%20one%20-%20information%20provision.pdf>

By focusing on the *statutory* requirement to “**Monitor, transparently report and improve mandatory reconsideration processing times**”, and getting these reports functioning as regular statistical outputs / published as dashboards, a precedent other than “DWP doesn’t care” or “DWP says it’s too difficult” can be set.

‘Digital by default’ most notably breaks at the **interface with the tribunal system** – which is “paper-based” – speaking very much to what DWP decides to automate, and what it does not, and who actually benefits from digitisation / automation...