

Righting any wrongs: opportunities illustrated by SI 2020/522 ([Annex 4G of The Data Flows of Universal Credit](#))

As with much of government, the Department for Work and Pensions tends to defend its current practices until it is in DWP's own (often short-term) interests to change them.

In recent years, DWP has repeatedly defended its policy to automatically terminate Universal Credit claims once a *single* assessment of a £0 award has been made – this includes defending the policy in Parliament¹ and to the public,² as well as in the press and in court.³

The pandemic has however shown what is actually possible, when something is seen as desirable, and when DWP is properly incentivised.

Being able to issue Statutory Instruments that add flexibility or retain discretion is something DWP has now demonstrated *can* be done when it feels the issue necessitates such action. And when DWP chose to change policy in the particular case of persisting UC nil award claims, that change was made permanent – and was furthermore tagged onto an SI on another topic, which meant that it took no additional Parliamentary time or cost.⁴

Other UC restrictions

The 'two-child limit' for tax credits and Universal Credit, that has grown to affect nearly one million children since its introduction,⁵ is open to the same mechanism for change⁶ as the UC nil awards clause.

That DWP has no Statutory Instrument permitting Secretary of State discretion in this area – and that it has chosen not to issue any such SI, as with nil awards – suggests an official belief on the part of the Department that there are no non-statutorily defined circumstances in which a family even *could* need exempting from the two-child limit.

Nil awards and the two-child limit are but two of the more high profile instances of what DWP chooses to miss out; aspects of UC's "highly automated" systems that leave problems unfixed, sometimes for years, to the cost of the public and even sometimes to itself.

In Annex 5 – currently published as a discovery note,⁷ open to contributions – we shall be exploring further examples of What is *left out*? What is *not* done? What is *not* automated?

¹ See, e.g. the list of reasons for "Claim closure and reclaims" deposited in April 2017, and multiple Parliamentary debates on UC: http://data.parliament.uk/DepositedPapers/Files/DEP2017-0556/32_Claim_closure_re-claims_v1.0.pdf

² See, e.g. this copy of a DWP letter sent to a claimant in January 2018: https://www.rightsnet.org.uk/?ACT=39&fid=30&aid=1569_bVvkz50eW1RBHgAUUz5m&board_id=1

³ Given the effect amounts to the same as in both Johnson and Pantellerisco.

⁴ https://medconfidential.org/wp-content/uploads/2020/11/1B-SI-2020_522.pdf

⁵ <https://cpag.org.uk/news-blogs/news-listings/two-child-limit-now-affects-almost-one-million-children>

⁶ Section 10(5): <https://www.legislation.gov.uk/ukpga/2012/5/section/10>

⁷ <https://medconfidential.org/wp-content/uploads/2020/09/Annex-5-automation-public-discovery.pdf>