

## Annex 6A: ‘Nudge’

If Universal Credit claimants breach the formal, binding DWP / UC guidance, they can be accused of fraud<sup>1</sup> – which can remove all of their public support or mean they are otherwise sanctioned, possibly for years.

DWP’s formal binding guidance regarding where UC monies can be paid states:

*“...details of the account your payments will go into, such as a bank, building society or credit union account. This will need to be a current account, not a savings account, **and should be in your name.**”*

<https://www.understandinguniversalcredit.gov.uk/making-a-claim/before-you-claim/>

In March 2021, DWP Minister Will Quince MP said to Parliament:<sup>2</sup> [emphasis added]

Minister: ...***the method that we use, which is an approach introduced by the former Secretary of State Amber Rudd, which is to nudge towards the main carer...***

The much-acclaimed ‘nudge’ intervention in this case being some additional text on the page that requests an applicant’s bank details:<sup>3</sup>

*“You might want to use the bank details for whichever one of you spends the most time looking after your children (if any)”*

The weakness of the word “might” in that sentence, when compared with the strength of all the other instructions and requirements given render this ‘nudge’ effective in only one respect: it temporarily<sup>4</sup> allows DWP to *claim* it has done something, without assuming the burden of *actually doing* anything that would materially aid those it claims to support.

Indeed, it is unclear whether DWP’s actions in this case can even be considered a true ‘nudge’ as the originators of the concept, Thaler and Sunstein, define it:<sup>5</sup>

*“A nudge, as we will use the term, is any aspect of the choice architecture that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives. To count as a mere nudge, the intervention must be easy and cheap to avoid. Nudges are not mandates. Putting fruit at eye level counts as a nudge. Banning junk food does not.”*

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<sup>1</sup> If DWP itself makes such a mistake, it is called ‘error’ – but citizens *only* conduct ‘fraud’.

<sup>2</sup> Q18, <https://committees.parliament.uk/oralevidence/1859/pdf/>

<sup>3</sup> [https://www.whatdotheyknow.com/request/evidence\\_informing\\_statements\\_to#incoming-1757992](https://www.whatdotheyknow.com/request/evidence_informing_statements_to#incoming-1757992)

<sup>4</sup> One can only hope this is just temporary...

<sup>5</sup> Thaler & Sunstein, 2008, p6: [https://en.wikipedia.org/wiki/Nudge\\_\(book\)](https://en.wikipedia.org/wiki/Nudge_(book))

## Perpetrators and victims of domestic violence

Does nudge really work against the perpetrators of domestic violence or abuse? Where is the evidence, or is nudge simply about getting ‘good’ people to do the right thing?

Much of the work of the public services could be characterised as getting ‘good people’ the things they ‘deserve’; much of the debate around policy in Government is about preventing ‘bad people’ from doing ‘wrong things’. Much of nudge, however, is about encouraging people who are in the ‘grey areas’ to move towards or onto the side of ‘good’.

How, therefore, is a nudge policy supposed to help those victimised *by people whom nudge would never effect?*

A literature review of “Insights from behavioural sciences to prevent and combat violence against women”,<sup>6</sup> relying heavily on the UK frameworks, provides “a number of insights from the behavioural sciences literature as it relates to preventing and combating violence against women using awareness-raising and education activities”. The review highlights several key insights on pages 30-32 – listing seven recommendations for a nudge intervention, summarised as follows:

1. Targeting is key...
2. The initiative has to be designed using the appropriate behavioural levers...
3. Clearly define the objectives of the intervention and outline the hypotheses as to the direction, size, and expected ‘timing’ for the effect...
4. It is crucial to pre-test it...
5. EVALUATE your intervention...
6. Determining which evaluation method to use is a trade-off between the cost (time, money) of experimentation and the cost of scaling up an ineffective intervention because a faulty evaluation design showed positive results...
7. The setting up of an intervention has to be aligned with on-the-ground activities...

There is no evidence that DWP has done any of these things, and it appears DWP uses the fact that it has done ‘something’ to justify doing nothing else.

We know for certain that DWP has not done at least some of these things, because DWP officials have admitted they don’t know if nudge works,<sup>7</sup> because:

*Neil Couling: ...we went mining, but we did not find any gold because the freedom we had given people to describe things in the system meant that we could not mine effectively to a level that the statisticians were happy with.*

In the simplest terms, DWP did not keep track of the victims – and thereby, in an unquantified number of cases, continues to pay 100% of UC payments to perpetrators of domestic violence.<sup>8</sup>

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<sup>6</sup> Sara Rafael Almeida, Joana Sousa Lourenço, François J. Dessart and Emanuele Ciriolo, Insights from behavioural sciences to prevent and combat violence against women, EUR 28235 EN, doi:10.2788/412325 [https://ec.europa.eu/information\\_society/newsroom/image/document/2016-48/behavioural\\_sciences\\_violence\\_40114.pdf](https://ec.europa.eu/information_society/newsroom/image/document/2016-48/behavioural_sciences_violence_40114.pdf)

<sup>7</sup> Q21, <https://committees.parliament.uk/oralevidence/1859/pdf/>

<sup>8</sup> See core report of Annex 6: <https://medconfidential.org/2020/universal-credit/>