



Association of Directors of Adult Social Services (ADASS) response to the Department of Work and Pensions (DWP) consultation on “ Social Security information-sharing draft regulations”.

Background;

ADASS represents Directors of Adult Social Services in Local Authorities in England. As well as having statutory responsibilities for the commissioning and provision of social care, including the safeguarding of vulnerable adults, ADASS members often share a number of responsibilities for housing, leisure, library, culture, arts, community services, and increasingly, Children’s Social Care within their Local Authority.

Comments:

ADASS welcomes the opportunity to work closely alongside DWP in the development of new arrangements to extend data sharing powers to improve customer experience alongside improved effectiveness and efficiency in the inter-action between DWP and Local Authorities. In taking forward this opportunity, ADASS notes:

Specific points:

- **Critically-** the proposed regulations and guidance must detail further arrangements for sharing of DWP information to then assist the Local Authority (LA) welfare rights teams and third sector organisations in identifying and supporting individuals to ensure full entitlement take-up, as well as supporting individuals in making claims, appeals and dealing with payment issues and accuracy of DWP data.
- ADASS suggests that such extension of sharing DWP information should create efficiencies for the DWP through improved data accuracy and a more responsive system to meeting individual entitlements in a timely and accurate way. ADASS would suggest that any such extension could be supported by the provision of 'remote access terminals' on a read only basis:
- ADASS members must be assured that the proposed regulations will not add undue burden (for example the consultation includes a clause that will allow LA to tell DWP when a person is admitted to or discharged from hospital or a care home, for the purposes of assessing awards of a relevant benefit). This extra reporting activity must be fully evaluated by DWP in light of the Government’s commitment to minimising burden and red-tape.

- New arrangements must be fully evaluated to determine any extra resource required by ADASS members to implement these arrangements. Any additional resource is to be made available to LA from DWP (possibly re-cycled from efficiencies gained by the DWP under these new arrangements as a result of LA activity).
- The proposed regulations and guidance must provide clarity that the proposals to remove the duty to obtain consent from vulnerable people to share their personal information does not compromise adult safeguarding concerns and individual's human rights..
- The proposed regulations and guidance must provide clarity as to the timescales to facilitate a check on the uptake of benefits- unless the exchange of information is in real time.
- ADASS notes that whilst the definition of "welfare services" could be construed as including welfare rights assistance and advice on income maximisation/take-up, it is not clearly stated. Given the penalty in clause 127 of up to 2 years imprisonment for unlawful disclosure this could lead to an unnecessarily narrow interpretation of what is meant by "welfare services". ADASS would like to see 'Income maximisation for users of any welfare services listed in Regulation 5(2)' included in Regulation 6(1).
- A balance needs to be struck between arrangements to share information where it is mutually beneficial and to achieve consistency, whilst also allowing individual LA flexibility to develop practices according to local capacity and need
- Directions on resolving practice issues/difficulties arising in the application of the proposed regulations must be developed and made available
- The proposed regulations and guidance will need to be reviewed in light of the introduction of universal credit in 2013, unless the legislation can be framed in a way that is broad enough to cover this as a relevant social security benefit
- **Finally** It is likely that there are a number of further opportunities of mutual benefit that may arise from extended sharing of DWP and LA data and ADASS welcomes further discussion with DWP to review the proposed regulations and guidance to take full advantage of the arrangements.- for example LA holds Certificates of Visual Impairment and if the arrangements allowed for these to be shared, DWP would be able to process DLA Mobility claims faster and more efficiently for individuals with sight impairment

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