

# Citizens Advice Scotland

Scottish Association of Citizens Advice Bureaux  
www.cas.org.uk



## Universal Credit data sharing between DWP and local support providers. A consultation on draft Regulations.

### Response from Citizens Advice Scotland

January 2015

Citizens Advice Scotland (CAS), our 61 member Citizen Advice Bureaux (CAB), the Citizen Advice consumer service, and the Extra Help Unit, form Scotland's largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone.

We are champions for both citizens and consumers and in 2013/14 the Citizens Advice Service in Scotland helped over **330,000 clients** in Scotland deal with **over one million issues** overall. In addition, the Scottish zone of our self-help website Adviceguide which provides information on rights receives approximately **4.2 million** unique page views annually.

## Introduction

The Scottish Association of Citizens Advice Bureaux and its CAB offices form Scotland's largest independent advice and advocacy network. Citizens Advice Scotland (CAS) is the umbrella organisation for Scotland's network of 82 Citizens Advice Bureau (CAB) offices. These bureaux deliver frontline advice services throughout over 200 service points across the country, from the city centres of Glasgow and Edinburgh to the Highlands, Islands and rural Borders communities.

In 2013/14, clients sought advice on 207,835 new issues related to benefits and tax credits – a 10% increase on the previous year. This represents 570 new benefit issues for every day of the year. The Citizens Advice Service has national and local links with the DWP and Jobcentres to assist claimants to claim their benefit entitlement, access support, and resolve benefit disputes. The Service therefore plays a crucial role in supporting claimants in the benefits system.

## Summary

Citizens Advice Scotland (CAS) welcomes the opportunity to respond to the consultation on the draft regulations for Universal Credit data sharing. In order to provide a representative response on behalf of the Citizens Advice Service, we consulted bureaux in Scotland on the proposals and received responses from 32 citizens advice bureaux. This response represents a summary of the responses received.

The general consensus amongst citizens advice bureaux is that data sharing under Universal Credit could have benefits in advising and supporting claimants. These benefits could include quicker resolution of benefit disputes, quicker assistance to claimants in significant hardship, avoiding duplication of work, gathering information when claimants are unaware of the benefits they current claim, and receiving key information more quickly from the DWP. Data sharing, if undertaken in the correct way, could speed up the claiming process and improve the benefit decision making process.

However, the majority of bureaux have concerns that the way in which data sharing is undertaken could have unintended and potentially serious consequences for bureaux and their clients, including undermining some of the Service's key principles. Bureau concerns included:

- **Independence of the service:** bureaux had significant concerns that data sharing as proposed would have the effect of undermining the independence of citizens advice bureaux (or the perceived independence), which is one of the key principles of the Service. Claimants may be discouraged from seeking advice and assistance if they feel that bureaux are 'part of the system' and are not independent and impartial. The data sharing proposals therefore pose a real risk to the principles at the heart of service that citizens advice bureaux provide.

Bureaux had concerns about the situations in which data sharing would be in place and how it would operate They were of the opinion that data sharing cannot be mandatory, either for bureaux or the client, and it should only with the client's explicit and informed consent.

To ensure that the principles of the CAB service are maintained, there would need to be strict guidelines on how data is shared on both the DWP and local support providers.

- **Confidentiality:** this is another key principle of the service which bureaux felt would be undermined by data sharing. Claimants may have concerns that the service is not confidential if their data is shared with the government and other organisations, and may also have concerns that other local organisations could be sharing their confidential information.

Confidentiality lies at the core of bureau principles, and it must be noted that client confidentiality is only ever breached if there is a danger to the person or other vulnerable people. Bureaux would therefore not share any data without expressed consent. Any proposals for data sharing therefore require a claimant's active consent if it is to meet the principles of the Service.

- **Security of data:** bureaux had some concerns about the security of client's data, particularly if the information is of a sensitive nature or there is the potential for fraud. However, they felt that these concerns could be allayed if strict guidelines were in place and other organisations treated data in a confidential and sensitive manner.
- **Claimant objection to information sharing:** bureaux were concerned by the suggestion that claimants could opt out of information sharing, but that they would be informed that this could have an 'adverse effect' on claims. Bureau respondents felt that the language used in the consultation document could be interpreted as threatening and push claimants away from seeking support. Bureaux felt that the majority of claimants would agree to sharing their data, but that this should be a matter of choice rather than feeling pressured into doing so.

We therefore feel that claimants should be able to make a positive choice to 'opt-in' to data sharing and be told of the positive impact of doing so (i.e. Speeding up the claim or information leading to better outcomes), rather than the adverse effects of not doing so. This fits in with the ethos of citizens advice bureaux which encourages clients to make positive and informed choices.

In summary, bureaux feel that there could be benefits to data sharing between the DWP, citizens advice bureaux and partner organisations, including quicker and better decision making. However, the arrangements need to be set up to address the potential unintended and serious consequences that they have identified for bureaux and their clients. The consensus from bureau respondents is that data sharing cannot be mandatory, either for the bureaux or the client, should be in the claimant's interests, and must take place only with the client's explicit and informed consent. Data sharing of bureau client data could not happen on any basis without client consent.

Following the passing of any amendments, the DWP must work with the Citizens Advice Service to ensure that any potential data sharing arrangements address the concerns in this response.

## Response to the consultation questions

**Q1 We envisage that JCP, local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities could provide a range of support to vulnerable claimants. What types of support could you as a local service provider provide to your claimants?**

Citizens advice bureaux are ideally placed to identify claimants who require additional support for Universal Credit claims and provide a range of services to these claimants. The specialist knowledge of advisers, the contact that they have with many of the clients that require additional help, and the on-the-ground presence that bureaux have in local communities, mean that the service will play a vital role in supporting claimants under Universal Credit.

Bureaux already provide the types of support that the consultation document identifies – including triage, financial inclusion and digital inclusion. All bureaux provide an effective triage service, where they identify those with the greatest support needs; provide them with advice, support and representation; and refer on to other sources of advice if appropriate. Bureaux also support clients in financial inclusion in a number of ways, whether it is through money/debt advice, budgeting support, helping clients to open bank accounts, and running various local projects with partners that support financial inclusion. These are areas of support that bureaux are already providing for tens of thousands of benefit claimants in Scotland each year.

Bureaux have also increased their support for digital inclusion in the last two years, as the proposals for Universal Credit and the 'digital by default' agenda have made this a priority for clients. Some bureaux are providing in-house assistance to clients in accessing computers, while others are partnering with local organisations to help clients to gain access and skills due to a lack of space or resources in the bureaux. CAB can play a key role in identifying and supporting claimants with digital needs under Universal Credit.

However, all bureaux would need to be provided with adequate resources to provide these services under Universal Credit. The circumstances of the roll out of Universal Credit – including online applications, monthly payments direct to the claimant's account, and two benefit systems running concurrently side-by-side – will entail additional clients who require support and advice from citizens advice bureaux. Many claimants will turn to citizens advice bureaux for advice, as they are likely to have done in the past, and bureaux must have the resources to provide support services to them. Bureaux should be a key part of Universal Support Partnerships in their local areas.

**Q2 Our intention is to enable parties to share information about the claimant aimed at identifying claimants who are in receipt of UC. Would the information listed in this consultation document be sufficient for you to provide support to the claimant? If not, what additional information do you need?**

The information listed in the consultation document should be sufficient to provide support to the claimant. However, some of the information suggested is very confidential and security of data would therefore be a concern. If this type of data were to be shared, it is imperative that secure arrangements for data sharing are in place and that all organisations involved have systems to ensure the data is secure and treated confidentially.

**Q3 What do you think would be the implications of not having the information listed that we are proposing to share under these regulations?**

Citizens advice bureaux in Scotland already provide advice on over 200,000 new benefit issues each year out with these regulations and would continue to do so without data sharing agreements. However, data sharing would have the potential of speeding up and improving the decision making process for claimants with the greatest support needs, which would be a benefit to the advice provided by bureaux.

**Q4 What concerns do you think the claimant may have about their information being shared between DWP and local support service providers?**

Claimants may have a number of concerns regarding data sharing, including confidentiality, the security of their data, the independence of the service they are seeking support from, and the possible outcome of opting out of sharing data.

Confidentiality is a key principle of the Citizens Advice Service and one of the reasons why clients trust the services provided. Claimants may feel that data sharing may undermine this principle and worry that their personal information is not being treated confidentially. This may particularly be the case when a claimant has had a poor past experience of engaging with the DWP. The claimant may also question the independence of the service they are accessing if their data is being shared. In order to address these concerns, the positive effects of data sharing (e.g. Quicker and better decisions) should be clear for the claimant, and the process must be as transparent and clear as possible.

Claimants may also be concerned about the security of their data, particularly where the information that they have provided is either very personal or could potentially be used for fraud. The data sharing arrangements must therefore be safe and be seen to be so.

We are concerned by the suggestion that claimants could opt out of information sharing, but that they would be informed that this could have an 'adverse effect' on claims. We feel that this could prove intimidating to claimants, affect their relationship with the adviser, and increase claimant anxiety. The language used in the consultation document could be interpreted as threatening and push claimants away from seeking support. The bureaux that we consulted felt that the majority of claimants would agree to sharing their data, but that this should be a matter of choice rather than feeling pressured into doing so.

We therefore feel that claimants should be able to make a positive choice to 'opt-in' to data sharing and be told of the positive impact of doing so (i.e. Speeding up the claim or information leading to better outcomes), rather than the adverse effects of not doing so. This fits in with the ethos of citizens advice bureaux which encourages clients to make positive and informed choices.

**Q5 These regulations would allow JCP, local authorities, citizens advice bureaux, credit unions, social landlords and relevant registered charities to make decisions about the use of data in order to support UC claimants. Would you think that is sufficient to ensure the proportionate use of data? If not, what additional protection do you think needs to be put in place to ensure proportionality?**

We have some concerns about the security of client data, particularly if the information is of a sensitive nature or there is the potential for fraud. However, these concerns could be allayed if strict guidelines were in place and other organisations treated data in a confidential and sensitive manner.