

Report for the period 1 April 2019 – 31 March 2020



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Foreword



Dear Minister August 2020

As Discretionary Support Commissioner, I am required to present an Annual Report under the provisions set out in Article 136 (6) (d) of the Welfare Reform (Northern Ireland) Order 2015.

This is my fourth Report which covers the twelve-month period of operation from 1st April 2019 to 31st March 2020.

It is evident to me that Discretionary Support is continuing to make a vital contribution in

Yours faithfully

Dutter Cael

support of the most vulnerable and those most in need across Northern Ireland.

This report sets out the context in which the Office of the Discretionary Support Commissioner operates and the work undertaken during the twelve-month period ending 31st March 2020. As Covid19 lockdown occurred in the latter days of the reporting period, my next Annual Report will consider such matters. I commend this report to you.

Walter Rader OBE DL MA Dip YCS **Discretionary Support Commissioner**

Executive Summary

During the period covered by this Report – 1st April 2019 to 31st March 2020

- The Office of the Discretionary Support Commissioner (ODSC) relocated in August 2019 from James House to Great Northern Tower with limited disruption to services.
- ODSC has carried out 105 Independent Reviews at the request of claimants, with details set out in Table 1 at Paragraph 14.
- The Commissioner visited the Antrim based Tele-claim Service Centre and Review Hub.
- Analysis of the work of Inspectors is provided at - Paragraphs 24 - 28.
- Systems and processes have been further refined, in light of use. Some further efficiency savings were achieved in-year, whilst continuing to meet caseload targets - Paragraph 31.
- ODSC, having previously attended in an observer / advisory role, now has a full seat on the Discretionary Support Change Control Group (Guidance) (CCG). The CCG provides a structure to

- consider any changes proposed to the Discretionary Support (DS) Guidance. The Department established the CCG which takes on board input from several key stakeholders. CCG gives detailed consideration to proposed changes to the Guidance and determines the action to be taken. Issues identified by the Commissioner are referred directly to the CCG in real time, as such matters are identified. Action to consider the issues starts quickly, rather than having to wait for the publication of the Commissioner's Annual Report. Outcomes regarding matters referred to CCG by the Commissioner are set out in this report at Paragraphs 32 - 54.
- ODSC was previously internally audited and received a fit for purpose rating.
 One recommendation related to extending the recording of telephone,
 Second Review conversations between Inspectors and claimants, thus bringing ODSC into line with the practice already undertaken during the initial Departmental Tele-claims process.
 The audit recommendation has now been implemented Paragraphs 59 & 60.



Left to Right: Mark Egan, Office Manager; Inspectors, Amy Lucas, Fiona Douglas, Darren Todd (moved on promotion during the year), Gary Toner and Administrative Officer Elizabeth Holmes joined the team (but who was unavailable for photographic inclusion).

Introduction of Discretionary Support Arrangements

- 1. Discretionary Support is administered by the Department for Communities (the Department). The Welfare Reform (Northern Ireland) Order 2015 makes provision for the Department to make payments by way of grant or loan to prescribed persons. These arrangements constitute the provision of Discretionary Support which is available only in Northern Ireland. Arrangements came into operation on 28th November 2016. In March 2020 emergency legislation was passed by NI Assembly which amended Discretionary Support policy.
- 2. To access Discretionary Support (DS) a claimant must have had an 'extreme, exceptional or crisis situation' which places them, or a member of their immediate family's health, safety or wellbeing at significant risk. If eligible, the claimant may be offered DS in the form of a loan or grant. If the claimant is unhappy with a DS decision, they have the right to ask for a review within 28 days of the initial decision. This First Review is carried out by a Departmental Review Officer (RO). If the claimant is unhappy with the outcome of the First Review, they can ask for a Second Review by the Discretionary Support Commissioner, who is independent of the Department.

[see - Para13. Diagram A]

Appointment of a Discretionary Support Commissioner

- 3. The Welfare Reform (Northern Ireland)
 Order 2015 makes provision for the
 appointment of a Discretionary Support
 Commissioner. The Commissioner is
 an independent statutory office holder
 appointed by the Department for
 Communities. The independence of both
 the Commissioner and of his reporting
 is of vital importance to the role.
- 4. As detailed in the Welfare Reform (Northern Ireland) Order 2015, Article 136 the Commissioner's role is:
 - to monitor the quality of decisions of Discretionary Support Inspectors and give them such advice and assistance as the Commissioner thinks fit to improve the standard of their decisions

- to arrange such training of Discretionary Support Inspectors as the Commissioner considers necessary
- to carry out such other functions in connection with the work of Discretionary Support Inspectors as the Department may require
- to report annually in writing to the Department on the standards of reviews by Discretionary Support Inspectors
- 5. Under the Welfare Reform (Northern Ireland) Order 2015, the Department is required to publish the Commissioner's Annual Report.

Provision of Resources

- 6. The Commissioner appoints Discretionary Support Inspectors and other staff, from persons made available to him by the Department, so that his statutory duties can be discharged. This includes an Office Manager, appointed to support the Commissioner in the running of his office, Inspectors and administrative support. All staff are Northern Ireland Civil Servants and are subject to NICS Terms and
- Conditions. Whilst attached to the Office of the Commissioner, staff are required to operate in an independent role.
- 7. The Department provides for the running costs of the Commissioner's office through the normal Departmental budget allocation process. Accommodation and services, including IT support and internal audit, are provided by the Department.

Relationship Statement

 A Relationship Statement between the Discretionary Support Commissioner and the Department has been agreed and governs the interaction between the two entities. The Relationship Statement records the statutory basis for the post of Commissioner and sets out the functions of the Office, together with planning and reporting arrangements operated by the Commissioner.

Context

- This is my Fourth Report and covers the operation of the Independent Review Service for the period from 1st April 2019 to 31st March 2020.
- 10. I wish to acknowledge the staffing arrangements made available to me by the Department. I recognise my responsibility for both staff training and in supporting career development. I wish to encourage staff to realise their full potential, including developing new skills and additional experience which will be transferrable to their future roles. I also want to ensure the efficient and effective delivery of the Independent Review Service, and to this end systems and processes are reviewed regularly.
- 11. In August 2019 it was necessary to relocate ODSC from James House in the Gasworks complex to Great Northern Tower, Great Victoria Street, Belfast. I want to place on record my very sincere thanks to all those who were responsible for planning and carrying out the move, which took place over a weekend. IT systems, upon which this office is heavily reliant, were out of use for the shortest possible time. I am pleased to report that on-going casework was not adversely impacted upon during, or because of, the relocation.

Business Purpose

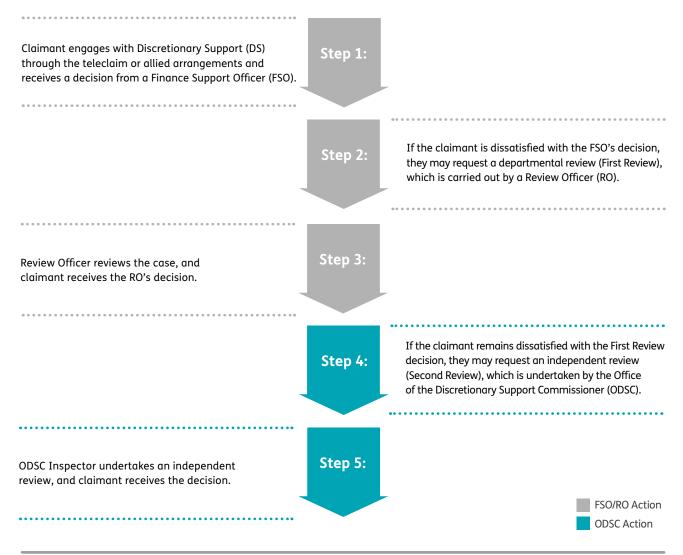
12. The purpose of ODSC is to deliver an Independent Review Service, for claimants who are dissatisfied with the outcome of the First Review decision

made by a Departmental Review Officer. ODSC Business objectives and values are set out at **Annex 1**.

The Discretionary Support Independent Review Service

13. The Independent Review Service, steps 4 & 5 below, are part of a 5 step process as set out in Diagram A.

Diagram A



Report on the work of the ODSC Inspectors during the period 1 April 2019 to 31 March 2020

Northern Ireland Claims First Reviews and Second Reviews

14. During the twelve-month period covered by this report, details of the total claims received across Northern Ireland, First Reviews undertaken by

the Department and independent, Second Reviews carried out by ODSC, are set out in Table 1 below:

Table 1

Item	Number	Context
1	72,607	The total number of Discretionary Support claims dealt with by the Department
2	2826	The number of claimant requested First Reviews carried out by Departmental Review Officers which represents 4%* of the total claims as set out in Item 1
3	105	The number of independent, Second Reviews, requested by claimants and carried out by ODSC Inspectors which represents 4% of RO First Reviews as set out in Item 2

[*Percentages are rounded up or down to the nearest point using the convention under 0.5% rounded down; over 0.5% rounded up]

Standard of Discretionary Support Inspectors' Decisions

- 15. As Commissioner I have a statutory duty, under Article 136 of the Welfare Reform (Northern Ireland) Order 2015, to monitor the quality of Inspectors' decisions and to give them advice and assistance to improve the standards of their reviews.
- 16. My team of Inspectors carry out reviews, as requested by claimants, of the decisions made by the Department's Discretionary Support, Review Officers.

[Para 13. Diagram A, Steps 4 - 5]

Case Reading

- 17. Case reading is the primary means by which I assess the standard of Inspectors' decisions and reports. In order to create consistency of approach and to feed my findings to the Discretionary Support Change Control Group as and when required, I continue to read 100% of the case reviews which are undertaken.
- 18. My findings and advice are fed back to individual Inspectors either by the Office Manager, or through direct dialogue between myself, as Commissioner and the individual Inspector. This process is augmented by additional training, staff meetings and peer review sessions.
- 19. I take the view that it is vital for ODSC Inspectors to deliver high standard decisions which are justified, clear and concise. The Inspectors' reports are sent to the claimant so that they, their nominated representative, or support worker can see the reason for the Inspector's decision in their case. In this context I believe that ODSC has in place robust monitoring processes; indeed these processes have resulted in matters being referred to the Change Control Group for further consideration and action.
- 20. My office is, rightly, subject to the same Discretionary Support Regulations and Departmental Guidance which applies

- to front line staff the FSOs & ROs.

 I recognise that these support arrangements are 'Discretionary'.

 However, I take the view that if discretionary support decisions are to be made equitably, those decisions must be based both on a clear understanding and a consistent interpretation of the Regulations and Departmental Guidance. ODSC Inspectors' decisions must also be based on the evidence and the facts of each case which is reviewed, using a consistent interpretation of regulations and guidance.
- 21. All those who use the ODSC and the Independent Review Service have a right to know the reasons why the Inspector reached the decision, in 'their particular case'. Inspectors' decisions must, therefore, be presented in plain language and in a concise manner. During my reading of cases, I consider whether the decision is justified, based on the evidence and facts of each case, and whether the decision is in keeping with DS Regulations and Departmental Guidance. In addition, I consider the clarity of the report to ensure it avoids jargon and communicates the reasons for the decision clearly and concisely, to the claimant.

- 22. In this my fourth year as Commissioner I am confident, from my monitoring and observations, that the Departmental decision making officers and ODSC Inspectors implementing the DS Regulations and Guidance, have gained valuable experiential learning and are honing their skills. In doing so they are both justified in, and indeed required to use their judgement and discretion in arriving at, and justifying, the decisions which they make.
- 23. My role as the Independent
 Commissioner affords me a unique
 overview of DS implementation.
 I maintain a clear understanding of
 the Discretionary Support system and
 process end-to-end, which enables
- me to ensure that my Inspectors are delivering relevant and timely reviews. To this end the Discretionary Support Inspectors and I visited staff and management in the Antrim Centre, which is one of the two hubs operating the Telephony and IT Tele-claim system for Discretionary Support claimants. Antrim also encompasses staff providing the Departmental Review process.
- 24. I have undertaken 105 case readings during the twelve-month period covered by this report which represents 100% of the cases dealt with by Inspectors. An analysis of my findings are set out at Table 2 below:

Table 2

ITEM	NUMBER	CONTEXT
4	102	Decisions taken by ODSC Inspectors were correct, based on the evidence and facts of the cases, which represents 97% of all independently reviewed cases [Item 3 of Table 1 above]
5	3	The Commissioner requested Inspectors to provide further clarification and additional evidence to justify their decision, before clearing the Inspectors Report.

Delivery Targets

25. As Discretionary Support is unique to Northern Ireland I, as Commissioner, set clear and challenging casework targets which were based on our performance during the previous year, as set out in Table 3 below. I review the casework targets on a regular basis.

Table 3

ITEM	WORKING DAY/S	CONTEXT
6	1	Urgent case review process (For example, following a disaster as detailed in the DS Regulations)
7	10	Standard case-review process
8	16	Complex case-review process

Performance against casework targets – 1 April 2019 to 31 March 2020

- 26. Inspectors have worked to the clear set of casework targets (at Table 3) during the period. I can confirm as part of my overall monitoring that all clearance targets have been achieved for this reporting period.
- 27. Mindful of the developing, world-wide health pandemic as I write this Report and a possible increase in DS claims I intend to maintain the current casework delivery targets for the coming year 2020/21 and to keep matters under review.

ODSC Inspectors' Review Outcomes during the reporting period

28. In undertaking their Independent Review Service duties (Second Review) ODSC

Inspectors' decisions have resulted in the actions set out in Table 4 below:

Table 4

ITEM	NUMBER	CONTEXT
9	4	Inspectors changed the decision made by ROs from disallowance of DS, to an award of a DS Grant which represents 4% of total cases independently reviewed.
10	1	Inspectors changed the decision made by ROs from disallowance of DS, to an award of a DS Loan which represents 1% of total cases independently reviewed.
11	7	Inspectors changed the decisions made by ROs from a Loan to a Grant which represents 7% of total cases independently reviewed.
12	1	Inspectors changed the decisions made by ROs to increase the Grant award previously made by the RO which represents 1% of total cases independently reviewed.
13	7	Inspectors decided that DS Regulation 10 was satisfied and returned cases to the ROs to consider Regulation 11 Loan or Regulation 12 Grant, which represents 7% of the cases independently reviewed.
14	85	Inspectors upheld the decisions made by the Departmental Review Officers, which represents 81% of the cases independently reviewed.

[Note: The ODSC does not hold a budget for the loan or grant decisions made by Inspectors, such awards come from the DS central budget, therefore in the reporting period Inspectors decisions resulted in additional spend from DS budget of £6,455.67]

Actions taken by ODSC

- 29. During the reporting period my office provided feedback to the Department on our findings and the trends we observed in relation to the cases reviewed by the Inspectors. During the period of this report ODSC has:
 - Made improvements in the standard of our work, taking into account the views of our stakeholders and the reflective learning from the case reading process
 - Maintained a Learning Log as the basis for shared learning and advice
 - Provided information to claimants & their advisers and to staff of the Department, about Discretionary Support, the role and work of ODSC

- and the right of claimants to seek an independent (Second Review) Discretionary Support review
- Provided input to the DS
 Change Control Group regarding development of the Departmental Guidance and processes
- Supported the Department to improve standards of Discretionary Support decision-making through feedback directly to DS management where that matter did not require referral to the CCG
- Focused business resources to achieve the most efficient and effective outcomes, delivering value for money

Resources

- 30. During the reporting period ODSC was allocated funding by the Department for salaries of £189K. In addition, there was funding for £5K to provide for Travel and Subsistence, Staff Training and Development, Postage and Stationery. The Department also provides accommodation, IT support and Internal Audit functions. During this reporting period a further bid for £6K was made and secured by my office to allow for the upgrade of the Inspectors' telephony system, to include recording interviews with claimants. This upgrade resulted from an Internal Audit recommendation set out in their report of 3rd October 2018. As it was known that ODSC would be relocating, implementation was coordinated with our move to the office in Great Northern Tower.
- 31. I can confirm that ODSC has delivered the Independent Review Service in line with all Internal Audit's recommendations, has met casework targets and achieved modest in-year efficiency savings. These savings have

- been made in both salary and General Administration Expenditure terms as a consequence of changes to my staff baseline which I have refined based on casework demand. I will continue to monitor budget allocation and casework targets in the coming year.
- a. As Commissioner, under Article 136 (6) (b), I have a responsibility to arrange the appropriate and necessary training of Discretionary Support Inspectors. During this reporting period my Inspectorate staff have attended:
 - Board Room
 Apprenticeship Forum
 - The Evolved Leadership Training Course
 - Completed all on-line
 Departmental training
 material as required
 within the NICSHR Learning
 and Development system

Reflections on the year

32. In my Report last year (2018 - 2019) I said

"I welcome the establishment of the DS Change Control Group (CCG), on which my office has a seat. The Group is, in my view, an essential forum in which to consider DS developments in a structured and objective manner. The link with CCG provides a pathway for my office to draw matters to the attention of the Group which would otherwise have to await publication of my Annual Report."

a. I take the view that with any new initiative, such as Discretionary Support, there will be the need to change, amend and develop the initiative as a result of operational experience. In my previous

- experience of developing and delivering new initiatives across the UK, there have always been matters which have arisen during the rollout which could not have been anticipated in the planning phase. Discretionary Support seeks to address the needs of individuals and as such there will be occasions when the unique need(s) of an individual has not previously been encountered.
- b. It has been my experience, as Commissioner, that all those associated with the delivery of the Discretionary Support are aware of, and committed to the uniqueness of the initiative, whilst recognising the daily challenge of responding to individual need.
- c. As Commissioner, I am privileged to have a unique, independent overview of Discretionary Support processes.

 I have referred matters to CCG from that independent perspective and as a contribution to the efficient and effective development of Discretionary Support.

Issues referred to CCG

- 33. During this reporting period my office has drawn several matters to the attention of CCG. I can therefore, for the first time, set out those matters which were referred 'in year' and the outcomes. The advantage of direct referral to CCG as matters arise is that the issue can be discussed promptly, and action agreed. The ODSC Office Manager attends meetings of CCG and presents the issue, which can be accompanied by a paper in which I set out the issue in detail if appropriate. I have also attended some meetings of the Change Control Group.
- 34. It should be noted that the Office of The Discretionary Support Commissioner, as referenced in Paragraph 20, is bound by the Discretionary Support Regulations and Departmental Guidance in the same way as frontline decision

makers. As Commissioner I do not have direct authority to change either DS Regulations or Departmental Guidance. Engagement with CCG enables me to retain my independence whilst drawing to the attention of the Department matters which I have identified from my independent perspective.

- 35. Matters which I referred to CCG include:
 - Clarifying the scope of Disasters and relationship to other DS arrangements
 - Process for undertaking First and Second Reviews
 - Legacy debt Plus UC advance implications
 - Income threshold
 - Child Tax Credit

Disasters

- 36. During a previous reporting period I stated that I had felt it necessary, in the light of operational realty, to issue Commissioner's Advice to ODSC Inspectors in relation to the interpretation of "disasters". I had taken the view that the description of disasters, as set out in DS Regulation 3 and in Departmental Guidance, took as its starting point an assumption that disasters were likely to affect a number of people and/or a geographical area.
- 37. Whilst the Departmental Guidance was described as 'not exhaustive', it may nonetheless have had the unintended consequence of prioritising, in the minds of decision makers, a somewhat restricted view

- of a disaster. Based on a number of 'Second Review' cases dealt with by my Inspectors, I formed the view that the determination of "disaster" could, based on the evidential circumstances, be interpreted more broadly than the scope detailed within the original Departmental Guidance. I drew that matter to the attention of the CCG.
- 38. I welcome the detailed consideration which has been given to the issue, including taking legal opinion. As a result, of what was a complex process, clarity was brought to the operational situation of "disasters". Changes to the Departmental Guidance were made, together with the delivery of clear and effective training for front line staff.

Conducting Reviews

39. Discretionary Support Regulations and Departmental Guidance apply equally to the Departmental operation and the Independent Review Process undertaken by my office. The Discretionary Support Review Guide, paragraph 2, relates to the carrying out of a review by the Departmental Review Officer, whilst the Discretionary Support Inspector Review Guide, paragraph 6, covers the conduct of a Review by my inspectors. In both cases the order of undertaking a review was set out as follows:

The Review Officer / Inspector depending on the staging of the review application must take into account the matter raised by the claimant and after that then determine if there had been a mistake in law or ignorance of material fact in terms of the decision under review.

40. I formed the opinion that the intention of a First or Second Review was to undertake a comprehensive exercise

- of reviewing the totality of the case in question. However, the wording of the review process, as set out above, could lead either the Review Officer (RO) or DS Inspector (DSI) to consider only the points raised by the claimant in their request seeking a review.
- 41. I identified several occasions, from my case reading, when this had happened. The result was that having only considered the views expressed by the claimant the RO or DSI had not tested whether a mistake in law had taken place or if there had been ignorance of material fact. This resulted in a less than full, open and transparent review.
- 42. I formed the view that for the First or Second Review process to fully reflect the total and detailed review of a case, the guidance should reflect that the starting point should be (i) to test if a mistake in law had occurred; (ii) was there evidence to indicate that there had been ignorance of material fact; then, and only then, (iii) to take account of the matters raised by the claimant in their review request.

43. I referred this matter to CCG where it was given comprehensive consideration. As a result the Departmental Guidance sections 2.10 & 6.1 were re-ordered to reflect the importance of a review

comprehensively considering all matters relating to the case in question starting with the law; material facts and then the views expressed by the claimant.

Legacy Debt

44. I have, as Commissioner in a previous Annual Report (2017 – 18), commented on the debt threshold which is part of the eligibility criteria in relation to Discretionary Support. Whilst both the DS Regulations and Departmental Guidance are clear concerning the existence of a threshold and the current £1,000.00 level for that threshold. It has been clear to my Inspectors that claimants were over the debt threshold as a result of accessing other benefits, where the threshold was £1,500.00. This anomaly between the different benefits means that for some claimants they are unable to access Discretionary Support. In my Annual Report last year (2018 - 19, Para 19.3) I identified an additional complexity as a result of the introduction of Universal Credit (UC). It is my understanding that where a claimant is in the first or second UC assessment period, they may not be able to avail of a DS loan as their entitlement to benefit has not yet been determined. Also, any UC advance is made available in the form of a loan and therefore counts towards the debt threshold over which access to DS Loans is not possible. I am aware that CCG has considered my observations on the matter and Social Security Policy and Legislation Division is considering these matters as part of a policy review.

[Commissioner's Note: The DS Legacy debt level was amended to £1,500.00 as one of a number of temporary measures introduced by the Minister for Communities with effect from 25th March 2020 to ensure that more people would be able to access DS during the period of the public health emergency.]

Income threshold

- 45. I have made reference to the matter of income threshold in two previous
 Annual Reports 2017 18 and 2018
 19. The DS Regulations state:-
 - Part 1 Interpretation, 3. In these Regulations... "income" includes the income of the other member of a couple and means the remuneration or profits derived from (a) employment under a contract of service or in an office, including elective office; (b) a trade, profession or vocation; (c) any other paid work; or (d) any payments made in accordance with benefit legislation.
- 46. It should be noted that Schedule 3 of the DS Regulations sets out sums to be **disregarded** in the calculation of an annual income threshold.
- 47. The income threshold set for the reporting period 2019 20 was £17,076.80. This figure was applied to both individuals and family units. Thus, an individual claimant living on their own was subject to the same income threshold as a family unit.
- 48. Where a family unit claim Child Tax Credit (CTC), which is not disregarded when calculating income, there was, in my view a correlation between

- the payment of CTC and the family income exceeding the DS threshold.
- 49. Claimants continue to make the argument, to my Inspectors, that CTC is a payment in relation to a child/children and that they feel penalised because CTC is not disregarded under DS.
- 50. I fully understand that changes to DS Regulations amounts to a change in policy and that this has not been possible due to an absence of the Northern Ireland Assembly and a ministerial appointment.
- 51. I am grateful that CCG has considered the matter and, as I understand it, Social Security Policy and Legislation Division (SSP&LD) has identified the matter in relation to a review of DS Policy Review. I will be most interested in the outcome which again may be expedited with the resumption of business at the Assembly.
- 52. As Commissioner, I remain of the opinion that the application of a single threshold to both an individual and family units is at best unfair and at worst discriminatory. There may be merit in considering an income threshold for an individual and a higher one for family units.

As Commissioner, I take the view that applying a single income threshold to both an individual and a family unit is at best unfair and at worst discriminatory. I take the view that this matter should be addressed. There may be merit in considering an income threshold for an individual and a higher one for family units. I am aware from my seat on CCG that this issue has been raised by SSP&LD as part of the policy review and I therefore await with interest the outcome to the review. I further take the view that Child Tax Credit should be disregarded when calculating family income.

Complex Cases

- 53. I note that during the reporting period there have been several challenging cases which have come to my office. Such cases have illustrated complexities of personal circumstances which could neither have been anticipated, nor planned for, in the development of DS Guidance. It is both efficient and effective that issues and learning can be referred, by my office, to CCG promptly.
- 54. I have noted, following discussion and agreement by CCG, that there have been several DS Departmental Guidance bulletins issued covering important amendments as set out below.

 I regard these outcomes as positive.

- Applications for Living Expenses less than the maximum available
- The non-requirement for the claimant to have budgeted for items from their current social security benefits
- Issues and format of considerations when the claimant requests a review
- Calculation of the claimant's income when they have made a new claim to Universal Credit
- Action to take when claimant has defaulted on a loan repayment
- Definition of financial responsibility

Pilot Triage System

- 55. During this reporting period I have been aware of an initiative, by DS Management, to better address the handling of inbound calls. The focus of this initiative, from a claimant's perspective, is to resolve general enquiries quicker and provide the claimant with sufficient information about eligibility to allow them to make an informed choice about whether they want to make an application. As part of this conversation claimants are advised what information they need to have to hand while making their application. Ultimately this approach, and in particular the provision of information, will in all likelihood result in more awards and deliver more positive outcomes.
- 56. I commend the introduction of a Pilot Triage System, by the Department, when dealing with telephone calls

- from claimants. This initiative enables the Department to quickly engage with claimants and set out the Discretionary Support eligibility criteria.
- 57. The pilot has been successful in that the average length of time to answer a call reduced, the weekly average number of awards increased by 10% and the average weekly spend has also increased.
- 58. The results have been impressive and the outcome is a more efficient and effective claimant experience. Whilst it may be too early to make direct links to the reduction in both First Reviews (by the Department) and Second Reviews (undertaken by my office), I believe it is likely that there is a demonstrable link.

Internal Audit Recommendation

- 59. As Commissioner I support the audio recording of the Tele-claim process. I take the view that it protects the interests of both claimants and Departmental staff. Audio recordings have been a valuable point of reference for ODSC Inspectors throughout the reporting period. This not only applies to an Inspector's consideration of a case but, in particular, when there is a dispute by a claimant, about 'who said what'.
- 60. Following the internal audit of ODSC in 2018 a recommendation was made to extend the scope of the audio recording process to include the Inspectors within ODSC. I fully supported implementation of the recommendation and having secured funding from the Department I can confirm that my Inspectors now have audio recording as part of their process.

Annex 1

Office of the Discretionary Support Commissioner

Business Objectives

- Deliver impartial, independent review decisions to published standards
- Make improvements in the standard of services provided and in doing so seek, and take into account, the views of claimants and stakeholders
- Provide information to the public, claimants and their advisers, to staff of the Department and stakeholders about the role and work of the Office of the Discretionary Support Commissioner (ODSC) highlighting the right of claimants to seek an independent review of a Discretionary Support decision made by a Departmental Review Officer
- Support the Department to improve standards of Discretionary Support decision making and operational delivery through an annual report and by referring matters to Change Control Group
- Focus business resources to achieve efficient and effective outcomes delivering value for money

Business Values

Business values guide staff in the delivery of their work and focus the contribution made both individually and as a team.

The ODSC business values are to:

- place claimants at the centre of the review process
- treat claimants, stakeholders and colleagues with respect and courtesy
- respect and accept the differences of others in accordance with Section 75 obligations
- work to improve standards of service provided for claimants of Discretionary Support
- be receptive and responsive to the external environment and the way it influences and shapes our business future
- engage in reflective learning and use this process to make improvements to the independent review service
- recognise and value the members of our staff team for the contribution each makes in delivering efficient and effective services.



