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### **Social Security Appeals - Independent Review Service**

I am writing to draw your joint attention to an opportunity to improve access to justice for those challenging social security decisions while reducing public expenditure. This arises from the proposed abolition of the Independent Review Service at the same time as the Ministry of Justice is seeking to encourage mediation and other Alternative Dispute Resolution (ADR) schemes, such as the IRS, to reduce the volume of cases reaching courts and tribunals.

The Welfare Reform Bill proposes to abolish the office of the Social Fund Commissioner who oversees the Independent Review Service. This is seen as a consequence of abolishing the discretionary social fund scheme. The approach was confirmed in the DWP's recent report setting out the government's response to the call for evidence on local support to replace community care grants and crisis loans.

It appears, however, that no consideration has been given to the scope to build on the success of the IRS and adapt it to a broader role. The IRS has built up an unparalleled reputation for providing an excellent service as an independent second-tier review process. The Commissioner's Annual Report for 2010-11 records that some 53,000 cases were resolved last year by well-trained staff. The unit cost was £86. The service cleared 99.2% of straightforward cases within 12 days and 91.6% of cases which needed more extensive enquiry or investigation within 21 days. The user satisfaction rate is 75%. As with the high-volume Ombudsman schemes, extensive use is made of triage techniques, the telephone and modern IT case-handling systems. There are also structured feedback programmes to improve front-line decision-making and educate users and their representatives.

The performance and low cost of the IRS makes it an innovatory form of dispute resolution, which not only compares very well with courts and tribunals, but also represents exactly the type of ADR scheme which the MoJ is actively seeking to promote.

I am not here suggesting the IRS should be kept in its present form. However, I do propose that urgent consideration should be given to the potential to reconstitute the IRS before the loss of its trained staff, its IT and other systems, its reputation and its successful and transferrable dispute-resolution methodologies.

The types of new role (whether under the sponsorship of the DWP or the MoJ) could include:

- **A wider range of benefits:** Access to the IRS could be offered as a faster and more informal (but binding) choice available to appellants in particular prescribed types of case otherwise proceeding to the Social Security and Child Support Tribunal (currently over 400,000 each year). There is scope for considerable public expenditure savings if significant numbers could be diverted away from the Tribunal in this way.
- **Reconsideration:** The IRS could be incorporated into, or link with, the reconsideration process which the Welfare Reform Bill will introduce. A more independent element, at least in some circumstances, would increase credibility and public confidence in the proposed process.
- **Facility for local authorities:** I recognise that it is not proposed to introduce a statutory scheme for the new local services which will replace Crisis Loans and Community Care Grants. Nevertheless, the government has recognised the need for fair and impartial decision-making. It can be envisaged that some or all local authorities (and possibly the Scottish and Welsh administrations) would wish to allow their decisions to be reviewed by a reconstituted IRS service, especially if this were cheaper and faster than other alternatives.

This letter is not putting forward detailed or firm proposals. But - with an issue which spans your respective responsibilities - I hope you will agree that there is now a unique, but urgent, opportunity for a "joined-up" approach which could bring real benefits and lower costs. I would be happy to explore further the suggestions in this letter with Ministers or officials.

I am copying this letter to Chris Grayling MP and Steve Webb MP at DWP, Jonathan Djanogly MP at MoJ and to Peter Handcock, Chief Executive of HMCTS.

I look forward to hearing from you with your initial response.

**Richard Thomas CBE**  
**AJTC Chairman**