



From the Secretary of State  
for Work and Pensions

**Administrative Justice  
& Tribunals Council**

17 AUG 2011

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*Dear Mr Thomas,*

*15<sup>th</sup>* August 2011

**SOCIAL SECURITY APPEALS – INDEPENDENT REVIEW SERVICE**

Thank you for your letter of 18 July 2011 addressed to the Lord Chancellor & Secretary of State for Justice and myself, in which you highlight the pending abolition of the Independent Review Service (IRS) and suggest how the organisation could be redeployed. This is a joint reply sent on behalf of both the Department for Work and Pensions and Ministry of Justice.

You refer to the proposals contained in the Welfare Reform Bill to abolish the role of the Social Fund Commissioner, and express concern that consideration should be given to building on the success of the IRS and adapting it for a broader role.

I agree that capitalising on the expertise at IRS is a crucial issue. There are a number of similar units in DWP which respond to and use customer dissatisfaction to improve our service. We are considering whether there is further scope for efficiencies, and/or sharing of good practice between these different parts of DWP and IRS staff have been involved from the outset of this work.

It should also be noted that IRS staff are DWP employees. So any plans associated with the closure of IRS will include opportunities for redeploying staff currently working at IRS into other DWP roles.

In your note you make three suggestions for how the IRS organisation could be deployed following the abolition of the Social Fund Commissioner. I will deal with these in turn:

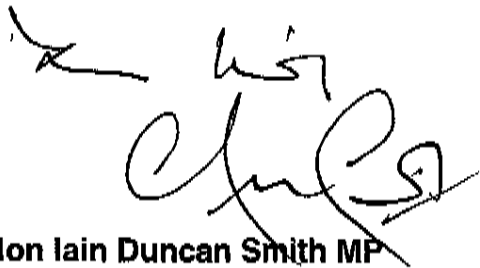
- **A wider range of benefits:** You suggest redeploying IRS to become a new informal tribunal tier. The purpose of clause 99 in the Welfare Reform Bill is to ensure that DWP conducts a robust internal review of disputed decisions, correcting those cases where claimants provide additional clarity or evidence. The role you suggest could risk undermining the aims of the appeals reform we currently undertaking

and the administration of the additional tier would add unnecessary complexity for both DWP and claimants.

- **Reconsideration:** The Welfare Reform Bill seeks to make it mandatory for claimants to request reconsideration of a disputed decision before they have the right to appeal against it. Reconsideration is, rightly, carried out by officers trained and experienced in the relevant benefit, including DWP guidance and regulations. Work is already in train to establish an element of independence in that decision makers will not reconsider decisions that they have made themselves. In addition, we will shortly be approaching IRS to make use of their knowledge and experience in giving the reconsideration process a more independent feel for claimants.
- **Facility for local authorities:** The new welfare assistance that will replace Community Care Grants and Crisis Loans for general living expenses will not be social security and will not carry any right of appeal. There is no assumption that local authorities will provide welfare assistance through an application based system. It would not be appropriate or feasible to have a national review scheme or even a part national scheme to deal with the diversity of arrangements provided by local authorities and the Welsh and Scottish Governments. It will therefore be a matter for local authorities to ensure that decisions are fair and impartial and to decide on appropriate arrangements for handling complaints or reviews.

There are a number of initiatives in progress being worked on jointly by DWP and the Ministry of Justice.. We will take advantage of the skills and knowledge of the IRS where it will be of use in developing these initiatives, and I can assure you that plans will be in place for the transition of IRS staff into other roles in DWP when the service closes.

I am copying this letter to the Lord Chancellor, the Minister for Employment, the Minister for Pensions, the Parliamentary Under-Secretary of State for Justice, and the Chief Executive of Her Majesty's Courts and Tribunals Service.



The Rt Hon Iain Duncan Smith MP

SECRETARY OF STATE FOR WORK AND PENSIONS