



Department
for Work &
Pensions

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HMAC Ms Sonia Hayes
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11 February 2022

Dear Ms Hayes,

RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS

Introduction

I write on behalf of the Department for Work and Pensions' ("DWP") in response to HM Assistant Coroner Sonia Hayes' Prevention of Future Deaths Report made under Regulation 28 of the *Coroners (Investigations) Regulations 2013*.

That report dated 3 December 2021, was served on the DWP by HM Assistant Coroner on 20 December 2021 following the conclusion of an inquest touching on the death of Mr Terence Talbot on 19 October 2021. On behalf of DWP, I would like to express my deepest condolences to the family of Mr Talbot.

I thank the HM Assistant Coroner for allowing DWP until 14 February 2022 to respond to the report. I would also like to thank the HM Assistant Coroner for providing relevant material relating to the inquest by which the DWP could consider and prepare this response to HM Assistant Coroner's concerns, namely:

"The Department of Work & Pensions required Terence Talbot to attend in person to make a claim for benefits rather than accept an electronic claim. I heard from all the doctors and a senior nurse in this case who have a considerable experience across a range of specialties and across several different NHS Trusts that they have never experienced nor heard of a case where a severely ill inpatient was required by the Department of Work & Pensions to leave hospital to attend its offices in person to make a claim for welfare benefits. Terence Talbot was suffering with a mental disorder and an exceptionally rare and complex disease with a risk of death and suffering severe exfoliative dermatitis that rendered him very vulnerable to infection."

DWP was not an Interested Person to these proceedings. For the avoidance of doubt, I confirm that the DWP was not aware that inquest proceedings were taking place in relation to Mr Talbot's untimely death, nor was the DWP asked to provide evidence to assist HM Assistant Coroner within the substantive proceedings or on matters relating to the prevention of future deaths.

I also note that HM Assistant Coroner made no findings that DWP's actions in any way caused or contributed to Mr Talbot's death within her conclusions.

However, HM Assistant Coroner is not limited to such matters when exercising her duty to issue a prevention of future deaths report. As such, DWP is providing this response, helped by the HM Assistant Coroner providing relevant material.

DWP Response

This response is structured in two parts. The first describes the process in place for making a claim to Universal Credit ("UC") in January 2020 when Mr Talbot made his claim for UC, adjustments available to UC claimants in verifying their identity ("ID"), and Mr Talbot's interaction with the DWP. The second part explains measures the Department has in place to support vulnerable claimants in accessing benefits.

Universal Credit – the process in place at the time of Mr Talbot's claim

UC is a social security benefit which is designed to support people who have a low (or no) income with their basic living expenses and housing costs. It is a highly variable payment which takes into account different aspects of an individual's personal circumstances, such as employment income received, and housing costs. A standard allowance is paid, with additional elements being payable dependent on individual circumstances.

The standard process for making and maintaining a UC claim is by online self-service via the gateway on GOV.UK. If a claimant needs support to do this, help is available by the following means:

- telephone
- face to face support from a partner organisation
- in the office
- exceptionally, through a home visit

Where a claimant is unable to claim online, they can claim by phone through the UC helpline. GOV.UK provides details on how to claim, including information about claiming by phone and signposting to additional support available from the Citizens Advice Help to Claim Service.

Upon confirmation of eligibility to claim UC, claimants will complete their application online and agree the legal declaration and terms and conditions of UC prior to submitting the application. Following completion of the final declaration, some claimants can use GOV.UK Verify to verify their ID online. The claimant can either choose to use GOV.UK Verify to complete the information required or elect to verify their ID at the Jobcentre.

At the point when Mr Talbot was making his UC claim in January 2020, claimants who were unable to verify their ID on GOV.UK Verify or elect to verify their ID at the Jobcentre, were automatically directed to telephone the UC helpline to book an Initial Evidence Interview (IEI). Claimants must verify their ID to claim UC. This is to confirm that the right person is linked to the right claim and to help reduce ID fraud.

Serco are an outsourced Provider Agent (“PA”) who work in partnership with DWP delivering telephony services for all UC claimants. The PA was responsible for booking IEI appointments for all UC claimants. When a call was received from a claimant, the PA would complete a telephone ID check before proceeding to check and confirm evidence/documents which the claimant had declared they will take with them to the IEI. The PA would ask questions to identify if the claimant requires additional support or alternative options before agreeing the date and time of the appointment.

Through their initial contact with claimants, PAs may have found that some claimants had complex needs which could mean that they require extra support. Any information regarding a claimant’s complex needs (provided by the claimant) before the IEI appointment would be noted in the special requirement field.

Some claimants may have indicated that they were unable to attend a DWP Jobcentre for their IEI and, for example, request a home visit. In these cases, the PA would complete an information gather, including asking additional questions. A Serco team leader would then contact the DWP Jobcentre’s Provider Agent Contact (“PAC”) to pass on the information the PA has gathered. It would then have been the PAC’s responsibility to contact the claimant to arrange the appointment.

As is still the case now, where a claimant was unable to attend a DWP Jobcentre in person due to a disability or health condition, reasonable adjustments could be made. To support our most vulnerable claimants, DWP Visiting are able to undertake home visits. Home visits are offered in exceptional circumstances to claimants who are unable to complete their new claim through any of the available channels. Alternatively, a third party biographical check may be considered when a claimant is unable to attend an ‘in Jobcentre’ appointment and a home visit cannot be conducted. For example, the claimant is in hospital. A biographical check involves the validation of information provided by the claimant. This information is then checked with third parties. Claimants who are mentally or physically incapacitated and cannot manage their own affairs can also nominate an appointee to make a new claim on their behalf.

People claiming UC must show that they have a right to reside in the UK and are habitually resident.

A claimant is only entitled to UC once they have accepted a Claimant Commitment. The purpose of the First Commitments meeting is to complete an information gather and a diagnosis of a claimant’s circumstances, identify the work a claimant is expected to look for and be available for, establish work search requirements, establish work preparation activities required, and confirm ongoing contact requirement and a forward plan of action for the claimant. A claimant can still claim UC if they are homeless or do not have a permanent address. Where a claimant is entitled to claim there are a number of options available to them. They can use a ‘care of’ address, such as the address of a family member or trusted friend. If they are staying at a hostel, they can use the hostel address, or in exceptional circumstances, they can use their local DWP Jobcentre address.

Appointees and representation by a third party

A claimant may need an appointee if they are incapable of managing their own affairs because of a mental incapacity or severe physical disability. An appointee can be an individual or an organisation. When a request to be an appointee is received, it must be decided whether it is appropriate in the circumstances.

A representative can act on behalf of, or make enquiries for, a claimant. This can be at any stage of a claimant's UC claim. Where it is clear that a claimant with complex needs faces clear and significant risks to their welfare or safety, DWP staff are empowered to proactively disclose information to the relevant body without the claimant providing explicit consent. Additionally, a third party may give DWP information about a claimant where there has been no explicit consent given by the claimant.

Mr Talbot's case

Mr Talbot made his claim for UC electronically on 24 January 2020 and I understand, from the evidence adduced at inquest, that he was assisted by a discharge nurse to complete his online application. Mr Talbot disclosed on his application that he had been admitted to hospital on 12 December 2019 and was receiving emollient application four times daily to his whole body. He also declared that he had Bipolar Affective Disorder and Drug Rash with Eosinophilia and Systemic Symptoms ("DRESS Syndrome").

According to our records, this was the first time that Mr Talbot had ever applied to the DWP for benefits. At the time the online application was made, DWP was not aware of the severity of Mr Talbot's illness nor held any evidence to suggest that Mr Talbot had previously been sectioned under the Mental Health Act. This information was not included in his online application form and we hold no evidence which suggests that Mr Talbot's physical condition was considered to be potentially life-threatening at that time. I also understand, from the evidence adduced at inquest, that the discharge nurse who assisted Mr Talbot with his online application was not aware that his condition was potentially life-threatening, or that it could potentially relapse. Mr Talbot, as assisted by the discharge nurse, also responded "No" to a question on the online application form which asked "Has your doctor said you might have less than 6 months to live due to any of your conditions?".

Following submission of his online application on 24 January 2020 and in the absence of Mr Talbot completing the online GOV.UK Verify process, Mr Talbot was automatically directed to contact the UC helpline to book a face-to-face appointment in the Jobcentre to verify his ID. A call was received via the UC helpline (operated by Serco) on 24 January 2020 and an appointment was booked for Mr Talbot to attend Maidstone Jobcentre at 1:00pm on 28 January 2020. It was noted under the 'special requirements' field that Mr Talbot required a wheelchair. Due to DWP's audio recording retention policy the record of that call has been deleted and we are therefore unable to confirm the details of the discussion that took place. However, on the information currently available to the DWP, we received no evidence to suggest that Mr Talbot was unable to attend that appointment on account of his illness, or otherwise. Had we (or Serco) been aware of any concerns about Mr Talbot's ability to attend that meeting then alternative appointment channels could have been considered.

In January 2020 the remit of PAs was purely IEI appointment booking and rebooking. At this time Serco had limited access and remit to look at any further customer information other than to confirm the customer's ID. There was no obligation or remit to view claim disclosure prior to the booking of the appointment. All necessary information regarding the customer's attendance would have been taken verbally from the customer. If Mr Talbot had stated that he could not attend the Jobcentre in person, the PA should have sent a referral form to the Jobcentre for them to arrange a home visit or to consider other alternatives. Serco guidance includes asking additional questions when a home visit or out of hours

appointment is requested. PAs will contact the PAC in the Jobcentre to make the necessary arrangements.

Following Mr Talbot's IEI appointment on 28 January 2020, a note was placed on Mr Talbot's claim for his next appointment (First Commitment) to be conducted via telephone. This was in recognition of Mr Talbot's health conditions. All subsequent appointments he attended with DWP were by telephone as opposed to face-to-face.

Appointees and representation by a third party

According to our records, the DWP did not receive a request from anyone seeking to act as an appointee on behalf of Mr Talbot. During a telephone call on 29 January 2020 we were advised by a discharge nurse of Mr Talbot's ill health and their concerns surrounding his mental health and ability to participate in appointments. Further contact was requested to be directed via the discharge nurse who was acting as a facilitator.

Mr Talbot's First Commitments meeting was completed by telephone on 03 February 2020. Both elements of Mr Talbot's claimant commitment (work availability and work search and preparation) were switched off. This was in recognition of his reported health conditions and the impact of these on his ability to be available for work, and to look and search for work.

Habitual Residence Test (HRT)

As part of his online application, Mr Talbot disclosed that he had been out of the UK for more than 4 weeks at a time. This prompted a check to determine whether a HRT interview was needed. I understand, from the evidence adduced at inquest, that there was a suggestion that the reason Mr Talbot was asked to attend a DWP Jobcentre was due to HRT requirements. This is not the case. Claimants are notified of the need to have a HRT when first attending the Jobcentre for their IEI as part of the usual process of making a claim. Mr Talbot was required to attend in person to verify his ID as he had not completed this online via GOV.UK Verify. Had DWP been made aware of concerns about Mr Talbot's ability to attend a DWP Jobcentre in person, a referral could have been completed for a home visit or support visit.

Evidence was gathered from Mr Talbot during his IEI on 28 January 2020. The outcome from the PYCA service indicated that Mr Talbot could be fast-tracked. This means that the case could be sent straight to a decision maker without needing to book a full HRT interview. A decision was made on 11 February 2020 that Mr Talbot was entitled to UC as he was a British Citizen or national of the Common Travel Area. This decision was communicated to Mr Talbot via his online journal on 11 February 2020. Mr Talbot was entitled to the standard allowance of UC and was paid from 24 January 2020. His payments continued until after his death.

Homelessness

Mr Talbot disclosed on his online application that he was in temporary accommodation that had been provided to him by the local authority. As Mr Talbot was in temporary accommodation and had made a new claim to UC, he was not entitled to receive an amount for his housing costs through his UC claim. In order to receive housing costs support, Mr Talbot needed to claim Housing Benefit from his local authority. Mr Talbot was still entitled to receive a standard allowance.

Measures for vulnerable claimants in accessing benefits

The DWP is committed to improving the service we provide to all our customers, and is continually looking at ways to support vulnerable claimants. This is to ensure claimants with complex needs are identified and supported appropriately.

The standard process for making and maintaining a UC claim is by online self-service. Where a claimant has someone with them who can help with their claim, online or by phone, it may not be reasonable for a DWP Visiting referral to be completed. A degree of judgement is applied to each situation when considering whether a referral to DWP Visiting is required. Where deemed reasonable and appropriate, a visiting officer is able to assist claimants by communicating answers provided by a claimant to the Service Centre Agent by phone.

Assisted Digital offers a number of support options if an online claim cannot be made or maintained independently, even with help from a friend, family member or a third party. Assisted Digital support covers:

- coaching, challenging and motivating claimants to become more digitally competent - helping them to create, maintain and use their digital account
- recognising when additional support is required and taking appropriate action to coach or signpost to additional support

Changes to ID verification process since 2021

In November 2021 we changed our processes around ID verification. The revised process helps to strengthen the ID verification to reduce fraud and error. We have introduced two-factor authentication by SMS or email. The online identity check verifies the claimant's identity by cross-referencing their personal information against a variety of background sources. As UC is a digital service, we are aiming to provide a remote option to verify ID where possible and safe to do so.

Claimants who successfully verify their ID online may not be required to undertake a full IEI. This further reduces the number of customers that we ask to come into the Jobcentre.

Where a claimant is unable to verify their ID online, they are no longer automatically directed to contact the UC helpline to book an appointment. Jobcentre agents are now responsible for booking all ID appointments. In the majority of cases, claimants will now be booked a biographical check by phone. Jobcentre agents have full access to the claimant's account, including all answers provided by the claimant to the questions that form part of the application process. Jobcentre staff are trained to identify and provide support to customers with complex needs. If a claimant indicates that they are in hospital, this should trigger the Jobcentre agent to invoke alternative processes for verifying ID.

Conclusion

The Department is saddened to learn of Mr Talbot's death. As a Department we are committed to ensuring that claimants are given the right support at the right time. Where a claimant is unable to attend a DWP Jobcentre in person due to a disability or health condition, reasonable adjustments can be made. This includes options such as a telephone

appointment, or requests for a home visit or support visit. Support visits can take place, for example, at a hospital.

We are constantly reviewing the service we provide to claimants across all DWP services and are committed to improving accessibility for all our customers, especially the many vulnerable people who rely on our services. As highlighted in our response, once we were fully aware of Mr Talbot's circumstances, we made reasonable adjustments based on his needs. This was to enable Mr Talbot to manage and maintain his UC claim. Upon reviewing the full circumstances of this case and in light of the changes made in November 2021, we are satisfied that the appropriate support is available to allow vulnerable claimants with complex needs to access benefits and, on that basis, we do not propose to take any specific actions or make any changes at this time in response to the concerns raised by HM Assistant Coroner.

Yours sincerely,


DWP Area Director, Southern England