

**EXPLANATORY MEMORANDUM TO**

**THE SOCIAL SECURITY (CLAIMS AND PAYMENTS, EMPLOYMENT AND SUPPORT ALLOWANCE, PERSONAL INDEPENDENCE PAYMENT AND UNIVERSAL CREDIT) (TELEPHONE AND VIDEO ASSESSMENT) (AMENDMENT) REGULATIONS (NORTHERN IRELAND)**

**S.R. 2021 No. 64**

**1. Introduction**

1.1. This Explanatory Memorandum has been prepared by the Department for Communities (“the Department”) to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly under the negative resolution procedure.

1.2. These Regulations are made under sections 7 and 165 of the Social Security Administration (Northern Ireland) Act 1992, sections 8, 9 and 25 of the Welfare Reform Act (Northern Ireland) 2007 and Articles 43, 48 and 85 of the Welfare Reform (Northern Ireland) Order 2015.

**2. Purpose**

2.1. These Regulations will expand the channels for medical examinations and consultations in addition to those methods currently available to the Department. Current legislation governing Industrial Injuries Disablement Benefit (IIDB), Employment and Support Allowance (ESA), and Universal Credit (UC) does not specify the channels for conducting medical examinations while the legislation governing Personal Independence Payment (PIP) currently provides that a person may be called for a consultation in person or by telephone. The amendments in these Regulations will enable medical examinations and consultations to be conducted in person, by telephone or by video, where required, as part of the process for determining entitlement to IIDB, ESA, UC and PIP. This will enable the Department to tailor the assessments to meet the needs of different claimants and help to ensure the most appropriate method is used.

**3. Background**

3.1. Prior to the Covid-19 pandemic claimants with health conditions and/or disabilities applying for ESA, IIDB, PIP and UC were required, in most circumstances, to attend a face-to-face assessment.

3.2. In March 2020, due to the outbreak of Covid-19, the Department suspended face to face assessments for all health and disability benefits. This created some delays in processing some benefit claims, for some of those benefits that require a medical assessment, and additionally highlighted a need for the Department to provide additional channels for claimants to be assessed. It should be noted that whilst the Regulations are being updated now for telephony assessments for ESA, UC and IIDB, the Department had previously been able to introduce telephony assessments for PIP from March 2020 and for the Work Capability Assessment (WCA) for ESA/UC in April 2020 to ensure service continuity due to Covid-19. The

legislation governing PIP has always included provision for telephone assessment (as well as in person assessment) since its introduction and, as detailed above, the provisions around ESA and UC have allowed for this.

3.3. These regulations also make provision for video assessment to provide the option for a visual assessment of the claimant in cases where a telephone assessment is not sufficient, therefore enabling claimants to access an appropriate assessment that suits them while social distancing requirements are in place. Evidence gathered by the Department showed stakeholders welcomed the provision of wider assessment channels, including telephony and video-based assessments, based on customer needs.

3.4. Providing telephone and video assessments (in addition to the existing channels) will enable continuity of service whilst face-to-face assessments remain suspended due to Covid-19.

3.5. This statutory rule makes amendments to the following regulations:

- The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977;
- The Employment and Support Allowance Regulations (Northern Ireland) 2008;
- The Universal Credit Regulations (Northern Ireland) 2016;
- The Personal Independence Payment Regulations (Northern Ireland) 2016; and
- The Employment and Support Allowance Regulations (Northern Ireland) 2016.

#### **4. Consultation**

4.1. As the Regulations make, in relation to Northern Ireland, only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain consultation with the Social Security Advisory Committee is not required.

#### **5. Equality Impact**

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have significant implications for equality of opportunity or good relations. In light of this, the Department considers that an equality impact assessment is not necessary.

#### **6. Regulatory Impact**

6.1. There is no, or no significant, impact on business, charities or voluntary bodies or on the public sector.

#### **7. Financial Implications**

7.1. None arising from these regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Department is content that the statutory rule complies with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

## **9. EU Implications**

9.1. Not applicable.

## **10. Parity or Replicatory Measure**

10.1. These Regulations correspond to equivalent Regulations being made by the Department for Work and Pensions. In line with the long-standing policy of parity in social security, the Rule should be brought into operation on the same date.

10.2. Parity of timing and substance is an integral part of the maintenance of single systems of social security, child support and pensions provided for in section 87 of the Northern Ireland Act 1998.

## **11. Additional Information**

11.1. Not applicable.