EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (CORONAVIRUS) (ELECTRONIC COMMUNICATIONS) (AMENDMENT) ORDER (NORTHERN IRELAND) 2020

S.R. 2020 No. 87

1. Introduction

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

1.2 The Statutory Rule is made under powers conferred by sections 1 and 2 of the Electronic Communications Act (Northern Ireland) Act 2001. The Rule is subject to the negative resolution procedure before the Assembly.

1.3. These are emergency regulations made as part of the Department's response to the Coronavirus (Covid-19) pandemic.

2. Purpose

2.1 The Social Security (Coronavirus) (Electronic Communications) (Amendment) Order (Northern Ireland) 2020 makes provision to allow a claim to be made electronically for State Pension Credit in addition to the existing methods of claiming by post and by telephone.

2.2 The Covid-19 outbreak has put a strain on the Department's telephony system. An additional electronic way of claiming State Pension Credit should ease the pressure on the telephony system whilst also allowing people to make a claim at a time of their own choosing and without having to leave their homes. This Statutory Rule makes the necessary amendments to allow a claim to be made electronically.

2.3 The majority of people will be able to access and use this new digital service to claim Pension Credit. It will allow people to quickly make a claim without the need to go through the claim process with an agent on the telephone or have to wait at busy times. Reduced telephony demand could free up more agents to support service delivery and allow them to prioritise claims processing.

2.4 This Order makes consequential amendments to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 ("the Claims and Payments Regulations"). They provide for State Pension Credit to be included in the list of benefits for which an electronic claim may be made and the conditions under which the use of electronic communication apply.

2.5 Article 1 provides for citation and commencement.

2.6 Article 2 amends regulation 4ZC of, and paragraph 2 of Schedule 8D to, the Claims and Payments Regulations to permit the use of an electronic communication in connection with a claim for State Pension Credit. The use of an electronic communication by claimants must be in accordance with a direction of the Department.

3. Background

3.1 State Pension Credit can be claimed in two ways: either by telephone or in writing by completing and posting the claim form. Currently most new claims are made by telephone, however, the current crisis has increased pressures on our telephony service.

3.2 This Order is urgent in relation to the Department's response to Covid-19 and its strategy of supporting people affected by this virus and will enable the introduction of an electronic option for claiming State Pension Credit which is being developed by the Department.

3.4 The Department has been responding rapidly to the unfolding situation and recently confirmed it is feasible to develop a digital system for claiming State Pension Credit for use imminently. Due to the urgency of these regulations, we are unable to lay this Statutory Rule for the conventional 21 days before it comes into operation. This is to enable the additional route to claim to be made available as quickly as possible to those who wish to claim State Pension Credit electronically. This will allow those affected by the pandemic to claim State Pension Credit at a time of their choosing and without having to leave their homes. It will therefore assist those older members of the community who are self-isolating and those who are shielding at this difficult time. It also eases the pressure on the Department's telephony system which is operating with a reduced number of staff. This Order will come into operation on 4th May 2020 with a direction being in place thereafter. A digital service for claiming State Pension Credit is being developed at pace and is due to be available online in May 2020.

3.5 The intention to provide an additional digital claim facility as an alternative to the existing methods of claiming State Pension Credit mirrors current proposals being taken forward by the Department for Work and Pensions (DWP) in Great Britain.

4. Consultation

4.1 Given the tight timescales it was not be possible for DWP to conduct user research before the service is deployed. To mitigate this risk, DWP will be referencing research gathered when developing the "Manage your Pension Credit" Beta service and other related services across Digital. DWP will aim to gather feedback from users of the new service, through use of analytical performance tools, in-service feedback

and through research carried out by DWPs user researchers. Feedback from Northern Ireland users will be included in this research.

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 the proposals and concluded that the proposals do not have significant implications for equality of opportunity.

6. Regulatory Impact

6.1 This Order does not require a Regulatory Impact Assessment as it does not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 None anticipated. Consideration has been given to the impact of these Covid-19 measures in terms of both Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME) costs. DWP do not anticipate any current AME implications other than an expected increase in the number of claims as a result of loss of income following the pandemic. The DEL costs of development of the digital service are already accounted for by DWP in the project currently developing "Manage Your Pension Credit".

7.2 DEL costs for Northern Ireland are included in the Department for Communities' Retirement Provision Project's business case. The cost of processing claims received via the digital service may take longer to process than a claim received by telephone but this is likely to be offset by the ability to focus on claims processing which will be of greater benefit to the claimant during this emergency.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

(a) is not incompatible with any of the Convention rights,

(b) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(c) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1 This Statutory Rule does not relate to United Kingdom withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain Statutory Instrument are The State Pension Credit (Coronavirus) (Electronic Claims) (Amendment) Regulations 2020 (S.I. 2020 No. 456) and come into force on 4th May 2020. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.