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Ms Anna Morris KC  
H.M. Assistant Coroner for Greater Manchester South  
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28 January 2025

Dear Ms Morris,

## **RESPONSE TO REGULATION 28 REPORT TO PREVENT FUTURE DEATHS**

We write on behalf of the Department for Work and Pensions ("DWP") in response to your Prevention of Future Deaths Report made under Regulation 28 of the Coroners (Investigations) Regulations 2013.

We would like to take this opportunity to express our condolences, both personally and on behalf of DWP, to the family of Mr Richard Brookes ("Mr Brookes").

You raised the following concerns in your report:

***1. This was a large payment of money to a vulnerable adult who was then required to self-manage that money. In these situations, it is important that there are robust systems in place for ensuring that the requisite assessments and checks are made of an individual to ensure that large payments can be made in a way that does not increase any vulnerability.***

***2. I heard evidence from [DWP] that the DWP systems that are currently in place are hybrid of electronic and clerical systems and that payments can be initiated without there being a full note on the system of the content of the call with the individual.***

**3. I am therefore concerned that there is no way that an agent, quality assessor or team leader can properly evaluate whether any agreement made between the DWP and an individual regarding repayment has fully considered all the relevant factors regarding their vulnerabilities before a large payment is made.**

**4. I am also concerned that the DWP currently has no ability to effectively audit its large payments caseload to ascertain whether the failure in record keeping evident in the present case has occurred in other cases.**

Our response to your concerns is as follows:

**(1) DWP processes in place to ensure large payments can be made in a way that does not increase a customer's vulnerability**

The department has Making Large Payments guidance to support colleagues that administer large payments to customers who may face challenges receiving or handling such payments, as a result of declared or known complex needs. Where we identify that a customer may benefit from additional support with a large payment (resulting from, for example, a previous underpayment or backdated payment decision), the department will discuss the payment with the customer or their representative and signpost them to support if required.

The guidance [Annex A] defines a large payment as £2,000 or more and applies to every benefit administered by DWP. The exception to this definition is where a customer's usual monthly Universal Credit ("UC") payment is over £2,000, in which case the threshold used is whether the amount is twice their normal UC payment.

The guidance prompts DWP agents to consider vulnerabilities and mitigate the risk that receiving a large amount of money might expose a customer to. Different departmental computer systems must be checked for key indicators of potential vulnerability, such as neglect, domestic abuse, physical or sexual abuse, or modern slavery.

For DWP purposes, the description of vulnerability is '*an individual who is identified as having complex needs and/or requires additional support to enable them to access DWP benefits and use our services*'. Complex needs are defined as '*difficult personal circumstances and/or life events that affect the ability of the individual to access DWP benefits and use our services*'.

A checklist helps agents establish whether a customer has vulnerabilities or an appointee. Factors to consider include, but are not limited to, the following:

- additional support already noted on a departmental system
- addictions
- risk of financial exploitation
- homelessness
- mental health issues

If there are no concerns identified, normal payment routes will be followed and notes inputted onto the computer system. If, following system checks, a concern is identified the case will be paused and the payment will not be made. Relevant local agencies will be identified before a call is made to the customer to discuss payment options and the support available to help them manage the money.

The customer is free to choose how they wish to receive their payment from options including:

- lump sum payment,
- payment to a third party, or
- staggered payments over a period of time.

DWP cannot legally withhold benefit from a customer or force them to receive their payment in a particular way.

If, following the call, an agent still has concerns about a customer's vulnerability, the case will be escalated before any payment is made. Escalation routes include liaising with Vulnerable Customer Champions ("VCCs"), the Customer Experience Advanced Support Team ("CEAST") and Advanced Customer Support Senior Leaders ("ACSSLs"), further described below. VCCs, CEAST and ACSSLs will decide how best to provide support, and agents must follow the steps agreed and update the system with the action taken.

CEAST teams within Working Age (the business area where ESA sits) were established in January 2021 to support colleagues who identify customers with vulnerabilities and who need advanced support. CEAST have VCCs based in all processing and telephony teams. VCCs are the first level of additional support available to DWP colleagues working to ensure vulnerable customers receive tailored support. If the VCC has any complex queries that cannot be resolved as part of standard processes, they will escalate to CEAST as the next level of additional support for more complex cases. If yet further support is required, CEAST will refer to the ACSSL as the most advanced level of support available.

Key to the ACSSL role is the building and maintaining of relationships with external organisations that support vulnerable citizens, acting as a link into external agencies' escalation routes, enabling increased cross-agency case collaboration and more holistic support for customers. DWP has a network of ACSSLs throughout Great Britain, who coach and engage with colleagues across DWP services to help support its most vulnerable customers.

In Mr Brookes' case the Making Large Payments guidance was used as the amount owed to him was over £2,000 and the agent identified him as vulnerable. Despite not recording system notes, the agent is confident that they called Mr Brookes and discussed his payment options. As a result of that call the large payment was broken down into smaller amounts, quality checked and scheduled to be issued over eight months.

The department accepts that the notes recorded by the agent were inadequate and there was no record of what was discussed and decided during the call with Mr Brookes. Feedback has been given to the agent regarding the need to record details of the conversations leading to the splitting of payments in this way.

Existing guidance does not expressly state that recording notes of calls with customers on computer systems is mandatory, although training packages and upskilling communications do include the need to do this. The department is reviewing the Making Large Payments guidance within Working Age, with a view to mandating that any calls made, and any agreements reached, be recorded on the DWP systems, and that any related documents are stored in the digital repository. The department is also designing a letter to be issued to customers who have requested or agreed a staggered payment.

Whilst this activity is currently localised within Working Age, improvement teams across the department are working together to monitor the progress, to potentially influence wider guidance changes.

As part of the learning the department has taken from Mr Brookes' case, an upskilling communication has been circulated to all colleagues within Working Age to remind them of the correct process to follow when making large payments. This includes the requirement to consider the size of the payments and the importance of recording conversations with customers.

## **(2) Limitations of the DWP computer systems used to administer Employment and Support Allowance, and supporting guidance for vulnerable customers**

The process of administering Employment and Support Allowance ("ESA") involves the use of a number of different, standalone IT systems.

JSAPS (Job Seekers Allowance Payment System) is the DWP system used to manage the day-to-day assessment, award, payment and maintenance of ESA. JSAPS is over 22 years old and therefore has limited functionality. It is relevant to this case to note that JSAPS does not have the function to stagger ESA payments, like Mr Brookes' Severe Disability Premium ("SDP") arrears, and a separate, standalone system is used to make these payments.

In cases where high value payments to ESA customers need to be broken up, like Mr Brookes' case, the department has 'Staggered Payments' guidance [Annex B] to support agents because different systems need to be used. As this part of the process is manual it means there is no built-in checklist or system generated prompt to check for accuracy. However, the departmental process does specify that the calculations and the decision should be referred to a team leader for verification. In Mr Brookes' case, records confirm the calculations were verified by a quality checker and the staggered payments were verified by a team leader before being inputted to the payment system.

## **(3) How the Move to UC will improve the way relevant factors regarding a customer's vulnerabilities are checked and assured before large payments are made**

As explained above, JSAPS does not have a built-in checklist to confirm every step of the Making Large Payments process has been completed, specifically the notes of the conversation between the agent and the customer. Neither is there any functionality to block a payment being issued where the checklist is incomplete. To mitigate this, internal processes and quality assurance have been improved and are further described below.

As the department plans to close some legacy benefits, including Income Related ESA, by the end of March 2026, there are no plans to invest money or resources in the outgoing computer systems. The work required to update the old JSAPS system would be expensive and an inefficient use of resources, so instead policy and guidance are reviewed to support colleagues using the legacy benefit systems. Existing Income Related ESA customers will migrate to UC which operates on a digital platform, known as "the UC Service". This has additional functionality including both automated and agent led processes. UC will now be briefly explained, as well as how the process of making large payments will be improved on the UC system.

UC was introduced by the Welfare Reform Act 2012 to replace six legacy benefits, including ESA, with a single, streamlined and simplified, digitally delivered benefit system that provides work incentives for those who can work and support for those who cannot. UC has been introduced in a controlled and phased manner with legislation preventing new claims to working age income related benefits and existing legacy benefit claims terminated if a claim to UC is made. This means all new claims for income related benefit are now to UC.

All customers currently claiming legacy benefits who want to maintain their entitlement to income-related working age benefit will have to make a claim to UC. They may choose to make a claim to UC (voluntary migration), or they may experience a change of circumstance that means they need to claim UC (natural migration). The remainder of legacy benefit customers, who do not move voluntarily or through natural migration, will be informed that they must claim UC to maintain their benefit entitlement (managed migration).

On 12 November 2024 the Minister for Social Security and Disability announced that DWP will steadily increase the number of migration notices being sent to customers receiving ESA over the next months, with all notices due to be sent by the end of 2025.

UC has specific guidance on 'Handling Larger Payments' which compliments the department's Making Large Payments guidance. It supports UC agents handling circumstances like those of Mr Brookes, where a UC customer may be due a large payment. It recognises that some customers may find receiving and managing a large payment challenging for a variety of reasons such as their personal circumstances, risk of financial abuse, or difficulties in understanding, processing or managing financial matters.

As Mr Brookes was not a UC customer, it was the Making Large Payments guidance and not the Handling Larger Payments guidance that was used in his case. The UC guidance is included here to provide assurances that UC has processes to support agents and customers in these circumstances.

The UC specific guidance advises colleagues to investigate which other benefits a customer may be claiming to identify any vulnerabilities that may have been disclosed elsewhere. That information must be used to decide how to best support the customer.

Where an agent identifies that a customer may need additional support, they must:

- call the customer or their appointee before making the payment to discuss whether the customer requires support,
- make at least 3 contact attempts over two days. If there is no appointee, the agent will advise the customer through their journal that they are going to phone to discuss making a payment,
- consider using other departmental systems to see if other contact numbers are listed where attempts to contact the customer are unsuccessful,
- record a note in the 'Customer history' of the UC account detailing the actions taken.

If contact is made, the agent must:

- explain to the customer the amount of arrears payment they are entitled to and why.
- ask the customer if it would support them to:
  - i) receive this as a lump sum,
  - ii) have the payment made to another person,
  - iii) have the payment staggered over a number of months, or
  - iv) have a combination of these put into place,
- consider signposting the customer to third party support,
- record details of the conversation and choice made by the customer and attach a pinned note to the claim regarding any payment arrangements agreed.

If an agent has any concerns or has been unable to contact the customer or their appointee, the case can be escalated to the ACSSL by a Team Leader for advice on how to proceed before releasing the payment.

When all steps have been exhausted and no contact has been made or the customer has failed to engage, the customer is still entitled to the payment and it must be issued. All the actions taken must be documented before this decision is made.

Where an agent decides that the customer does not require additional support, they can make the payment in one lump sum.

Alongside the Handling Larger Payments guidance, the UC Service has a check list, known as a 'to-do', built into the system to guide the agent through the process described above step by step. The checklist does not specify that a note must be made of the conversation with the customer but it does contain a notes field, and the expected standard across DWP is that when a call is made to the customer notes are recorded in either in the notes field of the 'to-do' or in the history notes section of the UC claim.

The Service prompts the agent to check for additional support needs and, if identified, the customer must be contacted and alternative payment methods offered. If the agent has not answered any of the questions in the to-do, they cannot progress to the next stage. This is a robust feature built into the computer system that the ESA systems could not provide.

#### **(4) How ESA audits its large payments caseload to prevent errors occurring**

##### Severe Disability Payment Arrears Review

To prevent and rectify errors on ESA claims, a specialist team was set up within Working Age to review cases where ESA customers were claiming Personal Independence Payment ("PIP") but did not have the Severe Disability Payment (SDP) element which they may have been eligible for. Receipt of PIP is one of the qualifying criteria for SDP. As Mr Brookes had been reawarded PIP in 2020 his case fell under the scope of this team.

As a result of the issues identified in Mr Brookes' case, activity has taken place within that specialist team to improve compliance with the Making Large Payments guidance. Clerical forms have been revised to prompt agents to:

- establish whether the customer is vulnerable,
- confirm a call has been made to the customer,
- record all conversations that have taken place with the customer,
- record all decisions made about how the customer wants to receive the payment.

The revised forms are checked by Team Leaders on every case to ensure compliance with guidance, including a check that calls have been made to customers, where appropriate, and that notes have been made. Agents are required to provide any missing or unclear information as a priority. In addition to the Team Leader check, the case goes through a quality assurance check by a separate team. This quality assurance check reviews the entire process, including a check of calculations of high value payments. This has introduced a two-tier, holistic check that was not in place before Mr Brookes' case.

Since introducing these more robust checks Team Leaders have been able to coach agents in the level of detail the revised forms require. Team Leaders are also now verifying cases where no vulnerability has been identified by an agent to avoid any doubt that vulnerability has been considered.

This extra assurance activity only applies to this specialist team working on SDP cases and is not currently a national process. Nationally, teams follow the existing process for Making Large Payments which includes service assurance checks regarding the value of the payments and quality assurance checks as set out below.

## Two-Tier Quality Assurance Framework

In addition to the specific, improved multi-level checks mentioned above, the department does have a robust, two-tier quality assurance process to ensure colleagues are adhering to DWP's Quality Framework. This framework is used to check the Making Large Payments process.

The Framework includes Customer Support Standards which were designed specifically to improve the experience of customers with complex needs and significantly reduce instances of serious cases by providing the right support at the right time. The four Customer Support Standards are;

- Advance Customer Support
- Accessibility Requirements
- Appointees
- Six Point Plan (DWP's response to declarations of suicide or self-harm)

The Customer Support Standards are incorporated in both tiers of the department's quality assurance process and focuses on customer experience.

Tier 1 checks see line managers checking samples of their team's work. This identifies individual errors or non-compliance with guidance and allows for immediate feedback and coaching. For example, if there is no evidence of a call being made to the customer to discuss making a large payment, then feedback would be given to update the system with the action taken and decisions made.

Tier 2 checks see a dedicated quality team checking a sample of customer cases to assure compliance with relevant guidance and processes. Where an error against the Customer Support Standards at Tier 2 is identified, a pause is put in place to consider how any correction activity might affect a customer's vulnerability. This is fed back directly to the service line to make colleagues aware of the risk to be managed when rectifying the error.

The department's Quality Assurance processes are intended to reinforce training and upskilling campaigns. They enable DWP to identify where additional support could have been provided to customers with varying needs or vulnerabilities, reducing the risk of a negative customer experience and potential development into serious cases.

## **Conclusion**

The department is committed to ensuring that customers are given the right support at the right time. This commitment is reflected in the improvements that have already been made to record keeping and quality assurance checks where vulnerable ESA customers are entitled to large sums of money.

Robust guidance exists which supports agents to follow the correct process and support vulnerable customers in these complex cases. Escalation routes into more specialised, advanced support are already in place to ensure that vulnerable customers receive a tailored service.

As Income Related ESA customers are migrated onto UC, vulnerable customers will be supported by guidance specific to UC and the improved functionality of the UC Service, seeing clerical forms being replaced by an automated process.

We hope that our response addresses your concerns and helps to assure you of DWP's commitment to improving the service it provides to vulnerable customers.

Yours sincerely,

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Operational Lead for Northeast England

A large black rectangular redaction box covering the signature of the Chief Medical Advisor.A black rectangular redaction box covering the signature of the Chief Medical Advisor.

Chief Medical Advisor



## Annex A

### Making Large Payments

Some customers will find the experience of receiving and managing a large payment challenging. This could be for a variety of reasons. It may be because of their personal circumstances or particular issues they are dealing with or it may be they have limited capacity to understand, process or manage financial matters. They may or could be influenced or open to abuse by others.

Not every claimant with complex needs will require a change to how they are paid but it should be considered.

The principles of [Listen, Consider, Act and Review](#) must guide any decision and in each case a record must be made of the reasons so we are able to explain this to the customer and other interested parties as necessary.

A generic process has been developed which includes key activities all services will be required to undertake.

The generic instructions detailed below are intended to support the continuing work of each individual product line, and promote consistency of approach across the department.

Staff should always consider overlapping benefits and abatements where applicable and refer to their own product lines for detailed, benefit specific, instructions on Advanced Customer Support: Making Large Payments.

If it is identified that a customer is paid by Payment Exception Services (PES) which is a provision via vouchers (Max value £100 per voucher), this does not support high value payments. A MOP [method of payment] discussion must be undertaken with the Customer to decide on an alternative payment method, ideally a simple bank account.

#### Payment stage

If the customer is due to receive an arrears payment / underpayment or payment outside of their usual payment cycle, you should always consider overlapping benefits and abatements where applicable.

If payments are made by PES, shown as 'Clearbank' you must undertake an urgent MOP discussion, even if no vulnerability is identified.

You must then:

1. Check if the customer has support, for example, a Power of Attorney (POA) or an Appointee.

Note: If the customer has a POA or Appointee, then follow the normal process to issue the payment and update the system with the action taken. No further action needed.

2. Consider the amount being paid. Refer to [Checklist](#).

Note: If the amount is below £2000, you must follow the normal process. (Exceptions can be considered in cases where the customers circumstances are known and indicate the payment may be a cause for concern). Refer to [Checklist](#). No further action needed.

3. If the amount is £2000 or above, you must check Owing Benefit systems for key indicators of potential [vulnerability concerns](#).

Note: Utilise the [Checklist](#) to identify additional considerations using information where possible from DWP systems.

4. Has a Vulnerability concern been identified?

- If No, you must follow the normal process and update the system with the action taken. No further action needed.
- If Yes, continue at step 5.

5. Is there Debt interest?

- If No, continue at step 6.
- If Yes, do not issue payment. Email to Debt using Offsetting Arrears of Benefit proforma answering Yes to Vulnerable Customer. Update system with the action taken. No further action required.

Note: If Debt email the Offsetting Arrears of Benefit proforma back with details of arrears due to customer, you should always consider overlapping benefits and abatements where applicable and then continue at step 6.

6. Discuss Vulnerability concern with a Team Leader / nominated person. You must consider utilising the [District Provision Tool](#) if available for your process / product line. You must consider the payment options available, for example, Breakdown / Staggered. This information will be used to prepare for the call to the customer.

7. Make outbound call to the customer. See: [Making Payment Safely Call Guide](#).

Note: If the customer has an Alternative Format or a Reasonable Adjustment recorded, consider whether an alternative method of communication should be used. You must contact the customer using the alternative method of communication, and update the system with the action taken, including agreed next steps.

8. Was contact made with the customer / 3rd party?

Note: You must attempt to contact the customer 3 times over 48 hours, and at different times.

- If No, you must update the system with the action taken, continue at step 9
- If Yes, you must explain the purpose of the call, and give the customer clear payment options. Update the system with the action taken, continue at step 9

Note: If the customer requires additional support, use the [District Provision Tool](#) to identify appropriate partners. If the customer wishes to consider their options or speak to a third party, agree a time with the customer to call them back to discuss their choice.

9. Has a payment option been agreed with the customer?

- If Yes, you must follow the normal process to implement their choice, then update the system with the action taken. No further action is needed
- If No, you must discuss with Team Leader / Nominated person

10. Do you still have Vulnerability concerns?

- If No, you must follow the normal process, then update the system with the action taken. No further action is needed
- If Yes, then continue at step 11

11. Identify escalation routes available for product line.

- Follow escalation route for example, Vulnerable Claimant/Customer Champion (VCC) Advanced Customer Support Senior Leaders (ACSSL) as agreed with Team Leader / Nominated person

- If you contact the VCC, then the VCC will decide how best to support you. You must follow the next step as agreed with the VCC, then update the system with the action taken
- If you contact the ACSSL, then the ACSSL collaborates with relevant organisations where appropriate. You must follow the next step as agreed with the ACSSL, then update the system with the action taken

12. Once all reasonable steps have been taken use all the gathered information to decide how payments should be issued as per normal process, and update system with action taken.

## Annex B

### Staggered Payments

Staggering high value payment arrears

1. The Opstrat system does not have the function to stagger Employment and Support Allowance (ESA) arrears payments.
2. When the system calculates an arrears payment this will generate FF100s in amounts of £499.99 – these are to be cancelled.
3. The payments must be transferred to form ESA14P to record the staggered payment periods and amounts.

See [Making Large Payments](#)

See [Advanced Customer Support Hub](#)

4. The following instruction will guide you through the process.
5. If the claim is maintained on the system:

Step	Action
1	Select F2 in dialogue JA405 to change the arrears payment to 'CG' (clerical cheque) and select 'END' <b>Note:</b> This will breakdown the payment and generate FF100 in amounts of £499.99.
2	Cancel FF100s as these are not to be used.
3	Complete ESA14P showing details of the agreed staggered payment period and amounts and record on Central Payment System (CPS) as ongoing payments.
4	Refer ESA14P to line manager (LM) for approval <b>Note:</b> The ESA14P should be held in a secure location for 18 months after approval in line with usual document retention policies.

5	Enter a note in dialogue JA110 with details of the staggered payment and action taken.
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6. If the claim is maintained clerically

Step	Action
1	Complete ESA14P showing details of the agreed staggered payment period and amounts and record on CPS as ongoing payments.
2	Refer ESA14P to LM for approval <b>Note:</b> The ESA14P should be held in a secure location for 18 months after approval in line with usual document retention policies.
3	Record details of the staggered payment within the clerical record.

7. You must ensure that quality notes are held on all available systems to explain what actions have been taken and why.

8. Ensure that normal benefit payments are issued on time as business as usual.