

**odsc**

Office of the  
**Discretionary  
Support  
Commissioner**



# Annual Report 2023/2024



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# Foreword



December 2024

If anyone questioned the need and value of Discretionary Support, then the recent report from the Trussell Trust on emergency food parcel distribution should dispel any doubts. In 2023/2024 the Trussell Trust network distributed over 90,300 emergency food parcels in Northern Ireland. This was an increase of 11 per cent from 2022/2023 – a much higher percentage increase than in England, Wales or Scotland. The figures represent more than double the number of food parcels distributed five years ago. Moreover, an online survey by YouGov across the UK in early 2024 found that 53 per cent of people receiving Universal Credit in Northern Ireland had run out of food in the previous month and could not afford to go out and buy more. The Trussell Trust is part of a much wider network of foodbanks, so the figures are only one part of the picture. Managing on Universal Credit and other social security benefits remains a struggle for many claimants, even more so, where individuals and families face a shortfall in rent due to the Local Housing Allowance rules, significant deductions from benefits or are caught by the two-child limit on payment of Universal Credit.

This is the backdrop to Discretionary Support where payments are made according to regulations in circumstances where ‘an extreme, exceptional or crisis situation presents a significant risk to the health, safety or well-being of the claimant or a member of the claimant’s immediate family’. The payments cover essential furniture and household items, short-term living expenses, travel expenses in emergency situations and rent in advance to private landlords. The support can act as a bridge for a homeless person to furnish a Housing Executive or Housing Association home, assist someone to remain living independently in the community, deal with the aftermath of a disaster such as a fire or flood and deal with a temporary crisis through the provision of short-term living expenses. These payments often stave off changes which would ultimately cost more to the public purse. Normally, only one grant and three loans can be paid in any rolling 12-month period. There is also a maximum amount of debt that a claimant can be allowed to accrue. The conditions of entitlement are set out in the Discretionary Support Regulations (NI)

2016 made under the powers contained in the Welfare Reform (NI) Order 2015.

During this year, the guidance that decision-makers shall take account of was tightened to reflect a reduction in the overall monies available for Discretionary Support grants. From 3 July 2023 revised guidance was issued that an award cannot normally be made for essential furniture and household goods within 24 months except where there has been a disaster, or a person is setting up home for the first time or becoming re-established in the community. Other changes reduced the number of items likely to be successfully claimed and no longer making grants available for items for children where the claimant does not have financial responsibility, for example, where a relationship has broken down and the child only spends part of the week with the claimant and not providing grants to enable carers to stay with claimants overnight unless the claimant is at immediate risk of going into care or is unable to leave hospital or other care without that item.

The changes had the desired Departmental impact in that expenditure on Discretionary Support grants was £27.6 million in 2023/2024 down from £40.3 million the previous year. The Discretionary Support budget for grants for 2024/2025 has initially been set at £22 million. Taking account of expenditure trends on Discretionary Support grants following the revised guidance this baseline budget suggests the revised

guidance is here to stay but may not be augmented with further restrictions though that remains to be seen. It is worth noting that the percentage of successful claims for Discretionary Support dropped during 2023/24 though two-thirds of claims still received some payment whether a grant or a loan. Inevitably the number of cases proceeding to DS Inspectors has increased, up by 21 per cent from the previous year.

The return of the NI Executive and Assembly provides an opportunity to consider the implementation of the recommendations of the independent review led by Professor Grainne McKeever. Many of the changes require amendment to the Discretionary Support regulations which in any event, are due for an overhaul as we now have several years' experience of the practicalities of the scheme and where anomalies lie. While some of the independent review's recommendations will improve the scheme without expenditure repercussions, the more substantive ones will require an increase in the budget. While mindful of the real pressures facing the Department I would urge that the meaningful improvements suggested are not sacrificed on the altar of expenditure constraints.

Another noticeable change this year was the increase in the length of time taken between the date of claim and the claim first reaching the Finance Support Officer (FSO). In contrast, once the case reaches the FSO its journey to a Reviewing

Officer (RO) and Discretionary Support Inspector officer is relatively rapid. Positively, the budget for Universal Credit Contingency Fund (UCCF) was increased during 2023/2024. The UCCF is designed to mitigate the financial hardship experienced by many new claimants for Universal Credit (UC) while waiting for up to five weeks for a first payment. In 2023/2024 £3.488 million was paid in grants up from £2.812 million the previous year. The importance of this provision should not be underestimated as many claimants of UC are facing a loss of income due to adverse circumstances such as losing employment, breakdown of a relationship, increased caring responsibilities or ill-health. The downside of an award is that the UCCF grant is counted as a DS living expenses grant and as a result, no further living expenses grant can be paid in the next 12 months.

In my role as Discretionary Support Commissioner, I read every decision made by the DS Inspectors. I also attend

the Department's Change Control Group meetings, regularly meet the staff responsible for initial and first review decision-making and the Department's Social Security Policy and Legislative Division. I also periodically meet senior officials and the Minister. I want to thank the staff and Minister for their accessibility and willingness to listen and meaningfully engage with the issues raised on Discretionary Support, even where the messages from me are not always entirely in line with those of the Department. This is, of course, a consequence of having an independent Office of the Discretionary Support Commissioner.

Finally, I would like to thank the office manager Geraldine Campbell and inspectors for their dedication, commitment and ability to rise to the challenge of an increased workload.

**Les Allamby**  
**Discretionary Support Commissioner**



John McParland, Amy Lucas, Les Allamby, Hugh Phillips, Fiona Douglas, Geraldine Campbell.

# Discretionary Support Arrangements

1. Discretionary Support is administered by the Department for Communities (the Department). The Welfare Reform (Northern Ireland) Order 2015 made provision for the Department to make payments by way of grant or loan to prescribed persons. These arrangements constitute the provision of Discretionary Support which is available only in Northern Ireland. Arrangements came into operation on 28 November 2016. On 24 March 2020 emergency legislation was passed by the NI Assembly which amended Discretionary Support policy.

A Discretionary Support (DS) award may be made where a claimant has an extreme, exceptional or crisis situation which places them or a member of their immediate families, health,

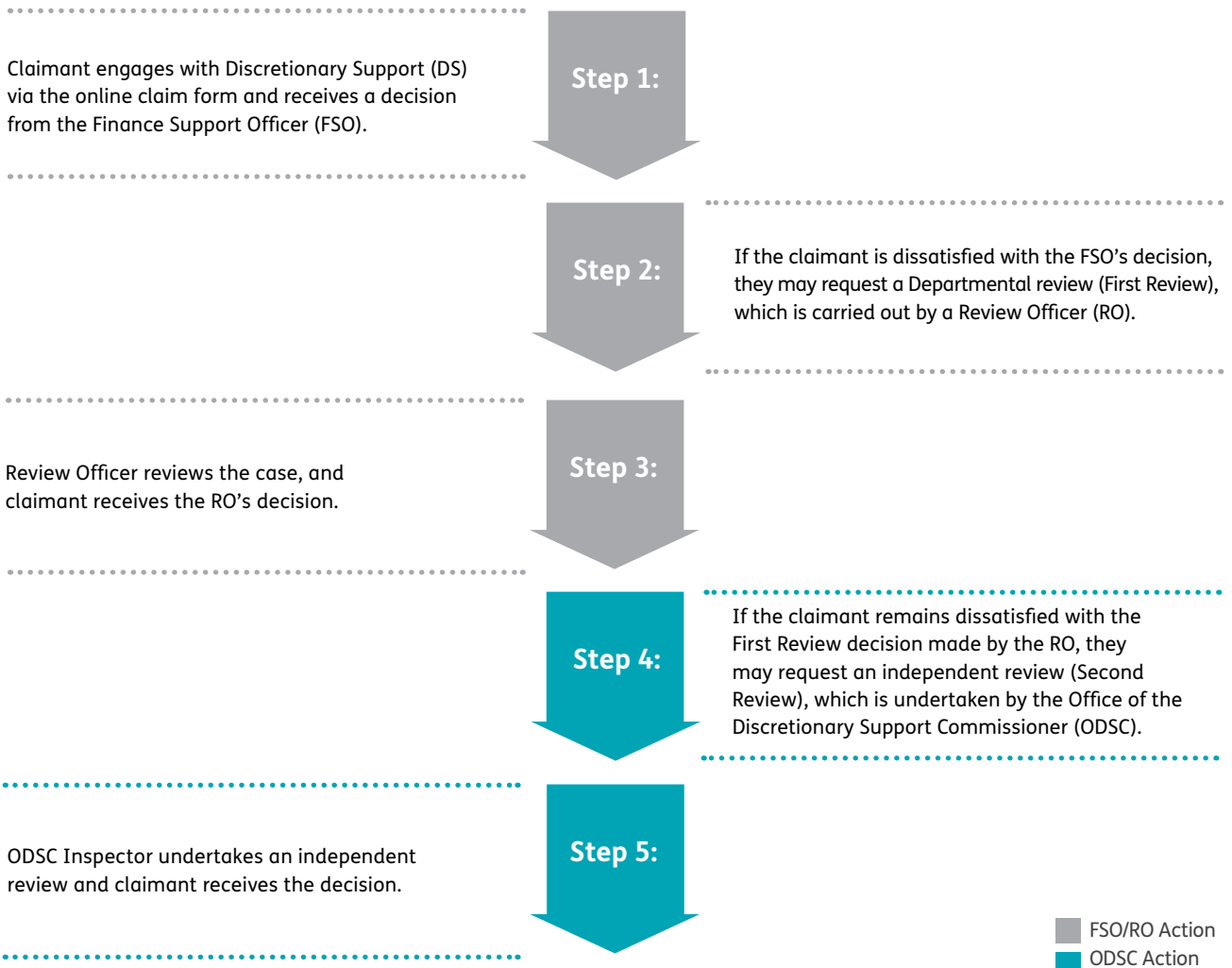
safety or wellbeing at significant risk. If eligible, the claimant may be offered Discretionary Support in the form of a grant or loan. If the claimant is unhappy with an initial Discretionary Support decision made by the Finance Support Officer (FSO), the claimant has the right to ask for a review within 28 days of the initial decision. This first review is carried out by a Departmental Review Officer (RO). If the claimant is unhappy with the outcome of the first review, then a request can be made for a second review by a Discretionary Support Inspector. Discretionary Support Inspectors are part of the Commissioner's Office. In addition, the Universal Credit Contingency Fund also falls within the Discretionary Support scheme.

# The Discretionary Support - Independent Review Service

2. The Independent Review Service, steps four and five below, are part of a five-step process as set out in Diagram A.

Please note that step 1 claims are now made online or through allied arrangements with the Department.

## Diagram A





# The role of the Discretionary Support Commissioner

3. The Welfare Reform (Northern Ireland) Order 2015 provides for the appointment of a Discretionary Support Commissioner. The Commissioner is an independent statutory office holder appointed by the Department for Communities. The independence of both the Commissioner and of the reporting role is an essential component of the post.

As detailed in Article 136 of the Welfare Reform (Northern Ireland) Order 2015, the Commissioner's role is:

- to monitor the quality of decisions of Discretionary Support Inspectors and give them such advice and assistance as the Commissioner thinks fit to improve the standard of their decisions
- to arrange such training of Discretionary Support Inspectors as the Commissioner considers necessary
- to carry out such other functions in connection with the work of Discretionary Support Inspectors as the Department may require
- to report annually in writing to the Department on the standards of reviews by Discretionary Support Inspectors.

Under the Welfare Reform (Northern Ireland) Order 2015, the Department is required to publish the Commissioner's Annual Report.

## Provision of Resources

4. The Commissioner appoints Discretionary Support Inspectors and other staff, from persons made available by the Department, so that statutory duties can be discharged. This includes an Office Manager, appointed to support the Commissioner in the running of the office and Inspectors. All staff are Northern Ireland Civil Servants and are subject to NICS Terms and Conditions. Whilst attached to the Office of the Commissioner, staff are required to operate in an independent role.

The Department provides for the running costs of the Commissioner's office through the normal Departmental budget allocation process. Accommodation and services, including IT support and internal audit, are provided by the Department.

The expenditure on the Office of the Discretionary Support Commissioner this year in office was £202k which covered the salaries of all staff and the Commissioner.

## Relationship Statement

5. A Relationship Statement between the Discretionary Support Commissioner and the Department has been agreed and governs the interaction between the two bodies. The Relationship Statement records the statutory basis for the post of Commissioner and sets out the functions of the Office, together with planning and reporting arrangements operated by the Commissioner. The statement was amended to reflect the taking on of the additional quality assurance role of decisions made by Finance Support Officers and Review Officers.

## Discretionary Support Statistics

6. The figures for claims and decisions by Finance Support Officers (FSOs), Review Officers (ROs) and the Discretionary Support Inspectors are set out below. Table 1 covers the outcome of Discretionary Support claims, alongside first and second reviews with a comparison to figures for 2021/2022 and 2022/2023. Table 2 sets out the outcomes of the second review to Discretionary Support Inspectors.

**Table 1: Figures for Discretionary Support claims, first and second reviews to Discretionary Support Inspectors 2021/2022 to 2023/2024.**

	2021/2022	Success rate %	2022/2023	Success rate %	2023/2024	Success rate %
DS Claims	113,437	68.43	136,240	72.09	131,497	67.62
DS Review Officer, first reviews	1,994	25.43	2,440	28.28	4,555	27.00
DS Inspector, second reviews	74	20.00	247	14.00	298	20.00

**Table 2: Discretionary Support Inspector Reviews Outcomes 2023/2024.**

	Received	Processed	% overturned
April	14	12	33
May	20	22	23
June	30	29	14
July	17	18	11
August	25	25	16
September	22	22	23
October	25	25	36
November	25	24	17
December	22	23	17
January	19	19	26
February	38	34	12
March	40	45	7
<b>Total</b>	<b>297</b>	<b>298</b>	<b>20</b>

Overall expenditure and number of awards for 2021/2022 through to 2023/2024 on Discretionary Support grants and loans is outlined in Tables 3 and 4.

The figures in Table 3 are for Discretionary Support awards only and do not include awards made under the Universal Credit Contingency Fund.

**Table 3: Expenditure on grants and loans for Discretionary Support for 2021/2022 to 2023/2024.**

Expenditure	2021/2022 £m	2022/2023 £m	2023/2024 £m
Grants*	18.507m	40.285m	27.602m
Loans	7.126m	9.337m	10.066m
<b>Total</b>	<b>25.633m</b>	<b>49.622m</b>	<b>37.668m</b>

\*Grants expenditure figures include Discretionary Support grant awards and self-isolation grants as they are no longer recorded separately

**Table 4: Number of awards for Discretionary Support from 2021/2022 - 2023/2024**

	2021/2022	2022/2023	2023/2024
Total number of awards made	77,620	98,220	88,650

Figures rounded to the nearest ten.

## Case Examples

7. A has a partner and a teenage son. Her partner suffered a spinal injury when at work and required surgery several years ago. The home was adapted to his needs, and he used a wheelchair. The partner was doubly incontinent. A claimed for a bed, mattress and bedding, carpet, a tumble dryer, clothes and shoes for her partner. The claim was based on the damage to the bed and mattress from soiling and additional washing needs. The FSO awarded a grant for carpet and a tumble dryer and a loan towards shoes but disallowed the claim for other clothes. The bed and mattress were refused. The RO overturned this decision and allowed the bed but not the mattress as the mattress was considered a specialist medical item and therefore excluded under the regulations. The DS Inspector recognised the need for a specialist mattress but noted that a memory foam mattress would meet the need, could be purchased through normal commercial shopping online and that the item was not normally supplied through the health service. As a result, an award of a grant was made for the mattress.

B is a single man in his 60s. He suffers from liver disease and had a stroke which left him with speech, mobility and eyesight difficulties. He was in receipt of Employment and Support Allowance and Personal Independence Payment. B applied for a cooker in late November 2023 as his cooker had broken down. He had previously been awarded £247 for a cooker in May 2022. B was relying on his nieces to bring him food and he had a microwave. The FSO accepted that B was in an exceptional crisis situation presenting a serious risk to health, safety or wellbeing, however, having followed the revised guidance, the FSO disallowed the claim as a previous award had been made in the past 24 months for the same item. The RO upheld this decision. The DS Inspector also followed the guidance and having noted that B was not setting up home for the first time or re-establishing himself in the community and that the need did not arise from a disaster as defined in regulations, the decision to make no award was upheld.

C was a full-time student receiving Personal Independence Payment and Universal Credit help with housing costs. She lived with a wider family member. C and her then partner was

held at gunpoint in a car hijacking which left C traumatised. The perpetrators were arrested, however, where C lived became known and C had to move. Following the incident C also temporarily left the course due to anxiety, resuming studies six months later. After being homeless for a spell, C was offered unfurnished accommodation and having identified as a full-time student C did not claim to have suffered a disaster. The FSO applied the regulations which exclude payments to full-time students save where there has been a disaster. The RO upheld the decision on the same grounds. The DS Inspector verified the circumstances behind the claim and held that the claim did arise from a disaster as defined, namely, due to a sudden and calamitous event causing loss of possessions or property. As a result, the claim was sent back and an FSO looked again at the claim and awarded a DS grant for furniture, household and other miscellaneous items to enable the move.

D is a lone parent with four children who was receiving Universal Credit, Maternity Allowance and Child Benefit. She was struggling to make ends meet. She applied for assistance with Short-Term Living Expenses towards meeting bills. She had received a previous award for living expenses two months earlier. The FSO accepted there was an urgent need under the regulations but disallowed the claim as under the regulations it is not possible to receive more than one payment for living expenses in any 12-month period unless the result of a disaster. The RO and the DS Inspector upheld the decision as it was in accordance with the DS regulations.

E is a lone parent with two children and was receiving Universal Credit, Child Benefit and Carer's Allowance for caring responsibilities outside her own immediate family. She applied for help with rent in advance and for removal costs. The claim was refused as her total income from UC, Carer's Allowance and the amount awarded under UC towards housing costs just exceeded the Annual Income threshold of £24,382.80 for 2023/2024. Where this threshold is exceeded, no award can be made under Discretionary Support. The RO upheld the decision. The DS Inspector checked the figures taken into account namely, UC, Carer's Allowance and UC housing costs were correct and that Child Benefit had been disregarded in line with the regulations. Both the FSO and RO had followed the regulations and applied them correctly in reaching their calculations so the decision was upheld, and no award could be made.

F is a pensioner living alone. He receives State Retirement Pension, Pension Credit and Personal Independence Payment. He has cancer, arthritis, limited use of one hand following a recent fall and is incontinent. He applied for a mattress, carpet for the bedroom, lino for the bathroom, a fridge freezer, microwave and curtains for the bedroom. F had received a previous grant for a mattress, fridge freezer, carpet for the bedroom and a microwave more than 12 months but less than 24 months ago. The FSO awarded a grant for the curtains and disallowed items which were repeat claims within 24 months under the revised guidance and other items as not essential. The RO upheld the decision

on the same grounds. The DS Inspector decided that the incontinence, and cancer diagnosis and lack of a formal carer were mitigating circumstances and determined that a mattress and fridge should be awarded given the difficulties in getting out to shop regularly. The earlier decision on the microwave was upheld as there was access to a cooker while lino for the bathroom was deemed non-essential in the circumstances and the guidance re repeat claims within 24 months was followed for the carpet on the bedroom.

G is a pensioner. She was moving from Northern Ireland to sheltered accommodation in England to be closer to immediate family. She applied for removal expenses. The claim was turned down by the FSO as under regulations the need must be satisfied in Northern Ireland. The RO upheld the decision as did the DS Inspector on the same grounds.



# Universal Credit Contingency Fund

8. The Universal Credit Contingency Fund (UCCF) is one of several specific mitigation measures introduced to support claimants following UK wide social security reforms introduced in Northern Ireland through the Welfare Reform (NI) Order 2015. The UCCF was introduced from 1 November 2017 with payments being made through the Discretionary Support scheme under legislative provisions within the DS regulations of 2016. The UCCF provides a discretionary grant to alleviate short

term financial hardship experienced by Universal Credit (UC) claimants while waiting up to five weeks for their first payment. The UCCF grant counts as one of the Discretionary Support living expenses grants in a 12 month period precluding a claimant from receiving a further living expense in that period.

The awards and expenditure on UCCF for 2021/2022 to 2023/2024 is set out in Table 5.

**Table 5: Awards and Expenditure on UCCF for 2021/2022 to 2023/2024**

UCCF grants	2021/2022	2022/2023	2023/2024
Awards	7,662	9,740	11,160
Expenditure	£2.498 m	£2.812 m	£3.488m

# Quality Assurance

9. Discretionary Support Inspectors have taken on an additional quality support role to provide further assurance and oversight of the standard of decision making by Finance Support and Review Officers.

The functions of the ODSC Inspectors now have an additional role as Quality Support officers. Whilst the main function of the post holders remains to consider second reviews with the role of Quality Support officer is secondary.

The purpose of this independent team is to help the Department to improve the standard of decision making within the FSO and RO teams. This development can be implemented under existing criteria which state that within the Commissioner's role is the option -

To carry out such other functions in connection with the work of Discretionary Support Inspectors as the Department may require.

ODSC provides Discretionary Support operations with a quarterly report on monitoring performance. Extensive collaboration took place in determining the type and level of information that would be included to ensure that it would be a useful tool. The report is shared across DS managers and included in team time agenda for discussion. To date, DS operations have found ODSC monitoring to be beneficial in terms of learning and in highlighting areas in guidance that need augmenting or clarifying. The regular liaison between DS operations and ODSC has also been welcomed and enables both to be aware of any issues currently affecting each other's service. We also welcome the claimant centred approach taken which focuses on ensuring that claimants are treated with dignity and respect and awards made correctly within the parameters of legislation and having had regard to the guidance.

Table 6 sets out the numbers of decisions examined and the outcomes for the period 1 December 2022 through to 31 December 2023.

**Table 6: Quality Assurance outcomes for decisions monitored from 1 December 2022 to 31 December 2023**

Date	Cases checked	Cases where significant errors made, affecting outcome	Cases where improvement could have been made which would not have affected outcome
1 Dec 2022 – 28 Feb 2023	379	12	128
1 Mar – 31 May 2023	379	25	19
1 June – 30 Sept 2023	382	28	1
1 Oct – 31 Dec 2023	379	8	18
<b>Total</b>	<b>1,519</b>	<b>73</b>	<b>166</b>

Note the June to September period of four months was used to align the Quality Assurance with normal quarters for each year.

Of the 1,519 decisions monitored 95.2 per cent were assessed as correct which is evidence of a high level of effective decision-making. In the small number of decisions where a decision-making error occurred the issues were specific technical ones around interpreting the regulations, for example, failing to consider income available to a claimant when assessing a claim for short-term living expenses, and failing to disregard Child Benefit when working out the Annual Income Threshold for consideration of an award. The number of claims where improvements could have been made yet did not affect the outcome of the claim has significantly dropped from the previous

year suggesting that the feedback provided has been significantly taken on board.

Among the good practice noted from the decisions and calls examined were that decision-makers were regularly empathic when dealing with vulnerable claimants facing difficult and challenging circumstances and sought to signpost claimants to other appropriate support and assistance on several occasions.

The Discretionary Support Commissioner also reads every decision made by DS Inspectors following the trail from the initial decision and the first review decisions. This year the Discretionary Support Commissioner provided internal training on Principles of Good Decision-Making examining the importance of clear findings of fact, the

need to seek additional evidence where appropriate and what constitutes an error of law in decision-making. In addition, DS Inspectors are all JAM trained and undertake regular online NICS training on a range of topics including fraud awareness, data protection and equality issues.

The Commissioner, Office Manager and on a rotational basis a DS Inspector attend the Change Control Group meetings which are regularly held to discuss any

issues arising from decision making and examine the guidance. The meeting is led by the Discretionary Support team operating within local offices and are also attended by the department's Social Security Policy and Legislation staff.

This year there was one complaint lodged against the Office and it was investigated by the Commissioner and upheld in part. The complainant did not pursue the complaint any further.

# Performance against casework targets

Inspectors have worked to the clear set of casework targets (set out at Table 7) during the period. All clearance targets have been achieved for this reporting period.

**Table 7: Performance Targets and Outcomes 1 April 2023 to 31 March 2024.**

	Received	Processed	Actual Average Clearance Times in days - Month	Actual Average Clearance Times in days - Year to Date
April	14	12	1.5	1.5
May	20	22	2.0	1.8
June	30	29	1.3	1.6
July	17	18	1.4	1.6
August	25	25	1.0	1.4
September	22	22	1.5	1.5
October	25	25	1.7	1.5
November	25	24	1.5	1.5
December	22	23	2.4	1.6
January	19	19	3.0	1.7
February	38	34	4.0	1.9
March	40	45	4.0	2.1
<b>Total</b>	<b>297</b>	<b>298*</b>		

\*1 Carried forward from previous year

Target	Working days
Urgent case review process (For example following a disaster or in relation to living expenses)	1
Standard case review process	10
Complex case review process	16

# Office of the Discretionary Support Commissioner

## Objectives

- Deliver impartial, independent review decisions to published standards
- Make improvements in the standard of services provided and in doing so seek, and consider, the views of claimants and stakeholders
- Provide information to the public, claimants and their advisers, to staff of the Department and stakeholders about the role and work of the Office of the DS Commissioner (ODSC) highlighting the right of claimants to seek an independent review of a Discretionary Support decision made by a Departmental Review Officer
- Support the Department to improve standards of Discretionary Support decision making and operational delivery through an annual report, by referring matters to Change Control Group and through our Quality Support objectives as directed by the Department
- Focus resources to achieve efficient and effective outcomes delivering value for money.

## Claimant Service Values

Claimant service values guide staff in the delivery of their work and focus the contribution made both individually and as a team. The ODSC values are to:

- place claimants at the centre of the review process
- treat claimants, stakeholders and colleagues with respect and courtesy
- respect and accept the differences of others in accordance with Section 75 obligations
- work to improve standards of service provided for claimants of Discretionary Support
- be receptive and responsive to the external environment and the way it influences and shapes our future
- engage in reflective learning and use this process to make improvements to the independent review service
- recognise and value the members of our staff team for the contribution each makes in delivering efficient and effective services.



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