

EQUITY

Equity response - Public Authorities (Fraud, Error and Recovery) Act 2025 Codes of Practice consultation

February 2026

About

1. Equity is the largest creative industries trade union with 50,000 members united in the fight for fair terms and conditions across the performing arts and entertainment. Our members are actors, singers, dancers, designers, directors, models, stage managers, stunt performers, circus performers, puppeteers, comedians, voice artists, supporting artists and variety performers. They work on stage, on TV and film sets, on the catwalk, in film studios, in recording studios, in night clubs and in circus tents.
2. Most Equity members work on fixed-term contracts and, typically, fall into the category of Limb (b) workers who are considered self-employed for tax purposes and 'worker' for the purposes of employment law.
3. Equity is the only UK trade union to offer a long-standing in-house advice service specialising in tax, national insurance and in particular, social security law. We provide a helpline, casework and representation to our members. This response includes evidence from casework with Equity members.

Summary

4. Equity welcomes the opportunity to respond to the consultation the codes of practice underlying the Public Authorities (Fraud, Error and Recovery) Act 2025. This submission refers only to the DWP Eligibility Verification Notices (EVN) Code of Practice (CoP) (questions 3 – 33 of the consultation). We are not responding to the CoPs about Recovery of Debt or Obtaining Information to Support Fraud. **All case studies are Equity members.**
5. Our response focuses on two areas:
 - a. The use of business-as-usual claim review practices after obtaining EVN data. We provide evidence of the poor quality of the business-as-usual claim reviews and the detrimental impact on claimants. **We ask** that DWP establishes new and specific processes to ensure: i) every claim review using data gathered by EVN involves rigorous adjudication by properly trained staff, and ii) all such claimants receive professional and empathetic treatment.
 - b. Safeguarding of vulnerable claimants. We provide evidence of the poor treatment of vulnerable claimants under existing business-as-usual claim review practices. Our view is that the additional impact of EVNs on vulnerable claimants will be severe and could lead to more benefit deaths. By providing evidence of the effect UC reviews are already having on vulnerable claimants, we are putting DWP on notice of this.

The UK government has been repeatedly warned by the United Nations¹ about the regression to disabled people's rights because of welfare reform. The UK continues to be in breach of its obligations as a signatory to the UN Convention on the Rights of Disabled People (UNCRDP).² The Work and Pensions Select Committee has called for DWP to implement a statutory duty to safeguard vulnerable claimants to prevent benefit deaths.³

We ask that (i) DWP undertakes proper safeguarding and addresses vulnerabilities, additional support needs banners (ASNBs) and explicit consent, (ii) if a claimant disengages during a claim review DWP treats it as a sign of potential additional needs and not with automatic suspicion, and (iii) DWP staff are suitably trained and experienced to safeguard claimants.

6. We also briefly address other concerns about inadequacies in the CoP relating to the description of the power, use of eligibility criteria, test and learn phase, and necessity and proportionality.

Quotes from Equity members:

'I am completely powerless; no one can help or protect me against the DWP.'

- AB, following a UC claim review

'The extent of mental breakdown is more serious than others I've experienced for a very long time, suicidal thoughts have drastically increased.'

- Mr D, during a UC review

'The incorrect reduction of my Universal Credit, the constant requests for more information, the repeated reviews, and the lack of consistent advice from staff have all caused me serious distress. No wonder benefit claimants kill themselves.'

- Ms B following a UC claim review

Issue 1: the use of business-as-usual claim review practices after obtaining EVN data

7. The CoP states at paragraph 3.53 that DWP will use its business-as-usual processes when using EVN data in relation to a particular claimant. DWP confirmed to stakeholders that this means using its existing claim review processes to contact the claimant, gather information and make decisions. Our casework evidence shows that business-as-usual processes involve poor decisions and explicit consent being ignored. This must be addressed before the new powers are implemented.

¹ See [UN CRDP report 2024](#) and [Report on the UK's treatment of disabled people | Equity](#)

² We refer to the convention as the Convention on the Rights of Disabled People (CRDP) rather than the given name - Convention on the Rights of People with Disabilities (CRPD) - as we follow the social model of disability. The convention allows us to do this.

³ Work and Pensions Committee, [Safeguarding Vulnerable Claimants](#), 2025

8. We have advised around 15 claimants who have undergone claim reviews under DWP's business-as-usual processes. They were randomly selected for claim review under the Targeted Case Review policy then assigned to an agent in the 'UC Review Team'. During this process, the claimant is notified their claim is being reviewed and asked to supply documentary evidence and attend a telephone interview. The UC Review Team then make any necessary entitlement decisions. We believe this will be the same process used for claimants identified via EVN data. This response contains evidence from our experience advising these claimants. In Appendix 1, we include the long-form case studies. No fraud or error was identified in any of the case studies used in this paper.
9. Our casework evidence shows that claimants have a universally poor experience of claim reviews under the business-as-usual processes, feeling victimised and intruded upon. DWP errors when making entitlement decisions which resulted from claim reviews add to the poor experience. We anticipate that claimants brought into scope via EVN will additionally feel that their privacy has been invaded, compounding these issues and making their experience even worse.

The UC Review Team has demonstrated poor knowledge of UC financial entitlement rules, and this has needed extensive advice support to rectify

10. During a UC review, Mr A was wrongly told charitable payments should count as income⁴. A mandatory reconsideration, tribunal appeal, complaint and stakeholder escalation were needed to rectify this over several months requiring extensive advice input and causing considerable distress and reduced UC for the claimant. Ms B had a very similar experience with misunderstanding of charitable payments. Another claimant told us that the reviewer openly explained they did not know the financial entitlement rules.

Issue 2: safeguarding of vulnerable claimants

11. The protections in paragraphs 4.14 – 4.21 of the EVN CoP ("Safeguarding vulnerable claimants") are inadequate. Paragraphs 4.14 – 4.21 constitute 204 of the 11,986 words in the EVN CoP and we are concerned that this reflects that DWP has not seriously addressed this issue. Safeguarding of vulnerable claimants when DWP uses EVN data must be at the heart of the CoP. In our observations of the existing Targeted Case Reviews, we have seen a very poor understanding of safeguarding and a disregard for complex needs issues, additional support needs banners (ASNBs), explicit consent and reasonable adjustments. In our opinion, the extent of trauma inflicted on claimants by the process is preventable and, by not addressing this, DWP is creating a serious risk of harm to these claimants. **We ask** for new and specific safeguarding measures in the CoP to address the risk of harm.

Under the business-as-usual process, safeguarding flags on claims have been ignored

⁴ Charitable payments are not included in income under Regulation 66 [The Universal Credit Regulations 2013](#) and DWP guidance [190. Unearned income-Guidance_V25.0.pdf](#)

12. During a UC review, AB, a claimant with complex post-traumatic stress disorder, LCWRA status, an ASNB and explicit consent, experienced a severe mental health relapse due to the claim review process. Their additional needs were ignored.
13. Ms C with remitting relapsing Multiple Sclerosis and LCWRA status must keep stress to a minimum to minimise her MS symptoms. The UC Review Team refused her request for reasonable adjustments to deal with a representative, ignored the ASNB and did not follow explicit consent guidance.
14. A UC claim review caused Mr D, a claimant with long-standing depression, autism and ADHD, and with LCWRA status, to experience a severe mental health collapse. For several weeks during the review, there were failures to action reasonable adjustment requests, and his mental health crisis was not addressed.
15. A UC claim review caused Mr E to disengage with UC altogether for several months. DWP knew that he had LCWRA status on grounds of extremely precarious mental health causing severe episodes during which he would not engage for months. The UC Review Team ignored explicit consent guidance. They refused to explain why the random review was being conducted and the absence of explanation meant Mr E regarded it as race discrimination, then disengaged entirely.

The context of the disability burden

16. All UC reviews are an additional burden for claimants. Disabled claimants of state support already have to navigate significant and multilayered administrative hurdles and expend extra time and effort to receive their entitlements. DWP must acknowledge and account for this in their claim review processes.
17. For example, Mr F was single, autistic and had depression and anxiety. He worked several hours a week. He received UC with LWCRA, PIP, Access to Work and social care payments to pay for a support worker. He has recently taken his own life. His support worker said, *"Bureaucracy got him in the end, as he always knew it would."* Equity has notified DWP.

To access the support he needed, Mr F was likely to have been subject to a range of requirements including: a) UC monthly declaration of self-employment income and expenditure and potentially capital, b) checking any monthly updates of his council tax reduction depending on his earnings, c) tax return once a year, d) periodic reviews of his LCWRA status – a detailed questionnaire and face to face assessment, e) periodic reviews of his PIP – a detailed questionnaire and face to face assessment, f) periodic social care reviews – a detailed review of his circumstances and finances, g) Access to Work – a detailed review of needs and finances, and h) organising and paying for support workers.

Concerns over the use of subcontracted review staff

18. DWP's 2024-25 Annual Report says that 3,500 new staff have been recruited and that this is due to increase to 5,930 via the use of 'external provider agents'.⁵ Equity's members with experience of the UC system and review process often highlight the poor knowledge of staff that they interact with about UC processes and rules. We are concerned that reliance on outsourced staff will exacerbate this issue without proper training. Additionally, the annual report describes agent work in terms of performance measurements including a 'hit rate' of claims found to be incorrect and savings per incorrect claim. We recognise the desire for measurables, but this language fails to recognise that there are human beings on the other side of claim reviews, and we are concerned that it could lead to staff feeling pressure to prioritise hitting targets over treating each claimant as an individual human being. Similar trends have been noted by the WPC.⁶

Independent oversight

19. The provision for annual oversight of the power to issue an EVN by an independent person is welcome. The quality of decision-making and the safeguarding of vulnerable claimants must be put at the heart of the retrospective annual review. This could be achieved through interviews with claimants who have undergone the process, in particular vulnerable claimants and those who have disengaged following a UC review.

20. To enshrine this commitment, paragraph 4.3 of the EVN CoP should be amended to include a new sub-paragraph (iv):

"The review must consider ...

... (iv) the extent to which DWP has been effective in safeguarding vulnerable claimants during the use of data gathered from an EVN."

21. Further, paragraph 4.7 of the EVN CoP should be amended to include explicit mention of the need to safeguard vulnerable claimants, reading:

"4.7 The independent review ensures the measure is exercised in a responsible and effective manner having regard to the safeguarding of vulnerable claimants, and in accordance with the legal framework."

Other issues

22. The EVN CoP does not clearly describe the essence of the power. It does not explain that this is a broad-based non-individualised discovery exercise and that it does not, at the EVN stage, involve targeting individual claimants or claimant groups. This lack of clarity is confusing and, if not amended, many claimants will believe that DWP staff can use the power to obtain full access to their bank statements.

⁵ [DWP Annual Report 2024-25 p.112](#)

⁶ Work and Pensions Committee, *Safeguarding Vulnerable Claimants*, 2025, p.1

23. The EVN CoP states at paragraph 2.4 that the data items that DWP will request will be, “related to the eligibility rules for a specific benefit”. It provides links to the gov.uk webpages for those benefits. The linked gov.uk webpage for Universal Credit lists eligibility criteria including work, living in the UK, age, living with a partner, and savings. DWP has told stakeholders that the only eligibility criteria it will currently use are living in the UK and savings. We ask for clarity on if, when and how the DWP will extend its powers beyond savings and living in the UK.
24. The EVN CoP describes at paragraphs 2.8 to 2.10 a test and learn phase. This must include interviews with claimants who have been subjected to a review process following EVN data gathering, including those who do not engage and those with additional support needs.
25. The EVN CoP sets out DWP’s views on necessity and proportionality at paragraph 3.8 onwards. We believe that the factors to be considered as part of the necessary and proportionate assessment are unsatisfactory and risk breaching human rights principles. For example, we have concerns around the fraud and error figures, in particular (i) the conflation of fraud with error at all, and (ii) DWP figures which purport to separate fraud from error with no transparency around who makes this decision. The DWP definition of fraud in statistical and public accounting does not match the criminal fraud definition. Using the phrase ‘fraud and error’ without being clear on its definition and allocation scapegoats claimants. As such, any social need to address ‘fraud and error’ does not justify the interference in the right to privacy. The mitigations listed do not address the issues. However, this is not the focus of the current consultation.

Policy recommendations

26. DWP should establish new and specific processes to ensure: i) every claim review using data gathered by EVN involves rigorous adjudication by properly trained staff, and ii) all such claimants receive professional and empathetic treatment. In particular that,
- a. DWP ensures that staff understand that being identified for a review is inherently stressful for every claimant.
 - b. DWP ensures high quality decision-making during claim reviews resulting from EVN data by appointing only DWP’s own staff at an appropriate grade no lower than that of Executive Officer (EO). Staff must have appropriate training on UC entitlement, processes and safeguarding.
 - c. DWP provides a mechanism for advisers to contact specific named review staff in order to support claimants.
 - d. DWP must acknowledge and address that some claimants identified for claim review via EVN data will be put at serious risk to life and health. This is most likely

and most serious for claimants who are vulnerable, who fear the authorities, who cannot manage interactions, or who feel discriminated against.

- e. DWP must acknowledge and address that a claim review resulting from EVN data will cause some claimants to simply disengage and this creates a serious risk to life and health.
- f. All review cases where the claimant has an additional support needs banner or LCW/RA or also claims PIP must be undertaken by a dedicated and highly trained safeguarding team.

27. The quality of decision-making and the safeguarding of vulnerable claimants must be put at the heart of the independent review. In particular,

- a. that the independent review includes interviews with claimants who have undergone the process in particular vulnerable claimants and those who have disengaged following a review.
- b. That paragraph 4.3 be amended to include a new sub-paragraph (iv):

“The review must consider ...

... (iv) the extent to which DWP has been effective in safeguarding vulnerable claimants during the use of data gathered from an EVN.”

- c. That paragraph 4.7 be amended to include explicit mention of the need to safeguard vulnerable claimants:

“4.7 The independent review ensures the measure is exercised in a responsible and effective manner having regard to the safeguarding of vulnerable claimants, and in accordance with the legal framework.”

28. There needs to be clarity on if, when and how DWP will extend the use of the EVN power beyond the eligibility criteria of savings and living in the UK.

29. The test and learn phase should include interviews with claimants who have been subjected to a review process following EVN data gathering, including those who do not engage and those with additional support needs.

Contact

For more information about this submission, please contact Victoria Naughton, Tax and Social Security Officer (vnaughton@equity.org.uk) and Amelia Pratt, Policy and Public Affairs Assistant (apratt@equity.org.uk)

Appendix 1

Case studies

Mr A: nearing retirement with several age-related health conditions, single, at risk of homelessness. Following his UC review (July 2025), Mr A received a UC overpayment decision citing undeclared income (charitable payments) in August. He contacted us immediately for advice. We escalated the matter immediately to UC stakeholder team who agreed this was incorrect and they would rectify. We also requested a formal reconsideration in line with appeal procedures and a request for an explanation directly with UC. Reasons for the decision were provided a month later showing an incorrect understanding of the law. He then received a letter threatening a civil penalty if he did not explain why he did not declare the charitable payments as a change of circumstance. A mandatory reconsideration decision was then produced by DWP (September) upholding the incorrect decision. We then had to lodge an appeal to HMCTS. Within a few weeks we received a letter from HMCTS stating that DWP had conceded the appeal. The episode caused considerable distress for the claimant who received incorrectly reduced UC payments throughout.

Ms B: 52 years old, single, long term mental health, LCW. She periodically receives charitable payments and declared them on her UC journal asking for DWP to clarify how they should be treated. After nearly a year of declaring, she received a decision posted to her journal that she had been overpaid UC. Her UC payment was immediately reduced, and she was unable to cover basic costs so had to take out a loan. She contacted us immediately for advice. We contacted the UC stakeholder team and requested a mandatory reconsideration. The mandatory reconsideration decision was produced late September overturning the original decision however it then took nearly two months to correct her payments. Her mental health deteriorated as a result of the stress caused by the error. She complained about her experience using the DWP online complaints form as instructed by the DWP. When following it up a few months later she was told the complaint had not been received.

A few months passed, and she was then contacted by the UC review team. She was required to provide considerable information and attend a lengthy telephone interview and answer questions on payments she had made, including those related to a relative's funeral. The outcome of the review was that there was no issue with her UC claim. She had been subject to a UC review with the same outcome a year earlier. This came at the same time as a successful PIP appeal dispute. She told us:

'The incorrect reduction of my Universal Credit, the constant requests for more information, the repeated reviews, and the lack of consistent advice from staff have all caused me serious distress. No wonder benefit claimants kill themselves.'

AB (they/them): 40yrs old, single, LCWRA, Complex Post Traumatic Stress. Several years ago, they were subjected to a lengthy UC review which was very triggering. They had no idea why they were being reviewed or what they had done wrong and were not informed throughout the process either until the decision which took considerable time to be made. They did not receive a decision letter setting out what the decision was and why it had been

made. There was no change to their UC award. The prolonged powerlessness experienced here triggered CPTSD symptoms and brought about a mental health/alcohol relapse.

In August 2025 they were contacted by the UC review team and asked to provide 4 months' worth of bank statements. We did a thorough check on their claim and could see no reason for it being incorrect. In line with advice from the DWP, we put an additional support needs banner (ASBN) and authority to act on their journal. Asked for confirmation from DWP that this had been acted on. We posted explicit consent to act and asked for the UC review team to contact us as representatives to confirm why AB was being reviewed. Several weeks passed before there was a response – a generic message posted on the journal by the UC review team simply stating that there would be a UC review phone appointment up to 60 mins.

We then posted a complaint; why had we not been contacted directly as representative, why had our question not been answered, why had an ASBN not been added to the claim. We also contacted the local partnership team. They got back to us quickly having taken action to put the ASNB on the journal. We were told that the ASBN hadn't been acted on quick enough and that there would be a 'reason' why AB had been selected for a UC review. They referred us to the UC review team for an explanation. When we contacted the UC review team they refused to speak to Equity as representative in breach of explicit consent guidelines.

Because of this, the telephone interview had to go ahead, causing further distress for AB. We attended the interview (September) with them due to their level of distress. During the call they were visibly frightened and shaking. The reviewing officer refused to explain the reason for investigation or to speak to Equity as representative because he could only 'speak to an appointee' showing a misunderstanding of explicit consent guidance. Various questions were asked about payments AB had made (irrelevant). They also asked about some work they had undertaken and if there has been a change in their circumstances because of this, despite the fact claimants are allowed to work while LCWRA. The reviewing officer stated they could not identify any change of circumstances and signed off with the following:

'So, if we've requested information from you, if we do not hear from you or you give us wrong or incomplete information, you may have your universal credit reduced or stopped. You may have to pay back some or all of the payments you have received. You may need to pay financial penalty. You may be prosecuted.'

AB was left feeling scared and threatened, with CPTSD symptoms triggered throughout the whole process. They had lost weight as they hadn't been able to eat properly from the date they were first contacted. They were also exhausted as they hadn't been able to sleep properly. Again, they experienced a mental health relapse. They had sought support from a social security adviser, yet our representation had been ignored. They told us:

'I am completely powerless; no one can help or protect me against the DWP.'

Ms C: 45yrs, single, remitting relapsing Multiple Sclerosis & LCWRA. When contacted for a UC review, they contacted us immediately for advice. We did a thorough check on their claim and could see no reason for it being incorrect. We posted an ASBN explaining that stress

causes relapse in Ms C's case, and the not knowing why she was subject to a review was causing this. Therefore, again we asked for an explanation and made clear our explicit consent to act. We asked for direct contact, but generic responses were posted back to the journal. When we escalated the matter requesting either a three-way phone call or postponement so that Ms C could attend our offices for the call. Both this request and the request for explanation were denied.

In order to be able to attend with her, we then had to conduct the call with Equity and Ms C on video call and the UC reviewing officer on the phone in the background. As a result, everyone was struggling to hear each other. The reviewing officer called Equity directly instead of Ms C showing again a failure to understand explicit consent. The reviewing officer found no error with the claim and again signed off with the line as per the case study above, which Ms C found threatening. We asked for a transcript of the call, and none was provided. She has previously had a complaint about the conduct of DWP on her UC claim including not following explicit consent guidance upheld by the Independent Case Examiner. About the UC review experience, Ms C says:

The UC review was confusing from the outset. I had no information about its content, so I didn't know how to prepare, and this caused me to worry; stress impacts my health condition. The review itself was tiring and frustrating. Most of the questions seemed to be pointless and time-wasting, and for me, energy draining. I think there were possibly one or two questions that UC legitimately needed to check about, and I do not see why they could not have asked these questions directly, or even in advance as I would have happily provided the information. Communication was difficult, as provisions were not made to have an accessible three-way call with my advisor, so this was also exhausting. I ended the call with a migraine and had to spend the rest of the day in bed, and unable to work. I was also extremely tired the following day, and had to rest as a result.

Mr D: single, LCWRA, self-employed performer when his health permits, long-term mental health issues, autism, ADHD. Receives PIP. Mr D underwent a highly flawed examination of his self-employed income and expenses by his local jobcentre in September & October 2025 during which he was repeatedly given incorrect information by UC agents. He submitted several complaints during this process, none of which were responded to. We escalated his case via partnership manager channels to no avail. Soon afterwards, the UC Review team contacted him for a review. This contributed to a severe mental health crisis. He said,

"the extent of mental breakdown is more serious than others I've experienced for a very long time, suicidal thoughts have drastically increased."

Reasonable adjustments to the process to enable our attendance with him were initially ignored and there were long delays. When these were finally responded to, they were refused. There appeared to be some adjustment to the claim review process put in place to accommodate Mr D, but key requests were ignored including that he had asked not to be telephoned out of the blue. The outcome of the review was no change to his entitlement.

Mr E: single, LCWRA, PIP, long-standing severe mental health issues which completely incapacitate Mr E for periods of time and he disengages with the authorities. His mental health is extremely precarious. A letter from his psychiatrist was posted on his journal. A UC review team case was started. The first Mr E knew of it was that his payments had been suspended for failure to comply. The review began during a period of extremely bad mental health when he could not engage with anybody at all or leave the house. Mr E tried to comply with the requirements but found it difficult to get the documents together. For example, the correct months' bank statements. He initially sent bank statements within a slightly incorrect date range and this was not accepted. The upload links didn't always work. He initially could not find his ID documents but he had verified his ID at the start of his claim. Mr E repeatedly asked for an explanation why his case had been selected for review and this was not answered. He was simply sent a link to www.gov.uk/universal-credit-reviews. Mr E was asked to supply a photograph of himself with his ID documents. We believe this is a standard request but in the absence of any proper explanation about why his case was being reviewed, Mr E was uneasy about this because he felt it was discriminatory on grounds of race. The UC Review team told Mr E his only other option was to attend a jobcentre with his ID. This was impossible due to Mr E's extremely poor mental health. He had not left the house for several months at that stage. Explicit consent was on Mr E's file but the UC review team refused to deal with us unless Mr E was present. This conflicts with explicit consent guidance. In the end, Mr E disengaged completely with me and with UC for several months.