

# Regulatory Impact Assessment – Digital Switchover (Disclosure of Information) Bill

## Title of Proposal

1. Digital Switchover (Disclosure of Information) Bill.

## Purpose and intended effect

2. “Digital switchover” is the process by which analogue television broadcasting signals will be phased out in favour of digital signals. The process will take place by ITV region starting in 2007 in Whitehaven, the rest of the Borders region starting in 2008 and ending in Northern Ireland in 2012 and the Channel Islands in 2013. The Government confirmed the timetable for digital switchover in September 2005 and the wider impacts of switchover were set out in *“Regulatory and Environmental Impact Assessment: the Timing of Digital Switchover”*<sup>1</sup>

3. A key part of the Government’s switchover policy is to ensure that adequate advice and assistance is available to those who need it to convert. In September 2005, the Government announced that a Digital Switchover Help Scheme (the “Help Scheme”) would be established and funded by the television licence fee. The detailed governance structure for the Help Scheme will be agreed by the Government and the BBC following the announcement of the BBC Licence Fee settlement on 18 January 2007.

4. Under the Help Scheme, a household will be entitled to be provided with suitable equipment to convert one TV set, help with setting it up and any work necessary to improve their TV aerial, if that household includes a person aged 75 or over or a person with a severe disability (those with an award of disability living allowance or attendance allowance, an equivalent under the war pensions or industrial injuries disablement benefit legislation) or is registered blind or registered partially sighted. Help will be available free of charge for those who are eligible and in receipt of pension credit, income support or income-based jobseeker’s allowance;

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<sup>1</sup> DCMS/ DTI September 2005 - Available from [www.digitaltelevision.gov.uk](http://www.digitaltelevision.gov.uk).

others will pay a modest charge.

5. The Digital Switchover (Disclosure of Information) Bill as introduced into the House of Lords:

- permits (but does not require) the Department for Work and Pensions (DWP) and the Department for Social Development in Northern Ireland (DSDNI) to disclose social security information, the MOD to disclose war pensions information and local authorities or (in Northern Ireland) Health and Social Services Boards to disclose information about people who are blind or partially sighted (“visual impairment information”). Any such disclosure must be for use in connection with a “switchover help function” [which is defined broadly as identifying persons eligible for help under the Help Scheme, communicating with them and establishing their eligibility]... Information can be disclosed to the organisation administering the Help Scheme at the top level (which may be the BBC, a BBC wholly-owned subsidiary, or a Joint Venture company involving the BBC and a third party, which may be the Government) and with others engaged by the top-level administrator to carry on a function in connection with the Help Scheme, such as the operator or operators appointed by the top-level administrator to run the Help Scheme;
- creates a power to make an order defining the sort of information that DWP, DSDNI, MOD and local authorities or (in Northern Ireland) Health and Social Services Boards are permitted to disclose;
- makes it a criminal offence for those receiving information under these provisions to disclose this information without lawful authority (reflecting similar provisions in Social Security legislation).

6. The Bill allows the Scheme’s administrator to target those eligible for assistance under the Help Scheme, greatly simplifying the process for administering the scheme, reducing the burdens on those who wish to claim and reducing the scheme’s administration costs.

## Consultation

7. DCMS has consulted with the Digital Switchover Consumer Experts Group about the need for the provisions set out in the Bill. The Consumer Experts Group includes representatives from the Royal National Institute of the Blind (RNIB), Help the Aged, the National Consumer Council, Action with Communities in Rural England (ACRE), Hearing Concern, Royal National Institute for the Deaf, Age Concern, Sense, Citizens Advice Bureau, Wireless for the Bedridden, the Rural Community Council Network and the Voice of the Listener and Viewer.

8. The Consumer Experts Group supports the measure. In its report of April 2006<sup>2</sup> on the Help Scheme, the Consumer Experts Group recommended that:

*“There should be a clear duty on the Government to get in touch with people who are eligible for the targeted assistance scheme for vulnerable groups. The Government has to give the targeted assistance scheme for vulnerable groups the possibility of using central databases that help identify people who would be eligible for targeted help. Data protection issues should not stand in the way of doing this”.*

## Options

9. Two options have been considered:

*Do not legislate (the do nothing option)*

10. Eligibility for assistance under the Help Scheme is linked to eligibility for social security benefits or registration as a blind or partially sighted person. DWP, DSDNI, the Veterans Agency (MoD) and local authorities or (in Northern Ireland) Health and Social Services Boards are constrained from providing this information without an express statutory gateway. Without legislation, those who are eligible for help would

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<sup>2</sup> Consumer Expert Group – Supporting Vulnerable People – Published by DCMS April 2006 and available from [www.digitaltelevision.gov.uk](http://www.digitaltelevision.gov.uk)

need to claim and give consent to the scheme administrator so their eligibility could be confirmed with the relevant agency, or provide documentary evidence.

11. The Digital Television Help Scheme trial carried out in Bolton in 2005<sup>3</sup> tested this approach. The evidence from the trial and subsequent consultations with charities and representative groups indicates strongly that replicating this approach on a nationwide scheme would reduce the Help Scheme's effectiveness whilst adding considerably to the costs of administration.

#### *Legislate to give access to social security data*

12. If the Help Scheme has access to social security and other information on those eligible it will be able to target individuals directly, notifying them of their eligibility and inviting them to claim assistance. This will enable the claims process to be streamlined, reducing the burden on potential customers and the costs of delivering assistance. The targeting of eligible individuals will contribute to higher scheme take-up and make the scheme more effective.

13. The provisions in the Bill raise issues of privacy and protection of personal information but the Government believes the measures to be necessary to ensure the Help Scheme is effective, and proportionate, weighing the nature of the information that DWP and other agencies will be permitted to disclose to the Help Scheme against the benefits in terms of helping to simplify the claims process and promoting higher scheme take up amongst the targeted groups.

#### **Costs and Benefits**

14. The measures set out in the Bill directly affect the Department for Work and Pensions (DWP), Department for Social Development in Northern Ireland (DSDNI) and the Veteran's Agency (to a limited extent) and result in some additional administration costs for DWP, DSDNI and the Veterans Agency. There will also be modest costs for each local authority or Health Board in Northern Ireland. These costs will be lower as a result of the legislation and as Help Scheme costs will

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<sup>3</sup> Report of the Bolton Digital Television Trial – DCMS May 2006. Available from [www.digitaltelevision.gov.uk](http://www.digitaltelevision.gov.uk)

– if appropriate - be met from licence fee income attributed to the Help Scheme. All households which are eligible for assistance from the Help Scheme and which as a result will receive targeted mailings are also affected by the provisions. The Government estimates that around 7 million households will be eligible for assistance under the scheme.

15. The Bill enables the Help Scheme to target those eligible [and communicate with them effectively], thus helping to increase scheme take up and making the scheme more effective. Research carried out for Department of Social Security (as was) and the Central Office of Information (COI) in 2000 found that direct mail was the ideal means of targeting older people, particularly for those who were housebound. More recent research carried out by DWP into take-up of Pension Credit identifies a number of factors which dissuade older people from claiming their entitlement<sup>4</sup> including uncertainty about eligibility, a complicated claims process and concern with providing documentary evidence. Other research carried out by DWP shows that benefit take-up is lower for members of ethnic minorities and is of particular concern.

16. Targeting, which the Bill will permit, will be very effective in raising take-up amongst groups where take up of assistance is low and tackling barriers to claims, particularly where accompanied by tailored communications and engagement with voluntary and community groups.

17. The measures set out in the Bill do not result in any cost to business or to the voluntary or charitable sectors. Permitting the agencies concerned to disclose the prescribed information to the scheme's administrator enables the Help Scheme to be operated cost-effectively producing a significant saving in administrative costs. There are also benefits to eligible individuals who will not by and large need to complete extensive claims forms or have to prove entitlement.

18. The measure has no environmental impacts.

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<sup>4</sup> Understanding the relationship between the barriers and triggers to claiming Pension Credit – DWP Research Report 336.

### **Small Firms Impact Test**

19. The measure has no impact on small firms.

### **Competition assessment**

20. The measure has no impact on competition

### **Enforcement, Sanctions and Monitoring**

21. A key objective of the measures contained in the Bill is to reduce burdens on those eligible for assistance under the Help Scheme. The effectiveness of the measures contained in the Bill will be monitored by DCMS and DWP.

22. The Bill makes it an offence for those receiving the information under these provisions to disclose that information without lawful authority. The penalties reflect those in Social Security legislation.

### **Post-Implementation Review**

23. The measures in the Bill are related to the Help Scheme that will operate between the start of switchover at the end of 2007 in Whitehaven and will wind down in 2013 after the final region has been switched off. Once the process of switchover is completed in 2012, the provisions allowing DWP and the other agencies to disclose data will cease to operate.

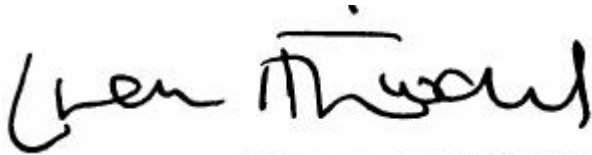
### **Summary and Recommendation**

24. The measures contained in the Bill have no costs for business or for charitable and voluntary sector organisations.

25. The measures will ensure that those eligible can be targeted effectively and greatly simplifies the process for administering the Help Scheme, reducing the burdens on those who wish to claim and reducing the scheme's administration costs.

## **Declaration**

I have read the regulatory impact assessment and am satisfied that the benefits justify the costs.

A handwritten signature in black ink, appearing to read 'Shaun Woodward', written over a faint horizontal line.

**Shaun Woodward**

**Minister for Creative Industries and Tourism**

**Department for Culture, Media and Sport**

**15 November 2006**

**RIA Updated on 30 January 2006**