



# Public Law Project

Dame Meg Hillier MP  
Chair  
Public Accounts Committee  
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Your Ref:

Our Ref: AA

Date: 5 October 2022

Dear Meg

**Re: Department for Work and Pensions' (DWP) Accounts 2021-22:  
Advances Fraud Machine Learning Algorithm**

We are writing in relation to the Public Accounts Committee's (the Committee) [oral evidence session](#) on 20 July and the [letter](#) dated 6 September from Peter Schofield following up on questions raised at that session. Our focus is on the evidence provided by the DWP about the Advances Fraud Machine Learning Algorithm (the Advances Algorithm) referred to at paragraphs 47 to 49 of its [accounts](#).

As set out in our initial [written evidence](#) to the Committee's inquiry, Public Law Project (PLP) is a national legal charity with a strategic focus that includes automated decision making (ADM) in government. PLP is not opposed in principle to the use of ADM systems but seeks to ensure that such systems operate transparently, lawfully and in a non-discriminatory way.

We welcomed the Committee's recommendation in its [Report on DWP's Accounts 2019-20](#) that DWP monitor and report any discrimination or bias caused by using artificial intelligence and machine learning on different claimant groups.

However in light of the evidence provided by the DWP on 20 July, we are concerned that this monitoring is not as robust or transparent as it should be both in relation to the Advances Algorithm and the DWP's wider use of ADM.

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In case of use to the Committee, we are therefore writing to set out these concerns and to make some suggestions for further requests for information the Committee may wish to raise with the DWP either in advance of publication of your inquiry report or as part of the recommendations contained within that report.

### **Compliance with the Algorithmic Transparency Standard**

At question 69 of the evidence session transcript the Committee referred to the fact that Government has set out standards for the use of algorithmic tools and asked if the Advances Algorithm was compliant with those standards. Bozena Hillyer replied that it was.

Our understanding is that this question was referring at least in part to the Cabinet Office's pilot [Algorithmic Transparency Standard \(ATS\)](#) which provides guidance to public sector organisations on the information they should publish about the algorithmic tools they are using.

As far as we are aware, the DWP has not set out any plans to engage with the ATS.

It is possible that the response was referring to compliance with Government's existing [Data Ethics Framework](#). This includes guidance at paragraphs 4.6 to 4.9 on transparency. This states that the model methodology, metadata and / or model itself should be published wherever possible (paragraphs 4.6 - 4.7). If a model is very sensitive, it suggests arranging for approved external organisations to examine the model in a controlled context (paragraph 4.8).

We would recommend that the Committee ask the DWP to set out:

- which standards it considers the model to be compliant with and whether this includes the Government's Data Ethics Framework,
- how it has ensured compliance with those standards, for example, whether it will be publishing the relevant model and if not, what alternative arrangements it is putting in place instead (such as those recommended at paragraph 4.8 of the Data Ethics Framework),
- how it plans to engage with the ATS,
- whether and when it intends to publish the Tier 1 and Tier 2 information recommended for publication under the ATS in relation to the Advances Algorithm and any other new or existing ADM tools.

### **Fairness Analysis**

DWP is also subject to a number of existing legal obligations relevant to ADM. These include obligations to complete a Data Protection Impact Assessment

(DPIA) before processing data that is likely to result in a high risk to the rights and freedoms of natural persons<sup>1</sup>, and a duty to have due regard to the need to eliminate discrimination and advance equality of opportunity<sup>2</sup>, commonly evidenced by way of an Equality Impact Assessment (EIA).

DWP states at paragraph 49 of its accounts that to date it has undertaken a Fairness Analysis of the Advances Algorithm looking at the distribution of false positive results across three protected characteristics.

We understand from paragraph 48 of DWP's accounts that the Advances Algorithm was already in use during 2021-22 in relation to advances that are already in payment and is being trialled in relation to advances prior to payment from early 2022 – 23 onwards.

In response to question 66 from the Committee, Peter Schofield acknowledged that DWP should look at what, including in terms of Equalities Impact Assessments, could be published in order to provide confidence to the public.

We reiterate our recommendations set out in our initial written evidence about the need for publication of relevant assessments and engagement with stakeholders before the Advances Algorithm is deployed. We would further recommend that the Committee seeks specific information from the DWP about their timetable for doing so, and assurances that there will be transparency of information before a wider roll-out, noting that the Advances Algorithm appears (from paragraph 48 of the accounts) to already be being deployed in some contexts.

We also understand that there are a number of ADM tools already in use by DWP (some of which have been in use for some time). We therefore also reiterate our original recommendation that the Committee recommends DWP publish the relevant assessments for these existing tools (redacted if necessary) as a matter of urgency.

In the meantime, we welcomed the request from the Committee to the DWP (at question 66) to set out which three protected characteristics have been assessed to date and DWP's response of 6 October providing this information. We would recommend that the Committee also consider asking for the following additional information:

- The data that has already been collected on the distribution of false positives across those three protected characteristics,

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<sup>1</sup> Article 35 UK General Data Protection Regulations

<sup>2</sup> Section 149 Equality Act 2010

- The letter of 6 October suggests an intention to carry out further analysis in relation to other protected characteristics in due course. We would recommend that clarification is sought as to the timelines intended for this – noting that as we understand it piloting of this model is already underway.

While false positive data is important, it is not sufficient to assess potential bias and discrimination. We therefore also recommend the Committee consider asking DWP to:

- Set out what additional data, measures and factors they are using to analyse impact and risk,
- Share with the Committee any existing data they have on the demographics of the data set that is being used to “train” the Advances Algorithm. This information is important for assessing the risk of training bias, for example, if there is an imbalance in the demographics of the training datasets, it can lead to a high false alarm rate or high false reject rate for that particular demographic.

If the Committee has any questions about any of the above or would welcome any further information, please do not hesitate to get in touch.

Yours sincerely,



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