

# **Resumption of the Analysis of Social Security Petitions Supervision of Social Security Processes Using Sampling And The Software: "Interage".**

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**ABSTRACT:** Innovation permeates all areas of society. The public service is undergoing adaptations and modifications that are driven by process innovation. Thus, the objective of this article was to explain a case study on the analysis of social security petitions Supervision of social security processes using sampling and the software: "Interage". As a result, it was found that the use of the Interage software had an impact on the efficiency and effectiveness of the social security processes.

**KEYWORDS:** experience report, social security, Interage

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## **I. INTRODUCTION**

With the forecast of supervising the Social Security Agencies - APS - coming explicitly from arts. 167, I, a, and art. 173, I, b, of Administrative Rule 296 of 11/09/2009, which approves the Internal Rules of the INSS, the Director of Assistance - DIRAT, Director of Benefits - DIRBEN and General Coordination of Rights Recognition - CGRD of the INSS through Joint Circular Memorandum No. 27 /DIRBEN/DIRAT/INSS of 06/17/2015 instituted the Program of Technical Advice to Assistance Units - Supervision.

The new Program recommends in its Attachment I, as a 2nd step, the analysis of the benefit processes of the Social Security Branches - APS by the Benefits team of the Executive Management - GEX of INSS. This analysis represents a detailed scrutiny of the elements that compose the benefit Administrative Social Security Process, allowing the supervisor to identify the absence of important elements of form and content, inconsistencies in the procedural instruction until culminating with the conclusion of the appropriate or inappropriate outcome of the process given the laws and social security regulations in force. Therefore, quality is placed as an end in a human institutional program.

Thus, this research will be a case report on the analysis of social security petitions in the city of Campina Grande.

The Benefits Service of the GEX Campina Grande - BENEF GEXCPG - has proposed a local Sample Supervision Project that prepares its units prior to the implementation of the National Program mentioned above. In this way the National Project would find in GEXCPG an environment that would strengthen its results.

The Sampling Supervision in GEXCPG will work on the same object in kind - social security benefits administrative processes - however it will have as supervisors, given the local idiosyncrasy, the PHA managers,

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PHA Benefit Managers, PHA Supervisors and Social Security Analysts with other backgrounds working in PHA.

Both Projects work with samples, as will be seen, but this will not result in the necessary repetition of supervised processes; if it does, a double degree of verification will be formed, bringing about continuous improvement.

With the adoption of didactic andragogical guidelines, respecting the peculiarities of its employees and seeking their continuous development, the Sample Supervision of GEXCPG will have a wide application, reaching processes of all social security benefit qualifiers simultaneously, pursuing qualitative progress and particularized to the degree of local development. Thus, the objective of this work was to map social security benefits administrative processes with higher quality of instruction and decision to all the APS's of GEXCPG in the process of continuous improvement through incremental and participatory approach to achieve excellence from the people who make up the base of recognition of rights - APS.

In the provision of public social security services, for example, it is possible, in the same episode, to provide excellent treatment but terrible service if the accuracy of the recognition of rights is sloppy or erroneous. On the other hand, lack of politeness accompanied by exceptional instruction and procedural decision would represent success in the treatment and failure in the treatment. Both are legal duties of the federal statutory public servant (art. 116, items III and XI, respectively of Law 8.112/90) and species of the genus quality. The lack of success of one of the specimens will harm the genus: quality. The Strategic Map of the INSS (available at <http://www-plano2014/>) indicates as the Mission of the Social Security Agency: "To guarantee protection to the worker and his family, through a public system of solidary, inclusive and sustainable social security policy, with the objective of promoting to promote social welfare".

The mission refers to the purpose or reason for which the organization was created and what it should serve. Here resides the parameter for verification of the fulfillment of the success in the service and as a corollary obtaining quality. The purpose of the Social Security Agency is to guarantee protection to the worker and his family, which undoubtedly has an intrinsic connection with the adequate and precise recognition of rights in the social security benefit administrative processes. To neglect the recognition of rights means to prevent successful service and to obliterate the mission of the INSS.

How is the GEXCPG's service (recognition of rights)? The adequate answer to the question would surely be complex and as precise as the more meticulous the previous research and survey work is. With Sample Supervision we also want to elucidate this path in part. Some facts, however, already deserve attention.

From June 2013 to June 2015 in the administrative area of GEXCPG, composed of 141 municipalities, population of 1,753,181 inhabitants and 18 APS's (source: <http://www-room/service/index>) of the 104,165 social security benefits of the General Regime of Social Security (RGPS) granted, 15,993 were in legal actions. Thus, 15.35% of all the RGPS benefit concessions in the administrative area of GEXCPG were made by the Judiciary, a monthly average of approximately 640 concessions. For every 5.51 administrative concessions, there was one judicial concession in the period.

The administrative denials in the period totaled 47,652, representing 35.08% compared to the total number of administrative requests presented to the agency. For every 3 administrative rejections in the period there was statistically one judicial concession.

As is evident, the administrative denials will not represent a simultaneous graphic reflection in the judicial concessions, since these resisted claims will have a judicial course for analysis that, even though quite quick, will demand some time. The reflection of today's administrative rejections will manifest itself judicially months later. This fact would explain the less sinuous graphical line in the representation of judicial concessions in comparison to administrative concessions and denials in the same period.

Judging by the reasonable number of judicial concessions in the period between June 2013 and June 2015, one could conclude that they are directly and exclusively related to erroneous administrative rejections. As it is known, however, the servants of the Social Security Agency are bound by virtue of art. 116, III of Law 8.112/90 to comply with the internal regulatory rules. This way, there are possibilities of judicial concessions that would not have the incorrect administrative rejection as a reason. An example is the proof of economic dependence that has direct reflection on the right to Pensions for Death for companions.

Decree 3.048/99 - Social Security Regulation - in its article 22, §3º establishes a list of exemplary documents that must be presented in no less than three to substantiate the recognition of dependence. Therefore, no benefit could be administratively granted, in which economic dependence is a requirement, without the observance of the three pieces of evidence or at least one of them added to the favorably processed Administrative Justification. For a similar case, however, in the scope of the Special Federal Courts, it would be possible to grant the benefit without any material evidence, according to Precedent 63 of the National Uniformization Panel of the Special Federal Courts - TNU, of 07/03/2012.

In this panorama in which the social security judicial demand is caused by mistaken administrative

rejections and administrative rejections that are normatively adequate, the Sample Supervision will provide a division between the first and the second group, isolating the mistakes and correcting them through the power/duty to review resulting from administrative self-tutorship. Thus, it will be possible to mitigate the judicialization of social security caused by faulty administrative instructions and decisions.

The Sampling Supervision in the APS will complement the National Supervision Program, allowing an immediate measurement of the administrative procedural quality and greater accuracy in the recognition of rights of the GEXCPG's APS.

## II. REPORT OF EXPERIENCE

As explained in the introduction, the National Supervision Program of the DIRAT/DIRBEN/CGRD, provides for a supervisory procedure to be executed, regarding the analysis of social security benefits administrative processes, by the Benefits Service of the GEX of the INSS in an active and unavoidable competence.

At present, the BENEFGEXCPG has the 9th worst relation between the number of active workers and the quantity of benefits maintained - one of the main parameters for measuring its workload - among the 23 GEX of the Northeast region, according to Table 1.

Table 1: Quantity of benefits maintained versus number of active workers in the BENEFG's of the Northeastern GEX's.

Classification	UF	EXECUTIVE MANAGEMENT	OL	RETAINED BENEFITS	NUMBER OF SERVERS	QTY OF BENEFITS MAINTAINED BY ACTIVE SERVER OF THE BENEFITS SERVICE
1	MA	SAO LUIS	9001	732658	4	183165
2	PE	CARUARU	15021	403817	3	134606
3	RN	MOSSORO	18021	226290	2	113145
4	BA	FEIRA DE SANTANA	4022	407288	4	101822
5	BA	SANTO ANTONIO DE JESUS	4025	179981	2	89991
6	BA	ITABUNA	4023	266497	3	88832
7	BA	SALVADOR	4001	529546	6	88258
8	PE	RECIFE	15001	574384	8	71798
9	PB	CAMPINA GRANDE	13021	356461	5	71292
10	CE	JUAZEIRO DO NORTE	5021	332664	5	66533
11	CE	SOBRAL	5022	393724	6	65621
12	BA	VITORIA DA CONQUISTA	4026	324541	5	64908
13	MA	IMPERATRIZ	9021	319373	5	63875
14	BA	BARREIRAS	4021	184688	3	61563
15	PI	TERESINA	16001	609260	10	60926
16	CE	FORTALEZA	5001	720310	12	60026
17	RN	NATAL	18001	327040	6	54507
18	PE	GARANHUNS	15022	294542	7	42077
19	SE	ARACAJU	22001	327296	8	40912
20	BA	JUAZEIRO	4024	428922	11	38993
21	PE	PETROLINA	15023	207239	6	34540
22	PB	JOAO PESSOA	13001	345289	11	31390
23	AL	MACEIO	2001	506842	18	28158

Source: <<http://www-inss.prevnet/>> server search and <<http://www-suipe/>>

Statistically, for each active BENEFGEXCPG server there are 71,292 welfare benefits maintained. Regarding the absolute number of active workers in comparison to the other GEXs in the Northeast, the BENEFGEXCPG occupies the 8th worst position along with the BENEFGs of Juazeiro do Norte, Vitória da Conquista and Imperatriz.

This contingency, when we talk about statistical sampling of Supervision with 405 social security

benefits administrative processes to be supervised monthly, combined with the National Supervision Program to come, make it unfeasible for the BENEF GEXCPG to carry out this project.

Therefore, with the advent of the Joint Technical Note PSF/CGE and GEXCPG INSS No. 2 of 16/12/2015, item 32, the feasibility of supervision carried out by the PHA Managers, PHA Supervisors and Social Security Analysts with other qualifications working in PHAs is unveiled.

This way, the Sample Supervision Project is created in the GEXCPG with execution in the APSs, which will generate a double degree of qualitative control over the recognition of rights when combined with the national BENEF Program.

Furthermore, the local Sample Supervision is shielded by the normative permissive contained in art. 601 of INSS PRES 77 of 21/01/2015, which states

Art. 601. The control of operational acts for the prevention of deviations from normative procedures, the verification of the regularity of the acts practiced in the execution and the consequent guarantee of the quality of the work, will be operated by actions adopted by sampling by the Benefits Area in the scope of the Executive Management, in the form of the Internal Regulations, being the Audit's competence to verify the quality of these controls.

As we will see in chapter 5 (Methodology) the Project under discussion meets the above mentioned requirements of sampling and operation by actions developed and adopted by BENEF within the GEXCPG and executed by the APS's.

Finally, a pragmatic imperative also imposed itself favorable to the execution of the Sample Supervision: the successful lawsuits for function deviation in the GEXCPG.

In these actions it was recognized in court that Social Security Technicians (and other servers occupying positions whose educational qualification requirement is the average level of formal education) performed attributions attaining to positions whose requirement is the higher formal education level.

The GEXCPG's PHAs have 223 employees and at the moment there are 85 lawsuits filed about misassignment, representing 38.11% of all the employees of the units. Of this total of lawsuits, 30 were accepted by the lower court; 35 were dismissed by the lower court but were reformed in the appeal court and were also granted, for a total of 65 favorable decisions regarding the deviation of function, compared to the 85 total lawsuits.

The Joint Technical Note PSF/CGE and GEXCPG INSS No. 2 of 16/12/2015, item 32 recommended, after analyzing the existing deviation of function actions in the GEXCPG, the need to conduct Supervision for the performance by the Social Security Technicians of certain activities:

32. In obedience to the court decisions that recognized the existence of deviation of function in the activity of analysis/instruction/concession/revision of benefits by Social Security Technicians, without supervision by Social Security Analysts or supervisors, we are of the opinion that, when developed by Social Security Technicians (and they are of greater complexity), the following duties should henceforth be supervised by Social Security Analysts or supervisors (whether the Manager of the APS, the Section Chief, the Chief of Benefits of the APS or the Supervisor of Benefits of the APS): 1. Promoting, instructing, analyzing and concluding the initial recognition of the right; 2. Instructing, analyzing and concluding the administrative appeal of benefit; 3. Instructing, analyzing and concluding benefit review request.

The impact on the recognition of rights and the wait for scheduling of social security services is Dantesque, imposing Sample Supervision as a means to enable the activities of the Social Security Technicians with deviation of function stationed at the GEXCPG, according to the Note transcribed in part above, and according to decisions such as the following from the Appellate Panel of the Special Federal Courts in the Judiciary Section of Paraíba:

Case No. 0500207-73.2015.4.05.8201: [...]

This Appeals Panel believes that there is no deviation of function, if it is proven that the APS under discussion there is a Social Security Analyst or even a Social Security Technician with leadership function (Head of APS), which indicates a supervisory situation to legitimize the monitoring of mid-level servers by those who hold the higher-level position or management function, in the performance of the duties carried out in the respective body. [...]

Case No. 0508194-97.2014.4.05.8201: [...]

This Appeals Panel understands that there is no deviation of function, if it is proven that in the APS under discussion there is a Social Security Analyst or even a Social Security Technician with a leading position (Head of the APS), which indicates a supervisory situation that legitimizes the monitoring of mid-level servers by those who hold a higher-level position or leading position, in the performance of duties performed in the respective agency [...].

Case Number 0509324-25.2014.4.05.8201:

[...]

This Appeals Panel believes that there is no deviation of function, if it is proven that in the APS under discussion there is a Social Security Analyst or even a Social Security Technician with leadership function (Head of the APS), which indicates a situation of supervision to legitimize the monitoring of mid-level servers by those who hold a higher-level position or management function in the performance of duties carried out in the respective body.

monitoring of mid-level employees by those who hold a higher-level position or management function, in the performance of duties performed in the respective agency. [...] (our emphasis and boldface)

Supervision, based on the Shewhart or Deming Cycle (PDCA - acronym for "Plan, Do, Check/supervise and Act"), makes up the third of the four stages necessary for an effective procedure of institutional self-improvement. Thus, it is the instrument through which one of the indispensable stages of the continuous improvement process is materialized: <<http://www.sobreadministracao.com/o-cycle-pdca-deming-and-the-continuous-improvement/>>

For such an accomplishment, in item 5.2 there is the "Calculation with Sample Methodology for Supervision in the Executive Management of INSS in Campina Grande - PB". In this work statistical samples were calculated, representative of each APS of the GEXCPG, with the following parameters: Reliability of 95%, Margin of Error of 5 percentage points and proportion of 50% (see item 5.2). The values in Table 04, item 5.2, represent the exact number of processes that should be supervised in each PHA on a monthly basis, ensuring the maintenance of the validity of the work. The Sample reduces the surveyed universe, without loss of essential characteristics.

In the Sample Supervision action, the new GEXCPG INTERAGE network system will be used <<http://10.90.154.174/>>. Supervision will be carried out by the PHA Managers, Heads of Benefits of PHAs, PHA Supervisors and holders of Social Security Analyst positions with other qualifications, working in PHAs (Item 32 Joint Technical Note PSF/CGE and GEXCPG INSS 02/2015 of 12/16/2015). At the end of each work day, the APS enablers will access INTERAGE, using the same login and password of SISREF and, on the "Supervision" tab, they must include the type and number (E/NB) of the benefits completed that day. The same applies to managers who complete benefit processes. This flow will start from 04/01/2016.

The Sample Supervision will be performed, at this time, exclusively on the following types: B21 - Social Security Death Pension, B25 - Reclusion Aid, B31 - Social Security Sickness Aid, B41 - Old Age Retirement, B42 - Contribution Time Retirement, and B80 - Maternity Allowance. These, according to the study, are representative of the other species.

The Welfare Benefits of Law 8.742/93, B87 - Social Assistance to the Handicapped; and B88 - Social Assistance to the Elderly; in turn, are specimens with particularities as to the recognition of the right, as well as its conclusion, which justify their absence in this introductory moment.

For the B87, the definition of the right and the conclusion of the benefit are the responsibility of the Social Security Analysts, trained in Social Assistance, besides the INSS Expert Physician. The participation of Social Security Technicians and Social Security Analysts with other qualifications only occurs in the data input phase in the SIBE software, with no direct interference or analysis of the right by these professionals. Regulation contained in art. 16, §1, of Decree No. 6,214 of 26/09/2007, included by Decree No. 7,617 of 17/11/2011.

Elements described above for the B87 can be extended to the understanding of the recognition of the right of the B88, as can be seen in Joint Ordinance 2 of 19/09/2014 of the National Secretariat of Social Assistance of the Ministry of Social Development and Fight against Hunger in its article 16. It is unequivocal to understand the SIBE Tutorial on page 4, second paragraph available at:[http://www-inss.prevnet/downloads/dirben/SIBE/Tutoriais/Requerimento\\_APS.pdf](http://www-inss.prevnet/downloads/dirben/SIBE/Tutoriais/Requerimento_APS.pdf).

In this last document, which details the routines of the welfare benefits administration software, it is explained that the means and the decision power will be decentralized and then it is concluded that "the recognition of the right will be automated" with this software.

INTERAGE, on the last day of the month, will randomly select the benefits to be supervised, generating a list of processes that will be available for the supervisors' work, starting on the first day of the following month. This list will contain the processes in precise observance of the mathematical/statistical work detailed in item 5.2.

Those responsible for supervision (through INTERAGE, in the "Supervision" tab), between the first and the 20th day of the month subsequent to the competence in analysis, will perform the supervisory activity. E.g.: Processes concluded in the month of January 2016 should be supervised from 02/01/2016 to 02/20/2016 and so on.

Supervision will be materialized with the completion of a computerized questionnaire, made available in INTERAGE, based on data extracted from the Program of Technical Advice to the Assistance Units -

Supervision, developed by DIRAT/DIRBEN and General Coordination of Rights Recognition - CGRD established in the Joint Circular Memorandum No. 27 /DIRBEN/DIRAT/INSS of 17/06/2015 already mentioned.

The questionnaire, which emulates the one mentioned above with adaptations, was presented in the Joint Office/BENEF GEXCPG Circular Memorandum of 12/24/2015. When the supervisor fills it out, the software will automatically suppress, according to the kind of benefit informed, questions specifically related to a different kind, reducing the length of the questionnaire. At the beginning of the supervisory analysis, when the supervisor identifies the process as being of urban or rural insured, it will allow INTERAGE to again exclude the questions that are not pertinent to the situation. Figure 1 below illustrates how the questionnaire will look like in the software:

Figure 1: Aspect of the Supervision questionnaire in INTERAGE

Item	Descrição da Pergunta	Legislação	Opções de Resposta
3.1	A atividade rural concilia pelo efetivo exercício da atividade rural ou pesca artesanal do requerente durante o período declarado na DEAR?	Art. 112, § 2º da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não
3.2	Apresentou-se ao menos um documento como início de prova material do efetivo exercício da atividade rural contemporânea ao período declarado pelo STRAC/Colônia ou anterior a este período?	Art. 54 e incisos e Art. 111, Caput e § 1º da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não
3.3	Das consultas (CNIS, PLENUS SAGRES, TSE, CAD ÚNICO, Energia, Celpe, etc.) verifica-se ausência por mais que 120 dias da atividade rural ou do município onde ela é desativada, sem a respectiva apresentação de documento como prova de retorno à atividade rural?	Art. 157, parágrafo único da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não
3.4	A DEAR foi homologada integralmente (descontando os eventuais períodos de afastamentos da atividade rural/pesqueira com posterior retorno)?	Art. 111 da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não
3.5	A inclusão de vínculo de reclamante trabalhista foi realizada corretamente?	Arts. 71 a 75 da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não <input type="radio"/> Não houve acerto, embora fosse necessário
3.6	A ratificação /retificação / exclusão do período das bases governamentais (CAFIR, MPA e SEAP) foi realizado corretamente?	Arts. 118 e 120 da IN nº 77/2015.	<input type="radio"/> Não se aplica <input type="radio"/> Sim <input type="radio"/> Não <input type="radio"/> Não houve acerto, embora fosse necessário

Every supervised process must be attached in SAPD <<https://www-sapd>> after performing the Supervision procedure and adding the Supervision Order. This procedure ensures the fostering and preparation required by Decree No. 8,539, of 08/10/2015, about the need to use the electronic means in the processes of the Federal Executive.

When the supervision questionnaire is saved, INTERAGE will generate two documents: a Supervision Order and a Simplified Supervision Order, both in PDF format. The Supervision Dispatch will be automatically sent by INTERAGE, by institutional e-mail, to the server that concluded the process for his knowledge. It must be attached by the supervisor to the scanned process in SAPD. The dispatch will contain the objective result of the supervisory analysis and the observations and suggestions for improvement in the specific procedural instruction.

The Simplified Supervision Order, containing a single page, containing a summary of the supervisory data must be attached to the physical file with the signatures of the supervisor and server certifying the analysis performed. In this way it will help the unwary who only look through this medium, showing him unequivocal the supervisory procedure performed as well as avoiding the printing of 14,580 pages of paper per year at GEXCPG compared to the possible attachment of the complete Supervision Order.

### III. FINAL CONSIDERATIONS

Constitutional Amendment No. 19/1998 raised the Principle of Efficiency to the constitutional level, this being described in the Amendment's project as "quality of service provided".

Thus, it was verified with the experience report that the desired results were achieved, with the least possible expenditure, while efficiency, although it presupposes administrative effectiveness, is not limited to it. In fact, effectiveness is contained in efficiency.

The principle of efficiency is, therefore, essential to the proper functioning of any administration, since

it is intended to produce results, and should be not only in the public organization and structure, but in the activity of each public agent, that is, in all the actions of the Public Power.

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