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## EXECUTIVE CABINET

**Day:** Wednesday  
**Date:** 24 January 2024  
**Time:** 1.00 pm  
**Place:** Committee Room 2 - Tameside One

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for the meeting from Members of the Executive Cabinet.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of Executive Cabinet.	
3.	<b>MINUTES</b> The Minutes of the meeting of the Executive Cabinet held on 20 December 2023 to be signed by the Chair as a correct record (Minutes attached).	1 - 14
4.	<b>PERIOD 8 2023/24 FORECAST OUTTURN – REVENUE AND CAPITAL.</b> To consider a report of the First Deputy (Finance, Resources & Transformation) / Director of Resources.	15 - 34
5.	<b>COUNCIL TAX BASE 2024/25</b> To consider a report of the First Deputy (Finance, Resources and Transformation) / Director of Resources.	35 - 48
6.	<b>COUNCIL TAX SUPPORT SCHEME 2024/2025</b> To consider a report of the First Deputy (Finance, Resources and Transformation) / Assistant Director of Exchequer Services.	49 - 202
7.	<b>TAMESIDE VIOLENCE REDUCTION STRATEGY</b> To consider a report of the Executive Member for Towns and Communities / Director of Public Health.	203 - 316
8.	<b>LOCALLY COMMISSIONED SERVICES - PHARMACY</b> To consider a report of the Executive Member for Population, Health & Wellbeing / Director of Public Health.	317 - 322

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Louis Garrick, Democratic Services Business Manager, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
9.	<b>STALYBRIDGE TOWN CENTRE DELIVERY FRAMEWORK</b>  To consider a report of the Executive Member for Inclusive Growth, Business and Employment / Director of Place / Assistant Director Investment, Development and Housing.	323 - 380
10.	<b>PERMISSION TO CONSULT ON ADULT SOCIAL CARE CHARGES</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	381 - 416
11.	<b>CONTRACT AWARD FOR THE PROVISION OF A RESPITE SERVICE FOR ADULTS WITH A LEARNING DISABILITY</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	417 - 422
12.	<b>CONTRACT EXTENSION FOR THE PROVISION OF INTEGRATED ELECTRONIC HOME CARE MONITORING</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	423 - 426
13.	<b>CONTRACT AWARD FOR THE PROVISION OF MENTAL HEALTH SERVICES</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	427 - 432
14.	<b>CONTRACT AWARD FOR THE PROVISION OF HEALTHWATCH</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	433 - 440
15.	<b>CONTRACT FOR THE PROVISION OF DEPRIVATION OF LIBERTY SAFEGUARDS ASSESSMENTS</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	441 - 448
16.	<b>CONTRACT AWARD FOR THE PROVISION OF SUPPORT FOR OLDER PEOPLE</b>  To consider a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	449 - 454
17.	<b>URGENT ITEMS</b>  To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	
18.	<b>DATE OF NEXT MEETING</b>  To note the date of the next Executive Cabinet meeting on the 14 February 2024.	

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Louis Garrick, Democratic Services Business Manager, to whom any apologies for absence should be notified.

## EXECUTIVE CABINET

20 December 2023

**Commenced:** 1.30pm

**Terminated:** 1.40pm

**Present:** Councillors Cooney (Chair), Choksi, Fairfoull, Feeley, Kitchen, Naylor, North, Jackson, Taylor, Ward and Wills

**In Attendance:**

Sandra Stewart	Chief Executive
Ashley Hughes	Director of Resources (S151)
Stephanie Butterworth	Director of Adult Services
Julian Jackson	Director of Place
Debbie Watson	Director of Population Health
Tracey Harrison	Assistant Director of Adult Services
Ilys Cookson	Assistant Director of Exchequer Services
Alison Montgomery	Assistant Director of Social Care
Emma Varnam	Assistant Director of Operations and Neighbourhoods
Ben Middleton	Assistant Director of Strategic Property

**Apologies:** Councillors Fairfoull and Kitchen

### 84 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 85 EXECUTIVE CABINET

#### RESOLVED

That the Minutes of the meeting of Executive Cabinet held on 22 November 2023 be approved as a correct record.

### 86 ENVIRONMENT AND CLIMATE EMERGENCY WORKING GROUP

#### RESOLVED

That the Minutes of the meeting of the Environment and Climate Emergency Working Group held on 15 November 2023 be noted.

### 87 PERIOD 7 2023/24 FORECAST OUTTURN – REVENUE AND CAPITAL.

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Director of Resources. The report reviewed the financial position for the General Fund revenue budget, the Dedicated Schools Grant (DSG) and the Capital budget.

It was reported that overall, there were significant overspends on expenditure of £13.007m on the underlying position within the General Fund. This represented an improvement in position of £0.894m from month 6. This underlying position showed the total potential overspend, should management action not be taken to bring the expenditure down to within budget.

At Month 6 reporting, the forecast overspend of £13.901m was driven by a 3% forecast overspend on gross budgets in Adult Social Care, 5% on gross budgets in Place, 2% on gross budgets in Education and 9% on gross budgets in Children's Social Care. A recommendation was included that recovery plans, signed off by the Section 151 Officer, be presented to Executive Cabinet. Work had been undertaken by service areas in conjunction with Finance in the period between Month 6

and Month 7 reporting. To date, plans totalling £8.734m had been received reducing the overspend to £4.274m. Only Adult Social Care had been able to present a recovery plan that balances for the year at Month 7, and even then it carried a level of risk on delivery.

It was stated that all members of the Senior Leadership Team recognise the needed to grip of their budgets and were working through their budgets line-by-line again to determine where there was more possibility to control their expenditure and improve their income generation. Recovery Plans were a standing agenda item at Senior Leadership Team meetings, and would remain so for the duration of the financial year to ensure corporate oversight.

Any pressures or undelivered savings within Directorates by the end of the financial year would need to be resolved in the next financial year, in addition to delivering MTFS proposals to meet the budget gap for 2024/25.

## **RESOLVED**

### **That Executive Cabinet APPROVES:**

- (i) **The release of £1.344m contingency budget into Adults Social Care to reflect the impact of the cost of transitions on Service budgets.**
- (ii) **The release of a further £0.602m from contingency on a one-off basis to reflect modelling undertaken on the costs of transitions and complexity of need in residential settings, which are included within the MTFS to ensure budget available on an ongoing basis.**
- (iii) **The allocation of £0.186m to the Resources Directorate revenue budget from Contingency to support the in-year overspend on the Council's annual insurance premiums that include employee, buildings and contents and transport related policies.**
- (iv) **The release of £0.642m contingency budget into Place budgets to resolve inflationary pressures on the Facilities Management contract.**
- (v) **The transfer of £0.495m contingency budget to offset the budget reductions targets for the council tax single person discount review (£0.450m) and salary sacrifice schemes (£0.045m). The targets were budgeted in contingency to allow for performance reporting, however as the reductions will materialise in increased council tax income and directorate budgets respectively a transfer is required to offset budgets within Contingency. Both budget reductions have been achieved.**
- (vi) **The acceptance of the non-recurrent £0.541m grant sum awarded to the Council from the Department of Health and Social Care (DHSC) to support urgent and emergency care during the 2023/24 winter period and that the grant is allocated to the 2023/24 Adult Services revenue budget. The acceptance of the grant award is supported by a Memorandum Of Understanding that was formally signed by the Director Of Adult Services on behalf of the Council and returned to the DHSC by the required deadline of 29 November 2023.**

### **That Executive Cabinet NOTES**

- (i) **The forecast General Fund revenue budget position of an underlying pressure of £13.007m, which is a favourable movement of £0.894m from Period 6 reporting.**
- (ii) **The update on the production of recovery plans to mitigate the shortfall in budgets, with mitigations of £8.743m identified.**
- (iii) **That there is a projected overall overspend for the Council of £4.274m, following the application of actions within draft recovery plans.**
- (iv) **The forecast deficit on the DSG of £5.317m, which has not changed from Period 6 reporting.**
- (v) **The Capital programme position of projected spend of £46.946m, following Cabinet approval to reprofile project spend of £1.024m from 2024/25.**

## **88 MEDIUM TERM FINANCIAL STRATEGY (MTFS)**

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) /  
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Director of Resources. The report presented a proposed budget for 2024/25 and an update to the Council's Medium Term Financial Strategy (MTFS).

It was reported that the position has improved since the previous MTFS update in October 2023 due to the increase in budget reduction proposals from all service areas, a 2% reduction in employee pay award assumption, increases in general grants, council tax and business rates and a 2.1% reduction in the prevailing rate of Consumer Price Index (CPI) inflation. The rate of CPI released in November 2023 was 4.6%.

The current MTFS had an imbalance of resources to expenditure of £39.817m to 2028/29, with a balanced budget for 2024/25. In the last update, the MTFS imbalance was £33.819m to 2028/29, with £9.651m required to be found for 2024/25. The "budget gap" in the MTFS as a percentage of the 2023/24 net expenditure requirement of £221.397m was 6.0% for 2025/26 and 18% to 2028/29.

The assumptions for future years were in line with the recent update from the Office of Budget Responsibility (OBR). The OBR was forecasting "unprotected" departments, of which the Department for Levelling Up, Housing and Communities (DLUHC) was part of this cohort, would see a 1% planned rise in resources that, after the impact of inflation, would be equal to a 2.6% real terms reduction in resources. As such, since the MTFS was presented to Cabinet in October 2023, future years' gaps had increased from 15% to 18% cumulatively.

The report detailed that in 2023/24, the Council had been facing significant pressures from demand-led services, alongside the sharp increase in costs that had been seen due to inflation rising to a peak of 11.1% in October 2022 and sitting at 4.6% in November 2023. This had been reflected in the forecast positions, with unmanaged overspends rising to £13.007m in quarter 2. The Council had instituted recovery planning, some of which was the escalation of proposals in this MTFS. At Month 7, the Council was still forecasting an overspend, however, it had much reduced due to the presence of recovery plans owned by officers at the Senior Leadership Team (SLT). They were still works in progress, as the Section 151 Officer continued to work with SLT members on closing their respective budget gaps. The worst case scenario was that the full overspend value of £13.007m would come to fruition, requiring the use of unearmarked reserves to balance the General Fund position.

## **RESOLVED**

### **That Executive Cabinet APPROVE:**

- (i) **The updated MTFS for 2024/25 to 2028/29.**
- (ii) **The budget reductions and income increases proposed for 2024/25 for consultation.**
- (iii) **The creation of a Parking Strategy to identify future financial options from 2025/26 to be brought to an Executive Cabinet before July 2024.**

### **That Executive Cabinet is recommended to NOTE:**

- (i) **The impact of changes to the inflationary and demand pressures on the MTFS from 2024/25 to 2028/29.**
- (ii) **The impact of the proposed new funding on the MTFS from 2024/25 to 2028/29.**
- (iii) **The impact of the proposed budget reductions on the MTFS from 2024/25 to 2028/29.**
- (iv) **The impact of the proposed council tax and business rates assumptions on the MTFS from 2024/25 to 2028/29**
- (v) **The consultation period opened 14 December 2023 and shall run for a period of no less than 7 weeks. Therefore the earliest date to close consultation is 1 February 2024.**

## **89 INCOME COLLECTION PERFORMANCE, RECOVERY AND DEBT**

Consideration was given to a report of the First Deputy (Finance, Resources and Transformation) / Director of Resources / Assistant Director of Exchequer Services.

Members were advised that Tameside's collection and recovery performance over the last 5 years was comparable to its Greater Manchester neighbours at 93.80% average in year Council Tax collection against a Greater Manchester average of 94.57%, and 95.88% in year Business Rates

collection against a Greater Manchester average of 95.12%.

It was explained that even with an in-depth and strong recovery process for debt, there were occasions when debts become irrecoverable and recommended to be written off. As part of good financial management, debt that was deemed to be irrecoverable should be written off the balance sheet periodically. The Councils' Risk Management and Audit service recommendations accords with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice which confirms that debts should be written off at the point they were judged to be uncollectible.

Whilst small scale debt write offs had been actioned across Council Tax, Business Rates and Sundry Debtors, there remained a significant balance of debt that was now deemed irrecoverable. This position is based on an analytical review of all aged debt as at 30 September 2023.

Timely write off of debt deemed to be irrecoverable also allowed the Council to focus its finite staffing and financial resources towards collection of debt with the greatest chance of recovery. This was not to say that debt would be written off, as there was a full recovery process, inclusive of legal proceedings, before a write off was recommended.

The totals being recommended to be written off across three debt classes of Council Tax, Business Rates and Sundry Debt is £10.905m. The Council did hold provisions for bad debt for all three debt classes and these were currently greater than the values proposed for write off.

## **RESOLVED**

### **That Executive Cabinet APPROVE:**

- (i) The write off of irrecoverable debts totalling £10.905m analysed as:**
  - a. £8.742m of Council Tax debt between the period of 2000/01 and 2017/18;**
  - b. £0.382m of Business Rates debts and;**
  - c. £1.781m Sundry debts.**
- (ii) As of December 2023, debt write offs are processed quarterly under the following circumstances:**
  - a. The age of the debt is more than 6 years old, and;**
  - b. The debt is deemed irrecoverable, and;**
  - c. no payment has been received within 90 days, and recovery has been exhausted.**
- (iii) Bad debt less than 6 years old that can be deemed irrecoverable due to extenuating circumstances also be written off on a quarterly basis, from December 2023, as part of good financial management and outlined in the CIPFA Code of Practice.**
- (iv) Section 28 of the Council Financial Regulations be amended for the proposed debt write off amendments.**
- (v) The proposed quarterly write offs to form part of the financial monitoring reports to Executive Cabinet as part of streamlining the reporting process with details captured in relevant appendices to the monitoring reports.**

## **90 RISK MANAGEMENT POLICY & STRATEGY**

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Head of Assurance. The report presented the Council's refreshed Risk Management Policy & Strategy.

It was explained that The Local Government (Accounts and Audit) Regulations required local authorities to have arrangements in place for the management of risk. The purpose of risk management was to effectively manage potential opportunities and threats to the Council achieving its objectives. Part of the remit of the Audit Panel is to 'monitor the effective development and operation of risk management'. Current best practice integrated the disciplines of risk management and internal audit into a model of assurance. This model was intended to give assurance to those 'charged with governance' that the Council's major / significant risks were being effectively managed as well as providing early 'red flags' where attention was needed. The report detailed the Institute of

Internal Audits 'Three lines' model.

The report summarised the progress made against the action plan reported to the Audit Panel in August 2023. The key changes to the Risk Management Policy & Strategy were highlighted to the Board. These included:

- Update of role titles e.g., Head of Assurance, Assurance Team and complete refresh of roles and responsibilities at Appendix A in line with best practice.
- Inclusion of new governance arrangements now in place e.g., Assistant Directors Delivery Group, Strategic Risk Management Group.
- Update of risk management arrangements at 3.2 of the document to include the four T's (tolerate, treat, transfer, terminate) and a working description of the 'Three Lines approach'.
- A new risk appetite statement at Appendix 3.

## **RESOLVED**

**That Executive Cabinet approve the Risk Management Policy & Strategy attached at Appendix 1.**

## **91 CHILDRENS SOCIAL CARE WORKFORCE PLEDGE**

Consideration was given to a report of the Assistant Director for People and Workforce Development. The report detailed the introduction of the GM Pledge, which set out a series of commitments relating to the use of agency children's Social Workers across Greater Manchester with the ultimate aim of providing stability for vulnerable children and young people and tackling the high use of agency workers.

The report explained that Senior leaders across all 10 Greater Manchester boroughs including Chief Executives, Directors of Children's Services, HR Directors and the GM Children's Board had agreed to introduce a GM Pledge in Children's Social Care from 1 November 2023.

It was further explained that Local government was facing significant recruitment challenges across all areas, with a particular challenge relating to the recruitment and retention of Social Workers. This had led to a buoyant agency market which allowed agency workers to demand higher pay rates, and to move easily between organisations. The result was instability for children and families, instability within the workforce, and rising cost pressures.

The GM Pledge set out a series of commitments related to the use of agency social workers across Greater Manchester with the ultimate aim of providing stability for vulnerable children and young people through a reduction in the use of agency workers.

Members were advised that Across the region there was significant numbers of children who were experiencing changes of Social Worker. Local authorities across Greater Manchester had come together to realise a collective ambition to improve the experience and lives of children and families through the provision of a stable workforce.

This, in turn, would support Tameside Council to reduce the costs associated with employee turnover and high numbers of agency workers. The GM Pledge also contributed towards tackling children's social care budget pressures caused by the high cost of agency staff. The GM Pledge recognised the need to respond to these challenges collectively and in co-operation, providing clear protocols and mechanism of control.

The commitments within the pledge were as follows:

- Agency social workers would be paid in line with agreed maximum rates of pay (set out in the report )
- A common referencing standard would be adopted ensuring that a reference was completed on termination of engagement for each agency worker
- Candidates leaving a permanent contract in any GM authority would not be able to take up

an agency role within another GM authority for a minimum of 6 months

- Each authority would refrain from headhunting employees from other GM authorities, unless for promotional opportunities
- Authorities would work closely with the agency supply chain to better enable their support of permanent recruitment activities across GM
- Authorities would hold one another to account and provide mutual support and assistance to other GM local authorities e.g. short term provision of staff or leadership advice and support in specific areas
- Provide accurate and complete data to the GMCA's HR metrics service on a quarterly basis
- In order to qualify for agency appointments, candidates must demonstrate a minimum of 2 years' post-qualified experience within Children's Services Social Work (irrespective of their pathway to the profession). Authorities would not engage agency workers with less than 2 years' post-qualifying experience (Tameside did not currently engage any agency workers in this category)

## **RESOLVED**

- (i) That all commitments contained within the GM Pledge (Appendix 1) are adhered to and implemented in the timeframes set out within this report.**
- (ii) That the organisation continues to engage with the requirements and agreements set out within the GM Pledge for an initial 12 month period with review at that time.**

## **92      LEVELLING UP FUND ROUND 3**

Consideration was given to a report of the Executive Member for Inclusive Growth, Business & Employment / Director of Place / Assistant Director of Development and Housing. The report provided an update on the selection of Denton Town Centre as one of the projects nationally to be funded via Levelling Up Fund, Round Three. The report sought approval to progress delivery of the Denton Town Centre Regeneration Programme, subject to confirmation of further details from Government. A further decision by the Executive Member for Inclusive Growth, Business & Employment to formally accept the funding will be required once the full terms of the Grant Funding Agreement was available.

On 20 November 2023 it was announced that for Round Three of the Fund, the Government had undertaken an assessment of the highest scoring bids that did not receive funding in Round Two. Following an assessment process the Denton Town Centre bid had been selected as one of the projects nationally to be funded through Round Three of the Fund and therefore Council had been provisionally awarded £16.8m, subject to project validation, subsidy control checks, and departmental sign-off.

The bid for Denton was focused on public realm and active travel improvements to further strengthen the links across the Town Centre. This would also ensure all of the benefits from the significant new investment and development that was taking place in Denton such as new residential development at Crown Point and the new Denton Wellness Centre were fully captured. Further capital investment was also sought at the Festival Hall site and Denton Town Hall to make best use of the Council's estate. This would help the Town Centre to reach its full potential and deliver further comprehensive regeneration, attracting additional footfall and investment.

The bid was supported by match funding that the Council had been successful in securing from TfGM of £1,950,000 via the Active Travel Fund (ATF) for the Crown Point A57 Mayors Challenge Fund (MCF) scheme, providing an improved environment for walking and cycling.

Members were advised that due to the time that had passed since the application was submitted there was a need to review the scope of the interventions to take account of changes since the original bid. DLUHC would require a short project validation check to confirm that the original bid had not changed significantly, is still deliverable by March 2026, and still represented value for money.



It was explained that there is a need to revisit the scope of intervention at the Festival Hall site to ensure it provided a long term sustainable future for this location that supports the wider neighbourhood. This could ultimately result in the site being repurposed for an alternative use with the LUF funding utilised for enabling works that bring a new development forward, potentially working with a partner willing to bring forward a residential scheme that addresses identified housing needs. This would require initial discussion with DLUHC as part of the project validation process.

It was further explained that the specific scope of works for Denton Town Hall will need careful consideration to ensure that the funding available supports the best long term use of the space as a civic and cultural anchor, including the provision of community space with more flexibility. As the detailed design work for public realm improvements and the Denton MCF Crown Point scheme was progressed it would need to be mindful of any lessons learnt through the delivery of recent walking and cycling schemes in the Borough.

#### **RESOLVED**

- (i) The provisional award of £16.8m from the Levelling Up Fund, Round Three for Denton Town Centre be noted;**
- (ii) Approval be given to enter into the formal agreements for the receipt of funding and inclusion in the Council's Capital Programme, subject to satisfactory completion of project validation checks; and**
- (iii) Approval be given that the Director of Place be enabled to progress the project validation checks and manage the programme of works associated with the Levelling Up Fund allocation for Denton and to drawdown and incur all Levelling Up Fund expenditure related to delivery. On-going performance and reporting will be provided to Strategic Planning and Capital Monitoring.**
- (iv) To approve the use of £1.95m from the Active Travel Fund (ATF) associated with the Crown Point Mayors Challenge Fund (MCF) project as match funding to the Levelling Up Fund programme.**

#### **93 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENTS**

Consideration was given to a report of the Executive Member for Climate Emergency and Environmental Services / Assistant Director for Operations and Neighbourhoods. The report proposes amendments to the implementation date for the hackney carriage and private hire age and emissions standards for existing Tameside licensed vehicles.

The current policy in relation to vehicle emissions stated:

- All new to licence vehicles to be emissions compliant.
- For existing licensed vehicles – to begin transitioning as soon as the policy is in place and to complete transitioning by 1 April 2024.

The original date of compliance by 1 April 2024 for existing fleets was proposed in anticipation of the Clean Taxi Fund being opened in February 2022. This fund would allow vehicle proprietors to apply for funding which would subsidise the cost of upgrading to a compliant vehicle.

The Clean Air Plan was paused in February 2022 and a revised plan was yet to be agreed with government. As such, there was no clarity on if, and when any funding provision would be available to the trade as part of a revised Clean Air Plan, but it is unlikely that any funding scheme would be available in 2023.

In February 2023 data produced by Transport for Greater Manchester showed that in Tameside, 67% (89 out of 133) of the Hackney Carriage fleet and 18% (111 out of 630) of the Private Hire fleet, were not compliant with the emission standards.

Therefore, without a change to the compliance date for these standards in Tameside, a significant

proportion of the fleet will be unable to renew their vehicle licences from April 2024. Therefore the report proposed that the date requiring existing licensed vehicles to be emissions compliant be extended to 31 December 2025.

In addition, the Prior to the approval of Stage 2 of the Minimum Licensing Standards in October 2021, the maximum age limit for non-wheelchair accessible Private Hire Vehicles was 12 years. The amendment in 2021 allowed for a transitional period for existing vehicles to comply until 1 April 2024 and continue to renew licences of vehicles until they reach 12 years of age, until 1 April 2024. The report proposed that Private Hire Vehicles which were not wheelchair accessible be allowed to stay on the fleet until they reached 12 years of age, until 31 December 2025.

## **RESOLVED**

**That Council be recommended to approve the following:**

- (i) Extend the current emissions compliance date for Hackney Carriage and Private Hire Vehicles to 31 December 2025.**
- (ii) Delay the implementation of the maximum age limit for non-wheelchair accessible Private Hire Vehicles to 31 December 2025.**

## **94 GRANT EXTENSION TO SUPPORT THE EXTENDED DUTIES OF THE VIRTUAL SCHOOL HEAD TEACHER TO INCLUDE CHILDREN WITH A SOCIAL WORKER 2023-25.**

Consideration was given to a report of the Executive Member for Education, Achievement and Equalities / Assistant Director for Education. The report sought to summarise the details of two recently announced grant extensions by the DfE.

In September 2021 Local Authorities began receiving grant funding to extend the role of Virtual School Headteacher to include strategic responsibility for all children with a social worker. In spring 2023 it was confirmed by the DfE that all Local Authorities would continue to be eligible to receive grant funding to support Virtual School Headteacher in delivering this responsibility; and that this funding was confirmed until 2025. A grant determination letter detailing this and Memorandum of Understanding (**Appendix one and two**) was published on 19 June 2023.

The grant determination letter had confirmed that Tameside would receive £100,000 in financial years 2023-24 and 2024-25. This would be paid in three instalments per financial year; September, December and March. It was expected that a Memorandum of Understanding was read, signed and returned for each financial year. This outlined how the grant could be spent. It was expected that the LA provided an annual financial progress report on total receipt, expenditure of funding, and planned expenditure within the grant period. This was completed and returned for the period 2022-23.

The Pupil Premium Plus (PP+) grant for cared for children aged 4-15 is well established and was used to provide both individualised educational support and support for the cohort as a whole. However, historically this funding had ceased when a child reaches the age of 16, although the Virtual Headteacher duties and need for support continues for as long as a child is in care.

The Post-16 PP+ grant was to provide additional funding to support cared for children and care leavers at post-16. A pilot for this grant had been underway in 58 local authorities since 2021 and in the spring it was confirmed by the DfE that the pilot would be extended across all eligible Local Authorities. Grant determination letters were published on 27 June 2023 which have confirmed that Tameside will receive £67,770 for the period April 2023-March 2024. Unlike the 4-15 PP+, the funding formula was not calculated on a per head basis, but was calculated on a percentage rate basis. The grant would be paid in two instalments per year in September and January.

## **RESOLVED**

**That Executive Cabinet be recommended to APPROVE:**

- (i) That the Council accepts the grant extension for extended duties of the Headteacher**

- of the Virtual School for children with a social worker 2023-2025.**
- (ii) **That the Council accepts the grant extension for Pupil Premium Plus for post-16 2023-2024.**
  - (iii) **That the grant agreements are entered into subject to the necessary due diligence having been undertaken.**

## **95 APPROVAL OF ADULT SOCIAL CARE CHARGING POLICY AND REVISED CHARGING SCHEDULE 2024/25 ONWARDS**

Consideration was given to a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services. The report sought approval of the revised Adult Social Care Charging Policy and associated charging schedule for 2024/25. This updated the previous policy agreed February 2022 to simplify and explain more clearly, the charges for care in a single policy document.

The report recommended alignment of the cost of delivery to the current charges, in line with the fees currently paid. It also made clear the requirements to inform the Client Finance Team of any change of circumstances and how charges will be applied thereafter. The following proposed changes were set out in the report:

- **Change 1** – to have a single policy which simplified and explained more clearly all charging related to Adult Social Care, this would supersede the current non-residential and residential charging policies. A copy of the proposed policy could be found at Appendix 1 of this report.
- **Change 2** – to align charges to people who used services with the cost of care and support provided within the context of the national means test. A full copy of the proposed charges (alongside the current charges) could be found at Appendix 2.
- **Change 3** – It was proposed that the policy be subject to an annual review in conjunction with the annual care fee setting process. An annual schedule of charges would be published as an appendix to the annual fees report.
- **Change 4** – Service users or their representative must tell the Client Finance Team about any change within one month of the change happening and the service would then complete a new financial assessment from the date of the change. If people did not tell the Client Finance Team about any change within a month and the change meant that they had been paying too much for their care the service will only complete the financial assessment from the week they were told about the change. If people did not tell the Client Finance Team about any change within a month and the change meant they haven't been charged enough they would have to pay the extra charges going back to when the change happened.

It was estimated that the proposed changes outlined in section 5 of this report would generate a moderate increase in income for the council by up to £0.350m annually. In addition, it would simplify the Adult Social Care Charging Policy and explain more clearly, the way care was charged.

Furthermore if approved, this report made provision for a further phase of consultation where it had been determined that changes could have a more significant impact on individuals for the charges referenced in section 3.3 of this report. Should it be approved, adult services would ensure consultation during 2024 to bring forward recommendations for subsequent changes at the earliest opportunity.

### **RESOLVED**

- (i) **That approval is given to the revised ASC Charging Policy, and the associated charging schedule for 2024/25**
- (ii) **That approval is given to implement the alignment of charges (Appendix 2) with fees paid for all people who use our services with effect from 1 February 2024 (Option 1)**
- (iii) **To note and approve the need for public consultation on the charges referenced in section 3.3 of this report.**

## **96 CONTRACT AWARD FOR THE PROVISION OF MENTAL HEALTH SUPPORTED ACCOMMODATION**

Consideration was given to a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity / Director of Adult Services. The report sought approval for the award of the contract to the highest ranking and most economically advantageous provider for the Mental Health Supported Accommodation service the contract to commence 1 April 2024 for a period of five years up to 31 March 2029.

On 24 August 2022 Executive Cabinet approved a tender process to commence in October 2023 and complete in November 2023 for the provision of a Mental Health Supported Accommodation service. The current contract was due to expire on 31 March 2024.

An open tendering exercise commenced 4 October 2023 and closed 3 November 2023. The tender was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (North West procurement portal).

It was explained that responses were received from ten organisations. The tender submission was weighted, in terms of significance, based on a 70% Quality (including 20% Social Value) and 30% Cost split. The requirement to weight tender submissions ensures compliance with European Union Regulations 2006. The Summary of Moderation Scores was included within the report and the report sought approval to approve the highest ranking company.

### **RESOLVED**

**That following the evaluation of tender submissions, Cabinet approve the award of the contract to the highest ranking and most economically advantageous provider namely: Company C - Creative Support.**

## **97 HAWTHORN NEW SEND SCHOOL – PITCH SCHEME**

Consideration was given to a report of the First Deputy (Finance, Resources and Transformation) / Director of Place. This report provided a scheme update, a summary of the Football Foundations support including their standard Terms and Conditions for acceptance/approval, the operational proposals for the site and impact on the approved Hawthorns scheme capital budget.

A grant offer letter received by the Council on the 26 September 2023, confirmed the offer of grant to support the development of the facilities set out in the report. A copy of the letter was attached as Appendix 1. In order to accept the grant offer the Council must confirm that it was willing to abide by the Football Foundations standard terms and conditions of grant for awards over £0.100m. A copy of the terms and conditions was attached at Appendix 2. In addition to the standard terms and conditions the Council was required to accept a legal charge or restriction on the freehold title. A copy of the legal pack is attached at Appendix 3. The requirement for a legal charge or restriction stems from the Football Foundations need to protect its investment preventing the applicant from using the land for any other purpose without the written consent of the Foundation.

The delivery of the synthetic turf pitch element of the scheme was to be delivered through the Football Foundations Framework Agreement. A copy of the framework process and associated guidance was provided at Appendix 4 & 5. The framework was fully compliant with the Official Journal of the European Union (OJEU) procurement rules. The process required the Council to enter in to a JCT form of contract for the synthetic turf pitch and Form of Joining Agreement attached as Appendix 6.

The estimated cost of the new school and associated pitch scheme was set out in the 26 April 2023 Executive Cabinet report. In relation to the pitch element the total cost of the scheme was estimated to be £1.100m with 70% contribution provided as grant funding from the Football Foundation of £0.770m which required match funding of 30% of £0.330m from the Council. The

total estimated cost of the new Hawthorns school project was £22.762m. This included the additionality of the football pitches development into the overall cost including an estimate of additional funding of £0.770m from the Football Foundation and the s106 funding of £0.075m from the redevelopment of the former 'Organ Inn' public house in Hollingworth.

The development of facilities such as this required the involvement of an "anchor" football club, which in this case was Hollingworth Juniors FC, they had been based in the area for circa 35 years. Hollingworth Juniors FC is an FA Charter Standard Club. They had been proposed as the 'anchor' club by Manchester FA, who recognise them as a progressive and developmentally minded organisation providing a range of opportunities for local young people in the Hollingworth, Longdendale and Hattersley areas of the Borough. The requirement for an anchor club was key to a successful bid to the Football Foundation. Hollingworth Juniors were a joint applicant and will manage the facilities upon completion.

It was proposed that Hollingworth Juniors FC will occupy and manage the two pitches and changing pavilion by way of a lease in a form to be approved the head of legal services taking in to consideration the terms and conditions of the Football Foundation. The Football Foundations lease requirements were set out in the legal pack attached to the report as Appendix 3.

## **RESOLVED**

**That Executive Cabinet be recommended to approve:**

- (i) That the Council accepts the Football Foundation grant funding and notes the terms and conditions of the award subject to the Section 151 Officer and Borough Solicitor being satisfied that the terms and conditions of the grant do not create any additional risk for the Council.**
- (ii) That the Council accepts the contribution of £0.020m from Hollingworth Juniors Football Club as the 'anchor' club on the site.**
- (iii) That the Council accepts a legal charge or title restriction as outlined in the grant terms and conditions.**
- (iv) That the Council provides a lease to Hollingworth Juniors FC.**
- (v) That the Council enters into the Football Foundation Framework Agreement to deliver the synthetic turf pitch element of the scheme as a condition of accepting the grant from the Football Foundation.**
- (vi) That the £0.020m contribution from Hollingworth Juniors is added into the Education Capital Programme.**
- (vii) That the £0.727m Football Foundation grant is added into the Education Capital Programme.**

## **98 PARKING ENFORCEMENT AND ASSOCIATED SERVICES FOR ON AND OFF STREET PARKING (INCLUDING CASH COLLECTION)**

Consideration was given to a report of the Executive Member for Planning, Transport and Connectivity / Assistant Director for Operations and Neighbourhoods. The report sought approval to award the contract for the provision of Parking Enforcement and Associated Services following the results of the joint procurement exercise undertaken with Trafford, Rochdale and Bolton Council.

Tameside, Trafford, Bolton and Rochdale Councils have undertaken a fully compliant Official Journal of the European Union (OJEU) joint procurement process to establish four separate new contracts for Parking Enforcement and Associated Services. Tameside, Trafford, Bolton and Rochdale Councils are required to enter into individual contracts with the winning bidder.

The baseline service volume for Tameside Council is 90 enforcement hours per day, Monday to Saturday. As part of the negotiation process for the current extension it was determined that 90 enforcement hours per day delivered the best value for the Council. This was an increase from 76 hours per day that was provided 1 June 2022 – 31 March 2023.

It was explained that outsourcing to an Enforcement Contractor allows the Authority to draw on the

flexibility this provided. The majority of Enforcement organisations also work in partnership with other Councils across the North West and they had the ability to draw resources from these areas to assist when required.

## **RESOLVED**

**That Executive Cabinet approve the award of the contract for the provision of Parking Enforcement and Associated services for Tameside Council, following the results of the joint procurement exercise undertaken with Trafford, Rochdale and Bolton Council.**

## **99 ASHTON OLD BATHS MANAGEMENT PROCUREMENT**

Consideration was given to a report of the Executive Member for Inclusive Growth Business & Employment / Assistant Director for Investment, Development and Housing. The report provided an update for Ashton Old Baths Innovation Centre. The existing management agreement with Oxford Innovation Space expires in February 2024. The report sought approval to extend the partnership arrangement with Oxford Innovation Space by 2 years to allow a full business case review to be undertaken to determine the future of the centre.

It was reported that the Council remained committed to futureproofing and building on the successes of Ashton Old Baths and its role as a catalyst in regenerating the deprived area within the Future St Petersfield masterplan. The role of Ashton Old Baths as an incubation hub for businesses had become even more pivotal to the future economic prosperity of Ashton and the wider Tameside area following the recent establishment of the Ashton Mayoral Development Zone where further growth was proposed to fulfil the potential of St Petersfield and the wider Ashton town centre area as a destination for investment and regeneration.

The UK Shared Prosperity Funding would provide the required investment to repair and futureproof this important heritage asset whilst creating new SME floorspace inside the building to support inward investment, creation of new jobs for the local economy, and provide essential revenue to the Council to help to balance the expenditure relating to the operation of the centre.

It was explained that due to the existing contract ending in February 2024 and the requirement for a wider review of Council assets, an extension to the existing contract with Oxford Innovation was proposed. As outlined in the report, Oxford Innovation provided a good service with positive feedback from businesses that operate from there. Whilst Ashton Old Baths had not yet generated an annual surplus as previously forecast, there had been influences outside of the Council's or Oxford Innovation's control as to the reasons for the financial performance of the centre to date. There was an acceptance that the centre was not likely to generate significant revenue for the Council, even if occupancy was at 100% all the year round. However, in recent months, there had been some positive signs of recovery that Ashton Old Baths was performing well and had recovered from the Covid-19 pandemic. In the last six consecutive months, the centre had generated a surplus for the first time since opening its doors in 2017 following an upward trajectory in the financial position over the last 18 months. Occupancy was steadily increasing, deficits were reducing month on month, more jobs were being created, and new SME floorspace using UKSPF was to be introduced that would generate further income and future proof the building.

The regeneration and economic benefits were outlined in the report as well as the Council's ambition to deliver development, investment, and regeneration in St Petersfield as identified in the approved masterplan for the area. The centre also supported the Council's profile as a place to do business within the GMCA Ashton Innovation Corridor Growth Location and recently established Ashton Mayoral Development Zone.

## **RESOLVED**

- (i) That the latest position of Ashton Old Baths Innovation Centre in respect of financial and economic performance be Noted;**
- (ii) Approval be given to a further contract extension to the existing agreement with Oxford Innovation for a period of 1 year with the option to extend by +1 year to enable a wider**

**review of Council assets, whilst a full business case appraisal is undertaken by the Council;**

**(iii) Approval be given to review the ongoing management arrangement for the centre;**

**(iv) The update in respect of the recent successful bid for UK Shared Prosperity Funding and the projects within the centre that the funding will be utilised for be noted.**

#### **100 PROPOSAL TO DECLARE ASSETS SURPLUS TO REQUIREMENTS (BATCH 4)**

Consideration was given to a report of the First Deputy for Finance, Resources & Transformation / Assistant Director for Strategic Property. The report sought approval for proposed sites detailed in the report be declared surplus to the Council's operational requirements.

Officers were seeking approval from Executive Cabinet to declare the assets, detailed in the report at section 2 as being surplus to Council requirements.

It was explained that all Ward Members, who had an asset in their Ward which was proposed to be declared surplus, had been consulted week commencing 27 November 2023. Apart from some Members who sought clarification on the process or on details of the Council's ownership, no objections had been received to the proposed disposal of the assets.

#### **RESOLVED**

**In accordance with the Disposal Policy, approval be given to declare the schedule of assets set out in Section 2 of this report surplus to the Council's operational requirements.**

#### **101 GODLEY GREEN: HOMES ENGLAND GRANT FUNDING AGREEMENT – REMEDIATION PLAN**

Consideration was given to a report of the Executive Member for Inclusive Growth Business & Employment / First Deputy (Finance, Resources & Transformation) / Director of Place / Assistant Director of Investment, Development and Housing.

It was reported that Homes England's flexibility in agreeing to an early draw down of grant funding had significantly helped the Council to facilitate and deliver a full pre and post-planning submission process, that included 12 public and statutory consultation sessions, during the challenging COVID lockdown period.

In addition, this funding, aligned with the Council's significant investment of financial resources and political leadership, had helped to create a development platform that had seen the majority of the site now optioned for development. Meanwhile, the Council's controlling interest in the site also placed it in a strong strategic and commercial position when it came to selecting a delivery partner. The Council continued to remain fully committed to the delivery of the site and promotion of the allocation through the Places for Everyone process to remove it from the Green Belt and had made positive responses to the recent Main Modifications consultation accordingly.

It was explained that unfortunately the Council and Homes England had not been able to agree further extensions to the HIF Programme. However, Homes England had made an ongoing commitment to continue to work with the Council and GMCA to explore further funding and partnership opportunities as they arise and should they be needed, that would support the delivery of this key, strategic site.

#### **RESOLVED**

**(i) Approval be given to enter into the Deed of Termination Notice (targeted for before 31 December 2023, to avoid the risk of clawback of the £0.720m grant funding already drawn down).**

**(ii) That a resolution to grant outline planning consent was confirmed on 1 November 2023 and that the Secretary of State confirmed on 9 November 2023 that the**

- application will not be subject to call in be Noted.
- (iii) That the ongoing cooperation between the Council, Homes England and Greater Manchester Combined Authority (GMCA) to identify alternative sources of grant funding (if required) be Noted.
  - (iv) Approval be given to the promotion of the project to Homes England's Brownfield Land and Infrastructure (BIL) fund via GMCA.

## **102 URGENT ITEMS**

There were no urgent items.

**CHAIR**



# Agenda Item 4

<b>Report To:</b>	<b>BOARD</b>
<b>Date:</b>	10 January 2024
<b>Executive Member / Reporting Officer:</b>	Cllr Jacqueline North – First Deputy (Finance, Resources & Transformation) Ashley Hughes – Director of Resources
<b>Subject:</b>	<b>PERIOD 8 2023/24 FORECAST OUTTURN – REVENUE AND CAPITAL.</b>
<b>Report Summary:</b>	<p>This is the Period 8 monitoring report for the current financial year, showing the forecast outturn position.</p> <p>The report reviews the financial position for the General Fund revenue budget, the Dedicated Schools Grant (DSG) and the Capital budget.</p> <p>The underlying revenue position is an overspend of £11.997m at Period 8, which is a favourable movement of (£1.010m) from Period 7 (where it was £13.007m). The favourable movement is primarily because of recovery plan actions achieved within Adults Social Care and moved into the underlying position.</p> <p>Work on recovery plans has continued within all Directorates and draft plans have been submitted by Directors of overspending areas. The mitigating actions developed within these plans total £9.335m, leaving a residual overspend of £3.824m.</p> <p>There is a forecast overspend on the DSG of £4.718m, which is an improved position of £0.599m from the Period 7 position. This has been driven by an unprecedented growth over the summer term of Education, Health and Care Plans (EHCP) and forecast support towards the education element of Children’s Social Care placement costs.</p> <p>The Capital programme is forecasting an underspend in-year, with subsequent reprofiling of budgets from future years of £1.024m, bringing total reprofiling for the year to £11.885m.</p>
<b>Recommendations:</b>	<p>That Executive Cabinet is recommended to approve:</p> <ol style="list-style-type: none"><li>1) The allocation of £0.024m to the Resources Directorate revenue budget from Contingency to support the in-year non-recovery of income towards a previous jointly funded post with a Greater Manchester local authority within the Assurance Service. This joint funding arrangement is no longer in place as the post now supports Council priorities only.</li><li>2) The acceptance of, and signing of the Memorandum of Understanding (MoU), by the Director of Resources and Director of Place for, the non-recurrent High Street Accelerator Programme RDEL Seed Funding of £0.237m. £0.050m of this is to be received and spent in 2023/24 with the remaining £0.187m to be received in 2024/25. This funding aims to bring together local stakeholders to support the long-term revival and regeneration of Hyde town centre.</li></ol>

By entering into the MoU, the Council also confirms it will act as treasurer for the Accelerator Partnership.

- 3) The acceptance of the non-recurrent Delivery Support Funding of £0.062m in 2023/24. This is to support local authorities meet programme and delivery costs associated with rolling out the expanded EY entitlements. This was subject to Memorandum of Understanding (MoU) to be signed by the Director of Resources in their capacity as the S151 officer, which was completed by the deadline of 26 October 2023.
- 4) The acceptance of Wraparound Childcare Programme Costs of £0.020m in 2023/24; £1.316m (up to a maximum of) in 2024/25 and £0.613m (provisional up to a maximum of) in 2025/26 - this is to support local authorities in England to increase the supply of wraparound places, to ensure or guarantee provision for all parents who may need it, meeting current demand and building further demand. This is a 3-year grant and was subject to Memorandum of Understanding (MoU) to be signed by the Director of Resources in their capacity as S151 officer, which was completed by the deadline of 30 October 2023.

That Executive Cabinet is recommended to note:

- 1) The forecast General Fund revenue budget position of an overspend of £11.997m if the Council did nothing, which is a favourable movement of £1.010m from Period 7 as a result of delivered mitigating actions.
- 2) The update on the production of recovery plans to mitigate the shortfall in budgets, with mitigations of £9.334m identified, £1.010m of which is included in the underlying overspend above.
- 3) That there is a projected General Fund overspend for the Council of £3.824m, following the application of actions within draft recovery plans.
- 4) The forecast deficit on the DSG of £4.718m, which is an improved position of £0.599m on the month 7 position.
- 5) The Capital programme position of projected spend of £46.946m, following Cabinet approval to reprofile project spend of £1.024m from 2024/25.

**Policy Implications:**

Full Council set the approved budgets in February 2023. Budget virements from Contingency to service areas is not effecting a change to the budgets set by Full Council.

**Financial Implications:**

As contained within the report.

**(Authorised by the Section 151 Officer & Chief Finance Officer)**

**Legal Implications:**

**(Authorised by the Borough Solicitor)**

The Local Government Act 1972 (Sec 151) states that “every local authority shall make arrangements for the proper administration of their financial affairs...”

Revenue monitoring is an essential part of these arrangements to provide Members with the opportunity to understand and probe the

Council's financial position.

Members will note that the underlying outturn position is a net deficit of £11.997m on Council budgets. As the council has a legal duty to deliver a balanced budget by the end of each financial year Members need to be content that there is a robust Medium Term plan in place to ensure that the council's longer term financial position will be balanced. Ultimately, failure to deliver a balanced budget can result in intervention by the Secretary of State.

The council has a statutory responsibility to ensure that it operates with sufficient reserves in place. The legislation does not stipulate what that level should be, rather that it is the responsibility of the council's Section 151 officer to review the level of reserves and confirm that the level is sufficient. Reserves by their very nature are finite and so should only be drawn down after very careful consideration as the reserves are unlikely to be increased in the short to medium term.

**Risk Management:**

Associated details are specified within the report.

Failure to properly manage and monitor the Council's budgets will lead to service failure and a loss of public confidence. Expenditure in excess of budgeted resources is likely to result in a call on Council reserves, which will reduce the resources available for future investment. The use and reliance on one off measures to balance the budget is not sustainable and makes it more difficult in future years to recover the budget position.

**Background Papers:**

Background papers relating to this report can be inspected by contacting Gemma McNamara, Interim Assistant Director of Finance (Deputy 151 Officer):



e-mail: [gemma.mcnamara@tameside.gov.uk](mailto:gemma.mcnamara@tameside.gov.uk)

## 1. SUMMARY

- 1.1 This report presents the Council's forecast financial position across the General Fund revenue budget, DSG and Capital Programme as at November 2023.
- 1.2 It shows the Council's budgets, forecast outturn positions and underlying variances. The report also identifies the management actions being taken to mitigate adverse variances.
- 1.3 Overall, there are significant overspends on expenditure of £11.997m on the underlying position within the General Fund. This represents an improvement in position of £1.010m from month 7 as some actions within recovery plans within Adults Social Care have been confirmed into the underlying position. This shows the total potential overspend, should actions within the recovery plans to bring the expenditure down to within budget not be taken.
- 1.4 As per the Council's financial regulations, Directors have a responsibility to manage within budgeted levels of expenditure and where overspends occur, Directors are required to present a recovery plan to the Chief Finance Officer (S151 officer).
- 1.5 At month 7, recovery plans were presented to Board, which included actions to bring the residual overspend down to £4.274m. Work has continued to be undertaken by service areas in conjunction with Finance in the period between Month 7 and Month 8 reporting to further review recovery plans and identify actions required. To date, plans totalling £9.334m have been received reducing the residual overspend to £3.824m.
- 1.6 All members of the Senior Leadership Team recognise the need to grip their budgets and are working through their budgets line-by-line again to determine where there is more possibility to control their expenditure and improve their income generation. Recovery Plans are a standing agenda item at Senior Leadership Team meetings, and will remain so for the duration of the financial year to ensure corporate oversight.
- 1.7 Any pressures or undelivered savings within Directorates by the end of the financial year will need to be resolved in the next financial year, in addition to delivering MTFS proposals to meet the budget gap for 2024/25.
- 1.8 A £4.718m overspend is forecast on the DSG fund, mainly due to unprecedented levels of growth on Education, Health and Care plans (EHCPs), at which the work on the Delivering Better Value (DBV) project is targeted. The DBV project is in the final stages of consideration with the Department for Education (DfE) for a revenue grant to support the deliverables agreed between the Council and the DfE.
- 1.9 The Capital budget has forecast budgets of £11.885m to be reprofiled to future years in 2023/24, agreed at month 6, representing a reduction from previous reprofiling requested, due to schemes progressing more quickly than expected. This does not affect the overall programme budget which is forecast to underspend by £2.872m.
- 1.10 At the time of drafting this report, the Consumer Price Index (CPI) measure of inflation was running at 3.9%, a significant reduction over the course of the year and a further 0.7% on the October rate. The Bank of England have responded to the inflationary environment with a strong monetary policy and increased the base rate 14 consecutive times from December 2021 to August 2023 with the aim of controlling inflation. The Bank of England announced on the 21<sup>st</sup> September 2023 that the base rate of interest would remain at 5.25%, and latest projections assume that it will remain at this level, rather than increasing as had been previously projected. Although the rate of inflation has decreased further, cost of living pressures remain significant and will continue to impact on both the costs of, and demand for, Council Services for the foreseeable future.
- 1.11 Members should be aware of the wider impact the macroeconomic environment is having in

Local Government. Multiple local authorities have warned of pressures adversely impacting on their financial sustainability, despite the welcome increase in funding received in the Local Government Finance Settlement for this financial year. A lack of multi-year funding settlements and the sustained high level of inflation has severely impacted the level of underlying risk in the Council's financial position and made planning for the future more difficult due to the increased uncertainty around available funding.

- 1.12 Whilst the Council is not in a poor financial position in terms of its balance sheet at this point in time, and section 7 on reserves demonstrates this, it is clear that ongoing cost pressures make delivering the 2023/24 budget, and the future Medium Term Financial Strategy (MTFS), a difficult task. However, without a clear rationale around reserves being used to support transformation, change and a sustainably lower expenditure budget, Members will be asked to make more-and-more difficult decisions over the medium-term regarding service provision and levels of income generated locally.
- 1.13 Any decision to use reserves, above those approved at Budget Council, would require approval from the Director of Resources as per the Financial Regulations, and significant use of reserves is a decision for Full Council on a recommendation of Executive Cabinet. Reserves should not be an alternative to undelivered budget reductions. Should Service overspends remain unmitigated in year, there may need to be a drawdown from unallocated reserves to bring expenditure to within budget. This is not a sustainable approach and will take the Council closer to financial distress. Budgetary control needs to be applied to reduce current expenditure, in addition to longer term recovery plans for each Directorate, which will be required to bring Services to within budget.

## **2. FORECAST 2023/24 REVENUE OUTTURN POSITION AT MONTH 8**

- 2.1 The underlying Month 8 position is an overspend of £11.997m, which represents a favourable movement on the month 7 underlying position of £1.010m due to the inclusion of delivered recovery plan actions into the underlying position.
- 2.2 Work has continued on the development and delivery of recovery plans by service areas, in conjunction with Finance, in the period between Month 7 and Month 8 reporting. To date, plans totalling £9.334m have been received, reducing the residual unmitigated overspend to £3.824m.
- 2.3 The total figure of planned actions within the recovery plans is £9.334m, an increase of £0.600m on the month 7 position, where management actions of £8.734m were estimated. Taking into account these recovery plan actions, the residual overspend at month 8 is projected to be £3.824m.
- 2.4 Table 1 gives a breakdown of the position for each Directorate showing both the underlying variance and recovery plan actions, leading to the net reported overspend at month 8, and is shown in comparison to the month 7 position.

**Table 1: Month 8 forecast monitoring position**

Forecast Position	Revenue Budget	Month 8 Forecast	Underlying Variance	Recovery Plan Actions	Net Variance	Net Variance Month 7	Change in Variance
	£m	£m	£m	£m	£m	£m	£m
Adults	41.591	44.388	2.797	(2.407)	0.390	0.000	0.390
Children's Social Care	55.537	61.547	6.009	(2.205)	3.804	3.638	0.166
Education	8.743	9.500	0.756	(0.756)	0.000	0.128	(0.128)
Population Health	14.320	13.772	(0.548)	0.000	(0.548)	(0.434)	(0.114)
Place	29.546	34.663	5.116	(2.805)	2.311	2.894	(0.583)
Governance	13.563	13.339	(0.225)	0.000	(0.225)	(0.226)	0.001
Resources	58.096	56.187	(1.909)	0.000	(1.909)	(1.726)	(0.183)
<b>Totals</b>	<b>221.397</b>	<b>233.394</b>	<b>11.997</b>	<b>(8.173)</b>	<b>3.824</b>	<b>4.274</b>	<b>(0.450)</b>

2.5 To provide further detail to the table above, the following table shows the movement in the underlying position for month 8 compared to month 7, which is then described in more detail for each Directorate in sections following the table.

**Table 2: Month 8 movement in underlying position**

Forecast Position	Revenue Budget	Month 8 Forecast	Month 8 Underlying Variance	Month 7 Underlying Variance	Change in Variance
	£m	£m	£m	£m	£m
Adults	41.591	44.388	2.797	3.569	(0.772)
Children's Social Care	55.537	61.547	6.009	5.951	0.058
Education	8.743	9.500	0.756	0.756	0.000
Population Health	14.320	13.772	(0.548)	(0.434)	(0.114)
Place	29.546	34.663	5.116	5.116	0.000
Governance	13.563	13.339	(0.225)	(0.226)	0.002
Resources	58.096	56.187	(1.909)	(1.725)	(0.184)
<b>Totals</b>	<b>221.397</b>	<b>233.394</b>	<b>11.997</b>	<b>13.007</b>	<b>(1.010)</b>

### Recovery Plans

2.6 All Directors have submitted draft recovery plans. Each recovery plan requires sign off from the Director of Resources in line with the Financial Regulations and work is continuing to develop plans to meet the shortfall. Education has now developed a recovery plan which balances the pressures within the Service. Although Adult Social Care was previously balanced, additional pressures at month 8 have resulted in requiring further mitigations.

2.7 The table overleaf shows a summary of the £9.335m included within Directorate recovery plan, split into months:

**Table 3: summary of recovery plan actions by Directorate**

Recovery plan actions	P7 October	P8 November	P9 December	P10 January	P11 February	P12 March	Total
Directorate	£m	£m	£m	£m	£m	£m	£m
Adults Social Care		-1.641	0	0	-0.027	-1.901	-3.569
Childrens Social Care		-0.037	-1.331	-0.136	-0.223	-0.477	-2.204
Education		-0.069	-0.149	-0.126	-0.174	-0.239	-0.756
Place	-0.673	-0.070	-0.124	-0.353	-0.272	-1.312	-2.805
<b>Total</b>	<b>-0.673</b>	<b>-0.176</b>	<b>-1.604</b>	<b>-0.615</b>	<b>-0.669</b>	<b>-2.028</b>	<b>-9.334</b>

- 2.8 The following sections give an update on each Directorate position, focusing on pressures, with the recovery plans laying out the management actions to reduce the overspends.

### **Directorate position**

#### **Adult Services**

**Underlying overspend of £2.797m, adverse movement of £0.390m**

**Recovery plan action of £2.407, no movement from period 7**

**Residual overspend: adverse movement of £0.390m**

- 2.9 The Adults Services Directorate has a forecast underlying overspend against budget in 2023/24 of £2.797m. This is an adverse movement of £0.390m on the period 7 forecast which included recovery plan proposals to deliver a balanced budget by 31 March 2024. Recovery plan actions of £1.162m have been implemented since period 7. These include a reduction of £0.560m to the Directorate pay forecast due to delayed recruitment to vacant posts within the establishment until 1 April 2024 at the earliest. Additional revenue budget of £0.602m has also been transferred from contingency to support the costs of transitions and complexity of need in residential care settings. This additional budget allocation was approved within the period 7 monitoring report.
- 2.10 The net £0.390m adverse movement to the forecast at period 8 is comprised of £0.981m adverse variations that have been reduced by £0.591m favourable variations. The adverse variations predominantly relate additional demand. Residential and nursing care home placement costs have increased by £0.202m. This is a combination of an increase to permanent placements (858 in October 2023 compared to 809 in April 2023, a 6% increase) with a reduction in short stay placements (165 in October 2023 compared to 211 in April 2023, a 22% reduction). The recovery plan proposals included in the period 7 report assumed no further additional permanent placements to the end of the financial year. The forecast position also assumed a continual 10% reduction each month in the volume of short stay placements. The period 7 position reported a volume of 154 short stay placements in September 2023, the October volume was 165, an increase of 7% rather than the forecast 10% reduction.
- 2.11 There has also been an increase of 18 direct payment and shared lives care packages since period 7 that has resulted in an increase of £0.211m to the forecast expenditure. Home care and support at home care provision also continues to increase. The forecast has increased by £0.562m due to an increase in hours delivered each week together with additional services provided due to the complexity of care needs e.g. waking night care. At period 8 the weekly hours delivered were at 12,400 an increase of 2% since period 7. Home care equates to 45% of the weekly hours delivered with support at home 55% of the total weekly hours.
- 2.12 The favourable variation movement since period 7 of £0.591m is due to improvements in the forecast income receivable by the Directorate. There is an increase in the forecast of service user contributions to care home packages of £0.313m together with an increase in the forecast of continuing health care income from the NHS to related care packages of £0,239m.
- 2.13 Further recovery plan proposals are being worked on by the directorate for the remaining £0.390m adverse movement and will be reported at period 9.

**Children's Social Care – Underlying overspend £6.009m, adverse movement of £0.058m**

**Recovery plan action of £2.205m, adverse movement of £0.108m**

**Reported position: £0.166m adverse movement**

- 2.14 The overall position on Children's Social Care services is reported as an underlying variance of £6.009m forecast overspend, which is an adverse movement from the position reported at period 7 of £0.058m. The underlying pressure is subject to mitigation by recovery plan

actions currently forecast at £2.205m, resulting in a reported net forecast variance of £3.804m. The in-depth review across the whole of Children’s Social Care services, undertaken with the new Children’s Senior Leadership Team is continuing to identify efficiencies and savings opportunities for 2023/24 and into future years.

- 2.15 The overall forecast overspend is driven significantly by the requirement for high-cost independent and residential external placements for Cared for Children, which is forecast to overspend by £8.024m. This relates both to the overall number and the increasing cost of each placement with external residential placement numbers currently at 78, compared to 67 at the start of the financial year.
- 2.16 The forecast also continues to be adversely affected due to the reliance on, and associated high cost, of agency Social Workers and other interim placements currently supporting the directorate priorities and caseload requirements. The forecast includes over £4.833m on Agency staff, which is partly mitigated by savings on core staffing budgets (£3.704m) and from Children’s Services transformation reserve (£0.772m) pending formal approval.
- 2.17 The agency arrangements include the new Children’s Services Senior Leadership Team who are supporting the improvement requirements across the Directorate. They are leading the work which is actively underway to review all service structures in order to implement a revised staffing structure that will deliver a more skilled permanent workforce for Children’s Services. A dedicated Workforce Board has been established to support all the delivery requirements of the new structure.
- 2.18 Table 4 below shows that since April 2023, 21 over 18’s have had their Semi Independent placement ceased, this has been offset by 18 additional placements in the 16-17 age range. The table also shows the growth of 24 Independent Foster Placements in 0-15 year olds, and external residential placements have risen by 14 in 0-15 year olds.

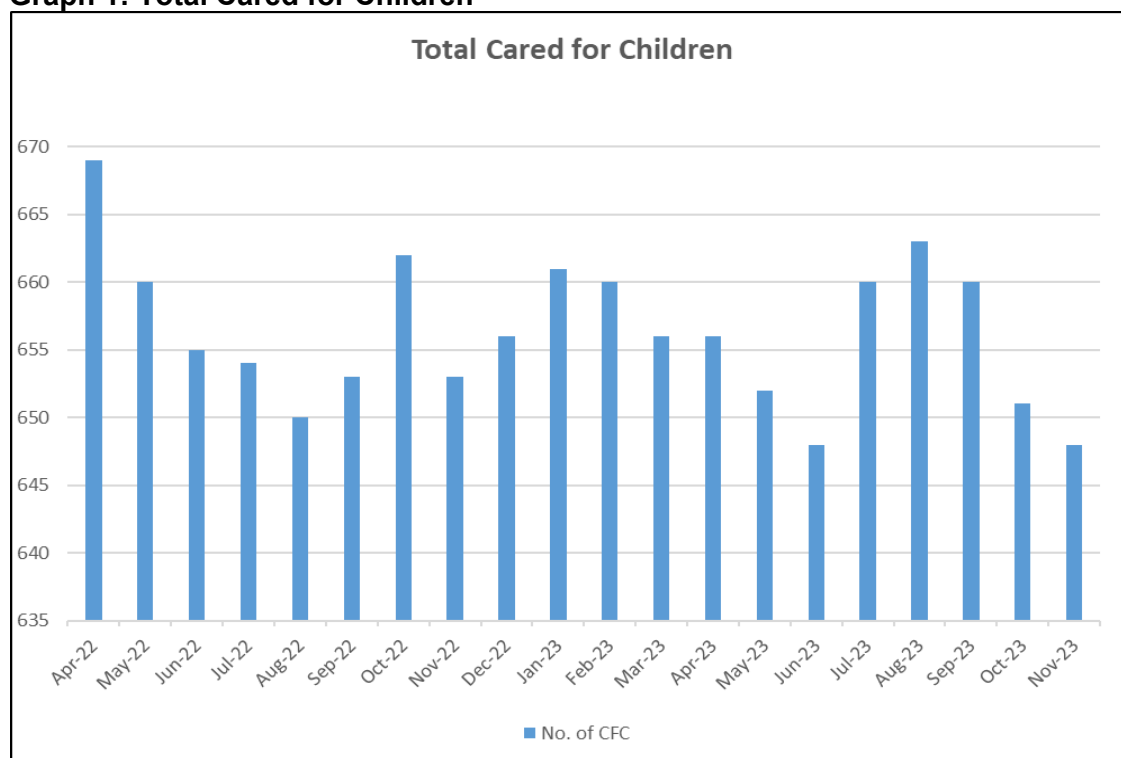
**Table 4: Age Profile of External Placements**

Age Profile	Semi Independent		Independent Foster Placement		External Residential Homes	
	Apr-23	Dec-23	Apr-23	Dec-23	Apr-23	Dec-23
0 to 2	0	0	1	6	0	0
3 to 4	0	0	3	9	0	0
5 to 10	0	0	47	57	4	6
11 to 15	0	0	64	67	40	52
16 to 17	28	46	23	23	23	20
18+	33	12	1	0	0	0
	<b>61</b>	<b>58</b>	<b>139</b>	<b>162</b>	<b>67</b>	<b>78</b>

- 2.19 Graph 1 shows that, whilst Cared for Children numbers fluctuate monthly, there had been an overall reduction recorded from April 2022 at 669 down to 648 at June 2023. The numbers have subsequently increased each period since June 2023 up until August 2023, which was recorded as 663. Since August there has been an overall net reduction of 15 Cared for Children with the current total now being 648 as at the end of November 2023.



**Graph 1: Total Cared for Children**



2.20 Table 5 provides a summary analysis by type of placement for the 648 Cared for Children recorded as at 30 November 2023

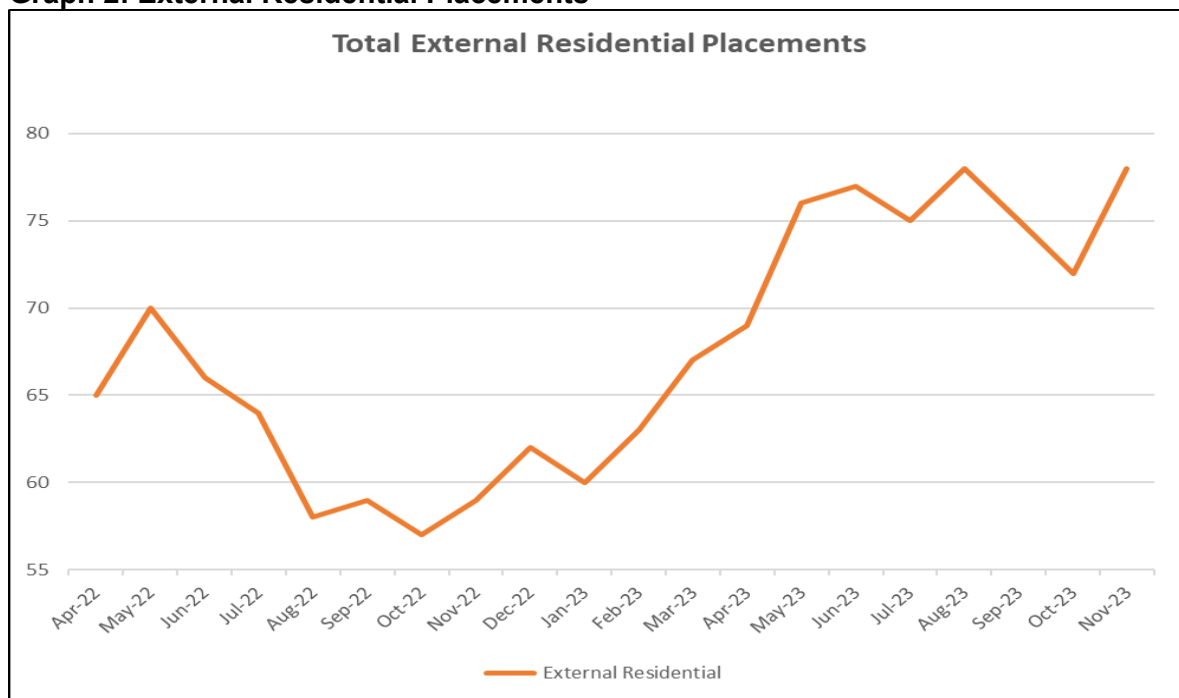
**Table 5: Cared for Children Placement Types**

Cared for Children - Placement Types	Total
Foster Care Placements - External	173
Foster Care Placements - Internal	237
Other, including Secure, Prison, Young Offenders	5
Placed with Own Family or Others with Parental Responsibility Orders	96
Residential Placements - External	79
Residential Placements - Internal: Including Children's Homes, Independent Living, Supported Accommodation	58
<b>Total as at 30 November 2023</b>	<b>648</b>

2.21 After a period of falling numbers from May 2022 (70) to October 2022 (57), the number of external residential placements had risen sharply since then to reach 78 as at August 2023. There has been a net increase of 4 placements in November 2023 which have increased the forecast by £0.057m.

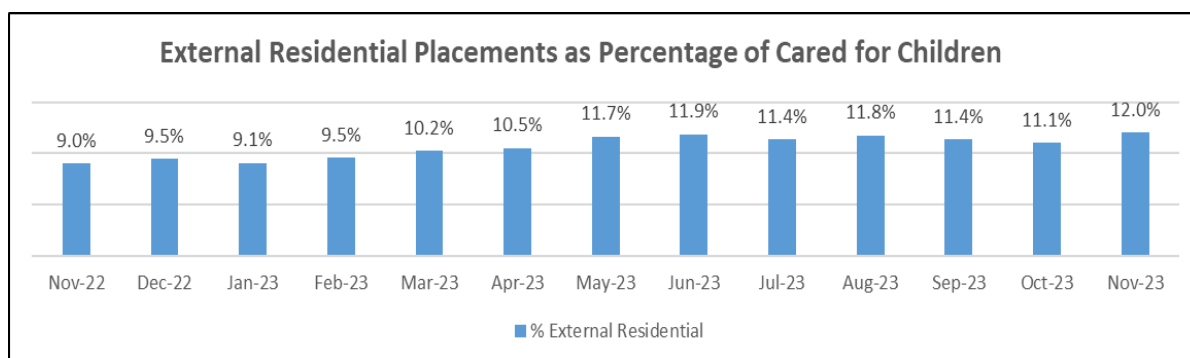
Graph 2 shows the number of external residential placements recorded from April 2022 to September 2023.

**Graph 2: External Residential Placements**



2.22 The increase in external residential placements has led to a greater proportion of the total Cared for Children client base being in external residential placements which is now at 12%. Graph 3 demonstrates the overall number of external residential placements as a proportion of the total Cared for Children recorded over the last 12 months.

**Graph 3: External Residential Placements as Percentage of Cared for Children**



In addition to the proportionate increase in external residential placements it should also be noted that the average cost has increased to £5,913 per week at November 2023 compared to £5,459 per week at November 2022, representing an 8.3% increase in weekly costs in comparison to the same point last year.

2.23 Recovery plan mitigations include achieving additional partner contributions towards the health and education elements of care packages of children above those already forecast, and was originally estimated at £0.082m in-year. Additional income from health agreed in Period 8 of £0.120m has increased the full year impact of this recovery action to £0.140m, a favourable movement of £0.058m.

2.24 Maximisation of available external funding is also being factored into the management recovery plan mitigations where, following an in-depth review of all grants available to Children’s Social Care for 2023-24, up to £1.548m is estimated to be able to be contributed to eligible costs related to the delivery of relevant grant requirements.

- 2.25 As part of the recovery plan actions, a project is currently underway reviewing all placements for children that may be able to be returned to home. An initial review of the eligible cohort ages 9 to 12 identified 45 placements for review where 3 have now successfully returned home. A second tranche focussing on 0-5 year-olds has identified 79 placements for review. It should be noted that not all the young people may be able to return to home due to their individual circumstances. A reduction of £0.185m is currently forecast to be achieved in 2023/24 with greater scope anticipated for full-year effect and increased numbers for 2024/25.
- 2.26 Further cost reductions have been factored into the recovery plan in respect to strengthened processes around the review of children entering care and through effectively managing appropriate levels of risk. A cost reduction for 2023/24 of £0.497m based on a reduction of placements and associated costs was forecast to the end of the financial year, however there was an adverse movement of £0.058m in Period 8 while 7 placements ceased, compared with a favourable movement of £0.166m forecast in the recovery plan. In total this is an adverse movement of £0.224m.

### **Education**

**Underlying overspend of £0.757m, no movement**

**Recovery plan action of £0.757m, favourable movement of £0.128m**

**Residual overspend position: Balanced position, favourable movement of £0.128m**

- 2.27 The underlying variance is an overspend of £0.757m. The recovery plan work in this area has identified actions of £0.757m resulting in a residual breakeven position.
- 2.28 There is a net £0.390m overspend on Special Education Needs and Disability (SEND) Transport in the current year due to higher-than-expected levels of Education Health and Care Plans (EHCP) including transport requirements as requests continue to increase. The Delivering Better Value project is working to reduce the number of EHCP's being issued.
- 2.29 Further reviews of the forecast has been conducted for SEND transport which identifies several additional routes that have commenced due to continuing growth in demand and eligibility, along with price increases on current routes which totals £0.037m. However, absenteeism for the remainder of the year has been estimated at £0.032m which is likely to offset any adverse movement, so the forecast is unchanged from Period 7.
- 2.30 The recovery plan includes a review of the eligibility for transport which seeks to provide cost reductions in year. This will be completed along with the longer-term plans to increase the use of personal budgets, increasing travel training and varying commissioning arrangements.
- 2.31 As a result of the increased number of EHCP requests, there is an increase this year in the use of Associates (private practice EPs) on the Educational Psychology Service for the delivery of statutory assessments producing a pressure of £0.297m. The service is currently working on a strategy to meet demand now and to support future needs. The shortage of Educational Psychologists and the loss of professionals to private practice is a national issue.

### **Place**

**Underlying overspend of £5.116m, no movement.**

**Recovery plan action of £2.805m, £0.582m favourable movement.**

**Residual overspend position: £2.311m, £0.582m favourable movement.**

- 2.32 The forecast position as at period 8 is showing a net overspend of £5.116m for the Place Directorate. There has been no movement since period 7. As detailed in previous reports, the Place Directorate is facing a number of financial challenges across several areas including Corporate Landlord, Homelessness, Waste & Fleet and Engineers & Highways.

The forecast overspend is driven by cost and demand pressures, non-delivery of prior year savings and the partial non-delivery of savings in 2023/24. These pressures are being partially mitigated by significant underspends in staffing across the directorate.

- 2.33 Although there was no movement in the underlying position, the Directorate has identified £2.805m of mitigating actions as part of its recovery plan, an increase of £0.582m, including £0.443m identified from a review of earmarked reserves. The Director of Resources has agreed the funding of the differential on the inflationary impact on the Facilities Management contract, subject to the review and renegotiation of the contract to deliver the remainder of recovery plan actions within this function. There are targeted cost reductions in the Homelessness service of £0.479m following investment in prevention officers and as a result of the Council securing an additional 10 properties for Temporary Accommodation, which will reduce expenditure on Bed and Breakfast settings. Further work is required to identify further mitigations to meet the residual overspend.
- 2.34 **Waste & Fleet Management £0.618m forecast overspend, no change in position.** Staffing costs exceed the net budget due to vacancy factor (£0.406m) not being delivered and the use of agency staff to cover sickness and other absences. Vehicle repairs and maintenance continue to exceed budget due to a combination of increased prices and the aging fleet. Prior year savings in respect of three weekly collections and charging for replacement bins are not delivering the full saving originally anticipated. The Commercial Waste service continues to perform strongly in terms of income levels with further work being done to market the service to increase the number of external contracts and further increase income levels.
- 2.35 **Corporate Landlord £2.760m forecast overspend, no change in position.** Facilities Management Core Contract – Budget reductions have been put forward as part of the MTFs each year since 2021/22, however, non-delivery of these savings has thereby widened the gap between budget and expenditure. In the current year, budget reductions presented total £0.320m, of which £0.290m of this currently forecasted to be achieved, although these are all one off underspends. Work is ongoing to confirm further savings to fully deliver the £0.320m on a recurrent basis, with confirmation of these expected in coming months. Recurrent savings will only be achieved if the estate is reduced requiring less facility management.
- 2.36 Asset Rationalisation – Budget reductions of £0.920m were proposed in the current year relating to asset rationalisation. Progress has been made on delivering these savings since the appointment of an Asset Rationalisation Surveyor, with £0.372m budget savings forecast to be achieved. There are also further cost mitigations forecast to be delivered as a result of Clarence Arcade and the Denton Centre being vacated.
- 2.37 Utilities - Although contingency budgets of £0.819m have been made available to support the increased costs of gas and electricity across the corporate estate, there is a remaining overspend against budget of £0.655m. This is largely the result of prior year reductions in Council buildings not being achieved. As work continues to progress on the asset rationalisation programme, the overspend linked to utilities should reduce.
- 2.38 Commercial Units - As reported in previous months, there is a forecast projected shortfall of rental income against the Wilkos unit in Tameside One. Alongside the projected income shortfall, it is expected that there will also be a business rates liability for this building should it come back to the Council without alternative subletting arrangements.
- 2.39 **Temporary Accommodation £2.561m forecast overspend, no change in position –** Despite seeing increased numbers of households moving on from temporary accommodation during September and October, this has reduced during November. New placements in temporary accommodation have also increased, resulting in a net increase of households in nightly paid temporary accommodation.

2.40 Although data at period 7 showed that growth was slowing, this wasn't reflected in the forecast position as seasonal trend data indicates that Tameside should expect an increase in households in temporary accommodation in the final quarter of 23/24. The table below shows the reported number of Tameside households in temporary accommodation for each quarter of 21/22 and 22/23. Whilst there are some anomalies, the general trend is that Q4 has the highest levels of households in temporary accommodation. The table below shows the quarterly statistics for the past 4 years and 23/24 to date.

	19/20	20/21	21/22	22/23	23/24
Q1	109	161	156	213	254
Q2	130	163	193	196	273
Q3	128	159	204	181	287
Q4	140	154	224	221	
<b>Average</b>	<b>127</b>	<b>159</b>	<b>194</b>	<b>203</b>	<b>271</b>
Year on Year Growth		25.64%	21.98%	4.38%	29.72%

*\*All figures are taken from gov.uk website, apart from those in italics which have not yet been published. 23/24 Q3 figure is as at 8 December 2023 and so published figure may be different.*

2.41 As part of the recovery plan, the service is seeking to utilise Homelessness Prevention Funding to increase the numbers of prevention officers. This is expected to reduce the number of households currently in temporary accommodation, as well as reducing the numbers entering the system. As a result, no change is currently being forecast to allow for the impact of this to be assessed. Updates will be provided at future reporting periods.

2.42 The table below shows the gross movement in and out of temporary accommodation during this financial year.

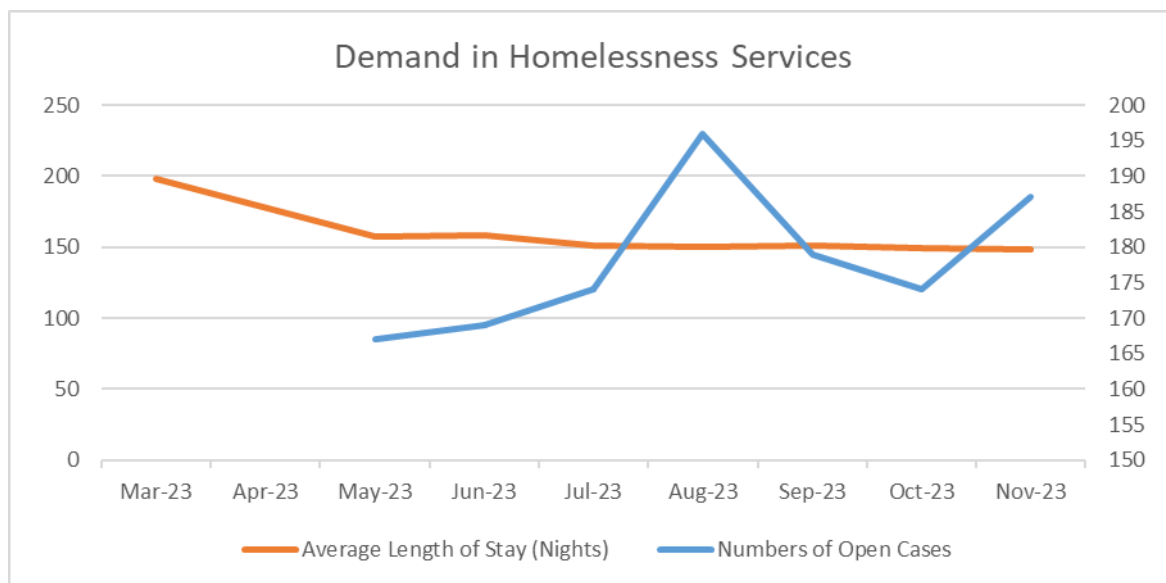
Month 23/24	New temporary accommodation Placements	Ended temporary accommodation Placements
April	44	2
May	74	58
June	59	65
July	67	56
August	62	34
September	52	70
October*	58	64
November	64	56

\*October figures are different to those reported at period 7 due to the timing of the data being extracted from the system.

These figures will include households moving between temporary accommodation providers, however these make up a small proportion of the numbers.

2.43 As can be seen in Graph 5, the average length of stay in temporary accommodation has remained fairly constant during this financial year, however, the number of open cases (nightly paid temporary accommodation) has continued to increase from May 2023 (despite fluctuations August – October). Given that both the average length of stay and the average nightly cost have not significantly changed, it is the increase in demand that is driving the significant forecast pressure; using average nightly rates and length of stays, each new household entering temporary accommodation costs the Authority £0.007m (net cost after receipt of Housing Benefit Subsidy).

**Graph 5: Demand in Homelessness Services**



2.44 Average length of stay is based on all cases in year, both open and closed. For those that are ongoing, an end date of 30 November has been used to calculate the length of stay.

**Population Health – Underlying underspend £0.548m, £0.114m favourable movement**

2.45 Population Health has an underlying forecast underspend of £0.548m, which represents a favourable movement of £0.114m on the month 7 position.

2.46 The favourable movement is attributable to the re-profiling of initiatives commissioned via the Be Well Service (£0.055m), an improvement to pay forecasts across the Directorate (£0.036m) and a reduction to the forecast expenditure on sexual health initiatives (£0.028) pre-dominantly relating to lower levels of expected demand.

**Resources – Underlying underspend £1.909m, £0.192m favourable movement**

2.47 Resources has an underlying forecast underspend of £1.909m, which represents a favourable movement of £0.192m on the month 7 position.

2.48 As per the previous month, the Bank of England base interest rate again remained unchanged following the Bank of England's Monetary Policy Committee announcement on 14 December 2023. However, there is a forecast additional improvement of £0.030m on investment interest due to an improved forecast of the Council's cash balance for the remainder of the year and the associated interest earned.

2.49 The Council is expecting an estimated non-recurrent rebate from the Greater Manchester Combined Authority relating to improved levels of recycling in the borough for the current financial year of £0.129m. This rebate is based on current estimates of recyclable disposable waste tonnages for the borough in 2023/24. Any changes to this estimated rebate will be updated in subsequent reports where disposable tonnages vary to those currently assumed in the forecast.

**Governance – Underlying underspend £0.225m, £0.001m adverse movement**

2.50 Governance has an underlying forecast underspend of £0.225m, as a result of vacant posts across the Service, which represents a minor adverse movement of £0.001m on the month

7 position.

### Contingency budget virements to fund specific earmarked pressures

2.51 As part of the 2023/24 budget, approved at budget council, earmarked budgets were set aside in Contingency for emerging pressures. The proposal is that budget is transferred from earmarked Contingency to directorates to fund the following pressures;

- 1) The allocation of £0.024m to the Resources Directorate revenue budget to support the in-year non-recovery of income towards a previous jointly funded post with a Greater Manchester local authority within the Assurance Service. This joint funding arrangement is no longer in place as the post now supports Council priorities only.

### 3. SAVINGS PROGRAMME 2023/24

3.1 The overall small projected underspend against the revenue budget, explained above, includes achieving planned 2023/24 savings. Detail of the delivery status of savings by Directorate of the 2023/24 savings programme, included within the original budget, is shown in Table 9 overleaf.

**Table 9: Saving Programme in 2023/24 Budget at month 8**

2023/24 Budget Reductions	Opening Target £m	Red £m	Amber £m	Green £m	Achieved £m
<b>Adults</b>	2.550	0.989	0.143	0.591	0.827
<b>Children's Social Care</b>	3.652	1.695	1.267	0.690	0.000
<b>Education</b>	0.318	0.050	0.212	0.056	0.000
<b>Population Health</b>	0.155	0.000	0.000	0.000	0.155
<b>Place</b>	2.103	0.773	0.339	0.374	0.617
<b>Governance</b>	0.000	0.000	0.000	0.000	0.000
<b>Resources</b>	1.776	0.000	0.000	0.592	1.184
<b>Total</b>	<b>10.554</b>	<b>3.507</b>	<b>1.961</b>	<b>2.303</b>	<b>2.783</b>
<b>%</b>		<b>33.2%</b>	<b>18.6%</b>	<b>21.8%</b>	<b>26.4%</b>

3.2 At month 8, 48.2% of the programme is considered to be achieved, or on track to be delivered, a total of £5.086m. A further £1.961m is classed as Amber, with some issues or delays in delivery with £3.507m or 33.2%, with serious concerns of delivery (red rated savings are detailed in Table 10). These savings are discussed with Directors and their management teams as part of the STAR Chamber process that has been implemented to give a key focus on savings delivery. There has been no movement on savings delivery between months 7 and 8.

**Table 10: Red rated savings at month 8**

Directorate	Scheme	Savings Ref No.	Opening Target £m	Red £m
Adults	Non Residential Client Income – Realignment of Fees & Charges for Support at Home	AD1	0.550	0.550
Adults	Support individuals in a way that increases independence and reduces reliance on services	AD3	0.750	0.439
Children's	SEND Transport - Review transport policy and thresholds	CH3	0.050	0.050
Children's	A further reduction in the number of Children requiring Care of the Local Authority	CH10	0.450	0.450
Children's	Remodelling of Early Help Offer	CH11	0.865	0.665
Children's	Repurposing and opening St Lawrence Road	CH15	0.702	0.300
Children's	Management Review	CH20	0.280	0.280
Place	Industrial Estate Unit Rental / Change in Use - Plantation Unit 7	PL6	0.130	0.047
Place	FM / TAS Contract Review	PL7	0.320	0.030
Place	Street Lighting - reduction in energy consumption (reduce brightness)	PL10	0.108	0.108
Place	Reduction in parking enforcement contract costs based on reduced service spec (based on 5% reduction)	PL15	0.030	0.030
Place	Estates Rationalisation	PL3	0.920	0.548
Place	Corporate Building Room Hire Income Review	PL4	0.010	0.010
<b>Total</b>			<b>5.165</b>	<b>3.507</b>

#### 4. DEDICATED SCHOOLS GRANT

4.1 The in-year forecast position on the overall DSG is a deficit of £4.718m, a favourable movement of £0.599m primarily as a result of a reduction in post 16 High Needs Education placements, details are included in Table 11 below. The deficit predominantly relates to the ongoing pressure on High Needs. There is an additional adverse movement which impacts on the overall DSG deficit which relates to a forecast overspend on the early years supplementary grant. The cumulative DSG position at the end of 2022/23 was a deficit of £3.306m. The forecast closing balance on the DSG at the end of the current financial year is £8.077m. There is currently a statutory override in place for the DSG from 2023-24 to 2025-26 which means any DSG deficits are not included in the council's main revenue budgets. Beyond this period any deficit would become recognised in the council's revenue position.

**Table 11: Dedicated Service Grant (DSG) 2023/24 Forecast Deficit**

DSG Funding Blocks	DSG Settlement 2023-24 at July 2023 £m	Block Transfer 2023-24 £m	Revised DSG 2023-24 £m	Forecast Distribution /Expenditure 2023-24 £m	Forecast (Surplus) / Deficit £m
Schools Block	(201.052)	0.694	(200.358)	200.349	(0.010)
Central School Services Block	(1.249)	0	(1.249)	1.249	0
High Needs Block	(36.910)	(0.694)	(37.604)	42.823	5.219
Early Years Block	(18.062)	0	(18.062)	17.570	(0.492)
<b>Total</b>	<b>(257.273)</b>	<b>0</b>	<b>(257.273)</b>	<b>261.991</b>	<b>4.718</b>

4.2 The high needs budget continues to be under significant pressure and the forecast position

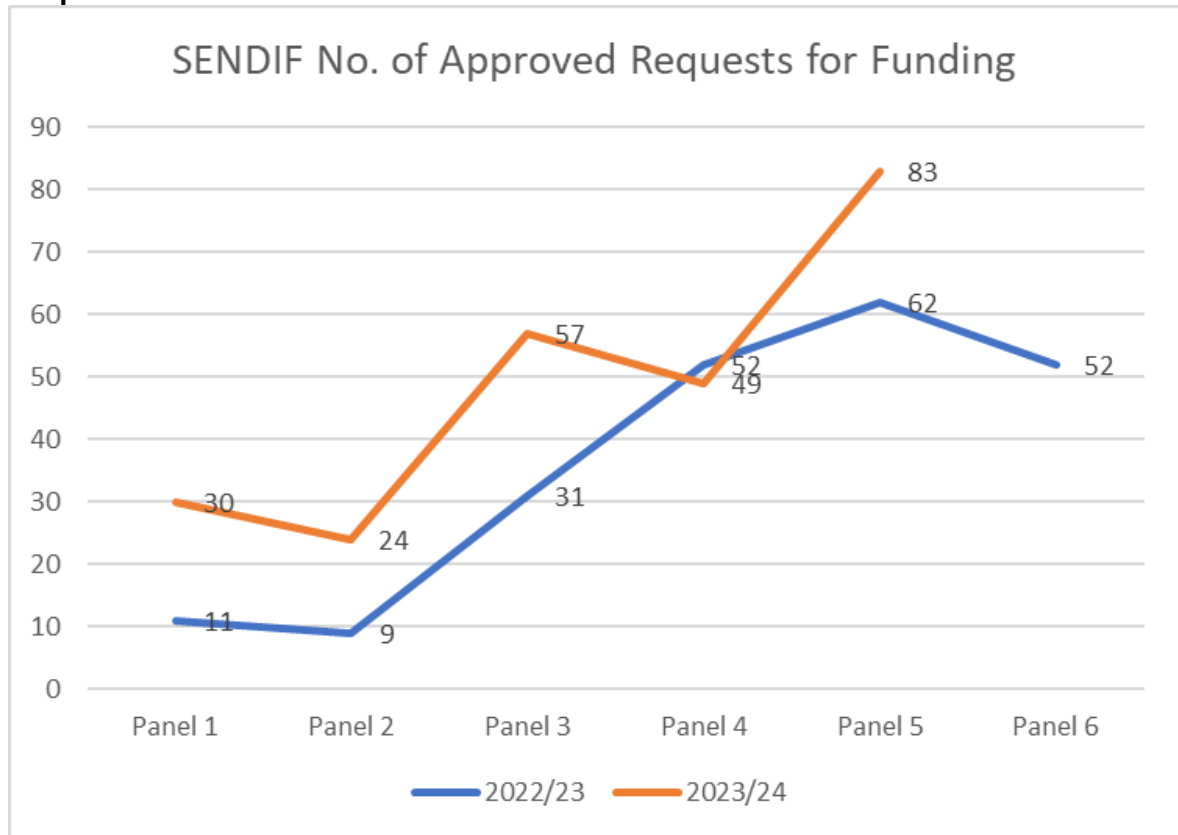


last reported was an in-year deficit of £5.876m. A further analysis of the Growth forecast has shown a favourable movement of £0.657m is projected by the end of the year. This would reduce the in-year deficit on high needs block to £5.219m.

4.3 As expected the majority of growth in the High Needs block is across the mainstream and independent sector. However, based on current costs to date there is likely to be savings in both these sectors along with a reduction in expenditure in the Post 16 sector due to leavers and ceasing plans of £0.757m. It is anticipated there may be a further expenditure on the high needs block in relation to the education costs relating to Children’s Social Care (CSC) placements. The DSG already funds the educational costs for a number of CSC placements’ but a review is underway which will look to ensure all partner contributions, including Health, Education and Social Care are applied fairly and in accordance with the specific individual placement requirements. This may identify additional contributions required from the high needs block and an estimate of £0.100m has been included at this stage. Once the review is complete further information will be provided.

4.4 There is an adverse movement of £0.058m in the Early Years Block relating to the SEN Inclusion Fund. This is based on the actual funding allocated to providers for the summer term and estimates for the autumn and spring terms. Graph 6 below provides information on the number of approved requests for funding within the financial year 2022/23 and 2023/24 up to December 2023. The latest panel information, panel 5, is not currently reflected in the forecast as the financial implications of this are still being updated. However, the number of approvals is significantly above the 2022/23 approved applications and it is likely this will increase the pressure on the SEN Inclusion fund. A further update will be provided in the Period 9 report.

**Graph 6**



4.5 Early Years Supplementary Grant (EYSG) was announced from September 2023. Although this is separate to the DSG, it is allocated on the same basis as the Early Years free entitlement funding. The allocation for Tameside is £0.989m and Table 12 provides details of the breakdown of the allocation and the estimated distribution of the grant.

**Table 12: EYSG Allocations and Estimated Distribution**

<b>EYSG Sept 23 - Mar 24</b>	<b>Universal entitlement for 3 and 4-year-olds £m</b>	<b>Additional 15 hours entitlement for eligible working parents of 3 and 4-year-olds £m</b>	<b>2-year-old entitlement £m</b>	<b>Early years pupil premium £m</b>	<b>Disability access fund £m</b>	<b>Total £</b>
Allocation	0.364	0.180	0.432	0.009	0.005	0.989
Estimated Distribution	0.356	0.188	0.483	0.010	0.002	1.038
<b>Variation</b>	<b>(0.008)</b>	<b>0.008</b>	<b>0.051</b>	<b>0.001</b>	<b>(0.003)</b>	<b>0.049</b>

- 4.6 The conditions of grant state: At the end of the 2023 to 2024 financial year, local authorities are permitted to:
- Use any EYSG surplus funding for the purpose of the early years block of the DSG in financial year 2023 to 2024 or carry forward any EYSG underspends and use them in support of all early education funding streams as part of their schools' budget for 2024 to 2025.
  - If there is a shortfall in the EYSG, local authorities may use the early years block of the 2023 to 2024 DSG for the purposes of the EYSG to make up the shortfall. The DSG: conditions of grant 2023 to 2024 have been amended to allow this.
- 4.7 The current forecast shortfall would be met from the forecast underspend on the Early Years Block DSG.

## 5 CAPITAL PROGRAMME

- 5.1 There are no changes on Capital since month 6, with the month 6 report updating on significant reprofiling of budgets to and from 2024/25. Table 13 below presents the capital expenditure by service area at month 6, with services projecting expenditure of £2.872m less than the current capital budget for the year. Reprofiling of £1.024m was requested as part of the month 6 report, bringing total reprofiling for the year to £11.885m.
- 5.2 Actual expenditure to date on capital projects has increased from £12.482m at the last detailed monitoring in month, to £21.557m at month 8, an increase of £9.075m. However, it should be noted that £6.038m of this expenditure relates to the Hawthorns Primary School Project, so expenditure on the remainder of the programme totals only £3.037m.
- 5.3 The current forecast for capital expenditure is £46.946m. The £21.557m expenditure to date represents less than half of the budgeted programme, despite being two thirds of the way through the financial year. Therefore, unless expenditure accelerates over the remainder of the year, it is likely that these forecasts will be scaled back over the remainder of this year.

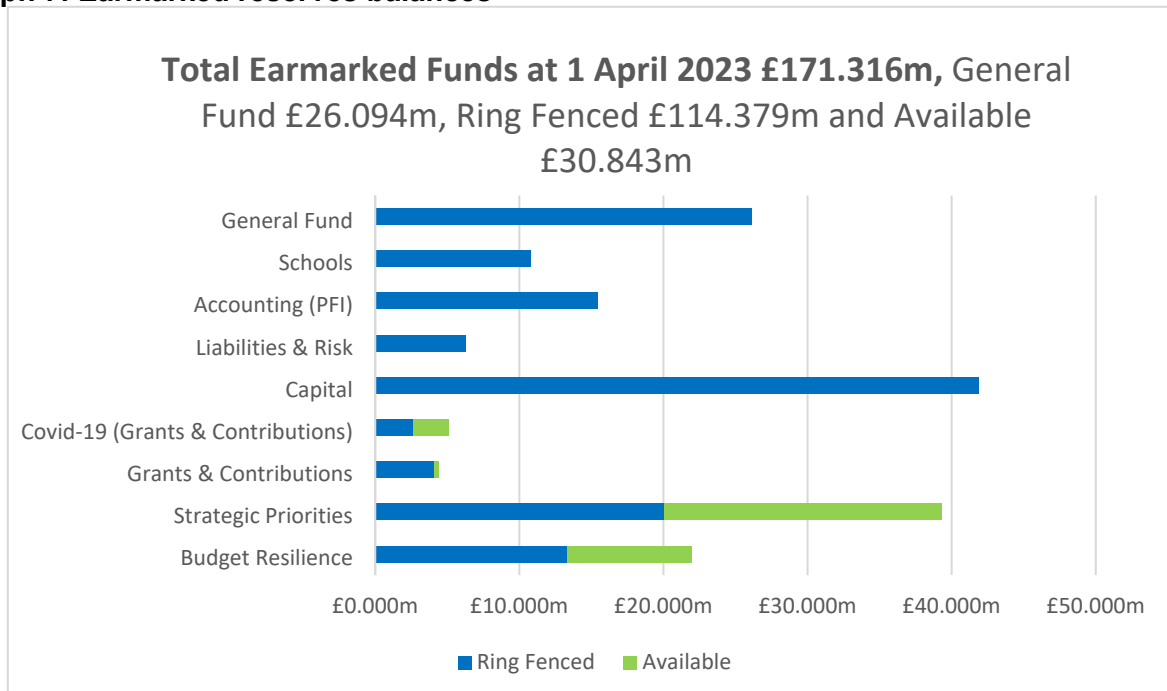
**Table 13 – Capital Expenditure by Service Area**

	2023/24 Budget	Actual to Date	Projected Outturn	Projected Outturn Variation	Reprofiling (to) / from future years	Projected Variation after reprofiling
	£m	£m	£m	£m	£m	£m
<b>Place: Property, Development and Planning</b>						
Development & Investment	14.024	2.475	8.502	(5.522)	(1.110)	(4.412)
Corporate Landlord	0.993	0.217	0.992	(0.001)	-	(0.001)
Vision Tameside	0.073	-	0.073	0.000	-	-
Active Tameside	0.102	0.103	0.103	0.001	-	0.001
<b>Place: Operations and Neighbourhoods</b>						
Engineers	4.826	1.137	4.248	(0.578)	(0.564)	(0.014)
Ops & Greenspace	1.925	0.389	1.395	(0.530)	(0.562)	0.032
Fleet Replacement	0.000	-	-	-	-	-
Estates	0.008	0.088	0.057	0.049	-	0.049
<b>Children's Social Care</b>						
Education	22.318	15.627	26.377	4.059	3.610	0.449
Children	1.322	0.088	1.234	(0.088)	(0.088)	-
<b>Resources</b>						
Digital Tameside	-	-	-	-	-	-
<b>Adults Social Care</b>						
Adults	4.195	1.403	3.933	(0.262)	(0.262)	-
<b>Governance</b>						
Governance	0.032	0.030	0.032	0.000	0.000	-
<b>Total</b>	<b>49.818</b>	<b>21.557</b>	<b>46.946</b>	<b>(2.872)</b>	<b>1.024</b>	<b>(3.896)</b>

## 7. EARMARKED RESERVES

- 7.1 The value and categories of earmarked reserves as at 1 April 2023 are summarised below in Graph 7. Whilst the overall level of earmarked reserves held by the Council remains strong, most of these earmarked reserves are committed, with only £30.843m not committed outside of the general fund balance of £26.094m. No uncommitted reserves have been used in this year to date, however, as mentioned earlier in this paper, drawdown of unallocated reserves may be required should expenditure in year continue to exceed budget.
- 7.2 Reserves balances excluding the General Fund balance and schools-related reserves are £132m. Reserves balances including the General Fund balance and schools-related reserves total £171m.

**Graph 7: Earmarked reserves balances**



## 8. RECOMMENDATIONS

8.1 As stated on the front cover of the report.

# Agenda Item 5

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor North First Deputy, Finance, Resources and Transformation
<b>Reporting Officer:</b>	Ashley Hughes Director of Resources
<b>Subject:</b>	<b>COUNCIL TAX BASE 2024/2025</b>
<b>Report Summary:</b>	<p>The law requires that the calculation of the Council Tax base for tax setting must be made between 1 December 2023 and 31 January 2024. The calculated tax base is used to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling. Failure to set the Council Tax base for 2024/25 would prevent the Council from setting its budget for the 2024/25 financial year.</p>
<b>Recommendations:</b>	<p>It is recommended that pursuant to the figures set out in the Report of the Director of Resources, and the Local Authorities (Calculation of Council Tax base) (England) Regulations 2012 :</p> <ol style="list-style-type: none"><li>1. the amount calculated by Tameside Metropolitan Borough Council as its Council Tax base for the year 2024/2025 shall be 64,722.5 properties.</li><li>2. the amount calculated by Tameside Metropolitan Borough Council as the Tax base for the Town Council of Mossley for the year 2024/2025 shall be 3,487.1 properties.</li></ol>
<b>Corporate Plan:</b>	<p>The setting of the Council Tax base underpins each of the Corporate Plan themes as the calculation contributes to Council budget income requirements to fund vital services to all sectors of the community.</p>
<b>Policy Implications:</b>	<p>The law requires that the calculation of the Council Tax base for tax setting must be made between 1 December 2023 and 31 January 2024.</p>
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>The Council Tax base calculation is a key part of the annual budget cycle. The calculated Tax base is used to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling. Failure to set the Council Tax base for 2024/25 would prevent the Council from setting its budget for the 2024/25 financial year.</p> <p>In December 2022, for the 2023/24 financial year, the forecast tax base for Tameside was based on 65,836.8 band D equivalent properties, with an estimated collection rate of 96.5% resulting in a Council Tax base of 63,532.5. This was an increase in the tax base compared to the prior year, due to an increase in the number of properties and a reduction in the number of discounts. The actual tax base in October 2023 was 65,944.9 band D equivalent properties, 108 properties in excess of the 65,836.8 band D properties that was forecast for 2023/24.</p>

For the 2024/25 financial year, the forecast number of properties in Tameside has again increased from 65,944.9 to 66,382.0 band D equivalent properties based on forecast growth of 437 new band D equivalent properties. The Mossley tax base is included in the Tameside tax base. Mossley has increased from 3,563.2 to 3,576.5 band D equivalent properties based on forecast growth of 13 new band D equivalent properties.

The 2024/25 tax base, assumed collection rate is to be increased by 1% to 97.5%. The prior year collection rates as at 1<sup>st</sup> September 2023 are detailed in the table below;

Financial Year	% Collected in year raised	Actual % collection Sept 23	% Budget collection	Collection +/- to Budget %
2014/15	94.07%	98.01%	95%	3.01%
2015/16	94.17%	97.71%	95%	2.71%
2016/17	93.69%	97.34%	95%	2.34%
2017/18	93.40%	96.92%	96.5%	0.42%
2018/19	93.41%	96.59%	98.0%	-1.41%
2019/20	93.52%	96.12%	98.0%	-1.88%
2020/21	93.95%	96.27%	98.0%	-1.73%
2021/22	94.03%	95.55%	97.0%	-1.45%
2022/23	93.66%	95.02%	97.0%	-1.98%

The 6-year cumulative collection rate is just over 96%. Given the continued financial challenges facing residents due to current economic conditions, there is a risk that the increased collection rate will be difficult to achieve.

The investment in digital solutions to support the 1% increased collection rate will be funded from a combination of corporate earmarked reserves and a recurrent revenue budget included in the Council's Medium Term Financial Strategy in 2024/25.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

There is a statutory requirement for the Council to set the Council Tax base annually in accordance with the timescales detailed in the report. The report provides an accurate analysis of the calculation of the 2024/25 Council Tax base in accordance with the legislative requirements as set out in the body of the report.

**Risk Management:**

Every effort has been made to ensure information used is as accurate as possible to ensure that the calculation is as accurate as possible. The tax base does include estimates both in terms of forecast new properties and collection rates. The assumptions are based on available data and detailed review of building in progress but the risk of variation to forecasts cannot be fully eliminated.


**Access to Information:**


The following background papers have been used in the preparation of this report and can be inspected by contacting Ilys Cookson, Assistant Director Exchequer Services on 0161 342 4056.

1. List of un-banded properties.
2. Planning Dept. new buildings forecast.
3. Provisional CTS calculation.

**Background Information:**

The background papers relating to this report can be inspected by contacting

 Telephone: 0161 342 4056

 e-mail: [llys.cookson@tameside.gov.uk](mailto:llys.cookson@tameside.gov.uk)

## **1 INTRODUCTION**

- 1.1 A Council Tax billing authority is required to calculate the Council Tax base for its area and notify the figure to the major precepting authorities in the period 1 December to 31 January in the preceding financial year in England. The purpose of this report is to consider the Council Tax base calculation which is a key part of the annual budget cycle. The calculated tax base is used by Financial Management to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each dwelling.

## **2 THE CALCULATION**

- 2.1 The Local Government Finance Act 1992 requires a billing authority to calculate the basic amount of its Council Tax by calculating its budget requirement less any grants divided by its tax base.

- 2.2 The tax base is calculated by multiplying its best estimate of the number of Band D equivalent properties by its estimate of the collection rate for that year. The first stage of the calculation is to calculate the tax base as it currently is.

### **Existing Tax base**

- 2.3 The Council is required to provide details of its current tax base in an annual return, the 'Council Tax base 1 (CTB1) return, to the Department for Levelling Up, Housing and Communities (DLUHC) which is completed in October of each year. For the 2023 return, DLUHC specified that the number of properties on the valuation list as at 11 September 2023 should be used. The valuation list is compiled and maintained by the independent Valuation Office Agency and is used as the basis of the calculation for the tax base for Council Tax setting.

- 2.4 The CTB1 is compiled using standard data reports from the Council Tax system, written by the system provider. The return deducts all the various reliefs that are currently awarded, which result in the full Council Tax charge being reduced. This means that the calculation takes into account the current numbers of exempt properties, those subject to disabled relief and all properties which are subject to a single person discount. Annual reviews are undertaken to ensure that single person discounts and disabled relief are applied correctly.

- 2.5 Regular reviews of empty properties are also completed. Currently properties which remain empty for more than 2 years are required to pay an additional 50% Council Tax, and this is reflected in the calculation of the tax base. The additional charge on empty properties is set to increase in accordance with the Levelling-up and Regeneration Act 2023 and the Local Government Finance Act 1992. The legislation increases the additional charge to a further 100% to be levied after a property has been empty for one year or more.

- 2.6 Awards under the Council Tax Support Scheme are considered as a Council Tax discount and therefore affect the tax base. The tax base calculation includes an allowance for the number of awards under the Council Tax Support Scheme and converts this cost into an equivalent reduction in the number of band D properties.

- 2.7 All reliefs, discounts, exemptions and Council Tax Support are included in the Council Tax base return (the 'CTB1) to DLUHC in October of each year.

### **Forecast growth in the Tax base**

- 2.8 To calculate the forecast tax base for the 2023/24 financial year, further adjustments are made to the figures in the CTB1 to reflect additions to the tax base due to new build and un-banded properties.

- 2.9 An adjustment is made to the tax base for the forecast of new buildings and un-banded properties. These are properties which are currently under construction, but not yet in the valuation list, or properties which have been completed but not yet placed in a Council Tax band and added to the list.
- 2.10 There is a robust process in place to ensure that the forecast for the tax base is calculated correctly. All new build sites are identified as soon as planning permission is granted. The site is inspected by Exchequer visiting officers and details of the number of properties to be built, the size and expected date of completion is collected. The sites are visited on a regular basis and on each visit the visiting officer assesses the stage of the build. Their knowledge and experience enable them to advise when the builds are due to be complete and ensure that completion notices are issued at the earliest possible time, therefore, bringing the properties into tax as soon as possible.
- 2.11 The Council shares data with the Valuation Office Agency on a weekly basis to ensure any un-banded properties are given a Council Tax band in a timely manner.
- 2.12 The records of new and un-banded properties are used to estimate the number of properties that will be brought into the tax during 2023/24. The size of the property is also used to determine the expected property band. Once the number of new builds is determined, a percentage based on the current single person discount levels is also applied to the estimate to reflect the expected number of residents in each property. This ensures the tax base and income from properties is not overstated. There is also a new homes bonus paid to the Council in respect of new build properties and properties brought back into tax.
- 2.13 All of the adjustments for new or un-banded properties are converted to band D equivalents and added to the current tax base in order to give the best estimate for the forthcoming financial year.
- Collection rate**
- 2.14 A final adjustment to the tax base is made in respect of the assumed cumulative collection rate. The cumulative collection rate reflects the level of Council Tax income that is forecast to be collected over the medium term (a 5-6 year period) and this is different to the in-year collection rate.
- 2.15 Prior to 2020, the assumed collection rate was 98% reflecting the cumulative collection rate in recent years. In 2020, as a result of reductions in the in-year collection rate (attributed to the impact of the Covid-19 pandemic), the assumed collection rate for the purpose of the tax base was reduced to 96.5% in 2023/24.
- 2.16 For the 2024/25 tax base, the assumed collection rate is to be increased by 1.0% to 97.5% reflecting the desire to return to pre-Covid levels of collection. Given the financial challenges facing residents, the additional 1% collection rate will be a significant challenge to deliver. To support this the Council is investing in three digital solutions with the aim to improve collection and reduce the need for manual intervention.

### **3 THE TAX BASE CALCULATIONS**

- 3.1 **Appendix 1** provides a summary of the calculation of the tax base for Tameside for the 2024/25 financial year. **Appendix 2** provides a summary of the calculation of the tax base for Mossley for the 2023/24 financial year.
- 3.2 **Appendix 3** is a copy of the CTB1 return for Tameside as submitted to DLUHC in October 2023. **Appendix 4** is a CTB1 equivalent for the Mossley parish area (this is not required to be submitted to DLUHC).



## **4 RESOURCE IMPLICATIONS**

- 4.1 The calculated tax base is used to determine the level of Council Tax income that the Council can raise in the upcoming financial year, subject to agreement of the amount of Council Tax to be charged for each band D equivalent dwelling.

## **5 SUMMARY**

- 5.1 The calculation of the authority tax base for Council Tax setting purposes gives an estimated Band D equivalent of 66,382.0 properties. There are no Ministry of Defence properties in Tameside. An estimated collection rate of 97.5% gives a Council Tax base of 64,722.5 properties.
- 5.2 The calculation of the Mossley Parish tax base for Council Tax setting purposes gives an estimated Band D equivalent of 3,576.5 properties. There are no Ministry of Defence properties in Mossley. An estimated collection rate of 97.5% gives a Council tax base of 3,487.1 properties.

## **6 RECOMMENDATIONS**

- 6.1 As stated at the front of this report.

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Council Tax Base Return to DLUHC on 13 October 2023	Band A (with disabled relief)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	TOTAL
Total number of band D equivalents after council tax support	45.8	24,485.5	12,632.8	15,698.6	6,598.2	4,460.8	1,286.6	697.1	39.5	65,944.9
Forecast New Build Band D Equivalents		168.0	64.9	140.3	61.4	1.8	-	0.8	-	437.1
Council Tax Base for 2024/25	45.8	24,653.5	12,697.7	15,838.9	6,659.6	4,462.6	1,286.6	697.9	39.5	66,382.0
Assumed Collection rate										97.5%
Council Tax Base for Precepts										64,722.5

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<b>Council Tax Base Return to DLUHC on 13 October 2023</b>	<b>Band A (with disabled relief)</b>	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>	<b>TOTAL</b>
<b>Total number of band D equivalents after council tax support</b>	3.1	1,392.0	592.1	823.6	430.9	224.2	74.8	22.5	-	3,563.2
<b>Forecast New Build Band D Equivalents</b>		3.8	0.7	8.1	-	-	-	0.8	-	13.3
<b>Council Tax Base for 2024/25</b>	3.1	1,395.8	592.8	831.7	430.9	224.2	74.8	23.3	-	3,576.5
<b>Assumed Collection rate</b>										97.5%
<b>Council Tax Base for Precepts</b>										<b>3,487.1</b>

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## CTB(October 2023)

## Calculation of Council Tax Base

Please e-mail to : [ctb.stats@levellingup.gov.uk](mailto:ctb.stats@levellingup.gov.uk)

Please enter your details after checking that you have selected the correct local authority name

Ver 1.3

Please select your local authority's name from this list

Tameside
Tamworth
Tandridge
Teignbridge
Telford and Wrekin
Tendring

Check that this is your authority :	Tameside
E-code :	E4208
ONS code :	ED0800008
Local authority contact name :	Stuart Munro
Local authority contact telephone number :	
Local authority contact e-mail address :	<a href="mailto:stuart.munro@tameside.gov.uk">stuart.munro@tameside.gov.uk</a>

CTB(October 2023) form for 4. Tameside

Completed forms should be received by DLUHC by Friday 13 October 2023

Dwellings shown on the Valuation List for the authority on Monday 11 September 2023	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
<b>Part 1</b>										
1. Total number of dwellings on the Valuation List		52,841	19,523	20,085	7,179	3,924	939	444	40	104,975
2. Number of dwellings on valuation list exempt on 2 October 2023 (Class B & D to W exemptions)		1,434	382	322	75	45	9	9	1	2,277
3. Number of demolished dwellings and dwellings outside area of authority on 2 October 2023 (please see notes)		0	0	0	0	0	0	0	0	0
4. Number of chargeable dwellings on 2 October 2023 (treating demolished dwellings etc as exempt) (lines 1-2-3)		51,407	19,141	19,763	7,104	3,879	930	435	39	102,698
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 2 October 2023		114	77	100	48	58	13	10	18	438
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	114	77	100	48	58	13	10	18		438
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	114	51,370	19,164	19,711	7,114	3,834	927	443	21	102,698
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 2 October 2023	32	24,330	6,632	5,215	1,378	576	124	63	1	38,351
9. Number of dwellings in line 7 entitled to a 25% discount on 2 October 2023 due to all but one resident being disregarded for council tax purposes	4	594	243	254	82	44	7	4	0	1,232
10. Number of dwellings in line 7 entitled to a 50% discount on 2 October 2023 due to all residents being disregarded for council tax purposes	0	34	16	10	26	15	9	23	2	135
11. Number of dwellings in line 7 classed as second homes on 2 October 2023 (b/fwd from Flex Empty tab)		66	29	30	5	3	5	3	0	141
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 2 October 2023 (b/fwd from Flex Empty tab)		811	277	202	65	24	4	3	0	1,386
13. Number of dwellings in line 7 classed as empty and receiving a discount on 2 October 2023 and not shown in line 12 (b/fwd from Flex Empty tab)		0	0	0	0	0	0	0	0	0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 2 October 2023 (b/fwd from Flex Empty tab)		155	33	22	9	7	4	3	0	233
15. Total number of dwellings in line 7 classed as empty on 2 October 2023 (lines 12+13+14).		966	310	224	74	31	8	6	0	1,619
16. Number of dwellings that are classed as empty on 2 October 2023 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		555	157	141	41	21	5	6	0	926
16a. The number of dwellings included in line 16 above which are empty on 2 October 2023 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
16b. The number of dwellings included in line 16 above which are empty on 2 October 2023 because of the flooding that occurred between November 2019 and February 2020 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
17. Number of dwellings that are classed as empty on 2 October 2023 and have been for more than 6 months and are eligible to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a above.		0	0	0	0	0	0	0	0	0
18. Number of dwellings that are classed as empty and have been empty for more than 6 months excluding those that are subject to empty homes discount class D or empty due to flooding (Line 16 - line 16a - line 16b - line 17) (equivalent to Line 18 in previous forms).		555	157	141	41	21	5	6	0	926
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	78	26,257	12,239	14,209	5,619	3,192	783	350	18	62,745
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	36	25,113	11,927	14,512	1,495	642	144	93	3	39,953

CTB(October 2023)

Calculation of Council Tax Base

Please e-mail to : [ctb.stats@levellingup.gov.uk](mailto:ctb.stats@levellingup.gov.uk)

Please enter your details after checking that you have selected the correct local authority name

Ver 1.3

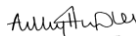
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	1.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.9
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	105.0	45,361.1	17,479.8	18,377.3	6,748.0	3,683.5	896.8	420.8	19.8	93,091.9
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	58.3	30,240.7	13,595.4	16,335.3	6,748.0	4,502.1	1,295.3	701.3	39.5	73,515.9
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2023-24 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										73,515.9

Part 2

27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	105.0	45,361.1	17,479.8	18,377.3	6,748.0	3,683.5	896.8	420.8	19.8	93,091.9
28.Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	22.7	8,632.9	1,237.6	716.3	149.8	33.8	6.0	2.5	0.0	10,801.7
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	82.4	36,728.2	16,242.1	17,660.9	6,598.2	3,649.7	890.7	418.2	19.8	82,290.2
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	45.8	24,485.5	12,632.8	15,698.6	6,598.2	4,460.8	1,286.6	697.1	39.5	65,944.9
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2023-24 (to 1 decimal place)(line 25)										0.0
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										65,944.9

Certificate of Chief Financial Officer

I certify that the information provided on this form is based on the dwellings shown in the Valuation List for my authority on 11 September 2023 and that it accurately reflects information available to me about exemptions, demolished dwellings, disabled relief, discounts and premiums applicable on 2 October 2023 and, where appropriate, has been completed in a manner consistent with the form for 2022.



Chief Financial Officer : .....

Date : ...11/10/2023.....



CTB(October 2023)

Calculation of Council Tax Base

Please e-mail to : [ctb.stats@levellingup.gov.uk](mailto:ctb.stats@levellingup.gov.uk)  
Please enter your details after checking that you have selected the correct local authority name

Ver

Please select your local authority's name from this list

Surrey Heath  
Sutton  
Swale  
Swindon  
Tameside  
Tarnworth

Check that this is your authority : **Tameside**  
E-code : **E4208**  
ONS code : **ED0800008**  
Local authority contact name :  
Local authority contact telephone number :  
Local authority contact e-mail address :

CTB(October 2023) form for 4. Tameside

Completed forms should be received by DLUHC by Friday 13 October 2023

Dwellings shown on the Valuation List for the authority on Monday 11 September 2023	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
<b>Part 1</b>										
1. Total number of dwellings on the Valuation List		2,810	895	1,046	458	193	52	12	1	5,467
2. Number of dwellings on valuation list exempt on 2 October 2023 (Class B & D to W exemptions)		66	10	17	1	0	0	1	0	95
3. Number of demolished dwellings and dwellings outside area of authority on 2 October 2023 (please see notes)		0	0	0	0	0	0	0	0	0
4. Number of chargeable dwellings on 2 October 2023 (treating demolished dwellings etc as exempt) (lines 1-2-3)		2,744	885	1,029	457	193	52	11	1	5,372
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 2 October 2023		7	2	5	4	0	0	0	1	19
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	7	2	5	4	0	0	0	1		19
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	7	2,739	888	1,028	453	193	52	12	0	5,372
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 2 October 2023	2	1,332	346	296	80	27	1	4	0	2,088
9. Number of dwellings in line 7 entitled to a 25% discount on 2 October 2023 due to all but one resident being disregarded for council tax purposes	1	24	12	12	3	3	0	0	0	55
10. Number of dwellings in line 7 entitled to a 50% discount on 2 October 2023 due to all residents being disregarded for council tax purposes	0	0	1	0	0	0	0	1	0	2
11. Number of dwellings in line 7 classed as second homes on 2 October 2023 (b/fwd from Flex Empty tab)		3	2	0	0	0	0	0	0	5
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 2 October 2023 (b/fwd from Flex Empty tab)		60	12	8	2	1	0	0	0	83
13. Number of dwellings in line 7 classed as empty and receiving a discount on 2 October 2023 and not shown in line 12 (b/fwd from Flex Empty tab)		0	0	0	0	0	0	0	0	0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 2 October 2023 (b/fwd from Flex Empty tab)		12	2	0	1	0	0	1	0	16
15. Total number of dwellings in line 7 classed as empty on 2 October 2023 (lines 12+13+14).		72	14	8	3	1	0	1	0	99
16. Number of dwellings that are classed as empty on 2 October 2023 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		44	9	5	1	1	0	1	0	61
<b>#NAME?</b>										
16a. The number of dwellings included in line 16 above which are empty on 2 October 2023 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
16b. The number of dwellings included in line 16 above which are empty on 2 October 2023 because of the flooding that occurred between November 2019 and February 2020 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0
17. Number of dwellings that are classed as empty on 2 October 2023 and have been for more than 6 months and are eligible to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a above.		0	0	0	0	0	0	0	0	0
18. Number of dwellings that are classed as empty and have been empty for more than 6 months excluding those that are subject to empty homes discount class D or empty due to flooding (Line 16 - line 16a - line 16b - line 17) (equivalent to Line 18 in previous forms).		44	9	5	1	1	0	1	0	61
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	4	1,371	527	720	369	163	51	6	0	3,211
20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	3	1,368			84	30	1	6	0	2,161

CTB(October 2023)

Calculation of Council Tax Base

Please e-mail to : [ctb.stats@levellingup.gov.uk](mailto:ctb.stats@levellingup.gov.uk)

Please enter your details after checking that you have selected the correct local authority name

Ver

21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	6.3	2,418.0	802.0	951.0	434.3	185.5	51.8	13.5	0.0	4,862.2
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	3.5	1,612.0	623.8	845.3	434.3	226.7	74.8	22.5	0.0	3,842.9
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2023-24 (to 1 decimal place)										0.0
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										3,842.9

Part 2

27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	6.3	2,418.0	802.0	951.0	434.3	185.5	51.8	13.5	0.0	4,862.2
28.Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	0.8	330.0	40.8	24.5	3.4	2.1	0.0	0.0	0.0	401.5
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	5.5	2,088.0	761.2	926.5	430.9	183.4	51.8	13.5	0.0	4,460.8
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	3.1	1,392.0	592.1	823.6	430.9	224.2	74.8	22.5	0.0	3,563.2
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2023-24 (to 1 decimal place)(line 25)										0.0
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										3,563.2

Certificate of Chief Financial Officer

I certify that the information provided on this form is based on the dwellings shown in the Valuation List for my authority on 11 September 2023 and that it accurately reflects information available to me about exemptions, demolished dwellings, disabled relief, discounts and premiums applicable on 2 October 2023 and, where appropriate, has been completed in a manner consistent with the form for 2022.

There are some outstanding validation queries with your data. Please check your data and provide comments before submitting this form.

Chief Financial Officer : .....

Date : .....

# Agenda Item 6

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor J North, First Deputy – Finance, Resources and Transformation
<b>Reporting Officer:</b>	Ilys Cookson – Assistant Director Exchequer Services
<b>Subject:</b>	<b>COUNCIL TAX SUPPORT SCHEME 2024/2025</b>
<b>Report Summary:</b>	<p>The Council must adopt a Council Tax Reduction scheme no later than 11 March before the start of the financial year to which the scheme applies in accordance with the Local Government Finance Act 2012 as amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.</p> <p>The Council could decide not to set a scheme and the default scheme would apply in accordance with the Local Government Finance Act 2012. However, this would have significant financial impact on the Council as the default scheme affords a greater level of support to claimants of working age.</p> <p>The Council could also decide to set an alternative scheme, however, to do so without rationale and evidence from the operation of the current scheme in the timescales required would carry significant risk.</p>
<b>Recommendations:</b>	<p>That Executive Cabinet be recommended to agree to:</p> <ol style="list-style-type: none"><li>a) Continue the Council Tax Reduction Scheme adapted for 2023/2024, known as the Council Tax Support Scheme, as set out in Appendix Three; save for the following:<ul style="list-style-type: none"><li>• annual benefit uprating which are not yet released by Department of Work and Pensions;</li><li>• further guidance which may be issued by Department of Levelling Up, Housing and Communities.</li><li>• the amendment to the wording in the scheme as detailed at section 4 of the report</li></ul></li><li>b) Approves a £50,000 hardship fund be in place to assist severe cases of hardship funded from existing budgets, to be administered by Exchequer Services under the existing Section 13A Policy.</li></ol>
<b>Corporate Plan:</b>	The report supports the 'Nurturing our Communities' and 'Live Longer and Healthier Lives' Corporate Plan priority themes
<b>Policy Implications:</b>	The Council Tax Support Scheme supports economically vulnerable households with Council Tax bills, in line with Council policy and guidance from The Department for Levelling Up, Housing and Communities.
<b>Financial Implications: (Authorised by the statutory Section 151</b>	<p><b><u>Council Tax Support Scheme</u></b></p> <p>The Council Tax Support Scheme is a cost to the Council in the sense that it reduces the amount of Council Tax that can be collected.</p>

**Officer & Chief Finance Officer)**

The cost of the scheme in 23/24 is an estimated £15.6m. The revenue forgone as a result of the scheme is factored into the Council Tax base and Council Tax setting as part of the annual budget process.

If Council Tax rates increase in 2024/25 then the cost of the scheme will again increase, in line with the increase in Council Tax. Any increase in the number of claimants compared to 23/24 will further increase the cost of the scheme.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

Legal Services have been consulted upon the contents of the report and the proposals. It is considered that the report accurately reflects the legislative framework within which the Authority is required to comply in connection with the Council Tax Support Scheme and hardship fund proposed. The decision maker should have regard to the Equality Impact Assessment, and mitigations set out in this report when determining whether to accept the recommendations set out.

**Risk Management:**

Risks are set out in section 11 of this report.

**Access to Information:**

Not confidential.

**Background Information:**

The background papers relating to this report can be inspected by contacting Ilys Cookson Assistant Director Exchequer Services



Telephone: 0161 342 4056



e-mail: [ilyc.cookson@tameside.gov.uk](mailto:ilyc.cookson@tameside.gov.uk)

## **1. INTRODUCTION**

- 1.1 The Local Government Finance Act 2012, as amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017, contained provision for each local authority to have its own locally set Council Tax Reduction Scheme from 1 April 2013. Councils wishing to implement a local scheme must have the scheme approved by 11 March each year.
- 1.2 The Department for Levelling Up, Housing and Communities do not provide a specific amount of funding for payment of the support or the administration of the Scheme.
- 1.3 In Tameside the local Council Tax Reduction Scheme is known as the Council Tax Support (CTS) Scheme. In consideration of setting the local CTS scheme for 2024/2025, this report sets out:
- What the Council is required to do
  - The operation of the Council Tax Support scheme in 2023/2024
  - Revisions to be effective from 1 April 2024 and the proposed Council Tax Support Scheme 2024/2025.

## **2. PROCEDURAL REQUIREMENTS**

- 2.1 The procedural requirements are set out in the Local Government Finance Act 2012.
- 2.2 In setting a Council Tax Support scheme the Council must:
- Adopt a Council Tax Support scheme no later than 11 March before the start of the financial year to which the scheme applies.
  - Include prescribed requirements which must apply to all schemes, which include local schemes, the prescribed scheme for persons of state pension credit age and default schemes (the same as the previous Council Tax Benefit scheme).
  - Ensure that claimants of state pension credit age continue to receive the same support under the scheme as they received prior to 1 April 2013, known as Council Tax Benefit.
  - Consider the statutory public sector equality duty in adopting a scheme and the child poverty strategy.
  - Consult all major precepting authorities.
  - Consult generally on the draft scheme, when applicable.
- 2.3 If the Council fails to approve the local scheme by the correct date, The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 must be operated. This would have significant cost implications for the Council as it is based on some working age claimants being entitled to 100% of the Council Tax liability.
- 2.4 All local authorities must include The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 within their local schemes. These regulations provide certain elements of the scheme, including providing full protection for all pension age claimants by ensuring that Council Tax Support is calculated in the same way that Council Tax Benefit was operated prior to 01 April 2013. This means that all pension age claimants are excluded from decisions made by local authorities in respect of their local schemes.
- 2.5 The Council Tax Support Scheme 2013/2014 was approved at Council on 21 December 2012 and amended from 01 April 2016 following consultation with precepting bodies and the public. The Executive Cabinet of 30 August 2023 determined that the scheme for 2024/25 was to remain unchanged from that set for 2023/2024, other than a change of wording in respect of the way the scheme is administered, it is not necessary to consult as the change in wording is beneficial to claimants. Precepting bodies have been informed that the 2024/2025 scheme will be unchanged from that which was set in 2023, and therefore there will be no impact on

the precept budgets as a result of this.

- 2.6 The Executive Cabinet approve the Council Tax Support Scheme annually, after consideration is given as to whether the scheme should be changed.

### **3. THE COUNCIL TAX SUPPORT SCHEME REVISIONS**

- 3.1 The Council is committed to maximising the wellbeing of the people of Tameside; however, cuts in funding from Government have a significant impact on how much the Council has to spend on services. The Council Tax Support Scheme must be set taking into account the finances that are available.

- 3.2 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulation 2012 apply to all Council Tax Reductions Schemes in England and legislate on the support that must be given to claimants of pension age. Additionally, Tameside's Council Tax Support Scheme disregards 100% of any war pensions/war widow's pension.

- 3.3 The Council Tax Support Scheme 2023/2024 for Tameside, set on 25 January 2023, contains the following provisions for claimants of working-age:

- Support is capped to that of a Band A property - Claimants living in Band B property and above have to pay the difference in full between a Band A property liability and that of the Band of their property.
- The maximum CTS awarded under the present scheme is 75% of the weekly Council Tax liability for a Band A property.
- There is no provision for a claim to be backdated.
- Disability Allowances received are disregarded in full.
- People in receipt of support due to being unemployed, and who then obtain employment, can keep the support provided whilst unemployed for a further four weeks, if they have been unemployed for 26 continuous weeks or more and were receipt of certain other benefits.
- There are no deductions from a claimant's CTS for non-dependants residing in the household under the Council's Staying Put arrangement.

- 3.4 Additional support is available to all Council Tax Support claimants in respect of the Discretionary Hardship Policy administered under Section 13A(1)(c) of the Local Government Finance Act 1992, which can be found at Appendix One. The purpose of the Hardship Fund is to mitigate the potential risk that some claimants may, in exceptional circumstances, suffer severe financial hardship as a result of the introduction of the scheme or changes to the scheme and may apply for additional monies to help pay their Council Tax.

### **4. PROPOSED CHANGE TO THE SCHEME FOR 2024/2025**

- 4.1 Tameside has been progressive in moving from paper forms to electronic digital alternatives. The application process for Council Tax Support is an on-line form which can be commenced, saved and completed at a later date prior to submission.

- 4.2 Tameside's Poverty Strategy and the Poverty Truth Commission work undertaken in 2022/2023 has been considered, and in particular the concerns that there are a plethora of forms to be completed to access different forms of financial support. By way of example, Universal Credit claimants will complete an application form to claim support for personal expenses and housing costs from the Department of Work and Pensions (DWP) and then have to complete another claim form to access Council Tax Support for help with Council Tax payments from the Council.

- 4.3 The scheme wording was amended effective from April 2023, to enable the Council to use new Universal Credit claims data received from the Department of Work and Pensions, to

award Council Tax Support without the requirement for the claimant to complete the on-line application form. This is beneficial to the claimants and the majority of the information required from the claimant to process the application for Council Tax Support is provided to the Council by the Department of Work and Pensions.

- 4.4 Universal Credit is awarded in monthly assessment periods. Whilst the above change in the Council Tax Support scheme has been in operation, it has become apparent that some new claimants of Universal Credit do not qualify during the first Universal Credit assessment period as they may receive other income, such as holiday pay that is owed to them.
- 4.5 It is proposed that, for Universal Credit claimants, the DWP new claim notification via the Universal Credit Data Share (UCDS) system can be considered as an advance claim for a period of 13 weeks. The Council Tax Support Scheme currently allows a period of 13 weeks for advance claims in circumstances where a person is aware that their circumstances are going to change within that 13 week period, such as a change of address, and want to ensure that the claim is made in a timely manner. The change in wording will clarify the condition in the scheme to allow the UCDS new claim notification to be used in the same way, (and so enable a Council Tax Support claim to start from the second monthly assessment period), if there is no entitlement to Universal Credit during the first assessment period of a new claim. This would also avoid temporary and incorrect arrears accruing on Council Tax accounts. This means that Universal Credit claimants would not have to complete a separate claim form for Council Tax Support should the award of Universal Credit be delayed by one month.
- 4.6 This proposed change is considered beneficial and therefore there will be no adverse effect on existing or new claimants, the scheme itself remains unchanged and in cases of minor and beneficial changes full consultation is not required.
- 4.7 The actual wording in the Council Tax Support scheme would need to be amended to reflect that notice via UCDS would be considered to be a claim for Council Tax Support purposes.
- 4.8 The suggested scheme wording would be included in Schedule 9, paragraph 64 of the scheme to include the period for which an advance claim for Council Tax Support can be made as follows:  
(7A) Except in the case of an application made by a person treated as not being in Great Britain, where -  
(a) the application for support is made within one month of the date on which the claim for universal credit was received, and  
(b) the applicant is not entitled to support under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that he will be entitled to support under this scheme for a period beginning not later than the thirteenth reduction week following the date on which the application is made,  
the authority may treat the application as made as the start date of the universal credit assessment period immediately preceding the first reduction week of that period of entitlement and award support accordingly.
- 4.9 The change would not affect the amount of Council Tax Support received by the applicant and as such have no financial bearing on the cost of the Scheme.

## **5. FACTORS TO BE CONSIDERED**

- 5.1 In considering the setting of the local Council Tax Support Scheme 2024/2025, it has been important to examine the information arising from the continual review of the scheme to ensure that demand and cost of the scheme, communications and the recovery of Council Tax remained within projections which took place at the time the scheme was set.  
**Demand**
- 5.2 As at the end of quarter two of 2023/2024 approximately 17,143 people claimed Council Tax

Support. Of this number, there are approximately 6,935 (40%) people of pensionable age who will be guaranteed protection under the CTS scheme. Therefore approximately 10,208 (60%) claimants are of working age. Demand on the scheme is monitored on a quarterly basis and, Table 1 details the decline in demand since the scheme was first introduced in April 2013.

- 5.3 Claimant caseload fluctuates on a daily basis and overall, there has been a reduction in claimant numbers from 01 April 2013. The scheme was revised for 2016/2017 in response to the Council's budget position as follows:
- Capping support to the Council Tax liability of a Band A property
  - Reduction of the maximum Council Tax Support award to 75%
  - Align deduction for non-dependants of working age to the same level as those in the prescribed scheme and for those of pension age.
  - Disregard non-dependant deductions for claimants in receipt of a Staying Put payment.

The reduction in numbers is not likely to be attributed to the changes introduced to the scheme which became effective from 01 April 2016 because, while the changes affected the majority of existing claimants by way of a reduced amount of Council Tax Support awarded, it did not change the eligibility criteria.

**Table 1: Demand for Council Tax Support:**

<b>Number of Council Tax Support Claimants</b>				
<b>Year</b>	<b>Total Claimants</b>	<b>Working Age</b>	<b>Pension Age</b>	<b>Date of Data</b>
2013/2014	23,716	12,781	10,935	01/04/2013
2014/2015	23,231	12,600	10,631	14/04/2014
2015/2016	22,029	12,060	9,969	10/04/2015
2016/2017	20,889	11,438	9,451	18/04/2016
2017/2018	20,087	11,011	9,076	04/04/2017
2018/2019	19,636	11,084	8,552	17/04/2018
2019/2020	18,724	10,613	8,111	02/04/2019
2020/2021	17,922	10,250	7,672	28/04/2020
2021/2022	18,208	10,749	7,459	01/04/2021
2022/2023	17,466	10,178	7,288	01/04/2022
2023/2024	17,040	9,892	7,148	02/04/2023

- 5.4 The reduction in the number of pension age claimants is due to the increasing age at which people are considered to have attained pension age in accordance with DWP regulations.

#### **Funding the scheme**

- 5.5 The amount of funding for the Council Tax Support Scheme from the Department for Levelling Up, Housing and Communities is not specified, and it is entirely for local authorities to decide how much they are prepared to spend on Council Tax Support in their area.
- 5.6 It has been important to continually monitor the cost of the scheme. Scheme costs, claimant numbers and equalities data is monitored every quarter. The amount of Council Tax Support expenditure fluctuates on a daily basis and the scheme costs have stabilised over the last 4 years.
- 5.7 The regulations state that all Councils must include in their Council Tax Support (CTS) scheme protection for claimants who have reached the age for state pension credit, so that they receive the same support as they would have received prior to 1 April 2013. This means that any reductions in funding cannot impact on pensioners, so the full impact falls entirely upon claimants below pension credit age. The cost to the scheme in 2023/24 for pension age claimants is projected as £7.9m from a total estimated cost of £15.6m.



- 5.8 A social care precept and a Council Tax increase are expected from April 2024 which, with a potential increase in the mayoral precept, will impact on the scheme by increasing the cost. This however would be offset by any increase in Council Tax collected.
- 5.9 Working age claimants are moving from DWP legacy benefits such as Income Support and Employment and Support Allowance to Universal Credit. As claimant's DWP benefits change, this may affect any possible entitlement to Council Tax Support or increase or decrease the amount of Council Tax Support awarded.
- 5.10 Claimants in receipt of Council Tax Support are monitored in terms of ensuring that Council Tax liabilities are paid. All working age claimants have to pay at least 25% of their Council Tax liability. The maximum Council Tax Support award in 2023/2024 for a claimant of working age is 75% of the liability for a Band A property which equates to £1,042.90 per annum or £10.83 per week. This is particularly important to support claimants to pay on time and not fall into arrears which can, in some cases, be difficult to recover for both the claimants and the Council.
- 5.11 A total of 54.44% of all Council Tax due this year for CTS claimants was collected as at 31 October 2023 totalling £2.5m. Of that £751k was collected from pensioners in receipt of CTS and £2m from working age claimants in receipt of CTS. The collection rates include reductions in payments for some Council Tax payers where £25.00 funding from Central Government was credited to the Council Tax account, details of which can be found at section 8 of this report.

## **6. OTHER FACTORS TO BE CONSIDERED**

- 6.1 The Valuation Tribunal Service considers appeals by any resident with regard to Council Tax Support schemes. The Tribunal Service is independent of the Council. On occasion the Valuation Tribunal may advise a Local Authority to reconsider elements of the scheme which can be for a number of reasons and, bearing in mind that each Local Authority will set its own scheme, any decision of the Tribunal can only be directed to the Local Authority scheme being considered at appeal. Tameside has not received any direction from the Valuation Tribunal Service in 2023/2024.
- 6.2 The Department for Levelling Up, Housing and Communities have not issued any legislation, including changes to The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulation 2012, to be included in local schemes for the forthcoming financial year. Should legislation be released by the Department for Levelling Up, Housing and Communities at a future date then this would be included in a revision to the scheme to be effective from 01 April 2024.
- 6.3 The Local Government Ombudsman (LGO) in their report of August 2019 to Local Authorities titled "Council Tax Reduction – Guidance for Practitioners" helped Local Authorities manage complex Council Tax reduction enquiries and complaints and made a number of recommendations to all Local Authorities. It is considered best practice to recognise the recommendations by the LGO and provide clarity within the scheme. No further LGO recommendations have been received which may have an impact on the 2024/2025 scheme.
- 6.4 The scheme is operating as expected and no specific negative impacts have emerged to date other than those which were identified when the scheme was set and when revised, and the caseload continues to show a downward trend. Therefore, it is proposed to set in place the same scheme for 2024/2025 that was set in 2023/2024 and continue to use the annual DWP Housing Benefit upratings, and the annual uprated Universal Credit elements as applicable.
- 6.5 Banded Council Tax Support schemes are growing in popularity in many local authorities.

Such schemes are based on the amount of income that a household receives, and which can be subject to multiple changes over the course of a year. The amounts are then banded, and the Council Tax Support award is based on the income band into which the household falls. Administration costs for banded schemes are generally low as the award of Council Tax Support would only change where someone's income moved from one band to another. Changing the Council's scheme to a banded scheme will be explored further during 2024 in terms of feasibility, system costs and efficiencies and modelling potential impacts on claimants.

## **7. EQUALITY IMPACT ASSESSMENT**

- 7.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of: age, race, including colour, nationality, ethnicity, and national origin, gender reassignment, disability, marriage and civil partnership, pregnancy and maternity, sex, sexual orientation, religion or belief.
- 7.2 In Tameside, we also consider further protected characteristics of current and former members of the armed forces, mental health, carers, breastfeeding, socio-economic disadvantage, cared for children and care leavers.
- 7.3 Section 149 of the Equality Act 2010 places the Council and all public bodies under a duty to promote equality. All public bodies, are required to have regard to the need to
- Eliminate unlawful discrimination.
  - Promote equal opportunities between members of different equality groups.
  - Foster good relations between members of different equality groups including by tackling prejudice and promoting understanding.
  - Eliminate harassment on the grounds of membership of an equality group.
  - Remove or minimise disadvantages suffered by members of a particular equality group.
  - Take steps to meet needs of people who are members of a particular equality group.
  - Encourage people who are members of an equality group to participate in public life, or in any other area where participation is low.
  - This specifically includes having regard to the need to take account of disabled people's disabilities.
- 7.4 The Act therefore imposes a duty on the Council, which is separate from the general duty not to discriminate. When a Council carries out any of its functions, including deciding the Council Tax Support scheme to be adopted, the Council must have due regard to the matters within the section of the Act outlined above. The Courts have made it clear that Councils are expected to rigorously exercise that duty.
- 7.5 A review of equalities information on the scheme takes place every quarter to ensure that the CTS scheme is operating as expected and to ensure that no one equalities group is adversely affected. The equalities groups considered are by age, gender, disability and maternity. The categories of gender reassignment, sexual orientation and religion or belief are not considered, as this information is not required to be held when processing Council Tax Support, which is a means tested benefit.
- 7.6 The population of Tameside is estimated at 231,071 residing in 99,527 households based on the 2021 Census population statistics from the Office for National Statistics (ONS). Trends show an ageing population. The number of people aged 65 years and over is now 40,509 according to the ONS and the gender split of Tameside's overall population is 49% male and 51% female.
- 7.7 Tameside has approximately 17,143 CTS claimants (as at October 2023), of these 6,935

have reached pension credit age and are therefore fully protected under legislation contained in the prescribed scheme and will not see any change in their benefit entitlement. A summary of equality data as at October 2023 and a full equality impact assessment on the scheme is detailed at Appendix Two. The full equality impact assessment was undertaken in 2015 in consideration of changes to the scheme which became effective from 01 April 2016 and reviewed annually thereafter. The scheme to be adopted in 2024/2025 is the same scheme as that set for 2023/2024, other than a change of wording to reflect the beneficial change that a thirteen-week advance claim can be considered for Universal Credit new claims, and a separate application form for Council Tax Support is no longer required.

7.8 In addition to considering the effects on the key characteristic groups it is important to also consider:

- Economic vulnerability – 94% of the working age claimants (i.e. non-protected people below pension credit age) are out of work. This increases to 99.6% for those claimants with a disability (based on eligibility to Disability Living Allowance).
- Carers – 1, 060 (6%) of all claimants receive Carer’s Allowance.
- Maternity – 9 (0.09%) of working age claimants receive Maternity Allowance.
- War pensioners / widows – 17 (0.1%) of all claimants are war pensioners / widows (of which 5 are of working age).

(Data as at 05 October 2023)

7.9 The detail of the quarter two review of the scheme for 2023/2024 (data taken as at 05 October 2023) and conclusions drawn from the evidence and analysis of the effects on equality on the key characteristic groups are detailed here:

#### **Workers**

7.10 As at the end of quarter two 10,208 or 60% of total claimant base are working age claimants and 94% of those working age claimants are out of work. Working age claimants have increased by 134 people between quarters one and two. Those on low incomes / or reduced means as a result of a previous period of unemployment are protected by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks. 589 working age claimants benefit from a disregard of 35% of their earned income.

#### **Disabled**

7.11 A total of 6,234 claimants are disabled (36% of total claimants) and of those 2,751 are pensioners and so must be fully protected. There has been an increase in the number of working age disabled claimants from 3,020 between quarter two of 2022/2023 and 3,483 in quarter two of 2023/2024.

7.12 Of the 3,483 working age disabled claimants there has been an increase in the claimants that are given protection by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS, which can be up to £172.75 per week (2023/2024 rates), from 1,183 in quarter two of 2022/2023 and 1,594 in quarter two of 2023/2024.

7.13 A total of 27 disabled claimants were working in quarter two: an increase of 4 claimants from quarter two 2022/2023. A total of 1,060 claimants (6%) receives Carer’s Allowance and have been provided with extra support by having an additional element of allowable income in the assessment. This is an increase of 52 from quarter two of 2022/2023.

#### **Women**

7.14 A total of 60% (10,286) of claimants are female. There are 2,623 lone parent households claiming CTS of which 2,415 (92% of all lone parent claims) are female. The number of female pensioners 4,061 (24 % of total claimants and 59% of pension age claimants). The scheme has affected women more than men as expected as there are more female claimants.

### **Children and families**

- 7.15 The Council is committed to eliminating the effects of child poverty and supporting the most vulnerable while reducing inequalities. There are 3,493 claimants with children, of which 3,471 are working age. The scheme continues to provide some protection for families with children by disregarding child benefit in full for those that do not receive maximum support. In quarter two, 2,706 working age claimants receive this protection (27% of working age claimants) of which 1,903 are lone parents and female. Childcare costs are disregarded for claimants in work in 6 claims of which 5 are single parents and 1 are a couple.
- 7.16 Child maintenance has been taken into account in the calculation for 25 cases where CTS is payable or 0.2% of the total working age case load. However, in the majority of these cases the claimants were found to receive high amounts of tax credits which then, with their earnings took them over the required amount to attract CTS.

### **War pension**

- 7.17 War pensions and war widow's pensions are disregarded in full from the calculation for CTS. 17 (0.01%) of all claimants are war widows (of which 5 are of working age).

The last quarterly review undertaken in October 2023 revealed that there continues to be no adverse impact on any specific equalities group. Further equalities analysis will continue to take place in each claimant category at the end of each quarter to enable the scheme to be continually monitored, and to identify and investigate any unforeseen negative impacts should they arise.

- 7.18 A summary of equality data as at October 20223 and a full equality impact assessment on the scheme is detailed at Appendix Two.

## **8. MITIGATION**

- 8.1 The scheme was designed to provide extra support for vulnerable people with disabilities claiming benefit, carers and those in receipt of war pensions and to support as many claimants on low incomes as possible taking into account the requirements of the scheme as determined by the Government and affordability.
- 8.2 Wherever possible mitigations have been put in place to protect the following equalities groups in the following ways:

Workers on low incomes or reduced means as a result of a previous period of unemployment are protected by virtue of keeping support for 4 weeks once back in employment after having been out of work for more than 26 continuous weeks.

Disabled claimants of working age are protected by the exclusion of Disability Living Allowance from their income taken into account when calculating CTS, which can be up to £172.75 per week for the higher rate (2023/2024 rates). This benefits 1,594 disabled claimants as at quarter two. Disabled claimants in receipt of war pensions or war widow's pensions are protected as this income is also excluded from the CTS assessment.

### Carers

1,060 claimants in receipt of Carer's Allowance are provided with extra support by having an additional element of allowable income in the assessment.

Women are affected more by the scheme than men because there are a higher proportion (60%) of female claimants. 2,415 (92%) of lone parents are female. Female pensioners account for 24% of claims.

Children and Families are protected by disregarding child benefit in full within the CTS

calculation and childcare costs being disregarded for claimants in work.

#### Staying Put Scheme

Non-dependent deductions are disregarded in households where there is an 18 year to 25-year-old person living in the household who is subject to the Staying Put scheme after they have left local authority care. There are currently 26 people residing in Tameside in receipt of Staying Put payments.

## **9. ADDITIONAL SUPPORT**

- 9.1 Additional support is available to all Council Tax Support claimants in respect of a Hardship Fund administered under Section 13A(1)(c) of the Local Government Finance Act 1992. The discretionary fund must be in place in accordance with government guidance to support local Council Tax Support schemes. The purpose of the Hardship Fund is to mitigate the potential risk that some claimants may, in exceptional circumstances, suffer severe financial hardship as a result of the introduction of the scheme or changes to the scheme and may apply for additional monies to help pay their Council Tax.
- 9.2 The Council Tax Service currently has a Discretionary Hardship Policy (Section 13A Policy) which has been approved by Executive Cabinet and can be found at Appendix One. The Policy is available on the Councils website [Section-13A-Policy.pdf \(tameside.gov.uk\)](https://www.tameside.gov.uk/section-13a-policy.pdf). Section 13A awards are managed by the Council Tax Service which holds all Council Tax liability records and Council Tax Support records and is therefore well placed to determine eligibility based on financial information held.
- 9.3 Hardship funding is identified from existing budgets with an amount of £50,000 approved for 2023/2024 and this will remain the same for 2024/2025. This amount does not exclude applications being granted should the maximum allocated funding be exceeded. The circumstances of the applications received in 2023/2024 do not suggest that any one equalities group has been adversely affected.
- 9.4 On 23 December 2022, the Department of Levelling Up, Housing and Communities (DLUHC) announced further support for claimants of Council Tax Support. Funding of £0.455m has been provided to reduce Council Tax bills in respect of 2023/2024 for pension age and working age claimants by up to £25. This reduction was deducted from the annual bills issued in March 2023 and will also be applied to any new Council Tax Support claimants with a Council Tax Liability throughout the financial year.
- 9.5 As working age Council Tax Support claimants in Tameside have a minimum of 25% of the Council Tax liability to pay, the award of £25 applied to all of those claimants.
- 9.6 DLUHC determined that the remaining funding of £0.127m could be allocated at the Council's discretion and be administered under Section 13A(1)(c) of the Local Government Finance Act 1992. The Council's Executive Cabinet determined 08 February 2023 that discretionary funding of £25 to be allocated to residents who are not in receipt of Council Tax Support but qualify for the following Council Tax discounts:
- Severely Mentally Impaired Discount
  - Care Leavers Discount
  - Carers Discount
  - Disabled Relief
- 9.7 In addition to supporting households evidencing financial hardship .It is not yet known if any further funding will be received from Central Government for Council Tax Support claimants for the financial year 2024/2025.

## **10. COMMUNICATIONS AND ADVICE**

- 10.1 Information regarding the Council Tax Support Scheme and an on-line application form is available on the Council's website and residents are signposted to the website on the back of Council Tax bills.
- 10.2 Residents may obtain advice and assistance on the Council Tax Support Scheme and the Hardship Fund from the Council's Benefits Service and Call Centre, Citizens Advice Bureau and Tameside Welfare Rights Service.
- 10.3 The Benefits and Council Tax service works closely with housing and voluntary sector colleagues who assist claimants, including those in supported accommodation. There are links with local DWP Job Centre to ensure that claimants of Universal Credit provide agreement for their data to be shared with the Council and also complete a claim for Council Tax Support when required.

## **11. RISKS**

- 11.1 In setting the local Council Tax Support scheme for 2023/24/25 it is important to consider the risks in doing so. If a local scheme is not set by 11 March 2024 the default scheme will apply. The default scheme is the same as the Council Tax Benefit scheme, which ceased to exist in March 2013 however this Scheme is no longer funded by government and the Council has insufficient funds to pay for it without increasing Council Tax further.
- 11.2 There is a continued risk that demand for support could increase if the economic picture worsens due to the cost of living situation and potential strike action which may result in some residents, and existing claimants, not having an income for periods of time, however this cannot be predicted. We cannot predict the number of people that may claim Council Tax Support in the future. However, the evidence gathered to monitor the effects of the scheme on a quarterly basis show a sustained decrease in demand since the scheme was introduced in April 2013 and a stabilising in the cost of the scheme in recent years.
- 11.3 Consideration must always be given to preventing poverty and the scheme aims to support as many Tameside residents as possible when in receipt of benefits or a low income. The cost of the scheme is borne by all Council Tax payers. To make the scheme more generous would impact on many residents of the Borough by way of increased Council Tax payments to fund any additional Council Tax Support scheme costs.
- 11.4 Implementation of the local scheme has meant that some working age people are paying at least 25% of their Council Tax liability. Small debts are difficult to collect and often take years to clear. This is particularly so where an attachment of benefit is in place to recover Council Tax arrears because the DWP have a hierarchy of attaching a debt to a benefit from source and Council Tax ranks below utility payments and other housing costs. There is a risk that Council Tax arrears may increase as a result.
- 11.5 There is also a continuing risk concerning provision of appropriate communication of the scheme to residents and in particular benefit recipients. To mitigate this communication on the scheme via the Council's web-site and on-line calculator will remain in place, as it is important that claimants are clear that they will have some Council Tax liability which will need to be paid
- 11.6 Equality reviews on the scheme currently takes place every quarter and this will continue for the 2024/25 financial year.

## **12. CONCLUSION**

- 12.1 In setting a Council Tax Support scheme for 2024/2025 it has been important to consider the current operation of the scheme in terms of demand, costs, equalities, support and risks. The scheme is operating as expected and therefore no changes are proposed to the scheme other than a change of wording in respect of the way the scheme is administered, as detailed in section 4 of this report. Appendix Three details Tameside's Council Tax Support Scheme for 2024/2025.
- 12.2 Council Tax Support claimant numbers have reduced, and scheme costs have increased from April 2021. Claimant numbers and costs fluctuate daily however costs increase as the Council Tax level set increases each year. The highest number of claimants are those of working age. The scheme continues to operate as expected.
- 12.3 The procedural requirements have been adhered to as the scheme will be adopted before 11 March 2024 before the start of the financial year to which the scheme applies. The prescribed requirements continue to be contained within the scheme and claimants of pension age continue to be fully protected within the scheme.
- 12.4 The public sector equality duty has been considered in relation to the live operation of the scheme. The scheme, in terms of equalities monitoring, is operating as expected and this will continue to be monitored every quarter.
- 12.5 The scheme, when drafted, was designed to be as fair as possible and support will continue to be provided with a Hardship Fund of £50k to be administered by Exchequer Services as part of the Section 13A legislation and policy. Advice available from both the Council and partner agencies remains in place.
- 12.6 No Tribunal directions have been received in respect of having to change the scheme and no legislative changes from DLUHC are expected. The Local Government Ombudsman has not issued any recommendations with regard to Council Tax Support schemes.
- 12.7 Council Tax collection rates have been monitored throughout the year. Additional support will continue to be provided via the Hardship Fund, continuing to provide the on-line calculator, up to date web pages and self-service account access.

## **13. RECOMMENDATIONS**

- 13.1 Recommendations are set out at the front of the report.

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## **POLICY IN RESPECT OF SECTION 13A OF THE LOCAL GOVERNMENT FINANCE ACT 1992**

### **Tameside MBC – Discretionary Council Tax Relief**

#### **1. Background**

Section 13A of the Local Government Finance Act 1992 allows the Council to reduce the amount of Council Tax payable. It can be considered for individual cases or the Council may determine classes of case in which liability is eligible for reduction.

All Section 13A awards are funded by Council Tax payers of the Borough.

Section 13A relief is discretionary; an applicant does not have a statutory right to a reduction.

Council Tax Support is considered under Section 13A(1)(a) and (2) of the Act.

Alternative discretionary reductions, care leavers discretionary reductions and hardship scheme reductions are considered under Section 13A(1)(c) of the Act. Each type of discount is detailed in this Policy.

#### **2. Types of Section 13A Discretionary Reduction**

##### **2.1 Council Tax Support**

Section 13A(1)(a) and (2) of the Local Government Finance Act 1992 requires the Council to have a Council Tax Support Scheme. The purpose of the Council Tax Support Scheme is to provide means tested financial support to residents on a low income to meet Council Tax liabilities. Tameside's Council Tax Support Scheme, and the application form, can be found at <https://www.tameside.gov.uk/ctax/counciltaxsupport>

##### **2.2 Alternative Discretionary reductions**

Section 13A(1)(c) allows the Council to consider reducing the Council Tax payable for individuals or classes, even if they have already had a reduction under Section 13A(1) the Council Tax Support Scheme.

#### **3. How to claim a Discretionary reduction**

The application for a Section 13A discretionary reduction should be submitted as follows:

- The application must be made by the liable person to pay Council Tax or by someone authorised to act on their behalf.
- Applications for Section 13A reductions must be made to the Council Tax Team under the title of Discretionary Discount Application to:  
Council Tax Service, PO Box 304, Ashton-under-Lyne, Tameside OL6 0GA  
or email [counciltax@tameside.gov.uk](mailto:counciltax@tameside.gov.uk)
- The Council may request any reasonable evidence in support of an application. Separate claims must be made in respect of different dwellings and/or council tax accounts.

Each application shall include the following information:

- The level of discount being requested (i.e. is this for the full year's council tax or part of it);
- The reason for the request;
- Period of time the discount is to cover;
- Steps that have been taken to meet or mitigate the council tax liability;
- Individual needs and circumstances;
- Reasonable supporting evidence to substantiate the request. This may include, but is not limited to:
  - ✓ income & expenditure statements;
  - ✓ any sources of credit such as cash cards, credit cards, store cards, cheque cards, cheque accounts, overdraft facilities, loan arrangements;
  - ✓ any help which is likely to be available to the applicant from other sources;
  - ✓ any other documentation available to support the application

#### **4. Discretionary Relief Considerations?**

Each application will be considered on its individual merits. However some or all of the following criteria should be met for each case:

- There must be evidence of financial hardship or personal circumstances that justifies a reduction in council tax liability. Where an application is made in respect of financial hardship, evidence of all income and expenditure will be required to enable a full assessment to be undertaken.
- The charge payer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.
- All other eligible discounts / reliefs / benefits have been awarded.
- The charge payer does not have access to other assets that could be used to pay council tax.
- The situation and reason for the application must be outside of the charge payer's control.
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.
- The power to reduce under this section will be considered taking account of all circumstances and any reduction will take into consideration the public purse as Council's council tax payers fund Section 13 (A) discounts.

Where a reduction relates to a Government Scheme, the features of that scheme will be as defined by Government or, where local discretion is allowed, as defined by the Council for that specific purpose. All discretionary decisions are made at the absolute discretion of the Council.

#### **5. Classes of Reduction**

There are currently 2 classes of reduction which attract a discretionary payment and these are as follows:

- Care Leavers
- The Council Tax Support Scheme Hardship payments

By the introduction of these schemes Tameside Council has recognised that it must be able to respond flexibly to the needs of taxpayers within the borough to support strong and sustainable local communities.

## 5.1 Care Leavers Discount

A local discretionary discount was approved by the Councils Executive Cabinet in November 2018 to support Care Leavers up to the age of 25 years of age.

Corporate parenting is a statutory function whereby children and young people are looked after by local authorities rather than their own parents for a variety of reasons. The children and young people who are 'looked after' by local authorities are considered to be a vulnerable group within society. Managing a budget can be very challenging for most people on low incomes and particularly financially vulnerable young people as they transition into adulthood and adjust to living by themselves. A local authority continues to have responsibility for a Care Leaver up to the age of 25 years old.

Further information regarding the discretionary discount decision for Care Leavers can be found at

The on-line application form can be found at:

[Council Tax - Care Leavers Discount Application \(tameside.gov.uk\)](https://www.tameside.gov.uk/council-tax/care-leavers-discount-application)

## 5.2 The Council Tax Support Scheme Hardship Payments

In accordance with 13A(1)(c) of the Local Government Finance Act 1992 as amended in 2012, the Council Tax Support Hardship Fund is an additional payment which has the effect of reducing council tax liability for the liable person. To be eligible to be considered for a hardship payment the liable person must reside in Tameside and be in receipt of Council Tax Support.

Hardship payments are generally paid to people experiencing a short term exceptional finance problem as set out below, so applicants must not rely on a payment being made.

Each request will be considered independently and no single factor will determine if an award is to be made.

The following will be considered when making the decision, however the list is not exhaustive:

- Applicant is leaving an institution such as leaving care, prison, young offenders institute, hospital, care home, temporary supported housing or hostel
- Avoidance of going into care
- Council Tax hardship being experienced as a result of the Council Tax Support Scheme
- Chronic illness, disability including mental health illness
- Experiencing domestic abuse
- Homelessness or living in temporary housing such as 'sofa surfing'
- Substance or alcohol abuse
- Lone parent and / or pregnant
- Applicant has a support worker
- Housing circumstances and rented properties
- Other people living with the applicant
- Sanction placed by the DWP
- Significant debt
- Repayment of monies as a result of fraud
- It is reasonable that applicants may be able to manage money better

## 5.3 Additional types of Discretionary Awards.

From time to time Government may introduce a specific scheme in response to an event such as a natural disaster (e.g. flooding). Where such schemes are introduced, funding is normally fully met by Government without impact on the local Council Tax. Any such schemes that are introduced, in so far as they fall to be administered under Section 13A of The Local Government Finance Act 1992, will be administered in accordance with instructions and guidance set out by Government.

## **6. Amount of relief**

The Council will decide how much to award based on all of the applicant's circumstances and in relation to the schemes in operation at set out in this policy. Any relief to be awarded is entirely at the Council's discretion.

Where a scheme relates to a Government Scheme, the award of any discount will be as set out by Government or, where local discretion is allowed, as defined by the Council for that specific instance.

The maximum paid would be no more than the amount of Council Tax outstanding after all other eligible discounts / reliefs / benefits have been awarded.

Usually such payments are a 'one off' payment and will not be repeated.

Any Discretionary Payment award granted will be made by crediting the award value to the Council Tax account to which it applies reducing the amount of council tax outstanding.

Applicants will not receive cash or any other type of payment or refund.

## **7. Decision Notice and Appeals**

The Council will notify the applicant in writing of the outcome of their request. Where the request for a discretionary discount award is unsuccessful, or not met in full, the Council will explain the reasons why the decision was made.

Any award is discretionary and the applicant may submit a written request for an explanation or review of a discretionary discount refusal which must be submitted within one calendar month of the date of notification of the decision. The Council will then consider whether the customer has provided any additional information against the required criteria that will justify a change to the decision.

Applications should be titled 'Section 13A Review' and be sent to Council Tax Service, PO Box 304, Ashton-under-Lyne, Tameside. OL6 0GA or email [counciltax@tameside.gov.uk](mailto:counciltax@tameside.gov.uk)

A written explanation of the decision or review if requested, will be provided by the Council within one calendar month of the request by the applicant. Where the Council decides that the original decision should not be revised, written reasons will be provided to the applicant.

Under Section 16 of the Local Government Finance Act 1992, if the applicant remains dissatisfied with the outcome of their claim, an appeal may be made to the independent Valuation Tribunal. Further details on this process will be notified with the outcome of any review mentioned above.

## **8. Overpayments and Fraud**

If the Council becomes aware that the information contained in an application for a Section 13A discount award was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council will seek to recover the value of any award made as a result of that application. The award will be removed from the relevant council tax account and any resulting balance will be subject to the normal methods of collection and recovery applicable to such accounts and which may incur additional costs.

The Council is committed to the fight against fraud in all its forms. Any applicant who tries to fraudulently claim a Section 13A discount may have committed an offence under the Fraud Act 2006. If the Council suspects that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

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## Protected Characteristics

Characteristic	As at 5 October 2023	
	Number	% of all claimants
<b>Total claimants</b>	<b>17,143</b>	
<b>Age</b>		
• Pension age	6,935	40%
• Working age	10,208	60%
<b>Disability</b>		
• Disability benefit in payment	6,234	36%
• Pension age and in receipt of a disability benefit	2,751	16%
• Working age and in receipt of a disability benefit	3,483	20%
• Working age and in receipt of Disability Living Allowance	1,594	9%
• In receipt of a disability benefit and earned income	27	0.2%
<b>Marriage and Civil Partnership</b>		
Specific data is not available on these protected characteristics for the CTS client base, however information is collated regarding households who are single, couples and single parents.		
Single, pension age	5,422	32%
Households with children	3,493	20%
Working age households with children	3,471	20%
Lone parents	2,623	15%
Couples with children	870	5%
<b>Children</b>		
Working age and child Benefit disregarded in full as income	2,706	16%
Working age, female, lone parents and child Benefit disregarded in full as income	1,903	11%
Child care costs disregard applied	6	0.03%
Working age and receiving child maintenance payments	25	0.1%
<b>Sex</b>		
Male	6,857	40%
Female	10,286	60%
Male Pension age	2,874	17%
Female Pension age	4,061	24%
Male lone parents	208	1%
Female lone parents	2,415	14%
<b>Current and Former members of the Armed Forces</b>		
In receipt of a disregarded war pension	17	0.01%
Working age and in receipt of a disregarded war pension	5	0.01%
<b>Carers</b>		
In receipt of Carers Allowance	1,060	6%
<b>Socio-economic disadvantage</b>		
Working age and out of work	9,596	56%
Working age and receiving full CTS	3,675	21%
Working age and earning (receiving 35% earnings disregard)	589	3%
<b>Cared for children and care leavers</b>		
Non-dependant disregard applied due to Staying Put	26	0.2%
<b>Gender reassignment, Pregnancy and Maternity, Breastfeeding, Sexual Orientation and Mental Health</b>		
Specific data is not available on these protected characteristics for the CTS client base.		

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# Tameside Metropolitan Borough Council Council Tax Support Scheme 2024 - 2025

## Introduction and Explanation

The introduction and explanation does not form part of the statutory scheme and is included solely for the purposes of explanation. This should be disregarded when interpreting the scheme.

## Foreword

The Government abolished the Council Tax Benefit scheme from 1 April 2013. From that date local authorities had to produce a scheme of council tax support, although the government reduced the funding available by around 20%.

## Summary Guide to the Scheme

### Pensioners

It is a legislative requirement that those of an age which qualify to receive state pension credits will continue to receive support under the Council Tax Support Scheme on the same terms as would have applied under the old Council Tax Benefit scheme. It is our understanding that any figures set out in this part of the scheme will be subject to an annual review by the government and that in future years the figures may be increased by order of the Secretary of State. The relevant figures will be updated annually and can be found at Appendix 1 of Tameside's Council Tax Support Scheme.

In addition to the statutory scheme, the Council has chosen to disregard any war pensions in full. The Council has always disregarded war pensions in full under the old Council Tax Benefit scheme and continues to do so under the Council Tax Support Scheme.

### Working Age

By 'working age' we mean anyone who is not old enough to qualify for state pension credits.

There is a legal requirement that Tameside establish a Council Tax Support Scheme each year for working age people, although the law does not say who should benefit from the scheme or how much support they should get. The Council has discretion to set the contents of the scheme for working age people. However the Council also has to pay for all council tax support it provides. Council Tax Benefit was paid for by central government.

Any figures set out in Schedule 9 and 10 of the scheme will be subject to an annual review and in future years the figures may be increased or decreased. The relevant figures will be updated annually to take effect from 1<sup>st</sup> April of each financial year and can be found at Appendix 2 of Tameside's Council Tax Support Scheme.

### Alternative Maximum Support

The national scheme for those of Pension Age includes an Alternative Maximum Support (previously known as Second Adult Rebate) where a resident has an adult on a low income living with them. There is no such support in the Tameside scheme for those of working age.

### Working Age War Pensioners

Working age War Pensioners (those in the working age protected group set out above) will continue to have their war pensions disregarded in full under this scheme.

### Care Leavers

A local authority has responsibility for a care leaver up to the age of 25 years old. A local Council Tax discount policy for care leavers is awarded under Section 13(a)(1)(c) of the Local Government Finance Act 1992.

### **Universal Credit**

Universal Credit is a new benefit that will replace most other Welfare Benefits (except Council Tax Support). The Universal Credit Pathfinder commenced in Tameside on 29<sup>th</sup> April 2013 and has been rolled out throughout the country.

The Universal Credit Regulations 2013 were passed on 25<sup>th</sup> February 2013.

We have tried to make our Council Tax Support Scheme consistent with that approach proposed for Universal Credit, particularly so far as the treatment of income.

We may change our approach to the way that we treat Universal Credit as income for the purposes of this scheme, and will continue to develop alternative approaches as our understanding develops.

### **Changes in Circumstances**

If someone's circumstances change and they do not tell us straightaway, this will result in either too little or too much support being awarded. It is important that changes are notified immediately.

If it comes to light that a person was entitled to more support than they were awarded and the claimant has paid too much council tax, the Council will offset the amount against future liability or make a payment to the liable person where, for example, the charge payer is no longer liable.

Where a person has paid too little Council Tax, i.e. an over allowance of support has occurred, then the Council will recover any monies they are owed under the same Council Tax processes for recovering unpaid Council Tax which is in accordance with the Council Tax (Administration and Enforcement) Regulations 1992.

### **General Provisions**

The scheme will be reviewed each year and may be changed whenever necessary.

# Tameside Metropolitan Borough Council Council Tax Support Scheme 2024-2025

## THE SCHEME PART 1 General

### 1. Citation, commencement and application

(1) This scheme may be cited as the Tameside Council Tax Support Scheme 2024-2025 and comes into force on 1 April 2024.

### 2. Interpretation

(1) In this scheme –

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

“adult disability payment” has the meaning given in regulation 2 of the DAWAP Regulations;

“AFIP” means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

“alternative maximum council tax support” means the amount determined in accordance with Part 4 of Schedule 1 and Schedule 3;

“applicable amount” means the amount calculated in accordance with paragraph 6 of Schedule 1 and Schedule 2;

“applicant” means a person who has made an application;

“application” means an application for a reduction under a scheme;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means—

(a) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 20 of Schedule 1 for the purpose of calculating the weekly earnings of the applicant; or

(b) in relation to any other income, the period determined in accordance with paragraph 17 of Schedule 1 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means -

(a) an attendance allowance under Part 3 of the SSCBA;

(b) an increase of disablement pension under section 104 or 105 of that Act;

(c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(d) any payment based on need for attendance which is paid as part of a war disablement pension;

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995 and the State Pension Credit Act 2002 and the Welfare Reform Act 2007 and the Pensions Act 2014;

“board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

“care home” has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality Improvement and Regulation)(Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

“the Caxton Foundation” means the charitable trust of that name established on 28 March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

“child” means a person under the age of 16;

“child benefit” has the meaning given by section 14 of the SSCBA;

“child disability payment” has the meaning given by regulation 2 of the DACYP Regulations;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

“contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by regulation 4 of these Regulations;

“the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021”;

“the DAWAP regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022;

“Default Scheme Regulations” means the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012;

“designated office” means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by it for the purpose of making an application;
- (b) by reference upon or with such a form to some other document from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 18, 20 or 21 of Schedule 1 as the case may be;

“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under a scheme for which a person is eligible under Part 7 of Schedule 1 or paragraph 2 of Schedule 8;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 39 of Schedule 1;

“extended reduction (qualifying contributory benefits)” means a reduction under Schedule 1 by which a person is eligible pursuant to paragraph 38 or 41 of Schedule 1;

“family” has the meaning given by regulation 6 of these Regulations;

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by the Secretary of State on 24th April 1992 or, in Scotland, on 10th April 1992;

“Grenfell Tower support payment” means a payment made to a person because that person was affected by the fire on 14<sup>th</sup> June 2017 at Grenfell Tower, or a payment to the personal representative of such a person –

- (a) From the £5 million fund announced on 16<sup>th</sup> June 2017 for the benefit of certain persons affected by the fire on 14<sup>th</sup> June at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
- (b) by the Royal Borough of Kensington and Chelsea; or
- (c) by a registered charity;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) or 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“historical child abuse payment” means a payment made under –

- (a) Part 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019;
- (b) Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021”;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“an income-based jobseeker’s allowance” and “a joint-claim jobseeker’s allowance” have the meanings given by section 1(4) of the Jobseekers Act 1995;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“independent hospital”—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent healthcare service as defined by section 10F of the National Health Service (Scotland) Act 1978;

“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

“invalid carriage or other vehicle” means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072), and registered charity of that name established on 11<sup>th</sup> July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7 July 2005;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23<sup>rd</sup> December 2015 and the registered charity of that name (number 1172307) established on 28<sup>th</sup> March 2017;

“lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29<sup>th</sup> January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No 2) Trust” means the trust of that name, established on 3<sup>rd</sup> May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 or the applicant is a member of the work-related activity group;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

“maximum council tax support amount” means the amount determined in accordance with paragraph 7 of Schedule 1.

“member of a couple” means a member of a married or unmarried couple;

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” means a supplement to which paragraph 5(1)(a)(vii) of Schedule 4 for Pensioners and paragraph 10 of Schedule 12 for working age to these Regulations refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of one authority to a dwelling in the area of a second authority;

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28<sup>th</sup> March 2019;

“net earnings” means such earnings as are calculated in accordance with paragraph 19 of Schedule 1 to these Regulations;

“net profit” means such profit as is calculated in accordance with paragraph 29 of Schedule 1 to these Regulations;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraph 41 of Schedule 1, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by regulation 9 of Schedule 1;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in

particular cases;

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;

“partner”, in relation to a person, means -

(a) where that person is a member of a couple, the other member of that couple; or

(b) where that person is polygamously married to two or more members of his household, any such member to whom he is married;

“paternity leave” means a period of absence from work on paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996

“pension fund holder” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“pensioner” has the meaning given by regulation 3(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by regulation 12;

“person who is not a pensioner” has the meaning given by regulation 3(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage to which regulation 5 of these Regulations applies;

“qualifying age for state pension credit” means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)--

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“qualifying contributory benefit” means—

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

“qualifying income-related benefit” means—

(a) income support;

(b) income-based jobseeker’s allowance;

(c) income-related employment and support allowance;

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker’s Allowance Regulations 1996;

“qualifying person” means—

(a) a person in respect of whom a Grenfell Tower support payment, a historical abuse payment or a Windrush payment has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;

“reduction week” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

“relevant week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by regulation 10 of these Regulations;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions) of Schedule 1;

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of

the Income Tax Act 2007;

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b));

“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998;

“second authority” means the authority to which a mover is liable to make payments for the new dwelling;

“self-employed earner” is to be construed in accordance with section 2(1)(b) of the SSCBA;

“shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;

“single applicant” means an applicant who neither has a partner nor is a lone parent;

“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

“the SSCBA” means the Social Security Contributions and Benefits Act 1992;

“state pension credit” means state pension credit under the State Pension Credit Act 2002;

“statutory parental bereavement pay” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment; or

(b) a qualifying course;

“tax year” means a period beginning with 6<sup>th</sup> April in one year and ending with 5<sup>th</sup> April in the next;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable -

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, or the Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and “Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012;

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person.

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“water charges” means—

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002,

in so far as such charges are in respect of the dwelling which a person occupies as his home;

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“the Windrush Compensation Scheme” means—

(a) the scheme of that name operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom, and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances” which was

operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;

“Windrush payment” means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020”

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

(2) In these Regulations, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of these Regulations, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income based jobseeker’s allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income based jobseeker’s allowance is payable to him or would be payable to him but section 19 or 19A or regulations made under section 17A or 19B of that Act; or

(c) in respect of which an income-based jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

(4) For the purposes of these Regulations, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day-

(a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

(5) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(6) In these Regulations, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

(7) In these Regulations, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 2 to 4 of Schedule 1.

(8) References in these Regulations to an applicant participating as a service user are to-

(a) a person who is being consulted by or on behalf of-

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;

(aa) a person who is being consulted by or on behalf of –

(i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

### **3. Meaning of “pensioner” and “person who is not a pensioner”**

(1) In these Regulations a person is –

(a) a “pensioner” if -

(i) he has attained the qualifying age for state pension credit; and

(ii) he is not and, if he has a partner, his partner is not –

(aa) a person on income support, on an income-based jobseeker’s allowance, or on an income-related employment and support allowance; or



- (bb) a person with an award of universal credit; and
- (b) a “person who is not a pensioner” if—
  - (i) he has not attained the qualifying age for state pension credit; or
  - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is –
    - (aa) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or
    - (bb) a person with an award of universal credit.
- (2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.
- (3) In this regulation –
  - “assessment period” has the same meaning as in the Universal Credit Regulations 2013;
  - “relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

#### **4. Meaning of “couple”**

In these Regulations “couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.

#### **5. Polygamous marriages**

(1) This regulation applies to any case where—

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
  - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of regulation 4 neither party to the marriage is to be taken to be a member of a couple.

#### **6. Meaning of “family”**

(1) In these Regulations “family” means—

- (a) a couple;
  - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
  - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in paragraph (1)(b) and (c) do not include a young person who is —
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
  - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or
  - (c) entitled to an award of universal credit.

#### **7. Circumstances in which a person is to be treated as responsible or not responsible for another.**

- (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom regulation 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of paragraph (1) as normally living with –
  - (a) the person who is receiving child benefit in respect of that child or young person, or
  - (b) If there is no such person –
    - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
    - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of these Regulations a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this regulation is to be treated as not so responsible.

#### **8. Households**

- (1) Subject to paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is

treated (by virtue of regulation 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not to be treated as a member of the applicant's household where he is —

(a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained) or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or

(c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002, the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.

(3) Subject to paragraph (4), paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or

(c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

(4) The authority must treat a child or young person to whom paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this regulation "relevant enactment" means—

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

(d) the Matrimonial Proceedings (Children) Act 1958;

(e) the Social Work (Scotland) Act 1968;

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

(j) the Domestic Proceedings and Magistrates' Courts Act 1978;

(k) the Adoption and Children (Scotland) Act 2007;

(l) the Family Law Act 1986;

(m) the Children Act 1989;

(n) the Children (Scotland) Act 1995;

(na) the Children's Hearings (Scotland) Act 2011; and

(o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## 9. Non-dependants

(1) In these Regulations, "non-dependant" means any person, except someone to whom paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

(a) any member of the applicant's family;

(b) if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;

(c) a child or young person who is living with the applicant but who is not a member of his household by virtue of regulation 8 (households);

(d) subject to paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);

(e) subject to paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;

(f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

(a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—

(i) that person is a close relative of his or his partner; or

- (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a scheme.

## **10. Remunerative work**

- (1) Subject to the following provisions of this regulation, a person must be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.
- (2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—
  - (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
  - (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.
- (3) Where, for the purposes of paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.
- (4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- (5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.
- (6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week must be treated as not being in remunerative work in that week.
- (7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave, shared parental leave, parental bereavement leave or adoption leave, or is absent from work because he is ill.
- (8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—
  - (a) a sports award has been made, or is to be made, to him; and
  - (b) no other payment is made or is expected to be made to him.

## **PART 2**

### **Prescribed classes of persons**

#### **11. Pensioners**

- (1) Subject to paragraph (2), the classes of pensioners described in paragraph 1 of Schedule 1 are classes of person prescribed for the purpose of paragraph (2)(9)(b) of Schedule 1A to the 1992 Act and which must be included in an authority's scheme.
- (2) Pensioners whose capital exceeds £16,000 are a class of person prescribed for the purposes of that paragraph and which must not be included in an authority's scheme.
- (3) Capital for the purposes of paragraph (2) is to be calculated in accordance with Part 6 of Schedule 1.

#### **12. Persons treated as not being in Great Britain**

- (1) Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- (2) Except where a person falls within paragraph (3) a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- (3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle

of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations;

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is –

(i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

(b) regulation 16 of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation.

(4A) (a) For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(b) Appendix EU to the immigration rules made under section 3(2) of that Act;

(c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or

(d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

(4B) Paragraph (4A)(b) does not apply to a person who –

(a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and

(b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b).

(5) A person falls within this paragraph if the person is—

(za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of –

(i) The Afghan Relocations and Assistance Policy; or

(ii) The previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme)

(zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15<sup>th</sup> August 2021;

(zc) a person in Great Britain who was residing in Ukraine immediately before 1<sup>st</sup> January 2022, left Ukraine in connection with the Russian invasion which took place on 24<sup>th</sup> February 2022 and –

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in sub-paragraph (a);

(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;

(cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;

(cc) a family member of a person referred to in sub-paragraph (cb), who has been granted leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31 January 1967;

(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 –

(i) discretionary leave to enter or remain in the United Kingdom,

(ii) leave to remain under the Destitution Violence concession which came into effect on 1<sup>st</sup> April 2012

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 or

- (iv) granted under the Afghan Citizens Resettlement Scheme;
  - (f) a person who has humanitarian protection granted under those rules;
  - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
  - (h) in receipt of income support or on an income-related employment and support allowance; or
  - (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4);
- (6) A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- (7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- (8) In this regulation—
- "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
- "Crown servant" means a person holding an office or employment under the Crown;
- "EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
- "EEA Regulations" means the Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.; and
- "family member" has the meaning giving in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and 5(ca);
- "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.
- "relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.

## **12A. Transitional Provision**

- (1) Sub paragraph (h) of paragraph 12 includes an income-based jobseekers allowance, and sub paragraph (ha) of paragraph 12 does not apply, to a person who, on 31 March 2015 -
- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
  - (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph (2) occurs.
- (2) The events are -
- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
  - (b) the person ceases to be entitled to an income-based jobseeker's allowance.
- (3) In this paragraph "the Act" means the Local Government Finance Act 1992.

## **13. Persons subject to immigration control**

- (1) Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- (2) "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

## **14. Students**

- (1) A person who is a student to whom paragraph 40(1) of Schedule 9 applies is a class of person who is not entitled to support under this scheme.
- (2) In this paragraph "student" has the meaning given by paragraph 38 of Schedule 9 of this scheme.

## **PART 3**

## **15. Entitlement to Support**

- (1) A pensioner, as determined in paragraph 3, is entitled to receive support under this scheme in accordance with Schedules 1 to 8.
- (2) A person who is not a pensioner but who is a member of a couple or a polygamous marriage where the other member is a pensioner is entitled to receive support under this scheme if they qualify for support in accordance with Schedules 1 to 8.
- (3) A person who is not a pensioner to whom neither (1) or (2) apply is entitled to receive support under this scheme in accordance with Schedules 7 to 12.

## **16. Provision for all applicants: energy rebate scheme 2022**

- (1) A scheme must include provision that any payment made under the Energy Rebate Scheme 2022 is to be

disregarded in determining –

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation –

“ the Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3<sup>rd</sup> February 2022”

### **17. Provision for all applicants: Homes for Ukraine Scheme**

(1) A scheme must include provision that any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining –

(a) An applicant's entitlement to a reduction under the scheme; or

(b) The amount of any reduction to which the applicant is entitled.

(2) In this regulation –

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14 March 2022.

## **SCHEDULE 1: Pensioners**

### **PART 1**

#### **1. Classes of persons entitled to a support under this scheme**

(1) The classes of pensioners described in paragraphs 2 to 4 are entitled to support under this scheme.

(2) In those paragraphs, references to an applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

#### **2. Class A: pensioners whose income is no greater than the applicable amount**

On any day class A consists of any person who is a pensioner—

(a) Who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

(b) who subject to paragraph 5 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;

(c) in respect of whom a maximum council tax support amount can be calculated;

(d) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;

(e) whose income (if any) for the relevant week does not exceed his applicable amount; and

(f) who has made an application.

#### **3. Class B: pensioners whose income is greater than the applicable amount**

On any day class B consists of any person who is a pensioner—

(a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

(b) who, subject to paragraph 5, is not absent from the dwelling throughout the day;

(c) in respect of whom a maximum council tax support amount can be calculated;

(d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;

(e) whose income for the relevant week is greater than his applicable amount;

(f) in respect of whom amount A exceeds amount B where—

(i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and

(ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount; and

(g) who has made an application.

#### **4. Class C: alternative maximum council tax support**

(1) On any day class C consists of any person who is a pensioner—

(a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

(b) who, subject to paragraph 5, is not absent from the dwelling throughout the day;

(c) in respect of whom a maximum council tax support amount can be calculated;

(d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;

(e) who has made an application; and

(f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and that there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.

- (3) Sub-paragraph (2) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
  - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
  - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
    - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
    - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
  - (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
  - (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

## 5. Periods of absence from a dwelling

- (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- (2) In sub-paragraph (1), a “period of temporary absence” means—
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
    - (i) the person resides in that accommodation;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
    - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
 where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
  - (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
    - (i) the person intends to return to the dwelling;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
    - (iii) that period is unlikely to exceed 13 weeks;
  - (c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
    - (i) the person intends to return to the dwelling;
    - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
    - (iii) the person is a person to whom sub-paragraph (3) applies;
    - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and;
  - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—
    - (i) the person intends to return to the dwelling;
    - (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
    - (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.
- (2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.
- (2B) Where—
- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
  - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
  - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).
- (2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.
- (2D) Where —
- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
  - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
  - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
  - (b) the person's close relative;
  - (c) the close relative of the person's partner; or
  - (d) the close relative of a child or young person for whom the person or the person's partner is responsible,
- then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
  - (i) in a dwelling, other than a dwelling P occupies as P's home; or
  - (ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—



- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or in Northern Ireland under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
  - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (6) In this paragraph—
- “continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
  - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “medically approved” means certified by a medical practitioner;
- “member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;
- “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;
- “residential accommodation” means accommodation which is provided in—
- (a) a care home;
  - (b) an independent hospital;
  - (c) an Abbeyfield Home; or
  - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

## 5A. Periods of absence from a dwelling - Transitional Provision

- (1) The amendments made to paragraph 5, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 1<sup>st</sup>

April 2017 until the day that person returns to Great Britain.

- (2) Paragraph (1) does not apply to a person who, on 1<sup>st</sup> April 2017, is temporarily absent from Great Britain and is-
- (a) A member of Her Majesty's forces posted overseas;
  - (b) Absent in the capacity of a continental shelf worker; or
  - (c) Absent in the capacity of a mariner.

(3) In this regulation -

"continental shelf worker" means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

"designated area" means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

"mariner" means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

"member of Her Majesty's forces posted overseas" means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty's regular forces or reserve forces; and

"prescribed area" means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

## **PART 2**

### **Applicable amounts for the purposes of calculating eligibility for support under a scheme and amount of reduction**

#### **6. Applicable amounts**

(1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 to these Regulations;
- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
- (b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) In Schedule 2—

"additional spouse" means a spouse of either party to the marriage who is additional to the other party to the marriage;

"patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

## **6A. Transitional provisions for restrictions on amounts for children and young persons**

(1) This regulation applies where—

(a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 of SI 2017 No. 1305 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 of SI 2017 No. 1305 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

(a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

(a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;

(b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;

(c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;

(d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(f) "new individual" means a child or young person who is not a protected individual;

(g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);

(h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

## the scheme and amount of support

### 7. Maximum council tax support amount under a scheme

(1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax support amount in respect of a day is 100 per cent of the amount A/B where—

(a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

(b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 8 (non-dependant deductions).

(2) In calculating a person's maximum council tax support under the authority's scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than support under that authority's scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons in determining the maximum council tax support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) of the Schedule to the Default Scheme Regulations applies.

(6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

### 8. Non-dependant deductions

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £14.15 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.60 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £236.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);

(b) not less than £236.00 but less than £410.00, the deduction to be made under this paragraph is £9.40;

(c) not less than £410.00 but less than £511.00, the deduction to be made under this paragraph is £11.80.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

(a) severely sight-impaired or blind or treated as such by virtue of sub-paragraphs (12) or (13) below; or

(b) receiving in respect of himself either—

(i) attendance allowance, or would be receiving that allowance but for-

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(bb) an abatement as a result of hospitalisation; or

(ii) the care component of the disability living allowance, or would be receiving that component but for-

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;

or

(bb) an abatement as a result of hospitalisation; or

(iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(iiia) the daily living component of adult disability payment: or

(iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

(a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or

(b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or

(c) he is a full-time student within the meaning of Part 11 of the Schedule to the Default Scheme Regulations (students); or

(d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—

(i) “patient” has the meaning given in paragraph 5(6) of this Schedule, and

(ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.

(8) No deduction is to be made in respect of a non-dependant—

(a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance;

(b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or

(c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent’s weekly gross income—

(a) any attendance allowance, disability living allowance, child disability payment, personal independence payment, adult disability payment or AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and

(ba) any Grenfell Tower support payment which is paid as income in kind (see sub-paragraph (13))

(bb) any historical child abuse payment:

(bc) any Windrush payment;

(c) the payments set out in sub-paragraph (10).

(10) The payments mentioned in sub-paragraph (9) are—

(a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006);

(aa) any Grenfell Tower support payment;

(ab) any historical child abuse payment;

(ac) any Windrush payment;

(b) any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—

(i) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been

- dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (ii) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (iii) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family;
- (c) any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—
- (i) the person who is suffering from haemophilia or who is a qualifying person;
  - (ii) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (iii) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family;
- (d) any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment, where—
- (i) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
  - (ii) the payment is made either—
    - (aa) to that person's parent or step-parent, or
    - (bb) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
 but only for a period from the date of the payment until the end of two years from that person's death;
- (e) any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which paragraph (a) refers or from a Grenfell Tower support payment, where—
- (i) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
  - (ii) the payment is made either—
    - (aa) to that person's parent or step-parent, or
    - (bb) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
 but only for a period of two years from the relevant date;
- (f) in the case of a person to whom or for whose benefit a payment referred to in this sub-paragraph is made, any income which derives from—
- (i) any payment of income or capital made under or deriving from any of the Trusts referred to in paragraph (a); or
  - (ii) a Grenfell Tower support payment;
- (g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.
- (11) An applicant, or his partner is severely sight-impaired or blind or treated as such for the purposes of sub-paragraph (6)(a) if the applicant or his partner-
- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or,
  - (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
  - (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.
- (11A) For the purposes of sub-paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- (12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as severely sight-

impaired or blind on regaining his eyesight is nevertheless be treated as severely sight-impaired or blind for a period of 28 weeks following the date on which he ceased to be so registered.

(13) The reference in sub-paragraph (9)(b) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

#### **8A. Localised scheme regarding non-dependant deductions.**

(1) No deduction is to be made in respect of any non-dependants occupying an applicant’s dwelling if the applicant or his partner is in receipt of a Staying Put payment for a young person aged 18 up to 21 years, where –

- (a) the applicant or his partner was a Foster Carer; and
- (b) they wish to continue to provide their home to support a young person they have fostered, and
- (c) the young person agrees to the arrangement.

### **PART 4**

#### **Alternative maximum council tax support for the purposes of calculating eligibility for support under the scheme and amount of support**

#### **9. Alternative maximum council tax support under a scheme**

(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax support in respect of a day where the conditions set out in paragraph 4 (alternative maximum council tax support) are fulfilled, is the amount determined in accordance with Schedule 3 (amount of alternative maximum council tax support).

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax support in his case, the amount determined in accordance with Schedule 3 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

### **PART 5**

#### **Amount of support under the scheme**

#### **10. Amount of support under a scheme: Classes A to C**

(1) Where a person is entitled to support under the authority’s scheme in respect of a day, the amount of the support to which he is entitled is as follows.

(2) Where the person is within class A, that amount is the maximum council tax support amount in respect of the day in the applicant’s case.

(3) Where the person is within class B, that amount is the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given in paragraph 3 (income greater than applicable amount).

(4) Where the person is within class C, that amount is the amount which is the alternative maximum council tax support in respect of the day in the applicant’s case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4),

apply to a person.

(6) The amount of the support to which he is entitled is whichever is the greater of—

- (a) the amount of the support given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
- (b) the amount of the support given by sub-paragraph (4).

### **PART 6**

#### **Income and capital for the purposes of calculating eligibility for support under the authority’s scheme and amount of support.**

### **CHAPTER 1**

#### **General**

#### **11. Calculation of income and capital: applicant's family and polygamous marriages**

(1) The income and capital of—

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of the applicant.

(3) Where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

#### **12. Circumstances in which income and capital of non-dependant is to be treated as applicant's**

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependent and an applicant have entered into arrangements in order to take advantage of the authority's scheme and the non-dependant has more income and capital than the applicant.

(2) Except where the applicant is on a guarantee credit the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

### **CHAPTER 2 Income**

#### **13. Applicant in receipt of guarantee credit**

In the case of an applicant who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income shall be disregarded.

#### **14. Calculation of applicant's income in savings credit only cases**

(1) In determining the income and capital of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 24(1)(c)(calculation of income on a weekly basis);
- (c) the higher amount disregarded under this Schedule in respect of—
  - (i) lone parent's earnings; or
  - (ii) payments of maintenance, whether under a court order or not, which are made or due to be made by—
    - (aa) the applicant's former partner, or the applicant's partner's former partner; or
    - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 4 (sums disregarded from earnings);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under regulation 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 12 (circumstances in which income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act;
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 4 to these Regulations.

(3) Paragraphs 16 to 36 of this Schedule do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 31 to 36 of this Schedule.

(5) This sub-paragraph applies if—



- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

#### 15. Calculation of income and capital where state pension credit is not payable

Where neither paragraph 13 (applicant in receipt of guarantee credit) nor 14 (calculation of income in savings credit only cases) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 16 to 21, 24, 25, 27 to 29 and chapter 3 (capital) of this Part.

#### 16. Meaning of "income"

(1) For the purposes of classes A to C, "income" means income of any of the following descriptions—

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 6 (capital disregards);
- (j) social security benefits, other than retirement pension income or any of the following benefits—
  - (zi) universal credit;
  - (i) disability living allowance;
  - (ii) personal independence payment;
  - (iia) adult disability payment;
  - (iii) an AFIP;
  - (iv) attendance allowance payable under section 64 of the SSCBA;
  - (v) an increase of disablement pension under section 104 or 105 of that Act;
  - (vi) child benefit;
  - (vii) any guardian's allowance payable under section 77 of the SSCBA;
  - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act;
  - (ix) any
    - (aa) social fund payment made under Part 8 of that Act; or
    - (bb) occasional assistance;
  - (x) Christmas bonus payable under Part 10 of that Act;
  - (xi) housing benefit;
  - (xii) council tax benefit;
  - (xiii) bereavement payment;
  - (xiv) statutory sick pay;
  - (xv) statutory maternity pay;
  - (xvi) statutory paternity pay payable under Part 12ZA of the SSCBA;
  - (xvii) statutory parental bereavement pay under Part 12ZD of that Act;
  - (xviii) statutory shared paternal pay payable under Part 12ZA of that Act;
  - (xix) statutory adoption pay payable under Part 12ZB of that Act;
  - (xx) carer's allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;
  - (xxi) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
  - (xxii) funeral expenses assistance given in accordance with section 34 of that Act;
  - (xxiii) any Scottish child payment assistance given in accordance with section 79 of that Act;
  - (xxiv) any assistance given in accordance with the Carer's Assistance (Young Carer Grants)(Scotland) Regulations 2019;
  - (xxv) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018;
  - (xxvi) winter heating assistance given in accordance with regulations under section 30 of that Act;
  - (xxvii) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;

- (l) a payment made—
    - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, in any case where article 30(1)(b) applies; or
    - (ii) under article 12(8) of that Order, in any case where sub-paragraph (b) of that article applies;
  - (m) a pension paid by a government to victims of National Socialist persecution;
  - (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979;
  - (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
    - (i) under a court order;
    - (ii) under an agreement for maintenance; or
    - (iii) voluntarily;
  - (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
  - (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
  - (r) any payment in respect of any—
    - (i) book registered under the Public Lending Right Scheme 1982; or
    - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
  - (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
  - (t) any sum payable by way of pension out of money provided under—
    - (i) the Civil List Act 1837,
    - (ii) the Civil List Act 1937,
    - (iii) the Civil List Act 1952,
    - (iv) the Civil List Act 1972, or
    - (v) the Civil List Act 1975
  - (u) any income in lieu of that specified in paragraphs (a) to (r);
  - (v) any payment of rent made to an applicant who—
    - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
    - (ii) occupies part of the property; and
    - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
  - (w) any payment made at regular intervals under an equity release scheme;
  - (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.
- (2) Where the payment of any social security benefit referred to in sub-paragraph (1), or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies, is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this paragraph are those made in accordance with—
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
  - (b) the Social Security (Hospital In-Patients) Regulations 1975;
  - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
  - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
  - (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);
  - (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing).
- (5) In sub-paragraph (1)-
- (a) in paragraph (w), an "equity release scheme" means a loan—
    - (i) made between a person ("the lender") and the applicant;
    - (ii) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
    - (iii) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home, and
  - (b) in paragraph (J)(ix) "occasional assistance" means any payment or provision made by a local authority,

the Welsh Ministers or the Scottish Ministers for the purposes of—

- (i) meeting, or helping to meet an immediate short-term need—
  - (aa) arising out of an exceptional event or exceptional circumstances, and
  - (bb) that needs to be met to avoid a risk to the well-being of an individual; or
- (ii) enabling qualifying individuals to establish or maintain a settled home, and “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
  - (aa) in prison, hospital, an establishment providing residential care or other institution, or
  - (bb) homeless or otherwise living an unsettled way of life.

(6) In sub-paragraph (5)(b) “local authority” means a local authority in England within the meaning of the Local Government Act 1972.

## 17. Calculation of weekly income

(1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant, where the period in respect of which payment is made—

- (a) does not exceed a week, the whole of that payment must be included in the applicant’s weekly income;
- (b) exceeds a week, the amount to be included in the applicant’s weekly income is to be determined—
  - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
  - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
  - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

- (a) the applicant’s regular pattern of work is such that he does not work the same hours every week;
  - (b) the amount of the applicant’s income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant’s income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
  - (b) in any other case, on the basis of—
    - (i) the last two payments if those payments are one month or more apart;
    - (ii) the last four payments if the last two payments are less than one month apart; or
    - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant’s average weekly income to be determined more accurately.

(3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the first day of the reduction week following the date the applicant’s earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(4A) An applicant’s earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright design,

- patent or trade mark;
- (b) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
- (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 4 (sums disregarded from earnings) are to be disregarded in calculating—
  - (a) the applicant's earnings; and
  - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) are to be treated as though they were earnings.
- (11) Income specified in Schedule 5 (amount disregarded in calculation of income other than earnings) is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 6 to these Regulations (capital disregards) has effect so that—
  - (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
  - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 37 (calculation of tariff income from capital).
- (13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

## **18. Earnings of employed earners**

- (1) Subject to sub-paragraph (2), "earnings" in the case of employment as an employed earner, means any remuneration or profit derived from that employment and includes—
  - (a) any bonus or commission;
  - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
  - (c) any payment in lieu of notice;
  - (d) any holiday pay;
  - (e) any payment by way of a retainer;
  - (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
    - (i) travelling expenses incurred by the applicant between his home and place of employment;
    - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
  - (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
  - (h) statutory sick pay payable by the employer under the SSCBA;
  - (i) statutory maternity pay payable by the employer under that Act;
  - (j) statutory paternity pay payable under Part 12ZA of that Act;
  - (ja) statutory parental bereavement pay under 12ZD of that Act;
  - (jb) statutory shared paternal pay payable under Part 12ZA of that Act;
  - (k) statutory adoption pay payable under Part 12ZB of that Act;
  - (l) statutory adoption pay payable under Part 12ZB of that Act;
  - (m) any sums payable under a contract of service—
    - (i) for incapacity for work due to sickness or injury; or
    - (ii) by reason of pregnancy or confinement.
- (2) Earnings does not include—
  - (a) subject to sub-paragraph (3), any payment in kind;
  - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
  - (c) any occupational pension;
  - (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
  - (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
  - (f) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

### **19. Calculation of net earnings of employed earners**

(1) For the purposes of paragraph 24 (calculation of income on a weekly basis), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 17(5) and Schedule 4 (sums disregarded from earnings), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where subparagraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
  - (i) income tax;
  - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay, statutory shared parental pay, statutory parental bereavement pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this regulation “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (5) Where the earnings of an applicant are determined under paragraph 17(2)(b) (calculation of weekly income) his net earnings are to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish basic rate, of tax is to be applied and the amount of the personal reliefs deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

### **20. Calculation of earnings of self-employed earners**

(1) Where the earnings of an applicant consist of earnings from employment as a self-employed earner, the weekly amount of his earnings must be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph will be his assessment period.

### **21. Earnings of self-employers earners**

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner, means the gross income of the employment.
- (2) “Earnings” in the case of employment as a self-employed earner does not include—
- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
  - (b) any payment made by a local authority to an applicant—
    - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26 or 26A of the Children (Scotland) Act 1995; or
    - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;
  - (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989;
  - (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
    - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
    - (ii) a voluntary organisation;
    - (iii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);
    - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006;
    - (v) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006; or
    - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult);
  - (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
    - (i) was formerly in the applicant’s care;
    - (ii) is aged 16 or over; and
    - (iii) continues to live with the applicant;
  - (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions);
  - (e) any sports award.

## 22. Notional income

- (1) An applicant is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
    - (i) for which no claim has been made; and
    - (ii) to which he might expect to be entitled if a claim for it were made;
  - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
  - (b) a shared additional pension payable under section 55A or 55AA of the SSCBA;
  - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
  - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
  - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
  - (b) fails to purchase an annuity with the funds available in that scheme; and
  - (c) either—
    - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
    - (ii) fails to take any necessary action to secure that the whole of any income which would be payable

to him by his pension fund holder upon his applying for it, is so paid, or

(iii) income withdrawal is not available to him under that scheme.

(5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the rate of the annuity which may have been purchased with the fund and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pensions Scheme Act 1993.

(9) Subject to sub-paragraphs (10), (11A), (11B) and (12), a person will be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to support under the authority’s scheme or increasing the amount of the support.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.

(11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act, which include provision corresponding or similar to Regulations made under section 8(7) of that Act.

(11C) In sub-paragraph (11A), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.

(11D) In sub-paragraph (11B), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8 of that Act.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 14(1) (calculation of applicant’s income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of Income where—

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from that scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

### **23. Income paid to third parties**

- (1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant is to be treated as possessed by the applicant.
- (2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (c) the person referred to in paragraph (a) and his partner do not possess, or are not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant participating as a service user.

### **24. Calculation of income on a weekly basis**

- (1) Subject to paragraph 28 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis—
- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
  - (b) by adding to that amount the weekly income calculated under paragraph 37 (calculation of tariff income from capital); and
  - (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 25 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that—
- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
  - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
  - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week

### **25. Treatment of child care charges**

- (1) This paragraph applies where an applicant is incurring relevant child care charges and—
- (a) is a lone parent and is engaged in remunerative work;
  - (b) is a member of a couple both of whom are engaged in remunerative work; or
  - (c) is a member of a couple where one member is engaged in remunerative work and the other—
    - (i) is incapacitated;
    - (ii) is an in-patient in hospital; or
    - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
  - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
  - (c) is paid an employment and support allowance;
  - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
  - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—



- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with subparagraph (9).
- (6) The charges are paid by the applicant for care which is provided—
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
  - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in subparagraph (8) and are not paid—
- (a) in respect of the child's compulsory education;
  - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with regulation 7 (circumstances in which a person is treated as responsible or not responsible for another); or
  - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- (8) The care to which sub-paragraph (7) refers may be provided—
- (a) out of school hours, by a school on school premises or by a local authority—
    - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
  - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
  - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
  - (e) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
    - (ii) local authorities registered under section 83(1) of that Act,
 where the care provided is child minding or day care of children within the meaning of that Act; or
  - (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
  - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
  - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
  - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
  - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of "childcare" for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
  - (k) by a foster parent or kinship carer under the Fostering Services (England) Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
  - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or

- (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- (9) Relevant child care charges are to be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (10) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) he is aged not less than 80;
  - (b) he is aged less than 80, and—
    - (i) in additional condition specified in paragraph 26 is treated as applying in his case; and
    - (ii) he satisfies that condition or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (c) the other member of the couple would be a member of the support group or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;
  - (d) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
  - (e) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
  - (f) there is payable in respect of him one or more of the following pensions or allowances—
    - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
    - (ii) attendance allowance under section 64 of the SSCBA;
    - (iii) severe disablement allowance under section 68 of the SSCBA;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) increase of disablement pension under section 104 of the SSCBA;
    - (ix) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
    - (ix) main phase employment and support allowance;
    - (x) adult disability payment;
  - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
  - (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
    - (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (j) an AFIP would be payable to that person but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
  - (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
  - (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal

Social Services (Northern Ireland) Order 1972.

(11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is to, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

(13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

(a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for—

- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (ii) an abatement as a consequence of hospitalisation;

(aa) in respect of whom child disability payment is payable:

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(ba) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations;

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind or as severely sight-impaired in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave, shared parental leave, parental bereavement leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (15) ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave, shared parental leave, parental bereavement leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory shared paternal pay by virtue of section 171ZU or 171ZV of that Act, statutory parental bereavement pay by virtue of section 171ZZ6 of that Act, statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental leave, parental bereavement leave or adoption leave commences and shall end on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared parental pay, statutory parental bereavement pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared parental pay, statutory parental bereavement pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever shall occur first.

(16) In sub-paragraphs (14) and (15)—

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(17) In sub-paragraphs (6), (8)(a) and (13)(d), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

**26. Additional condition referred to in paragraph 25(10)(b)(i): disability**

(1) Subject to sub-paragraph (2), the additional condition referred to in paragraph 25(10)(b)(i) is that either—

- (a) the applicant or, as the case may be, the other member of the couple—
- (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
  - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act or a state pension under Part 1 of the Pensions Act 2014 and the applicant has since remained continuously entitled to council tax benefit (for the period prior to 1<sup>st</sup> April 2013) or support under the authority's scheme (for the period on or after 1<sup>st</sup> April 2013) and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or
  - (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 25(10)(g) (treatment of child care charges); or
  - (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 25(10)(g); or
  - (v) was in receipt of an AFIP but its payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution; or
  - (vi) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or
  - (vii) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant, or as the case may be, the other member of the couple —
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
  - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
    - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless to be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods must be treated as one continuous period.

(4) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the SSCBA (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(5) In the case of a person who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA), a reference to a period of 56 days in sub-paragraph (3)

must be treated as a reference to a period of 104 weeks.

### **27. Calculation of average weekly income from tax credits**

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is—
  - (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
  - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
  - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
  - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

### **28. Disregard of changes in tax, contributions etc**

In calculating the applicant’s income the authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (aa) in the Scottish basic or other rates of income tax;
- (b) in the amount of any personal tax reliefs under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007;
- (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

### **29. Calculation of net profit of self-employed earners**

- (1) For the purposes of paragraph 24 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account are—
  - (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
  - (b) in the case of a self-employed earner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
    - (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 30 (deduction of tax and contributions of self-employed earners); and
    - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (2) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (8) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
  - (a) subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
  - (b) an amount in respect of—
    - (i) income tax; and
    - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30; and
  - (c) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.
- (3) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (4) Subject to sub-paragraph (5), no deduction is to be made under sub-paragraph (2)(a) or (3), in respect of—
  - (a) any capital expenditure;
  - (b) the depreciation of any capital asset;
  - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
  - (d) any loss incurred before the beginning of the assessment period;
  - (e) the repayment of capital on any loan taken out for the purposes of the employment; and

- (f) any expenses incurred in providing business entertainment.
- (5) A deduction must be made under sub-paragraph (2)(a) or (3) in respect of the repayment of capital on any loan used for—
  - (a) the replacement in the course of business of equipment or machinery; and
  - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (6) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (2)(a) or (3) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (7) For the avoidance of doubt—
  - (a) a deduction must not be made under sub-paragraph (2)(a) or (3) in respect of any sum unless it has been expended for the purposes of the business;
  - (b) a deduction must be made thereunder in respect of—
    - (i) the excess of any value added tax paid over value added tax received in the assessment period;
    - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (8) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—
  - (a) an amount in respect of—
    - (i) income tax; and
    - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30 of this Schedule; and
  - (b) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.
- (9) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (10) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium is to be determined—
  - (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- (11) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

### **30. Calculation of deduction of tax and contributions of self-employed earners**

- (1) The amount to be deducted in respect of income tax under paragraph 29(1)(b)(i), (2)(b)(i) or (8)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—
  - (a) on the basis of the amount of chargeable income; and
  - (b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of national insurance contributions under paragraph 29(1)(b)(i), (2)(b)(ii) or (8)(a)(ii) of this Schedule is the total of—
  - (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant’s chargeable income is less than the amount specified in section 11(4) of that Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
  - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.
- (4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (3) of paragraph 29;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

## **CHAPTER 3**

### **Capital**

#### **31. Calculation of capital**

(1) The capital of an applicant to be taken into account must, subject to sub-paragraph (2), be the whole of his capital calculated in accordance with this Part.

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 6 (capital disregards).

(3) An applicant's capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which support under the Authority's scheme was allowed before those arrears were paid.

#### **32. Calculation of capital in the United Kingdom**

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

#### **33. Calculation of capital outside the United Kingdom**

Capital which an applicant possesses in a country outside the United Kingdom is to be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

#### **34. Notional capital**

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to support under the authority's scheme or increasing the amount of that support except to the extent that that capital is reduced in accordance with paragraph 35 (diminishing notional capital rule).

(2) A person who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case

is to be regarded as not depriving himself of it.

(3) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company must, notwithstanding paragraph 31 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (4), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(4) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (3) is to be disregarded.

(5) Where an applicant is treated as possessing capital under sub-paragraph (1) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

#### **35. Diminishing notional capital rule**

(1) Where an applicant is treated as possessing capital under paragraph 34(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
  - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
  - (ii) a week which follows that relevant week and which satisfies those conditions,is to be reduced by an amount determined under sub-paragraph (3);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
  - (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—
  - (a) he is in receipt of support under the authority's scheme; and
  - (b) but for paragraph 34(1), he would have received greater support under that scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is to be equal to the aggregate of—
  - (a) an amount equal to the additional amount of support in council tax to which subparagraph (2)(b) refers;
  - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
  - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of that reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b), the condition is that the applicant would have been entitled to support in council tax under the authority's scheme in the relevant week but for paragraph 34(1).
- (5) In such a case the amount of reduction in the amount of the capital which he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
  - (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 34(1);
  - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount which is equal to—
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled;
    - or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
  - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a),(b),(c),(d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by-
  - (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
  - (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) must be re-determined under that sub-paragraph if the applicant makes a further application for support in council tax under the authority's scheme and the conditions in sub-paragraph (8) are satisfied, and in such a case-



(a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and

(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further application is made 26 or more weeks after—

(i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 34(1) ;

(ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (5), the date on which he last made an application which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to council tax support under the authority’s scheme, whichever last occurred; and

(b) the applicant would have been entitled to support under the authority’s scheme but for paragraph 34(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) does not have effect if it is less than the amount which applied in that case immediately before the redetermination and in such a case the higher amount shall continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a) means a period of less than a week for which support in council tax under the authority’s scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b) means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) and (e) means—

(i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and

(ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 34(1) -

(a) was first taken into account for the purpose of determining his entitlement to council tax support under the authority’s scheme; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction in council tax under that authority’s scheme,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition the later or latest such reduction week or, as the case may be, the later or latest such part-week of the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

### **36. Capital jointly held**

Except where an applicant possesses capital which is disregarded under paragraph 34(4) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

### **37. Calculation of tariff income from capital**

The capital of an applicant, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

(a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and

(b) £1 for any excess which is not a complete £500.

## **PART 7**

### **Extended reductions [support]**

### **38. Extended reductions [support] (qualifying contributory benefits)**

(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to support under a scheme (by virtue of falling within any of classes A to C) is entitled to an extended reduction (qualifying contributory benefits) where—

(a) the applicant or the applicant’s partner was entitled to a qualifying contributory benefit;

(b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant’s partner—

(i) commenced employment as an employed or self-employed earner;

- (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,
- and that employment is or, as the case may be, increased earnings or increased number of hours are, expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
  - (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to support under the authority's scheme by virtue of falling within any of classes A to C where—
- (a) the applicant ceased to be entitled to support under the authority's scheme because the applicant vacated the dwelling in which the applicant was resident;
  - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

### **39. Duration of extended reduction [support] period (qualifying contributory benefits)**

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
  - (a) at the end of a period of four weeks; or
  - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

### **40. Amount of extended reduction [support] (qualifying contributory benefits)**

- (1) For any week during the extended reduction period the amount of the extended support (qualifying contributory benefits) the applicant is entitled to is the greater of—
  - (a) the amount of council tax support under the authority's scheme to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
  - (b) the amount of support under the authority's scheme to which the applicant would be entitled by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 38 (extended reductions [support] (qualifying contributory benefits)) did not apply to the applicant; or
  - (c) the amount of support under the authority's scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 38 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of extended support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under the authority's scheme, no support is to be awarded during the extended reduction period.

### **41. Extended reductions [support] (qualifying contributory benefits): movers**

- (1) This paragraph applies—
  - (a) to a mover; and
  - (b) from the Monday following the day of the move.
- (2) The amount of the extended support (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is the amount of support under the authority's ("the first authority") scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended support (qualifying contributory benefits) may take the form of a payment from the first authority to—
  - (a) the second authority; or
  - (b) the mover directly.

### **42. Relationship between extended reduction [support] (qualifying contributory benefits) and entitlement to a council tax support by virtue of classes A to C**

- (1) Where an applicant's support under the authority's scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 38(1)(b) (extended reductions [support] (qualifying contributory benefits)), that support does not cease to have effect until the end of the extended reduction period.
- (2) Part 9 (period of entitlement, changes of circumstances) does not apply to any extended support

(qualifying contributory benefits payable in accordance with paragraph 40(1)(a) or paragraph 41(2) (amount of extended reduction: movers).

#### **43. Continuing reductions where state pension credit claimed**

(1) This paragraph applies where—

- (a) the applicant is entitled to support under the authority's scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
  - (i) the applicant has attained the qualifying age for state pension credit;
  - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
  - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
  - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit; and
- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to support under the authority's scheme for the period of 4 weeks beginning on the day following the day on which the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, or income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to support under the scheme.

(4) Where support under that scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3), and the last day of that period falls on a day other than the last day of a reduction week, then support under the scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant shall be disregarded;
  - (b) the maximum council tax support amount of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The appropriate maximum council tax support amount is to be calculated in accordance with paragraph 7(1) if, since the date it was last calculated—
- (a) the applicant's council tax liability has increased; or
  - (b) a change in the deduction under paragraph 8 (non-dependant deductions) falls to be made.

#### **44. Extended reductions: movers into the authority's area**

Where—

- (a) an application is made to the authority ("the current authority") for support under its scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of extended support from—
  - (i) another billing authority in England; or
  - (ii) a billing authority in Wales,

the current authority must reduce any support to which the applicant is entitled under its scheme by the amount of that extended support.

### **PART 8**

#### **When entitlement begins and change of circumstances**

#### **45. Date on which entitlement begins**

(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under the authority's scheme is made and who is otherwise entitled to that support is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to support under the authority's scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he shall be so entitled from that reduction week.

#### **46. Date on which change of circumstances is to take effect**

(1) Except in cases where paragraph 28 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and paragraph 47 (change of circumstances when state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, support under the authority's scheme ("change of circumstances") takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 11A (discounts) of that Act, it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of the authority's scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of the authority's scheme.

(10) Sub-paragraph (11) applies if—

(a) *[omitted] by SI 1305 2017*

(b) either—

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the amount of the deduction which falls to be made under paragraph 8 (non-dependent deductions) increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—

(i) the date on which the applicant's entitlement to support under the authority's scheme first began; or

(ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is the first day of the next reduction week to commence after the date determined under that sub-paragraph.

#### **47. Change of circumstances where state pension credit in payment**

(1) Sub-paragraphs (2) and (3) apply where—

(a) an applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of support he receives under the authority's scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

(a) an increase in the support he receives under that scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the reduction he receives under that scheme, the change takes effect from the first day of the reduction week next following the date on which—

(i) the authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or

(ii) state pension credit is increased

whichever is the later.

(3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the support the applicant receives under the authority's scheme reduces—

(a) in a case where the applicant's state pension credit has been reduced because the applicant failed to

- notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
- (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
  - (ii) state pension credit is reduced,
- whichever is the later.
- (4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of support the applicant receives under the authority's scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.
- (5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of support he receives under the authority's scheme, the change takes effect from the first day of the reduction week next following the date on which—
- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
  - (b) entitlement to state pension credit begins,
- whichever is the later.
- (6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—
- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
  - (b) a change of circumstances which is a relevant determination,
- each of which results in a change in the amount of support the applicant receives under the authority's scheme, the change of circumstances referred to in paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).
- (7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of support the applicant receives under the authority's scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.
- (8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 43 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.
- (9) In this paragraph "official error" means an error made by—
- (a) an authority or a person—
    - (i) authorised to carry out any function of an authority relating to its scheme; or
    - (ii) providing services relating to its scheme directly or indirectly to the authority; or
  - (b) an officer of—
    - (i) the Department for Work and Pensions; or
    - (ii) the Commissioners of Inland Revenue,

acting as such, but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

"relevant calculation or estimate" means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

"relevant determination" means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 14(1) (calculation of applicant's income in savings credit only cases).

## **PART 9**

### **Applications**

#### **48. Date on which an application is made**

(1) Subject to sub-paragraph (7), the date on which an application is made is—

- (a) in a case where-
    - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner and
    - (ii) the application for support is made with one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
- the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
- (b) in a case where –

- (i) an applicant or his partner is a person on receipt of a guarantee credit,
  - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
  - (iii) the application is received at the designated office within one month of the date of the change, the date on which the change takes place;
- (c) in a case where-
- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
  - (ii) the application for support is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received, the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
- (d) in a case where-
- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
  - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
  - (iii) the application is received at the designated office within one month of the date of the change, the date on which the change takes place;
- (e) in a case where-
- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
  - (ii) the applicant makes an application for support under that scheme within one month of the date of the death or the separation, the date of the death or separation;
- (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (g) in any other case, the date on which an application is received at the designated office.
- (2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
  - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 7 of Schedule 7 (applications by telephone)—
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
  - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- (4) The authority must treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 7 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
  - (b) where paragraph 4(b) of Schedule 7 (application not on approved form or further information requested by authority) applies—
    - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
    - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable

within the period of 8 weeks (the relevant period), he may apply for support under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to support under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to support under its scheme for a period beginning not later than -

(a) in the case of an application made by-

(i) a pensioner; or

(ii) person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

(9) For the purposes of sub-paragraph (1)(f) the date an electronic application form was issued shall be the date of first contact on the on-line application form.

#### **49. Back-dating of applications**

(1) This paragraph applies only to persons who are pensioners.

(2) Subject to sub-paragraph (3), the time for the making of an application under the authority's scheme is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such support, that day and the period of three months immediately following it.

(3) In any case where paragraph 48(1)(a) applies (date on which application made; state pension credit comprising guarantee credit) applies, sub-paragraph (2) does not entitle a person to apply for support under the authority's scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

#### **50. Further provision about applications.**

Schedule 8 to these Regulations makes further provision about applications for the council tax support scheme.

## SCHEDULE 2: Applicable amounts for pensioners

### PART 1 Personal allowances

#### 1. Personal allowance

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 6(1)(a) of Schedule 1.

Column (1)	Column (2)
Person or couple	Amount
(1) Single applicant or lone parent who has attained pensionable age before 1 <sup>st</sup> April 2021	(1) £217.00
(2) Couple where one or both members have attained pensionable age before 1 <sup>st</sup> April 2021	(2) £324.70
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 <sup>st</sup> April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £324.70
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £107.70
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	(4) £201.05
(5) Couple where both members have attained pensionable age on or after 1st April 2021	(5) £306.85
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021 -	(6)
(a) for the applicant and the other partner to the marriage;	(a) £306.85
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £105.80

#### 2. Child or young person amounts

- (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 6(1)(b) of Schedule 1.

Column (1)	Column (2)
Child or young person	Amount
<i>Person in respect of the period—</i>	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £77.78
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday	(b) £77.78

- (2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

### PART 2 Family premium

#### 3. Family premium

- (1) The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—
- (a) is £18.53 in respect of a reduction week which begins in the period beginning 1<sup>st</sup> April 2016 and ending with 30<sup>th</sup> April 2016;
- (b) is nil in respect of a reduction week which begins after 1<sup>st</sup> May 2016.
- (2) Subject to paragraph (3), the end date of 30<sup>th</sup> April 2016 in sub-paragraph (1)(a) and, sub-paragraph (1)(b), does not apply to a person who, on 30<sup>th</sup> April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act and is—



- (a) a member of a family of which at least one member is a child or young person; or
  - (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
- (3) Paragraph (1) does not apply if—
- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
  - (b) the person makes a new application for support under an authority's scheme under section 13A(2) of the Act.
- (4) For the purposes of this regulation—
- (a) "the Act" means the Local Government Finance Act 1992;
  - (b) "child", "family", "partner", "polygamous marriage" and "young person" have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

### **PART 3 Premiums**

4. The premiums specified in Part 4 are, for the purposes of paragraph 6(1)(d) of Schedule 1, applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5. (1) Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of –

- (a) attendance allowance;
- (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
- (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (f) an AFIP.

#### **6. Severe disability premium**

(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

- (i) he is in receipt of –
  - (aa) attendance allowance;
  - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
  - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with regulation 4 of the Welfare Reform Act 2012;
  - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
  - (ee) an AFIP and;
  - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
  - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;

(b) in the case of an applicant who has a partner—

- (i) the applicant is in receipt of –

- (aa) attendance allowance;
- (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with regulation 4 of the Welfare Reform Act 2012;
- (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (ee) an AFIP;
- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
- (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in subparagraph (2)(b)(ii), and that partner is blind or severely sight-impaired or is treated as such within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired if he is registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving –
  - (aa) attendance allowance;
  - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
  - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with regulation 4 of the Welfare Reform Act 2012;
  - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
  - (ee) an AFIP; or
- (b) a person who is blind or is treated as blind within the meaning of subparagraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt notwithstanding section 86 of that Act and regulations made thereunder;
- (ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;
- (c) as being in receipt of an AFIP, if he would, but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

- (a) no account is to be taken of an award of care allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
- (b) a reference to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element is to include reference to a person who would have been in receipt of

that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

### **7. Enhanced disability premium**

(1) The condition is that-

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;
  - (aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;
  - (ab) the daily living component of adult disability premium is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;
  - (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of payment in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate under section 78(2) of that Act or
  - (c) an AFIP is payable,
- in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

### **8. Disabled child premium**

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family ; or
- (aa) is in receipt of child disability payment; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.
- (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a family member; or
- (e) is a young person who is receipt of an AFIP.

### **9. Carer premium**

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in a case within sub-paragraph (2)(a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
- (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

### **10. Persons in receipt of concessionary payments**

For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this

Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

#### 11. Person in receipt of benefit

For the purposes of this Part, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

### PART 4

#### 12. Amounts of premium specified in Part 3

Provision	Amount
(1) Severe Disability Premium— (a) where the applicant satisfies the condition in paragraph 6(2)(a);	(1) (a) £76.40;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)— (i) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7); (ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	(b) (i) £76.40;  (ii) £152.80
(2) Enhanced disability premium.	(2) £30.17 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium	(4) £42.75 in respect of each person who satisfies the condition specified in paragraph 9.

**SCHEDULE 3: Amount of alternative maximum council tax reduction [support] for pensioners**

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax support in respect of a day for the purpose of paragraph 9 of Schedule 1 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 4(2) of Schedule 1 applies (class C); and
  - (b) “person to whom paragraph 75(1) of Schedule 1 to the Default Scheme Regulations applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.
- (2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—
- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than support under the authority’s scheme); and
  - (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) Second adult	(2) Alternative maximum council tax reduction [support]
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance— (i) is less than £244.00 per week;  (ii) is not less than £244.00 per week but less than £317.00 per week;	(b)  (i) 15 per cent of the council tax due in respect of that day; (ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 73(1) of Schedule 1 to the Default Scheme Regulations applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker’s allowance	(c) 100 per cent of the council tax due in respect of that day

2. In determining a second adult’s gross income for the purposes of this Schedule, the following must be disregarded from that income —

- (a) any attendance allowance, or any disability living allowance or any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP; and
- (b) any payment to which paragraph 8(9)(b) or (10) of Schedule 1 to these Regulations refers (and sub-paragraph (13) of paragraph 8 applies to this paragraph as it applies in relation to that paragraph).

3. Where there are two or more second adults residing with the applicant and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income is to be disregarded in determining the amount of any alternative maximum council tax reduction [support], unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

## **SCHEDULE 4: Sums disregarded from applicant's earnings for pensioners**

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
  - (a) £25 in the case of a lone parent;
  - (b) £20 in any other case.
2. In a case where an applicant is a lone parent, £25 of earnings.
3. (1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.  
(2) This paragraph applies to employment—
  - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;
  - (c) as an auxiliary coastguard in respect of coast rescue activities;
  - (d) in the manning or launching of a lifeboat if the employment is part-time;
  - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.  
(3) If—
  - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
  - (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
4. (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.  
(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.  
(3) In this paragraph the applicant or his partner is a carer if paragraph 9 of Part 3 of Schedule 2 (amount applicable for carers) is satisfied in respect of him.
5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner—
  - (a) is in receipt of—
    - (i) long-term incapacity benefit under section 30A of the SSCBA;
    - (ii) severe disablement allowance under section 68 of that Act;
    - (iii) attendance allowance under section 64 to 70 of that Act;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries Civilians) Scheme 1983;
    - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
    - (ix) main phase employment and support allowance; or
  - (b) is or are registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
  - (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
    - (ii) in any other case, 364 days; or
  - (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 2007 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
    - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007 has ended; or
    - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that

the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or was in receipt of a reduction under an authority's scheme (including under another authority's scheme) and—

(a) £20 was disregarded in respect of earnings taken into account in that award; and

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

(a) entitlement to housing benefit; or

(b) receipt of a reduction under the authority's (including under another authority's) scheme; or

(c) employment,

following the first day in respect of which that benefit is awarded or the support given under that scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

**6.** (1) Where—

(a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) paragraph 13 of Schedule 1 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 7 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 11 of Schedule 1 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance;

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995, and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

**7.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 5 to these Regulations had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

**8.** Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 must be disregarded if an applicant who has no partner has earnings;

(b) £10 must be disregarded if an applicant who has a partner has earnings.

**9.** Any earnings, other than earnings referred to in paragraph 17(9)(b) of Schedule 1, derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under the authority's scheme.

**10.**—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3),

the amount of his earnings that falls to be disregarded under this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
  - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
  - (ii) if he is a member of a couple—
    - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
    - (bb) his family includes at least one child or young person; or
  - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
  - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person;

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 24(1)(c) of Schedule 1 (calculation of income on a weekly basis); and
- (c) £17.10.

(4) The provisions of regulation 10 (remunerative work) are to apply in determining whether or not a person works for on average not fewer than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

**11.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.



## **SCHEDULE 5: Amounts to be disregarded in the calculation of income other than Earnings for Pensioners**

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, disregard in full any of the following, namely—
  - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) a pension paid by a government to victims of National Socialist persecution.
2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
  - (a) the applicant's need for constant attendance;
  - (b) the applicant's exceptionally severe disablement.
3. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
6. (1) Any payment which is—
  - (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
    - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
    - (ii) whose service in such capacity terminated before 31st March 1973; and
  - (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).
7. £15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.
8. £15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.
9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—
  - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
  - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.
10. If the applicant—
  - (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
  - (b) occupies a part of that property; and
  - (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—

- (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
- (ii) the amount paid is £20 or more per week, £20.

**11.** Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or, if it was higher at the time, pensionable age;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

**12.** (1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
  - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
  - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

**13.** Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

**14.** Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

**15.** Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

**16.** Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**17.** Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

**18.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

**19.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—  
(a) is not in receipt of any award, grant or student loan in respect of that education; or  
(b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,  
and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

(a) the weekly amount of the payments; or

(b) £67.20 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a “student loan” or a “grant” is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.

**20.**(1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

**21.** Except in a case which falls under paragraph 10 of Schedule 4, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

**22.** Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 6 does not exceed £10,000, any income actually derived from such capital.

**23.** Except in the case of income from capital specified in Part 2 of Schedule 6 (capital disregards), any actual income from capital.

**24.** Where the applicant, or the person who was the partner of the applicant on 31<sup>st</sup> March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

**25.** Any victims' payment under the Victims' Payments Regulations 2020.

**26.** Any payment of Attendance Allowance, Disability Living Allowance or Personal Independence Payment.

**27.** Any payment of Child Benefit.

## **SCHEDULE 6: Capital disregards for Pensioners**

### **PART 1**

#### **Capital to be disregarded**

- 1.** Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
- 2.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 3.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 4.** Any premises occupied in whole or in part—
  - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
- 5.** Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
- 6.** Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
- 7.** Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
- 8.** All personal possessions.
- 9.** The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
- 10.** The assets of any business owned in whole or in part by the applicant if—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business, for a period of 26 weeks from the date on which the application for a reduction under the authority's scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
- 11.** The surrender value of any policy of life insurance.
- 12.** The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which—
  - (a) the applicant makes one or more payments to another person ("the provider");
  - (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
  - (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.
- 13.** Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—
  - (a) the applicant;
  - (b) the applicant's partner;
  - (c) the applicant's deceased spouse or deceased civil partner; or
  - (d) the applicant's partner's deceased spouse or deceased civil partner,by the Japanese during the Second World War, an amount equal to that payment.
- 14.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's

partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ends on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph is to apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

**15.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

**16.** (1) Any payment made under or by—

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

(b) the Independent Living Fund (2006).

(1A) Any Grenfell Tower support payment.

(1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.

(1C) Any historical child abuse payment.

(1D) Any Windrush Payment;

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment and which is made to or for the benefit of that person's partner or former partner;

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if –

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, where—

(a) that person at the date of his death (“the relevant date”) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—

(a) any payment of income or capital made under or deriving from any of the Trusts; or

(b) a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment

**16A.** Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

**17.** (1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner, the whole of the amount so administered.

**18.** Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

**19.** Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

**20.** So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

(a) purchasing premises which the applicant intends to occupy as his home; or

(b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

**21.—**(1) Subject to paragraph 22 any amount paid—

(a) by way of arrears of benefit;

(b) by way of compensation for the late payment of benefit;

- (c) in lieu of the payment of benefit;
  - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
  - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or Section 91 of the Housing (Scotland) Act 2001;
  - (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of schedule 1).
  - (g) to rectify, or compensate for, an error made by an officer of the Department of Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.
- (2) In sub-paragraph (1), “benefit” means—
- (a) attendance allowance under section 64 of the SSCBA;
  - (b) disability living allowance;
  - (c) personal independence payment;
  - (d) an AFIP;
  - (e) income support;
  - (f) income-based jobseeker’s allowance;
  - (g) state pension credit;
  - (h) housing benefit;
  - (i) council tax benefit;
  - (j) child tax credit;
  - (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);
  - (l) any amount included on account of the applicant’s exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow’s or widower’s pension;
  - (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (n) working tax credit;
  - (o) income-related employment and support allowance;
  - (p) social fund payments under Part 8 of the SSCBA;
  - (q) universal credit;
  - (r) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);
  - (s) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;
  - (t) funeral expense assistance given in accordance with section 34 of that Act;
  - (u) any Scottish child payment assistance given in accordance with section 79 of that Act;
  - (v) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants)(Scotland) Regulations 2019;
  - (w) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018; or
  - (x) winter heating assistance given in accordance with regulations under section 30 of that Act.
- (3) In sub-paragraph (1) “contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance.
- 22.** (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point of law relating to a relevant benefit and has been received by the applicant in full on or after the day on which he became entitled to support under an authority’s scheme.
- (1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority’s scheme which has been made to rectify, or compensate for, an error made by an officer of the Department of Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance.
- (1B) In sub-paragraph (1A) “contributory employment and support allowance” has the meaning in paragraph 21(3).
- (2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—
- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
  - (b) paragraph 12(2) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996;
  - (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
  - (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,

(e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,  
(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013;  
(g) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014;  
where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1), (1A) or (2) is to have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of support under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
  - (i) is the person who received the relevant sum;
  - (ii) is the partner of that person; or
  - (ii) was the partner of that person at the date of his death;

“official error” means—

- (a) where the error relates to housing benefit or council tax benefit (in respect of any period before 1<sup>st</sup> April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which an application for support under the authority's scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and

“the relevant sum” means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).

**23.** Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

**24.** The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

**25.** Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings for pensioners) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

**26.** The dwelling occupied as the home; but only one dwelling may be disregarded under this paragraph.

**27.**—(1) Subject to sub-paragraph (2) where an applicant falls within class C (alternative maximum council tax reduction), the whole of his capital.

(2) Sub-paragraph (1) does not apply, where an applicant falls within class B (income greater than applicable amount) and class C.

**28.** Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or
  - (b) the amount of that lump sum,
- but only for so long as that person does not change that election in favour of an increase of pension or benefit.

**29.** Any payments made by virtue of regulations made under—

- (a) section 57 of the Health and Social Care Act 2001 (direct payments); or
- (b) Any payment made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);
- (f) Under sections 31 to 33 of the Care Act 2014 (direct payments); or
- (g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).

**29A.** A payment made under the Age-Related Payments Regulations 2013.

**29B.** Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).



**29C.**—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

(a) was formerly in the applicant’s care;

(b) is aged 16 or over; and

(c) continues to live with the applicant.

**29D.** Any lump sum payment made in accordance with regulation 24 of the Victims’ Payments Regulations 2020.

**29E.** Any sum paid by means of assistance in accordance with the Carer’s Assistance (Young Carer Grants)(Scotland) Regulations 2019.

**29F.** Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.

## **PART 2**

### **Capital disregarded only for the purposes of determining deemed income**

**30.** The value of the right to receive any income under a life interest or from a life rent.

**31.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**32.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**33.** Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act 1993; or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies, and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant’s partner, or both, that property.

## **SCHEDULE 7: All applicants: procedural matters**

### **PART 1 Applications**

#### **Procedure by which a person may apply for support under the scheme**

1. Paragraphs 2 to 7 apply to an application made under this scheme.
2. An application may be made—
  - (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone, or;
  - (d) by notice via the Department of Work and Pensions Universal Credit Digital Service (UCDS) New claim notification
3. (1) An application which is made in writing must be made to the designated office on a properly completed form.  
(2) The form must be provided free of charge by the authority for the purpose.
4. (1) Where an application made in writing is defective because—
  - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
  - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,  
the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.  
(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.  
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
7. (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.  
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

### **PART 2 Appeals**

#### **Procedure by which a person may appeal against certain decisions of the authority**

8. (1) A person who is aggrieved by a decision of the authority which affects-
  - (a) the person's entitlement to support under its scheme, or
  - (b) the amount of any support to which that person is entitled,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.  
(2) The authority must—
  - (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing—
    - (i) that the ground is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.  
(3) Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the

authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

### **PART 3**

#### **Discretionary reductions**

#### **Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act**

9. (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
  - (b) a person in that class would otherwise be entitled to support under its scheme,
- that person's application for support under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

### **PART 4**

#### **Electronic communication**

#### **10. Interpretation**

In this Part—

“information” includes an application, a certificate, notice or other evidence; and

“official computer system” means a computer system maintained by or on behalf of the authority for sending, receiving, processing or storing of any information;

#### **11. Conditions for the use of electronic communication**

(1) The authority may use an electronic communication in connection with applications for, and awards of, support under its scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part.

#### **12. Use of intermediaries**

The authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
  - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

#### **13. Effect of delivering information by means of electronic communication**

(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of the authority's scheme, on the day the conditions imposed—

- (a) by this Part; and

(b) by or under an enactment,  
are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **14. Proof of identity of sender or recipient of information**

If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

(a) the sender of any information delivered by means of an electronic communication to an official computer system; or

(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

#### **15. Proof of delivery of information**

(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where—

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

#### **16. Proof of content of information**

If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

## **SCHEDULE 8: All applicants:– other matters**

### **PART 1**

#### **1. Extended reductions[support]: persons who are not pensioners**

Paragraph 2 applies only in relation to persons who are not pensioners.

#### **2. Extended reductions[support]: movers into the authority's area**

Where-

- (a) an applicant is made to the authority (“the current authority”) for support under its scheme, and
- (b) The applicant, or the partner of the applicant, is in receipt of an extended reduction from—
  - (i) another billing authority in England; or
  - (ii) a billing authority in Wales;

the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

### **PART 2**

#### **3. Applications**

Except for paragraph 6 (which applies to persons who are not pensioners only), paragraphs 4 to 13 apply to persons who are pensioners and persons who are not pensioners.

#### **4. Making an application**

(1) In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in subparagraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

- (7) The authority must—
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

## **5. Change of circumstances: persons who are not pensioners**

Paragraph 6 applies only in relation to persons who are not pensioners.

## **6. Date on which change of circumstances is to take effect**

- (1) A change of circumstances which affects entitlement to, or the amount of, support under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit. Where the change is a nominal amount the authority may decide that the change takes effect from a different date
- (2) Subject to sub-paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (3) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 11A (discounts) of that Act, it takes effect from the day on which the change in amount has effect.
- (4) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- (5) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- (6) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (5) they take effect from the day to which the appropriate sub-paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- (7) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (8) Without prejudice to sub-paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

## **7. Information and evidence**

- (1) Subject to sub-paragraph (3), a person who makes an application for support under the authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.
- (2) This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by—
    - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
    - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
  - (b) the person has made an application for a national insurance number to be allocated to him and the application for support is accompanied by—
    - (i) evidence of the application for a national insurance number to be so allocated; and
    - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply—
- (a) in the case of a child or young person in respect of whom an application for support is made;
  - (b) to a person who—
    - (i) is a person treated as not being in Great Britain for the purposes of these Regulations;
    - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
    - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom support under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence

in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to support under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(5) Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which subparagraph (7) applies.

(6) Where the authority makes a request is made under sub-paragraph (4), it must—

(a) inform the applicant or the person to whom support under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and

(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

(7) This sub-paragraph applies to any of the following payments—

(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;

(aa) a Grenfell Tower support payment,

(b) a payment which is disregarded under paragraph 16 of Schedule 6 for Pensioners and paragraph 29 of schedule 11 for working age (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 8(10) of Schedule 1.

(8) Where an applicant or a person to whom support under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—

(a) the name and address of the pension fund holder;

(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

## **8. Amendment and withdrawal of application**

(1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

## **9. Duty to notify changes of circumstances**

(1) Subject to sub-paragraphs (3) and (9) an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—

(a) between the making of an application and a decision being made on it, or

(b) after the decision is made (where the decision is that the applicant is entitled to support under the authority's scheme) including at any time while the applicant is in receipt of such support.

(2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, support under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority—

(a) in writing; or

(b) by telephone—

(i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 7 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

- (ii) in any case or class of case where the authority determines that notice may be given by telephone;  
or
- (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—
- (a) changes in the amount of a council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the support under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph 3(c) "relevant benefit" means income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by subparagraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- (6) The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- (7) A person who has been awarded support under the authority's scheme who is also on state pension credit must report—
- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of support under the authority's scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of—
- (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 12 of Schedule 1 (circumstances in which income of a non-dependant is to be treated as applicant's); or
- (ii) a person to whom paragraph 14(2)(e) of Schedule 1 refers (partner treated as member of the household under regulation 8),
- and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.
- (9) A person who is entitled to support under the authority's scheme and on state pension credit need only report to that authority the changes specified in subparagraphs (7) and (8).

## **10. Amendments to support and recovery**

- (a) Where, on the revision of a decision allowing support under this scheme to a person, it is determined that the amount previously allowed was more than the amount to which that person was entitled, the authority shall amend the award of the support from the date of the change and recover the amount incorrectly paid from the Council Tax account, increasing the amount of Council Tax to pay equivalent to the amount of support incorrectly paid.
- (b) Where support has been incorrectly calculated due to Council error and the Authority considers that it would not be reasonable for the person to whom the support was paid to know that the support was incorrect, then the Authority shall not recover/reverse any amount incorrectly paid for any period prior to the date of the revision. As the previous decision on the amount of the support awarded will have included future entitlement to the end of the relevant financial year, any future support relating to that Council error will be recovered/reversed, even where a Council error has occurred. The start of the 'future date' will be the first date the Council were notified of the error or identified the error, whichever is the earliest date.
- (c) Where, on the revision of a decision allowing support under this scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must make good any shortfall in support which is due to that person, by reducing any future payments he is liable to make in respect of the Council Tax as it has effect for the financial year until that shortfall is made good.



## **11. Decisions by the authority**

This Part applies to persons who are pensioners and persons who are not pensioners.

## **12. Decision by authority**

The authority must make a decision on an application under its scheme within 14 days of paragraphs 5 and 7 of this schedule and Part 1 of Schedule 7 being satisfied, or as soon as reasonably practicable thereafter.

## **13. Notification of decision**

- (1) The authority must notify in writing any person affected by a decision made by it under its scheme—
- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
  - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—
- (a) informing the person affected of the duty imposed by paragraph 9(1);
  - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) setting out the circumstances a change in which might affect entitlement to the support or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- (8) This sub-paragraph applies to—
- (a) the applicant;
  - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
    - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
    - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
    - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
  - (c) a person appointed by the authority under paragraph 4(3) of this schedule (persons appointed to act for a person unable to act);

## **PART 4**

## **14. Circumstances in which a payment may be made**

This part applies to persons who are pensioners and persons who are not pensioners.

## **15. Payment where there is a joint and several liability**

- (1) Where—
- (a) a person is entitled to support under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
  - (b) the person entitled to the support is jointly and severally liable for council tax; and
  - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,
- it may make a payment to him of the amount of the support to which he is entitled, rounded where necessary to the nearest penny.
- (2) Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the support.
- (3) Where a person other than a person who is entitled to support under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to

that person.

## **SCHEDULE 9 – People who are not pensioners**

### **PART ONE Introduction**

#### **1. Additional Interpretation**

In this Schedule the following words have the following meanings assigned to them, notwithstanding any definition in other parts of the scheme -

“applicable amount” means— the amount calculated in accordance with paragraphs 4, 5 and 6 of Schedule 9 and Schedule 10;

“assessment period” such period as is set out in paragraphs 13 to 15 of this Schedule over which income falls to be calculated;

“child care costs element” has the meaning given by regulation 31 of the Universal Credit Regulations 2013;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“earnings” has the meaning given by paragraph 16 and 18 of this Schedule.

“employment zone” means an area with Great Britain designated for the purposes of section 60 of the Welfare Reform Act 1997 and Pensions Act 1999 and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“extended reduction” means a reduction under this scheme for which a person is eligible pursuant to paragraph 52 of this schedule;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 53 or 58 of this schedule;

“extended reduction (qualifying contributory benefits)” means a reduction under this section of the scheme for which a person is eligible pursuant to paragraph 57 of this schedule;

“housing costs element” has the meaning given by regulation 25 of the Universal Credit Regulations 2012;

“mobility supplement” means a supplement to which paragraph 10 of Schedule 12 refers;

“net earnings” means such earnings as are calculated in accordance with paragraph 17 and 18 of this schedule, as the case may be;

“rent” means “eligible rent” to which regulation 11 of the Housing Benefit Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 of this schedule;

“self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc); or

(c) the Employment, Skills and Enterprise Scheme;

“tax year” means a period beginning with 6th April in one year and ending with 5th April in the next.

#### **2. Classes of persons entitled to receive support under this scheme**

Any person who is not a pensioner is entitled to support under this Schedule if-

(a) they are for that day liable to pay council tax to the Authority in respect of a dwelling in which he is resident;

(b) they are not absent from the dwelling throughout the day;

(c) in respect of whom a maximum council tax support amount can be calculated;

(d) they do not fall within a class of person not entitled to support under this scheme;

(e) their capital on that day does not exceed £16,000, and

(f) they have made an application for support under this scheme.

#### **3. Amount of council tax support**

(1) A person entitled to support under this scheme shall be entitled to the maximum council tax support unless their income calculated in accordance with this scheme exceeds their applicable amount.

(2) If paragraph (1) does not apply to a person entitled to support under this scheme they shall be entitled to:

(a) the weekly council tax liability (capped at Band A) less

(b) the amount by which their income calculated in accordance with this scheme exceeds their applicable amount and

(c) the difference between (a) and (b) is reduced by 25%.

(3) If amount of council tax support calculated in accordance with paragraph (2) is less than zero then it shall be deemed to be zero.

## **PART TWO**

### **Applicable Amounts**

#### **4. Applicable amounts for the purposes of calculating eligibility for support under this scheme and the amount of that support**

- (1) Subject to paragraphs 5 and 6, the applicable amount for a week for a person is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with Schedule 10
  - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with Schedule 10;
  - (c) the amount of any elements which may be applicable to him, determined in accordance with that Schedule
  - (d) the amount of either the—
    - (i) limited capability for work and work-related activity element; or
    - (ii) limited capability for work element,which may be applicable to him in accordance with that Schedule
  - (e) the amount of any transitional addition which may be applicable to him in accordance with Parts 3 and 4 of that Schedule (transitional addition).

(2) In Schedule 10—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

#### **5. Polygamous marriages**

Where an applicant is a member of a polygamous marriage, his applicable amount for a week is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 10 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraph (a) for a couple and for a single claimant 25 & over, in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 3 of that Schedule (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) the amount of any elements which may be applicable to him determined in accordance with Parts 1 and 2 of that Schedule;
- (e) the amount of either the—
  - (i) limited capability for work and work-related activity element; or
  - (ii) limited capability for work element,which may be applicable to him in accordance with Part 2 of that Schedule (the components);
- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 3 and 4 of that Schedule (transitional addition).

#### **6. Applicable amount: persons who have an award of universal credit**

(1) In determining the applicable amount for a week of an applicant—

- (a) who has, or
- (b) whose partner has, or
- (c) who (jointly with his partner) has,

an award of universal credit, the applicable amount will be the calculation or estimate of the maximum amount of the applicant, or the applicant’s partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in subparagraph (2).

(2) The adjustment referred to in sub-paragraph (1) is where a housing costs element has been awarded to the applicant, his partner or the applicant and his partner jointly, the amount of that element is to be deducted from the applicable amount.

(3) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

**PART THREE**  
**Maximum Council Tax Support under this Scheme**

**7. Maximum council tax support amount for the purposes of calculating eligibility for support under the authority's scheme**

(1) Subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax support amount in respect of a day is 75 per cent of the amount A/B where—

- (a) A is the lower of
- (i) the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, reduced by any reduction made in consequence of any enactment in or made under the 1992 Act (other than a reduction under this scheme); and
  - (ii) the amount that would have been determined as payable under (i) if the property was in valuation band A and
- (b) B is the number of days in that financial year less any deduction in respect of non-dependants which fall to be made under paragraph 8.

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax support in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (2) does not apply in his case.

(4) The reference in sub-paragraph (2) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 40(2) applies.

(5) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

**8. Non-dependant deductions**

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £14.15 x 1/7;  
(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.60 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £236.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);  
(b) not less than £236.00 but less than £410.00, the deduction to be made under this paragraph is £9.40;  
(c) not less than £410.00 but less than £511.00, the deduction to be made under this paragraph is £11.80.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;  
(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and  
(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or severely sight-impaired or treated as such by virtue of sub-paragraphs (12) or (13) below; or  
(b) receiving in respect of himself—  
(i) attendance allowance, or would be receiving that allowance but for—  
(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;  
or  
(bb) an abatement as a result of hospitalisation; or

- (ii) the care component of the disability living allowance, or would be receiving that component, but for—
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (iiia) the daily living component of adult disability payment; or
  - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if—
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - (b) he is in receipt of a training allowance paid in connection with youth training established under Section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) he is a full-time student within the meaning of Part 6 (Students); or
  - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
    - (i) “patient” has the meaning given in paragraph 5(6) of Schedule 1, and
    - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
  - (e) he is not residing with the applicant because he is a member of the regular forces or the reserved Forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant—
- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance;
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount); but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—
- (a) any attendance allowance, disability living allowance, child disability payment, or personal independence payment, adult disability payment or AFIP received by him;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006) which, are paid as Income in kind see sub-paragraph (13);
  - (ba) any Grenfell Tower support payment which is paid as income in kind (see sub-paragraph (13))
  - (bb) any historical child abuse payment;
  - (bc) any Windrush payment,
  - (c) the payments set out in sub-paragraph (10).
- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the Independent Living Fund (2006);
  - (aa) any Grenfell Tower support payment;
  - (b) any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers and which is made to or for the benefit of—
    - (i) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death;
    - (ii) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
    - (iii) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family;

- (c) any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which paragraph (a) refers and which is made to or for the benefit of—
- (i) the person who is suffering from haemophilia or who is a qualifying person;
  - (ii) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (iii) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family;
- (d) any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which paragraph (a) refers, where—
- (i) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
  - (ii) the payment is made either—
    - (aa) to that person's parent or step-parent, or
    - (bb) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death;
- (e) any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which paragraph (a) refers, where—
- (i) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
  - (ii) the payment is made either—
    - (aa) to that person's parent or step-parent, or
    - (bb) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date;
- (f) in the case of a person to whom or for whose benefit a payment referred to in this sub-paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.
- (g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.
- (11) An applicant, or as the case may be, his partner is blind or severely sight-impaired or treated as such and for the purposes of sub-paragraph (6)(a) if the applicant or his partner
- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services); or
  - (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
  - (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994
- (11A) For the purposes of sub-paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- (12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight shall nevertheless be treated as blind or severely sight-impaired for a period of 28 weeks following the date on which he ceased to be so registered.
- (13) The reference in sub-paragraph (9)(b) to "income in kind" does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- (14) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is in receipt of a Staying Put payment for a young person aged 18 up to 21 years, where –
- (a) the applicant or his partner was a Foster Carer; and
  - (b) they wish to continue to provide their home to support a young person they have fostered, and
  - (c) the young person agrees to the arrangement.

## PART FOUR

### Calculation of Income and Capital: Applicant's Family and polygamous marriages

#### **9. Income and capital for the purposes of calculating eligibility for support under this scheme and amount of support**

(1) The income and capital of—

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

(3) Where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

#### **10. Circumstances in which income and capital of non-dependant is to be treated as applicant's**

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

#### **11. Calculation of income and capital: persons who have an award of universal credit**

(1) This paragraph applies to an applicant—

- (a) who has, or
  - (b) whose partner has, or
  - (c) who (jointly with his partner) has,
- an award of universal credit

(2) Where paragraph (1) above applies the authority will, subject to the following provisions of this paragraph, determine the income of the applicant using the calculation or estimate of the income of the applicant, or the applicant's partner, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award and accordingly part four does not apply to that applicant except to the extent stated in this paragraph.

(3) Where paragraph (1) applies but the Secretary of State has not made any calculation or estimate as described in paragraph (2) the authority will make its own calculation based on the same rules as the Secretary of State would use and the authority's calculation or estimate shall, for the purposes of this Scheme be deemed to have been calculated or estimated by the Secretary of State.

(4) The authority will change the figure for income calculated or estimated by the Secretary of State as follows—

- (a) the figure will be increased by the amount of any universal credit payable net of the child care costs element and housing costs element;
- (b) the figure will be decreased by the amount of any sum to be disregarded under Schedule 12 of this scheme (sums to be disregarded in the calculation of income other than earnings);
- (c) the figure will be increased by the amount of the income and capital of the applicant or any partner of the applicant who is a member of the applicant's household, to the extent that it is not taken into account in determining the net income of the person claiming universal credit;
- (d) paragraph 10 (circumstances in which income of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (e) by multiplying the monthly amount of the payment by 12, dividing the product by the number of days in the financial year and multiplying the product by 7;

(5) Paragraphs 9, 10, 23 to 29 and 31 (calculation of income) apply only for the purpose of determining any modifications which fall to be made to the figure for earned income under sub-paragraph (4).

(6) In determining the capital of an applicant—

(a) who has, or

(b) whose partner has, or

(c) who (jointly with his partner) has

an award of universal credit, the authority will use the calculation or estimate of the capital of the applicant, the applicant's partner or the applicant and his partner jointly (as the case may be) made by the Secretary of State for the purpose of determining that award.

(7) Where paragraph (6) applies but the Secretary of State has not made any calculation or estimate as described in paragraph (6) the authority will make its own calculation based on the same rules as the Secretary of State would use and the authority's calculation or estimate shall, for the purposes of this Scheme be deemed to have been calculated or estimated by the Secretary of State.

## **12. Average weekly earnings of employed earners**

(1) Where the income of an applicant consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—

(a) over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of—

(i) 5 weeks, if he is paid weekly; or

(ii) 2 months, if he is paid monthly; or

(b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—

(a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

(3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 16 and 17.

## **13. Average weekly earnings of self-employed earners**

(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 18 to 24.

## **14. Average weekly income other than earnings**

(1) The income of an applicant which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately; and nothing in this paragraph authorises the authority to disregard any such income other than that specified in Schedule 12.

(2) The period over which any benefit under the Benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 26 of this part.

## **15. Calculation of weekly income**

(1) For the purposes of paragraphs 12 (average weekly earnings of employed earners), 14 (average weekly income other than earnings) and 31 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—

(a) does not exceed a week, the weekly amount is to be the amount of that payment;

(b) exceeds a week, the weekly amount is to be determined—

(i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

(ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

(2) For the purposes of paragraph 13 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

## **16. Earnings of employed earners**



- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
  - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
  - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
  - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
  - (e) any payment by way of a retainer;
  - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
    - (i) travelling expenses incurred by the applicant between his home and place of employment;
    - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
  - (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
  - (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
  - (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
  - (j) any statutory sick pay, statutory maternity pay, statutory paternity pay, statutory shared paternal pay or statutory adoption pay payable under the SSCBA, or a corresponding payment under any enactment having effect in Northern Ireland;
  - (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
  - (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.
- (2) Earnings does not include—
- (a) subject to sub-paragraph (3), any payment in kind;
  - (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
  - (c) any occupational pension;
  - (d) any payment in respect of expenses arising out of the applicant participating as a service user.
- (3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

### 17. Calculation of net earnings of employed earners

- (1) For the purposes of paragraph 12 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.
- (2) There is to be disregarded from an applicant’s net earnings, any sum, where applicable, specified in paragraphs 1 to 13 of Schedule 12.
- (3) For the purposes of sub-paragraph (1) net earnings must be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—
- (a) any amount deducted from those earnings by way of—
    - (i) income tax;
    - (ii) primary Class 1 contributions under the SSCBA;
  - (b) 100% of any contributions made in that period to an occupational or personal pension scheme
- (4) In the case of an applicant who has been employed as an employed earner the following sums shall be disregarded:
- (i) 35% of the applicant’s earned income; and
  - (ii) a sum equal to 2 hours gross pay at the highest rate National Minimum Wage which applies to any person in England.

### 18. Earnings of self-employed earners

- (1) This paragraph applies for the purpose of calculating earned income that is not employed earnings (“self-employed earnings”).
- (2) A person’s self-employed earnings in respect of an assessment period are to be calculated by taking the amount of the gross profits (or, in the case of a partnership, the person’s share of those profits) of the self-employed earner and deducting from that amount—
- (a) any payment made to HMRC in the assessment period in respect of the self-employed earner by way of—

- (i) Class 2 contributions payable under section 11(1) or (3) of the SSCBA or any Class 4 contributions payable under section 15 of that Act; or
  - (ii) income tax; and
- (b) 100% of any contributions made by the person in the assessment period to a personal pension scheme (unless a deduction has been made in respect of those contributions in calculating a person's employed earnings).
  - (c) a sum equal to 2 hours gross pay at the highest rate National Minimum Wage which applies to any person in England; and
  - (d) 35% of the applicant's self-employed income.
- (3) The gross profits of the self-employed earner in respect of an assessment period are the actual receipts in that period less any deductions for expenses specified in paragraph 19 of this schedule.
- (4) The receipts referred to in paragraph (3) include receipts in kind and any refund or repayment of income tax, value added tax or national insurance contributions relating to the self-employed earner.

### **19. Permitted expenses**

- (1) The deductions allowed in the calculation of self-employed earnings are amounts paid in the assessment period in respect of-
- (a) expenses that have been wholly and exclusively incurred for purposes of that self-employment; or
  - (b) in the case of expenses that have been incurred for more than one purpose, an identifiable part or proportion that has been wholly and exclusively incurred for the purposes of the self-employment, excluding any expenses that were incurred unreasonably.
- (2) Expenses deducted in accordance with paragraph (1) may include value added tax.
- (3) No deduction may be made for—
- (a) expenditure on non-depreciating assets (including property, shares or other assets to be held for investment purposes);
  - (b) any loss incurred in respect of a previous assessment period;
  - (c) repayment of capital or payment of interest in relation to a loan taken out for the purposes of the self-employment;
  - (d) expenses for business entertainment.
- (4) This paragraph is subject to paragraph 20 of this Schedule.

### **20. Flat rate deductions for mileage and use of home and adjustment for personal use of business premises**

- (1) This paragraph provides for alternatives to the deductions that would otherwise be allowed under paragraph 19 of this Schedule.
- (2) Instead of a deduction in respect of the actual expenses incurred in relation to the acquisition or use of a motor vehicle, the following deductions are allowed according to the mileage covered on journeys undertaken in the assessment period for the purposes of the self-employment—
- (a) in a car, van or other motor vehicle (apart from a motorcycle), 45 pence per mile for the first 833 miles and 25 pence per mile thereafter; and
  - (b) on a motorcycle, 24 pence per mile,
- and, if the motor vehicle is a car or motor cycle, the only deduction allowed for the acquisition or use of that vehicle is a deduction under this paragraph.
- (3) Where a person whilst trading as a self-employed earner incurs expenses in relation to the use of accommodation occupied as their home, instead of a deduction in respect of the actual expenses, a deduction is allowed according to the number of hours spent in the assessment period on income generating activities related to the self-employment as follows—
- (a) for at least 25 hours but no more than 50 hours, £10.00;
  - (b) for more than 50 hours but no more than 100 hours, £18.00;
  - (c) for more than 100 hours, £26.00.
- (4) Where premises which are used by a person mainly for the purposes of self-employment are also occupied by that person for their personal use, whether alone or with other persons, the deduction allowed for expenses in relation to those premises is the amount that would be allowed under regulation 19(1) if the premises were used wholly and exclusively for purposes of the self-employment, but reduced by the following amount according to the number of persons occupying the premise for their personal use—
- (a) £350.00 per calendar month for one person;
  - (b) £500.00 per calendar month for two persons;
  - (c) £650.00 per calendar month for three or more persons.

### **21. Information for calculating earned income**

- (1) Where—
- (a) a person has employed earnings in respect of which deductions or repayments of income tax are required to be made under the PAYE Regulations; and
  - (b) the person required to make those deductions or repayments is a Real Time Information employer, the information on which the calculation of those earnings is to be based for the purposes of determining the person's earned income is the information about those earnings reported to HMRC in accordance with the

PAYE Regulations.

(2) Where paragraph (1) does not apply or where a Real Time Information employer fails to report information to HMRC, the person must provide such information for the purposes of calculating the person's earned income at such times as the Local Authority may require.

(3) Where, by virtue of paragraph (1), the calculation of employed earnings is to be based on information reported under the PAYE regulations, those employed earnings are to be treated as if they had been received by the person in the assessment period in which the Secretary of State receives that information, unless the Local Authority has made a determination in accordance with regulation 54(2)(b) of the Universal Credit Regulations 2013 (estimate where information not reported) in relation to a previous assessment period.

(4) In this regulation "Real Time Information employer" has the meaning in regulation 2A(1) of the PAYE Regulations.

## **22. Meaning of "gainful self-employment"**

(1) A claimant is in gainful self-employment where the Authority has determined that—

- (a) the claimant is carrying on a trade, profession or vocation as their main employment;
- (b) their earnings from that trade, profession or vocation are self-employed earnings;
- (c) the trade, profession or vocation is organised, developed, regular and carried out in expectation of profit;

## **23. Minimum income floor**

(1) Where a claimant is in gainful self-employment and their earned income in respect of a period is less than the minimum income floor which is 16 hours at the National Minimum Wage, the claimant is to be treated as having earned income equal to the minimum income floor.

(2) Paragraph (1) does not apply within the start-up period.

## **24. Start-up period**

(1) A "start-up period" is a period of 365 days (366 in any leap year) and applies from the date on which a claimant is in gainful self-employment.

(2) Where the gainful self-employment commenced prior to the start date of a claim, the start-up period will begin from the date on which the claimant began gainful self-employment, and not the date of the claim, in accordance with sub-section (1).

(3) But no start-up period may apply in relation to a claimant where a start-up period has previously applied in relation to that claimant, whether in relation to the current award or any previous award, of council tax support, unless that previous start-up period—

- (a) began more than 5 years before the beginning of the period referred to in paragraph (1); and
- (b) applied in relation to a different trade, profession or vocation.

(4) A start-up period may be terminated at any time if the person is no longer in gainful self-employment or is not taking active steps to increase their earnings from that employment to the level of the minimum income floor.

## **25. Evidence and information**

For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions in paragraph 24 (start-up period), the Authority may require the claimant to provide such evidence or information as is reasonably required to determine those questions and to attend at such office or place on such days and at such times as the Secretary of State may direct for that purpose.

## **26. Calculation of income other than earnings:**

(1) For the purposes of paragraph 14 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 27 (capital treated as income).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 12.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

(4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) In sub-paragraph (5), "tax year" means a period beginning with 6th April in one year and ending with 5th April in the next.

(7) Sub-paragraphs (8) and (9) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final

instalment of the relevant payment.

(8) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (8) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 46(5);

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 46(5) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

(9) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 46(5).

(10) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 7;

“assessment period” means—

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 41(7) or both.

(11) For the avoidance of doubt there must be included as income to be taken into account under paragraph (1)—

(a) any payment to which paragraph 16(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

## 27. Capital treated as income

(1) Any payment received under an annuity is to be treated as income.

(2) Any earnings to the extent that they are not a payment of income is to be treated as income.

(3) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

## 28. Notional income:

- (1) An applicant is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (2) Except in the case of—
  - (a) a discretionary trust;
  - (b) a trust derived from a payment made in consequence of a personal injury;
  - (c) any sum to which paragraph 37(2)(a) of Schedule 11 (capital to be disregarded) applies which is administered in the way referred to in paragraph 37(1)(a);
  - (d) any sum to which paragraph 26(a) of Schedule 11 refers;
  - (e) any sum to which sub-paragraph (11) applies, any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made on the date of the application under this scheme or, if later, on the first date that such an application could have been made.
- (3) Any payment of income, other than a payment of income specified in subparagraph (4), made—
  - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
  - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
  - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (4) Sub-paragraph (3) does not apply in respect of a payment of income made—
  - (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006);
  - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
  - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
    - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
    - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
    - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
    - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
    - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
  - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
  - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
  - (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
  - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
    - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
    - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
    - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.
- (6) Subject to sub-paragraph (7), where—
  - (a) an applicant performs a service for another person, and

(b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply—

(a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

(i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or

(ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or

(c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of subparagraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 17(3) (calculation of net earnings of employed earners) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstance; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this subparagraph is to be calculated on a pro rata basis;

(b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and

(c) any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

## **29. Calculation of income on a weekly basis**

(1) The income of an applicant is to be calculated on a weekly basis—

(a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) deducting from the sum of paragraph (a) any relevant child care charges to which paragraph 30 (treatment of child care charges) applies from any earnings which form part of the average weekly income, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in subparagraph (2) applies in his case.

(2) The maximum deduction to which paragraph (1)(b) above refers is to be—

(a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;

(b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

(3) For the purposes of paragraph (1) "income" includes capital treated as income under paragraph 27 (capital treated as income) and income which the applicant is treated as possessing under paragraph 28 (notional income).

## **30. Treatment of child care charges**

(1) This paragraph applies where an applicant is incurring relevant child care charges and—

(a) is a lone parent and is engaged in remunerative work

(aa) in respect of whom child disability payment is payable.

- (b) is a member of a couple both of whom are engaged in remunerative work; or
  - (c) is a member of a couple where one member is engaged in remunerative work and the other—
    - (i) is incapacitated;
    - (ii) is an in-patient in hospital; or
    - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- (a) is paid statutory sick pay;
  - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
  - (c) is paid an employment and support allowance;
  - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
  - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and is to be calculated on a weekly basis in accordance with subparagraph (9).
- (6) The charges are paid by the applicant for care which is provided—
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
  - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—
- (a) in respect of the child's compulsory education;
  - (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with Section 1 paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
  - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- (8) The care to which sub-paragraph (7) refers may be provided—
- (a) out of school hours, by a school on school premises or by a local authority—
    - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
    - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
  - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
  - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
  - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
  - (e) by—
    - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
    - (ii) local authorities registered under section 83(1) of that Act,
 where the care provided is child minding or day care of children within the meaning of that Act; or
  - (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
  - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
  - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
  - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the

- requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
  - (k) by a foster parent or kinship carer under the Fostering Services (England) Regulations 2011, the fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
  - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations, or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or
  - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (10) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant’s applicable amount includes a disability premium on account of the other member’s incapacity or the support component or the work-related activity component on account of his having limited capability for work;
  - (b) the applicant’s applicable amount would include a disability premium on account of the other member’s incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (c) the applicant’s applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;
  - (d) the applicant is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days treated as one continuous period;
  - (e) the applicant has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
  - (f) there is payable in respect of him one or more of the following pensions or allowances—
    - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
    - (ii) attendance allowance under section 64 of the SSCBA;
    - (iii) severe disablement allowance under section 68 of the SSCBA;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) increase of disablement pension under section 104 of the SSCBA;
    - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vi) above;
    - (ix) main phase employment and support allowance;
    - (x) adult disability payment;
  - (g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
  - (h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
    - (i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA;
    - or



- (ii) an abatement as a consequence of hospitalisation;
  - (i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (j) an AFIP would be payable to that person but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
  - (k) paragraph (f),(g),(h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland;
  - or
  - (l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is to, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- (13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—
- (a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for-
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (ba) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations;
  - (c) who is registered as blind in a register compiled under section 29 of the National Assistance 1948 (welfare services) or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
  - (d) who ceased to be registered as blind or severely sight-impaired in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- (14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave, shared parental leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (15) ("the relevant period") provided that—
- (a) in the week before the period of maternity leave, paternity leave, shared parental leave or adoption leave began he was in remunerative work;
  - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
  - (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act, or qualifying support.
- (15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental leave or adoption leave commences and ends on—
- (a) the date that leave ends;
  - (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, ordinary or additional statutory paternity pay, statutory shared paternity pay or statutory adoption pay ends, the date that entitlement ends; or
  - (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay,

- statutory shared paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.
- (16) In sub-paragraphs (14) and (15)—
- (a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
  - (b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).
- (17) In sub-paragraphs (6), (8)(a) and (13)(d), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

### **31. Calculation of average weekly income from tax credits**

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is—
- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
  - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
  - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
  - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

## **PART FIVE**

### **Capital**

### **32. Calculation of capital**

- (1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and any income treated as capital under paragraph 33 (income treated as capital).
- (2) There must be disregarded from the calculation of an applicant’s capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 11.
- (3) The capital of a child or young person who is a member of the family of an applicant must not be treated as capital of the applicant.
- (4) Capital Jointly Held – except where an applicant possesses capital which is disregarded under paragraph 36(5) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the other provisions of this Part apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.
- (5) Calculation of tariff income from capital
- (a) Where the capital of an applicant calculated in accordance with this Part exceeds £6,000, it must be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.
  - (b) Notwithstanding sub-paragraph (a) where any part of the excess is not a complete £250 that part must be treated as equivalent to a weekly tariff income of £1.
  - (c) For the purposes of sub-paragraph (a), capital includes any income treated as capital under paragraph 33 (income treated as capital).

### **33. Income treated as capital**

- (1) Any bounty derived from employment which is paid at intervals of at least one year is to be treated as capital.
- (2) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (3) Any holiday pay which is not earnings under paragraph 16(1)(d) (earnings of employed earners) is to be treated as capital.
- (4) Except any income derived from capital disregarded under paragraphs 2 to 5, 9, 14 and 19 of Schedule 12, any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant’s account.
- (5) In the case of employment as an employee or earner, any advance of earnings or any loan made by the applicant’s employer is to be treated as capital.
- (6) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund,

the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

(7) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(8) Any arrears of working tax credit or child tax credit must be treated as capital.

#### **34. Calculation of capital in the United Kingdom**

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

#### **35. Calculation of capital outside the United Kingdom**

Capital which an applicant possesses in a country outside the United Kingdom will be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

#### **36. Notional capital**

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of that reduction

(2) Except in the case of—

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or

(3) Any payment of capital, other than a payment of capital specified in sub-paragraph (4), made—

- (a) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (b) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

(4) Paragraph (3) does not apply in respect of a payment of capital made—

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iv) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (f) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
  - (i) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (ii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company must, notwithstanding paragraph 32 (calculation of capital) be disregarded; and

- (b) he must, subject to sub-paragraph (6), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (6) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (5) is to be disregarded.
- (7) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

### 37. Diminishing notional capital rule

- (1) Where an applicant is treated as possessing capital under paragraph 36(1) (notional capital), the amount which he is treated as possessing—
  - (a) in the case of a week that is subsequent to—
    - (i) the relevant week in respect of which the conditions set out in subparagraph (2) are satisfied; or
    - (ii) a week which follows that relevant week and which satisfies those conditions,
 is to be reduced by an amount determined under sub-paragraph (3) or (4);
  - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
    - (i) that week is a week subsequent to the relevant week; and
    - (ii) that relevant week is a week in which the condition in sub-paragraph (4) or (7) is satisfied,
 is to be reduced by the amount determined under sub-paragraph (5) or (9).
- (2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—
  - (a) he is in receipt of council tax support under this scheme; and
  - (b) but for paragraph 36(1), he would have received a greater amount of council tax support under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—
  - (a) an amount equal to the additional amount of the council tax support to which sub-paragraph (2)(b) refers;
  - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
  - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of paragraph (1)(b) the condition is that the applicant would have been entitled to council tax support in the relevant week but for paragraph 36(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—
  - (a) the amount of council tax support to which the applicant would have been entitled in the relevant week but for paragraph 36(1);
  - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
  - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and

- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.
- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for council tax support and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words ‘relevant week’ there were substituted the words “relevant subsequent week”; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further claim is made 26 or more weeks after—
- (i) the date on which the applicant made a claim in respect of which he was first treated as possessing the capital in question under paragraph 36(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (5), the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the applicant would have been entitled to council tax support under this scheme but for paragraph 36(1).
- (9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the redetermination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—
- “part-week”—
- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which council tax support under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e) means—
- (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
- (ii) any other period of less than a week for which it is payable;
- “relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 36(1)—
- (a) was first taken into account for the purpose of determining his entitlement to council tax support; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;
- and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;
- “relevant subsequent week” means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

## **PART SIX**

### **Students**

#### **38. Interpretation**

(1) In this Part—

“academic year” means the period of twelve months beginning on 1st January, 1<sup>st</sup> April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;

- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Young People’s Learning Agency for England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under sections 100 and 101 of that Act; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

“contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder’s expenses—
  - (i) the holder of the allowance or bursary;
  - (ii) the holder’s parents;
  - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder’s spouse or civil partner;

“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

“covenant income” means the gross income payable to a full-time student under a Deed of Covenant by his parent;

“education authority” means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

“full-time course of study” means a full-time course of study which—

- (a) is not funded in whole or in part by the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Young People’s Learning Agency for England or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those bodies for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds;

“grant income” means—

- (a) any income by way of a grant;

(b) any contribution whether or not it is paid;

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

“last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

“periods of experience” means periods of work experience which form part of a sandwich course;

“qualifying course” means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations 1996;

“sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

“standard maintenance grant” means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (“the 2003 Regulations”) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as “standard maintenance allowance” for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

“student” means a person, other than a person in receipt of a training allowance, who is attending undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
    - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
    - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
  - (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.
- (3) For the purposes of sub-paragraph (a) of sub-paragraph (2), the period referred to in that sub-paragraph includes—
- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those

examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

### **39. Treatment of students**

This scheme has effect in relation to students subject the following provisions of this Part.

### **40. Students who are excluded from entitlement to a council tax reduction under this scheme**

(1) Subject to sub-paragraphs (2) and (6), this paragraph applies to full-time students and students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this regulation, include the limited capability for work support element or disability element;
- (c) whose applicable amount would include the disability element but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (d) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (e) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (f) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (g) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is—
  - (i) aged under 21 and whose course of study is not a course of higher education, or
  - (ii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—
  - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
  - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students’ Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
  - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
  - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
  - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- (k) who has been made an award of universal credit based on the following qualifying conditions-
  - (i) are a lone parent
  - (ii) have a partner who is also a student and one or both are responsible for a child
  - (iii) have a disability and qualify for the disabled element

(3) For the purposes of sub-paragraph (2)(i)(i) the student must have begun, or been enrolled or accepted onto, the course before attaining the age of 19.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a fulltime student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-



paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

(5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

(6) A full-time student to whom paragraph (i) of sub-paragraph (2) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1) does not apply to a full-time student for the period specified in sub-paragraph (8) if—

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
- (i) engaged in caring for another person; or
  - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—
- (a) the day on which he resumes attending or undertaking the course; or
  - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- whichever shall first occur.

#### **41. Calculation of grant income**

(1) The amount of a student's grant income to be taken into account must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must be excluded from a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant;
- (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—

- (a) the sum of £303.00 per academic year in respect of travel costs; and
  - (b) the sum of £390.00 per academic year towards the costs of books and equipment,
- whether or not any such costs are incurred.

(4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 54(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have

been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

#### **42. Calculation of covenant income where a contribution is assessed**

(1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 41(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards ) Regulations 2003 (travel expenditure).

#### **43. Covenant income where no grant income or no contribution is assessed**

(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph 41(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
- (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 41(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with sub-paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 41(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 41(2)(f) and (g) and (3).

#### **44. Relationship with amounts to be disregarded under Schedule 12**

No part of a student's covenant income or grant income shall be disregarded under paragraph 34 of Schedule 12.

#### **45. Other amounts to be disregarded**

(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 46 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 41(2) (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 41(2) or (3), 42(3), 43(1)(a) or (c) or 46(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

#### **46. Treatment of student loans**

(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
  - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
  - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (b) in respect of an academic year of a course which starts other than on 1<sup>st</sup> September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
  - (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
  - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year, but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, “quarter” shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year’s duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
  - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
  - (ii) where the final academic year starts on 1<sup>st</sup> September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1<sup>st</sup> September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—
  - (i) the first day of the first reduction week in September; or
  - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.00.
- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
  - (a) a student loan has been made to him in respect of that year; or
  - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
  - (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
    - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
    - (ii) any contribution whether or not it has been paid to him;
  - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
    - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
    - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under subparagraph (4)—
  - (a) the sum of £303.00 per academic year in respect of travel costs; and
  - (b) the sum of £390.00 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

#### **47. Treatment of payments from access funds**

- (1) This paragraph applies to payments from access funds that are not payments to which paragraph 50(2) or (3) (income treated as capital) applies.
- (2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.
- (3) Subject to sub-paragraph (4) of this paragraph and paragraph 34 of Schedule 12—
  - (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
  - (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, must be disregarded as income to the extent of £20 per week.
- (4) Where a payment from access funds is made—
  - (a) on or after 1<sup>st</sup> September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
  - (b) before the first day of the course to a person in anticipation of that person becoming a student, that payment must be disregarded as income.

#### **48. Disregard of contribution**

Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

#### **49. Further disregard of student's income**

Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

#### **50. Income treated as capital**

(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

#### **51. Disregard of changes occurring during summer vacation**

In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

### **PART SEVEN**

#### **Extended Reductions [Support]**

#### **52. Extended reductions [Support]**

(1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where—

(a) the applicant or the applicant's partner was entitled to a qualifying income related benefit;

(b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

(c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to support under this scheme by virtue of the general conditions of entitlement where—

(a) the applicant ceased to be entitled to support under this scheme because the applicant vacated the dwelling in which the applicant was resident;

(b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and

(c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

#### **53. Duration of extended reduction [support] period**

(1) Where an applicant is entitled to extended support, the extended support period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended support period ends—

(a) at the end of a period of four weeks; or

(b) on the date on which the applicant to whom the extended support is payable has no liability for council tax, if that occurs first.

#### **54. Amount of extended reduction [support]**

(1) For any week during the extended support period the amount of the extended support to which an applicant is entitled is to be the higher of—

(a) the amount of the support under the authority's scheme to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;

(b) the amount of support under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended support period, if paragraph 61 (extended reductions) did not apply to the applicant; or

(c) the amount of support under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 61 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of extended support under this paragraph and the applicant's partner makes an application for support under this scheme, no amount of support under this scheme is to be awarded by the authority during the extended support period.

#### **55. Extended reductions [support]—movers**

(1) This paragraph applies—

(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended support awarded from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme to which the mover was eligible for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a billing authority other than this one, the extended support (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

(4) In this paragraph—

“the new dwelling” means the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

“the second authority” means the authority to which a mover is liable to make payments for the new dwelling.

#### **56. Relationship between extended reduction [support] and entitlement to reduction [support] under the general conditions of entitlement**

(1) Where support under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 61(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 63 of this schedule and Paragraph 4 of Schedule 8 do not apply to any extended reduction payable in accordance with paragraph 52(1)(a) or 55(2).

#### **57. Extended reductions [support] (qualifying contributory benefits)**

(1) An applicant who is entitled to support under this scheme (by virtue of the general conditions of entitlement) shall be entitled to extended support (qualifying contributory benefits) where—

(a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit; and

(b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

(c) where paragraph (1)(a) applies, the extended support period ends at the end of a period of four weeks; or,

(d) the applicant or the applicant's partner was entitled to contribution based Job Seekers Allowance; and

(e) entitlement to contribution based Job Seekers Allowance ceased because the applicant or the applicant's partner—

(i) commenced employment as an employed or self-employed earner; and

(ii) as a result of commencing employment became entitled to Universal Credit;

- (f) where paragraph (1)(d) applies, the extended support period ends at the end of a period of two weeks;
  - (g) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits or contribution based Job Seekers Allowance for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased;  
and
  - (h) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to support under this scheme by virtue of the general conditions of entitlement where—
- (a) the applicant ceased to be entitled to support under this scheme because the applicant vacated the dwelling in which the applicant was resident;
  - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit or contribution based Job Seekers Allowance ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b); or
  - (d) contribution based Job Seekers Allowance ceased in any of the circumstances listed in sub-paragraph (1)(d).

#### **58. Duration of extended reduction [support] period (qualifying contributory benefits)**

- (1) Where an applicant is entitled to extended support (qualifying contributory benefits), the extended support period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit or contribution based Job Seekers Allowance.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended support period ends on the date on which the applicant entitled to the extended support (qualifying contributory benefits) has no liability for council tax, if that occurs prior to paragraphs 57(1)(c) or (f).

#### **59. Amount of extended reduction [support] (qualifying contributory benefits)**

- (1) For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant is to be the greater of—
- (a) the amount of support under this scheme to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
  - (b) the amount of support under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended support period, if paragraph 57 (extended reductions qualifying contributory benefits) did not apply to the applicant; or
  - (c) the amount of support under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 57 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of extended support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under this scheme, no amount of support shall be allowed by the appropriate authority during the extended support period.

#### **60. Extended reductions [support] (qualifying contributory benefits) - movers**

- (1) This paragraph applies—
- (a) to a mover; and
  - (b) from the Monday following the day of the move.
- (2) The amount of the extended support (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to another authority, the extended support (qualifying contributory benefits) may take the form of a reduction from this authority to—
- (a) that other authority; or
  - (b) the mover directly.

#### **61. Relationship between extended reduction [support] (qualifying contributory benefits) and entitlement to reduction [support] under the general conditions of entitlement**

- (1) Where an applicant's support under this scheme would have ended when the applicant ceased to be

entitled to a qualifying contributory benefit in the circumstances listed in paragraph 57(1)(b), that support does not cease until the end of the extended support period.

(2) Paragraph 63 of this Schedule and Paragraph 4 of Schedule 8 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 54(1)(a) or 55(2) (amount of extended reduction—movers).

## **62. Extended reductions [support]: movers into the authority's area**

Where—

- (a) an application is made to a billing authority (“the current authority”) for support under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of extended support from—
  - (i) another billing authority in England;
  - (ii) a billing authority in Wales;

the current billing authority must reduce any support to which the applicant is entitled under this scheme by the amount of that extended support.

## **PART EIGHT**

### **When entitlement begins and changes of circumstances**

## **63. Date on which entitlement begins**

(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under this scheme is made and who is otherwise entitled to that support is so entitled from the reduction week following the date on which that application is made or is treated as made under paragraph 64.

(2) Where a person is otherwise entitled to support under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he shall be so entitled from that reduction week.

## **PART NINE**

### **Applications**

## **64. Date on which an application is made**

(1) Subject to sub-paragraph (7), the date on which an application is made is—

- (a) in a case where—
  - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
  - (ii) the application for a reduction under this scheme is made within three months of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (b) in a case where—
  - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance, an income-related employment and support allowance or has an award of universal credit,
  - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
  - (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where—
  - (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to support under this scheme, and
  - (ii) where the applicant makes an application within one month (or such longer period as the authority considers reasonable) of the date of the death or the separation,

the date of the death or separation;

- (d) except where paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one month of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(e) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would,

but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 7 to this scheme (applications by telephone)—

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that—

- (a) where paragraph 4(a) of Schedule 7 (incomplete form) applies, the authority receives at the offices of the authority the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where paragraph 4(b) of Schedule 7 (application not on approved form or further information requested by authority) applies—
  - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
  - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to support under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to support under this scheme for a period beginning not later than—

- (a) In the case of an application made by a person who has attained, or whose partner has attained the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(7A) Except in the case of an application made by a person treated as not being in Great Britain, where —

- (a) the application for support is made within one month of the date on which the claim for universal credit was received, and
- (b) the applicant is not entitled to support under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that he will be entitled to support under this scheme for a period beginning not later than the thirteenth week following the date on which the application is made,

the authority may treat the application as made as the start date of the Universal Credit assessment period immediately preceding the first reduction week of that period of entitlement and award support accordingly.

(8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

(9) For the purposes of sub-paragraph (1)(d) the date an electronic application form was issued shall be the date of first contact on the on-line application form.



**65. Periods of absence from a dwelling**

(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—

- (i) the person resides in that accommodation;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period is unlikely to exceed 13 weeks;

(c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) the person is a person to whom sub-paragraph (3) applies; and
- (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—

- (i) the person intends to return to the dwelling;
- (i) the part of the dwelling in which he usually resides is not let or sub-let; and
- (ii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person’s return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person’s partner or a child or young person for whom the person or the person’s partner is responsible;
- (b) the person’s close relative;
- (c) the close relative of the person’s partner; or
- (d) the close relative of a child or young person for whom the person or the person’s partner is responsible, then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically

- approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
  - (e) is undertaking medically approved care of a person;
  - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
  - (g) is receiving medically approved care provided in accommodation other than residential accommodation;
  - (h) is a student;
  - (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
  - (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- (3A) This sub-paragraph applies to a person (“P”) who is—
- (a) detained in custody on remand pending trial;
  - (b) detained pending sentence upon conviction; or
  - (c) as a condition of bail required to reside—
    - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
    - (ii) in premises approved under section 13 of the Offender Management Act 2007,
- and who is not also detained in custody following sentence upon conviction.
- (3B) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- (3D) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (3F) This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- (3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- (4) This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or in Northern Ireland under Article 4 or 2 of the Mental Health (Northern Ireland) Order 1986; and
  - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-

- paragraph (2)(b) or (c), he shall be treated as the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he shall be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- (6) In this paragraph—
- “continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “medically approved” means certified by a medical practitioner;
- “member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;
- “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;
- “residential accommodation” means accommodation which is provided in—
- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

#### **65A. Periods of absence from a dwelling - Transitional Provision**

- (1) The amendments made to paragraph 65A, in accordance with paragraph 2 of the Council Tax Reduction Schemes (Prescribed Requirements)(England)(Amendment) Regulations 2016 (Statutory Instrument 2016 No.1262), shall not apply in respect of a person who is temporarily absent from Great Britain on 1<sup>st</sup> April 2017 until the day that person returns to Great Britain.
- (2) Paragraph (1) does not apply to a person who, on 1<sup>st</sup> April 2017, is temporarily absent from Great Britain and is-
- (a) A member of Her Majesty’s forces posted overseas;
- (b) Absent in the capacity of a continental shelf worker; or
- (c) Absent in the capacity of a mariner.
- (3) In this regulation -
- “continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

## **PART TEN**

### **In Year changes to the Council Tax Support Scheme**

#### **66. In year changes**

(1) The Executive Leader of the Authority may by at any time make a determination that as from a date specified in the determination (or immediately if no such date is specified) the scheme shall have effect as if:

- (a) the applicable amount (or any element of any applicable amount) for any person claiming support under this Schedule was replaced by an amount set out in the determination.
- (b) the figure of 75 per cent in paragraph 7(1) was replaced by a percentage set out in the determination amended as set out in the determination.
- (c) the reference to valuation band A in paragraph 7(1)(a)(ii) was replaced with a different valuation set out in the determination.
- (d) the scheme schedule 11 or schedule 12 being amended as set out in the determination.

## SCHEDULE 10: Applicable Amounts: Persons who are not pensioners

Element	Amount
Standard allowance	
single claimant under 25	£67.20
single claimant 25 or over & Lone Parents	£84.80
joint claimants both under 25	£133.30
joint claimants where either is 25 or over	£133.30
Child element	
first child or qualifying young person	£77.78
second and each subsequent child or qualifying young person	£77.78
Additional amount for disabled child or qualifying young person:	
lower level	£74.69
higher level	£104.86
LCW and LCWRA Elements	
limited capability for work (includes Support component and Disability premium)	£44.70
limited capability for work and work related activity (includes Work Related Activity component)	£33.70
Carer Element	£42.75
Child care costs disregard	Amount variable
maximum amount for one child	£175.00
maximum amount two or more children	£300.00

### PART 1 Elements

- The amounts specified for standard allowance elements in column (2) in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes of paragraphs 4(1)(a) and 5(a) and (b) of Schedule 9—
- For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—
  - paragraph 10 of this Schedule is satisfied in relation to the applicant; or
  - the applicant is entitled to a converted employment and support allowance.
- (1) The amounts specified for child elements in column (2) in respect of each person specified in column (1) shall, for the relevant period specified below, be the amounts specified for the purposes of paragraphs 4(1)(b) and 5(c) of Schedule 9—

### PART 2 Additional Elements

- Except as provided in paragraph 5 of this Schedule, the elements specified in the above table shall, for the purposes of paragraphs 4(1)(d) and 5(e) of Schedule 9, be applicable to an applicant who satisfies the condition specified in paragraphs 8 to 17 of this Schedule in respect of that element.
- Where an applicant or his partner satisfies the conditions in respect of both the Limited Capability for Work element and the Limited Capability for Work and Work Related Activity element, only one element shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- The following premiums, namely—
  - a disabled child premium to which paragraph 15 and 16 of this Schedule applies; and
  - a carer premium to which paragraph 17 of this Schedule applies,
may be applicable in addition to any other element which may apply under this Schedule.
- (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once an element is

applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer element under paragraph 17 of this Schedule, a person shall be treated as being in receipt of carer's allowance by virtue of subparagraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of -

(a) attendance allowance,

(b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;

(d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(f) an AFIP.

## **8. Limited Capability for Work Element**

The condition is that—

(a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9 of this Schedule is satisfied; or

(b) where the applicant has a partner, either—

(i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) or (b) is satisfied by him; or

(ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 9(1)(a) is satisfied by his partner.

## **9. Additional condition for the Limited Capability for Work Element**

(1) Subject to sub-paragraph (2) and paragraph 7 of this Schedule, the additional condition referred to in paragraph 8 of this Schedule is that either—

(a) the applicant or, as the case may be, the other member of the couple—

(i) is in receipt of one or more of the following benefits:., disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

(ii) was in receipt of disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or

(iii) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 30(10)(g) (treatment of child care charges); or

(iv) was in receipt of an AFIP but its payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(v) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or

(vi) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services) or, is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council

constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant or, as the case may be, the other member of the couple—

- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
- (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
  - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
  - (bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(v), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight shall nevertheless be treated as blind or severely sight-impaired and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he shall, on again becoming so incapable of work, immediately thereafter be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the Limited Capability for Work element is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he shall continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods shall be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
  - (b) the reference to a period of 56 days in sub-paragraph (5),
- shall in each case be treated as a reference to a period of 104 weeks.

**10.** The applicant is entitled to one, but not both, of the components in paragraph 13 or 14 of this Schedule if—

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either—
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

**11.** The applicant is entitled to one, but not both, of the components in paragraphs 13 and 14 if the applicant or his partner is entitled to a converted employment and support allowance.

**12.** Where the applicant and the applicant's partner each satisfies paragraph 13 or 14, the component to be included is the element that relates to both the applicant and the applicant's partner.

### **13. The work-related activity component**

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

### **14. The support component**

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

### **15. Disabled child element**

An amount as shown in that table is payable in addition to the child element in respect of each child or qualifying young person who is disabled and that amount is—

- (a) the lower rate where the child or young person is entitled to a disability living allowance, a child disability

- payment or a personal independence payment (unless the higher rate applies); and
- (b) the higher rate where the child or qualifying young person is—
    - (i) entitled to the care component of a disability living allowance at the highest rate, a child disability payment at the highest rate or the daily living component of a personal independence payment at the enhanced rate; or
    - (ii) registered as blind under section 29 of the National Assistance Act 1948 or section 2 of the Local Government etc (Scotland) Act 1994(b) in consequence of having been certified as blind.
  - (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.
  - (d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a family member; or
  - (e) is a young person who is receipt of an AFIP.

**16.** The disabled child element shall be applied where a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is no longer in receipt of disability living allowance or personal independence payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child element was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

#### **17. Carer element**

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer element is awarded but—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case the person in respect of whom a carer element has been awarded ceases to be entitled to a carer's allowance, the condition for the award of the element shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) shall be—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies;
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

#### **18. Persons in receipt of concessionary payments**

For the purpose of determining whether an element is applicable to a person under paragraphs 9 to 17 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

#### **19. Persons in receipt of benefit for another**

For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

### **PART 3**

#### **Transitional Addition**

**20.**(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support



Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008 and—

(i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008; and

(ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 23 of this Schedule would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

(a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;

(b) the termination of the applicant's award of support under this scheme;

(c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;

(d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;

(e) 5th April 2020.

**21.**(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition, ends by virtue of the termination of the applicant's award of support, under—

(i) paragraph 20(2)(b) of this Schedule;

(ii) sub-paragraph (3)(b) of this paragraph; or

(iii) paragraph 22(3)(b) of this Schedule;

(b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to support under this scheme;

(c) in the reduction week in which the applicant again becomes entitled to support under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;

(d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and

(e) at the date on which the applicant again becomes entitled to support under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseekers allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on

which the applicant again becomes entitled to support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 24, unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

(a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;

(b) the termination of the applicant's award of support under this scheme;

(c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);

(d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;

(e) 5th April 2020.

**22.**(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

(i) paragraph 20(2)(c) of this Schedule;

(ii) paragraph 21(3)(c) of this Schedule; or

(iii) sub-paragraph (3)(c) of this paragraph;

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) either—

(i) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations applies to the relevant person; or

(ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations applies in respect of the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support allowance

- which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.
- (2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 24 of this Schedule), unless the amount of the transitional addition would be nil.
- (3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—
- (a) the reduction of the transitional addition to nil in accordance with paragraph 24 of this Schedule;
  - (b) the termination of the applicant's award of support under this scheme;
  - (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
  - (d) the applicant or the applicant's partner becoming entitled to an income related employment and support allowance, an income-based jobseeker's allowance or income support;
  - (e) 5th April 2020.

## PART 4

### Amount of Transitional Addition

- 23.**(1) Subject to paragraph 24 of this Schedule, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.
- (2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Existing Awards) Regulations is made in respect of the relevant person—
- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
  - (b) Amount B is the basic amount that applied on that day as a result of that decision.
- (3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Existing Awards) Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations as modified by the Employment and Support Allowance (Existing Awards) Regulations—
- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
  - (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.
- (4) In this paragraph and paragraph 24, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 4(1)(a) to (d) or paragraph 5(a) to (b) of this scheme.
- 24.** (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances shall be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition shall be reduced to nil.
- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

## **SCHEDULE 11: Capital Disregards: Persons who are not Pensioners**

- 1.** Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- 2.** Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- 3.** Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- 4.** The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 9 of this Schedule 9 (Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction), only one dwelling shall be disregarded under this paragraph.
- 5.** (1) Premises that a person intends to occupy as their home where —
  - (a) the person has acquired the premises within the past 6 months but not yet taken up occupation; or
  - (b) the person is taking steps to obtain possession and has commenced those steps within the past 6 months; or
  - (c) the person is carrying out essential repairs or alterations required to render the premises fit for occupation and these have been commenced within the past 6 months.(2) A person is to be taken to have commenced steps to obtain possession of premises on the date that legal advice is first sought or proceedings are commenced, whichever is earlier.
- 6.** Premises that a person has ceased to occupy as their home following an estrangement from their former partner where—
  - (a) the person has ceased to occupy the premises within the past 6 months; or
  - (b) the person's former partner is a lone parent and occupies the premises as their home.
- 7.** Premises that a person is taking reasonable steps to dispose of where those steps have been commenced within the past 6 months.
- 8.** An amount deposited with a housing association as a condition of the person occupying premises as their home.
- 9.** An amount received within the past 6 months which is to be used for the purchase of premises that the person intends to occupy as their home where that amount—
  - (a) is attributable to the proceeds of the sale of premises formerly occupied by the person as their home; or
  - (b) has been deposited with a housing association as mentioned in paragraph 8;
  - (c) is a grant made to the person for the sole purpose of the purchase of a home.
- 10.** An amount received within the past 6 months that is to be used for making essential repairs or alterations to premises occupied or intended to be occupied as the person's home where that amount has been acquired by the person (whether by grant or loan or otherwise) on condition that it is used for that purpose.
- 11.** An amount received under an insurance policy within the past 6 months in connection with the loss or damage to the premises occupied by the person as their home or to their personal possessions.
- 12.** Premises occupied by a close relative of a person as their home where that close relative has limited capability for work or has reached the qualifying age for state pension credit.
- 13.** Premises occupied by a person's former partner as their home where the person and their former partner are not estranged, but living apart by force of circumstances, for example where the person is in residential care.
- 14.** Where an applicant is on income support, an income-based jobseeker's allowance or an income-related

employment and support allowance, the whole of his capital.

**15.** Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

**16.** Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

**17** Assets which were used wholly or mainly for the purpose of a trade, profession or vocation that the person has ceased to carry on within the past 6 months if-

- (a) the person is taking reasonable steps to dispose of those assets; or
- (b) the person ceased to be engaged in carrying out the trade, profession or vocation because of incapacity and can reasonably expect to be reengaged on recovery.

**18.** Assets which are used wholly or mainly for the purpose of a trade, profession or vocation which the person is carrying on.

**19.** Any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
- (b) an income-related benefit under Part 7 of the Act;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance
- (g) Universal Credit

**20.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

**21.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**22.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

**23.** Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

**24.** The value of the right to receive any income under a life interest or from a life rent.

**25.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

**26.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

**27.** Any social fund payment or payment made by an Authority under any hardship scheme.

**28.** Any capital which by virtue of regulation 27(1)(c) of the Regulations is treated as income, treatment of student loans) is to be treated as income.

29. (1) Any payment made under or by the , the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund. (collectively referred to in this paragraph as “the Trusts”), the Independent Living Fund (2006), Any Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment a historical child abuse payment or a Windrush payment, to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
- (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person’s family; and
- (b) the payment is made either—
  - (i) to that person’s parent or step-parent; or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person’s death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person’s parent or step-parent; or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund and the London Bombings Relief Charitable Fund.

(9) Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

**30.** The value of the right to receive an occupational or personal pension.

**31.** The value of any funds held under a personal pension scheme.

**32.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006).

**33.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 6 months beginning on the date of receipt of the payment.

**34.** Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

**35.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

**36.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

**37.** (1) Any sum of capital to which sub-paragraph (2) applies and—

- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
- (b) which can only be disposed of by order or direction of any such court; or
- (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**38.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**39.** Any payment to the applicant as holder of the Victoria Cross or George Cross.

**40.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 6 months from the date on which that sum was acquired.

**41.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
  - (b) the applicant's partner;
  - (c) the applicant's deceased spouse or deceased civil partner; or
  - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.

**42.**—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's partner who is—

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of

the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph is to apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

**43.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

**44.** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided for or to sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

**45.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care), or Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments).

**46.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**47.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

**48.** Any payment made under the Age-Related Payments Regulations 2013.

**49.** Any payments made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support)(Scotland) Act 2013.

**50.** Any payments to an applicant under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).



## **SCHEDULE 12 – Sums Disregarded in the calculation of Income other than Earnings**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred.
2. Any amount paid by way of tax on income which is to be taken into account under paragraph 26 of Schedule 9 (calculation of income other than earnings).
3. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 28(5) of Schedule 9 (notional income).
4. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
6. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
7. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
8. Any disability living allowance or personal independence payment.
9. Any concessionary payment made to compensate for the non-payment of—
  - (a) any payment specified in paragraph 8;
  - (b) income support;
  - (c) an income-based jobseeker's allowance;
  - (d) an income-related employment and support allowance.
10. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
11. Any attendance allowance.
12. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
13. (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
  - (b) corresponding to such an education maintenance allowance, made pursuant to—
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
    - (ii) regulations made under section 181 of that Act; or
  - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
  - (a) regulations made under section 518 of the Education Act 1996;
  - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
  - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992 in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**14.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.

**15.** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

**16.** (1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased—
  - (i) pursuant to any agreement or court order to make payments to the applicant; or
  - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) shall not apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

**17.** The total of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 10 or 11);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**18.** Subject to paragraph 34, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the Act;
- (b) widowed parent's allowance paid pursuant to section 39A of the Act.

**19.** (1) Any income derived from capital but not income derived from capital disregarded under paragraphs 2 to 5, 9, 14 and 19 of Schedule 11

(2) Income derived from capital disregarded under paragraphs 2 to 5, 9 or 14 or 30 to 33 (as above) of Schedule 11 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that

- income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of “water charges” in Section 1 regulation 2(1) of this scheme applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.

**20.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by section 22 of the Teaching and Higher Education Act 1998, that student’s award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student’s student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

**21.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student’s maintenance, other than a parental contribution falling within paragraph 23 of this Schedule, an amount specified in sub-paragraph (2) in respect of each week during the student’s term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to—

- (a) the weekly amount of the payments; or
- (b) £67.20,

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a “student loan” or a “grant” is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.

**22.** Any payment made to the applicant by a child or young person or a non-dependant.

**23.** (1) Any income in kind, except where paragraph 26(11)(b) of this scheme (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

**24.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**25.** (1) Any payment made to the applicant in respect of a person who is a member of his family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by the authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by the authority to child’s maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

- 26.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
    - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
    - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
    - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
  - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 27.** Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;
  - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (c) a voluntary organisation;
  - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
  - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
  - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.
- 28.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant’s care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
  - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
  - (b) meet any amount due by way of premiums on—
    - (i) that policy; or
    - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which by virtue of paragraph 33 of this scheme (income treated as capital) is to be treated as capital.
- 32.** Any payment made pursuant to the authority’s scheme that replaces the Social Fund as provided for under part 8 of the SSCBA.
- 33.** Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).
- 34.** The total of an applicant’s income or, if he is the sole member of a family, the family’s income and the income of any person which he is treated as possessing under paragraph 9(2) (calculation of income and capital of members of applicant’s family and of a polygamous marriage) to be disregarded under paragraph 42(2)(b)

and paragraph 43(1)(d) of this scheme (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 46(2) of this scheme (treatment of student loans), paragraph 47(3) of this scheme (treatment of payments from access funds) and paragraph 18 of this schedule shall in no case exceed £20 per week.

**35.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund and the London Bombings Relief Charitable Fund.

**36.** Any housing benefit.

**37.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

**38.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of

earnings or for the loss of a benefit payable under the benefit Acts.

**39.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

**40.** Any guardian's allowance.

**41.** (1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

**42.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

**43.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**44.** (1) Any payment which is—

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19<sup>th</sup> December 1881, the Royal Warrant of 27<sup>th</sup> October 1884 and the Order by His Majesty of 14<sup>th</sup> January 1922 (exceptional grants of pay, non-effective pay and allowances).

**45.** Any council tax benefit to which the applicant is entitled for any period prior to 1<sup>st</sup> April 2013.

**46.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

**47.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**48.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

**49.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

**50.** (1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to or on behalf of the applicant or his partner to sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

**51.** Any payment of child benefit.

## Appendices

The following are to be up-rated each year with the changes in amounts to be used in the calculation of the Council Tax Support Scheme in line with the annual DWP updates.

### Appendix 1

#### Schedule 1: Pensioners

These amounts are prescribed.

#### Part 3

##### 8. Non-dependant deductions

- (1)
  - (a) £14.15
  - (b) £4.60
- (2)
  - (a) less than £236.00
  - (b) not less than £236.00 but less than £410.00, deduction £9.40;
  - (c) not less than £410.00 but less than £511.00, deduction £11.80.

#### Part 6

##### 24. Calculation of income on a weekly basis

- (3)
  - (a) £175.00
  - (b) £300.00

#### Schedule 2: Applicable Amounts for Pensioners

These amounts are prescribed.

#### Part 1 – Personal Allowances

##### 1. Personal Allowances Table

Column (1)	Column (2)
Person or couple	Amount
(1) Single applicant or lone parent who has attained pensionable age before 1 <sup>st</sup> April 2021	(1) £217.00
(2) Couple where one or both members have attained pensionable age before 1 <sup>st</sup> April 2021	(2) £324.70
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 <sup>st</sup> April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £324.70
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £107.70
(4) Single applicant or lone parent who has attained pensionable age on or after 1 <sup>st</sup> April 2021	(4) £201.05
(5) Couple where both members have attained pensionable age on or after 1 <sup>st</sup> April 2021	(5) £306.85
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1 <sup>st</sup> April 2021 -	(6)
(a) for the applicant and the other partner to the marriage;	(a) £306.85
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £105.80



Column (1)	Column (2)
Child or young person	Amount
<i>Person in respect of the period—</i>	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £77.78
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £77.78

## 2. Child or young person amounts

### Part 2

#### 3. Family premium

£18.53

Provision	Amount
(1) Severe Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £76.40
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £76.40;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £152.80
(2) Enhanced disability premium.	(2) £30.17 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £42.75 in respect of each person who satisfies the condition specified in paragraph 9.

### Part 4

#### 12. Amounts of premium specified in Part 3

#### Schedule 3: Amount of Alternative Maximum Council Tax Reduction for Pensioners

These amounts are prescribed.

1. In column (1) of the table,

(b)

(i) less than £244.00

(ii) not less than £244.00 per week but less than £317.00 per week

## Appendix 2

### Schedule 9: People who are not Pensioners

#### Part 3

##### 8. Non-dependant deductions

(1)

(a) £14.15

(b) £4.60

(2)

(a) less than £236.00

(b) not less than £236.00 but less than £410.00, deduction £9.40;

(c) not less than £410.00 but less than £511.00, deduction £11.80

#### Part 4

##### 20. Permitted expenses

(2)

(a) 45 pence per mile for the first 833 miles and 25 pence per mile thereafter;

(b) 24 pence per mile

(3)

(a) £10.00

(b) £18.00

(c) £26.00

(4)

(a) £350.00

(b) £500.00

(c) £650.00

##### 29. Calculation of income on a weekly basis

(2)

(a) £175.00

(b) £300.00

#### Part 6

##### 41. Calculation of grant income

(3)

(a) £303.00

(b) £390.00

##### 46. Treatment of Student Loans

(2)(d)(ii) £10.00

(5)

(a) £303.00

(b) £390.00

**Schedule 10: Applicable Amounts for Persons who are not Pensioners**

Column (1) Element	Column (2) Amount
Standard allowance	
single claimant under 25	£67.20
single claimant 25 or over & Lone Parent	£84.80
joint claimants both under 25	£133.30
joint claimants where either is 25 or over	£133.30
Child element	
first child or qualifying young person	£77.78
second and each subsequent child or qualifying young person	£77.78
Additional amount for disabled child or qualifying young person:	
lower level	£74.69
higher level	£104.86
LCW and LCWRA Elements	
limited capability for work (includes Support component and Disability premium)	£44.70
limited capability for work and work related activity (includes Work Related Activity component)	£33.70
Carer Element	£42.75
Child care costs disregard	
maximum amount for one child	£175.00
maximum amount two or more children	£300.00

**(In relation to Schedule 9, Part 2, paragraph 4 – Personal Allowances)**

**Appendix 3**

**(In relation to Schedule 9, Part 2, paragraph 6 – Applicable amount for Persons who have an award of Universal Credit)**

Column (1) Element	Column (2) Amount (monthly)
Standard allowance	
single claimant under 25	£292.11
single claimant 25 or over	£368.74
joint claimants both under 25	£458.51
joint claimants where either is 25 or over	£578.82
Child element	
first child or qualifying young person	£315.00
second and each subsequent child or qualifying young person	£269.58
Additional amount for disabled child or qualifying young person:	
lower level	£146.31
higher level	£456.89
LCW and LCWRA Elements	
limited capability for work	£146.31
limited capability for work and work related activity	£390.06
Carer Element	£185.86

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# Agenda Item 7

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor Vimal Choksi – Executive Member (Towns and Communities)
<b>Reporting Officer:</b>	Debbie Watson, Director of Public Health
<b>Subject:</b>	<b>TAMESIDE SERIOUS VIOLENCE STRATEGY 2024 - 2029</b>
<b>Report Summary:</b>	<p>This report provides an outline of the Serious Violence Strategy for Tameside. This is a five year strategy in response to the new Serious Violence Duty which came into effect in January 2023 across England. This requires a range of local ‘specified authorities’ to set out a strategy for how they will reduce and prevent serious violence in the local area. The strategy for Tameside is based on the findings and recommendations from the Tameside Serious Violence Strategic Needs Assessment which was completed in the autumn of 2023.</p> <p>This strategy aligns to wider priorities across the council including the Health &amp; Wellbeing Strategy; Building Resilience, Tackling Poverty Strategy; and the Community Safety Strategy. This also reflects close working with the Greater Manchester Violence Reduction Unit and aligns to work done at a Greater Manchester level.</p> <p>This strategy will be delivered by, and have oversight from, the Tameside Community Safety Partnership Board, which has representation from each of the specified authorities with responsibility for delivering the duty. This report seeks approval for the final public version of the Tameside Serious Violence Strategy to be published as per the requirements of the Serious Violence Duty. Ongoing delivery and monitoring of the priorities within the strategy will take place at the Tameside Community Safety Partnership Board, including the development of an action plan.</p>
<b>Recommendations:</b>	Executive Cabinet is asked to provide approval of the final five-year Tameside Serious Violence Strategy for publication to ensure the council, along with other specified authorities, meets the requirements of the Serious Violence Duty.
<b>Corporate Plan:</b>	The priority areas in this strategy are broad reaching around the root causes and risk factors for serious violence, and influence several areas of the Corporate Plan and across the life-course, particularly Very Best Start in Life; Resilient Families and Supportive Networks; and Nurturing Communities.
<b>Policy Implications:</b>	Complies with policy.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>The Council and key partners (as stated in section 1.2) need to ensure delivery of the strategy within existing budget allocations.</p> <p>Robust business cases will be required for any additional investment to support the delivery of the strategy that will clearly need to demonstrate the efficiencies that will be realised, pay back timescale for the requested investment together with the impact on</p>

the demand on existing and future service provision.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

The publication of this strategy follows the requirements outlined in the Serious Violence Duty and the statutory guidance for responsible authorities published by the Home Office in December 2022.

**Risk Management:**

Publication of this strategy will ensure that the council and other specified authorities meet their statutory duties as outlined in the Serious Violence Duty. The Community Safety Partnership Board provides robust governance to ensure that the priorities in this strategy are delivered and monitored.

**Access to Information:**

All papers relating to this report can be obtained by contacting: James Mallion, Assistant Director of Public Health

**Background Information:**

The background papers relating to this report can be inspected by contacting James Mallion, Assistant Director of Public Health



Telephone: 07970946485



e-mail: [james.mallion@tameside.gov.uk](mailto:james.mallion@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 The Serious Violence Strategy for Tameside explains the steps that will be taken across the borough to reduce and prevent serious violence over the next five years. In January 2023, the Government introduced a statutory duty, known as The Serious Violence Duty. This requires “specified authorities for a local government area to work together and plan to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence, and to prepare and implement a strategy for preventing, and reducing serious violence in the area”.
- 1.2 The ‘specified authorities’ are responsible in every area for developing and delivering this strategy. In Tameside, these are:
- Tameside Council
  - Greater Manchester Police (GMP)
  - Greater Manchester Fire and Rescue Service (GMFRS)
  - Probation Services
  - Youth Offending Services
  - NHS Greater Manchester Integrated Care Board (NHS GM ICB)
- 1.3 Tameside’s Serious Violence Strategy makes commitments across all of the specified authorities, to take long term approaches to tackle the root causes and risk factors of serious violence. Preventative and early-intervention approaches will be central to this, alongside ensuring ongoing conversations with communities across Tameside to inform the approaches being taken. This strategy outlines some of the key issues around the extent of serious violence in Tameside and the priority interventions and steps needed, working with communities, to both prevent and respond to incidents of serious violence in Tameside to meet the Serious Violence Duty. The full strategy can be found in Appendix 1 of this report.

## 2. DEVELOPING THE SERIOUS VIOLENCE STRATEGY FOR TAMESIDE & GOVERNANCE

- 2.1 The Serious Violence Strategy for Tameside uses a public health approach to tackling serious violence by treating this as a preventable health issue and identifying and addressing the root causes and risk factors. This approach shifts the focus from solely law enforcement and criminal justice responses to a broader range of issues including social, economic, and environmental factors.
- 2.2 Tameside’s Serious Violence Strategy has been developed in partnership with Greater Manchester’s Violence Reduction Unit and is designed to complement the Greater Manchester *Greater Than Violence* strategy. The priorities and approaches that have been put forward are also evidence based, drawing on the findings and recommendations in the 2023 Serious Violence Strategic Needs Assessment for Tameside, which can be found in Appendix 2 of this report.
- 2.3 A range of engagement has taken place with partners in relation to both the strategic needs assessment and the serious violence strategy. Existing public engagement and insights from recent work including the poverty strategy; health and wellbeing strategy; and inequalities reference group was used to inform aspects of this strategy. The priorities set out acknowledge the need to continue to have conversations with the community and do further engagement around this issue.
- 2.4 In terms of governance, the strategy will be delivered in partnership by the specified authorities who sit on the Community Safety Partnership Board for Tameside. There will also be ongoing collaboration and engagement with the relevant authorities under the duty, via their involvement in the Tameside Community Safety Partnership. Ongoing delivery and monitoring of progress against the strategy will sit with the Community Safety Partnership Board, where a detailed action plan will be developed and delivered, and regular updates will

be provided as work progresses. This oversight will ensure that the requirements of the legislation are fulfilled, including those under the Crime and Disorder Act. This will also foster a partnership approach to achieving the ambitions set out in this strategy.

- 2.5 These governance arrangements will oversee the implementation of a public health approach and drive to support partnership working to ensure visibility for overlapping areas such as safeguarding, equality, trauma-responsive service and domestic abuse. Data will be monitored via an outcomes framework which sits with the Tameside Community Safety Partnership Board and is reviewed on a regular basis.
- 2.6 An Equality Impact Assessment of the Tameside Serious Violence Strategy has also been completed, which can be found in Appendix 3 of this report.

### **3. STRATEGIC NEEDS ASSESSMENT – KEY FINDINGS**

- 3.1 The statutory guidance for local areas around the new Serious Violence Duty stipulates that local strategies to prevent and reduce serious violence must be based on an evidence-based strategic needs assessment to identify the kinds of serious violence that occur in the local area, and the causes of that serious violence.
- 3.2 To assist the ten Greater Manchester boroughs in preparing for the Serious Violence Duty, the Greater Manchester Violence Reduction Unit completed a Strategic Needs Assessment around serious violence earlier in 2023. The strategic needs assessment for Tameside is based on local data and insight but also draws on the insight from the GM needs assessment, to ensure these approaches align.
- 3.3 A strategic needs assessment has been completed for Tameside during autumn 2023, which takes a comprehensive, life course approach to examine both the prevalence and trends around violent crime in Tameside, as well as the root causes and risk factors associated with serious violence. The needs assessment has produced a series of key findings and recommendations for the specified authorities in Tameside, which informs the Serious Violence Strategy. The Strategic Needs Assessment can be found in Appendix 2 of this report.
- 3.4 A number of key findings in Tameside have been highlighted through this work, many of which are summarised in the diagram below.





# Serious Violence in Tameside 2023

### Deprivation

28th most deprived local authority out of 317 local authorities in England.

### Poverty

Increased Adverse Childhood Experiences (ACEs)

45% lone-parents are in poverty.

Higher proportion of low-income jobs.

### Wider Determinants

↑ Lone parent households.

↑ Not in education employment or training (NEETs)

↓ Median incomes

↓ Educational attainment.

### Violent Crime

Tameside has seen increases in all reported violent crimes and on an upward trend. This is also the same for the number of attendances to hospital for violence related injuries.

### Alcohol and Substance Misuse

More licensed premises per square km than in the region or nationally.

Majority of violent crime correlates with the hours when licensed premises are open.

### Protected Characteristics

Higher proportion of the population live with a disability.

Over-representative population from ethnic minority communities for both victims and perpetrators of violent crime.

### Location

Most prevalent around Town Centre locations including Ashton-under-Lyne, Stalybridge, Hyde and Hattersley Town Centres.

### Victims

Young males (under 16 years of age) are over-represented in a number of violent crime measures both as victims and perpetrators.

### Children & Young People

↑ High rate of suspensions and permanent exclusions.

More serious violent offences within the Youth Justice System.

### Possession of Weapons

Disproportionately higher compared to the rest of Greater Manchester, linked to Domestic Abuse and associated with young males.

### Domestic Abuse

High-risk domestic abuse has high prevalence in Tameside.

A high proportion of violent crime, particularly knife crime is associated with Domestic Abuse in Tameside.

### Self-directed Violence

The rate of self-harm in Tameside remains significantly worse than the national average.

### Personal Robbery

Lower in Tameside than expected. Males are more likely to be a victim and crimes take place in Town Centres.

### Safeguarding and Ageing Well

Increases in adult safeguarding referrals have been seen in the last few years and may be linked to residents facing multi-disadvantage and complex care issues.



## 4. PRIORITIES FOR TACKLING SERIOUS VIOLENCE

4.1 The Serious Violence Strategy for Tameside puts forward five priority areas where actions will be taken over the next five years to improve how serious violence is reduced and prevented. These five priorities align to the priorities set in the Greater Manchester *Greater Than Violence* Strategy, however the actions under each priority area are specific to Tameside, based on the evidence and findings from the Serious Violence Strategic Needs Assessment.

4.2 The priorities apply to all of the 'specified authorities' in Tameside, which includes Tameside Council; NHS Greater Manchester Integrated Care Board, Greater Manchester Police; Greater Manchester Fire & Rescue Service; Probation Services; and Youth Offending Services.

**4.2.1 Priority 1: Community-Led Approach** – The three objectives under this priority focus on engaging with residents in Tameside on issues relating to serious violence, as well as a focus on specific settings such as prisons and education, and those who are at greatest risk of being both victims and perpetrators of serious violence

**4.2.2 Priority 2: Early and Timely Intervention** – The seven objectives under this priority focus on support for children and young people. This is both in terms of the risk of serious violence, as well as the preventative approach to intervene early for those who need support such as pregnant women and lone parent households on lower incomes; and where there are problematic behaviours or issues around school attendance and engagement. There are also some key themes which are a focus for Tameside including tackling poverty and the harms associated with the wide availability of alcohol in the community.

**4.2.3 Priority 3: Partnerships for Change** – The five objectives under this priority focus on engagement and joint working between the specified authorities and other partners, including ongoing work with the GM VRU; joint work across existing partnership boards in Tameside; sharing best practice; and having a robust approach to monitoring outcomes and progress.

**4.2.4 Priority 4: Equality, Equity and Justice** – The six objectives under this priority focus on targeting the right support for those who need it most in relation to serious violence. Some of the groups identified include vulnerable adults; those in contact with probation services; people with substance misuse issues and victims of domestic abuse. Other opportunities are highlighted including the need to tackle weapons offences; building relationships with faith leaders; and local employers and businesses

**4.2.5 Priority 5: Trauma Responsive Support for Communities in Tameside** – The seven objectives under this priority focus on further targeted approaches in a trauma-responsive way. This will include support for those groups who face additional barriers and are at increased risk from serious violence. This section also highlights the community response required including in several town centres which see concentrations of violent crime.

## 5. NEXT STEPS

5.1 Alongside approval of this strategy by Executive Cabinet, this strategy will also be signed-off within the individual organisations and agencies of each of the specified authorities which the Serious Violence Duty applies to. Nationally there is a requirement to publish this strategy on

the website of each specified authority by 31 January 2024, which will be completed, following this sign off.

- 5.2 The Tameside Community Safety Partnership Board will continue to ensure representation from each of the specified authorities and this is where the ongoing delivery and oversight of the strategy will be held.
- 5.3 Under the five priorities in the strategy, an action plan will be developed, to sit with the Community Safety Partnership Board and Operational Delivery Group. This will drive forward the pieces of work and the commissioning plan required to deliver on the priorities and objectives set out in the strategy.
- 5.4 A communications and engagement plan will also be developed as part of this work to raise awareness and provide assurance of the actions being taken across communities in Tameside to prevent and reduce serious violence.

## **6. RECOMMENDATIONS**

- 6.1 As set out at the front of the report.

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**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

<b>Subject / Title</b>		Tameside Serious Violence Strategy	
<b>Team</b>	<b>Department</b>	<b>Directorate</b>	
Population Health	Population Health	Population Health	
<b>Start Date</b>		<b>Completion Date</b>	
October 2023		January 2024	
<b>Project Lead Officer</b>		James Mallion	
<b>Contract / Commissioning Manager</b>		N/A	
<b>Assistant Director/ Director</b>		James Mallion	
<b>EIA Group (lead contact first)</b>	<b>Job title</b>	<b>Service</b>	
James Mallion	Assistant Director of Public Health	Public Health	
Debbie Watson	Director of Public Health	Public Health	
Dave Smith	Partnership Manager	Community Safety	
Michelle Foxcroft	Public Health Intelligence Manager	Public Health	

**PART 1 – INITIAL SCREENING**

*An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery and/or provision. Note: all other changes – whether a formal decision or not – require consideration for an EIA.*

*The Initial screening is a quick and easy process which aims to identify:*

- those projects, proposals and service or contract changes which require a full EIA by looking at the potential impact on, or relevance to, any of the equality groups*
- prioritise if and when a full EIA should be completed*
- explain and record the reasons why it is deemed a full EIA is not required*

*A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon, or relevance to, people with a protected characteristic. This should be undertaken irrespective of whether the impact or relevancy is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.*

**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

<p><b>1a.</b></p>	<p><b>What is the project, proposal or service / contract change?</b></p>	<p>The EIA is being undertaken to prevent the strategy and plan from adversely affecting people with different protected characteristics or at known disadvantage. The template will identify potential discrimination or disadvantage, propose steps to strengthen against those and record and monitor the success of those strengthening actions.</p> <p>This strategy sets out the priorities and areas of focus for preventing and reducing serious violence in Tameside over the next ten years. This is in response to the new Serious Violence Duty, which the council and other partners (via the Community Safety Partnership) must have a plan in place and published for by the end of January 2024. The strategy is based on a recent strategic needs assessment on serious violence which has been completed. The strategy sets out five key areas, under which are a series of commitments and objectives which is will set out to achieve. This will continue to be worked on in collaboration between the council and other specified authorities responsible for delivering this (including the NHS, police, fire &amp; rescue service, Justice) via the Tameside Community Safety Partnership.</p>
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**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

<b>1b.</b>	<p><b>What are the main aims of the project, proposal or service / contract change?</b></p>	<p>The main aims are to ensure that we are meeting the requirements of the national Serious Violence Duty which sets out a statutory requirement for each area (metropolitan borough of Tameside) to have a plan, which is published, for how the specified authorities will work to reduce and prevent serious violence in the area.</p> <p>The strategy sets out 5 key priorities to achieve this:</p> <ul style="list-style-type: none"> <li>• Community-led approach</li> <li>• Early and timely intervention</li> <li>• Partnerships for change</li> <li>• Equality, equity and justice</li> <li>• Trauma-responsive support for communities in Tameside</li> </ul> <p>Alongside the work that has been done here in Tameside, the Greater Manchester Violence Reduction Unit has also done a GM-wide strategic needs assessment and there is a serious violence strategy for GM. We have worked closely alongside partners in GM, utilising their insight and lived experience work, to inform our approach. The 5 priorities listed above align to the 5 priorities in the GM strategy, however the specific objectives under each are specific to Tameside and based on the evidence, insight and recommendations which have come from the strategic needs assessment that has been completed for Tameside.</p>
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**1c. Will the project, proposal or service / contract change have either a direct or indirect impact on, or relevance to, any groups of people with protected equality characteristics? Where there is a direct or indirect impact on, or relevance to, a group of people with protected equality characteristics as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.**

Protected Characteristic	Direct Impact/ Relevance	Indirect Impact/ Relevance	Little / No Impact / Relevance	Explanation
Age		<u>x</u>		The strategy highlights increasing prevalence of violence and particularly domestic abuse targeted at older victims – the approach outlined in the strategy will have a positive impact to tackle disproportionate impacts of violence on older people as one of the specific priorities is to prioritise work to tackle this abuse among older people. There is also a focus throughout the life-course approach of the strategy, on the importance of early intervention with children and young people and highlights the disproportionate impact of serious violence on young people (both as victims and perpetrators)

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Disability		<u>x</u>		<p>This strategy does identify some of the additional challenges and barriers that people living with physical and learning disabilities face. One of the priorities in the strategy commits to putting trauma-responsive interventions and awareness raising in place to support groups who are at greater risk of serious violence, which includes those living with a disability. There is also a commitment to improve all partners' understanding of the link between violence an neurodiversity including SEND. This strategy also commits to all the 'specified authorities' continuing to engage with relevant forums supporting people with disabilities including the Learning Disabilities &amp; Autism Partnership Group</p>
Ethnicity		<u>x</u>		<p>This strategy recognises the disproportionate impact that people from ethnic minority communities suffer from serious violence, which is not a trend seen in other areas. Based on this, one of the commitments is to strengthen relationships between and with faith groups to increase their visibility and accountability around tackling serious violence. There is also a priority around providing trauma-responsive interventions to people facing additional barriers, such as people from ethnic minority communities.</p>
Sex		<u>x</u>		<p>The strategy highlights the disproportionate impact that serious violence has on young males, both as victims and perpetrators. Based on this, a range of commitments are made around targeted support for young men and boys. This includes co-production and engagement to speak to the groups at greatest risk of being the victims and/or perpetrators of serious violence, including young males; and having trauma-responsive interventions in place for those groups at increased risk, including young males.</p> <p>The strategy also highlights the high prevalence of domestic abuse and violence against women and girls in the borough, which women and girls are disproportionately impacted by, mainly as victims. This can be tackled by having a focus on mens violence against women. A</p>



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				<p>commitment made in the strategy is around embedding early preventative approaches to tackle problem behaviours which can escalate into serious violence. This will focus on supporting education in schools around respectful relationships and tackling misogyny and violence against women. Women and domestic abuse victims are also at greater risk of knife crime in Tameside, therefore a commitment is included in the strategy for the police to appropriately target knife crime interventions, based on this insight for Tameside – including appropriate stop and search interventions. The strategy also commits to enhanced support for pregnant women and lone parents, who may be at increased risk of domestic abuse, and to the wider work to tackle broader forms of domestic abuse across Tameside.</p>
Religion or Belief			<u>x</u>	<p>While there are no immediate risks or disproportionate links identified in this work around serious violence and religion or belief, there is a commitment in the strategy to strengthen relationships between and with faith groups to increase visibility and accountability regarding their role in reducing violence, particularly in relation to young people</p>
Sexual Orientation			<u>x</u>	<p>The strategy highlights that people from LGBTQ+ communities are among those who face additional barriers and are at increased risk of being victims of serious violence. In response to this, the strategy commits to putting a range of trauma-responsive interventions in place to support those groups at increased risk.</p>
Gender Reassignment			<u>x</u>	<p>The strategy highlights that people from LGBTQ+ communities are among those who face additional barriers and are at increased risk of being victims of serious violence. In response to this, the strategy commits to putting a range of trauma-responsive interventions in place to support those groups at increased risk.</p>
Pregnancy & Maternity		<u>x</u>		<p>The strategy identifies that young pregnant women and young parents, particularly lone parent households, are at greater risk of issues including poverty, which itself is a risk factor for serious violence, but these groups are also at increased risk of being</p>

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				victims of serious violence, and particularly domestic abuse themselves. The strategy commits to developing targeted support for younger pregnant women and mothers; and lone parents on lower incomes – this will be across the prevention spectrum from contraception through to parenting, welfare and employment support.
Marriage & Civil Partnership			<u>x</u>	The priorities outlined in this strategy apply to all residents in the borough and present equal opportunity to support regardless of marriage or civil partnership
<b>Other protected groups determined locally by Tameside Metropolitan Borough Council?</b>				
<b>Group (please state)</b>	<b>Direct Impact/Relevance</b>	<b>Indirect Impact/Relevance</b>	<b>Little / No Impact/Relevance</b>	<b>Explanation</b>
Mental Health		<u>x</u>		This strategy recognises the existing inequalities in mental health and wellbeing across the community and sets out specific objectives to improve this including the action to develop an all age borough wide mental health and wellbeing strategy. Mental health is a cross cutting theme in this strategy including tackling inequalities experienced by those living with severe mental illness, transforming community mental health services and reducing the impact of suicides.
Carers		<u>x</u>		Carers have been identified and recognised in a range of evidence (including the Ageing Well Needs Assessment) as requiring support, particularly among older carers. This is identified as an objective, and the strategy also refers to the GM ICP ambitions to support carers.
Military Veterans			<u>x</u>	The priorities outlined in this strategy apply to all residents in the borough and present equal opportunity to support regardless of being military veterans
Breast Feeding		<u>x</u>		Some of the priorities outlined in this strategy refer to improving support for breastfeeding women as part of the best start for every child area of focus.
Cared-for Children		<u>x</u>		The support outlined in the strategy will apply to cared for children, particularly in relation to giving every child the best start with an objective around young people leading positive lives and reducing exposure to health harms such as tobacco and alcohol
Care		<u>x</u>		The support outlined in the strategy will

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Leavers				apply to care leavers, particularly in relation to giving every child the best start with an objective around young people leading positive lives and reducing exposure to health harms such as tobacco and alcohol. Also objectives around contraception access for young people, and committing sustainable resources to in-work support programmes led by the council's work and skills team, some with a particular focus on supporting care leavers
Low or no income groups		<b>x</b>		Evidence presented in the strategy identifies that low income groups also experience inequalities in health outcomes. A recurring theme of providing more support to those in more deprived areas or in greater need to tackle inequalities is included throughout the strategy. There are also specific objectives under 'Strengthening Our Communities' around tackling poverty and supporting the delivery of the Tameside Tackling Poverty Strategy. This strategy will go on to produce action plans around this including measures to monitor the rate of poverty, child poverty and fuel poverty.

**Are there any other groups who you feel may be impacted by the project, proposal or service/contract change or which it may have relevance to?**  
(e.g. *vulnerable residents, isolated residents, those who are homeless*)

Group (please state)	Direct Impact/Rel evance	Indirect Impact/Relev ance	Little / No Impact/Rel evance	Explanation
People living with long term chronic health conditions  Children with Special Educational Needs and Disabilities People not in Education Employment or Training		<b>x</b>		<p>Under the priority around helping people to live well and detect illness earlier in the strategy, there are objectives to focus on secondary prevention by finding more people with risk factors or long term conditions and tackle the barriers they face in accessing support</p> <p>One of the objectives under the best start for children priority is to remove barriers for children and young people living with SEND</p> <p>The priority around helping people get into and stay in good work includes focus on those young people who are NEET</p>

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*Wherever a direct or indirect impact or relevance has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact or relevance is anticipated, this can be explored in more detail when undertaking a full EIA.*

<b>1d.</b>	<b>Does the project, proposal or service / contract change require a full EIA?</b>	<b>Yes</b>	<b>No</b>
		x	
<b>1e.</b>	<b>What are your reasons for the decision made at 1d?</b>	This is a wide ranging strategy which applies to all people and all geographies in the borough and does have indirect impacts on a range of protected characteristics as outlined above.	

*If a full EIA is required please progress to Part 2.*

**PART 2 – FULL EQUALITY IMPACT ASSESSMENT**

**2a. Summary**

The EIA is being undertaken to prevent the strategy and plan from adversely affecting people with different protected characteristics or at known disadvantage. The template will identify potential discrimination or disadvantage, propose steps to strengthen against those and record and monitor the success of those strengthening actions.

This EIA has been undertaken due to the broad nature of the Joint Health & Wellbeing Strategy and Locality Plan for Tameside (2023-2028). This is a strategic overview of the priorities and objectives of both the health and wellbeing board and the Tameside Locality functions of the GM Integrated Care Partnership. These objectives have relevance across all of the health and care sector and public system, as it is the plan of all partners and members of the health and wellbeing board. Therefore this plan impacts on all residents in Tameside and as outlined, the specific priorities and objectives have relevance for a number of protected characteristics and groups within Tameside. This is expected as the nature of the plan is to aim to identify and tackle health inequalities faced by people in Tameside, and therefore certain groups are targeted in terms of specific ambitions for improvements and better support. The intention is that the work which falls out from this strategy and the objectives set will reduce these inequalities and make many improvements of the lives of people across Tameside including and particularly those with some of the protected characteristics identified.

It is a statutory requirement that each borough has a functioning health and wellbeing board and which sets out it's objectives and plan to improve the health of the local population and tackle inequalities (<https://www.gov.uk/government/publications/health-and-wellbeing-boards-guidance/health-and-wellbeing-boards-guidance> )

The proposals and key points for this strategy are to set out and achieve the following vision:  
*That people in Tameside all have the opportunity to have a healthier and happier life, no matter where they live or who they are. This should include people being able to get the help and support they need without facing barriers.*

This will be achieved via a framework of Building Back Stronger, Fairer and Together – with sets of key principles. Also there are six areas of focus within the strategy, with a series of objectives under each, which will work towards achieving the vision. Cross cutting all of this are two priorities around supporting all age mental health and wellbeing; and tackling inequalities.

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### Areas of focus:

- Give Tameside children the best start in life
- Help people stay well across the life course and detect illness earlier
- Enable all Tameside residents to grow old with dignity and independence
- Help people get into and stay in good work
- Strengthen our communities
- Delivery healthy places with accessible and inclusive services

This EIA has identified indirect impacts from the Joint Health & Wellbeing Strategy and Locality Plan for a range of protected characteristics (age; disability; ethnicity; sex and pregnancy & maternity). It has also identified some of the protected groups determined locally in Tameside which are indirectly affected including people with mental health issues; carers; people who are breastfeeding; cared for children; care leavers; and people in low or no income groups. Finally some additional groups have been identified who will be affected by the priorities and objectives set out in this strategy including those living with long term chronic health conditions; Children with Special Educational Needs and Disabilities; and Young People not in Education Employment or Training.

For all of the groups identified above which are affected by this strategy, the intention is that there will be positive impacts for these protected groups due to the nature of the priorities and objectives set out in the strategy. For each of the 6 areas of focus, a set of key objectives has been outlined which commit the Tameside Health & Wellbeing Board and the GM Integrated Care Partnership to delivering on these ambitions and making improvements in order to improve health and wellbeing and the support on offer, particularly for some of the protected groups identified. Examples of this include the focus in the 'best start for every child' priority on breastfeeding and maternity services to support mothers and babies; support for children in care and care leavers; and support for more vulnerable children such as those living in poverty. Other examples include the priority around 'enabling Tameside residents to grow old with dignity and independence' which focus on evidence from the recent Ageing Well Needs Assessment (2022) which identifies older women, older carers, older people with disabilities and older people in ethnic minority communities as being at greater risk of poorer outcomes due to existing inequalities and therefore commitments are made to improve the support available and the focus on this.

In terms of ongoing monitoring, accountability and assurance that these priorities are being followed up and improvements are made, the intention is that two action plans will be developed to sit under this strategy, one for the Health & Wellbeing Board (continuing with a focus on the priorities of poverty, work & skills, and healthy places), and one for the Tameside Strategic Partnership Board (with a focus on health and social care delivery in Tameside). These action plans and progress will be regularly held to account via existing governance at these two forums which meet in public regularly. There will also be outcome and metric monitoring as part of this as outlined in section 10 of the strategy document, with a range of indicators to measure progress to ensure that improvements are made. These include direct measurement of protected groups including the rate of child poverty; rate of breastfeeding initiation; improve falls rates and life expectancy of older people; reduce social isolation of older people; increasing proportion of people with a long term disability in employment.

### **2b. Issues to Consider**

The Health and Care Act 2022 did not change the statutory duties of HWBs as set out by the 2012 Act but established new NHS bodies known as ICBs and required the creation of ICPs in each local system area. This will empower local health and care leaders to join up planning and

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provision of services, both within the NHS and with local authorities, and help deliver more person-centred and preventative care. HWBs continue to be responsible for:

- assessing the health and wellbeing needs of their population and publishing a joint strategic needs assessment (JSNA)
- publishing a joint local health and wellbeing strategy (JLHWS), which sets out the priorities for improving the health and wellbeing of its local population and how the identified needs will be addressed, including addressing health inequalities, and which reflects the evidence of the JSNA
- The JLHWS should directly inform the development of joint commissioning arrangements (see section 75 of the National Health Service Act 2006) in the place and the co-ordination of NHS and local authority commissioning, including Better Care Fund plans

An integrated care board (or ICB) is a statutory NHS organisation which is responsible for developing a plan for meeting the health needs of the population, managing the NHS budget and arranging for the provision of health services in a geographical area. A decision has been made to produce one integrated plan to cover both the Locality Plan and Borough Joint Health and Wellbeing Strategy.

When looking at the protected characteristic groups affected by this strategy, a number of issues have been taken into consideration when priority setting (it should be noted that the impact of this strategy on protected characteristic groups are overwhelmingly positive and aim to tackle the inequalities these groups face):

**Age** – Two of the key priorities/areas of focus within the Strategy are focussed on the best start for children and supporting people as they grow older. While these are directly impacting groups of the population based on age, these priorities are targeted at work and improvements for those who need support the most and will benefit all residents. There is a focus on all age responses and approaches as well such as improving all age mental health and wellbeing. Evidence suggests that a focus on giving children the best start in life protects them from further adverse outcomes and inequalities throughout life, hence the focus on this aspect of the strategy. There is also a focus on enabling people to grow old due to the nature of health issues and ageing (increasing age is a risk factor for most illnesses). There are a number of areas linked to older people where we know further work is needed such as improving the experience and outcomes of older women, those who are disabled or carers, and ethnic minority communities – these issues are informed by the recently Ageing Well Needs Assessment for Tameside. There is also evidence of the disproportionate impact of some health issues on younger people in Tameside, for example Tameside has the highest rate of under 19 hospital admissions for asthma in the country, which is highlighted in the recent Inequalities Report produced by TMBC Population Health. Access to services and support will need to be considered across the life course. Younger residents may struggle to access some sites, or to attend Children may struggle to attend services if parents/guardians/chaperone is working, or during term time. Working age or older people may face potential issues accessing sites if points of care are altered or changed, potential for digital exclusion, may struggle to attend services during work time, may have issues getting to sites which are far away if transport arrangements not in place, mobility issues may affect access.

**Disability** - This strategy is inclusive of those living with a disability and sets out priorities to support residents, particularly children and young people and adults with learning disabilities, and helping those with disabilities get into employment.

**Ethnicity** – People from ethnic minority communities in Tameside face additional barriers and inequalities in health outcomes – this strategy sets out priorities to tackle this such as supporting older ethnic minority communities based on insight from the 2022 Ageing Well Needs Assessment. Outcomes data for a range of health measures also show that people in ethnic minority communities have poorer outcomes including issues such as cardiovascular disease, diabetes and uptake of primary care (including immunisations). This strategy highlights these issues to drive improvements and to tackle them, reducing the inequalities faced by ethnic minority groups in Tameside. Health outcomes for people from Black, Asian and Minority Ethnic backgrounds have historically tracked lower than white ethnicities, brought to light especially during the COVID pandemic. Inequalities can also be seen in Employment and

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progression into more senior roles within workplaces. Language barriers also present barriers to communication

Sex - Evidence put forward in this strategy outlines the inequalities in health outcomes experienced by women in Tameside, with females aged 65 in Tameside having the worst life expectancy in the country. This strategy sets out objectives to tackle these inequalities, particularly for support available to older women and service access for women in general. This will run alongside a focus on universal offers as well for men and women. There remain other issues where men have increased risk or worse outcomes in Tameside, however the outliers when comparing to other areas, are predominantly outcomes for women including overall life expectancy (particularly in older age), cardiovascular disease, cancer and alcohol related conditions. These areas are a focus of this strategy and work will continue to prioritise these issues to address and reduce this inequality that women face in Tameside.

Pregnancy & Maternity - Some of the priorities outlined in this strategy refer to improving support for pregnant women and maternity care. This includes a focus on supporting breastfeeding, tackling smoking in pregnancy and alcohol exposed pregnancies to improve outcomes for mothers and babies. These are all areas where people in Tameside experience inequalities, particularly for people living in more deprived areas. They are also issues which have a substantial impact across the life course both for the mothers and their babies, therefore a focus on this will result in improved outcomes in the long term (preventative). There are some Long COVID impacts on pregnant women who fell ill with the virus – due to lower uptake of vaccination due to early messaging about safety. This group may also be overrepresented in Long-COVID numbers. Black/Asian women's experiences of mortality and morbidity and generally higher number of barriers which impact on safe birth chances.

This also applies to the protected groups as identified locally in Tameside:

People with mental health issues – This strategy recognizes the existing inequalities in mental health and wellbeing across the community and sets out specific objectives to improve this including the action to develop an all age borough wide mental health and wellbeing strategy. Mental health is a cross cutting theme in this strategy including tackling inequalities experienced by those living with severe mental illness, transforming community mental health services and reducing the impact of suicides. Mental health & wellbeing is a cross-cutting theme throughout this strategy due to the substantial impact mental health has on long term outcomes for all people. The framework and approach of 'Building Back Fairer, Stronger, Together' within the strategy also incorporates approaches which prioritise good mental health and wellbeing. There is also substantial evidence that some groups affected by mental health issues face inequalities such as those living with severe mental illness and learning disabilities & autism.

People who are breastfeeding - Some of the priorities outlined in this strategy refer to improving support for breastfeeding women as part of the 'best start for every child' area of focus. This is a priority due to the strong evidence of improved health outcomes for those who are breastfed throughout their lives, hence this is an important, preventative aspect of 'best start for every child' – there are also existing inequalities in breastfeeding initiation with people from more deprived areas less likely to have been breastfed, therefore this strategy ensures a focus on this issue and tackling this inequality. There is also evidence of the benefits to mental health and wellbeing both for the mother and baby (in the long term) from breastfeeding.

Cared for children - The support outlined in the strategy will apply to cared for children, particularly in relation to giving every child the best start with an objective around young people leading positive lives and reducing exposure to health harms such as tobacco and alcohol. There is extensive evidence that people who have been cared for children can experience inequalities and poor health outcomes throughout their lives, therefore this strategy aligns with existing approaches in the borough to support cared for children (including the Children & Young People's Plan; Early

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Help Strategy; Parenting Strategy) and also places a focus on the inequalities that cared for children face to ensure that this is recognised and built into approaches to provide adequate support and access across the system. Some examples of this kind of work will include working on social value contribution of commissioned providers across public services to divert resources to ensuring cared for children/care leavers are given apprenticeship and employment opportunities with a range of services and organisations.

Care leavers - The support outlined in the strategy will apply to care leavers, particularly in relation to giving every child the best start with an objective around young people leading positive lives and reducing exposure to health harms such as tobacco and alcohol. Also objectives around contraception access for young people, and committing sustainable resources to in-work support programmes led by the council's work and skills team, some with a particular focus on supporting care leavers. Similar to the above points relating to cared for children, there is evidence that care leavers experience poor health outcomes throughout their lives, therefore this strategy aligns with existing approaches in the borough to support care leavers (including the Children & Young People's Plan; Early Help Strategy; Parenting Strategy) and also places a focus on the inequalities that care leavers face to ensure that this is recognised and built into approaches to provide adequate support and access across the system. Some examples of this kind of work will include working on social value contribution of commissioned providers across public services to divert resources to ensuring care leavers are given apprenticeship and employment opportunities with a range of services and organisations.

Carers – objectives have been set to improve the system wide understanding of the support needs of carers (particularly older people) and how to give better support to these groups, including those who may be living with carers who can be indirectly affected. Evidence of this came out of the 2022 Ageing Well Needs Assessment, which included resident engagement, where these points came across and which further highlighted some of the inequalities that unpaid carers experience, including adverse impacts on their mental health & wellbeing.

People in low or no income groups - Evidence presented in the strategy identifies that low income groups also experience inequalities in health outcomes. A recurring theme of providing more support to those in more deprived areas or in greater need to tackle inequalities is included throughout the strategy. There are also specific objectives under 'Strengthening Our Communities' around tackling poverty and supporting the delivery of the Tameside Tackling Poverty Strategy. This Health & Wellbeing strategy will go on to produce action plans for meeting all the objectives outlined and will also align closely to the Tackling Poverty Strategy, including measures to monitor the rate of poverty, child poverty and fuel poverty. This work will continue to be reported into the Health & Wellbeing Board, which holds oversight over both the Health & Wellbeing Strategy and the Tackling Poverty Strategy. The strategy was written in light of awareness that people in lower socioeconomic status were overrepresented in the worst health outcomes, with lower life expectancy.

Finally some additional groups have been identified who will be affected by the priorities and objectives set out in this strategy including:

People living with long term chronic health conditions – under the priority around helping people to live well and detect illness earlier in the strategy, there are objectives to focus on secondary prevention by finding more people with risk factors or long term conditions and tackle the barriers they face in accessing support. There are elements of intersectionality for this group, with other inequalities also being barriers and additional risks such as people living in more deprived areas; women; and ethnic minority communities. The strategy drives approaches which take these inequalities into account and looks to innovative approaches to tackle the barriers that certain groups face. There is also a wide range of evidence of the disproportionate impact of many long



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term health issues such as the impact of alcohol consumption, obesity and smoking. These are highlighted in the recent report on inequalities produced by TMBC Population Health.

Children with Special Educational Needs and Disabilities - One of the objectives under the 'best start for every child' priority is to remove barriers for children and young people living with SEND. This is also embedded in approaches throughout all priorities and objectives in the strategy with improving mental health & wellbeing being a cross cutting theme throughout the whole strategy and the 'Building Back Fairer Stronger Together' approach. Some of the areas this is a particular issue for is service access and pathways with long wait lists for service support in some areas/providers. This priority in the strategy will ensure an ongoing focus on these issues to tackle barriers and improve access for children with SEND.

Young People not in Education Employment or Training - The priority around helping people get into and stay in good work includes focus on those young people who are NEET. There is evidence that people in this group face more adverse outcomes in the longer term and are at risk of other issues such as poverty and mental health issues. The priorities within this strategy will ensure an ongoing focus on this issue which will have oversight and continued work from the Health & Wellbeing Board which will include input from key services such as education partners, DWP (Jobcentre) and TMBC Work & Skills team who provide and commission services to support this group.

### **Consultation and Engagement**

During spring 2023, existing priorities for Tameside and recent work done by the Health & Wellbeing Board were used to develop a framework to set longer term objectives under the Health & Wellbeing Strategy and Locality Plan. This built on the previous Locality Plan for Tameside, published in 2019; some of the key strategies recently produced across the system (including the Tameside Tackling Poverty Strategy, Children & Young People Plan, Inclusive Growth Strategy and GM Integrated Care Partnership Strategy); and work done in 2022 with the Health & Wellbeing Board to set a Charter for the Board around the priorities and principles of working and setting specific objectives for the Board to tackle poverty, improve work & skills, and deliver healthy places. All of this recent work already in place fed into the development of this strategy.

One of the core principles of the strategy is to incorporate cross-cutting themes of the most substantial challenges facing Tameside communities. The first of these is tackling inequalities, which is the focus of recent work in the Health & Wellbeing Board, and also has increasing focus in the NHS with the 'Core 20 Plus 5' frameworks. The other cross-cutting theme is improving mental health and wellbeing, which is a wide ranging issue which is relevant to all services and communities.

The strategy outlines the approach of Building Back Fairer Stronger Together to deliver the priorities identified. This approach has been based on the Marmot report for Greater Manchester *Building Back Fairer* which was produced in the wake of the COVID-19 pandemic and also focussed on inequalities. Many of the principles used in the Marmot review, alongside the Greater Manchester Population Health Characteristics Framework have been used to set out how the ambitions of this strategy will be achieved, by Building Back Fairer, Stronger, Together.

Based on this initial work, drafts of the joint strategy were signed off by the Health & Wellbeing Board and Tameside Strategic Partnership Board in June 2023 with a period of consultation with stakeholders and members of the public to take place throughout July and August 2023.

A range of insights from existing consultation and engagement were utilised in the development of this strategy including:

- Themes drawn from core activity of Tameside MBC Communications &

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Engagement team throughout 2022 (21 thematic engagement projects via the Big Conversation; 3 Partnership Engagement Network conferences; 5,453 responses to DJS Research on resident views of the council and the borough; feedback on 35 regional/national consultations; supporting the Tameside Poverty Truth Commission)

- Key points from Tameside Inequalities Reference Group work programmes (digital inclusion; community cohesion; voices of people with learning disabilities; barriers to accessing information; experiences of children & young people; mental health & wellbeing).
- Actions arising from Community Champions Information Sessions
- GM and Tameside Insight Surveys
- Service based lived experience groups (including Maternity Voices Partnership; Domestic Abuse Trust Group)

During July and August 2023, the following consultation and engagement activity took place in order to seek feedback on the content as well as the format, structure and language of the draft strategy to further develop the final version:

- Partner engagement – across key Health & Wellbeing Board Partners
- Voluntary Community Faith & Social Enterprise (VCFSE) Sector engagement session
- Partnership Engagement Network meeting (with a total of 22 attendees)
- Tameside Big Conversation Survey (with a total of 74 responses which were thematically analysed and key points incorporated into the strategy as much as possible)

Some of the key themes coming out of the consultation on the draft strategy included:

- Ensuring adequate focus on mental health & wellbeing and associated indicators
- Stronger emphasis on the role of VCFSE sector organisations in Tameside
- More reference to preventative approaches
- More focus on women’s health issues
- The importance of children attending school and the inequalities seen in those not attending
- The importance of physical activity and access to safe outdoor space to support good health and wellbeing
- The need for better access to early help offers, particularly for more vulnerable children and adults
- Issues with oral health care access and the need for a focus on preventative oral health approaches
- The importance of holistic palliative and end of life care including a focus on emotional and spiritual support and wellbeing
- The need to plan for future skills requirements for the borough in the future
- More emphasis on listening to communities, particularly those with learning disabilities and autism

**2c. Impact/Relevance**

As outlined in the strategy, there is extensive evidence of the disproportionate impact of unequal conditions and circumstances that many people in our community face. The strategy presents a range of data on health inequalities and particularly how these impact people’s long term health outcomes throughout the life course. This relates to the protected characteristics and local factors already identified in the screening and section 2b of this EIA. The aim of this strategy is to raise

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awareness of these inequalities and outcomes across the system and to drive work to tackle these, linking closely with other relevant system strategies.

This strategy provides the priorities and plans for the health & wellbeing board as well as the priorities and structures for the health and care system in Tameside – hence why this is a joint Health & Wellbeing Strategy and Locality Plan. This is accountable to both the Health & Wellbeing Board and the Strategic Partnership Board (Locality Board under the GM ICB) in Tameside.

The intention of the specific objectives under the 6 areas of focus within the strategy are to make specific improvements in health and wellbeing across Tameside to close the gap of poorer health outcomes between those who are living in more deprived areas or those facing other inequalities and barriers including women, older people, and people in ethnic minority communities.

While the objectives under ‘giving every child the best start in life’ are specific and relate to services, these are preventative in terms of the life course and all services and access points will be increasingly targeted towards those who are in need of more support and face additional barriers.

Under the priority ‘helping people to stay well across the life course’, there is a focus on secondary prevention to support those at greater risk of long term health conditions, but also to adapt approaches to doing this to ensure that inequalities are addressed and methods to engage with people are based on tackling barriers and finding people who have traditionally faced challenges in accessing support.

The priority ‘enabling all Tameside residents to grow old with dignity and independence’ will have a focus on the groups of older people who face additional barriers and require more support. This includes the groups identified in the recent Ageing Well Needs Assessment including older women, ethnic minority communities and those living with a disability.

While the majority of the priorities and ambitions within the strategy are relatively high level and apply to wider services across multiple partners and the borough as a whole, these will be distilled down further into robust action plans, which will continue to be under the scope of this EIA and any impacts on the groups listed in previous sections will be considered. While there is no direct service uptake or usage data included within this assessment, there is assurance that there are no negative impacts on any protected characteristic or other groups as a result of the work that is being driven by and proposed as part of this strategy. The action plans associated with this strategy will be developed by partners at both the Tameside Health & Wellbeing Board and the Strategic Partnership Board, with ongoing monitoring and assurance of these also taking place at these boards, with continued work on this EIA and monitoring of the potential positive and/or negative impact of the specific interventions on protected groups. Considerable effort is being invested into the development of metrics to ensure we are measuring what we set out to measure in the most meaningful way. We would favour an approach to information collection is able to identify as broad a reach into protected characteristics and beyond as possible – at a ward and neighbourhood level.

Equality is therefore core to this plan as it is aimed at Greater Manchester citizens in the whole and their access to, experience of, and outcomes from care services, prevention and early help support and the factors influencing health more broadly.

**2d. Mitigations** *(Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)*

**Tameside Metropolitan Borough Council  
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<i>Impact/Relevance 1 (Describe)</i>	<p>n/a – no negative or adverse impacts have been identified as a result of implementing the Tameside Joint Health &amp; Wellbeing Strategy and Locality Plan. Where there is a specific focus on a protected group in order to address particular inequalities or existing adverse outcomes for that group, a balance between targeted enhanced support for those who need it more, and ongoing universal service offers will be maintained.</p> <p>An inclusive local communications approach will be developed for example in multiple languages, using a social marketing approach sensitive to the needs of our communities, and alternative to digital means will be developed.</p> <p>Training will be developed alongside the communication plan to raise awareness of inequalities including attitudinal/ societal and discrimination impacts.</p> <p>As highlighted in the Borough Tackling Poverty Strategy, there is more to be done to identify those who face socio-economic disadvantage and offer services/support closer to home. More focus should be given on the areas where there is already discrimination and disadvantage which impacts outcomes.</p> <p>An example of an effective intervention in this way is the targeted mobile vaccination in reach approach used by Hyde locality during the COVID vaccination rollout, and the Helping Hands Roadshow to increase financial resilience and maximise income.</p>
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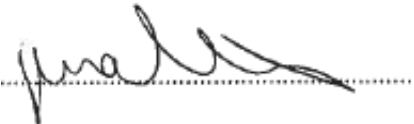

**2e. Evidence Sources**

<p>Tameside Joint Strategy Needs Assessment (<a href="https://www.tameside.gov.uk/publichealth/healthandwellbeing">https://www.tameside.gov.uk/publichealth/healthandwellbeing</a>) including: Ageing Well Needs Assessment (2022); Tameside JSNA Summary – Post-COVID-19 Pandemic Inequalities and Recovery in Tameside (2023); CYP Needs Assessment (2021); Health &amp; Wellbeing – Tameside 100 Children; Tameside Cycle of Inequalities</p> <p>Building Resilience: Tackling Poverty in Tameside (2023) - <a href="https://www.tameside.gov.uk/tacklingpovertystrategy">https://www.tameside.gov.uk/tacklingpovertystrategy</a></p> <p>Greater Manchester Integrated Care Partnership Strategy (2023) - <a href="https://gmintegratedcare.org.uk/greatermanchester-icp/icp-strategy/">https://gmintegratedcare.org.uk/greatermanchester-icp/icp-strategy/</a></p> <p>Gov.uk Health &amp; Wellbeing Boards: Guidance (updated 2022) - <a href="https://www.gov.uk/government/publications/health-and-wellbeing-boards-guidance">https://www.gov.uk/government/publications/health-and-wellbeing-boards-guidance</a></p>
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**2f. Monitoring progress**

<b>Issue / Action</b>	<b>Lead officer</b>	<b>Timescale</b>
<i>Publication of Joint Health &amp; Wellbeing Strategy and Locality Plan (2023-2028) via Tameside Health &amp; Wellbeing Board and Tameside Strategic Partnership Board</i>	<i>Debbie Watson Trish Cavanagh</i>	<i>By 30/09/2023</i>
<i>Agreed metrics for outcomes monitoring under</i>	<i>James Mallion /</i>	<i>Autumn 2023</i>

**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

<i>the strategy including priorities highlighted around protected groups as part of the EIA – engagement with system stakeholders.</i>	<i>Tameside Provider Partnership</i>	
<i>Agreed action plans for the Health &amp; Wellbeing Board workplan (agreed at Health &amp; Wellbeing Board) and the delivery of the Locality Plan under the health and care system (agreed at Tameside Strategic Partnership Board)</i>	<i>James Mallion / Steph Sloan</i>	<i>By end December 2023</i>
<i>Ongoing monitoring of outcomes and action plans including regular review of EIA priorities under this strategy at the point of significant milestones such as the publication of the action plans under the strategy, and as a minimum on an annual basis going forward.</i>	<i>James Mallion / Steph Sloan</i>	<i>Ongoing</i>
<b>Signature of Contract / Commissioning Manager</b>		<b>Date</b>
		<b>21/08/23</b>
<b>Signature of Assistant Director / Director</b>		<b>Date</b>
		<b>21/08/23</b>

*Guidance below to be removed from the completed EIA template submitted to Executive Board, Executive Cabinet or Strategic Commissioning Board (SCB)*

**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Guidance**

The purpose of an EIA is to aid compliance with the public sector equality duty (section 149 of the Equality Act 2010), which requires that public bodies, in the exercise of their functions, pay ‘due regard’ to the need to eliminate discrimination, victimisation, and harassment; advance equality of opportunity; and foster good relations. To this end, there are a number of corporately agreed criteria:

- An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery. All other changes, whether a formal decision or not, require consideration for the necessity of an EIA.
- The decision as to whether an EIA is required rests with the relevant Project Lead or Contract / Commissioning Manager, in consultation with the appropriate Assistant Director / Director where necessary. Where an EIA is not required, the reason(s) for this must be detailed within the appropriate report by way of a judgement statement.
- EIAs must be timely, with any findings as to the impact or relevance of a change in policy or procedure which affects residents, the public, service users, patients or staff, being brought to the attention of the decision maker in the body of the main accompanying report. As such, EIAs must be conducted alongside the development of any policy change, with appropriate

## Tameside Metropolitan Borough Council Equality Impact Assessment (EIA) Form

mitigations integrated into its development where any potentially detrimental or inequitable impact is identified.

### How to complete the EIA Form

EIAs should always be carried out by at least 2 people, and as part of the overall approach to a service review or service delivery change. Guidance from case law indicates that judgements arrived at in isolation are not consistent with showing 'due regard' to the necessary equality duties.

### Part 1 – Initial Screening

The Initial Screening is a quick and easy process which aims to identify:

- those projects, proposals and service / contract changes which require a full EIA by looking at the potential impact on, or relevance to, any of the equality groups
- prioritise if and when a full EIA should be completed
- explain and record the reasons why it is deemed a full EIA is not required

A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon, or relevance to, people with a protected characteristic. This should be undertaken irrespective of whether the impact or relevance is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and Assistant Director / Director.

Wherever a direct or indirect impact or relevance has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact or relevance is anticipated, this can be explored in more detail when undertaking a full EIA.

The table below is an example of what part 1c of the screening process may look like. In this example we have used a review of the services delivered at Children's Centres and the impact or relevance this may have.

<b>1c. Will the project, proposal or service / contract change have either a direct or indirect impact on, or relevance to, any groups of people with protected equality characteristics? Where there is a direct or indirect impact on, or relevance to, a group of people with protected equality characteristics as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.</b>				
Protected Characteristic	Direct Impact /Relevance	Indirect Impact/ Relevance	Little / No Impact/Relevance	Explanation
Age	✓			Children's Centre services are targeted to the 0 to 5 age group
Disability		✓		Some Children's Centre users may be disabled
Ethnicity		✓		Children's Centre users come from a range of ethnic backgrounds
Sex		✓		Children's

**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

				Centres aren't sex specific but evidence shows service users are predominantly women
Religion or Belief			✓	
Sexual Orientation			✓	
Gender Reassignment			✓	
Pregnancy & Maternity	✓			Children's Centres provide services to pregnant women
Marriage & Civil Partnership			✓	
Care Leavers			✓	Children's Centre services are targeted to the 0 to 5 age group
Cared for Children	✓			We actively encourage parents/carers to attend
Low or No Income Group		✓		Children's Centre users come from a range of socio economic backgrounds
<b>Tameside Metropolitan Borough Council locally determined protected groups?</b>				
Mental Health			✓	
Carers		✓		
Military Veterans			✓	
Breast Feeding	✓			Children's Centres provide services to pregnant women and new mothers
<b>Are there any other groups who you feel may be impacted by the project, proposal or service/contract change or which it may have relevance to? (e.g. vulnerable residents, isolated residents, low income households, those who are homeless)</b>				
<b>Group (please state)</b>	<b>Direct Impact/Relevance</b>	<b>Indirect Impact/Relevance</b>	<b>Little / No Impact/Relevance</b>	<b>Explanation</b>
Lone Parents		✓		Children's Centre users may include lone parents

**Tameside Metropolitan Borough Council  
Equality Impact Assessment (EIA) Form**

Disadvantaged families	✓			Children's Centres support the most disadvantaged families, with an aim to reduce inequalities in child development and school readiness.
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**Part 2 – Full Equality Impact Assessment**

If a full EIA is required then part 2 of the EIA form should be completed.

**2a. Summary**

In this section you should:

- Explain the reason why the EIA was undertaken i.e. the main drivers such as a change in policy or legislation etc. This can be a combination of factors.
- Outline what the proposals are
- Summarise the main findings of the EIA - what are the main impacts or relevancies of the change in policy and what protected characteristic groups do they effect?
- Summarise what measures have been put in place to mitigate any negative impact or relevance and how the success of these measures will be monitored

It may be useful to complete this section towards the end of the EIA process.

**2b. Issues to Consider**

In this section you should give details of the issues you have taken into consideration when coming to your proposals / recommendations and outline the protected characteristic group(s) affected - Age, Ethnicity, Disability, Sex, Sexual Orientation, Religion / Belief, Gender Reassignment, Pregnancy/Maternity, Marriage/Civil Partnership, and how people associated with someone with a particular characteristic (i.e. a carer of a disabled and / or elderly person may be affected (you can refer to the information in 1c identifying those groups who may be affected).

Considerations should include (but are not limited to):-

- Legislative drivers. How have you considered the Equality Act, and the elimination of discrimination, victimisation and harassment, and the three arms of the PSED in coming to a decision / set of proposals i.e. the need to take into account the specific needs of disabled people above and beyond the general needs of other service users? You should consider similar circumstances where a similar service has been provided and changed, and whether this has been challenged. What rules / laws was it challenged under, and what lessons have you taken from this? This can include things such as Judicial Reviews or cases considered by the relevant Ombudsman.
- Comparative data and examples of learning from other areas / benchmarking (linked to legal issues as above)
- Financial considerations. How have your recommendation / proposals been shaped by finances /



## **Tameside Metropolitan Borough Council Equality Impact Assessment (EIA) Form**

resources available (please note –legal rulings have indicated that the need to make savings alone is not likely to be deemed sufficient on its own to justify reduction in services – evidence of assessment of impact and relevance is required to ensure a safe and sound decision)

- Service user information. What information do you hold about service users and patients and their protected characteristics? How does this compare to comparative data i.e. national / regional picture?

- Consultation, engagement & feedback. What work has been done to ensure interested parties have been made aware of proposed changes, and that comments have been recorded and have the opportunity to influence the final decision? You should detail when consultation took place, those involved i.e. staff, service users, timescales. Any consultation should be timely in order to ensure that all participants are able to contribute fully.

### **2c. Impact/Relevance**

Use this section to outline what the impact or relevance of the changes being proposed is likely to be based on the evidence, and consultation & engagement? Will there be a disproportionate impact on, or relevance to, particular group/s? Does the evidence indicate that a particular group is not benefiting from the service as anticipated? What are the uptake / participation rates amongst groups? Where a greater impact on, or relevance to, a particular group is recorded, is this consistent with the policy's aims? Does the project, proposal and service / contract change include provision for addressing inequality of delivery / provision?

Try to distinguish clearly between any negative impacts or relevancies that are or could be unlawful (which can never be justified) and negative impacts or relevancies that may create disadvantage for some groups but can be justified overall (with explanation). Similarly, does the evidence point to areas of good practice that require safeguarding? How will this be done?

### **2d. Mitigations**

Where any potential impacts or relevancies have been identified as a result of the EIA, you should detail here what can be done to reduce or mitigate these.

### **2e. Evidence Sources**

Use this section to list all sources of information that the EIA draws upon. Evidence can include surveys & questionnaires, policy papers, minutes of meetings, specific service user consultation exercises, interviews etc

*NB – this section is not asking you to give details of your findings from these sources, just the sources from which evidence and considerations were drawn.*

### **2f. Monitoring Progress**

Use this section to identify any ongoing issues raised by the EIA, how these will be monitored, who is the lead officer responsible and expected timescale.

### **Sign Off**

Once the EIA is complete this should be signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.

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# DRAFT

NOT FOR WIDER CIRCULATION



## **Strategic Needs Assessment for Serious Violence 2023**

# Version Control

Version	Date	Updated By	Updates
V1	23.08.2023	Michelle Foxcroft	Initial draft
V1.1	07.09.2023	Michelle Foxcroft	Added content to chapters
V1.2	18.09.2023	Michelle Foxcroft	Completed chapters
V1.3	20.09.2023	Michelle Foxcroft	Added recommendations and summary
V2	29.09.2023	Michelle Foxcroft	Reformatted tables
V3	10.10.2023	James Mallion	Various changes throughout document including in Key Findings and Recommendations. All changes tracked and various comments added for action
V4	17.10.2023	Michelle Foxcroft	Formatting, feedback worked on. Recommendations and key findings updated. Section added on VAWG, NEET, Protected characteristics, Probation, re-offending.
V5	25.10.2023	Michelle Foxcroft	Amendments and clarifications of sections including safeguarding adults. Addition of lived experience with data provided from Community Safety Partnership.
V6	27.10.2023	Michelle Foxcroft	Added section on Youth Justice, sexual health information added, clarifications on self-directed violence.
V7	27.10.2023	Debbie Watson	Various changes throughout document including in Key Findings and Recommendations. All changes tracked and various comments added for action
V8	08.11.2023	Michelle Foxcroft & James Mallion	Further information added throughout document particularly relating to school exclusions, Domestic Homicide reviews, safety and public perceptions of crime (survey and community voice info). Updates to VAWG, DA and Sexual violence sections. Updates to Key Findings and Recommendations.

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# Introduction, Aims and Objectives

## Acknowledgements

The completion of this strategic needs assessment would not have been possible without the participation and assistance of partners. Their contributions are appreciated and gratefully acknowledged. They include Population Health Team – Tameside Council, Tameside Community Safety Partnership, Greater Manchester Violence Reduction Unit, Greater Manchester Police, Youth Justice, Greater Manchester Probation Service, Tameside Adult Safeguarding, Tameside Childrens' Services.

## Introduction

This strategic needs assessment (SNA) seeks to provide an understanding to Tameside Council, Greater Manchester Police (GMP), Greater Manchester Fire and Rescue Service (GMFRS), probation services, youth offending services, Greater Manchester Integrated Care Board (GM ICB), partners and public about serious violence and re-offending violence in Tameside, and the prevalence of the underlying risk factors of serious violence.

The World Health Organization defines serious violence as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation (WHO, 2002).

In April 2018, the government published its Serious Violence Strategy in response to increases in knife crime, gun crime and homicide across England. The strategy called for local partners to work together across different sectors including the police, local authorities, health services and the voluntary sector to adopt a multi-agency approach to reduce serious violence in their area.

The government announced in December 2019 that it would bring forward legislation to create a new Serious Violence Duty. This followed a consultation on the new legal duty. Section 6(1) of the Crime and Disorder Act 1998, which sets out the strategies that responsible authorities must formulate and implement, has also been amended to explicitly include serious violence.

In May 2023 Greater Manchester Violence Reduction Unit (GM VRU) published the Greater Manchester wide Strategic Needs Assessment for Violence (Greater Manchester Violence Reduction Unit, 2022/23). This outlined the extensive research and collation of consultations, information and best practice as to what is happening around violence within Greater Manchester. The key findings and recommendations from the GM VRU needs assessment, have been utilised and reflected in this document, with an in depth review of evidence, information and services within the Tameside area.

The recommendations in this SNA will inform a Serious Violence Strategy for Tameside which will include the actions required across all specified authorities to meet the Serious Violence Duty.

A public health approach to violence prevention and reduction underpins this needs assessment, taking into consideration best practice and evidence for population-based prevention approaches.

There is growing evidence to show that violence can be prevented. The association between early exposure to violence and major causes of adulthood mortality has been long recognised. More recent evidence documents the biology of violence, demonstrating that traumatic stress experienced in response to violence may impair brain architecture, immune status, metabolic systems, and inflammatory responses. Early experiences of violence may present lasting damage at the basic level of nervous, endocrine and immune systems, and can even influence genetic alterations of DNA (Hoeffler, 2014). In addition to death, physical injury and disability, violence can lead to stress that impairs the development of the nervous system and immune system; thereby leading to ill-health in later years. People who are exposed to violence are at increased risk of a wide range of immediate and lifelong behavioural, physical and mental health problems, including being a victim and/or perpetrator of further violence. Violence can also undermine the social and economic development of whole communities and societies (World Health Organization, 2022). Violence is not an inherent part of the human condition. It can be predicted, and it can be prevented. It is also complex. Risk and protective factors all interact. In recent years, data-driven and evidence-based approaches have produced knowledge and strategies that can prevent violence. These include interventions at individual, close relationships, community and societal levels (World Health Organization, 2022). The World Health Organization (2002) produced a report on 'Violence and Health' which has since its publication seen a growing understanding of risk factors that contribute to violence and how things can be done on an individual, family, community, and within society to prevent it. (WHO, 2002). A 'Public Health approach' is therefore used as it is imperative to look at inequalities when addressing violence.

Unlike other forms of crime, young men are the most likely to be victims of serious violence. Although there are more White victims overall, people of Black and Asian ethnic origin are disproportionately impacted by serious violence. (Home Office, 2020). In relation to offenders/perpetrators of serious violence (Coleman, 2016) explored characteristics and found the majority of evidence indicates that male offenders perpetrate the majority of serious violence crime, but that female offending is increasing. This needs assessment further discusses the breakdown of serious violence crime type by gender and for the majority of categories, nearly ¾ of offenders in Tameside are male.

As the country overall has seen an increase in sharp object crime (knife crime) and other forms of serious violence, this needs assessment will outline the position Tameside is in and provide key recommendations for areas to focus resources, contained within the backdrop of the Greater Manchester Violence Reduction Unit Serious Violence Needs Assessment.

Across England and Wales, 680 people were victims of homicide in the year ending March 2022. In Greater Manchester there were 55 homicides over the same time period (Office for National Statistics, 2023). Of the 55 homicides in Greater Manchester; 4 were within Tameside, although there were 11,448 violence against the person crimes committed across Tameside.

Adverse Childhood Experiences (ACEs) are situations which lead to a higher risk of children and young people experiencing damaging impacts on health, or other social outcomes, across their lives and perpetuate a cycle of intergenerational inequality, which is linked to Serious Violence. What happens during pregnancy and early years influences physical, cognitive, and emotional development in childhood and may affect health and wellbeing outcomes in later life. A focus on early years is important in a preventative, public health approach, to improve the health of the whole population in the longer-term.

Preventing violence is broader than focusing on the violence alone. It is about ensuring that there is good emotional wellbeing, resilient communities, engagement and cohesion, as well as good employment, good education and supportive and nurturing environments to flourish. There have been many studies that have provided evidence to determine what our risk and protective factors are. Understanding these factors means we can develop and adopt new public health-based approaches to tackling violence. Such approaches focus on stopping violence occurring in the first place by reducing known risk factors and promoting the known protective factors throughout the life course. It should be noted that these factors are correlated indicators and not causal factors.

This SNA will explore the wider risk factors and protective factors for preventing and reducing serious violence in the context of the types of violence and risk factors in Tameside, as well as considering the programmes and interventions already in place to try to address this. The SNA provides a series of key findings and recommendations for Tameside.



## Aims and Objectives

The aim of this strategic needs assessment (SNA) is to provide an overview to the specified authorities, communities and partners across Tameside about our knowledge and understanding of serious violence within the borough and the risk and protective factors for why violence occurs.

A public health approach to violence prevention and reduction underpins this SNA. It considers what the data tells us, listens to the voice of local people and communities through surveys and case studies, assesses the published evidence, and gathers good practice from other areas and within Tameside.

Our objectives for this strategic needs assessment are to:

1. Understand what a public health approach to violence prevention means and how it can be applied in practice.
2. Set out our evidence-base of violence across Tameside, considering the prevalence and incidence of the various types of violence by person, place, and over time, taking a life-course approach.
3. Set out our evidence-base of our community assets and where there are opportunities to enhance and strengthen further.
4. Determine the gaps in our knowledge and understanding and make recommendations for future action thereby building violence prevention capacity at a local level and contribute to the wider combined authority level.

# Key Findings

The Serious Violence Duty in the Police, Crime, Sentencing and Courts Bill 2021 includes a requirement for local partnerships to complete a strategic needs assessment (SNA) to understand how violence is affecting their communities and to help them develop a response strategy. (Department of Health & Social Care, Home Office and Public Health England, 2021)

Below is a summary of the key findings arising from the data and insights examined throughout this Serious Violence Needs Assessment.

Serious violence and its impact on wider society and across the life course is significant. There are adverse impacts at an individual, community, and borough-wide level. The scale of the challenges around serious violence and the complex nature of the factors which influence it mean that a whole system approach is required to address the harms of serious violence in the longer term.

- Deprivation is a close correlator to crime, with areas of higher overall deprivation experiencing higher levels of crime and violent crime. Tameside ranks overall as 28<sup>th</sup> most deprived local authority out of 317 local authorities in England. Tameside also has entrenched levels of poverty and a higher proportion of those in low-income jobs than in Greater Manchester.
- High levels of poverty in Tameside disproportionately affect lone-parent families, who are more likely to be young women with children. The proportion of lone-parent families is growing in Tameside, and this is associated with greater prevalence of ACEs among children. This has been identified as a risk factor to the child(ren) of becoming a victim and/or perpetrator of violence.
- Wider determinants of health that contribute to serious violence see worse outcomes in Tameside when compared to regional and national averages with examples including proportion of lone parent households; median incomes; proportion of young people not in education employment or training (NEETs); educational attainment.
- Tameside has a higher proportion of the population who live with a disability; with persons with a disability having an increased risk of becoming a victim of a violent crime.
- Nationally there is little evidence of a link between ethnicity and being either a victim or committing a serious violent offence. However, in Tameside, across all ages, there is an observed over-representation of people from ethnic minority communities being both victims and perpetrators of violent crime. This is particularly the case for young people from ethnic minority communities.
- Since 2014, Tameside has seen increases in all reported violent crimes and the trend continues to increase. Similarly the same increases have been seen across Greater Manchester and nationally also. This also correlates with the number of attendances to hospital for violence related injuries.
- The density of premises licensed to sell alcohol within Tameside is greater than both the North West and England averages, with more dense concentrations of licensed premises in the most deprived parts of the borough. These are predominantly made up of off license premises, associated with increased availability of low-price alcohol and increased alcohol harms. The majority of violent crime against an individual correlates with the hours in the day when licensed premises are open, and when alcohol can be purchased.
- 77% of the current violent offender caseload within Tameside Probation service report a current or previous substance misuse issue, inclusive of drugs and alcohol.
- There has been a gradual increase in the proportion of all violent crimes committed by reoffenders in recent years, though with some recent signs of a reduction.
- Adverse Childhood Experiences (ACEs) are a large contributing factor to serious violence and interventions to reduce ACEs experienced by children in Tameside is key to a reduction in the long-term prevalence of serious violence.
- Educational attainment in Tameside is significantly below the England average and is a key protective factor to serious violence if attainment is improved.
- Tameside has a persistently higher rate of permanent and fixed term exclusions from school compared to statistical neighbours and regionally. Those pupils who are permanently excluded face increased risk of being cautioned or sentenced for committing an offence.

- The proportion of young persons who are classified as Not in Education, Employment or Training (NEET) or status not known is above the Greater Manchester, North West and England averages.
- The types of offence noted by Tameside's Youth Justice Service have changed overtime with more serious violence offences being committed.
- Domestic abuse and high-risk domestic abuse have a high prevalence in Tameside, with a high proportion of violent crime, particularly knife crime in Tameside being associated with domestic abuse.
- Tameside is showing slight improvements in regard to the rate of self-directed violence, inclusive of self-harm and suicides, however the rate of self-harm in Tameside remains significantly worse than the national average.
- Personal robbery is lower in Tameside compared to usual patterns observed in areas with similar levels of deprivation, with motivations for robbery crimes often being around economic stress and poverty. While Tameside is not an adverse outlier for personal robbery crimes involving violence, young males are most likely to be both the victims and perpetrators of these offences. There is a concentration of these offences in Ashton-under-Lyne Town Centre and a number of repeat offenders with risk factors linked to domestic abuse, substance misuse and involvement with children's social care.
- Possession of weapons offences are high in Tameside when compared across the Greater Manchester average and more work is required to understand why this is the case, as the proportion of weapons offences which are knife crimes is lower than would be expected. Some patterns within this highlight that a high proportion of recorded knife crime in Tameside is linked to domestic abuse incidents; and that for a large proportion of weapons offences, these are associated with younger males.
- Large increases in reported adult safeguarding concerns have been seen in recent years (Section 42). Feedback from local services indicate that this may be linked to residents who face multi-disadvantage, who experience multiple complex health and care issues who have a number of vulnerabilities, and a high proportion are involved in the criminal justice system.
- The majority of modern slavery incidents in Tameside involve child criminal exploitation (56%) and drug transportation/storage/supply (67%) with some seasonal peaks in activity (July). Children and young people living in areas with higher socioeconomic deprivation are at greater risk of modern slavery and targeting by adult offenders, however it should be noted that the number of these recorded crimes is relatively lower in Tameside compared to other areas.
- Violent crime is most prevalent around Town Centre locations including Ashton-under-Lyne Town Centre, Stalybridge Town Centre, Hyde Town Centre and Hattersley Town Centre.
- Young males (under 16 years of age) are over-represented in a number of violent crime measures both as victims and perpetrators.

# Demographics

“...violence is higher in deprived or unequal populations, varies considerably between populations, and can persist in a community despite economic improvement.”

(Benoît de Courson, 2023).

## Definitions

The Home Office Serious Violence Strategy from 2018 defined serious violence as, “specific types of crime such as homicide, knife crime and gun crime and areas of criminality where serious violence or its threat is inherent, such as gangs and county lines drug dealing. It also includes emerging crime threats faced in some areas of the county such as the use of corrosive substances as a weapon.” (Home Office, 2018).

Within the Serious Violence Duty (Home Office, 2022) there was a recognition of broadening the definition of violence in order to enable a multi-agency, public health approach to tackling and preventing serious violence. The duty states, “Specified authorities will need to work together to identify the kinds of serious violence that occur in their areas as far as possible”. Therefore, the Police, Crime, Sentencing and Courts Act 2022 (the PCSC Act) does not define serious violence for the purposes of the Duty 2022.

In determining what amounts to serious violence in their local area, the specified authorities must consider the following factors listed in Section 13 (6) of the PCSC Act:

- A. the maximum penalty which could be imposed for any offence involved in the violence.
- B. the impact of the violence on any victim.
- C. the prevalence of the violence in the area
- D. the impact of the violence on the community in the area.

It should be noted that terrorism is not included, and violence is not limited to physical violence against the person.

Specified authorities should consider whether the types of violence included below, amounts to serious violence in their area, in accordance with the factors set out above.

For the purposes of the Duty, violence includes:

- Domestic abuse
- Sexual abuse
- Violence against property
- Threats of violence.

In considering serious violence, the Duty 2022 outlines that there should be a focus on:

- Public space youth violence including homicide.
- Violence against the person which may include both knife crime and gun crime, and areas of criminality where serious violence or its threat is inherent, such as in county lines drug dealing.

The Duty 2022 allows local flexibility when defining serious violence to include (but not limited to):

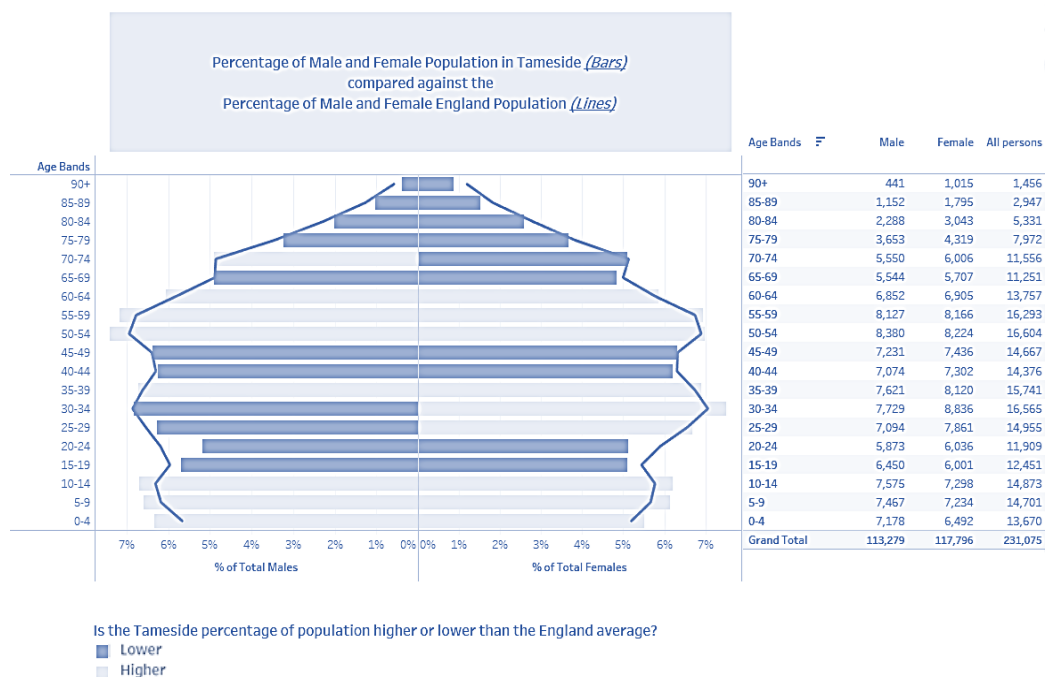
- Alcohol related violence.
- Criminal exploitation.
- Modern slavery.
- Violence against women and girls, including domestic abuse.
- Sexual offences.
- Male and LGBTQ+ victims.

Serious violence has an adverse impact on lives of victims, families and wider communities and is associated with high economic costs to society. Incidents of serious violence have increased in England and specifically Tameside since 2014 with no sustained reductions.

## Population and Key Statistics

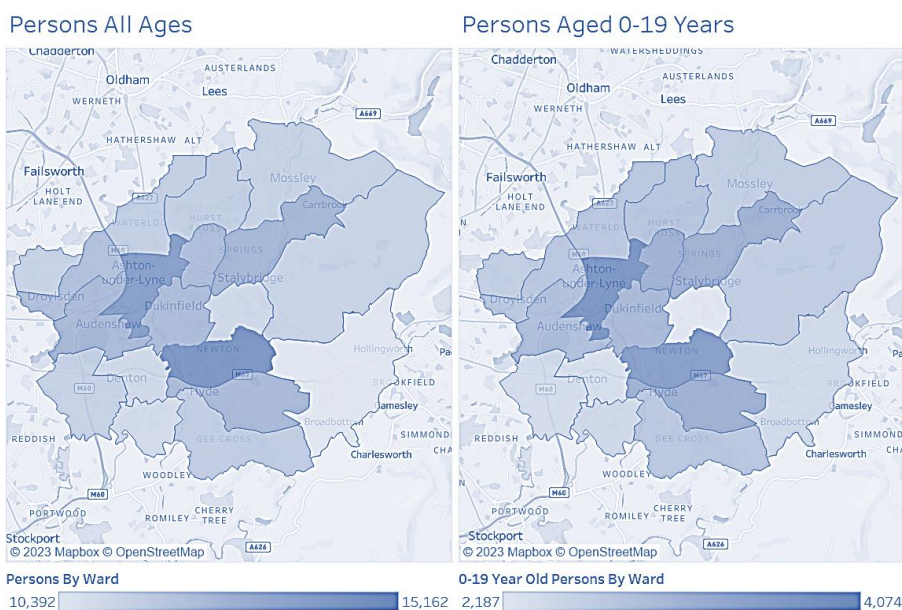
The usual resident population of Tameside was 231,075 on Census Day, 21st March 2021. Overall, there were 113,276 men (49% of the overall population) and 117,797 women (51%) living in Tameside in 2021.

**Figure 1 - Tameside Population Pyramid – Split by Gender Census 2021**



While there has been a decline in birth rates since the last census, Tameside still has a higher percentage of the population between the ages of 0-14, than the national average.

**Figure 2 - Tameside Population by Ward – Young Persons compared to All Ages**



Tameside saw the North West's third-largest percentage rise in the proportion of lone-parent households (from 12.8% in 2011 to 13.8% in 2021). Lone-parent households are more likely to experience financial challenges increasing the risk of poverty, which has an impact on life chances and development. The household adversity associated with poverty can increase the risk of a child's likelihood of adverse childhood experiences (ACE). (UCL Institute of Health Equity, 2015), which are risk factors for violence.

Life expectancy (LE) at birth in Tameside remains lower for males (76.9 years) than for females (80.1 years). While this reflects the national trend, LE in Tameside continues to be statistically significantly worse than for England.

Inequalities in life expectancy for males and females in Tameside have increased in recent years. Males can expect to live 9.6 years less and females 9.2 years less in our most deprived Lower Super Output Areas

(LSOA), compared with the least deprived LSOA's. This indicates that broad conditions of deprivation are continuing to have an adverse impact on long term health outcomes and life expectancy in Tameside.

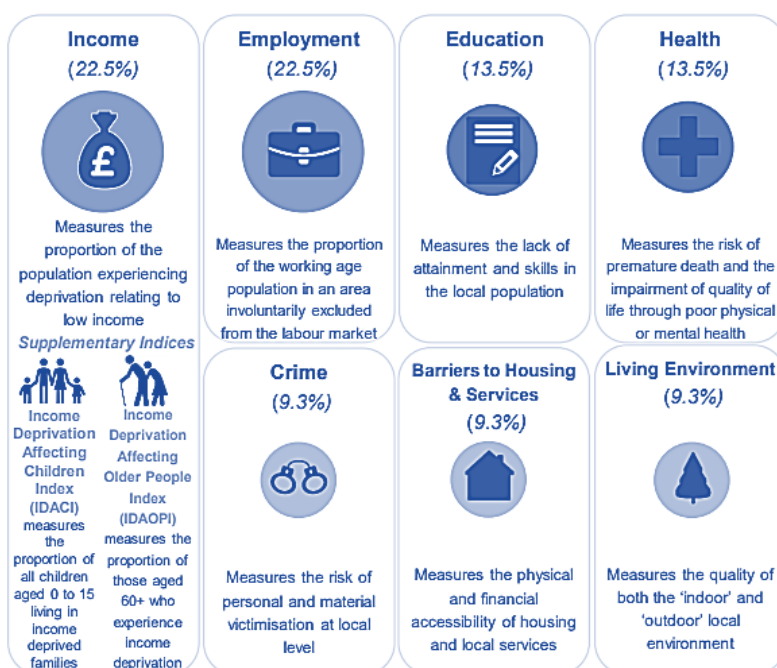
Improvements in life expectancy at age 65 years have also slowed over the last decade. In 2018 to 2020, life expectancy at age 65 years in the UK is 18.5 years for males and 21.0 years for females - for Tameside it is 16.8 years for males and 18.6 years for females. Tameside currently has the lowest life expectancy for females at age 65 in England. For males, Tameside has the 10<sup>th</sup> lowest life expectancy at age 65. Therefore in respect of both males and females, this contributes to the overall inequalities faced within Tameside and reflects poorer health outcomes that older residents experience in Tameside, compared to other areas.

## Deprivation

Deprivation is a close correlator to crime – higher levels of crime are reported in areas with higher levels of deprivation. There is extensive international and local research indicating that almost all social challenges, from violent crime to poverty to ill health, follow a distinct social gradient and disproportionately affect residents of the most deprived areas. We know from the evidence that the prevalence of violence is higher in more disadvantaged areas and that those who live in the most disadvantaged areas suffer the greatest from the impact of violence. (Greater Manchester Violence Reduction Unit, 2022/23).

Deprived communities feel the greatest impact of violence (Benoît de Courson, 2023). The English Government use different domains of social determinants to monitor deprivation. These domains are collectively used to create the Index of Multiple Deprivation (Ministry of Housing, Communities & Local Government, 2019). Below is a diagram of the different domains and how they are weighted within the index of multiple deprivation.

Figure 3 - Index of Multiple Deprivation Domains

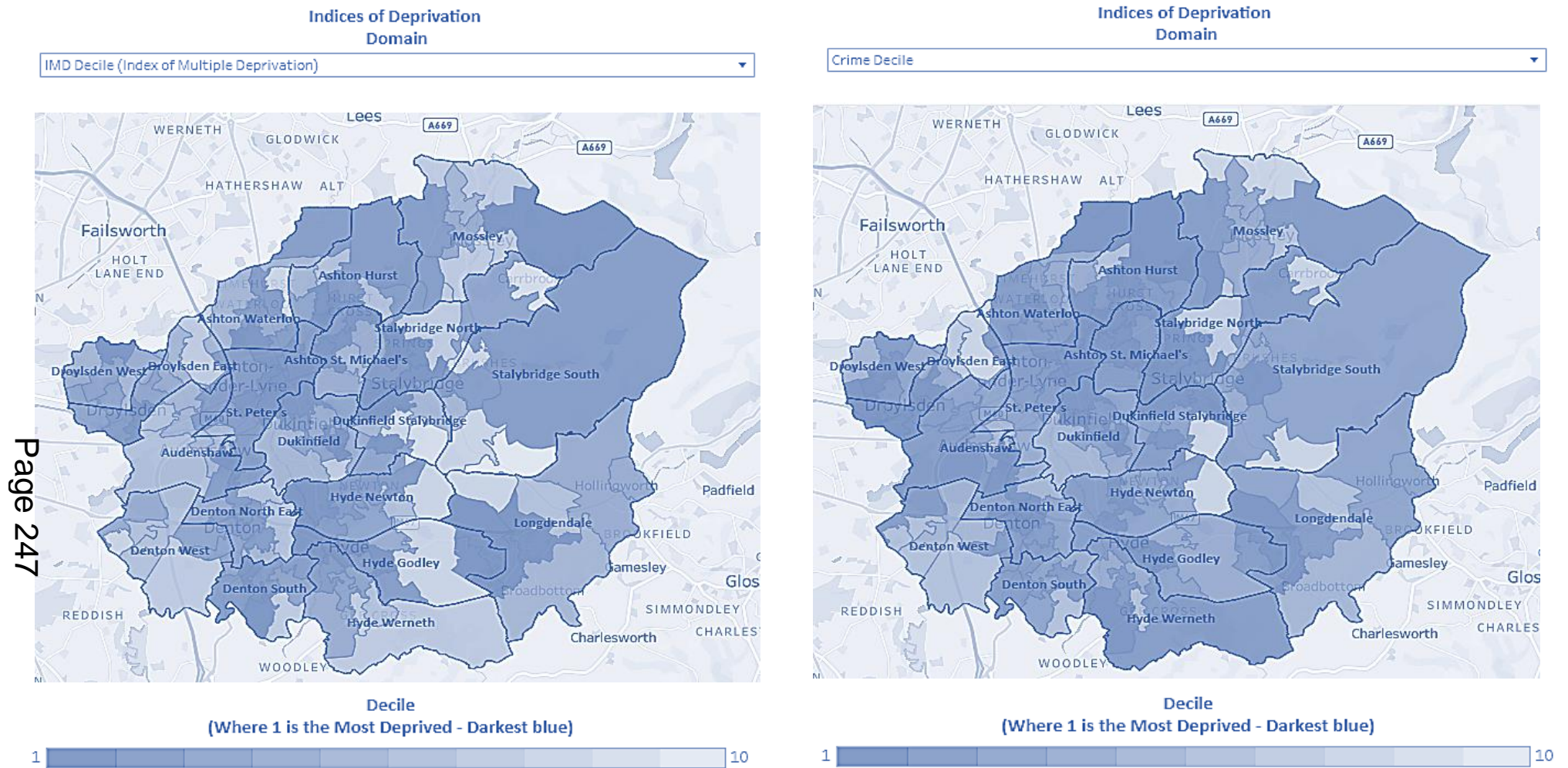


The 7 domains include income, employment, education, housing and crime, and are important to understand when we discuss risk and protective factors for serious violence later in the needs assessment.

Tameside ranks overall as the 28<sup>th</sup> most deprived local authority out of 317 local authorities in England. Additionally, as displayed on the index of multiple deprivation map below, there is widespread deprivation across the borough with the highest deprivation centered on town centres such as Ashton-under-Lyne, Stalybridge and Hyde – with Ashton-under-Lyne having the greatest levels of deprivation (darkest blue = more deprived). This additionally correlates to where Tameside's highest recorded crime incidence takes place, displayed on crime decile map below. The Figures below show the similar distribution of overall deprivation levels and crime across Tameside.



Figure 4 - Index of Multiple Deprivation 2019 and Crime Decile Map of Tameside



Tameside also has entrenched levels of poverty and a higher proportion of those in low-income jobs than in Greater Manchester. Although not pictured alongside these maps, the levels of those in poverty correlate closely to the most deprived parts of the borough, using the IMD ranking.

# Serious Violence Within Tameside - Epidemiology & Intelligence

‘Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.’  
(WHO, 2002)

## Public Health Approach

Violence is a major public health problem, affecting many people's lives through death, injury and harmful effects on neurological, cardiovascular, immune and other biological systems. Victims and perpetrators of violence have higher prevalence of adverse childhood experiences. They often show high-risk behaviours such as unsafe sex, harmful alcohol and drug use and smoking, all of which contribute to lifelong ill health and premature mortality (WHO, 2022). Violence is a major cause of ill health and poor wellbeing and is strongly related to other socioeconomic inequalities. The most deprived fifth of areas in England have hospital admission rates for violence five times higher than those of the most affluent fifth. Violence affects individuals and families through to communities and our wider society. The financial impact of violence cannot be under-estimated and has a significant impact on our health services, criminal justice system and wider economy (Mark A Bellis et al, 2014).

Because of its complexity, the biggest opportunity to reduce and prevent violence is to have a whole system approach that is led by our communities. The (World Health Organization, 2023) defines a public health approach to reducing violence as one that: 'Seeks to improve the health and safety of all individuals by addressing underlying risk factors that increase the likelihood that an individual will become a victim or a perpetrator of violence. By definition, public health aims to provide the maximum benefit for the largest number of people. Programmes for primary prevention of violence based on the public health approach are designed to expose a broad segment of a population to prevention measures and to reduce and prevent violence at a population-level'.

## Risk & Protective Factors

The World Health Organization describes the risk and protective factors for serious violence across three broad levels: individual factors, factors within close relationships and those within communities and wider society. Through the Social Ecological Model the WHO outline the protective and risk factors which contribute to serious violence (WHO, 2022).

Figure 5 – Risk and Protective Factors Regarding Serious Violence

Figure 5a - Risk Factors Regarding Serious Violence (WHO, 2022)

### Social ecological model for understanding and preventing violence

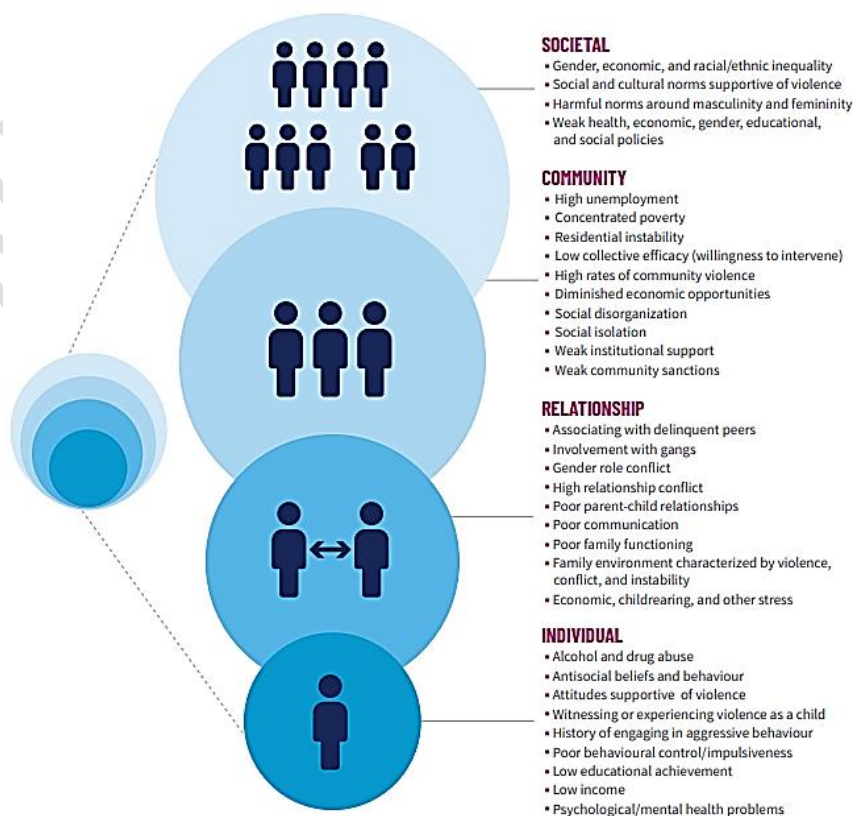
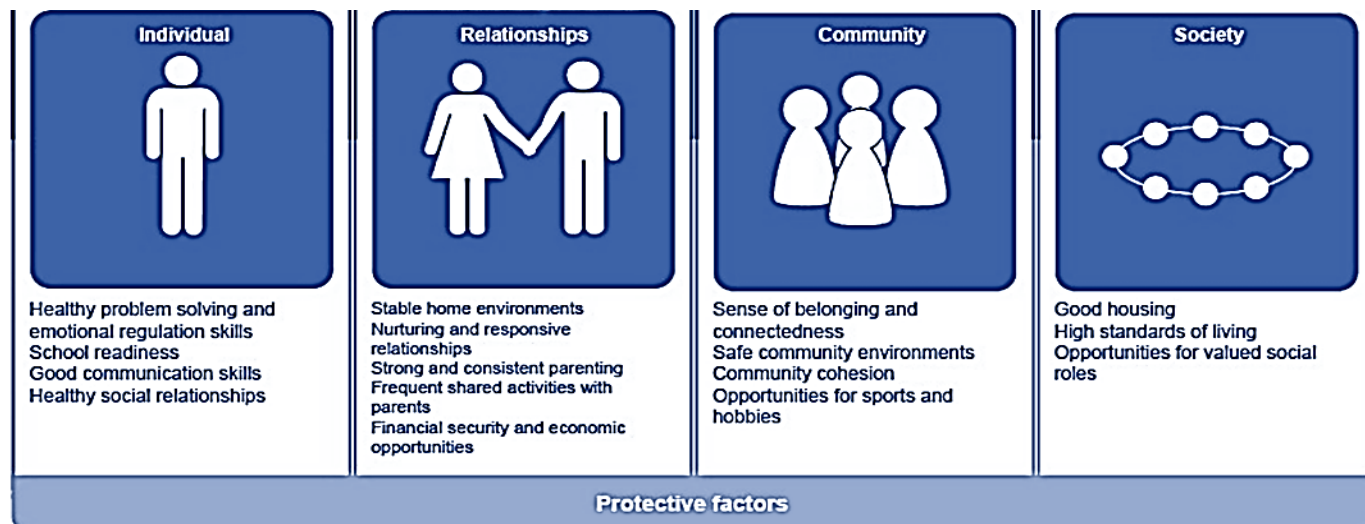


Figure 5b - Protective Factors Regarding Serious Violence (Public Health England, 2019)



Protective factors for serious violence are often linked to alleviating the associated risk factors (eg. The risk factor of homelessness can be tackled via the protective factor of good housing provision). Protective factors can mitigate or severely reduce the likelihood of someone committing a serious violent offence. They can also act as a buffer to risk factors, with a positive cumulative effect and are integral to a strength or asset-based approach to violence reduction.

Public Health England also produced an overview of the factors contributing to violence, but also included the range of protective factors that prevent and reduce violence and its impact. Below are the protective factors included across the individual, relationships, community, and societal levels.

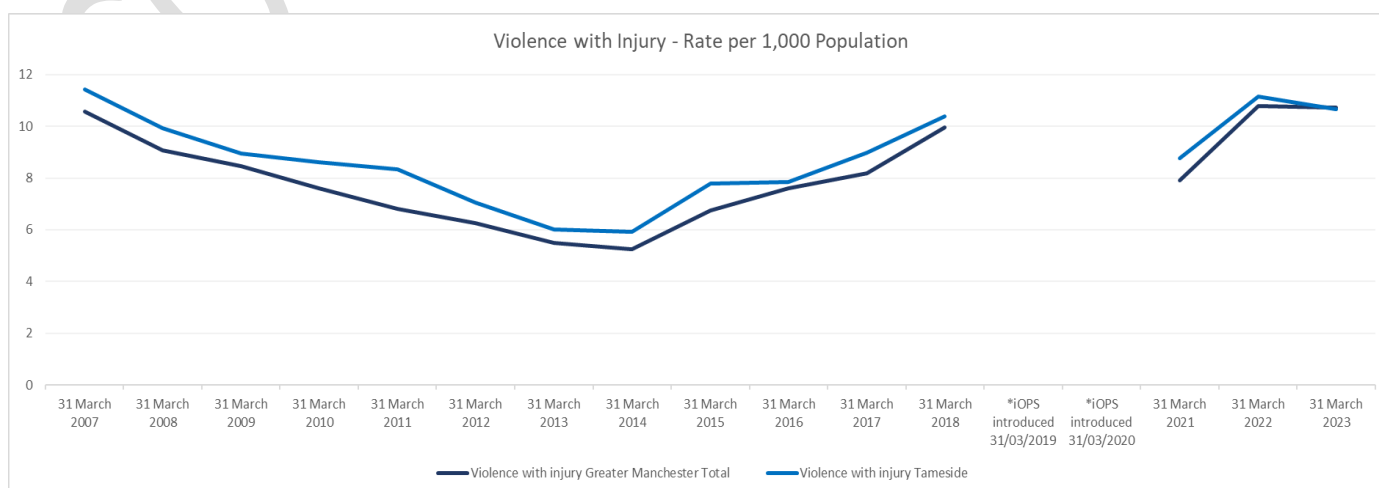
The later chapters of this SNA examine risk and protective factors of serious violence across Tameside throughout the life-course in further detail.

### Violence and Crimes Against the Person

The number of overall reported crime nationally has fallen over the last 20 years, however since the mid-2010s there have been steep increases in police recorded serious violence including: homicide, robbery, violence with injury and violence involving sharp objects across England and Wales, Greater Manchester, and Tameside. The graphs below highlight Tameside crime data compared to Greater Manchester averages from March 2007 to March 2023. Please note, due to reporting issues with the Integrated Operational Police System (iOPS) during 2019 and 2020, there are some gaps in the data below.

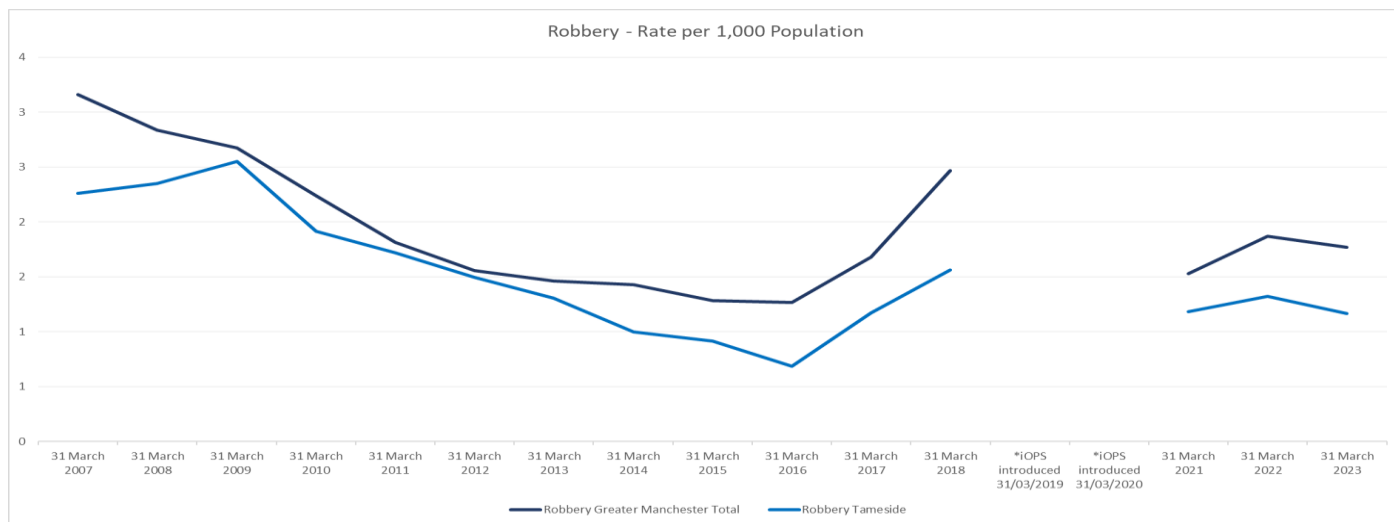
Figure 6 - Crimes Against the Person in Tameside and Greater Manchester 2007-2023 – Rate of Police Reported Offences per 1,000 Population (Office for National Statistics, 2023)

Figure 6a - Violence with Injury



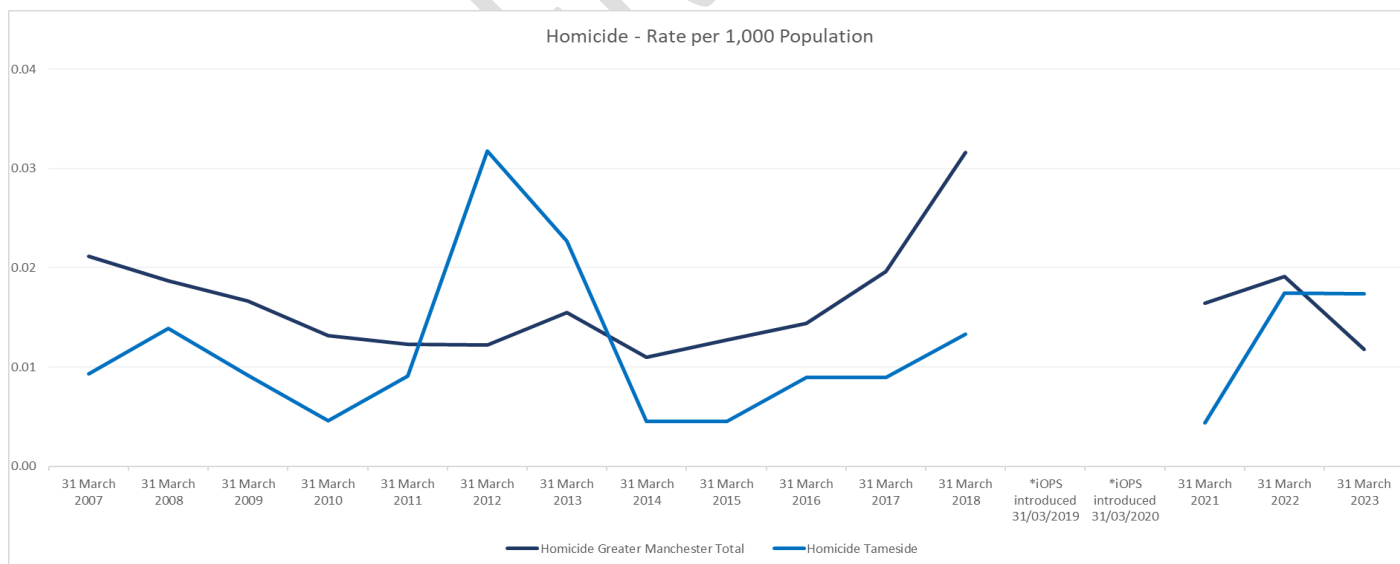
From the lowest point in 2014, there was an increase in the amount of violence with injury crimes both within Tameside and at a Greater Manchester level. Tameside has recorded a rate higher than the Greater Manchester average through the entire period, with the data in the graph above showing ongoing increases in violence with injury in Tameside up to 2022 (with a slight reduction in 2023). While not displayed on the graph, there is a clear seasonal peak of violence with injury incidents in the summer with higher incidence in June, July and August – when looking at quarterly data.

**Figure 6b - Robbery**



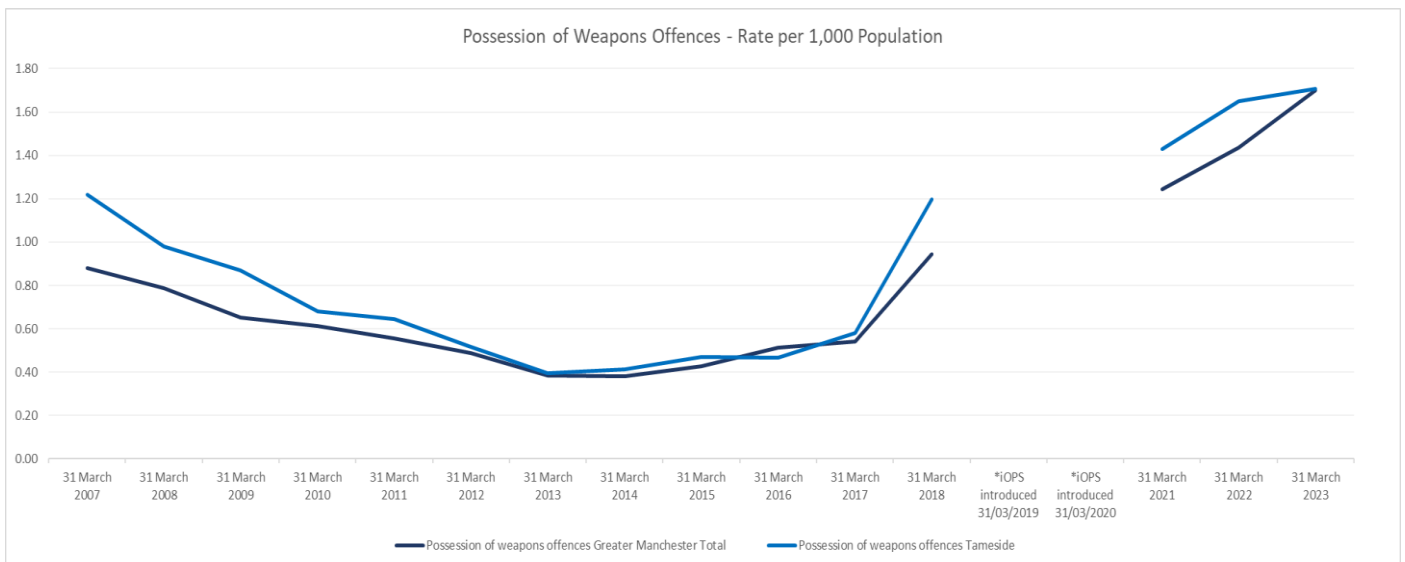
Tameside has overall had lower incidence of robbery when compared with the Greater Manchester average. Although there has been an increase in incidence since the lowest point in 2016, more recent data indicates lower levels of robbery crime across both Greater Manchester and Tameside. The latest data shows further reductions, particularly in Tameside. Further detail around risk factors associated with these crimes can be found in the chapter on [Interpersonal Violence](#).

**Figure 6c - Homicide**



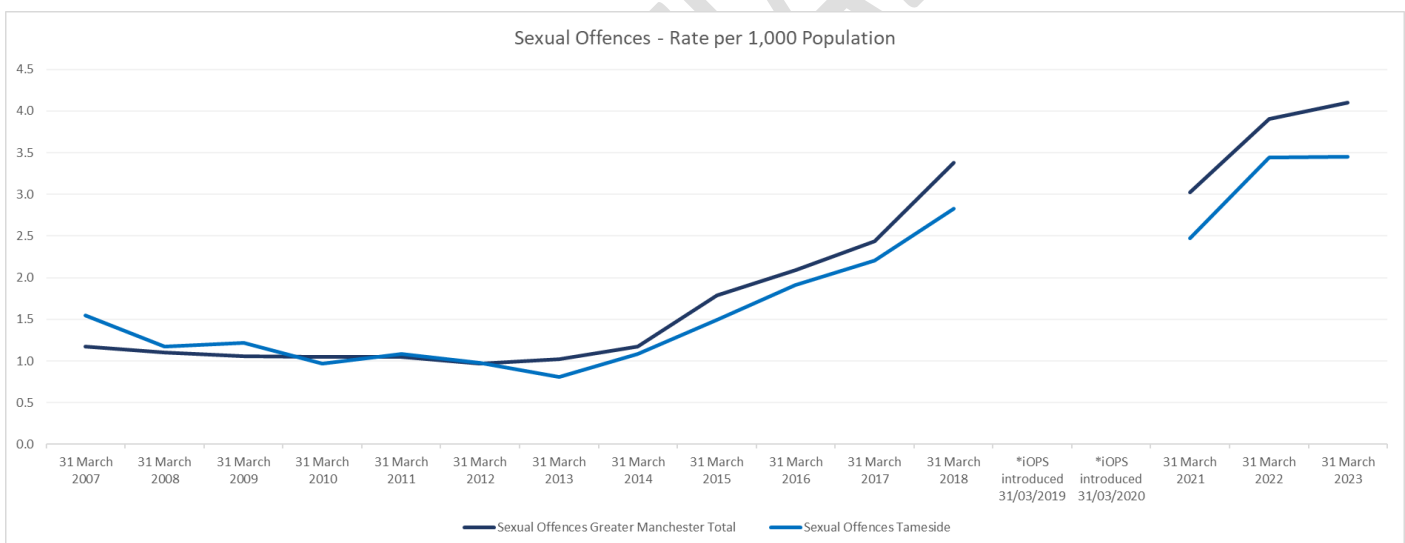
Due to the relatively low numbers of homicide cases in Tameside, there can be wide year-on-year variation in the homicide rate, demonstrated by the patterns seen above. Despite the wide variation, overall the Tameside trend broadly reflects the Greater Manchester average, though the recent plateau bringing the rate above the GM average in 2023 should continue to be monitored.

**Figure 6d - Possession of Weapons**



Tameside has overall had a higher incidence of possession of weapons offences when compared with the Greater Manchester average. Additionally since the lowest point in 2013, the rate in Tameside has been rising at a faster rate than the Greater Manchester average, though the gap has closed in the most recent data for 2023. This data indicates that weapons offences in Tameside have increased substantially in recent years and remain at consistently high levels.

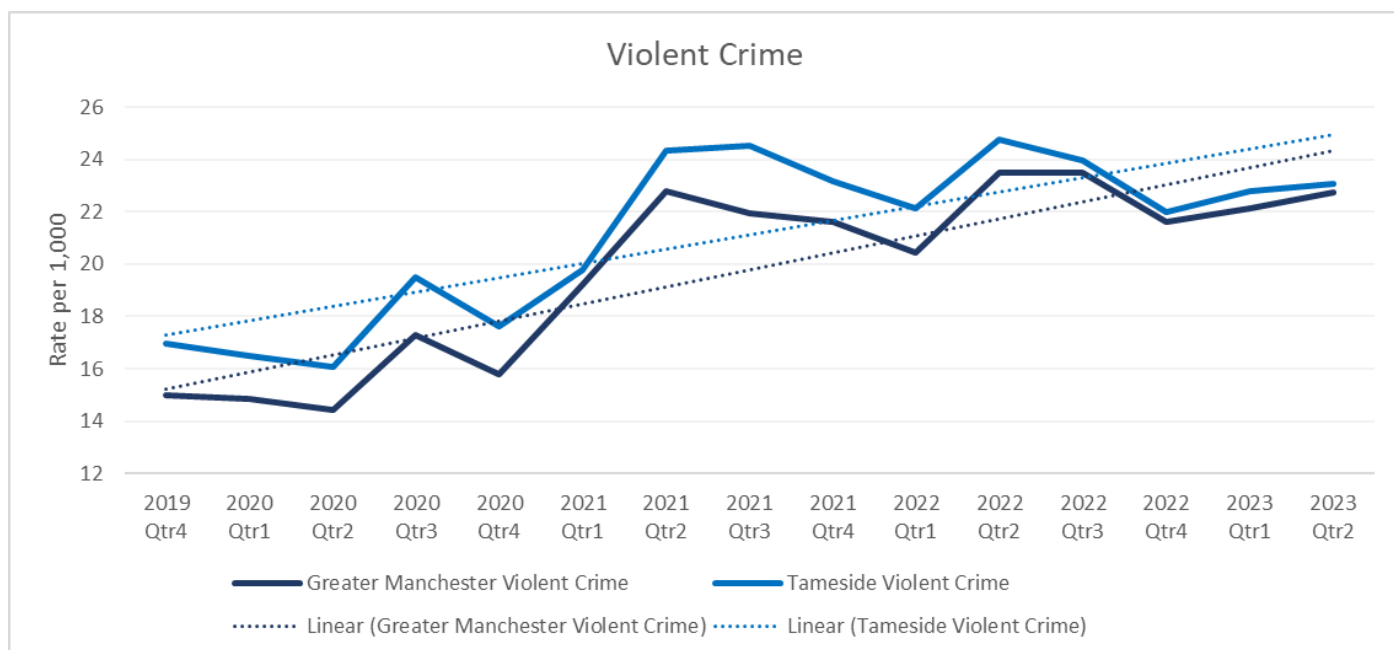
**Figure 6e - Sexual Offences**



Since the lowest point in 2013, Tameside has followed the Greater Manchester trend of ongoing increases in relation to sexual offences, although Tameside's rates have seen a more recent plateau and continue to be lower than the Greater Manchester average.

Overall since 2017 there has been an increase of all police reported crimes against the person for both Greater Manchester and Tameside. The most notable increases are sexual crimes and possession of weapon offences.

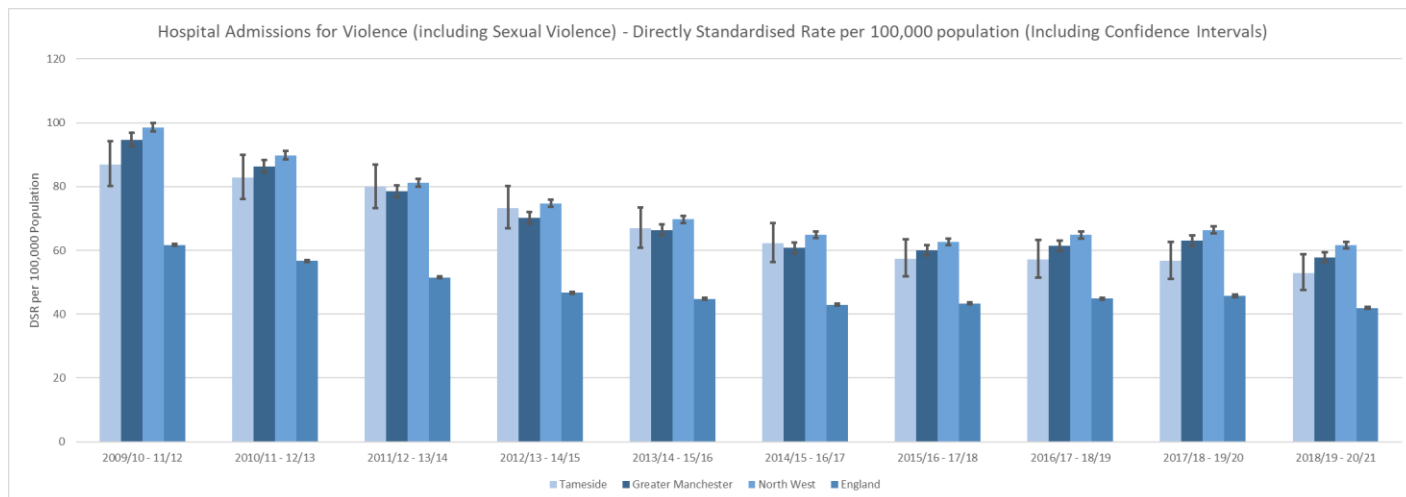
Figure 6f - Violent Crimes in Tameside and Greater Manchester Qtr 1 2019- Qtr 2 2023



	Rate per 1,000	
	Greater Manchester Violent Crime	Tameside Violent Crime
2019 Qtr4	14.99	16.95
2020 Qtr1	14.85	16.48
2020 Qtr2	14.41	16.05
2020 Qtr3	17.31	19.48
2020 Qtr4	15.79	17.61
2021 Qtr1	19.22	19.80
2021 Qtr2	22.77	24.33
2021 Qtr3	21.95	24.51
2021 Qtr4	21.61	23.17
2022 Qtr1	20.42	22.13
2022 Qtr2	23.48	24.74
2022 Qtr3	23.48	23.94
2022 Qtr4	21.59	22.00
2023 Qtr1	22.13	22.79
2023 Qtr2	22.73	23.05

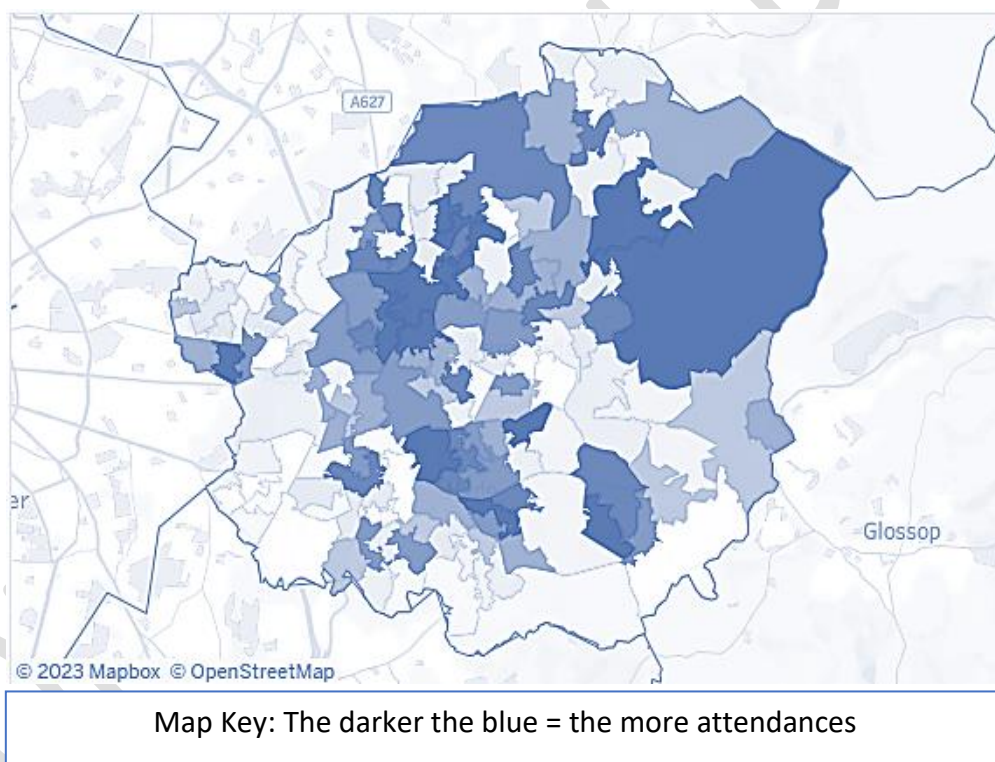
As highlighted above the trend between 2019-2023 has been an increase in violent crime both across Greater Manchester and within Tameside. Throughout this period, the rate of violent crime in Tameside has been consistently higher than the Greater Manchester average. Among the violent crime reported in Tameside, there were a range of common associated factors involved in these crimes, most notably domestic abuse and alcohol, followed by drugs and then weapons including knives, which has seen recent increases (Greater Manchester Police, 2022). This is discussed further in the chapter on [Interpersonal Violence](#). There is a wide body of evidence that violent crime, if often under-reported, and changes to reporting practices can skew data trends. More acute injury from violent crime is often captured via healthcare data such as hospital admissions and ambulance data.

**Figure 7 - Violent Crime Hospital Admissions** (Office of Health Improvement and Disparities, 2023)



Whilst over time the rate of admissions for violent crime have reduced, Tameside still has significantly higher rates than the England average, although it is similar to both the Greater Manchester and North West averages.

**Figure 8 - A&E Attendance for Assault by Victim’s Residence** (Greater Manchester Violence Reduction Unit, 2022/23)



Between 2019-2023 there was an average of 2 attendances per day of Tameside residents to accident and emergency (A&E) due to an assault. (Greater Manchester Violence Reduction Unit, 2023) data dashboard outlines that of these A&E attendances due to assaults, over 54% were committed within a domestic setting and the peak age of a victim being assaulted was between the ages of 20-24. During the same period from 2019-2023 10% of all assaults resulting in an A&E attendance were involving a knife or sharp object. Although below the Greater Manchester average, the level of assaults with a sharp object in Tameside has been increasing.

Upon analysis of assault data by the smaller geography of lower super output areas (LSOA) in Tameside, there is an observed strong correlation between crime and deprivation (as discussed above). The impact and



the prevalence of incidents of violence are greatest within Tameside's most deprived areas. These areas also tend to be Tameside's highest footfall areas with Ashton-under-Lyne Town Centre, Hyde Town Centre, Salybridge Town Centre and Hattersley Town Centre having the highest recorded assaults and crime.

### Protected Characteristics and Violence

According to the Census 2021, 82.32% (190,305) of Tameside residents described themselves as White British (including English, Welsh, Scottish, and Northern Irish), 85.5% (197,776) of residents identified with any White ethnic group. In total 17.6% of Tameside residents identify they are from an ethnic minority community. This includes White Other, Gypsy, Roma and White Irish ethnic groups. This is important from a violence prevention perspective. We know from the evidence that ethnicity itself is not a risk factor for violence and that generally there is very little, if any, relationship between ethnic category and involvement in violent crime, drug use, gang involvement, property offences and antisocial behaviour (Clifford Stott et al, 2021). However according to the Crime Survey in England (UK Government, 2021), men from Mixed ethnic backgrounds (21%) were more likely to be victims of crime than men from any other ethnic group for the 3 years from April 2017 to March 2020. In addition Asian people aged 75 and over (11%) were more likely to be a victim of crime than White people aged 75 and over (6%). As for perpetrators of violence in the youth justice data detailed later within this document, a higher proportion of perpetrators are from an ethnic minority background.

In terms of religion, 47.8% of Tameside's residents consider themselves Christian, with the next largest group being Muslim (7.3%). Just over a third of residents (38%) did not indicate any religious affiliation. There is a broad range of different religious identities within each ward across the borough. Religion is important to monitor as according to the Crime Survey it is estimated that 0.1% of adults in England are subject to a religious motivated crime (Office of National Statistics, 2020).

From the Census 2021, just under 20% of the overall Tameside population identified as having a disability. In comparison this is higher than in Greater Manchester (18%) or in England (17%). There is a variation in the prevalence of disability across different wards in Tameside. Individuals with disabilities face challenges in terms of discrimination, income deprivation and poverty, and higher demands for social care. It is important to understand levels of disability across our population in relation to violence because people with a disability are at increased risk. In 2019, the Crime Survey for England and Wales found that almost 1 in 4 (23.1%) disabled adults experienced crime compared with 1 in 5 (20.7%) non-disabled adults.

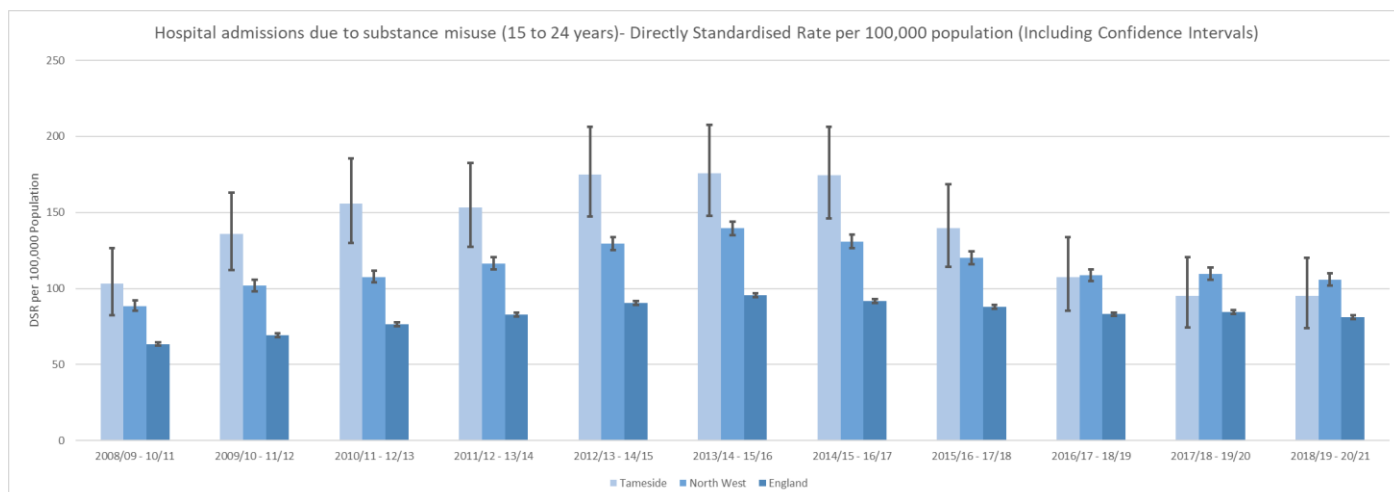
0.5% of people in Tameside identify as either non-binary, their gender identity different from sex registered at birth or other gender identities. 3.3% identify from any other sexual preference group other than heterosexual. According to research conducted by Stonewall, One in five LGBT people have experienced a hate crime or incident because of their sexual orientation and/or gender identity in the last 12 months and 4 in 4 of these incidents go unreported to the police (Stonewall, 2017).

Monitoring protected characteristics is important as those who fall within a minority group are subject to higher rates of serious violence and are more likely to become victims (Home Office, 2018).

### Violence Involving Substances, inclusive of Drugs and Alcohol

Issues with drugs and alcohol are identified throughout this SNA as risk factors contributing to serious violence in Tameside. Wider evidence also suggests that health harming behaviours such as drug use are more common among children and young people who had either experienced or committed violence (Youth Endowment Fund, 2022). Rates of drug use, taken from Crest Advisory two-year study around the drivers of Serious Violence; were significantly higher among both victims and perpetrators of violence, particularly the use of cannabis. 6% of respondents in the study said they had used cannabis within the last 12 months and less than 1% reported using another illegal drug. Gang membership was less common, but a majority of those who reported being part of a gang were also victims of violence. When considering drugs as a driver of violence there was also found to be strong correlation between the growing availability of harmful drugs and the rise in serious violence. (Crest Advisory, 2019)

Figure 9a – Hospital Admissions Due to Substance Misuse 15-24 Years

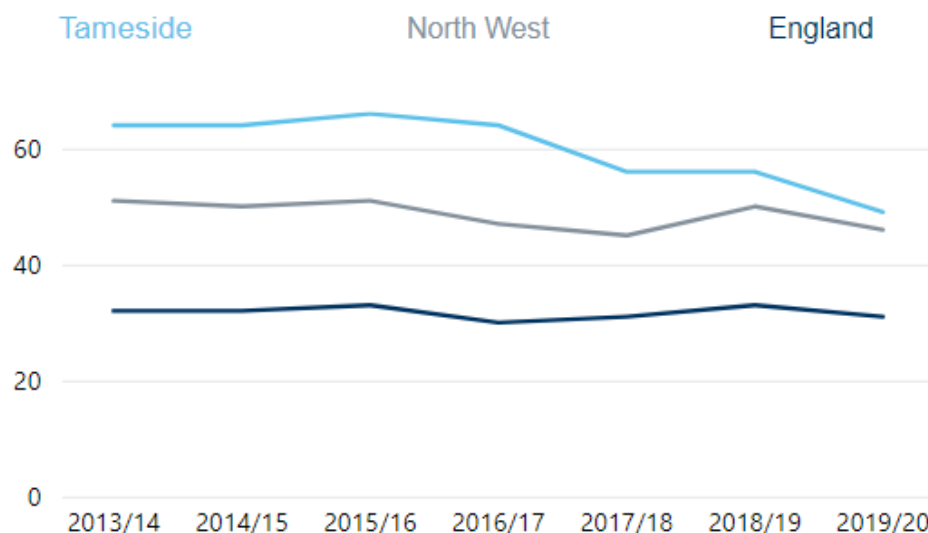


When compared both regionally and nationally Tameside had significantly higher and increasing levels of hospital admissions for substance misuse for young persons' up to 2014/15 – 2016/17 time period. Following this peak in 2014/15 – 2016/17, there have been significant reductions in the rate of admissions among young people in Tameside and the rate in more recent data is statistically similar to both the North West and England averages.

Figure 9b – Hospital Admissions Due to Drug Misuse (All Age) (NHS Digital, 2021)

### Admissions for poisoning by drug misuse

Admissions per 100,000 population by year



Tameside compared both regionally and nationally had significantly higher although reducing levels of hospital admissions for drug misuse. The latest available data in 2020 shows Tameside has a rate of 49 admissions per 100,000 persons, compared to 46 per 100,000 in the North West and 31 per 100,000 in England.

## Availability of Alcohol in Tameside

As alcohol use has been identified both as a wider risk factor for violent crime and also as being directly involved in crime, the availability of alcohol in Tameside is a relevant factor to consider. The density of premises licensed to sell alcohol within Tameside is higher than both the North West and England averages, with more dense concentrations of licensed premises in the most deprived areas in Tameside. These areas also see the highest rates of all crime and serious violence. Additionally the proportion of those who binge drink is significantly higher in Tameside than both regionally and nationally and the volume of alcohol sold through off-trade in Tameside is one of the highest in the country. This is highlighted by the below figure taken from the (Office of Health Improvement and Disparities, 2023) fingertips tool:

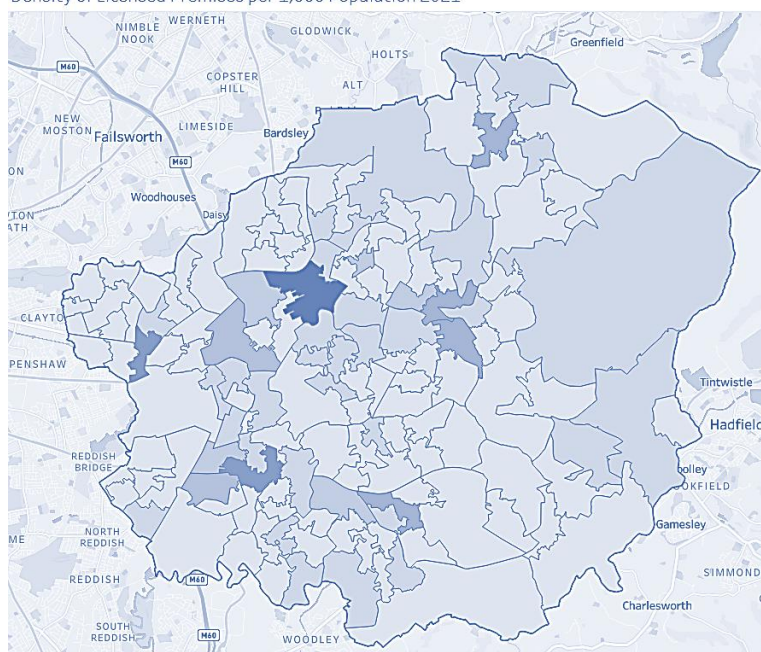
**Figure 10 - Consumption and Availability of Alcohol (Office of Health Improvement and Disparities, 2023)**

Indicator	Period	Tameside			Region	England	England		
		Recent Trend	Count	Value	Value	Value	Worst	Range	Best
Percentage of adults who abstain from drinking alcohol	2015 - 18	–	-	20.0%	15.0%	16.2%	5.9%	●	51.80%
Percentage of adults binge drinking on heaviest drinking day	2015 - 18	–	-	23.4%	18.5%	15.4%	30.2%	●	4.30%
Percentage of adults drinking over 14 units of alcohol a week	2015 - 18	–	-	26.7%	25.7%	22.8%	41.3%	●	7.90%
Volume of pure alcohol sold through the off-trade: all alcohol sales	2014	–	1,426,449	8.3	6.6	5.5	9.4	●	2.9
Volume of pure alcohol sold through the off-trade: beer sales	2014	–	414,265	2.41	1.89	1.49	2.79	●	0.68
Volume of pure alcohol sold through the off-trade: wine sales	2014	–	506,069	2.94	2.33	2.16	3.96	●	1.3
Volume of pure alcohol sold through the off-trade: spirit sales	2014	–	373,625	2.17	1.74	1.38	2.46	●	0.7
Number of premises licensed to sell alcohol per square kilometre	2021/22	–	634	6.1	1.7*	1.3*	91.9	●	0.3

The below map outlines the density of licensed premises in the borough.

**Figure 11 - Licensed Premises Density 2021**

Density of Licensed Premises per 1,000 Population 2021



Density of Licensed Premises (per 1000 population)

0.00  24.82

Based on per head of a 1,000 population in Tameside there is an average of 2.6 premises per 1,000 population. In order to be able to measure against other areas, rather than being based on locally held data; information on the density of licensed premises per square kilometre is used. In total the Tameside average is 6.1 licensed premises per a squared kilometre (a different measure than per head of the population), which is almost 5 times the England average of 1.3 and 3 times the North West average of 1.7.

The overall pattern is that there is a high availability and consumption of alcohol across Tameside compared to other areas which contributes to alcohol as a risk factor for serious violence. In most reports and data in this area including the College of Policing report by Brennan et al, there is a correlation between the licensed premise density and the increase in

serious violent crimes. These include off license and off premise sales, rather than just pubs and clubs. (Brennan, 2019).

## Prisons and Probation

Nationally of all prisoners housed within prisons, 30% have been convicted of a 'violence against the person' crime (or 19,529 persons), this increases to 37% amongst 18–20-year-olds (755 persons) and 47% of 15–17-year-olds (82 persons). (House of Commons Library, 2022). Below are the key sites relevant for Tameside in relation to Prisons and Probation reach sites. These sites usually house offenders who have been convicted of committing an imprisonable offence within Tameside. As these settings are geographically spread out and all outside of the borough, the in-reach and communication across with relevant support services across Tameside is a key challenge.

Figure 12 - North West Prisons Map – Greater Manchester Reach Sites Highlighted



Figure 13 - Greater Manchester Key Prison and Probation Reach Sites

Prison	HMP/PS Region	Operator	Predominant Function	Cohort of Prisoners Held	Designation	Notes	Postal Address	Telephone	Probation Service Region	Expected Resettlement Region
<a href="#">Buckley Hall</a>	Greater Manchester, Merseyside and Cheshire Group	PSP	Cat C	Trainer	Prison	Category C or lower	Buckley Farm Lane, Rochdale OL12 9DP	(01706) 514 300	Region L - Greater Manchester	National Resource
<a href="#">Forest Bank</a>	Privately Managed Prisons	Sodexo	Reception	Reception & Resettlement	Dual Designated Prison	Category B or lower	Forest Bank, Swinton, Manchester M27 8FB	(0161) 925 7000	Region L - Greater Manchester	Region L - Greater Manchester
<a href="#">Hindley</a>	Greater Manchester, Merseyside and Cheshire Group	PSP	Cat C	Trainer & Resettlement	Dual Designated Prison	Category C or lower	Gibson Street, Bickershaw, Wigan WN2 5TH	(01942) 663 100	Region L - Greater Manchester	Region L - Greater Manchester Region B - North West National Resource (Trainer)
<a href="#">Manchester</a>	Long Term & High Security	PSP	Cat B	Trainer & Reception	Dual Designated Prison	Category A or lower/ Young Offenders suitable for closed conditions or lower including Restricted Status	Southhall Street, Manchester M60 9AH	(0161) 817 5600	Region L - Greater Manchester	National Resource
<a href="#">Risley</a>	Greater Manchester, Merseyside and Cheshire Group	PSP	Cat C	Resettlement	Prison	Category C or lower	Warrington Road, Risley, Warrington WA3 6BP	(01925) 733 000	Region L - Greater Manchester	Region L - Greater Manchester
<a href="#">Styal</a>	Women's Estate	PSP	Female	Local & Resettlement	Dual Designated Prison	Female prisoners suitable for closed conditions or lower	Styal Road, Wilmslow SK9 4HR	(01625) 553 000	Region L - Greater Manchester	Region L - Greater Manchester National Resource

Key	
Cat	Category
Dual Designated	A prison accommodating prisoners in the YOI (18-20) and Adult (21+) age range category in separate accommodation
PSR	Probation Service Region
PSP	Public Sector Prison
STC	Secure Training Centre
YJB	Youth Justice Board
YOI	Young Offender Institution

### Probation Service Within Tameside

In September 2023, 14% of Tameside’s probation caseload was aged 25 years and under compared to 16% in Greater Manchester as a whole. In Tameside 34% of the violent offence caseload is due to malicious wounding. Most persons on the caseload were male (93%) and 29% of the total caseload in Tameside is for first time violent offenders. 77% were known to have needs in relation to drugs and/or alcohol (where recorded). Of the total number of violent offenders:

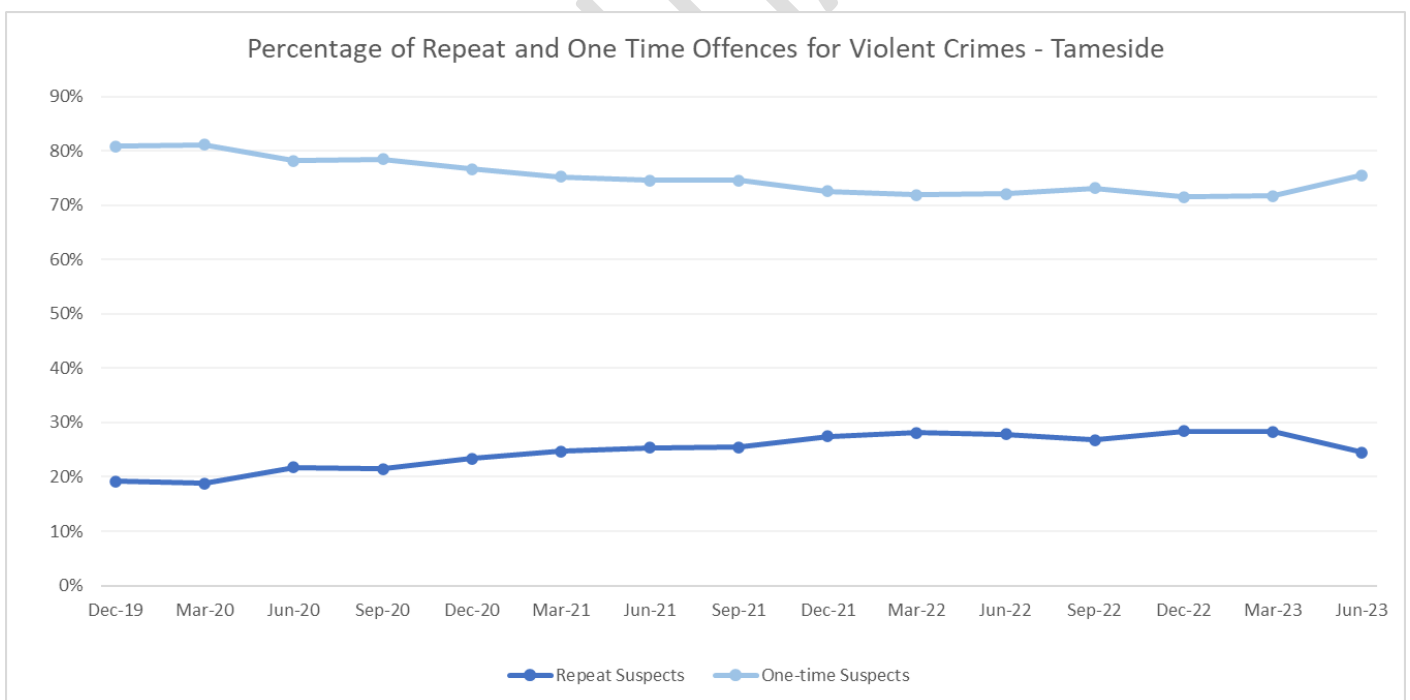
- 84% were White
- 5% Asian
- 3% Black
- 2% Mixed
- 2% Other
- 4% were not recorded.

This cohort within the probation service shows that there are a greater number of males compared with the general population and were more likely to have a substance misuse concern. (Greater Manchester Probation Service, 2023).

### Violence and Re-Offending

Reoffending imposes significant community, societal and economic costs. The Rehabilitation of Offenders Act 1974 and the Legal Aid, Sentencing, and Punishment of Offenders Act 2012 (LASPO) introduced measures aimed at rehabilitating offenders and reducing reoffending. In relation to violent crime within Tameside the below figure highlights over time, violent crimes by repeat and first time offenders.

Figure 14 – Greater Manchester Police Recorded Violent Crimes by First Time and Repeat Offenders



From December 2019 to June 2023 an average of 25.1% of all violent crimes were committed by a repeat offender. The percentage of crimes committed by a repeat offender has gradually increased over this period, though with some recent signs of a reduction.

## Safety and Public Perceptions of Crime

Public perceptions of safety can differ from the insights gained from reported crime statistics, and can be influenced by a range of factors. In 2019/20, the Deputy Mayor for Greater Manchester commissioned an ongoing large-scale quarterly independent survey – Greater Manchester Police and Crime Residents survey (Greater Manchester Combined Authority, 2023). The survey reaches nearly 13,000 Greater Manchester residents per year and is one of the largest surveys of its kind in the UK. The survey provides valuable insight into how residents feel about where they live. The survey results are also provided at a local authority level and details how Tameside residents feel about safety and crime in Tameside. The latest survey conducted in June 2023 highlighted:

- 87% of Tameside residents felt safe within their local area, which is similar to Greater Manchester as a whole.
- 59% felt they could get help from Greater Manchester Police in an emergency, which is similar to Greater Manchester as a whole.
- 42% felt they could get help from Greater Manchester Police in a non-emergency situation, which is similar to Greater Manchester as a whole.
- 41% felt satisfied with Greater Manchester Police overall, which is lower than the Greater Manchester average of 52%.

In relation to young persons' perceptions of community safety and crime, Greater Manchester also conduct the #BeeWell Neighbourhood Survey (University of Manchester, 2022), which is completed by pupils in Years 9 and 10 in secondary schools across Greater Manchester. The data is collated at a neighbourhood level. In Tameside there are four neighbourhoods, East – comprising of: Mossley and Stalybridge, North – comprising of: Ashton-under-Lyne and Dukinfield, South – comprising of: Hyde, Hattersley, Mottram and Broadbottom and West – comprising of Denton, Audenshaw and Droylsden. Within the four neighbourhoods in Tameside (East, North, West and South) the survey found:

- In regard to the statement, "I feel safe in the area where I live":
  - In Tameside East 79.7% agreed
  - In Tameside North 77.8% agreed
  - In Tameside South 80.6% agreed
  - In Tameside West 80.8% agreed.

Whilst Tameside West had the highest safety score, overall all neighbourhoods in Tameside were above the Greater Manchester average.

Overall, while Tameside residents generally feel safe within their local areas, there are some lower scores relating to police responses and satisfaction, with less than half of respondents feeling that the police would provide help in a non-emergency situation, and less than half of respondents being satisfied overall with GM police, which is lower than the GM average.

# Risk and Protective Factors of Violence: Pregnancy and Early Years

'The first 1001 days, from conception to two years old, is considered to be the most important time in a child's life for development, more so than at any other time in their lives. In fact, by the age of two, a child's brain is already 80% developed, and has been making around one million new connections every second.' (Health for Under 5's, 2021)

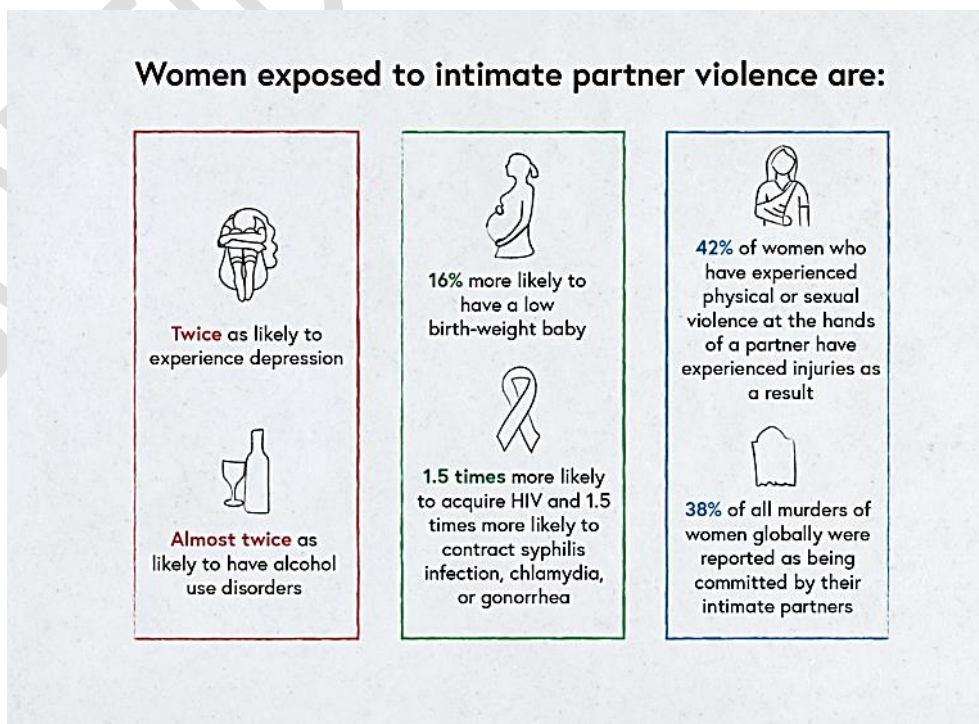
The first 1001 days, from conception to two years old, is the most important time in a child’s life for development, more so than at any other time in their lives. In fact, by the age of two, a child’s brain is already 80% developed, and has been making around one million new connections every second (Health for Under 5's, 2021). A baby’s social, emotional, and cognitive development is impacted by the relationships around them, from their parents/caregivers and their families and friends. If a baby, child or young person experience adversity during this important developmental time, there can be long-lasting consequences with increased risk of poor health and social outcomes. It is important to ensure that babies, children and young people experience love, care, and nurture during their 1,001 developmental days and beyond (Greater Manchester Violence Reduction Unit, 2022/23).

### Maternity Related Domestic Abuse

Research conducted internationally has revealed that three in ten women (30%) who are subject to domestic abuse are physically assaulted for the first time when they are pregnant. (World Health Organization, 2021). Because of the numbers of women involved Domestic abuse is the most common health problem during pregnancy for women. Domestic abuse brings many risks for both the pregnant women and their unborn baby, including infection, premature birth, miscarriage, injury and death. (WHO, 2002) Domestic abuse can also affect a woman’s mental health and wellbeing as well as aggravate existing health problems or chronic pain conditions. One of the side effects of domestic abuse is stress and anxiety, which can affect the way babies grow and develop, resulting in long term negative outcomes for babies. Women who are being abused may also worry about how competent they will be as a mother and their ability to love and protect their baby.

It is important to identify if domestic abuse is taking place, including during pregnancy. The Domestic Abuse Act 2021 ensures that all children under 18 years of age, including babies, are recognised as victims of domestic abuse in their own right when they see, hear or experience domestic abuse and are related to either the victim or the perpetrator. Whilst pregnancy can be a time of great happiness and joy, it can also be a time when domestic abuse can start for the first time and can get worse if there is already domestic abuse within the household (NHS, 2021). Around 30% of domestic abuse begins in pregnancy, and between 40-60% of women experiencing domestic abuse are abused during pregnancy. This makes domestic abuse the most common health problem for women during pregnancy.

Figure 15 – Risks to Women Exposed to Intermate Partner Violence during Pregnancy (Coventry University, 2023)





Domestic abuse is a pattern of assault and coercive behaviour, and can be emotional, physical, psychological, financial and/or sexual. One in 30 women (23,192 female victims) aged 14-49 reported domestic abuse to Greater Manchester Police at least once last year (Greater Manchester Violence Reduction Unit, 2023). National research by Women's Aid indicates that 6% of those in community based domestic abuse services and 8% of those in refuges in 2021-22 were pregnant (Womens Aid, 2023). In Tameside the rate of Domestic Abuse (inclusive of all domestic abuse – not just pregnancy related) was significantly higher in the early 2010's however much work has taken place in this area with Violence with Injury associated with Domestic abuse peaked in 2018 at 922 cases however, there has been a 9% reduction in demand since to 839 cases in 2022. Levels were lowest in 2019, at 738 cases annually (Greater Manchester Police, 2022).

Tameside has a relatively high rate of teenage pregnancy with the under 18 conception rate in Tameside being 21.1 per 1,000 women aged 15-17 in 2021; which is significantly higher than the national average (13.1 per 1,000 women aged 15-17). Young people are at risk of being victims of domestic abuse and wider forms of violent crime therefore support should be specifically targeted at younger pregnant women.

### Living Environment

Parental conflict can impact on the mental health of the baby as well as other adverse childhood experiences and other traumatic exposures. Conversely, having a loving, nurturing, and stable environment where babies are able to feed, be loved and cared for results in positive outcomes. Therefore, it is important that parents or carers get the right type of support to help them give their babies the best start for life (Health for Under 5's, 2021).

Poor parenting, low parental age and family structure, specifically single parent households and lack of parents have all been shown to correlate with ACE prevalence (Institute of Health Equity, 2015). Tameside has the North West's third-largest percentage rise in the proportion of lone-parent households (from 12.8% in 2011 to 13.8% in 2021). Therefore, of the approximately 2800 babies born each year 386 will be either born into or become part of a lone parent household.

Research shows that living in poverty impacts on our life chances and development in a variety of ways. Having a low-income, below the living wage, increases parents/caregivers' stress levels, impacting on family dynamics. Conversely, increases in household income can boost children's educational achievements and emotional and physical wellbeing. Children living in single parent households are more likely to live in poverty (Child Poverty Action Group, 2023). This may be due to various reasons, such as low maintenance payments for children, high childcare costs and the absence of a second income. Nearly half, 45% of single parents, of which 90% are women, are living in poverty (Greater Manchester Violence Reduction Unit, 2022/23).

Additionally, there are many young families in Tameside on the current caseload within the Probation Service. In Greater Manchester, 1 in 6 men aged 18-25 years are fathers to young children. Young adult men in the criminal justice system are often a vulnerable group with histories of social exclusion, poor education, exposure to trauma in childhood, and time spent in local authority care. Lack of exposure to positive parenting in early life and opportunity to develop fathering identities is further exacerbated through contact with the Criminal Justice system, arrest, court attendance, and whilst in prison. These issues present significant challenges when integrating back into their own families as parents or older siblings, or when becoming new step partners when forming new relationships, resulting in ongoing impacts to the young people under their care. All too often we recognise that many young adults lack the capacity, confidence and positive support to parent children or be role models for their younger siblings in a positive way, offering positive contribution to a family unit. (Greater Manchester Violence Reduction Unit, 2022/23).

## What is Currently Happening In Tameside – Protective Factors

Within Tameside there have been many active projects to tackle the inequality and ACEs that babies and young children can experience. These projects include:

- Family Hubs – these provide support to the whole family and are designed as a one-stop-shop to early help and support for families in Tameside. More information can be found [here](#).
- Healthy Child Programme – THRIVE and SEND local offer for child development. More information can be found [here](#).
- Maternity Services – enhanced midwifery team which offers case holding and additional support for women with additional requirements e.g.: mental health issues, learning disabilities, substance misuse etc. More information can be found [here](#).
- The Family Nurse Partnership – a voluntary home visiting programme for vulnerable young mothers, from early in pregnancy until their child is 2 – for example, has generated savings of more than five times the programme costs. This approach could be broadened and embedded in universal services to support more young parents. More information can be found [here](#).
- The Early Help Offer in Tameside - More information can be found [here](#).
- Parent and Carer Panels – an influencing service which helps to shape how Tameside services are delivered for parents and carers of babies under 2 years old. More information can be found [here](#).
- Early Attachment Service – provide additional support by referral for the parent - infant relationship. More information can be found [here](#).
- Home-Start is a local charity of trained volunteers offering one-to-one support, to improve social networks and health. More information can be found [here](#).
- DAD Matters – Part of Home Start and aims to help dads have successful relationships with their families, and to support dads with anxiety, stress and mental health issues. More information can be found [here](#).
- Talking Therapies (previously Healthy Minds) give priority access in pregnancy and in the period after birth. More information can be found [here](#).

# Risk and Protective Factors of Violence: Children and Young People

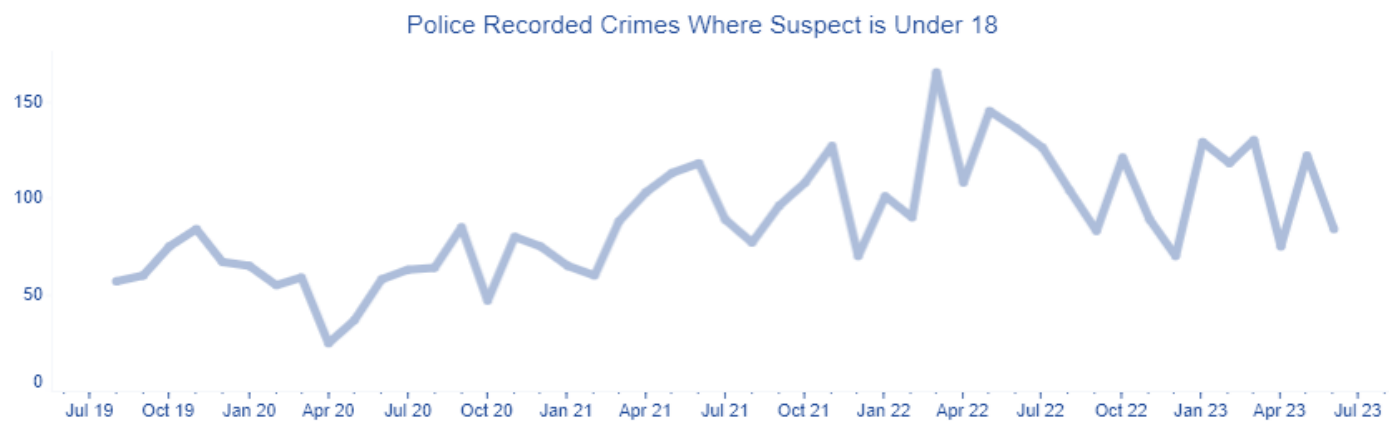
‘The long term poor health outcomes in people who have experienced multiple adverse events in childhood have been well documented since the original CDC-Kaiser study in the late 1990's. Those people who have experienced four or more adverse childhood experiences (ACE) are at significantly increased risk of chronic disease such as cancer, heart disease and diabetes as well as mental illness and health risk behaviours.’ (Mary Boullier, Mitch Blair, 2018)

Young persons or youth violence is violence committed by a person under 25 years which has an impact on individuals, families, communities, and society. It is defined as a global public health problem and includes acts of violence from bullying and fighting to sexual and physical assault and homicides. Worldwide around 200,000 homicides occur among young people 10–29 years of age each year, which is 42% of the total number of homicides globally each year (WHO, 2020). Youth violence, whether experienced as a perpetrator or victim has far reaching impacts on a young person throughout their life.

### Violent Crime Committed By Young Persons

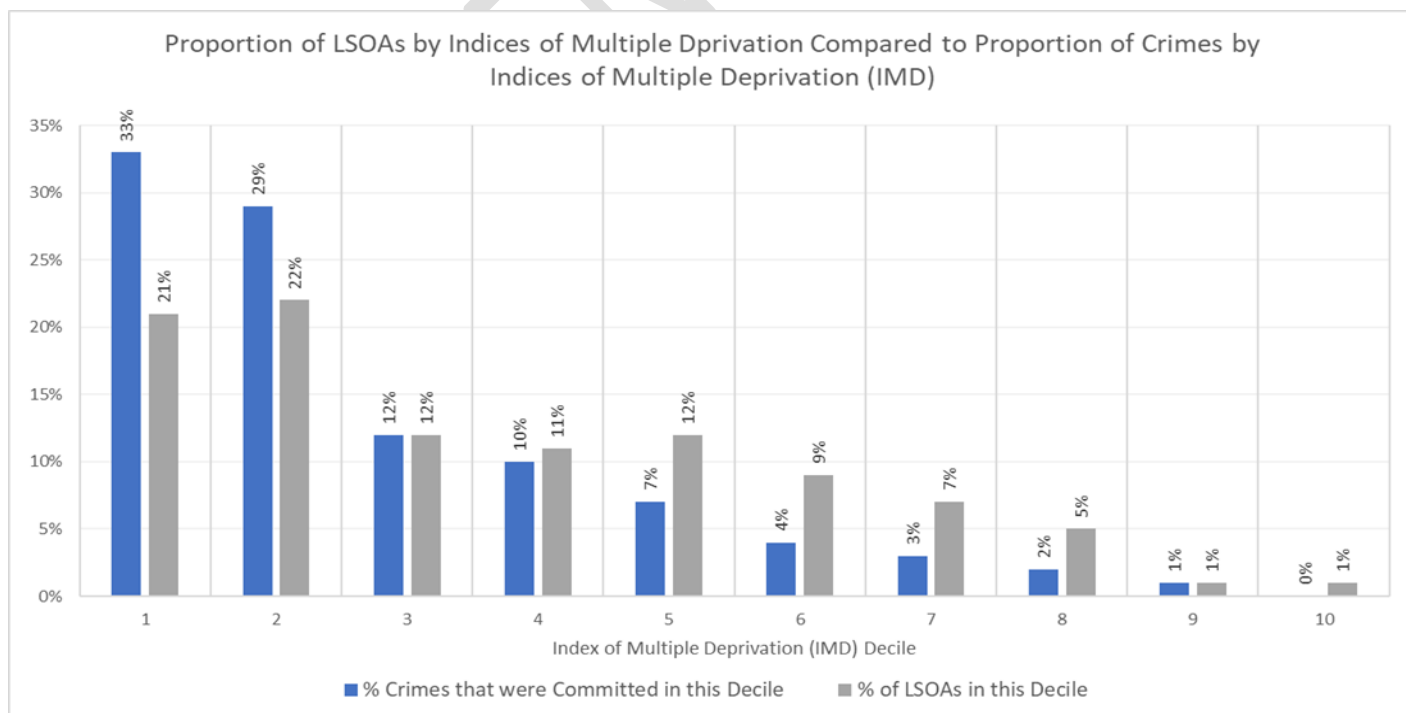
Taken from the youth justice dashboard from the Greater Manchester Combined Authority, the below graphs highlight the numbers of violent crime incidents by a suspect under the age of 18 within Tameside.

[Figure 16 – Police Recorded Crimes Committed By a Suspect Under 18 Years old Resident in Tameside](#)



Of all crimes under 18 crimes committed, violent crimes accounted for on average a third of all crimes where the suspect was under 18. This is slightly below the Greater Manchester average but similarly to Greater Manchester, Tameside is on an upward trend.

[Figure 17 - Under 18 Suspect Crimes by IMD 2019 in Tameside](#)



When looking at the violent crimes committed by under 18's from 2019-2023 by the Index of Multiple Deprivation Deciles in Figure 17 above, an over representative proportion of the crimes were committed in

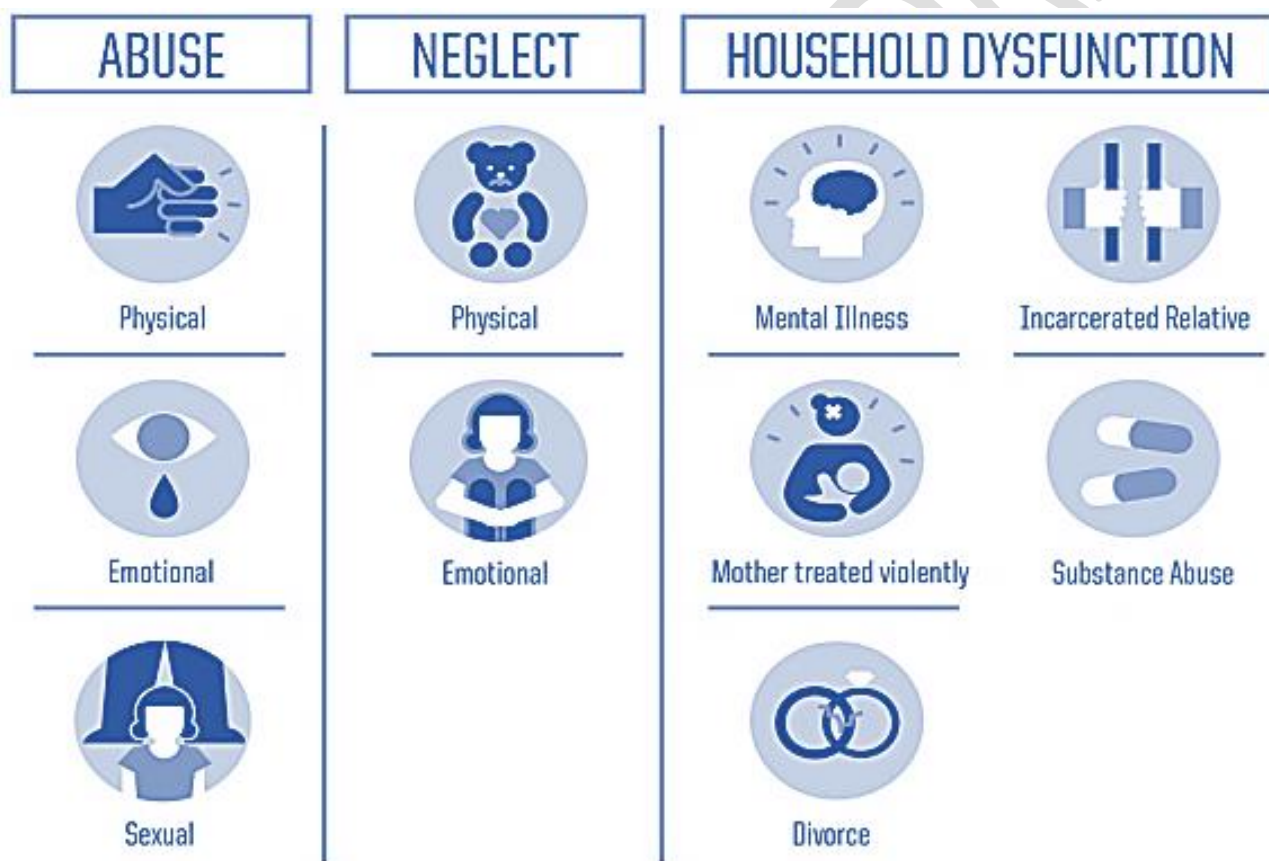
the most deprived parts of Tameside. This further highlights the evidence of the link between youth related crime and deprivation.

### Adverse Childhood Experiences

Adverse Childhood Experiences (ACEs) is a term that refers to a range of traumatic experiences that individuals may have endured during their childhood and adolescence. These experiences can have long-lasting negative effects on physical, mental, and emotional health. The concept of ACEs was first introduced by a landmark study conducted by Vincent J. Felitti and Robert F. Anda in the late 1990s. ACEs encompass various forms of childhood adversity, including physical, emotional, or sexual abuse, neglect, household dysfunction (e.g., substance abuse, mental illness, domestic violence, divorce), and other traumatic events that occur before the age of 18. (Felitti, 1998).

The below infographic demonstrates the types of adverse childhood experiences by abuse, neglect and household dysfunction which has been shown in studies and research, perpetuates the deep entrenchment of ACEs and can result in crime and criminality becoming a generational norm.

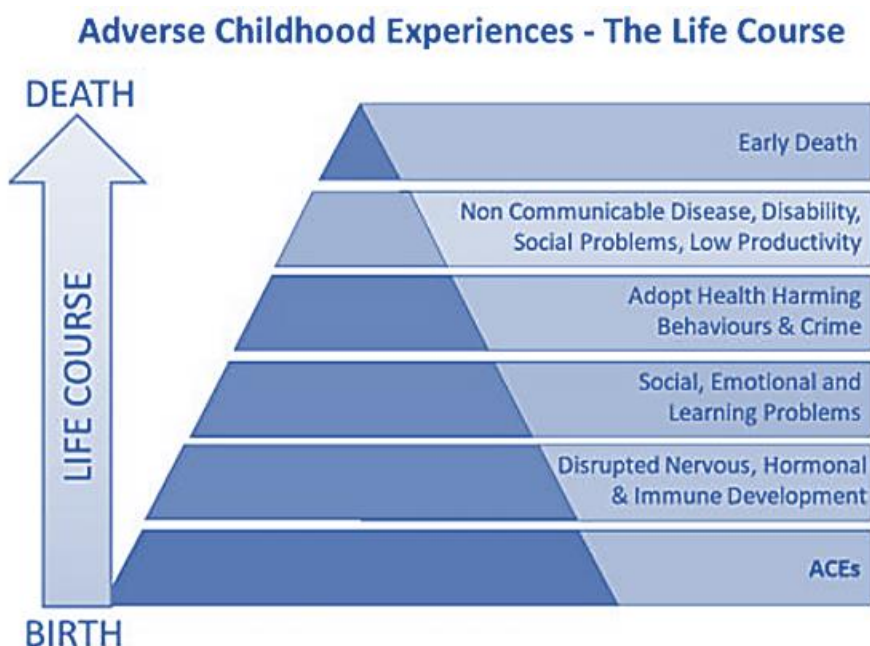
[Figure 18 - Types of adverse childhood experiences by abuse, neglect and household dysfunction](#)



(Greater Manchester Violence Reduction Unit, 2023)

These effects can result in a perpetuating cycle of children going on to exhibit the same behaviours which have caused an ACE in the first place. Additionally across the life course, ACEs have been shown to have adverse effects on both physical and mental health and in turn the individuals affected can have a reduced life expectancy (Institute of Health Equity, 2015).

Figure 19 - Adverse Childhood Experiences Life Course – Adapted from (Felitti, 1998)



As highlighted above the link to crime and in particular serious violence from ACEs is strong. Below are a set of highlighted metrics around Tameside’s current position in respect of ACEs and children. These metrics provide some context and a proxy for the prevalence of ACEs, which also indicates an increased risk of young people in Tameside being both the victims and perpetrators of violent crime. These show that there are a number of measures which relate directly to ACEs where Tameside is performing significantly worse than the national average. Evidence tells us that a 1/6 of homeless individuals will end up getting involved with crime (SELF, 2021) and living in a low-income family is linked to higher rates of offending (Nuffield Foundation, 2022). In Tameside, the proportion of children living in low-income families is above both the North West and England average, as highlighted below.

Figure 20 - Indicators of ACEs within Tameside - Current Position

Indicator	Period	Tameside			Region	England	England		
		Recent Trend	Count	Value	Value	Value	Worst/Lowest	Comparison with England	Best/Highest
Children in care	2022	–	666	130	97	70	218	●	26
Pupil absence	2021/22	→	873,651	7.2%	7.5%	7.6%	9.2%	●	4.30%
First time entrants to the youth justice system	2022	→	52	227.5	165.9	148.9	454.5	●	37.2
Children entering the youth justice system (10-17 yrs)	2020/21	↓	49	2.3	2.4	2.8	5.7	●	1.1
16 to 17 year olds not in education, employment or training (NEET) or whose activity is not known	2021	→	401	8.1%	4.9%	4.7%	14.7%	●	0.00%
Children in absolute low income families (under 16s)	2021/22	–	7,999	17.4%	16.6%	15.3%	35.3%	●	4.20%
Under 18s conception rate / 1,000	2021	–	83	21.1	16.4	13.1	31.5	●	2.7
Teenage mothers	2021/22	→	15	0.60%	0.70%	0.60%	2.40%	●	0.00%
Homelessness - households with dependent children owed a duty under the Homelessness Reduction Act	2021/22	–	324	11.8	15.4	14.4	39.3	●	4.5
Domestic abuse related incidents and crimes	2021/22	–	-	37.7*	32.5	30.8	12.3	●	45.2

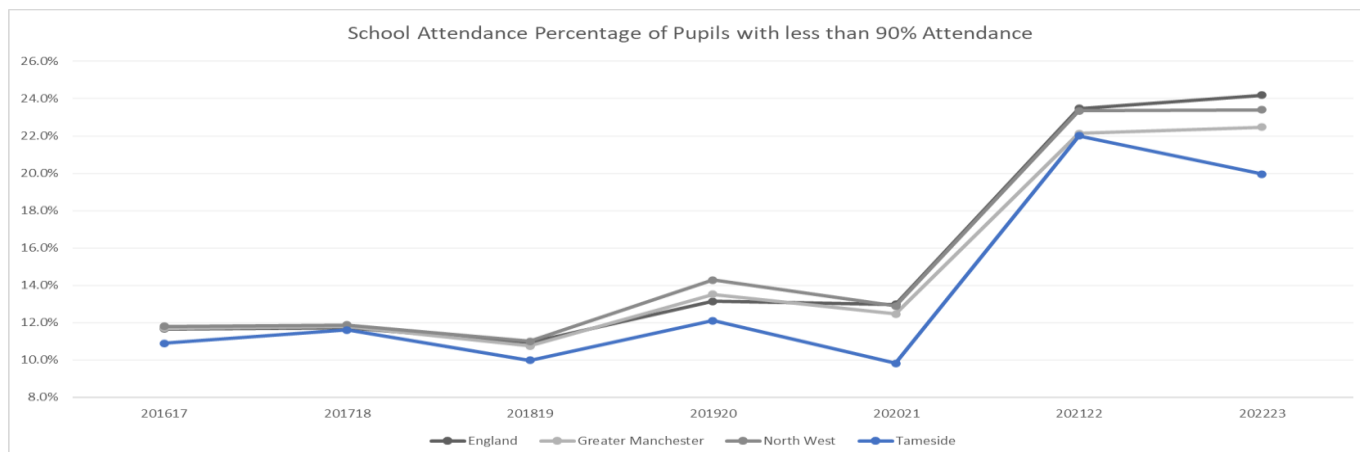
\*this value is an average crime rate across Greater Manchester (from Greater Manchester Police data), rather than Tameside specific.

### School Attendance and Attainment

Attendance in a school or college environment is the best way for children to learn and reach their potential. Time in school also keeps children safe and provides access to extra-curricular opportunities and pastoral care. Evidenced through studies and a priority for the government (Department for Education, 2022)

attendance in school is a protective factor from serious violence. The below figure highlights Tameside's level of less than 90% attendance in school, compared against Greater Manchester, the North West and England (Department for Education, 2023).

[Figure 21 – School Attendance within Tameside - Current Position](#)



Tameside's overall percentage of absenteeism over time has been less than the Greater Manchester, North West and England averages. This is for both less than 90% attendance of pupils and less than 50% attendance. As part of the impact of the COVID-19 pandemic, there has been a national increase in the proportion of pupils with less than 90% attendance, which has also been seen in Tameside. Before this period, this had reduced in Tameside with a lower rate than national and regional averages. Despite the increase since the COVID-19 pandemic, rates of below 90% attendance have remained below the national and regional averages in Tameside and further reductions have been seen in the most recent data for 2022/23.

Research has consistently shown that attainment at school can serve as a protective factor against serious violence and involvement in criminal activities. Higher educational achievement is associated with a range of positive outcomes, including reduced risk of engaging in violent behavior (Farrington, 2004). In Tameside the below figure highlights the current attainment of each key stage of education, beginning of primary school, end of key stage 1, end of primary school and the end of secondary school.

[Figure 22 – School Attainment within Tameside - Current Position](#)

Indicator	Period	Tameside			Region	England	England		
		Recent Trend	Count	Value	Value	Value	Worst	Compared to England	Best
School readiness: percentage of children achieving a good level of development at the end of Reception	2021/22	–	1,692	60.1%	61.7%	65.2%	53.1%	●	74.4%
Key stage 1 pupils meeting the expected standard in reading	2021/22	–	1,899	64.0%	65.0%	67.0%	58.0%	●	77.0%
Key stage 1 pupils meeting the expected standard in writing	2021/22	–	1,617	55.0%	55.0%	58.0%	48.0%	●	71.0%
Key stage 1 pupils meeting the expected standard in maths	2021/22	–	1,940	66.0%	66.0%	68.0%	59.0%	●	76.0%
Key stage 1 pupils meeting the expected standard in science	2021/22	–	2,189	74.0%	75.0%	77.0%	64.0%	●	86.0%
Key stage 2 pupils meeting the expected standard in reading, writing and maths	2019/20	–	1,878	63.4%	64.6%	65.3%	53.6%	●	81.0%
Average Attainment 8 score	2021/22	–	123,275	45.6	47.1	48.7	39.2	○	61.3

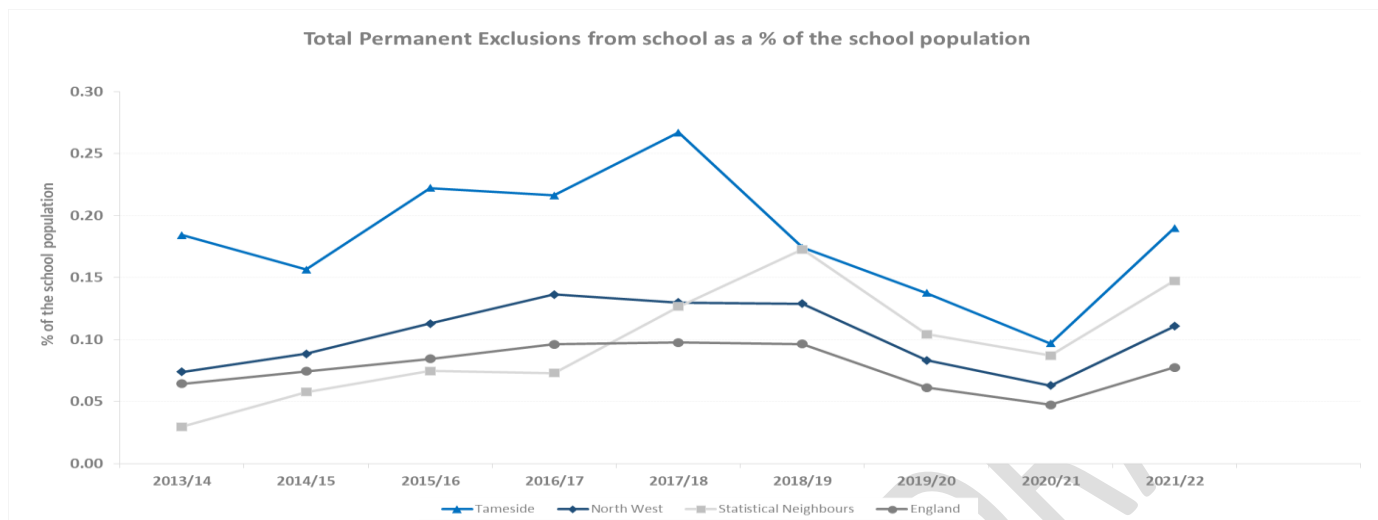
Tameside's attainment has been significantly lower than the England average for all measures, with covid widening the gap.

**Exclusions and Suspensions/Fixed Term Exclusions**

A suspension, or sometimes referred to as a fixed term exclusion is where a pupil has been temporarily removed from the school, whilst a permanent exclusion is when a pupil is no longer allowed to attend a school. Children who had been cautioned or sentenced for an offence were more likely to be both suspended

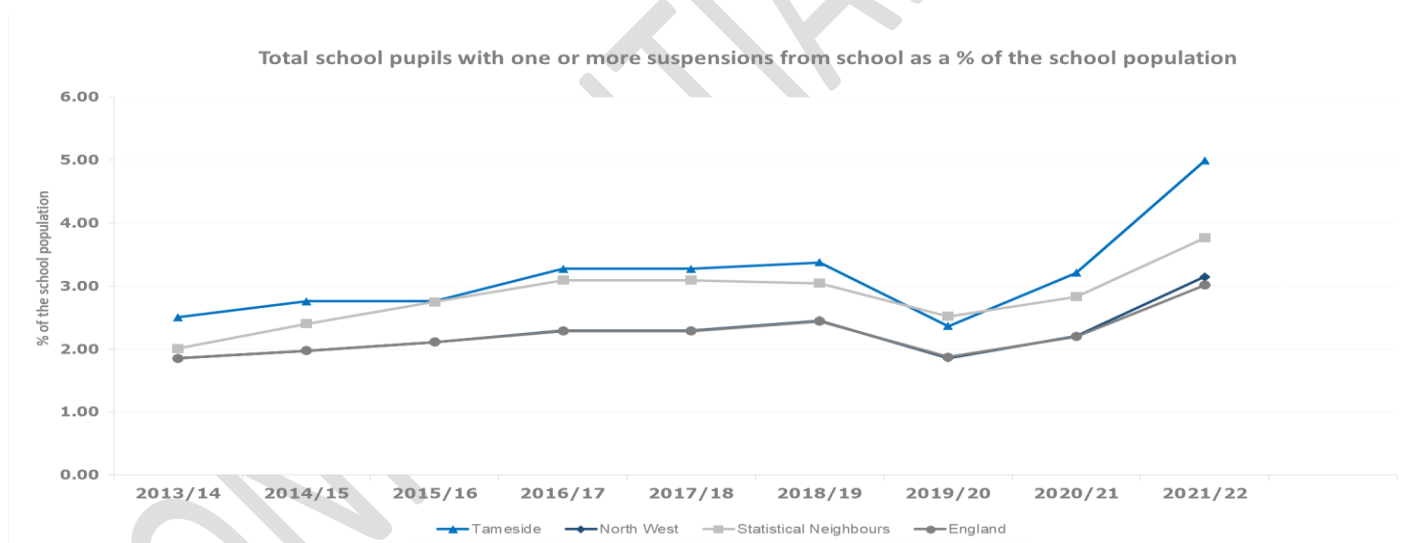
and/or permanently excluded than the all-pupil cohort; with children whose offending had been prolific having the highest proportion of suspensions/fixed term exclusions and permanent exclusions (Department for Justice and Department for Education, 2022).

**Figure 23 – Permanent Exclusions – Primary and Secondary School as a Percentage of the School Population**



Tameside’s overall percentage of permanent exclusions over time has been higher than the Greater Manchester, statistical neighbour, North West and England averages.

**Figure 24 – Suspensions/Fixed Term Exclusions – Primary and Secondary School as a Percentage of the School Population**



Tameside’s overall percentage of suspensions / fixed term exclusions over time has been higher than the Greater Manchester, statistical neighbour, North West and England averages.

The data presented indicates consistently higher percentages of both permanent exclusions and suspensions compared to the averages in Greater Manchester, the statistical neighbour, the North West, and England over time. This trend highlights a significant challenge within the educational system in Tameside, indicating a persistent need for attention and potential intervention in managing behavioral issues and maintaining a conducive learning environment. Work detailed below in the protective factors outlines what is currently happening to help to reduce the rates of suspensions and permanent exclusions.

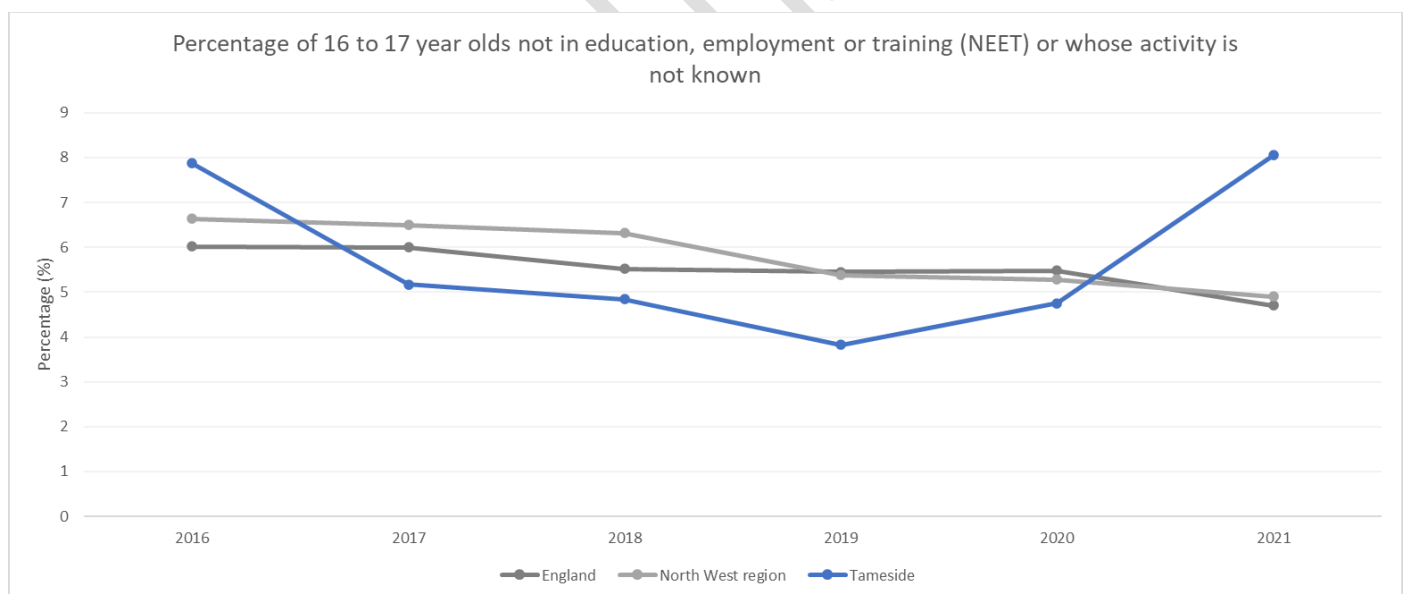


## Young Persons Not in Education, Employment or Training (NEET)

The concept of "Not in Education, Employment, or Training" (NEET) is often used to refer to young people who are not currently enrolled in education, employed, or undergoing vocational training. The NEET status is associated with various negative outcomes, including a potential link to serious violence for the following reasons:

- It can be an indicator of disengagement from society. Disengaged youth are at a higher risk of becoming involved in risky behaviors, including violent activities (Rachel Sandford, 2006).
- There can be a lack opportunities for personal and professional development. This lack of purpose and opportunity can make them more susceptible to negative influences, including involvement in violent activities (Hurrelmann, 2015).
- NEET is often linked to economic deprivation, which can lead to frustration and desperation. In some cases, individuals may resort to criminal activities, including violence, as a means of economic survival (Joseph Murray, 2007).
- Exposure to negative peer influences. Lack of structured activities and supervision can lead to association with peers engaged in criminal or violent behaviors (Thornberry, 2003).
- Social isolation and a sense of alienation from mainstream society. Such isolation can lead to a lack of prosocial values and connections, making individuals more vulnerable to involvement in violent activities (Michaela Pfundmair, 2022).
- A significant number of NEET individuals may struggle with mental health issues, and untreated mental health problems can increase the risk of engaging in violent behavior (Aase Villadsen, 2023).
- Addressing NEET status can be an important preventive measure to break the cycle of violence. By providing education and employment opportunities, you can offer positive alternatives to those at risk (UCL Institute of Health Equity and Public Health England, 2014).

Figure 25 – Percentage of 16 & 17 Year Old NEET



In Tameside, the rate of young people NEET has fluctuated in recent years with the rate for 16 and 17 year olds being significantly lower than the national average in 2019 and 2020, but the latest data for 2021 shows a sharp increase in the rate of NEET in 16 and 17 year olds in Tameside which is now significantly higher than the national average and places Tameside with the 7<sup>th</sup> highest rate in the country.

Reducing the proportion of young people who are NEET will not only reduce the risk of involvement in serious violence but will also promote individual well-being, social inclusion, and economic stability.

## Youth Justice

From (Tameside Youth Justice Service, 2023), between April 2020 and March 2023, a total of 321 children have received a substantive outcome to any offence, of which nearly 1 in 10 of the offences would fall into the category of serious youth violence (SYV).

### Serious Violence and Exploitation

A total of 38 children out of the 321 who received a substantive outcome, did so for SYV. Of these children 27% were from an ethnic minority community, which is higher than the representative population of Tameside. The overall prevalence of SYV as a percentage of crime has not changed significantly over the 3 years: 20/21 – 9%; 21/22 – 9% and 22/23 – 10%. However the numbers of offences have increased, and youth justice are seeing a significant rise in Violence against the Person offences as can be seen in figure 24, meaning that the distribution in type of crime has changed.

Figure 26 – Number of Offences by Type in Youth Justice Service

Year	Drugs	Robbery	Violence against the person	Total SYV Offences
2020/21	2	12	1	15
2021/22	1	15	3	19
2022/23	3	10	15	28

Further analysis of those involved in the commission of these offences is being conducted by the youth justice service to identify any patterns or trends and inform current practice within the service. What however is known so far, that despite the low numbers, there has been a significant rise in the number of girls involved with offences of Violence against the Person.

The imposition of an additional Senior Practitioner role within the youth justice service has allowed for increased monitoring of the overnight arrest data, to include all those who are released under investigation. Cases of concern are identified and discussed at the recently introduced complex safeguarding daily briefings, which are attended by Greater Manchester Police, complex safeguarding, youth justice, SHiFT and the early help and safeguarding hub (EHASH). This meeting recognises and responds to risk and harm in the community, to include more specifically extra familial harms such as peer on peer violence and exploitation. (Tameside Youth Justice Service, 2023).

### What is Currently Happening In Tameside – Protective Factors

Within Tameside there have been many active projects to tackle the inequality and ACEs that Children and Young People can experience. These projects include:

- Family Hubs – these provide support to the whole family and are designed as a one-stop-shop to early help and support for families in Tameside. More information can be found [here](#).
- Supporting Families (former Troubled Families) programme. More information can be found [here](#).
- Commissioning of Domestic Abuse support services Bridges and TLC programme for children who harm. More information can be found [here](#).
- I am Greater – help and support online and a resource bank of information and support services for young people affected by violence. More information can be found [here](#).
- Trauma informed practice – signs of safety in children’s services; Tameside’s relational practice model and workers trained in Trauma Informed Practice. More information can be found [here](#).

- SHiFT - Exists to break the destructive cycle of children and young people caught up in, or at risk of, crime, seeking to transform both policy and practice in how young people in these circumstances are seen and supported. More information can be found [here](#).
- The Tameside Framework for Help and Support is for anyone working with or in contact with children and families who has concerns about a child. This includes the early help and safeguarding hub (EHASH). More information can be found [here](#).
- A number of different organisations that can offer mental help to children and young people. More information can be found [here](#).
- Tameside Children's Services have developed an attendance strategy and support for those with reduced attendance at school. More information can be found [here](#).
- YOUthink - specialist youth workers that deliver sexual health intervention and prevention young people aged under 25. More information can be found [here](#).
- GPs and other front line professionals can refer young people to the sexual health service for any sexual health concerns, including those relating to domestic violence, substance misuse, criminal justice involvement, sexual assault, Child Sexual Exploitation etc. More information can be found [here](#).
- Branching Out - a free and confidential service that specialises in supporting young people 25 and under who are affected by drugs or alcohol. A link worker also sits within the youth justice service to link young people in the justice system with Branching Out. More information can be found [here](#).
- The Safe Squad safety training, from first aid to online protection, to more than 2,382 young people in 59 primary schools across Tameside. Schools described the sessions as "engaging", "very informative", and "a really positive and valuable experience." More information can be found [here](#).
- Tameside Pupil Referral Service - established in September 2011 as an integrated provision for young people who are not currently in mainstream school for a variety of reasons, primarily as a result of permanent exclusion. Encompasses to sites White Bridge College and Elmbridge School. More information can be found [here](#).
- Interventions for young people at risk of offending and or permanent exclusion funded by Community Safety Partnership. This includes Military Mentors, Sale Shark's outreach programme, Build-a-bike programme and Construction Courses. This runs with targeted young people (identified through Youth Justice, Police, Schools and other professionals) and is based alongside Tameside's Pupil Referral Units White Bridge College and Elmbridge School.
- Outreach mentors funded by Community Safety Partnership. The outreach team have 3 members of staff supporting students across 14 secondary schools in Tameside. Their role is to work with Tameside secondary schools and be proactive in reducing students who are likely to be permanently excluded in the future.
- Onsite Counsellor/Therapist funded by Community Safety Partnership. This is a dedicated resource for the PRU's in Tameside and works with the most vulnerable students at risk of permanent exclusion.
- In reach tutor team funded by Community Safety Partnership. Remote learning offer to provide one-to-one tuition for children and young people who are persistently absent to re-engage them with learning.
- Mobile learning unit funded by Community Safety Partnership. Allowing young people working with the in-reach tutor team to have an alternative location to work that isn't the classroom and using it as the first step back into education.

- Knife and Weapons Protocol: Knife and weapons work that is delivered in partnership with the schools and police school liaison officers. This arrangement ensures that there is a swift multi-agency response to reports of children having weapons on school premises and puts a targeted intervention in place straight away to reduce the potential of the young person being permanently excluded and to support the school in their risk management of the situation. This approach has been very successful and led to children receiving support and education about the dangers of carrying weapons at an earlier stage and without the need for them to always enter the formal youth justice system to receive this.
- Youth Justice Service (YJS) Prevention Offer: Several offers for prevention designed to identify children and young people at risk of offending to offer early intervention and support. Some offers are externally funded (Violence Reduction Unit, Community Safety Partnership, Ministry of Justice) and have attached eligibility criteria. For those who do not meet the criteria, YJS offer a generic prevention programme which accepts referrals from any agency & self-referrals from parents/ carers.

## Case Study – Tameside Pupil Referral Service, Outreach Service

Pupil A was referred following an incidents of violence and aggression towards peers both in school and in the community. Pupil A was also disengaged with some of their lessons often truanting and going to sit outside and refusing to engage with staff.

Pupil A was displaying traits of ASD. Pupil A presented as very fixed in their thinking, dislikes change, has relentless routines at home that they feel they must follow and has a dislike of certain materials on their skin. Following consultation with SENDco from A's school, they confirmed that at her mum's request Pupil A was referred onto the ADHD and Social Communication pathway and was accepted onto it in 2021. Pupil A is on the SEND monitoring list and accesses their lessons without additional support but has just started regular mentoring sessions with a TA.

Pupil A has always engaged well and presented as extremely remorseful of their actions, often getting upset for feeling angry all the time and not being able to control this. This was explored extensively and the majority of the PRU work was focused on Pupil A accepting their emotions and learning how to deal with them as they arise.

School were very supportive of Pupil A putting in place suggested support such as a safe place for Pupil A to go to when their anxiety and stress levels rise, having an identified member of staff for Pupil A to go to at times of stress, allowing Pupil A to listen to music to help them regulate themselves in their safe space and moving Pupil A's science lesson as this was a huge source of anxiety. Initially Pupil A did not engage in any of these support mechanisms and would still often truant and did not feel that they would engage with staff. This attitude was often due to Pupil A thinking they did not deserve the help and not understanding how these mechanisms could help them. Through the volcano exercise Pupil A was shown through visual representation how their safe space and staff support can help them regulate their emotions throughout the day, so they do not 'boil over' into violence/aggression at the end of the day on their way home in the community. This was revisited several times and over time Pupil A began to engage in support from school.

Pupil A's self-esteem was extremely low, and exercises were built into each session to support Pupil A in this. Over a few months, these exercises were often sessions on being self-reflective of Pupil A's progress in being able to help school more proactively. Pupil A was encouraged to engage in hobbies and passions that they have. Pupil A enjoys reading and the intervention worker visited the library with them as they were very nervous about going into the library as they had never been in. The intervention worker encouraged Pupil A to start walking in the evening (to also help with sleep) and Pupil A also became a PRIDE ambassador for the school. Over a number of sessions the intervention worker was able to encourage Pupil A to wear their rainbow lanyard around school.

Pupil A has shown huge improvements in their approach and how they cope with school over the last few months. Pupil A has improved relationships with staff, they are no longer truanting lessons (or if they do the occasions are few and far between as opposed to daily), they have not been in isolation for a long time and Pupil A has not received any Fixed Term Exclusions for over 4 months. Additionally, Pupil A was assaulted, and they did not retaliate. Pupil A has had no incidents in the community, displayed no aggression to members of the public and has not been physically violent towards anyone in school or in the community. Most importantly, Pupil A feels happier in school and on the whole is now enjoying their time at school. In the final session with the intervention worker, Pupil A reflected that they felt that they was not capable of achieving what they had and stated that they had underestimated themselves. Pupil A's Teaching Assistant who supports Pupil A on a daily basis has said it has been a joy to see them transform.

Pupil A will need to continue to have this support in school going into the next year of school. Pupil A often struggles with sleep which affects their mood and so Pupil A can sometimes still present as quite low in mood, this in turn affects their confidence in their ability. Hopefully Pupil A will continue to engage well and have a successful year without the need for a referral back to Tameside PRU Outreach service.

# Risk and Protective Factors of Violence: Adulthood and Ageing Well

‘There are three forms of violence:

(1) self-directed violence, involving self-harm and suicide

(2) interpersonal violence, involving familial and community violence  
(including youth violence)

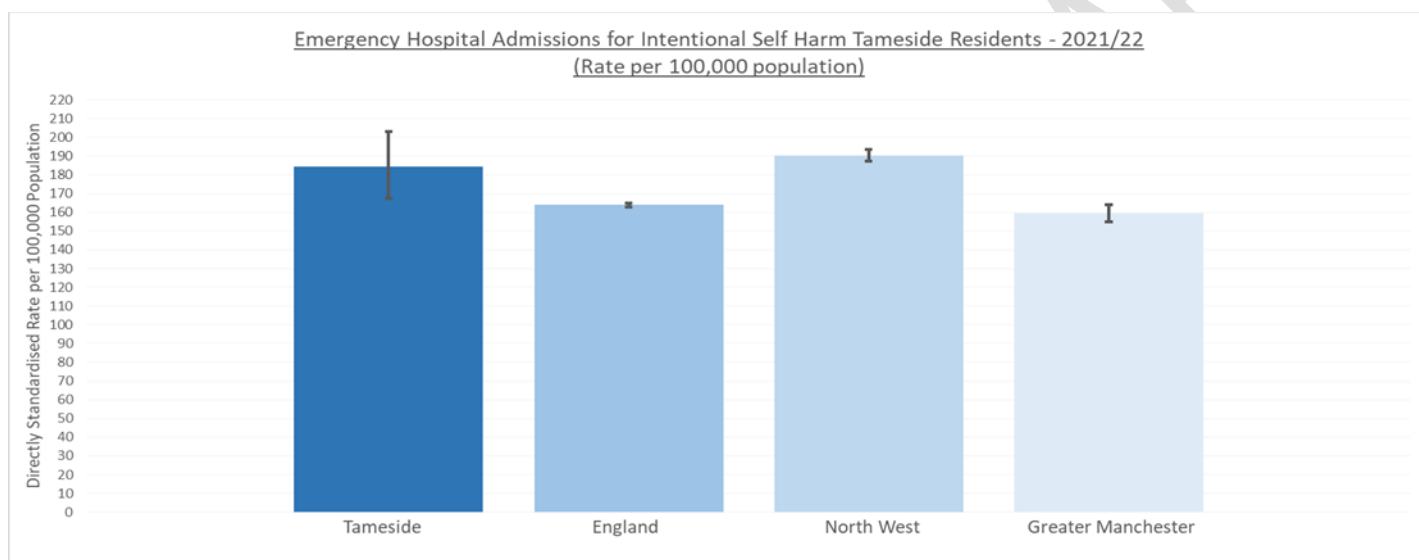
(3) collective violence, involving social, political and economic forms of  
violence.’ (WHO, 2002)

Serious violence within adulthood can present itself in three main ways – self-directed (suicide and self-harm), interpersonal (crime against another, can also be gang related) or as a collective (larger group violence and is committed by larger groups of individuals or by countries). Although these types of serious violence are also found in children and young people, they occur in a higher quantity in adulthood.

### Self-Directed Violence

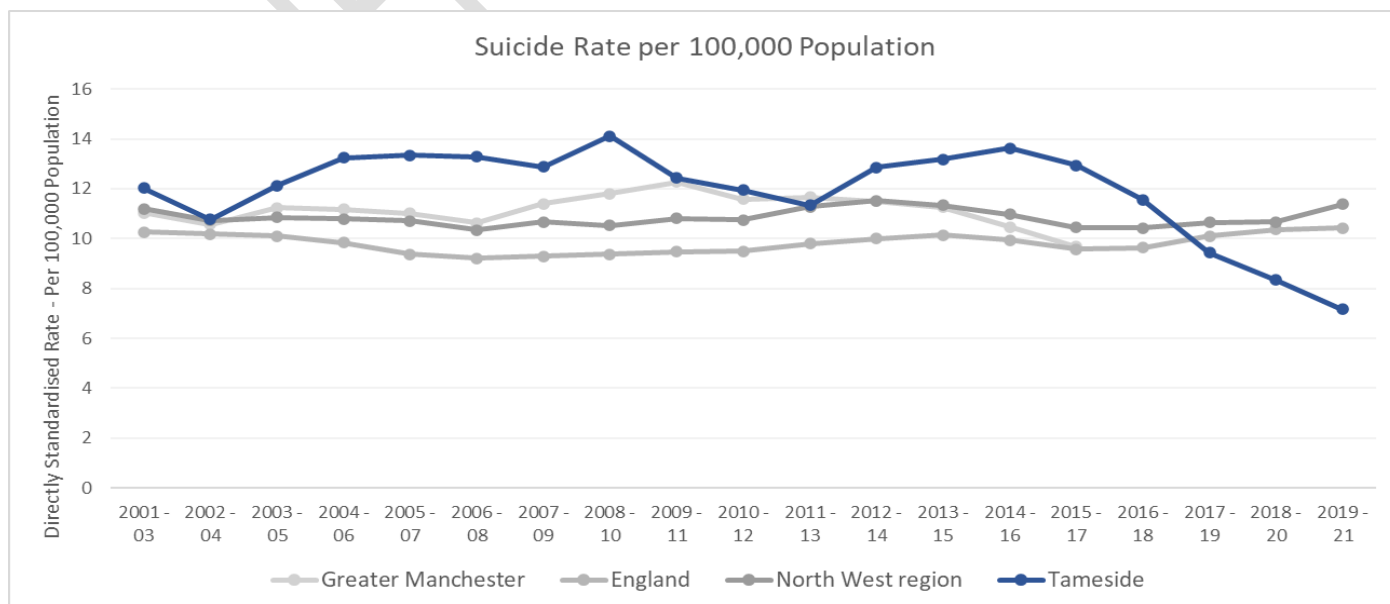
There is a strong association between child abuse and neglect and risks of attempted suicide in young people and adults; something that is not always captured in local suicide audits. (Felitti, 1998). It was found that four or more ACEs experienced in childhood meant that as an adult individuals were 12 times more likely to attempt suicide. Nationally and within Greater Manchester attempted and actual suicides have increased over time. The graph below highlights the current position in Tameside compared with the England average.

[Figure 27 - Emergency Hospital Admissions for Intentional Self Harm Tameside Residents - Current Position \(Rate per 100,000 population\)](#)



As the above chart shows Tameside has a significantly higher rate (184.4 admissions per 100,000 people per year) of hospital admissions for intentional self-harm than the national average. As there is only one data point it is not possible to discuss trends over time however, the data below indicates a falling rate of completed suicides in Tameside in recent years.

[Figure 28 – Suicide Estimates of Tameside Residents - Current Position \(Rate per 100,000 population\)](#)



As highlighted above, the current rate of completed suicides in Tameside is significantly lower than the England average. While there have been statistically significant reductions in this rate, caution should be used as the relatively low numbers of completed suicides each year in Tameside mean this value is subject to variation year-on-year, however as highlighted by figure 26 Tameside has seen a decreasing trend.

During 2023 the latest Suicide Audit for the borough was conducted and highlighted while the estimated rate in Tameside was historically higher than regional and national averages, it has fallen from a 2015 peak of 13.6 deaths per 100,000 of the population to 7.2 deaths per 100,000 in 2020. The Tameside suicide rate has now been significantly below the regional and national averages for five years. While year by year there are considerable differences in the number of people who take their lives by suicide, there appears to be a recurring peak in January and in early Summer. At least one third of people who took their own lives made their intention known in some way in the days, weeks and months before their deaths. However, it does not appear that self-harm was associated with many suicides in Tameside. In line with national evidence, a number of groups appear to be at higher risk of suicide in Tameside including men, those aged between 35 and 55 and those living in areas of deprivation. Suicide appears to be a predominantly social issue, rather than a predominantly clinical one. Personal and social factors (often alongside physical and mental health factors) appear to cluster together, bringing about crisis and increasing the risk of suicide.

There is ongoing prioritisation of the work to reduce and prevent suicide across Tameside including updates to the Suicide Prevention Strategy during 2023, suicide audits and delivery of the Shining a light on Suicide campaign and the roll out of mental health first aider training amongst businesses and partner organisations across the borough.

## Interpersonal Violence

As defined by the World Health Organization interpersonal violence refers to violence between individuals and is subdivided into family and intimate partner violence and community violence. The former category includes child maltreatment; intimate partner violence; and elder abuse, while the latter is broken down into acquaintance and stranger violence and includes youth violence; assault by strangers; violence related to property crimes; and violence in workplaces and other institutions. (World Health Organization, 2023)

From (Greater Manchester Violence Reduction Unit, 2022/23) the following is quoted around interpersonal violence from Greater Manchester's probation data (2023) regarding demographics for those people aged over 25 years:

- 92% are Male.
- 80% White , 9% Asian, 6% Black, 4% Mixed, 2% Other
- 42% are on probation due to violent offences including 6% which were homicides or attempted homicides.
- 34% of women aged over 25 years on the probation caseload were known to have been victims of domestic abuse.
- 55% have no qualifications.
- 9% Homeless and 35% Living with friends and/or family.
- 70% (where specified) known to have drug and/or alcohol needs.

Some of the data above highlights several of the potential risk factors for violence, as outlined in the Background and Demographics section, particularly the proportion who are male and the proportion who have known drug and alcohol needs.



## Personal Robbery

Personal robbery in this section relates to the use of a weapon, the presence of verbal threats and the presence of physical violence during a personal robbery. Tameside ranks as the area within GMP with the least amount of serious violence related personal robberies. Tameside has also been on a downward trajectory from a peak in 2018. This may be due to the fact that the fundamental motivation for personal robbery is financial and/or asset gain, and typically sees offenders with poor socioeconomic conditions engaging in this. Of 141 lower super output areas of Tameside, only 11 of these falls in the most deprived 5% nationally. This figure is higher for many other districts in Greater Manchester, which may explain the relatively lower rate of offending in this area. (Greater Manchester Police, 2022).

Younger men are more likely to be offenders of robbery crimes with 88% being men and 63% being 16-34 years of age. Similar patterns apply to victims of robbery with the majority being younger men. There is also a higher number of repeat offenders with some of the risk factors for this being people who have experienced repeat incidents of domestic abuse during childhood, drug and alcohol dependency, and involvement with children's social care. The most common location for personal robbery offences is Ashton-under-Lyne Town Centre (Greater Manchester Police, 2022).

## Violence With Injury

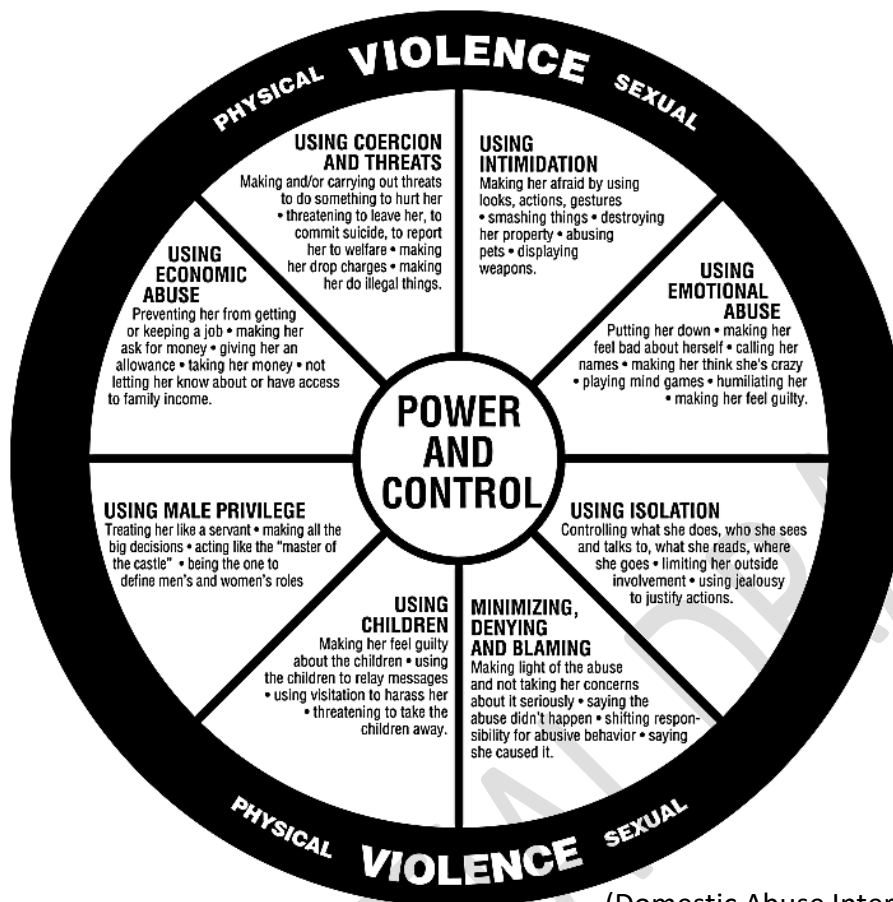
Under this section violence with injury covers alcohol related violence, drug related violence, hate crimes and weapons offences. Although within the same topic area, domestic abuse is discussed in further detail below. Tameside contributes 8% of GMP Forcewide Violence with Injury demand. (Greater Manchester Police, 2022).

Over the last five years there is clear elevated demand and call outs to police for incidents across the summer months (May – August), and a decline in demand when the weather is typically colder (October – January) which could suggest lighter nights, warmer weather and associated activities do contribute to the risk of incidents taking place. In addition, crimes under this category were more likely to take place at night, specifically around midnight and is expected as drug and alcohol trends, mean people will typically use substances in the evening and utilise pubs and off licences. When looking at the demographics of offenders almost  $\frac{3}{4}$  are male and the peak age of an offender is between 25-44 years old. 88% of offenders are from a White British background, which is representative of Tameside ethnicities. Conversely when we look at victims 55% are male, suggesting some crimes committed are perpetrated by a male to a female – which is likely due to domestic abuse related incidents.

## Domestic Abuse

Although an aspect of violence with injury for the purposes of this needs assessment, domestic abuse has been brought together in this section. Domestic abuse can affect anyone within a household and is multifaceted. The most known and common type of domestic abuse is between partners, however domestic abuse can also take place between an adult by a child and by an adult to a child and can also be multigenerational. The below diagram relates to domestic abuse and displays the behaviours that highlight a domestically abusive situation, although originally produced in the 1980's this model is still the current model for domestic abuse and highlights coercive control and the other abusive factors that are domestically abusive.

Figure 29 - Power and Control Wheel – The Duluth Model



(Domestic Abuse Intervention Project, 1984)

Nationally figures show approximately 6% of adults aged between 16-59 years experienced domestic abuse within 2022. Within Greater Manchester approximately 30 incidents/domestic abuse crimes occurred per 1000 people. Within Tameside as a rate of the population in 2022/23 inclusive the crude rate of domestic abuse related incidents is 19.6 per 1000 people. The majority of police recorded domestic abuse incidents are for a one-time offence (over 3/4 of those reported), however over a fifth are for the same repeat victim. In domestic abuse cases however it is rarely a one-time incident - it may only have been reported to police once but there are likely to have been more incidents. National estimates suggest there will be 35 incidents before a victim reports to someone (Office for National Statistics, 2018).

Within Tameside between April 2022 and March 2023 recorded by Greater Manchester Police:

- Domestic abuse accounted for 25.1% of all crimes.
- There were 4,441 domestic abuse related crimes committed and recorded (all age and all persons).
- Within any three month period, 23% of victims of domestic abuse are victims of multiple domestic offences and 29% of offenders are suspected of multiple domestic offences.
- 1,258 domestic incidents were recorded as having a child present.
- 808 cases were referred and discussed by Tameside Multi Agency Risk Assessment Conference (MARAC), 338 were repeat referrals.

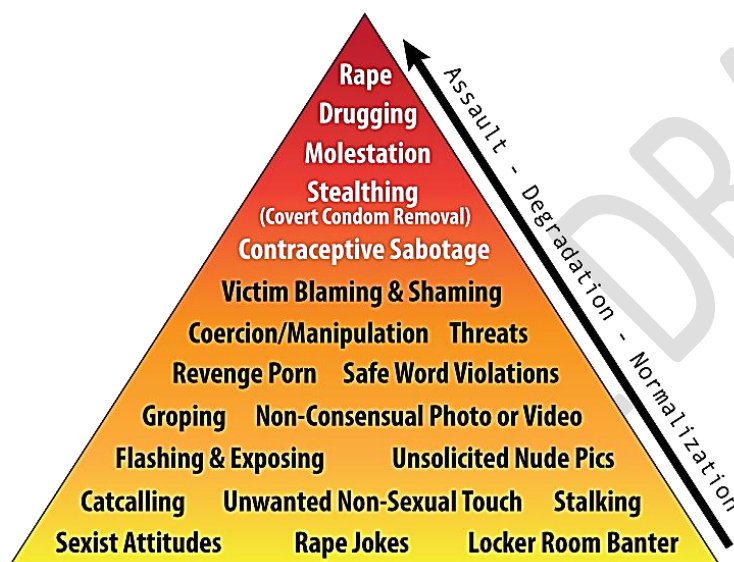
In addition most domestic abuse incidents are of coercive and controlling behaviours rather than physical violence, which could also contribute to the lower recorded rates. In Tameside the rate of Domestic Abuse incidents was significantly higher in the early 2010's. In recent years there has been a borough wide focus by agencies to reduce and tackle domestic abuse and to support victims of domestic abuse within Tameside; this includes work around stalking and harassment, forced marriage, honour-based violence and Female Genital Mutilation (FGM).

In relation to serious violence, domestic abuse has been identified as a risk factor in all violent crimes and is a key driver in a high proportion of the recorded knife crime in Tameside.

### Sexual Violence

The World Health Organization state sexual violence is a global issue with significant public health, human rights, and gender equality implications. It places large burdens on individuals' health and wellbeing, as well as local communities, public services, and wider society. Efforts to understand, prevent and respond to sexual violence have increased in recent decades, and various factors have been identified as increasing, or mitigating risks of harm. (World Health Organization, 2021). Figure 28 below helps to illustrate behaviours that start early and can self-reinforce/perpetuate behaviours that can lead to sexual violence and assault.

Figure 30 - Rape Culture Pyramid – Cervix & Jamie Chandra 2018



(Jamie Chandra and Cervix, 2018)

The number of sexual offences recorded by Greater Manchester Police rose by 41% from 2020 to 2021, including a 26% rise in reported rapes, with 11,700 sexual offences reported in 2022. About half of all sexual offences are reported within a day or a week. However, it should be noted that a substantial proportion of reported sexual offences are historic (26% are reported more than a year after the offence, rising to 35% for rapes), and this does not necessarily reflect the volume of offences being committed over the same time period. Despite this, the number of unreported sexual offences means these figures are a significant underestimate of the number of victims across Greater Manchester (Greater Manchester Violence Reduction Unit, 2022/23). The picture in Tameside broadly reflects the Greater Manchester position with the rate per 1,000 population of sexual offences being 3.3 per 1,000 in Tameside and 3.6 per 1,000 in Greater Manchester.

### Violence Against Women and Girls

Violence against women and girls is a broader issue than domestic abuse and has a substantial impact within Tameside. It encompasses a range of forms, including physical violence, sexual violence, emotional and psychological abuse, and more. Numerous studies, reports, and academic research have highlighted the prevalence and impact of violence against women and girls. The nature of gender-based violence is rapidly changing with increases in online stalking and threatening behaviour, cyberbullying, misogyny and homophobia, the sharing of explicit images, revenge porn, or the manufacturing of evidence against victims (Greater Manchester Combined Authority, 2021). Within Tameside work has been ongoing to highlight the scale of violence against women and girls, with domestic abuse and rape offences in the borough proportionately being perpetrated against females.

## Domestic Related Homicide

Domestic Homicide Reviews (DHRs) are conducted in the United Kingdom to examine cases where someone has been killed as a result of domestic violence. They are carried out under the Domestic Violence, Crime and Victims Act 2004. The purpose of a DHR is not to establish culpability or responsibility but to understand what happened and how agencies and professionals can improve their responses to prevent similar tragedies in the future. Within Tameside there is a robust process for the completion and dissemination of learning from DHRs, which sits under the Community Safety Partnership. While the specifics of individual cases might not be publicly disclosed, reports, findings, and recommendations from these reviews, which have been anonymized to maintain confidentiality, are shared widely across public services to support understanding around improving agency responses and how to tackle domestic abuse and related risk factors in future practice. This provides the opportunity to enhance the effectiveness of support for victims of domestic abuse and how to tackle domestic abuse in a broad sense, including upstream prevention and perpetrator responses.

## Possession of Weapons

This includes any object that can be used as a weapon, the most common being knives and firearms. There are additionally two methods of this crime being recorded – through REGINA based (stop and search) and through use of the weapon (victim based). The figure below highlights the types of weapons used in victim-based crime with a possession or use of a weapon.

Figure 31 - Victim Based Possession of Weapons – Examples of Weapons Used

Knife	Axe	Air Rifle	Crossbow	Shoes
Firearm	Metal Bar	Knuckle Duster	CS Gas	Spanner
Bat	Car	Scissors	Meat Cleaver	
Machete	Crowbar	Taser	Needle	
Hammer	Bottle	Cosh	Nun Chucks	
Sword	Screwdriver	Glass	Plastic	

Throughout all of the serious violence offence areas, this is by far the highest ranking for Tameside within Greater Manchester for offences taken place (Tameside ranks as 5<sup>th</sup> in each of the Greater Manchester localities overall), which indicates a relatively higher risk and incidence of weapons offences in Tameside compared to other issues and contributing factors. There are no obvious reasons in the data to understand why possession of weapons is so prevalent in Tameside and the data suggests Sunday being the worse day for an incidence and this offence seems to be carried out during the daylight hours which is contrary to most other forms of serious violence offence. In addition, serious violence with weapons offences is on an upward trajectory and therefore is likely to get worse (Greater Manchester Police, 2022). In relation to gender both victims and offenders are most likely to be male (73% and 87% respectively). When looking at ages the majority of offenders between the ages of 16 and 44 (70%). In relation to victims ages, just under a quarter of all victims were babies under the age of 1. Wider evidence suggests that the peak age for carrying a weapon is 15 years old, therefore these trends around weapon offences are likely linked to younger people, particularly males (Public Health England, 2019). Alongside this trend, there has also been an increase in the use of weapons in violent incidents resulting in injury.

## Knife Related Crime

As an area that has been discussed and highlighted within the media, although part of the other sections of serious violence, knife crime is being discussed as a separate element for the purpose of this needs assessment. Knife related crime has only recently been adopted within Greater Manchester Police and specifically within Tameside as an operational priority in February 2023, so more detailed data is limited will become available in the months and years to come. In 2022 (Greater Manchester Police, 2022) outlined what proportion of knife crime offences related to serious violence categories.

**Figure 32 - Knife Violence Categories**

Offence Category	Proportion of Knife Crime 2022
Violence with injury	34.47%
Robbery of personal property	26.09%
Possession of weapon offences	25.16%
Violence without injury	8.70%
Robbery of business property	4.66%
Rape	0.31%
Homicide	0.31%
Other sexual offences	0.31%
<b>Total</b>	<b>100.00%</b>

While knife-related crimes are a lower proportion of all violent crimes or weapons offences, levels of knife crime have been consistent in recent years in Tameside. The majority of knife-related crimes in Tameside in the most recent data for 2022 are relating to violence with domestic abuse as a driver and most of these incidents did involve injury to the victim. The next highest category and driver was personal robbery of vehicles. See figure 32.

**Collective Based Violence**

Collective violence refers to violence committed by larger groups of individuals and can be subdivided into social, political and economic violence. (World Health Organization, 2023). Collective violence that is committed to advance a particular social agenda includes crimes of hate committed by organised groups, terrorists acts and mob violence. Political violence includes war and related violent conflicts, state violence and similar acts carried out by armed groups. Economic violence includes attacks motivated by economic gain.

**Modern Slavery**

Modern slavery is the term for all forms of slavery, human trafficking and exploitation. It is a wide-ranging crime area which covers forced marriage, forced labour, child criminal and sexual exploitation, human and drug trafficking. Additionally, these crimes are predominately hidden with victims often unable to come forward due to fear or shame, or because they are unable to leave their situation. The true nature of the problem around modern slavery and identifying the number of victims is challenging due to widespread underreporting of this set of crimes. Numbers within Tameside remain low in this area (Greater Manchester Police, 2022) with a downward trend also observed over time. Currently of all cases open within Greater Manchester classified as modern slavery, Tameside accounts for a 5% of the overall demand of Greater Manchester Police (GMP). The peak of all reported cases in Tameside was in 2020 during the peak of the COVID-19 pandemic. Modern slavery covers a wide range of serious violence offences. Figure 33 below shows the percentage breakdown of all modern slavery cases in Tameside by crime type for 2022.

**Figure 33 - Cases of Modern Slavery Reported – Percentage by Crime Type**

Overview of 2022 offences	Percentage of cases
Offences involving transportation/storage/supply of drugs	67%
Offences involved Child Criminal Exploitation (CCE)	56%
Offences involving the transportation of a foreign national (suspected human trafficking)	17%
Offences with DA marker	11%
Offences involving sexual exploitation	11%
Offences involving slave labour	6%

The data in the figure above highlights that the majority of modern slavery cases reported in Tameside involve the transportation/storage/supply of drugs. This provides an opportunity to link strategic approaches to tackling drug markets and enforcement, as per the national drug strategy, *From Harm to Hope* to work to

reduce violence and modern slavery. It should also be noted about victims of modern slavery over the last 5 years in Tameside, GMP report a disproportionate percentage are from an ethnic minority background (49%), with only 51% being from a white British background. Additionally, almost three quarters of victims are female and the most common age group is the 16–24-year-old age bracket accounting for 42% of victims. While there is variation in modern slavery incidents, due to relatively low numbers in Tameside, there is some evidence of seasonality, with slightly higher reporting in the summer (July). Children and young people living in areas with higher socioeconomic deprivation are at greater risk of modern slavery and targeting by adult offenders (Greater Manchester Police, 2022).

### Ageing Well and Serious Violence

Nationally and within Tameside there is an ageing population, therefore with larger older populations there may be an increased prevalence of elder abuse. The World Health Organization defines the abuse of older people, also known as elder abuse, is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. This type of violence constitutes a violation of human rights and includes physical, sexual, psychological and emotional abuse; financial and material abuse; abandonment; neglect; and serious loss of dignity and respect. (World Health Organization, 2022). Various organisations are working together to help prevent adult abuse in Tameside and are responsible to the [Tameside Adults Safeguarding Partnership](#) Board. Taken from the Safeguarding Adults Collection return local authorities produce, the below chart highlights the current rate of reports of adult safeguarding concerns and subsequent investigations conducted by Tameside council over time.

Figure 34 - Rate per 100,000 of Safeguarding Adults Concerns Raised

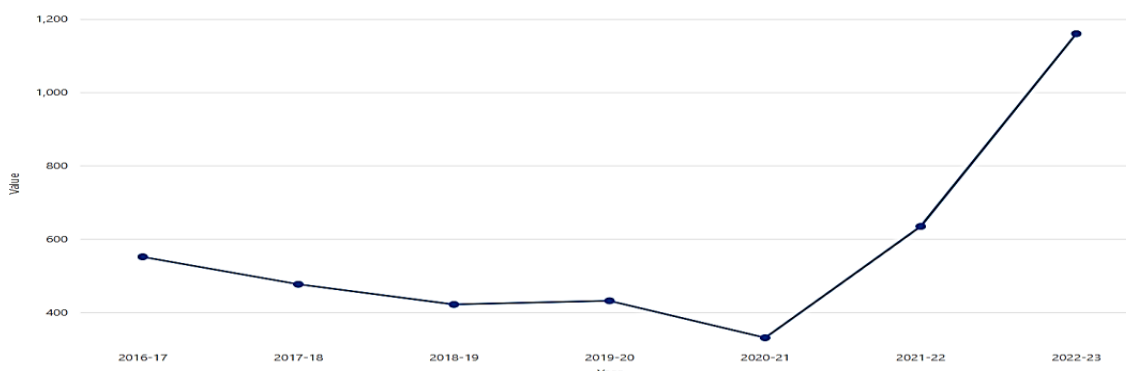
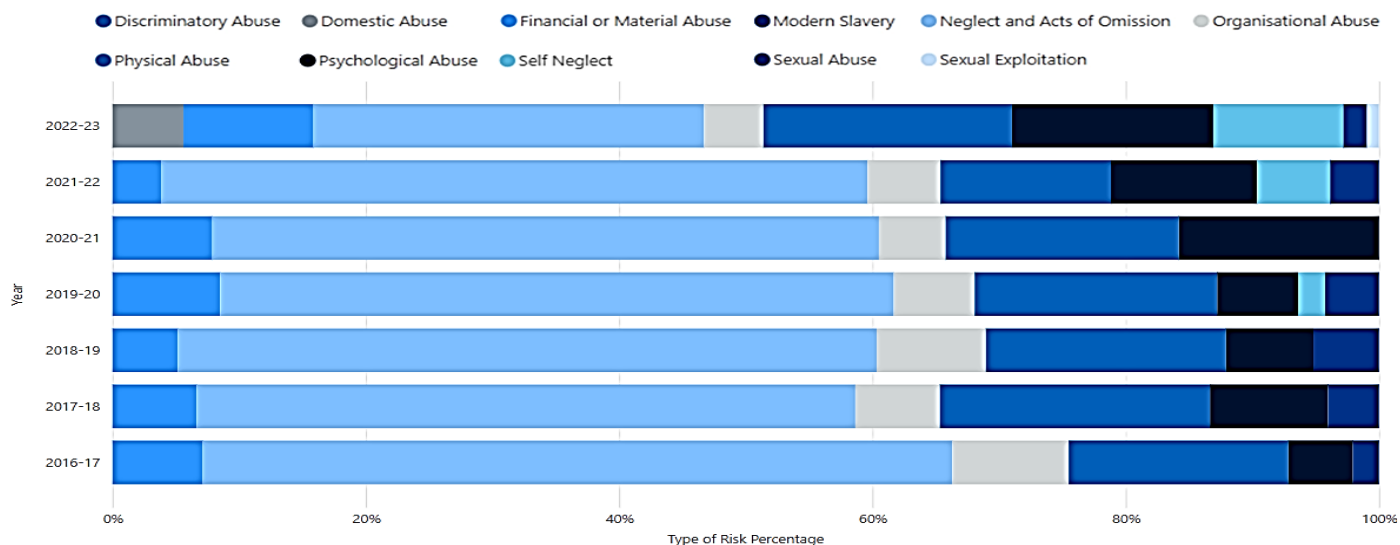


Figure 35 - Safeguarding Adults Concern Section 42 - Raised by Year and Type of Concern



The total number of safeguarding reports received has been increasing over time and in addition the types of concern have also changed over time. In the most recent year 2022/23 nearly 20% of concerns were due to physical abuse, and a further 16% due to psychological abuse. In addition for the first time almost 3% of the reports were due to either sexual abuse or sexual exploitation. It is important to note that elder abuse can occur in both community and institutional settings (such as nursing and care homes).

Tameside was always an outlier in relation to safeguarding concerns; one of the lowest levels in the region and nationally. Tameside was also on a downwards trajectory year on year whilst the national picture was an upwards trajectory. Therefore the safeguarding process was updated in February 2022 and the investment in developing safeguarding practice locally through training and specialist roles. A lot of work was carried out to realign the process with national guidance on reporting/recording safeguarding concerns and those that go on to be a Section 42. The increase we have seen brings us in line with our statistical neighbours. Additionally the increases in reports seen in recent years may also be linked to service level reports of an increase in residents who are described as having multi-disadvantage. These may be people who experience multiple complex health and care issues who have a number of vulnerabilities, and a high proportion are involved in the criminal justice system.

### What is Currently Happening In Tameside – Protective Factors

Within Tameside there have been many active projects to tackle poverty, substance misuse, low level violence, self-inflicted violence and interpersonal and collective violence. These projects include:

- [Poverty Needs assessment and Strategy](#) – which provides a comprehensive overview of the challenges and priorities for Tameside in building resilience and tackling poverty in the borough. This includes the ‘One Pot at a Time’ (slow cooker project) – Loans of slow cookers which were set up as a response to the cost-of-living crisis so residents have access to an affordable way to make nutritious meals for themselves and their families. More information can be found [here](#).
- Suicide Prevention – An audit of suicides with the South Manchester Coroner’s office has recently been completed to further understand risk factors around suicide and this is being used to inform the update of the Tameside Suicide Prevention Strategy, which is currently being reviewed. The Shining a light on Suicide campaign, runs across Greater Manchester and aims to provide information to help those bereaved by suicide or those dealing with suicidal thoughts. More information can be found [here](#).
- Be Well Service – a free service for all adults who live, work or volunteer in Tameside or who are registered with a Tameside GP. The service offers support to make positive lifestyle changes such as stopping smoking, weight management, healthy eating, reducing salt, sugar and caffeine, increasing physical activity and alcohol awareness. More information can be found [here](#).
- Domestic Abuse Support – Including the specialist support service commissioned by the council, supporting victims of domestic abuse. Also including wider support services to deliver on the duties outlined in the DA Act (2021). Specific programmes to provide target hardening to keep people safe in their own homes; support in safe accommodation and refuge provision; specialist provision in GP surgeries (IRIS) and in other healthcare settings (IDVA in hospital and sexual health service). More information can be found [here](#).
- Take Control - this campaign is specifically informed by women from the South Asian community in regard to Domestic Abuse. More information can be found [here](#).
- Cut it out campaign - targets hairdressers, beauty salons and barbers with training being delivered to students and key staff to support concerns around Domestic abuse. More information can be found [here](#).
- Domestic Abuse Champions Network – domestic abuse training to support voluntary organisations, faith sector groups and community groups in recognizing and responding to domestic abuse. More information can be found [here](#).

- Preventative work in schools to tackle violence against women and girls - Providing holistic healthy relationships education in addition to resources already commissioned to support RSE in schools (tough cookies) Tameside council have commissioned two Violence Against Women & Girls (VAWG) pilots. More information can be found [here](#).
- White Ribbon Accreditation – Tameside council currently holds white ribbon accreditation. White Ribbon is a national campaign in which men and boys take a stand against violence against women and girls. More information can be found [here](#).
- Young Parent Support Groups – This includes Young Mums – this is a peer support group aimed at Mum’s under 25 which is facilitated by Homestart and the Early Attachment team. Wrigglers and Giggles a support group facilitated by the Family Nurse Partnership within the Family Hubs. More information can be found [here](#).
- Road to Recovery (Action Together) – This group is facilitated by Action Together and focuses on learning various coping strategies that can be used to manage mental health. This group is for women of any age living in the Tameside area. More information can be found [here](#).
- Sexual health services. More information can be found [here](#).
- ADVISE – Assessing for Domestic Violence and Abuse in Sexual Health Environments: sexual health practitioners are trained to identify patients that have, or have had, experienced domestic abuse and historical sexual abuse/assault; an Advocate Educators based in the sexual health service is then able to offer emotional and practical support tailored to each patient based. More information can be found [here](#).
- Trust Engagement Group – group of Domestic Abuse survivors who meet to discuss and shape services around Domestic abuse through lived experience.
- Programme Challenger - collaborative approach to tackling serious and organised crime across Greater Manchester, preventing harm, and delivering a victim focused response. More information can be found [here](#).
- Adults Safeguarding Partnership Board - ensures local safeguarding arrangements and partners act to help and protect adults in its area from abuse. More information can be found [here](#).



# Recommendations

‘The Duty requires the following specified authorities within a local government area to collaborate and plan to prevent and reduce serious violence

- Police
  - Chief Officers of police for police areas in England and Wales
- Justice
  - Probation Services
  - Youth Offending Teams
- Fire and Rescue
  - All fire and rescue authorities operating in England and Wales
- Health
  - Integrated Care Boards in England
- Local authorities
  - A district council
  - A county council in England.’

(Home Office, 2020)

This strategic needs assessment on serious violence has highlighted the current available information and data for Tameside, taking a system-wide approach to understand the full pathway of violence throughout the life course. This work has also drawn on the needs assessment completed for Greater Manchester by the VRU. The following summarises and categorises the recommendations according to the key findings and insights from this Strategic Needs Assessment.

## Recommendations from the Tameside Serious Violence Needs Assessment

### Partnerships

- The relevant specified authorities in Tameside, via the Tameside Community Safety Partnership, should continue to support and engage with the work of the GM Violence Reduction Unit Partnership, particularly engaging with the community-led aspects of work within the VRU.
- The strategic plan to prevent and reduce serious violence across the specified authorities in Tameside should align to wider strategies which have cross-over which are already in place within the borough. Examples include the Community Safety Strategy; Building Resilience, Tackling Poverty Strategy; Children & Young Peoples Plan; Early Help Strategy; Joint Health & Wellbeing Strategy and Locality Plan; Domestic Abuse Strategy; and Inclusive Growth Strategy
- Share best practice insight from programmes in place in Tameside which demonstrate evidence of effective approaches to tackle serious violence and risk factors, with a particular focus on sharing and collaboration across the Tameside Community Safety Partnership, and with neighbouring GM boroughs, including the GM VRU.
- Joint work should be undertaken between the Tameside Community Safety Partnership and the Tameside Adults Safeguarding Partnership Board to better understand the multi-disadvantage cohort to explore effective partnership approaches to support individuals and put trauma-informed approaches in place.
- Further develop intelligence and insight around sexual violence in Tameside. This should include improved data collection regarding reported incidents and better sharing of relevant issues and pathways across key partners in the local system. This should particularly focus on gaps in knowledge around Rape and Sexual Assault.

### Children & Young People

- There should be a continued focus on children and young people as they are at greatest risk of being a victim of violence, which has devastating consequences into adulthood. This should include prioritising those who may be at most risk of being targeted by adults, older peers and within their own communities.
- Develop targeted support for younger pregnant women and mothers, who may be at increased risk of domestic abuse and wider forms of violence.
- Develop targeted support for lone parents on lower incomes, particularly young women. This should be across the prevention spectrum, from contraception through to parenting, welfare and employment support.
- Understand the impact of the implementation of the Greater Manchester Adolescent Safeguarding Framework in Tameside (as one of the three pilot areas across GM alongside Trafford and Stockport) and support wider delivery across GM.
- Embed early approaches to tackle problematic behaviours which can escalate into violence as per the 'pyramid of sexual violence' with a focus on supporting education in schools around respectful relationships and tackling misogyny and violence against women & girls (VAWG).
- Join up delivery of Family Hubs with the *Building Resilience, Tackling Poverty* Strategy for Tameside to improve access to support to alleviate poverty for families across Tameside.

- In response to the over-representation of young males in a range of violent crime measures, including being victims and perpetrators, programmes of work across the Tameside Community Safety Partnership and in conjunction with the GM VRU should have a focus on youth crime prevention.

### Education

- Positive educational engagement is a protective factor against violence. There should be a joint focus in Tameside on good attendance and engagement with education settings via the Tameside Attendance Strategy; and on ensuring that efforts are made in education settings to instill education, reduce NEET, suspensions and permanent exclusions and awareness raising around respectful relationships and reducing early signs of violent behaviour.

### Communities

- Work should take place across communities in Tameside to raise awareness of the dangers of carrying weapons. With a focus on young people but across all age groups. This should be specifically considered in domestic abuse perpetrator programmes (due to the high proportion of knife crimes associated with domestic abuse incidents); in relation to targeted work with young people (particularly males); and as part of universal promotional campaigns.
- Given the high levels of wider alcohol harm in Tameside and the high rate of violent crimes with drugs and alcohol as a risk factor, work should continue to tackle drug and alcohol harms across the borough, with a focused approach from the Tameside Community Safety Partnership. This should particularly prioritise tackling the wide availability of alcohol in Tameside (density of licensed premises and volume of sales, via licensing processes); and providing adequate support for those affected by harmful drug and alcohol use.
- As drug and alcohol misuse are risk factors for being a perpetrator of serious violence, and that the majority (77%) of the violent crime probation caseload is reported to have a substance misuse issue, particular focus on addressing substance misuse treatment needs in this cohort should be put in place via local drug and alcohol treatment services.
- Based on an increasing trend of domestic abuse in older people, the Tameside Community Safety Partnership and relevant groups (eg. Domestic Abuse Steering Group) should ensure a specific programme of work is in place to identify and address the risk of domestic abuse among older victims.
- Interventions and awareness raising should be put in place to address groups who are at greater risk of being victims of serious violence including young males; people living with physical and learning disabilities; drug users; ethnic minority communities; and people in other minority groups including LGBTQ+.
- There should be a focussed programme of work involving awareness raising, engagement and enforcement around the main town centres in Tameside, particularly Ashton-under-Lyne Town Centre, Stalybridge Town Centre, Hyde Town Centre and Hattersley Town Centre in response to the high proportion of violent crime reported in these locations.
- Discussions should take place within Tameside communities around lived experience, what serious violence means to local people and embedding collective community voice into the actions taken at a local level to tackle these issues in Tameside through the local serious violence strategy.
- There should be a greater understanding across all partners regarding the relationship between violence and neurodiversity, special education needs and/or disability so that collaborative solutions can be determined.

### Data & Information Sharing

- Work needs to take place with all partners to further understand the data around the high level of weapons offences recorded in Tameside including better understanding of the criteria included in the crime measure

- A full review of evidence to support cumulative impact policies for alcohol licensing and a review of the licencing application representation toolkit, including updated data and information around off-licence and off premises sales, which could be further contributing to acts of serious violence.
- Create a Tameside Community Safety Partnership data dashboard as a resource to monitor serious violence moving forward, with the capability of identifying potential increases in violent crime
- Review where Tameside performs well on metrics such as for violent robbery to understand what is working and why Tameside is not following the trends of other Greater Manchester authorities.

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# Tameside Serious Violence Strategy 2024-2029

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# Foreword

Welcome to Tameside's Serious Violence Strategy, which describes the work that will take place in the coming years to reduce and prevent serious violence across the borough.

This document describes some of the key issues around serious violence in Tameside, including who is at greater risk. It also sets out the priority areas of work across partner agencies to tackle these issues.

Tameside's Serious Violence Strategy makes commitments across all of the specified authorities, to take long term approaches to tackle the root causes and risk factors of serious violence. Preventative and early-intervention approaches will be central to this, alongside ensuring ongoing conversations with communities across Tameside to inform the approaches being taken.

This strategy outlines some of the key issues around the extent of serious violence in Tameside and the priority interventions and steps needed, working with communities, to both prevent and respond to incidents of serious violence in Tameside to meet the Serious Violence Duty.

My thanks to all partners responsible for delivering this strategy and meeting the Serious Violence Duty across Tameside. I look forward to working with you all over the next few years to prevent many of the serious violent offences we see today, and their consequences, by intervening early and taking preventative approaches.



**Councillor Vimal Choksi MBE**  
Executive Member (Towns and Communities)

**The Serious Violence Duty requires the following specified authorities within a local government area to collaborate and plan to prevent and reduce serious violence**

## **Police**

- Chief Officers of police for police areas in England and Wales

## **Justice**

- Probation Services
- Youth Offending Teams

## **Fire and Rescue**

All fire and rescue authorities operating in England and Wales

## **Health**

- Integrated Care Boards in England

## **Local authorities**

- A district council
- A county council in England.

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# Introduction

**This Serious Violence Strategy for Tameside explains the steps that will be taken across the borough to reduce and prevent serious violence over the next five years.**

There are a group of ‘specified authorities’ which are responsible in every area for developing and delivering this strategy. In Tameside, these are:

- Tameside Council
- Greater Manchester Police (GMP)
- Greater Manchester Fire and Rescue Service (GMFRS)
- Probation Services
- Youth Offending Services
- NHS Greater Manchester Integrated Care Board (NHS GM ICB)

In January 2023, the Government introduced a statutory duty, known as The Serious Violence Duty. This requires “specified authorities for a local government area to work together and plan to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area, the causes of that violence, and to prepare and implement a strategy for preventing, and reducing serious violence in the area”.

This new duty for local areas is part of the government’s Serious Violence Strategy, which was published in April 2018 in response to increases in knife crime, gun crime and homicide across England. The strategy calls for local partners to work together across different sectors including the police, local authorities, health services and the voluntary sector to adopt a multi-agency approach to reduce serious violence in their area, which is further reinforced by the new Serious Violence Duty.

The Serious Violence Strategy for Tameside uses a public health approach to tackling serious violence by treating this as a preventable health issue and identifying and addressing the root causes and risk factors. This approach shifts the focus from solely law enforcement and criminal justice responses to a broader range of issues including social, economic, and environmental factors. Tameside’s Serious Violence Strategy has been developed in partnership with Greater Manchester’s Violence Reduction Unit and is designed to complement the Greater Manchester Greater Than Violence strategy. The priorities and approaches that have been put forward are also evidence based, drawing on the findings and recommendations in the 2023 Serious Violence Strategic Needs Assessment for Tameside.

Nationally, serious violent offences make up around 1% of all crime recorded by the police. However, these offences cause some of the most serious harms to individuals, communities and societies. Violence and fear of violence can affect every member of Tameside’s communities and occurs in multiple scenarios, contexts and situations.

# Defining Serious Violence in Tameside

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Serious violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.

*World Health Organisation*



## Tameside's Definition and Scope

Adopting the same definition as the World Health Organisation; in Tameside the agreed definition of serious violence is, "...the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation." (WHO, 2002). It has been agreed that the following crime types should be included in the definition of serious violence within Tameside: self-harm and suicide, all homicide types, violence with injury, weapon-related crime, personal robbery, modern-slavery, domestic abuse, sexual violence and violence against women and girls.

Whilst this strategy and the Tameside Serious Violence Needs Assessment encompass the above crime types, it should be noted that, given the broad scope of issues within this strategy, there are links to the following Tameside strategies throughout both documents, which focus on related topic areas in more detail:

12  
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[Joint Health & Wellbeing Strategy and Locality Plan 2023-2028](#)

- [Domestic Abuse Strategy 2021 - 2026](#)
- [Community Safety Strategy 2021 - 2025](#)
- [Tameside Suicide Prevention Strategy 2019 - 2023](#)
- [Building Resilience Tackling Poverty in Tameside 2023-2027](#)

This strategy aligns to the ambitions of the above strategies and the ongoing monitoring, progress and governance which sits around these.

## Greater Manchester Violence Reduction Unit

The Greater Manchester Violence Reduction Unit (VRU) has taken a lead role across the Greater Manchester region in work to reduce violence and tackle serious violence. In 2020 the VRU published an action plan for tackling serious violence in GM, however in light of the new Serious Violence Duty, the VRU has recently undertaken a strategic needs assessment of serious violence and has published a new serious violence strategy for Greater Manchester - Greater Than Violence: A ten-year strategy for preventing and reducing violence. This strategy sets out five key principles and a series of commitments under each, to harness opportunities to prevent and reduce serious violence across the wider Greater Manchester system.

The partnerships in Tameside and the specified authorities within the borough work closely with the GM VRU, and this strategy aligns closely to the GM strategy, while also highlighting the specific areas of focus for Tameside.

## Governance for the Partnership Approach to Serious Violence in Tameside

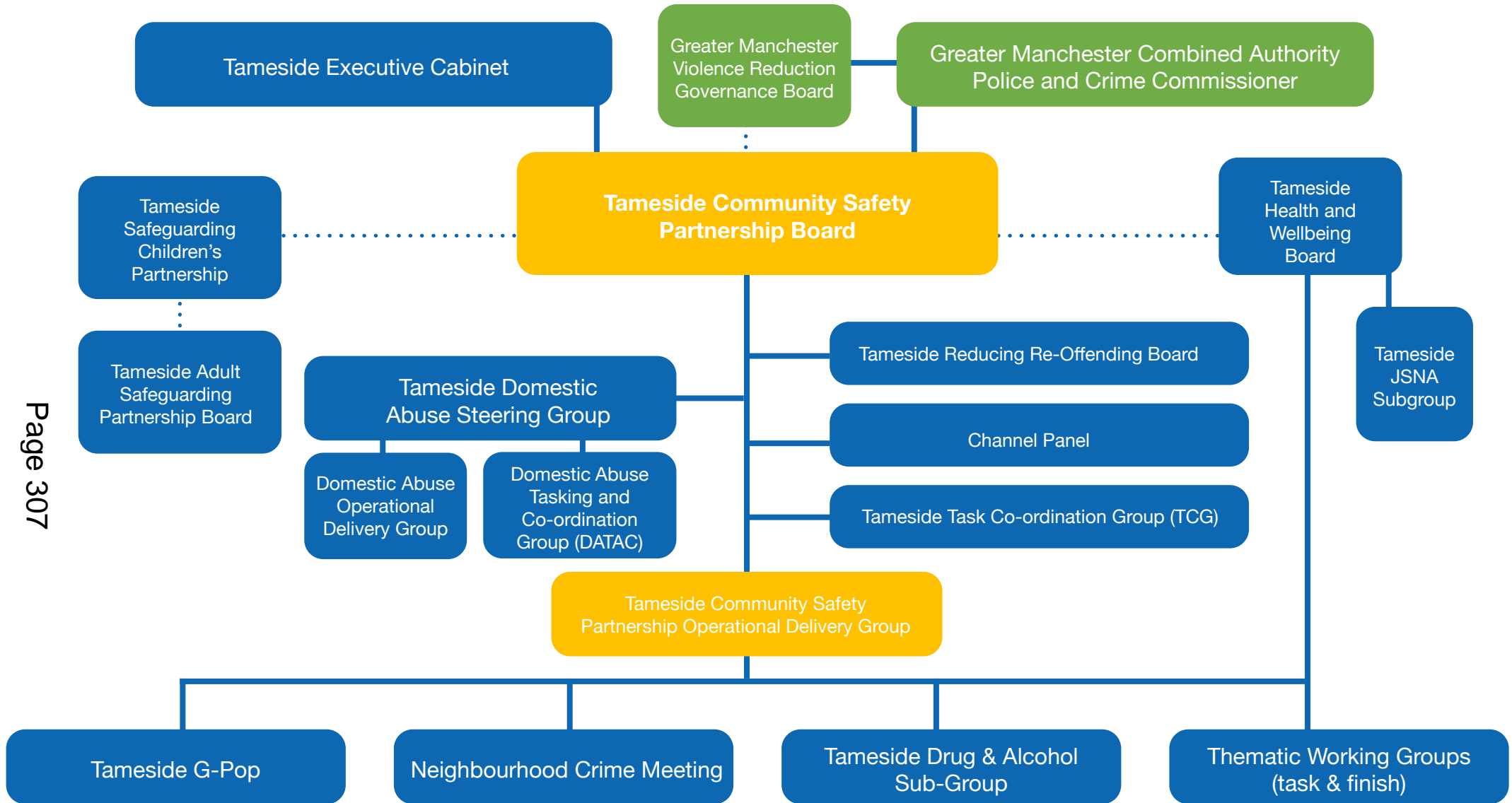
The Tameside Serious Violence Strategy will be delivered in partnership by the specified authorities who sit on the Community Safety Partnership Board for Tameside. Ongoing delivery and monitoring of progress against the strategy will sit with the Community Safety Partnership Board, where regular updates will be provided and work progressed. This oversight will ensure that the requirements of the legislation are fulfilled, including those under the Crime and Disorder Act. This will also foster a partnership approach to achieving the ambitions set out in this strategy.

These governance arrangements will oversee the implementation of a public health approach and drive to support partnership working to ensure visibility for overlapping areas such as safeguarding, equality, trauma-responsive service and domestic abuse. All arrangements for delivery of the duty in Tameside will sit with the Community Safety Partnership Board and, while there is not a named coordinator for serious violence in Tameside, capacity and resource will be drawn from across the membership of this group, which includes all the specified authorities for Tameside.

Data will be monitored via an outcomes framework which sits with the Tameside Community Safety Partnership Board and is reviewed on a regular basis.



Figure 1 – Tameside Serious Violence Governance



# Key Drivers of Serious Violence in Tameside

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# Serious Violence in Tameside 2023

### Deprivation

28th most deprived local authority out of 317 local authorities in England.

### Poverty

- Increased Adverse Childhood Experiences (ACEs)
- 45% lone-parents are in poverty.
- Higher proportion of low-income jobs.

### Wider Determinants

- Lone parent households.
- Not in education employment or training (NEETs)
- Median incomes
- Educational attainment.

### Violent Crime

Tameside has seen increases in all reported violent crimes and on an upward trend. This is also the same for the number of attendances to hospital for violence related injuries.

### Alcohol and Substance Misuse

- More licensed premises per square km than in the region or nationally.
- Majority of violent crime correlates with the hours when licensed premises are open.

### Protected Characteristics

- Higher proportion of the population live with a disability.
- Over-representative population from ethnic minority communities for both victims and perpetrators of violent crime.

### Location

Most prevalent around Town Centre locations including Ashton-under-Lyne, Stalybridge, Hyde and Hattersley Town Centres.

### Victims

Young males (under 16 years of age) are over-represented in a number of violent crime measures both as victims and perpetrators.

### Children & Young People

- High rate of suspensions and permanent exclusions.
- More serious violent offences within the Youth Justice System.

### Possession of Weapons

Disproportionately higher compared to the rest of Greater Manchester, linked to Domestic Abuse and associated with young males.

### Domestic Abuse

- High-risk domestic abuse has high prevalence in Tameside.
- A high proportion of violent crime, particularly knife crime is associated with Domestic Abuse in Tameside.

### Self-directed Violence

The rate of self-harm in Tameside remains significantly worse than the national average.

### Personal Robbery

Lower in Tameside than expected. Males are more likely to be a victim and crimes take place in Town Centres.

### Safeguarding and Ageing Well

Increases in adult safeguarding referrals have been seen in the last few years and may be linked to residents facing multi-disadvantage and complex care issues.



# Tameside Priorities: Tackling Serious Violence

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**Five priority areas are outlined below for the actions that will be taken as part of the strategy to prevent and reduce serious violence in Tameside over the next five years. These five priorities align to the priorities set in the Greater Manchester Greater Than Violence Strategy, however the actions under each priority area are specific to Tameside, based on the evidence and findings from the Serious Violence Strategic Needs Assessment.**

For the actions committed to below, 'we' refers to the specified authorities for Tameside, all of which are represented at the Tameside Community Safety Partnership Board, which is the oversight group where this work will sit and be delivered and monitored.

## **Priority 1: Community-Led Approach**

- We will develop an approach to having ongoing conversations with people across Tameside with lived experience of both serious violence and the main risk factors for violence. This will explore what serious violence means to local people and how people can be empowered to co-design solutions to prevent and reduce violence.

- We will produce an engagement plan including detail on how specified authorities will speak to the community to help inform local service delivery. This will include engagement with education settings and prisons.
- We will prioritise speaking to groups who are at greatest risk, including young people and young males, who are more likely to be both victims and perpetrators of violent crime.

## **Priority 2: Early and Timely Intervention**

- We will continue to prioritise support for children and young people and their families, as young people are at greatest risk of being victims of violence. This will include prioritising those who are at greatest risk of being targeted by adults, older peers and others within their own communities.
- We will develop targeted support for younger pregnant women and mothers, who may be at increased risk of domestic abuse and wider forms of violence.
- We will develop targeted support for lone parents on lower incomes, particularly young women. This will be across the prevention spectrum, from contraception through to parenting, welfare and employment support.
- We will embed early approaches to tackle problematic behaviours which can escalate into violence with a focus on behavioural interventions for young people; supporting education in schools around respectful relationships; and tackling misogyny and violence against women & girls (VAWG).

- We will join up delivery of Family Hubs with the Building Resilience, Tackling Poverty Strategy for Tameside to improve access to support to alleviate poverty for families across Tameside.
- We will tackle alcohol availability as a risk factor for serious violence across Tameside including a full review of evidence to support cumulative impact policies for alcohol licensing; and a review of the Public Health representations made to the alcohol licensing panel in Tameside.
- We will continue to strive for good attendance and engagement with education settings from young people across Tameside, via the Tameside Attendance Strategy. This will include reducing the proportion falling out of education, employment or training post-16 (NEET), reducing suspensions and permanent exclusions, and tackling the early signs of violent behaviour.

### Priority 3: Partnerships for Change

- We will continue to support and engage with the work of the GM Violence Reduction Unit, particularly engaging with the community-led aspects of work.
- We will hold joint sessions with other system Boards and groups with shared goals around work to tackle serious violence including the Health & Wellbeing Board; Mental Health, Learning Disabilities & Autism Partnership Group; Inequalities Reference Group; Children's Safeguarding Partnership; and Adults Safeguarding Partnership Board.

- We will foster a culture of sharing best practice relating to the programmes that are in place in Tameside to tackle serious violence, which show evidence that they are working. This will include collaboration across the Tameside Community Safety Partnership, and with neighbouring GM boroughs, including the GM VRU.
- We will work across all local partners to develop an outcomes dashboard to monitor key metrics and outcomes relating to serious violence. This will include improving the collection and analysis of relevant data to better inform the situation with high risk issues in Tameside including sexual violence and weapons offences.
- We will do further work to understand the impact of the implementation of the Greater Manchester Adolescent Safeguarding Framework in Tameside (as one of the three pilot areas across GM alongside Trafford and Stockport) and support wider delivery across GM.

## Priority 4: Equality, Equity and Justice

- We will provide and promote targeted services and interventions for individuals who need extra help.
- We will work with the Tameside Adults Safeguarding Partnership Board to better understand the situation and needs of people who live with multiple-disadvantage. The goal will be to have better, trauma-responsive partnership approaches in place to support individuals.
- We will target specific support for those in contact with probation services who have committed violent crimes to reduce re-offending. Particular needs in this group include substance misuse issues, which will be a focus for local drug and alcohol treatment services.
- We will raise aspirations of young people by working across public, private, business and voluntary sectors to create accessible opportunities for volunteering, internships, apprenticeships and work across the borough.
- We will strengthen relationships between and with faith groups to increase visibility and accountability regarding their role in reducing violence, particularly in relation to young people from ethnic minority communities.
- Greater Manchester Police will conduct stop and search, removing knives and weapons off the streets in an intelligence-led and proportionate manner, including a focus on young people and considering domestic abuse perpetrators, based on the insight in Tameside.

## Priority 5: Trauma Responsive Support for Communities in Tameside

- We will continue to develop promotional awareness raising campaigns which sensitively communicate the dangers of carrying weapons.
- We will continue to provide supportive, trauma-responsive services to tackle drug and alcohol harms across Tameside, given the high levels of alcohol harm in the borough and the high rate of violent crime with drugs and alcohol as a risk factor.
- We will continue to prioritise work to tackle all forms of domestic abuse across Tameside, with a particular focus on addressing the risks of domestic abuse of older victims, based on increasing trends of abuse in this age group.
- We will put in place a range of trauma-responsive interventions and awareness raising to support groups who are at greater risk of being victims of serious violence including young males; people living with physical and learning disabilities; drug users; ethnic minority communities; and people in other minority groups including LGBTQ+.
- We will put in place a programme of work involving awareness raising, engagement and enforcement around the main town centres in Tameside, particularly Ashton-under-Lyne town centre, Stalybridge town centre, Hyde town centre and Hattersley town centre, in response to the high proportion of violent crime reported in these locations.

- We will foster a greater understanding across all partners regarding the relationship between violence and neurodiversity, special education needs and/or disability so that collaborative solutions can be put in place.
- We will support the embedding of trauma informed approaches across voluntary services and community organisations across Tameside, particularly those that work with children & young people.



# References

- Greater Manchester Violence Reduction Unit. (2023). Greater Manchester Serious Violence Action Plan. Retrieved from GMCA: [https://www.greatermanchester-ca.gov.uk/media/3106/gm\\_violence\\_reduction\\_plan\\_final\\_amends\\_final.pdf](https://www.greatermanchester-ca.gov.uk/media/3106/gm_violence_reduction_plan_final_amends_final.pdf)
- Home Office. (2020, September). Serious Violence Reduction Orders. Retrieved from Gov.uk: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/917277/SVRO\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917277/SVRO_consultation.pdf)
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# Agenda Item 8

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Cllr Eleanor Wills – Executive Member (Population Health & Wellbeing)
<b>Reporting Officer:</b>	Debbie Watson, Director of Public Health
<b>Subject:</b>	<b>CONTRACT FOR THE PROVISION OF LOCALLY COMMISSIONED SERVICES (LCS) IN COMMUNITY PHARMACIES IN TAMESIDE</b>
<b>Report Summary:</b>	<p>Public Health commission services from local pharmacies located in Tameside which provide additional services for residents and preventative interventions under a standard NHS Contract.</p> <p>In July 2022 the GM NHS Integrated Care Board (ICB) took over the management of this contract when Tameside and Glossop Clinical Commissioning Group (CCG) ceased to exist. More recently, following notification from the ICB of an issue with the transfer of this contract during the merger from the CCG to the ICB the contract was novated back to the council for a temporary period whilst the ICB undertake a review of locally commissioned service (LCS) provision. Going forward, the proposal is that the contracts for these services in pharmacies will revert back to the previous arrangements aligned with the ICBs wider commissioning of LCSs in community pharmacies from April 2025 onwards.</p> <p>The current contract is due to expire on 31 March 2024 and this report is seeking permission to issue a direct award to the relevant pharmacies in Tameside for a contract for a period of 12 months from 1 April 2024 to 31 March 2025 at an estimated cost of £0.095m (dependent on activity) whilst the review of LCS provision is undertaken.</p> <p>The LCS provision in community pharmacies is crucial as part of the mandated public health functions of the local authority. A direct award route for this is being sought due to the specialist and localised nature of community pharmacy providers across Tameside.</p>
<b>Recommendations:</b>	That the Executive Cabinet be recommended to approve a direct award to local pharmacies in Tameside to deliver the locally commissioned services under this contract for a period of 12 months from 1 April 2024 to 31 March 2025.
<b>Corporate Plan:</b>	The proposed activities directly support the delivery of the following priorities: <ul style="list-style-type: none"><li>• Very best start</li><li>• Resilient families and supportive networks</li><li>• Longer and Active lives with good mental health</li></ul>
<b>Policy Implications:</b>	The commissioning intentions outlined in this report will ensure that key public health functions are delivered including some mandated functions of the local authority under the Health & Social Care Act (sexual health provision). Delivering these programmes will support

achieving Corporate Plan objectives.

**Financial Implications:**  
**(Authorised by the**  
**statutory Section 151**  
**Officer & Chief Finance**  
**Officer)**

The report is recommending approval of a direct award to local pharmacies for the commissioned services detailed in section 1.5. The recommendation is requesting the direct award for the period of 01/04/2024 – 31/03/2025.

The commissioned services would be funded by Population Health general fund budget and is affordable. The total budget for Local Enhanced Services in 2023/24 is £0.276m. Within this total there is currently £0.035m allocated for Pharmacy Emergency Hormonal Contraception (EHC) and £0.074m allocated for Pharmacy Smoking Cessation support.

It is essential that value for money is evaluated as part of any direct award process and that this is clearly evidenced and retained for section 151 officer assurance.

**Legal Implications:**  
**(Authorised by the**  
**Borough Solicitor)**

The report would indicate that advice has been provided by STAR procurement, which has found that a direct award will be an appropriate route for the contracts, the subject of the award, for the period from 01 April 2024 to 31 March 2025. A direct award can be made in exceptional circumstances as provided for in CPR 9.3 of the Council's Contract Procedure Rules

**Risk Management:**

Risks will be identified and managed by the appropriate officers.

**Access to Information:**

NOT CONFIDENTIAL

**Background Information:**

The background papers relating to this report can be inspected by contacting



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## 1 INTRODUCTION

- 1.1 Pharmacy teams have an important role to play in prevention and embedding public health practice in their everyday role. Alongside their role optimising the use of medicines, community pharmacy teams are increasingly delivering a wide range of public health interventions, from stopping smoking to sexual health services, flu immunisations and more. The Locally Commissioned Services (LCS) framework in Tameside includes services commissioned by Public Health from local pharmacies to provide additional preventative interventions and services for residents under a standard NHS contract. The services sitting under the LCS Pharmacy contract include the provision of Emergency Hormonal Contraception (EHC) and Smoking Cessation support. Sexual health provision including emergency hormonal contraception is a mandated public health function of the local authority; therefore, it is essential that we ensure the continued delivery of these services within Tameside.
- 1.2 In July 2022 the GM NHS Integrated Care Board (ICB) took over the management of this contract when Tameside and Glossop Clinical Commissioning Group (CCG) ceased to exist. More recently, following notification from the ICB of an issue with the transfer of this contract during the merger from the CCG to the ICB, the contract was novated back to the council for a temporary period whilst the ICB undertake a review of LCS provision. Going forward, it is proposed that the contracts for these services in pharmacies will revert back to the previous arrangements aligned with the ICBs wider commissioning of LCSs in community pharmacies from April 2025 onwards
- 1.3 The specifications for the EHC and Smoking Cessation services are continually reviewed and updated as required through the contracting period following changes in national clinical and strategic guidance, changes in nationally commissioned services and any local service transformation.
- 1.4 The following sections provide further detail of each of the locally commissioned services (LCS). Please note that these contracts are paid by activity therefore demand levels and spend may fluctuate but costs will not exceed the allocated budgets, which have been set based on modelling from previous year's activity.

### 1.4.1 LCS (Pharmacy) – Provision of Emergency Hormonal Contraception (EHC)

The aim of the EHC service is to promote the use of, and maintain ease of access to EHC in order to reduce the number of unintended conceptions amongst female residents of all ages and to encourage safer sex and the use of regular methods of contraception.

The objectives of the EHC service are to:

- Consult with clients attending for EHC and:
- Offer information and advice about all methods of emergency contraception including the emergency intrauterine device (IUD) and provide information on the probability of failure with advice on the course of action in the event of this occurring
- If deemed to be appropriate, issue and supply free emergency contraceptive pill(s) in accordance with the relevant Patient Group Direction (PGD). If the client is under 16 years of age, Fraser competencies will be adhered to
- Offer referral information and advice about regular methods of contraception including long-acting methods and how to obtain them
- Offer information and advice about safer sex and the benefits of screening for sexually transmitted infections
- Signpost for free condoms and lubricants
- Refer or signpost to other services including GPs (for routine prescribing of contraceptive pills) and integrated sexual and reproductive health services (for

LARC methods).

In 2022/23, seventeen pharmacies commissioned to provide EHC across Tameside carried out 1,237 consultations for EHC at a total cost of £0.025m, which includes the cost of consultations and the EHC medication.

The proposed budget for this service for 2024/25 is £0.035m per annum to allow for fluctuations in demand as per modelling from recent year's activity.

#### 1.4.2 **LCS (Pharmacy) - Smoking Cessation Service**

The aim of the Smoking Cessation service is to supply Nicotine Replacement Therapy (NRT) to clients of the TMBC Be Well Smoking Cessation and the Smokefree Pregnancy services and to provide an accessible pharmacy smoking cessation service in the community together with behaviour change support. The service outcomes are measured in the nationally recognised metric of number of 4 week quits.

The objectives of the service are to;

- Supply NRT products to clients of the TMBC Be Well Smoking Cessation service
- Supply NRT products to clients of the NHS Smokefree Pregnancy service
- To offer an accessible smoking cessation service in the community setting.
- To supply or administer appropriate NRT
- To offer behavioural support and advice to help clients attempting to quit smoking.
- To educate clients on specific product advice and general smoking cessation advice.

The Service is available for tobacco users over 12 years of age, including pregnant and lactating women, identified as sufficiently motivated to quit who are referred via:

- Primary care professionals
- Secondary care clinicians
- Self-referral
- Work place
- Other voluntary organisations
- And other professionals

Between 1 April 2023 and 30 September 2023, pharmacies dispensed 4,194 items/packets of NRT to stop smoking clients under the pharmacy stop smoking service at a cost of approximately £0.071m for this period.

- 1.5 Due to the planned introduction of vape starter kits by the Be Well stop smoking service, funded by the Department of Health and Social Care, it is expected that the costs of NRT will reduce in the next financial year, therefore the proposed budget for this service for 2024/25 is £0.060m per annum.

### 1.6 **Commissioning Proposal**

1.6.1 Public Health are reviewing the arrangements for this contract in discussion with STAR procurement and partners from the GM ICB. A review will continue ahead of April 2025 to determine a longer term commissioning solution, working with the ICB. For the current period, an appraisal of the different procurement options available has been undertaken, advised by STAR procurement, which has found that a direct award will be an appropriate route for these contracts for the period from 01 April 2024 to 31 March 2025.

1.6.2 These services can only be provided by a community pharmacy in Tameside due to their location in the community, the range of services on offer, and access to

appropriately qualified staff, hence the reason for the direct award approach as advised by STAR Procurement, and hence why the Public Contract Regulations (CPRs) do not apply.

1.6.3 Permission is sought to;

- Continue to fund the services which fall under this contract for a further period of 12 months from 1 April 2024 to 31 March 2025 at a total estimated cost of £0.095m (dependent on activity).
- Work with STAR procurement to seek an exemption to issue a Direct Award to local pharmacies to deliver the services under this contract for a duration of 12 months from 1 April 2024 to 31 March 2025.

## **2 RECOMMENDATION**

2.1 As set out at the front of the report.

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<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor Jack Naylor, Executive Member (Inclusive Growth, Business & Employment)
<b>Reporting Officer:</b>	Julian Jackson, Director of Place Nicola Elsworth, Assistant Director Investment, Development and Housing
<b>Subject:</b>	<b>STALYBRIDGE TOWN CENTRE DELIVERY FRAMEWORK</b>
<b>Report Summary:</b>	The report provides an update on the preparation of a Development Framework for Stalybridge Town Centre and the ongoing work to facilitate the delivery of its regeneration.
<b>Recommendations:</b>	That Executive Cabinet be recommended to: <ul style="list-style-type: none"><li>(i) Approve the Stalybridge Town Centre Delivery Framework to support implementation of the Stalybridge Regeneration Programme and act as a material consideration when consulting on planning applications in the area to guide proposals for development in accordance with the principles within the Framework.</li><li>(ii) Note the ongoing work in relation to delivery of the Stalybridge Regeneration Programme.</li></ul>
<b>Corporate Plan:</b>	Key aims of the Corporate Plan are to provide opportunities for people to fulfil their potential through work, skills and enterprise and to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The Stalybridge Town Centre Delivery Framework will deliver against these aims in the areas of job creation, modern infrastructure and a sustainable environment.
<b>Policy Implications:</b>	The Stalybridge Town Centre Delivery Framework will support the policy aims of the Council's Corporate Plan, proposals within Places for Everyone agreed at Council 20 July 2021, the Tameside Inclusive Growth Strategy 2021, Tameside Climate Change & Environment Strategy, the Council's growth priorities agreed at Council February 2020, Housing Strategy 2021-2026, Council's Unitary Development Plan and the emerging Homes, Spaces, Places, plan.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>This report provides an update on the work that is progressing on the Stalybridge Regeneration Programme.</p> <p>The Council has been awarded £19.9m in external capital funding from the UK Capital Regeneration Projects scheme administered by the Department for Levelling Up, Housing and Communities (DLUHC). This funding will have a significant impact on the regeneration of the Town Centre.</p> <p>It is essential that all expenditure relating to this site continues to be procured in accordance with the Council's contract procedure rules with advice and guidance provided via STaR as appropriate.</p>

In addition, the attainment of value for money should also be clearly evidenced on any further expenditure incurred together with supporting details of the benefits that the development of the site will realise for the Council.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

The report provides both an update on work that has progressed to date but also seeks to approve the Stalybridge Town Centre Delivery Framework to support implementation of the Stalybridge Regeneration Programme. In addition to compliance with the Council's Contract Procedure Rules and guidance provided by STAR in relation to procurement activity it will also be necessary to ensure strict compliance with the conditions attached to external grant funding to mitigate against any risk of clawback of funding provided under the scheme.

**Risk Management:**

A risk register for the project is in place and regularly reviewed. The main risks are summarised in Section 4 below.

**Access to Information:**

Not confidential

**Background Information:**

The background papers relating to this report can be inspected by contacting Mike Reed, Head of Major Programmes.



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## 1. INTRODUCTION

- 1.1 The Council has identified Stalybridge Town Centre, as one of its priority areas to deliver the objectives of the Tameside Inclusive Growth Strategy 2021-26 in making our town centres hubs for living, culture, employment and services supporting a sustainable retail sector. Stalybridge Town Centre was selected as Tameside's focus for the GM Mayor's Town Centre Challenge in 2018.
- 1.2 On 15 March 2023 it was announced in the 2023 UK Budget that Stalybridge had been selected as one 16 Capital Regeneration Projects nationally and therefore the Council would be awarded grant funding of £19.9m to support delivery of the Stalybridge Regeneration Programme. The delivery of the Stalybridge Regeneration Programme is co-ordinated by the Stalybridge Strategic Project Board comprising all Stalybridge elected members and chaired by the Executive Member (Inclusive Growth, Business & Employment), advised and supported by the Stalybridge Delivery Group which involves local stakeholders.
- 1.3 The purpose of this report is to provide an update on the ongoing regeneration of Stalybridge and to seek approval of the Stalybridge Town Centre Delivery Framework (the Framework) prepared to support implementation of the Stalybridge Regeneration Programme.

## 2. THE STALYBRIDGE TOWN CENTRE DELIVERY FRAMEWORK

- 2.1 The Framework (**Appendix 1a and 1b**) has been prepared to provide an overarching strategy for the delivery of major regeneration, to attract new investment, support the future development of formal planning policy, and help to avoid piecemeal development.
- 2.2 The Stalybridge Town Centre Challenge Action Plan – Our Place Our Plan (2019), which was subject to public consultation and engagement in 2018/19, has previously set out the broad aspirations for the Town Centre. These are to create a:
- A Vibrant and Visited Town
  - A Sustainable Town
  - A Prosperous Town
  - A Liveable Town
  - A Safe and Clean Town
  - A Proud Town
- 2.3 The Framework supports the themes of the Action Plan, primarily focussing on increasing the town centre population, repairs to heritage buildings and improvements in access to public transport and associated public realm works, in turn enhancing the overall environment. The Framework is focused on the immediate opportunities unlocked by the award of £19.9m in external capital funding from the UK Capital Regeneration Projects scheme administered by the Department for Levelling Up, Housing and Communities (DLUHC), and completion of the High Street Heritage Action Zone (HSHAZ) programme through Historic England that runs from March 2020 to March 2024. This funding will have a significant impact on the regeneration of the Town Centre and it is important to delivery this in the context of a longer term plan.
- 2.4 The Framework will build on the strengths of Stalybridge and its contribution to Greater Manchester with specific reference to its character and built heritage; excellent transport links locally and regionally; future development sites held by the Council; and new opportunities such as sustainable town centre living.
- 2.5 There are a range of opportunities within Stalybridge to respond directly to the aspirations identified for the Town Centre that also address challenges facing Stalybridge. The Framework therefore seeks to co-ordinate delivery of the Stalybridge Regeneration Programme and assist in the implementation of a longer-term strategy which will help

address housing need whilst reinvigorating the Town Centre and enabling it to contribute more fully to the local economy and to broader regeneration aims.

- 2.6 The overarching vision of the Framework is 'to deliver a thriving place throughout the day and evening optimising Stalybridge's excellent connectivity, waterfront, heritage, culture and passion to provide a hub for living, culture, employment and services supporting a sustainable retail sector'.
- 2.7 The primary objective of the Framework is to co-ordinate delivery of the Stalybridge Regeneration Programme and assist in the implementation of a longer-term strategy to secure the successful regeneration of the Town Centre and the surrounding area. The specific objectives that will help achieve this are:
- Bringing forward identified development sites
  - Attracting further investment in the Town Centre
  - Delivering improved public realm and accessibility
  - Encouraging greater footfall throughout the Town Centre in the day and the evening
  - Changing perceptions of Stalybridge
- 2.8 The following key actions have been identified for the period to March 2026 to progress the delivery of the Framework utilising the secured Capital Regeneration Projects funding:
- Completion of the roof repairs at Stalybridge Civic Hall.
  - Delivery of repair works and internal restoration to enhance the provision and accessibility of the Astley Cheetham Art Gallery and Library.
  - Procurement of a developer partner for the Council owned land at Stalybridge West.
  - The delivery of Stalybridge West enabling works, including potentially a new multi-level non council car park facility in the Town Centre and a pedestrian and cycle bridge over the River Tame.
  - The preparation of a Public Realm and Movement Strategy for the Town Centre.
  - The delivery of public realm works to improve pedestrian routes and access to public transport.
- 2.9 Progress on delivery and associated timescales will be reported regularly to the Council's Executive Cabinet, Strategic Planning and Capital Monitoring Panel, Stalybridge Strategic Project Board, and the Stalybridge Delivery Group.
- 2.10 The period to March 2026 will see the delivery of significant regeneration with a number of physical projects delivered in Stalybridge Town Centre. The Council will continue to work with partners to attract further external funding and investment to complement this work. The successful delivery of these important capital projects as part of the Stalybridge Regeneration Programme will contribute to the achievement of the vision and primary objective to secure the successful regeneration of the Town Centre and the surrounding area.

### **3. ENGAGEMENT**

- 3.1 The Framework has been prepared to take full account of the various pieces of consultation and engagement in Stalybridge over recent years. An extensive consultation and engagement process in 2018/19 informed the preparation of the Stalybridge Town Centre Challenge Action Plan which set out the aspirations for the Town Centre and forms the baseline for this Framework. The consultation exercise allowed the public to share their ideas and aspirations for Stalybridge and enabled a shared vision of the future to be developed. The primary method of data collection was through a questionnaire with 540 surveys completed and over 350 comments posted on exhibition boards at a drop-in event. Input was also collected from three local schools.
- 3.2 The following priorities emerged from this engagement exercise:
- Reinvention of the Civic Hall to bring it back into everyday use;



- Provide additional support for new and existing shops and businesses;
- Improve car parking facilities;
- Improve access to the river and canal;
- Provide new cultural and arts activities;
- Redevelop vacant brownfield land; and
- Build more affordable homes to support community in the Town Centre.

3.3 The Framework has been prepared to provide the delivery strategy that will address the key priorities identified in this engagement. Additional engagement has been undertaken during preparation of the Framework with the Stalybridge Project Board, comprising all Stalybridge Elected Members, and the Stalybridge Delivery Group which includes key stakeholders in the town. Furthermore, the Stalybridge Project Officer Group, chaired by the Director of Place and comprising officers across the Council, including planning, estates, highways and greenspace, has been consulted. As the individual projects and supporting strategies identified within the Framework are progressed, these will be subject to their own engagement and consultation processes.

## 4. RISK MANAGEMENT

4.1 The main risks associated with the Framework are identified in the table below.

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
<b>Delivery / Financial</b>	Lack of external funding available for enabling infrastructure, work to heritage buildings and public realm.	Yellow	£19.9m has been secured from DLUHC to progress delivery up to March 2026. Opportunities for further funding will be monitored.	Green
<b>Delivery</b>	Lack of interest in the market to demonstrate deliverability of individual projects.	Yellow	Early market engagement work undertaken in relation to Stalybridge West has demonstrated interest from the property market to deliver development.	Green
<b>Delivery</b>	Some sites are private ownerships.	Red	The Council is engaging with the private landowners to agree shared objectives and opportunities for future development	Yellow
<b>Delivery</b>	Private land owners progress development opportunities that are inconsistent with the Council's objectives.	Red	The Council will continue to engage proactively and seek to influence outcomes within the confines of planning (as Local Planning Authority) and in accordance with the Framework principles.	Yellow
<b>Delivery</b>	The Framework has insufficient planning weight to ensure that development complies with its objectives.	Red	The Council will engage with partners and private landowners to ensure shared objectives and opportunities for future development are delivered in accordance with the framework.	Yellow
<b>Financial</b>	Development of sites is not viable.	Red	Detailed work has been progressed to identify and address viability challenges	Yellow

			associated with sites at Stalybridge West.	
<b>Programme</b>	Lack of resource capacity to undertake work streams in line with expectations.		Internal resource has been identified. Requirements for any additional delivery resource following recent capital grant funding awards is currently being reviewed.	

## 5. CONCLUSION AND NEXT STEPS

- 5.1 The Framework provides a strategic approach to the transformation of Stalybridge Town Centre, building on development activity undertaken to date and representing a significant acceleration in its scope and delivery. It sets out the key actions identified for the period to March 2026 to progress the delivery of the Stalybridge Regeneration Programme against the principles of the Framework utilising the secured Capital Regeneration Projects funding whilst supporting further investment and development.
- 5.2 In order to ensure effective delivery, the Stalybridge Regeneration Programme Dashboard has been established and is monitored at meetings of the Stalybridge Strategic Project Board. The current status of project delivery in the Town Centre is as follows:
- Work to the Civic Hall building started on site in August 2023 and delivery is progressing as planned with completion scheduled by Summer 2024.
  - Further survey and design work is being completed on the proposed works to the Ashley Cheetham Art Gallery and Library to enable works to start on this building in July 2024.
  - Delivery of the Phase 1 public realm works on Market Street are on site. The first stage between Melbourne Street and the bus station opened to traffic in November 2023. The final stage between Melbourne Street and Trinity Street will complete by February 2024.
  - The public realm strategy for future phases has been commissioned and is due to be completed in Spring 2024.
  - A Development Prospectus has been prepared for the Council owned Stalybridge West sites. A strategy for delivery of the enabling infrastructure and procurement of a partner for future residential development is being prepared and will be subject to a future report in 2024.
- 5.3 The interventions supported by the Framework and the Stalybridge Regeneration Programme will support delivery of the Council's strategic priorities as set out in the Tameside Corporate Plan, the Tameside Inclusive Growth Strategy, Places for Everyone, Unitary Development Plan and the emerging Homes, Spaces, Places, Plan.

## 6. RECOMMENDATIONS

- 6.1 As set out at the front of the report.

# Stalybridge

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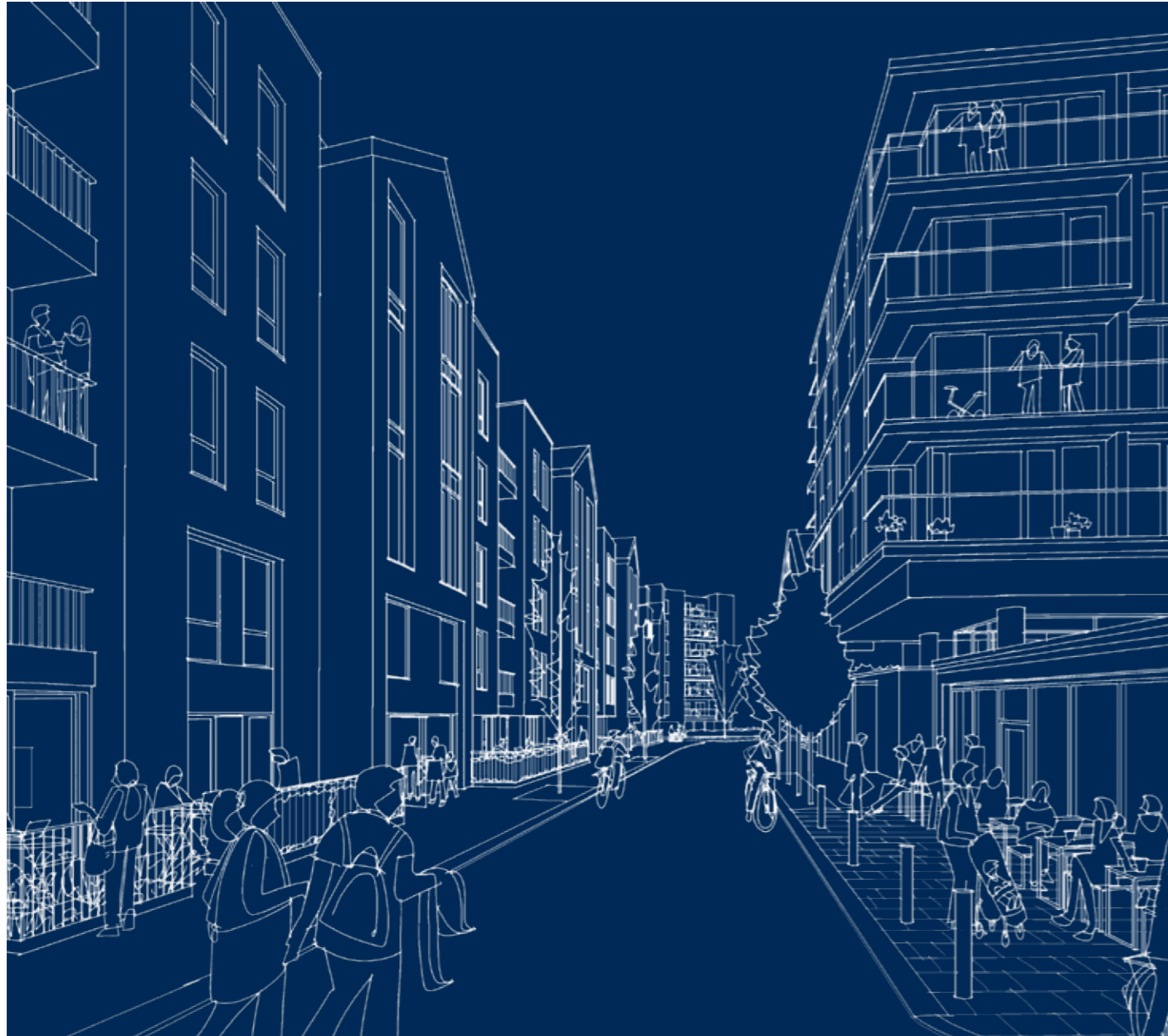
# Regeneration

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Stalybridge Town Centre Delivery  
Framework 2024

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# 1.0 Introduction

## 1.1 Overview

The Council has identified Stalybridge Town Centre, as one of its priority areas to deliver the objectives of the Tameside Inclusive Growth Strategy 2021-26 in making our town centres hubs for living, culture, employment and services supporting a sustainable retail sector.

Stalybridge Town Centre was selected as Tameside's focus for the GM Mayor's Town Centre Challenge in 2018. Initial work to plan and progress the delivery of Stalybridge's Town Centre Challenge was co-ordinated by the Stalybridge Town Centre Challenge (STCC) Board.

The Stalybridge Town Centre Challenge Action Plan – Our Place Our Plan which set out the aspirations for the town centre.

A consultation and engagement process was held during October 2018, to capture the views and aspirations of the local community. Engagement activity generated considerable public interest through survey responses and attendance at a drop in event. This engagement informed the preparation of the Stalybridge Town Centre Challenge Action Plan – Our Place Our Plan (2019) which set out the aspirations for the town centre.

The Stalybridge Town Centre Delivery Framework (the Framework) supports the themes of the Action Plan primarily focussing on increasing the town centre population, repairs to heritage buildings and improvements in access to public transport and associated public realm works, in turn enhancing the overall environment. The Framework is focused on the immediate opportunities unlocked by the award of £19.9m in external capital funding from the UK Capital Regeneration Projects scheme administered by the Department for Levelling Up, Housing and Communities (DLUHC) and completion of the High Street Heritage Action Zone (HSHAZ) programme through Historic England that runs from March 2020 to March 2024. This funding will have a significant impact on the town's regeneration.

The Delivery Framework provides an overarching strategy for the delivery of major regeneration, attracting new investment, maximising the impact of current opportunities, the future development of formal planning policy, and helping to avoid piecemeal development.



# 1.2 Strategic Context (Greater Manchester Wide)

This Delivery Framework will build on the strengths of Stalybridge and its contribution to Greater Manchester: Its character and built heritage; excellent transport links locally and regionally; centrally located sites held by the Council; and new opportunities such as sustainable town centre living.

## Stalybridge: Opportunity

Stalybridge is located in the eastern part of Tameside. It is unique in benefitting from a strategic location within Greater Manchester. It sits between the dynamism of Manchester city centre and the beauty of the Pennines. It has excellent rail transport links to east and west, linking to Manchester and Leeds. Digital connectivity is established and there are varied development opportunities. It is well connected to the regional centres and the network of significant local centres. Stalybridge is one of the main commuter towns in Greater Manchester for employees working within the regional centre.

Tameside as a whole is not growing as fast as other local areas. Between 2011 and 2021, the population of Tameside increased by 5.4%, a lower increase compared to England as a whole (6.6%) and notably lower than Oldham (7.6%) and Manchester (9.7%).

Stalybridge holds great potential. This Framework represents an opportunity to support delivery of the town centre regeneration programme and capitalise on the town's advantages, building resilience and sustainability. Stalybridge has a role to play in the success of the wider conurbation.

## Stalybridge: Baseline

The 2021 census provides a snapshot of Stalybridge and adjacent Hyde.

- Its population is 97,400. Its age profile shows a larger proportion of 0-14 year old's and 45-59 year olds than the national average.
- The work age population roughly matches the national average for England.
- There is a higher proportion of people with a disability than the national average (19.9% compared to 17.3%). The number of people in very good health is slightly below the national average (45.9% compared to 48.5%).

- There are more households deprived in 2, 3 or 4 dimensions than the England average (16% compared to 14.2%; 5% compared to 3.7% and 0.3% compared to 0.2% respectively).
- The area closely matches the England average for the number of people in employment (58.0% in Stalybridge compared to 57.4% across England) and the number unemployed (3.2% compared to 3.5%). There is a tendency for people to travel less far to work than the national average.
- In terms of the property profile, there is a higher proportion of social rented accommodation than the national average (21% compared to 17.1%).

## Town Centre Challenges: General

Small towns are facing challenges. Mintel's Retail Trends (Spring UK) report 2023 finds that retail sales declined by a record level in 2022 and the trend has continued into early 2023. Similarly Deloitte's Retail Trends 2023 confirms that we are in a period of significant change and economic uncertainty: businesses will need to address ongoing cost pressures and make difficult decisions around efficiency. The government's 2019 report, High Streets and Town Centres 2030, recognises the challenges facing the high street including too much retail space and fragmented ownership which gets in the way of comprehensive regeneration.

Greater Manchester's Places for Everyone (Pfe) document, currently at a very advanced stage and being examined by the Planning Inspectorate, seeks to facilitate inclusive growth with everyone sharing in the benefits of rising prosperity. Among its key principles are making the most of key locations and assets; and creating more favourable conditions for growth which at the same time, seek to address disparities. These are key themes for the region and for Stalybridge.

## Town Centre Challenges: Stalybridge

The Tameside Inclusive Growth Strategy (2021) sets out the Council's strategy to secure the right infrastructure, development space, skills, business support and investment to help Tameside's businesses and residents reach their full potential. The Strategy includes an overarching aim to make Tameside's town centres hubs for living, culture, employment and services supporting a sustainable retail sector. The Council's latest Retail and Leisure Study dates to 2018. Whilst in need of review,

potentially through the emerging Local Plan process, this is the best local benchmark for performance with little prospect that the statistics cited would have improved over the intervening years. It confirms that Stalybridge has a vacancy rate significantly above the UK average, at 20.1% compared to 12.2%. The town centre performs poorly in the comparison goods sector and as a result, is losing its fair share of comparison goods expenditure. While 11.5% of the spend remains in Stalybridge, it is the supermarkets that are the principal beneficiary which does little to benefit the wider town centre in terms of vibrancy.

Stalybridge is found to have a higher proportion of convenience retail floor space than other centres, and a lower proportion of service uses. In addition, units are small in size. The most under-represented sub-sectors were restaurants, cafes, takeaways and clothing. The lack of leisure and service uses and the over-provision of general retail indicates a potential weakness in the centre's vitality. This is confirmed by the fact that Stalybridge was ranked fourth of the five town centres in relation to family entertainment and food and drink offer.

There are other areas of dissatisfaction from visitors: it was the worst performing centre in terms of cleanliness of shopping streets; personal safety and policing; shelter from the weather; ease of movement on foot; and accessibility by bus.

The study concluded by recognising the huge potential of Stalybridge in terms of development opportunities, particularly for residential use. However, at the time of the survey, it was found to be 'a weak and vulnerable District Centre'.

Year	Housing requirement	Housing delivery (completions)
2018-19	632	646
2019-20	588	474
2020-21	433	368
2021-22	658	419

## A Further Challenge: Housing Delivery

Housing need is a second challenge facing the borough. Tameside delivered only 66% of its housing requirement in 2018, improving to 75% in 2019 and 89% in 2020. Over the three year period of the Housing Delivery Test, the borough delivered 1,510 net additional homes, representing 91% of the requirement. While delivery increased year on year, it remains below 95% of the requirement. As such, Tameside is required to prepare a Housing Delivery Action Plan.

The Council's Action Plan reflects on why the delivery of housing has fallen below the requirement. It identifies the root causes as follows:

- Delivery of new homes predominantly relies on sites identified on the most up-to-date Strategic Housing and Employment Land Availability Assessment rather than the local plan, as the plan allocations have largely been completed.
- Reliance on a small number of large sites, many of which are in the control of national housebuilders and are being built out more slowly than expected.
- Potential barriers faced by smaller housebuilders.

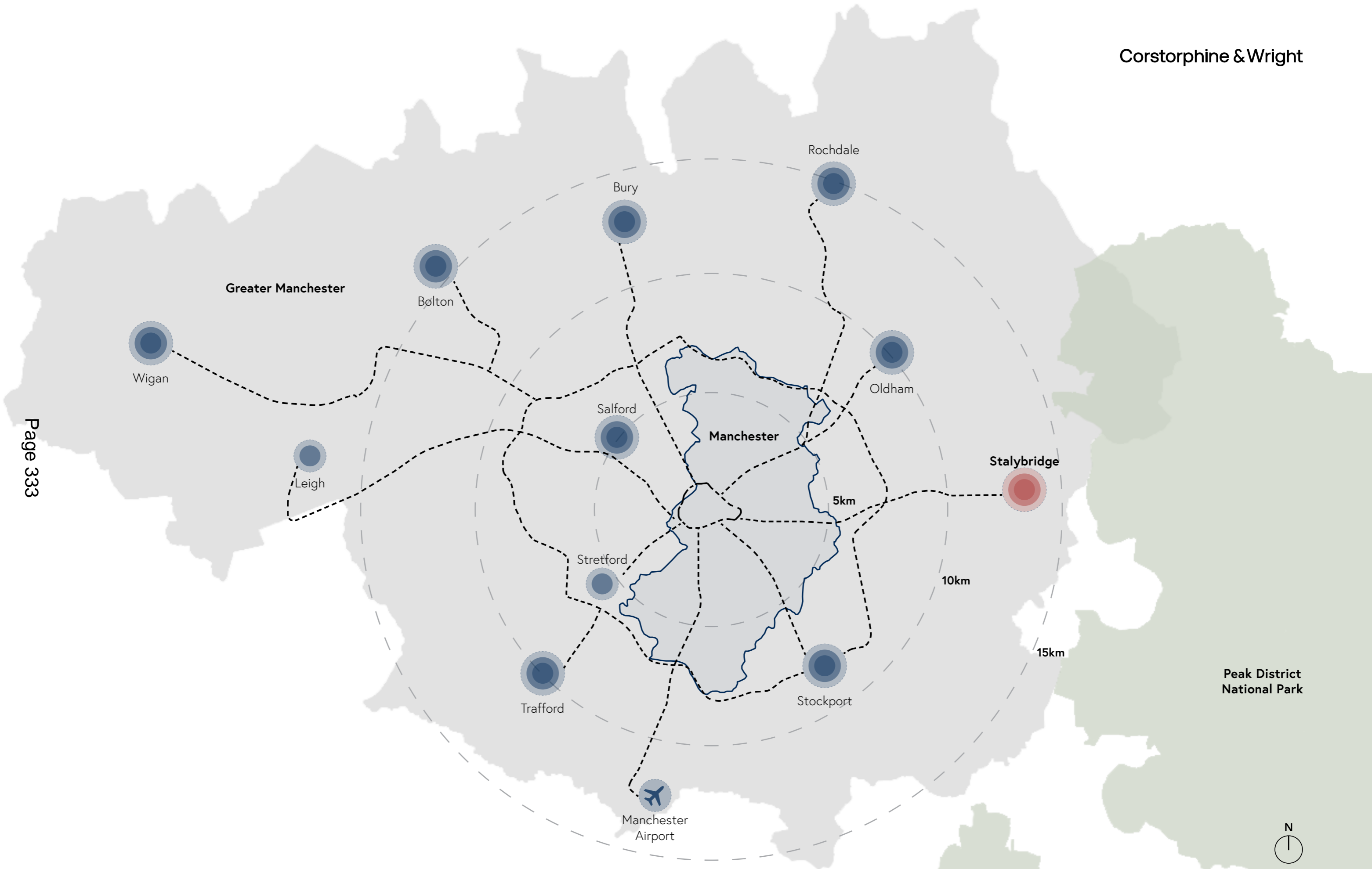
The Council's housing land supply is currently identified as 3.3 years by the SHELAA, a shortfall against the required 5 years.

## Solutions

The fragility of the retail sector is widely recognised, and the solution is to reinvent centres as destinations for a range of activities. The government's Town Centre Regeneration research briefing recommends 'multifunctional' town centres with community, leisure and retail offerings.

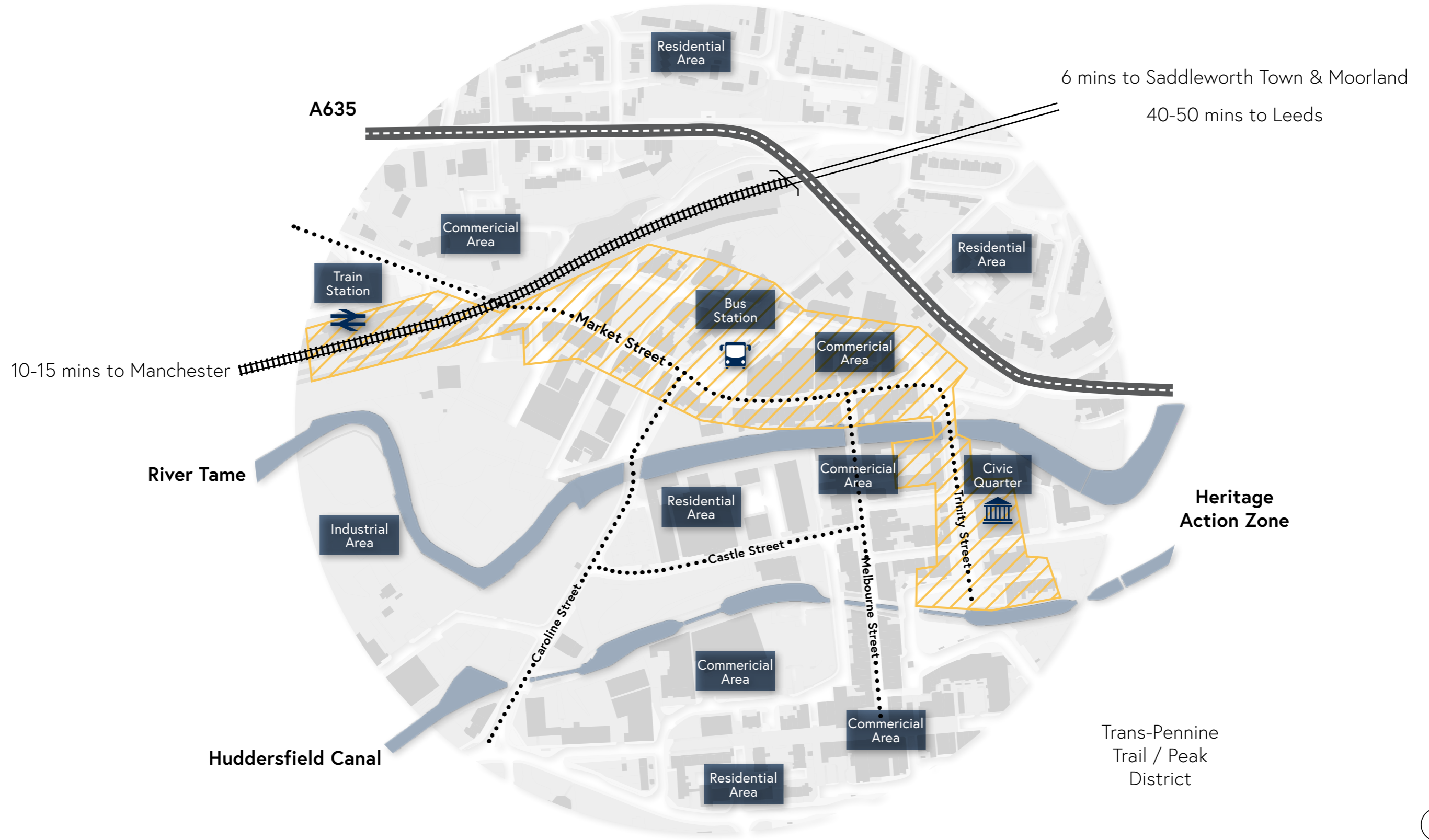
The concurrent under-delivery of housing in the borough dovetails with the need to diversity town centres. The Council's Housing Action Plan finds that additional brownfield sites are required to be brought forward earlier than anticipated. A key action noted in the Action Plan is the need to take a more proactive role in the promotion and delivery of housing; and in it, the Council commits to sustainable housing and economic growth.

The opportunities within Stalybridge town centre respond directly to this aspiration. This Framework document seeks to co-ordinate delivery of the town centre regeneration programme and assist in the implementation of a longer-term strategy which will help address housing need whilst reinvigorating the town centre and enabling it to contribute more fully to the local economy and to broader regeneration aims.



# 1.3 Context

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# 1.4 Historic Context

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**1891**

During the industrial revolution Stalybridge became renowned for the manufacture of cotton and textiles. This resulted in the development of a number of factories and mills around the town which built a rich identity in industry. Rows of terrace houses for textile labourers were prevalent.

Mills were built on the banks of the River Tame as it was historically used to power the cotton mills. Market Street acted as a main axis to the market town, civic quarter and to the train/tram station.



**1938**

As the cotton industry declined, the need for factories and supporting housing was reduced. Post-WW2, many of the factories and mills were left derelict.

Historically, there were a number of footbridges acting as links across the River Tame, from the industrial zone leading to the residential areas. These links have since been lost.



**2023**

The mills and terrace housing largely disappeared within the town centre leaving a substantial amount of undeveloped land. However, the surviving mills play a significant part in the identity of today's Stalybridge Town Centre.

The previously joint station is now simply Stalybridge Train Station, with the tram line terminating at Ashton-under-Lyne since the 1960s.

Market Street has lost some of its standing as a main axis within the town; the high street has been through a period of decline, with some empty and neglected shopfronts. However, many vibrant, independent businesses have appeared on Trinity Street and Melbourne Street.

# 1.5 Heritage Context

## Stalybridge Town Centre Conservation Area

The heart of Stalybridge was designated as a conservation area in 1991 and is described by Historic England as an attractive Pennine town with strong historic character.

## Stalybridge High Street Heritage Action Zone

Stalybridge was selected as Tameside's focus for the GM Mayor's Town Centre Challenge in 2018. With £1,275,000 of government funding, delivered through Historic England, the HSHAZ is currently seeing improvements to the Civic Hall and High Street.

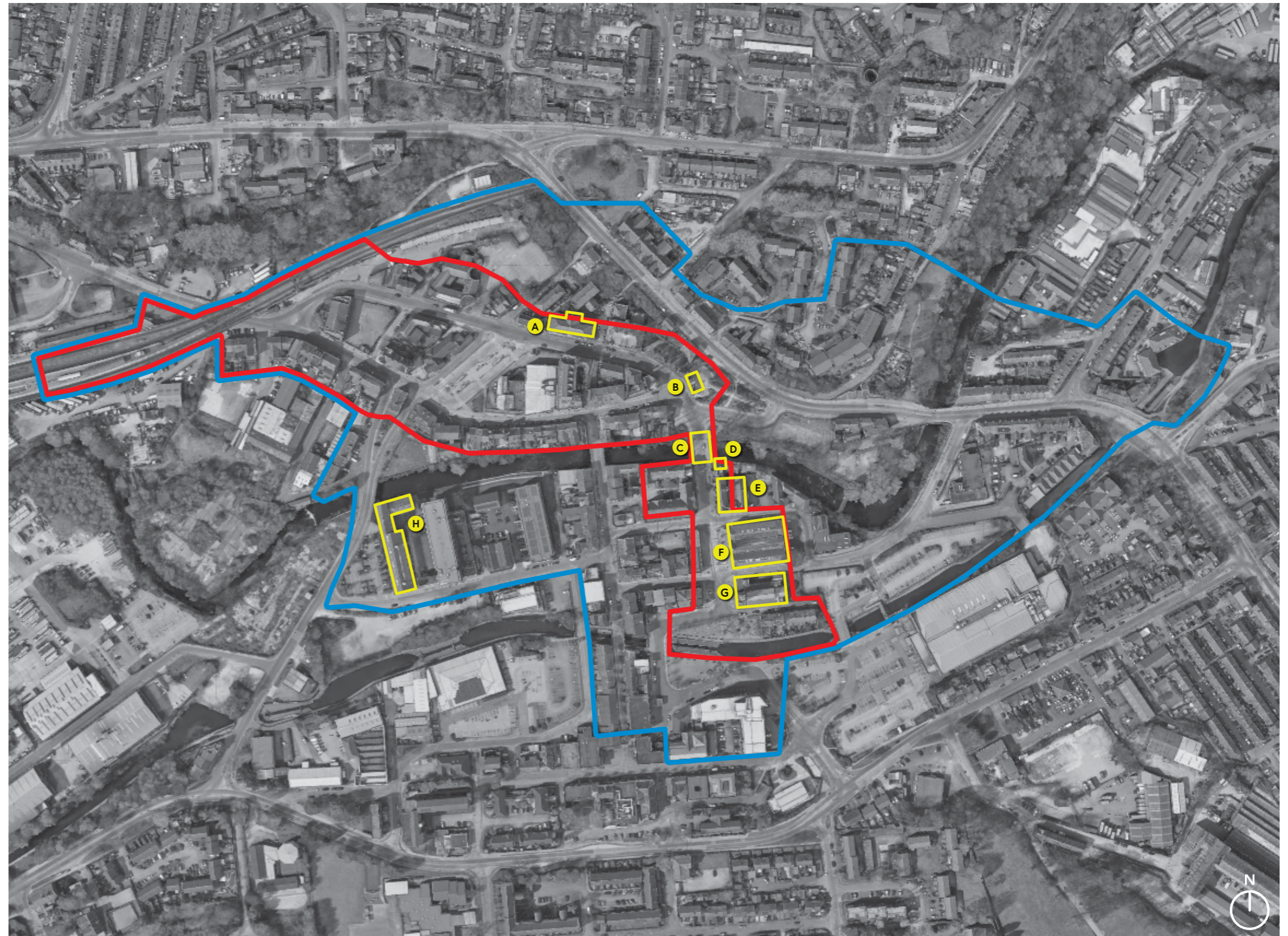
## Listed Buildings

Within the conservation area of Stalybridge Town Centre there are a number of listed buildings which speak of the towns history and character. The majority sit in the East of the town on Trinity Street.

- A Thorne House | Grade 2 | 1903
- B Former Town Hall Facade | Grade 2 | 1831
- C Memorial + Victoria Bridge | Grade 2\* | 1867 + 1920
- D Post Office | Grade 2 | 1899
- E Library | Grade 2 | 1901
- F Victoria Market | Grade 2 | 1866
- G Holy Trinity Church | Grade 2 | 1851
- H Castle Street Mills | Grade 2 | 1805

**Key:**

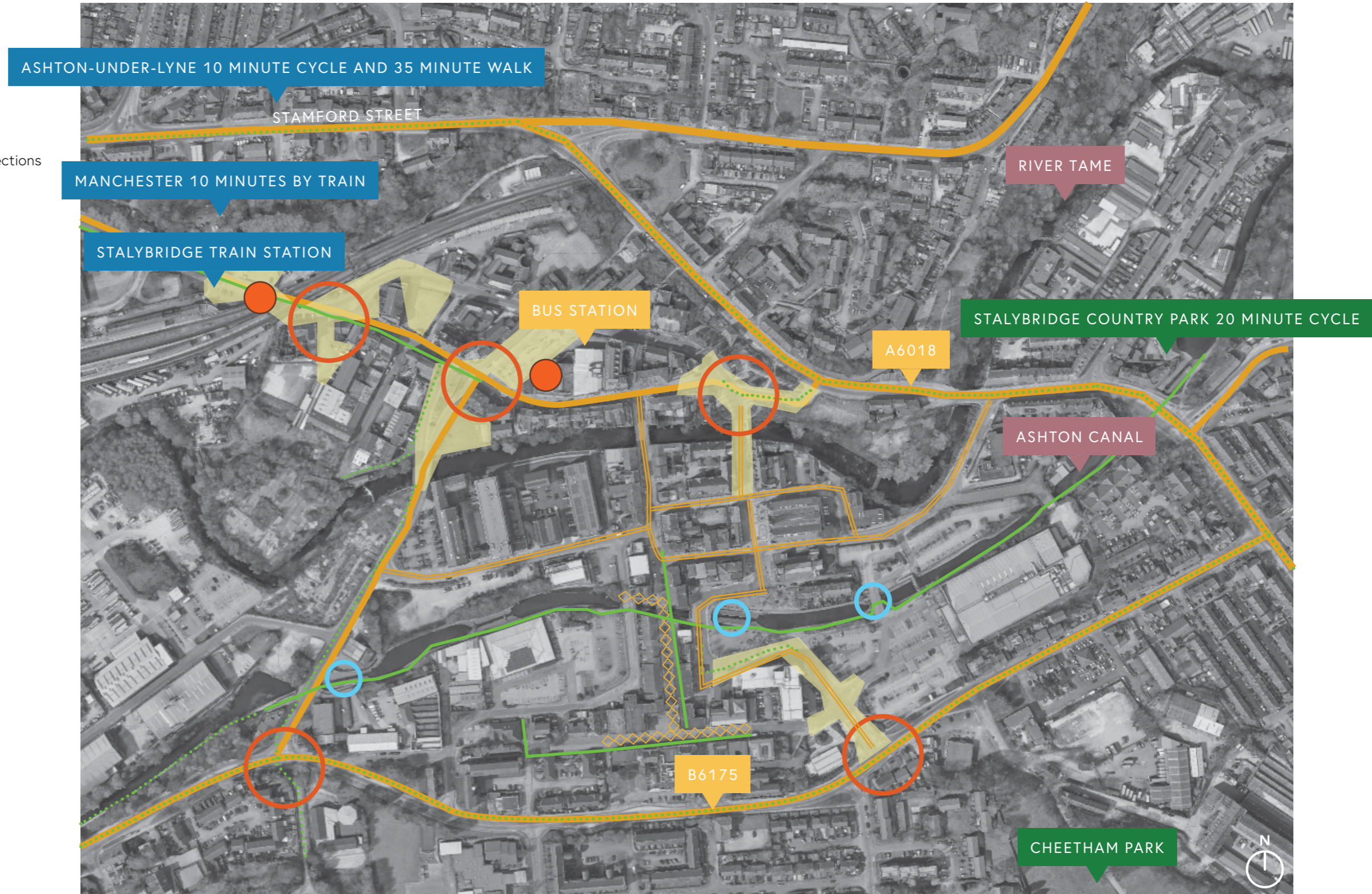
- Conservation Area
- High Street Heritage Action Zone
- Listed Buildings



# 1.6 Movement Context

- Key:**
- Existing Main Vehicular Routes
  - Secondary Vehicular routes
  - Town Centre Routes
  - Local interchange for Public transport Connections
  - Vehicle dominated spaces
  - Key Junctions
  - Existing Pedestrianised Streets
  - Existing connections to Canal
  - Cycle friendly routes
  - Designated Cycle & Pedestrian trails

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# 1.7 Key Challenges and Opportunities

Nationally town centres are facing a number of significant challenges, requiring them to evolve and adapt as places where people want to live, work, shop and spend quality time. The structural change and pressures facing town centres were exacerbated by the significant impact of the COVID-19 pandemic with rising retail vacancies, declining footfall, and increased shopping online. There will be a need for Stalybridge to adapt to these challenges with a diversification of offer and increase of other uses, including residential.

The local challenges Stalybridge faces can be summarised by the below factors:

- Land values: Stalybridge suffers from low land values which makes private investment in the Town Centre difficult to secure. There are several key housing and mixed used sites with planning permission but very limited current activity. Brownfield sites are costly to remediate, and extensive feasibility work has demonstrated that these will only become viable for the private sector when sales values rise or there is public sector intervention.

- Safety: Stalybridge is ranked as the worst of all Tameside's towns for perception of safety. Some of this perception is attributed to the Town's past reputation as a late-night club and pub destination. Although many of these venues have now closed, Stalybridge retains a reputation for late night noise, substance abuse and violent incidents. Other reasons for poor perception of safety include low footfall across the centre, boarded-up shops, bars, clubs and large patches of derelict/vacant land that combine to generate a 'hostile' feeling for both residents and visitors.

- Walkability and public realm: Taken as a whole, the Town Centre looks in on itself, with narrow connecting pavements, excessive street furniture and wide junctions. The current location of car parks with inadequate signage and poor linkages between the train and bus stations and the retail core contribute to making the Town difficult to navigate with a poor walking experience. The existing public realm in the Town Centre provides a poor physical environment with limited landscaping and greenery.

- Dilapidated buildings: Many buildings in the Town Centre are in a poor physical condition. The Town Centre is on the Heritage at-risk register with asset condition rated 'very-bad'. Assets in poor condition negatively impact on the aesthetics of the Town and reduce its attractiveness. Specifically, the historic Cultural Quarter, comprising the Civic Hall and the Ashley Cheetham Library and Art Gallery, needs significant repair work. Without investment, these historic buildings may fall into further disrepair, disuse and eventually dereliction. In contrast, by activating the spaces and providing the opportunity to grow the cultural offering in the Town Centre, Stalybridge may generate a stronger sense of civic pride while attracting visitors and follow-on investment.

- Out of town/online shopping: Like many town centres nationally, out of town retail offerings have had a drastic effect on Town Centre footfall. Two large supermarkets, Aldi and Tesco, compete with the retail core and dominate smaller local businesses. Retail businesses continue to struggle with increasing vacant units in the Town Centre driven by both out of town shopping and online alternatives.

Within this document, we will make reference to the unique characteristics of Stalybridge, influenced by its surrounding typography, the strong presence of both river and canal, and a central role of retained and improved heritage buildings at the heart of a stronger and more vibrant town centre. As we explore and identify the opportunity to bring forward new development, it is important to focus upon the opportunity to create attractive places, to live, work, enjoy leisure time and improve residents' health and wellbeing.



# Key Challenges and Opportunities (Cont.)

In March 2023 it was announced that Stalybridge had been selected as one of 16 Capital Regeneration Projects nationally to receive grant funding and the Council was awarded £19.9m in accordance with the bid submitted to Levelling Up Fund Round 2 in July 2022. The bid for Stalybridge was focused on enabling infrastructure to bring forward vacant sites for redevelopment, public realm and active travel improvements, and the delivery of the Stalybridge 'Cultural Quarter' at the Civic Hall and Ashley Cheetham Art Gallery. This will help the Town Centre to reach its full potential and deliver further comprehensive regeneration, attracting additional investment.

The lack of enabling works that are the primary focus of the interventions to be supported by this external funding significantly inhibit the Council's ability to deliver the further comprehensive regeneration of the Town Centre to attract further investment, failing to meet the regeneration objectives for Stalybridge.

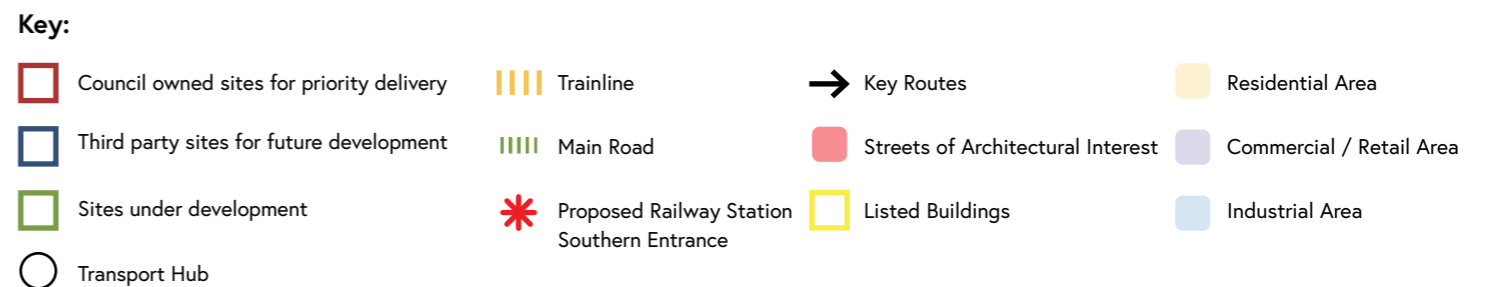
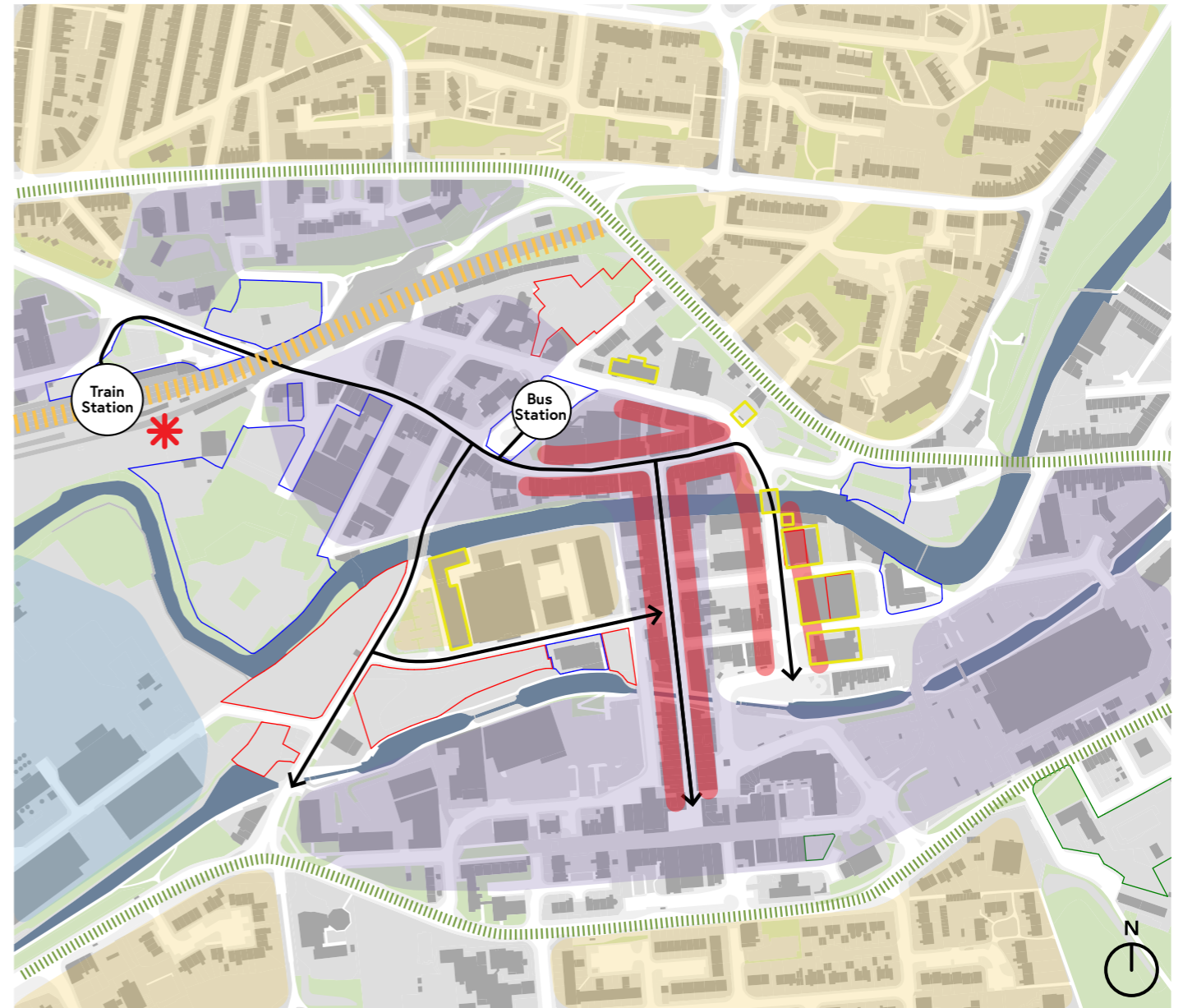
The funding will provide investment to deliver enabling infrastructure works across the sites identified within the Stalybridge West area to facilitate the viable delivery of new housing and commercial space in the Town Centre. Delivery of the Stalybridge West Opportunity Area will create a vibrant Town Centre residential community in a highly sustainable location that will support the local economy. The enabling infrastructure will include a new pedestrian and cycle bridge across the River Tame and a new multi-level car parking facility within the Town Centre proposed to be located at Waterloo Road.

The choice of this proposed location for the multi-storey carpark is consistent with the exercise undertaken as part of the transport and parking assessment included within the preceding Stalybridge West Feasibility Study. Various sites were considered for the carpark which to date has concluded with the Waterloo Road site satisfying the criteria for both size and proximity to amenities along with being under the control and ownership of the Council to help eliminate risks to the eventual delivery and programme. As the site is already an existing parking facility, this also maximises the development potential of the remaining sites and avoids creating increased vehicular movement in close proximity to the proposed residential developments.

The Heritage Walk public realm improvements to pedestrian routes from the rail station along Market Street to the Cultural Quarter, and funded via the HSHAZ, commenced in October 2022 with practical completion by the end of 2023. These works comprise the first phase of public realm improvements in the Town Centre. The additional funding will now be utilised for the delivery of the public realm capital works along the remainder of Market Street, Trinity Street and other areas of the Town Centre, subject to further consultation and availability of budget. This will complement and be aligned with the ongoing work with Transport for Greater Manchester to identify alternative arrangements for the location of the Stalybridge Bus Station, improve integration of bus services with Stalybridge Rail Station and improve bus stop facilities at Armentieres Square.

The main roof repair works at the Civic Hall started on site in August 2023 supported by match funding from the HSHAZ, UK Shared Prosperity Fund and the Council Capital Programme. Further repair works and internal restoration at the adjacent Astley Cheetham Art Gallery and Library will now be updated to inform the programme to undertake the capital works to enhance the provision and accessibility, including the installation of a new internal lift. Collectively these two Grade II listed buildings will form the town centre Cultural Quarter.

As the repair works to the Civic Hall are completed, subject to further approval, the Council will seek to progress a programme of activity including the potential for markets, food and drink events, music, theatre, comedy, art and arts/cultural exhibition events. This will be progressed in the context of an emerging strategy for the long term sustainable use of the building.



## 1.8 Town Centre Regeneration Context

This Framework seeks to guide the future development of Stalybridge in a way which reflects its physical and local characteristics and the significance of the opportunity for the town centre. The area has been identified as a major regeneration opportunity that can deliver a range of economic, social and environmental benefits both locally and on the broader scale.

Stalybridge became renowned for the manufacture of cotton and textiles during the Industrial Revolution. However, the changed economic climate led to dereliction in the later half of the twentieth century. In the early 2000s the area enjoyed a nightlife boom but many venues closed down and still remain empty. There are significant historic buildings including mills which have the potential to be reused.

This Delivery Framework provides an overarching strategy for the delivery of major regeneration with immediate opportunities unlocked by the award of external capital funding.

### Environmental Regeneration

The guidance set out will result in an improved town centre environment. The reuse of existing buildings of character; encouraging on-site landscaping on suitable sites; and contributions towards street trees and other local improvements will result in an enhanced town centre. People will come to the town centre more often and spend longer periods of time there. Physical improvements which direct footfall through the main retail areas of the town centre will encourage a better commercial environment. Taken together, there is a positive impact on town centre vitality, encouraging further investment and attracting higher profile shops and services.

### Residential Regeneration: The Benefits

There is a clear need for additional dwellings in Stalybridge, to diversify the local housing market, add vitality and meet the needs of local people. This Framework indicates that the town could support the development of up to 1,000 new dwellings. It would be reasonable to envisage a further windfall delivery of unidentified sites of a similar number. This population would contribute significantly to the vibrancy of the town and its businesses. Residential development contributes strongly to the economy in the form of construction and management jobs, the attraction

of additional spending power from new residents, council tax receipts, planning obligation payments and infrastructure improvements.

Using the online Home Builders Federation calculator, and assuming the delivery in the town centre of up to 1,000 additional residential units, the following benefits could be generated:

- Generating £12,053,000 in tax revenue, including over £1m in council tax revenue.
- Creating 230 affordable homes
- Supporting the employment of 3,100 people.
- Providing 34 apprentices, graduates or trainees.
- Increasing open space, community sport and leisure spending by £806,200 – for context, this figure is the equivalent of 45 x 5-a-side football pitches.
- Generating the same figure for education spending, the equivalent of 380 classroom spaces.

### The Strategy for Stalybridge

The delivery of dwellings in the town centre would build on the Council's Housing Strategy which seeks the creation of vibrant, diversified towns which are places of 'live-work-play'. It commits to proactively encouraging the re-balancing of the housing market. Towns are recognised as capable of delivering the dwelling types that the borough currently lacks.

The nature of town centre residential development, with its smaller sites and higher density, re-balances a local housing market. Tameside as a whole has an overprovision of houses, a lack of apartments and a smaller private rental market than the England average (16.5% live in private rented properties in Stalybridge and Hyde compared to 20.6% across England, according to the census).

Tameside's Housing Need Assessment demonstrates that 78% of the borough's dwellings are houses and of these, 39.6% are terraced and 30.3% are semi-detached. Only 10% of properties have one bedroom. 42.6% of dwellings were built before 1945 and an estimated 21.8% of all dwellings do not meet the 'decent' standard. A need is identified for affordable home ownership options relating to two and three bedroom houses; and some need for two bedroom apartments. There is a need for market dwellings of all types including one and two bedroom apartments and houses of all sizes.

There is a clear need for new, high quality housing of a range of types and tenures which will rebalance the housing market. At the same time, it will address the gaps in the market for apartments and smaller homes. These are highly suitable for town centres. They also suit the borough's future demographic structure. There is a larger than average pipeline of young people and a population trajectory which indicates an increase across all age groups, especially the over 75s.

Apartments, particularly where they are close to local services and public transport options, appeal to a broad demographic from older downsizers to young professionals. Provision of town centre living will meet the local need for a range of dwelling types and will contribute to making Stalybridge a location of choice.

### The Future

Town centre residential markets evolve. From studying Manchester city centre, we can see that early adopters of urban living tend to be young singles and couples with higher disposable incomes who are drawn to the lifestyle, connectivity and dwelling type offered by the centre. As the market becomes established, a wider range of property types and facilities evolve. In Manchester, the city centre's young population was subsequently bolstered by young families and older retirees. This generated additional amenities in the form of healthcare and schools to cater to the new population. This Framework therefore considers the required strategy over time as the town centre residential market evolves.

# 1.9 Planning Position

The proposals for Stalybridge town centre align fully with the aims and objectives of the national and local policy framework.

Planning legislation requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. It is therefore important to start by summarising the policy position at both a local and national level, insofar as it relates to Stalybridge.

The development plan for Tameside is comprised of the Tameside Unitary Development Plan (UDP, 2004). Places for Everyone (PFE) will form part of a joint development plan for the 9 participating districts of Greater Manchester. It is yet to be adopted, but as it will become an important part of the local development plan within the short term, we should consider and comment upon its relevant policy advice within the body of this document

Although the UDP is of some age, important themes run through the document and align with the objectives of more recent policy. The UDP Proposals Map (below) identifies the town centre boundary of Stalybridge in blue, with a number of development of Development Opportunity Areas being identified in orange.

UDP Policy E2 provides more information on the Development Opportunity Areas, with Site 8 (Castle Street / Longlands Mill) being identified for workshops, leisure, office, retail and residential uses, Site 9 (Harrop Street / Shepley Street) being allocated for industrial, leisure and non-food retail, and Site 10 (Knowl Street / North Road) being allocated for residential, leisure and office use.

The identification of such sites for redevelopment was an initial indication of the council's appetite for encouraging the longer term regeneration of Stalybridge Town Centre. The allocations themselves generated some planning applications and resultant redevelopment, in particular, Castle Street, where a mixed-use development of up to 275 dwellings was approved in 2006, and to a lesser extent, Knowl St (site 10) where some residential development was brought forward at (again in 2006). The land south of Stalybridge Railway Station (Site 9), remains a long-term redevelopment opportunity at the heart of the town centre.

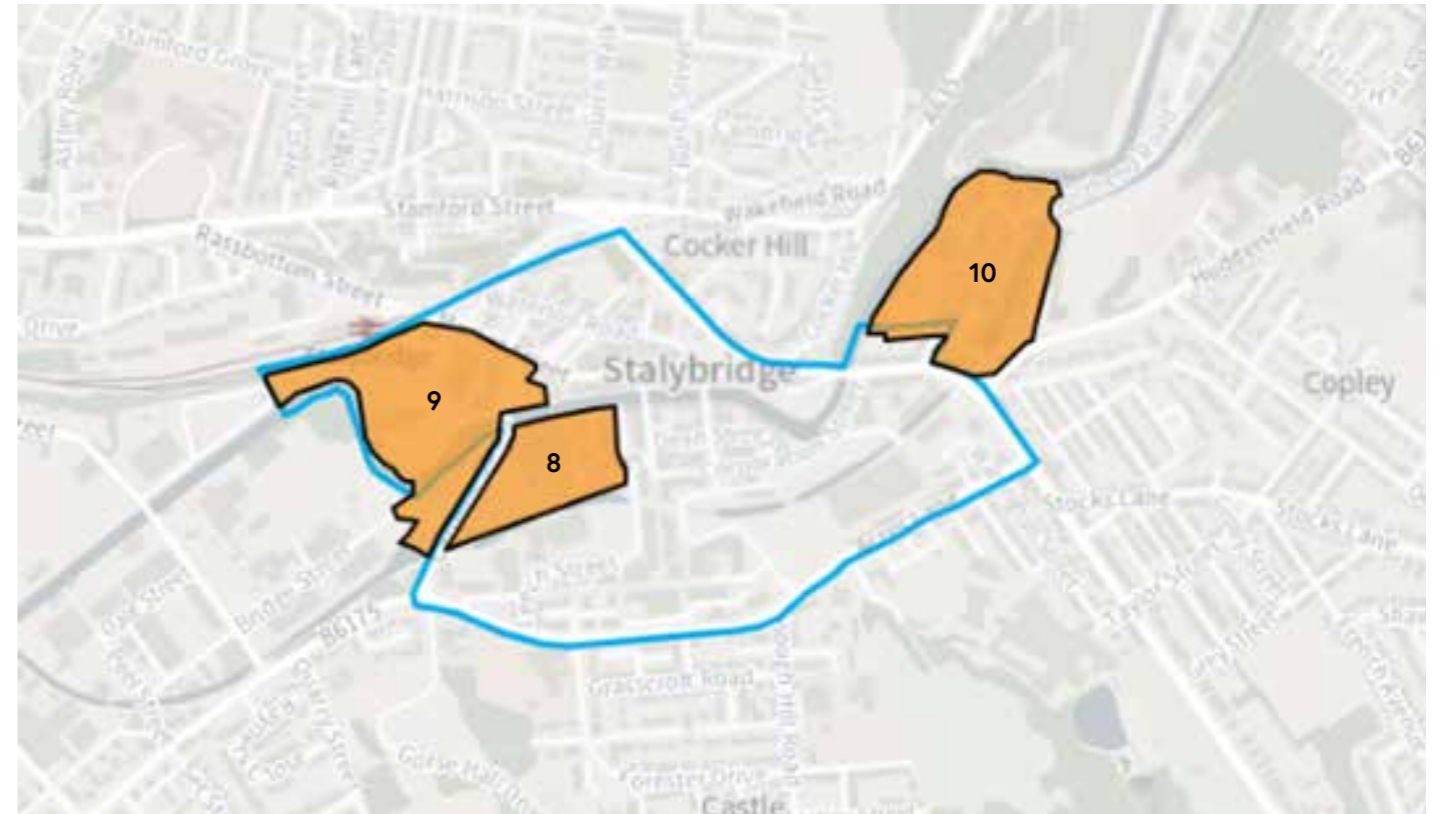
As stated earlier, Places for Everyone (PFE), will form an important part of the future emerging Tameside Development Local Plan (Homes, Spaces, Places),

updating the policy guidance of the UDP, in a way which will closer reflect the advice of the NPPF. Having initially begun to prepare a joint development plan in the form of the Greater Manchester Spatial Framework (GMSF) in 2014, and progressed with various consultation stages, the withdrawal of Stockport Council from that process (including in 2010) resulted in the 9 remaining districts working together to produce a joint long-term plan in the form of the PFE.

Its headline description is that this would be a joint development plan, 'which would determine the kind of development that takes place in their boroughs, maximises the use of brownfield land and urban spaces, whilst protecting greenbelt land from the risk of unplanned development.'. PFE covers the period up until 2039, identifying the amount of new development land which will come forward, supporting the delivery of key infrastructure, protecting important environmental assets across the city region and allocating sites for employment and housing outside the urban area. After the preparation and submission of the Submission Documentation in February 2022, an examination in public took place between November 22 and July 23, and, most recently, public consultation was closed in respect of proposed modifications. It is currently anticipated that PFE will be in a position to be adopted in 2024.

Whilst a document of the scale and significance of the PFE Plan will be a matter for comprehensive consideration as part of any debate surrounding future development proposals, within this document, we should perhaps highlight its key themes and some specific policies that are particularly relevant to this Framework for Stalybridge Town Centre.

A central theme of the PFE Plan is to bring forward brownfield land as a means of meeting local housing need, promoting a new approach for town centre strategies, improving environmental and personal health, whilst also allowing long term protection for environmental assets. The specific target of providing new homes is firmly directed towards consistently delivering the right homes in the right place, both in terms of number and mix, in meeting future needs. Development is directed to the most sustainable areas which are primarily city and town centres where there would be the best outcome in terms of the reuse of brownfield land, and there will be significant opportunities to provide affordable homes that meet space standards and are both accessible and adaptable.



UDP Proposals Map

Consistent with the NPPF, the priority given to fully exploiting brownfield opportunities could not be stronger. This is seen to sit very comfortably with the plans and strategic approach with regards to town centres, which will see a significant increase in supply and demand for housing, as part of the strengthening and renewal of their role in each location.

In terms of specific policy guidance, we would highlight the following:

Policy JP/P1: Sustainable Places

Looks for all developments to have a range of important attributes including a distinctive identity, social inclusivity, visually interesting and imaginative, adaptability, durability, safety, legibility and connectivity, amongst a number of other important considerations.

Policy JP/P2: Heritage

Calls for a proactive approach in individual local plans, which will set out key elements which will contribute to the districts identity and character, will require a clear understanding of the historic environment and will set out a clear vision which can be given weight in the planning and design process with regards to future development opportunities.

Policy JP/P3: Cultural facilities

Recognises the historic roots of Greater Manchester, its potential value as part of the visitor economy, and future opportunities to enhance cultural characteristics, which in turn could help reinforce the nighttime economy. The policy itself lists a number of potential measures, which could proactively develop and support cultural 'business' and attractions in Greater Manchester cities and towns.

Policy JP/P6: Health

Reflects the importance of good health in its own right, but also the impact that it can have upon the Greater

## Planning Position (Cont.)

Manchester population, and the region's economic outputs. Health and wellbeing has increasingly become an important consideration in understanding the effects of development and therefore requires consideration and response as part of the planning process.

### Policy JP/C4: Streets for All

Calls for streets to be designed and managed to make a significant positive contribution to the quality of place and to support high levels of walking, cycling and public transport.

### Policy JP/C5: Walking and Cycling

Similarly, more focussed guidance is provided with regards to delivering a higher proportion of journeys by cycling and walking, supported by a range of potential measures, including the creation of active neighbourhoods and street networks which are more permeable, the separation of space which is suitable for walking and cycling and the utilisation of enhanced green infrastructure including canals, parks and recreation grounds etc.

### Policy JP/C7: Transport requirements for new development

Reinforces a number of the same themes including the importance of connectivity and permeability, hybrid design at a human scale, the relationship between development and public transport and the provision of parking infrastructure which meets long term demand and is convenient, so as to maximise use. It also highlights the importance of providing alternatives to car ownership and increased provision of ULEV charging infrastructure and car clubs.

The PFE Plan also provides more focussed advice with regard to housing development. Beyond the headlines of scale, distribution and phasing (Poly JP/H1) specific guidance concerns:

### Policy JP/H1: Affordability of new housing

### Policy JP/H3: Type, Size and Design of new housing

### Policy JP/H4: Density of housing

All of the above reflect the advice of the NPPF and other policy documents with particular regard to increasing the supply of low-cost market housing, to compliment the provision of affordable homes and to diversify options. New homes should be well designed

and adaptable with appropriate access to private space, and all new dwellings must comply with nationally described space standards and meet building regulation requirements in respect of accessibility and adaptability. Whilst recognising the importance of high-quality design, higher densities are permitted across districts, although it is recognised that site specific issues, such as design context, heritage assets and green infrastructure may influence final outputs

The National Planning Policy Framework (NPPF, 2021) is a material consideration in planning decisions, and should be read alongside National Planning Practice Guidance. The NPPF has a clear presumption in favour of sustainable development, meaning that economic, social and environmental objectives are achieved. The presumption in favour of sustainable development means that local planning authorities should, without delay, approve developments that accord with an up-to-date development plan.

The NPPF seeks to significantly boost the supply of homes to meet the needs of various groups in the community. At least 10% of dwellings to be provided on major schemes should be affordable, with some exceptions. Local authorities are encouraged to identify specific, deliverable sites for housing in their plans.

The NPPF seeks to uphold the vitality of town centres. It recognises that a range of uses will achieve this, including residential. Good design is encouraged, and it should create inclusive places which promote social interaction. The location of housing, economic and community facilities should be integrated. Sustainable transport and active travel are encouraged through the location and format of development.

Parking standards, where required, should take into account accessibility, type of development, availability of public transport and local car ownership. As much use as possible should be made of previously developed land, with substantial weight given to the value of using suitable brownfield land in settlements for new homes.

The NPPF covers adaptation to climate change; response to flood risk and incorporation of sustainable drainage; minimising impacts on and providing net gains for biodiversity; preventing pollution; and reiterating legislative protection afforded to heritage assets.

We have referenced the Council's general appetite for encouraging further redevelopment of known opportunity sites within Stalybridge Town Centre, some

of which are covered by indicative proposals within this document. Since the adoption of the UDP, there has been a continued shift towards a recognition that the character and function of all town centres has changed. Whilst they remain important for retail, leisure and commercial activities, there has also been an increased focus upon the delivery of residential development.

This has partly been a response to the need to exploit brownfield development opportunities, where they exist, but also a recognition that an increase in the number of people who live close to and within our town centres, brings with it increased footfall, improved security, increased spend and use of existing town centre services, and potentially wide-reaching sustainability benefits. The delivery of development proposals can also secure improved public realm, investment in heritage assets, improved connectivity across the centre and, in a town such as Stalybridge, further exploitation of existing river and canal corridors.

These and other themes sit at the heart of National guidance (NPPF), and a number of the same considerations are also acknowledged within the current UDP, notwithstanding its age.

Our summary of some key policy considerations which the council have and would give particular weight to in the context of recent and future planning applications is as follows:

- Town centres provide opportunities for employment growth and a range of uses outside the primary shopping area. The focus should be on strengthening the centre itself. The Council is committed to the improvement of, and investment in Stalybridge.
- Previously developed land is a valuable resource for development and should be used efficiently with 30-50 dwellings per hectare.
- The provision of further housing is a priority, and it is important that individual proposals should focus upon a range of house types and tenures. Where there is a demonstrable lack of particular forms of housing including affordable, provision is sought on suitable sites of 25 or more dwellings or 1ha in size.
- Development should be of high design quality and sensitive to its location, particularly at higher densities. Design should enable accessibility and discourage crime. Suitable amenity space should be provided.

- Development should be located to avoid the need to travel and/or be located in town centres and in proximity to public transport. There are benefits to co-locating various residential, employment, leisure and community facilities.
- All development proposals should look to provide appropriate protection of heritage assets, biodiversity and trees.
- Schemes with limited provision of car parking (and at times nil-parking provision) are encouraged within or adjacent to town centres and in areas of good public transport. Maximum parking standards are to be applied, with draft standards outlined at a maximum of 1.25 spaces per town centre dwelling, along with minimum standards for disabled parking and bicycle storage. Safe access and design for those with mobility needs are required, and active travel is encouraged.
- All proposals should look to address any environmental impacts in terms of contamination, flood risk, pollution, noise and air quality.
- It is becoming increasingly important that proposals should look to encourage energy efficiency and reduce carbon consumption within new developments.

In preparing this document, we have engaged with the relevant planning officers at Tameside Council and, consistent with this summary of the relevant planning policy context, officers have recognised the age of the UDP, the advice of the NPPF and the weight that will be given to the relevant planning considerations that have been summarised above.

Officers have echoed our reference to the scale of opportunities that exist within Stalybridge town centre and the wide-reaching benefits that can potentially be secured in the context of future planning applications. It should be noted that the opportunities that have been highlighted will still need to be progressed through appropriate pre-application dialogue with Tameside's planning team and all relevant policy matter will need to be addressed at an appropriate level of detail in the context of individual applications. However, the general policy themes that we have highlighted will all be important material considerations.



## 1.10 Strategy for Future Community & Stakeholder Engagement

This Framework has been prepared in the context of the in extensive engagement and consultation with local stakeholders and the community undertaken in the preparation of the Stalybridge Town Centre Challenge Action Plan – Our Place Our Plan (2019). Further consultation and engagement will now be undertaken to finalise the Framework.

To support delivery of the Framework a Strategic Project Board has been established of all Stalybridge elected members and chaired by the Deputy Leader of the Council that has oversight of the works, advised and supported by the Stalybridge Delivery Group which involves local stakeholders. Collectively these groups will inform the Council's Executive Cabinet as the decision making body with regular updates also provided to the East Neighbourhood Forum as appropriate. Where the delivery of projects forms part of the Council's approved capital programme, quarterly reports will be taken to the Council's Strategic Planning and Capital Monitoring Panel.

The delivery of the Framework and the individual component projects within it, will be subject to a process of ongoing engagement and consultation. Future engagement will be carried out in line with the council's Statement of Community Involvement 2023. This will include engagement as appropriate with key stakeholders and interested parties, targeted focus groups, and general consultation open to comments from all. This will be supported by an engagement strategy to be prepared for delivery of the Capital Regeneration Project funding.

The consultation exercise allowed the public to share their ideas and aspirations for Stalybridge and enable a shared vision of the future to be developed. The primary method of data collection was through a questionnaire with 540 surveys completed and over 350 comments posted on exhibition boards at a drop-in event. Input was also collected from three local schools. The successful outcome of the High Street Heritage Action Zone (HSHAZ) application was shaped in accordance with this consultation feedback.

The following key themes emerged from the engagement exercise:

- It is important that people are made to feel safe in the town;

- The car parking provision in the Town Centre could be improved in terms of quality, availability and pricing;
- The location (i.e. being both close to Manchester and the countryside) is a unique selling point of the Town which is not leveraged upon enough;
- The natural environment of Stalybridge (e.g. canals, rivers and parks) is an asset to the Town that should be better utilised;
- The heritage and history of the Town should be embraced, with any new developments adhering to this historic character;
- Support should be provided to new and existing shops and businesses;
- Streets should be 'cleaned up' to improve the attractiveness of the Town and encourage visitors;
- Existing buildings should be utilised, redeveloped and improved, specifically the Civic Hall; and
- Improvements should be made to public transport particularly existing train and bus services.
- When participants were asked for their top priorities, the highest responses included:
- Reinvention of the Civic Hall to bring it back into everyday use;
- Provide additional support for new and existing shops and businesses;
- Improve car parking facilities;
- Improve access to the river and canal;
- Provide new cultural and arts activities;
- Redevelop vacant brownfield land; and
- Build more affordable homes to support community in the Town Centre.

The Framework has been prepared to provide the delivery strategy that will address the key priorities identified in this engagement. As the individual projects and supporting strategies identified within the Framework are progressed, these will be subject to their own town engagement and consultation processes.

## 2.0 Emerging Town Centre Masterplan



Regeneration  
Catalyst



Availability/Viability



Heritage



Timing



Design

## 2.1 Delivery Framework Vision and Objectives

In 2018 Stalybridge was identified as one of the GM Mayor's Town Centre Challenge (2018) locations that seeks to unlock the potential of Greater Manchester's towns by fostering collaboration between industry and public bodies. The objective is to transform centres into world class places for residents, visitors and businesses.

In 2020 Stalybridge was identified as a High Streets Heritage Action Zone, being delivered with Historic England. The aim is to deliver schemes to transform and restore disused and dilapidated buildings into new homes, shops, workplaces and community spaces. It will restore local historic character and improve the public realm. There have been positive interventions from the private sector particularly in relation to housing delivery, which remains a key challenge for the borough. Grade II listed Castle Street Mills has been successfully transformed into residential use. Summers Quay and Pattern House are other examples.

This Vision Framework seeks to draw these strands together and set out key principles to shape development positively across the town centre.

The overarching vision is 'to deliver a thriving place throughout the day and evening optimising Stalybridge's excellent connectivity, waterfront, heritage, culture and passion to provide a hub for living, culture, employment and services supporting a sustainable retail sector'.

The primary objective of the Framework is to co-ordinate delivery of the town centre regeneration programme and assist in the implementation of a longer-term strategy to secure the successful regeneration of the Town Centre and the surrounding area.

The specific objectives that will help achieve this are:

SO1: Bringing forward identified development sites to:

- Develop unused, under-used or derelict land for a mix of uses;
- Promote the refurbishment and enhancement of historic buildings, including Stalybridge Civic Hall and the Astley Cheetham Art Gallery and Library.

SO2: Attracting further investment in the Town Centre to:

- Diversify town centre uses; support town centre facilities, including a higher quality evening economy;
- Improve housing options.

- Create modern and vibrant, mixed-use town centre living environment in a highly sustainable location.

SO3: Delivering improved public realm and accessibility to:

- Provide a strong sense of place;
- Enhance pedestrian routes; strengthen access to existing public transport provision.
- Improve connections to Stalybridge's unique assets and green spaces and deliver clear signage throughout the Town Centre and surrounding area.

SO4: Encouraging greater footfall throughout the Town Centre in the day and the evening with the delivery of:

- A safer and more secure Town Centre
- New residential development and a range of housing types, including affordable housing and routes to home ownership.

SO5: Changing perceptions of Stalybridge by supporting:

- Enhanced and higher quality food and drink uses.
- Closer working with partners to address and deter anti-social behaviour;
- A Town Centre environment that maximise the potential of assets such as the River Tame and canal.
- An enhanced visitor offer that strengthens the role of Stalybridge as a destination.

This will deliver against the following principles of the Stalybridge Town Centre Challenge Action Plan

- A Vibrant and Visited Town - which harnesses its local environment (canals, rivers and parks), heritage, culture, shops, local services and facilities to attract a wide range of people
- A Sustainable Town - which can be accessed easily by foot, cycle, car, train and bus and from which our attractive surrounding countryside and other centres (including Manchester and Leeds) can be easily accessed by a range of transport modes
- A Prosperous Town - where people invest in homes and businesses
- A Liveable Town - where people can access quality homes that meet their needs

- A Safe and Clean Town - where people feel comfortable to walk around and sit in during day and night
- A Proud Town - where local people promote our strengths and local are active in enjoying, supporting and enhancing our offer



# Delivery Framework Vision and Objectives

## Regeneration Catalyst

A market-led approach could see some developments emerge but the combination of traditional economic challenges and the more recent economic and social impacts will further hinder the ability of towns such as Stalybridge to generate any pace of regeneration without external support

The identification of council assets and interests which could potentially deliver "early wins" should become a catalyst for wider change. Proactive intervention can be the best way for a council to highlight the 'art of the possible', create 'real-time' examples of what can be achievable and to effectively show potential interested developers how future opportunities can be realised.

The challenges faced by our town centres do not have the luxury of a 'quick fix' and traditional town centre occupiers were already struggling in the face of general economic challenges, before the additional impact of Covid. By creating a new town centre neighbourhood, with a broader range and type of new residential occupiers, there is a clear opportunity to create a demand for retail, leisure and employment uses which are more local and independent than would otherwise be the case. It's then hoped that such complimentary growth (supporting the new residential neighbourhood) could be more robust and more reliable in the medium to long-term. In itself, that is a realistic economic target as are the associated social and environmental benefits that would then begin to emerge.

## Heritage

Stalybridge has a rich heritage; from its textile manufacturing to its civic buildings, there are still some significant historic assets within the town. The industrial boom in the town also saw the creation of numerous historic infrastructure projects including the Canals and Railway lines, which are still used today.

In recent years however, there has been a general decline within the Town Centre, further amplified by the impact of the Covid-19 pandemic. Nonetheless, it is clear that there remains significant opportunity to develop on the strengths of the Stalybridge's Heritage, services and excellent transport links. particularly through the works underway and the Civic Hall and planned works to the Astley Cheetham Library and Art Gallery to support the Cultural Quarter.

## Availability / Viability

The fact that the initial sites prioritised are within TMBC or other public sector ownership is a major advantage. This enhances the opportunity in terms of deliverability and cannot be understated.

## Timing

There is currently a generational change in attitudes towards town centre living and people wishing to live a more sustainable lifestyle with more reliance on public transport and easy access to amenities. Add this to changes in the way companies and people are, and will continue, to work in a post-Covid world there has never been a better time to propose developments which challenge traditional affordable family housing incorporating communal facilities and public realm. All designed to increase the vibrancy of the town centre and enhance the environment for both residents and visitors. The completion of the HAZ programme in March 2024 and delivery of the Capital Regeneration Projects funding by March 2026, supported by this Framework, provides the opportunity to truly transform Stalybridge.

## Design

New developments and proposals should be of high quality and respond to the distinctive character of Stalybridge. A number of buildings are protected by statutory listings. Many other buildings are of local importance and much of the townscape contributes positively to the conservation area. This should be recognised and proposals developed in response to the character, appearance and significance of the built environment and its individual elements. The heritage context should inform development and new development should take design cues from the existing quality built form in the town centre, respecting building materials and proportions.

The proposed illustrative schemes at stalybridge West have been designed to reflect the history of Stalybridge and in particular the textile and cotton mills that assisted in the growth of the town during the industrial revolution. They seek to maintain the natural grain of the town centre with the buildings forming natural boundaries whilst reinstating the residential scale street scenes. Along with taking advantage where possible of surrounding aspects, where this isn't possible, spaces have been created within the plots where aspects can be internalised and opportunities for secure, communal garden areas provided for social use and community

events. They present one possible approach in terms of style - various alternative approaches could be utilised.

There should be a requirement for new developments and proposals to support an enhanced quality public realm. The public realm will play an important role in setting the scene for development and be a significant contributor to the perception of quality of the place. Streets, green spaces, squares, signage, wayfinding, street furniture, lighting and the treatment of gateways should all be considered as part of a coordinated approach. Providing high quality well designed buildings will also help to enhance the pedestrian experience along key streets and spaces within the town centre. A more detailed public realm strategy will be developed to provide the detailed proposals.

Sustainability should be a primary consideration within the development process and lead to energy efficient design that reduces energy consumption and carbon emissions with new development seeking to make use of renewable energy sources where possible. The use of green roofs and living walls on new and existing buildings should, where appropriate, be encouraged to enhance the green environment and help create unique identity. There should be a focus on reducing the need to travel by privately owned vehicles and improving linkages with public transport infrastructure, cycle networks and pedestrian routes with a range of facilities should be provided to allow people to work, live and socialise in the local area. New development should manage surface water run-off and make use of Sustainable Urban Drainage Systems (SUDS) with the positive impact of biodiversity maximised and the greening of the urban environment supported

## 2.2 Development Sites

### Council Owned Sites for Priority Delivery:

- 1 Land North of Caroline Street
- 2 Land South of Bridge Street
- 3 Land South of Castle Street
- 4 Castle Street Car Park
- 5 Waterloo Road Car Park

### Third Party sites for future development:

- 6 Rail Station Interchange
- 7 Land Opposite Rail Station
- 8 7 Market Street
- 9 Land South of Harrop Street
- 10 Bus Station
- 11 Former Clinic Site

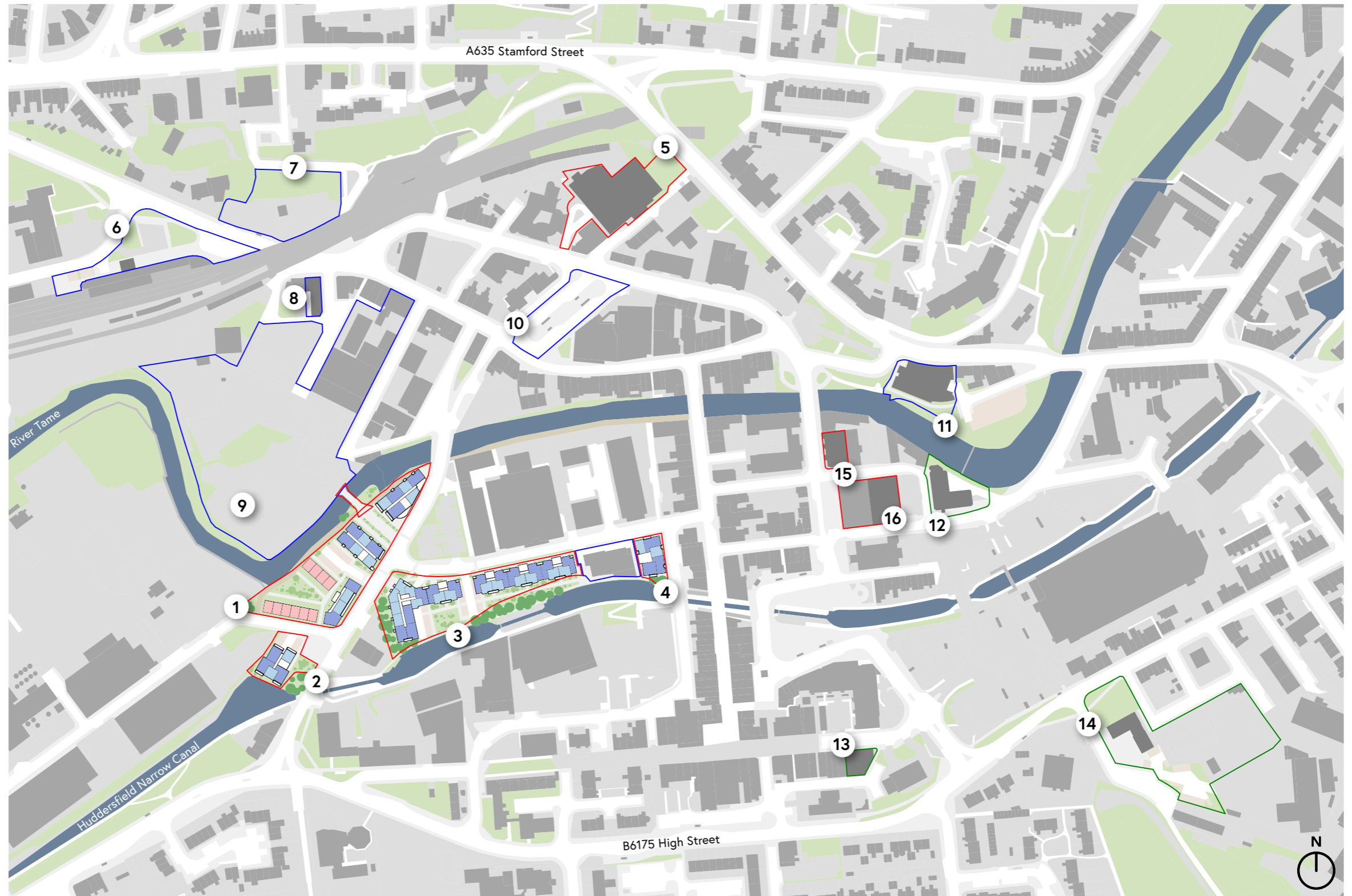
### Sites under development:

- 12 Former Police Station
- 13 Land South of Grosvenor Street
- 14 Land South of Acres Lane

### Heritage Restoration Projects:

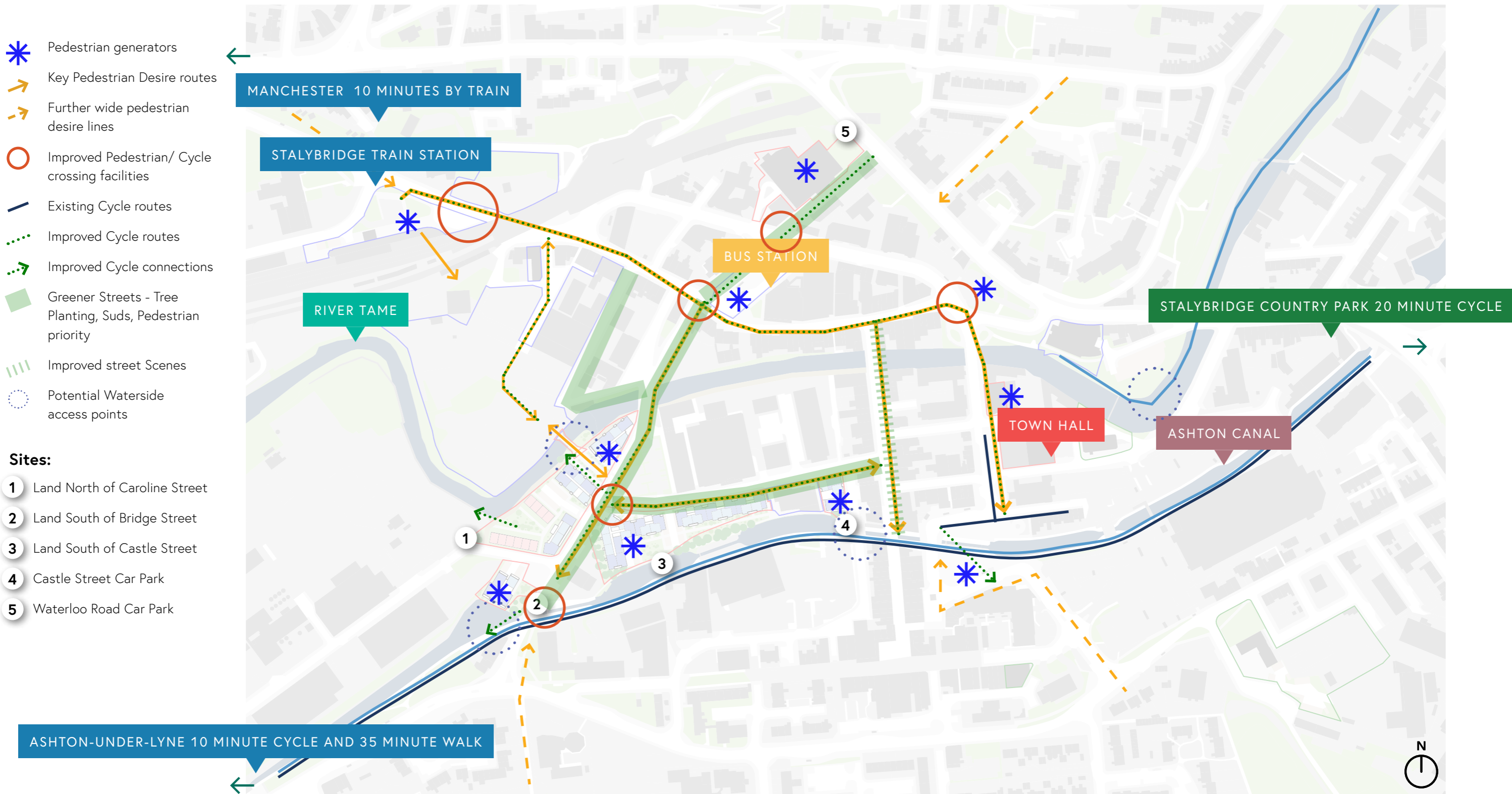
- 15 Museum & Art Gallery
- 16 Civic Hall

- Council owned sites for priority delivery
- Third party sites for future development
- Sites under development




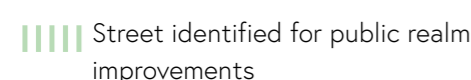
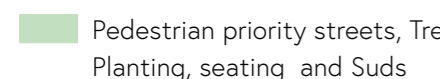
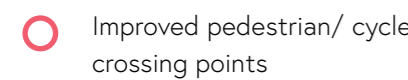





## 2.3 Movement Framework - Pedestrian and Cycle

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# 2.4 Movement Framework - Public transport and vehicle

-  Primary Vehicle Route
-  Secondary Vehicle Route
-  Local Traffic Route
-  Street identified for public realm improvements
-  Pedestrian priority streets, Tree Planting, seating and Suds
-  Improved pedestrian/ cycle crossing points
-  Train line/ Station
-  Bus Routes
-  Bus Stops











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**Sites:**

- 1 Land North of Caroline Street
- 2 Land South of Bridge Street
- 3 Land South of Castle Street
- 4 Castle Street Car Park
- 5 Waterloo Road Car Park



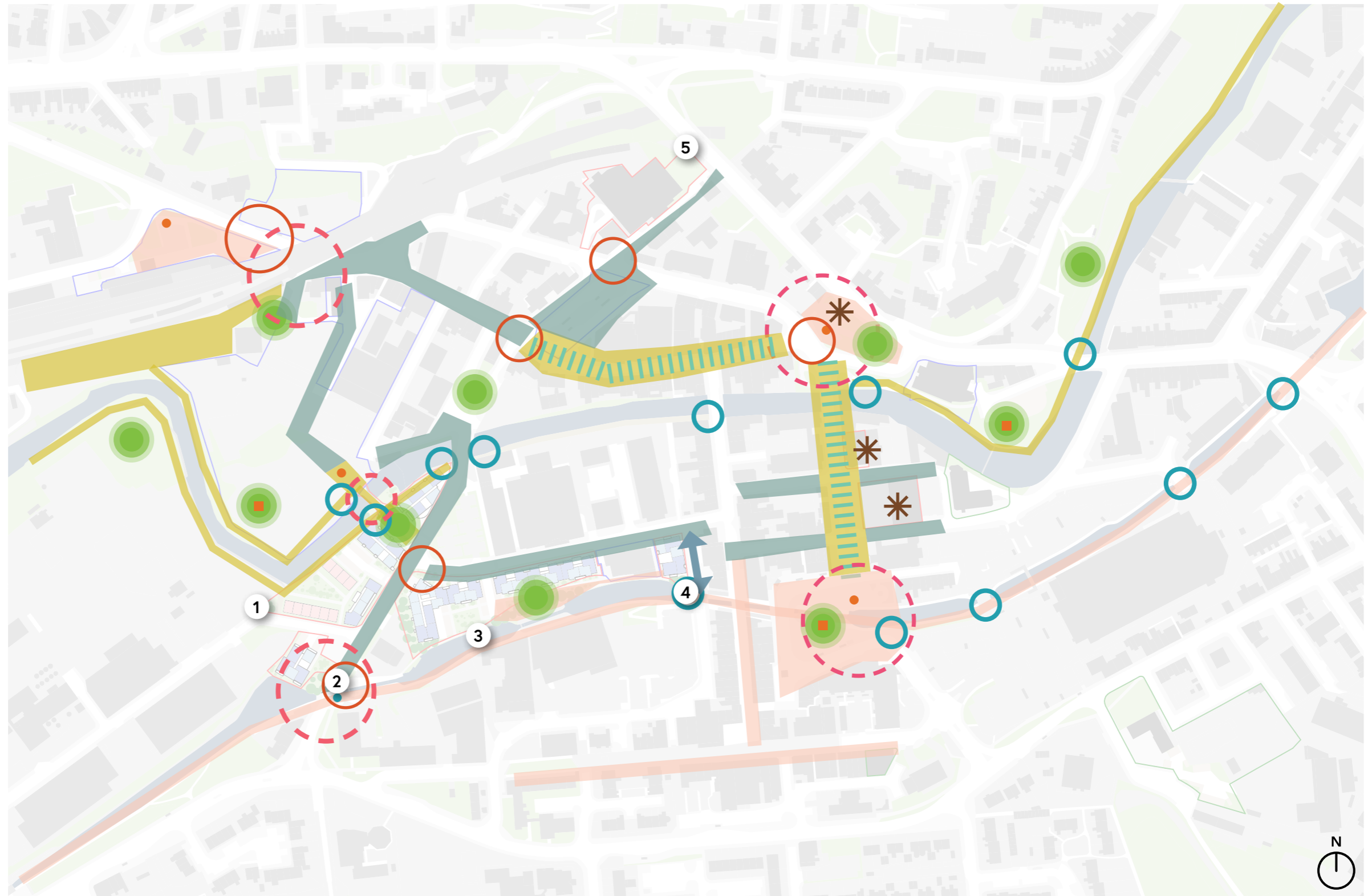
# 2.5 Public Realm Framework

-  Gateways and Entrance Points
-  Enhanced cycle & pedestrian facilities
-  Existing Public Open space (with opportunity for improvement)
-  Locations for new/ improved Public Spaces
-  Civic/ Historic Spaces
-  Opportunity to introduce Green Healthy Spaces
-  Green Street - Pedestrian priority space, SUDS & Tree planting
-  Gateways to Riverside/Canal Walking Connections
-  Potential for Public Art/ Branding
-  Social Interactive Spaces - Play/ Seating

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**Sites:**

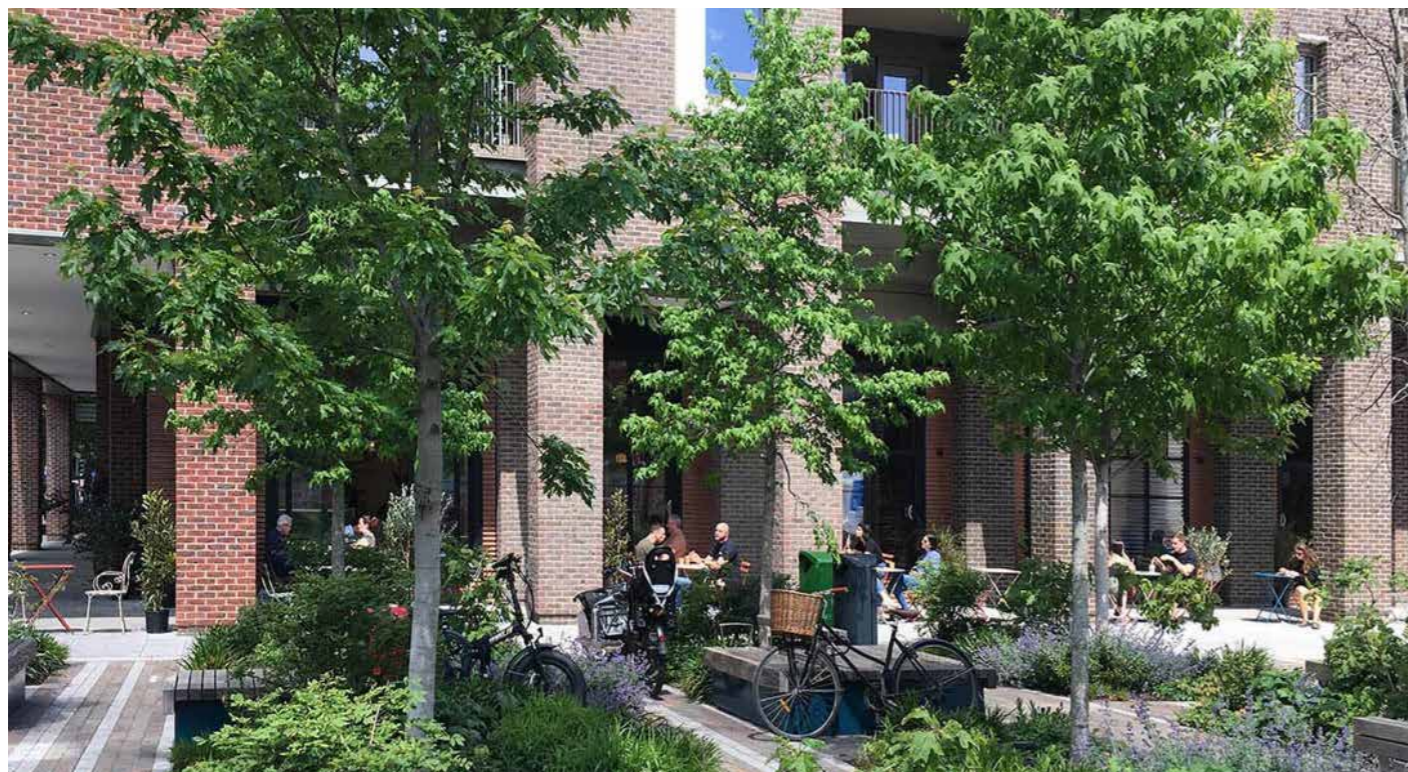
- 1 Land North of Caroline Street
- 2 Land South of Bridge Street
- 3 Land South of Castle Street
- 4 Castle Street Car Park
- 5 Waterloo Road Car Park





## 2.6 Public Realm Precedents

A detailed public realm and movement strategy is being prepared to provide a coherent approach to the opportunities for public realm improvements which exist within the Town Centre. The public realm precedents below identify some high-level context for the preparation of this detailed strategy.







# 3.0 Architectural Form & Design Principles

A consistent urban design approach within Stalybridge should seek to enhance the existing character of the Town and support the unique identity of the place. This should include variety in the urban environment; attractive outdoor spaces within a safe and secure physical environment that enables ease of pedestrian and cycle movement. This approach should also seek to protect and enhance the heritage assets of Stalybridge.

In identifying potential uses and capacities for the identified development sites, initial feasibility and massing studies have been undertaken. Whilst some detail has been applied to these proposals to test their

potential market and regeneration value, these proposals are still indicative only. As such the development figures provide an indication of potential quantum but this is by no means a limit to development or an exact use for the site. Whilst the proposed uses for the sites are flexible, an allowance for active uses at ground floor level have been incorporated and will be encouraged as a regeneration mechanism for the public realm.

The sites referenced in this section, primarily focus on the specific boundary. However, moving forward, the potential to expand these boundaries and work with neighbouring land owners to maximise development

potential and provide an improved offering for the regeneration of Stalybridge should not be dismissed.

Where sites fall within the ownership of the council, more detailed studies have been investigated to identify development potential. Where they don't higher level assessments have been made or information from extant planning applications have been used.



# 4.0 Delivering the Framework

The Stalybridge Town Centre Framework provides a strategic approach to the transformation of the Town Centre, building on development activity undertaken to date and representing a significant acceleration in its scope and delivery.

The following key actions have been identified for the period to March 2026 to progress the delivery of the Framework utilising the secured Capital Regeneration Projects funding:

- Completion of the roof repairs at Stalybridge Civic Hall.
- Delivery of repair works and internal restoration to enhance the provision and accessibility of the Astley Cheetham Art Gallery and Library, with a new internal lift and the completion of repair works to the building fabric.
- Procurement of a developer partner for the Council owned land at Stalybridge West.

- The delivery of Stalybridge West enabling works, including a new multi-level car park facility in the Town Centre at Waterloo Road and a pedestrian and cycle bridge over the River Tame.
- The preparation of a Public Realm and Movement Strategy for the Town Centre.
- The delivery of public realm works to improve pedestrian routes and access to public transport, including Market Street from the bus station site to the railway station and Trinity Street.

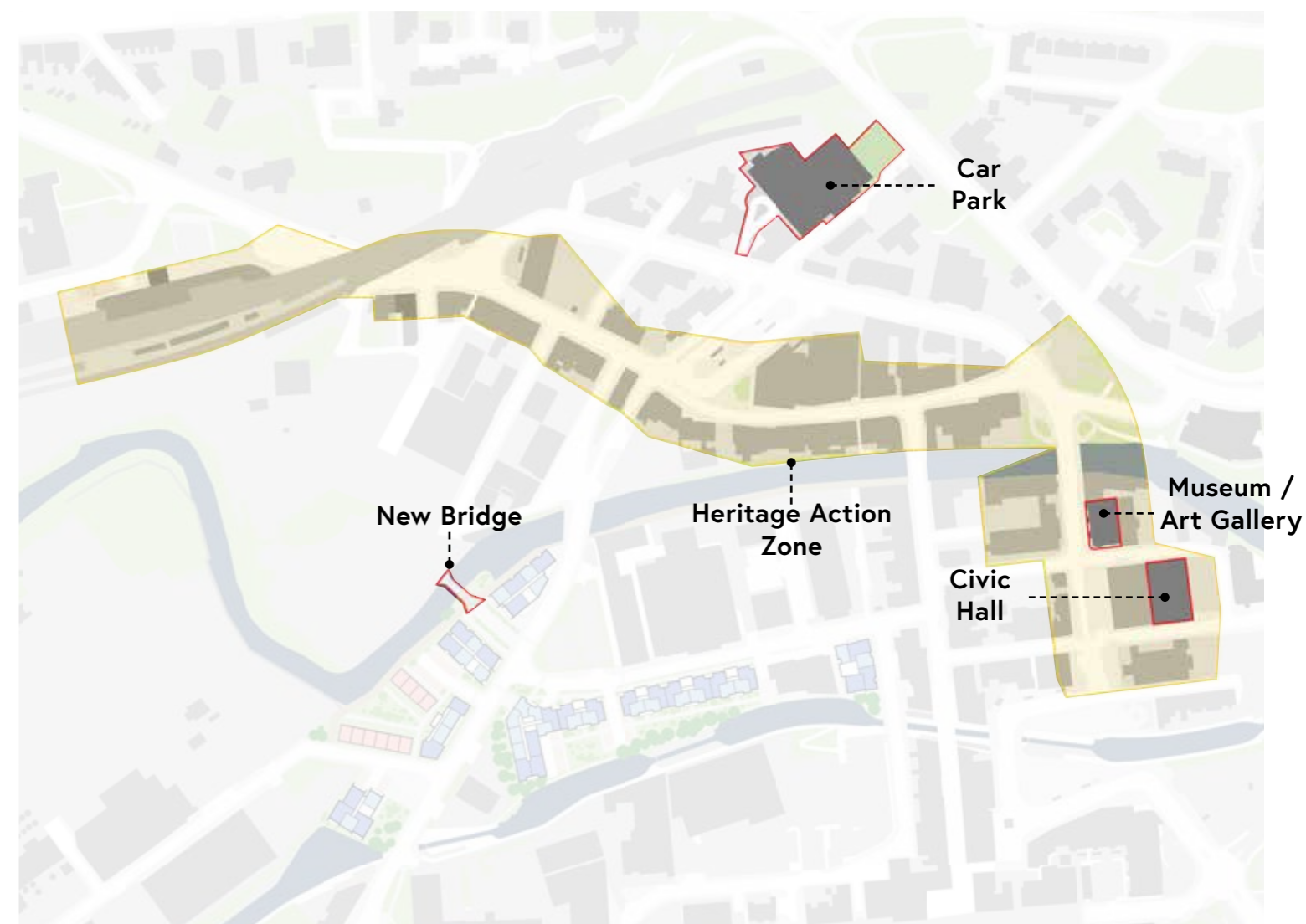
Progress on delivery and associated timescales will be reported regularly to the Council's Executive Cabinet, Strategic Planning and Capital Monitoring Panel, Stalybridge Strategic Project Board, and Stalybridge Delivery Group.

The period to March 2026 will see the delivery of significant regeneration with a number of physical projects delivered in Stalybridge Town Centre. The Council will continue to work with partners to attract further external funding and investment to complement this work.

The successful delivery of these key physical projects as part of the Stalybridge Town Centre Regeneration Programme will contribute to the achievement of the vision and primary objective to secure the successful regeneration of the Town Centre and the surrounding area.

Delivery of the key actions identified for Stalybridge in the period to March 2026 will be monitored via the Stalybridge Regeneration Programme Dashboard. The priority capital works are identified on the adjacent plan.

Once the Public Realm Strategy for Stalybridge has been completed this will identify the priority public realm projects for delivery in the period to March 2026 and the opportunities for further projects in future years, subject to additional funding.



# Corstorphine & Wright

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 [corstorphine-wright](https://www.linkedin.com/company/corstorphine-wright)

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 [corstorphinewright](https://www.instagram.com/corstorphinewright)

 2022 MEMBER

# Appendix A

## Stalybridge Town Centre Delivery Framework 2024

# 6.0 Council Owned Sites For Priority Delivery

## 6.1 Site 1 - Land North of Caroline Street

### Site Area

Circa. 5200 sqm

### Potential Use

Residential

Commercial

### Potential Development Capacity

Circa 85 no. Residential Units

Circa 350 sqm Commercial Area

Circa 15 no. Parking Spaces



 Council owned sites for priority delivery



# Castle Street / Caroline Street Perspective

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## 6.2 Site 2 - Land South of Bridge Street

### Site Area

Circa. 1000 sqm

### Potential Use

Residential

### Potential Development Capacity

Circa 25 no. Residential Units

Circa 10 no. Parking Spaces



 Council owned sites for priority delivery



## 6.3 Site 3 - Land South of Castle Street

### Site Area

Circa. 4500 sqm

### Potential Use

Residential

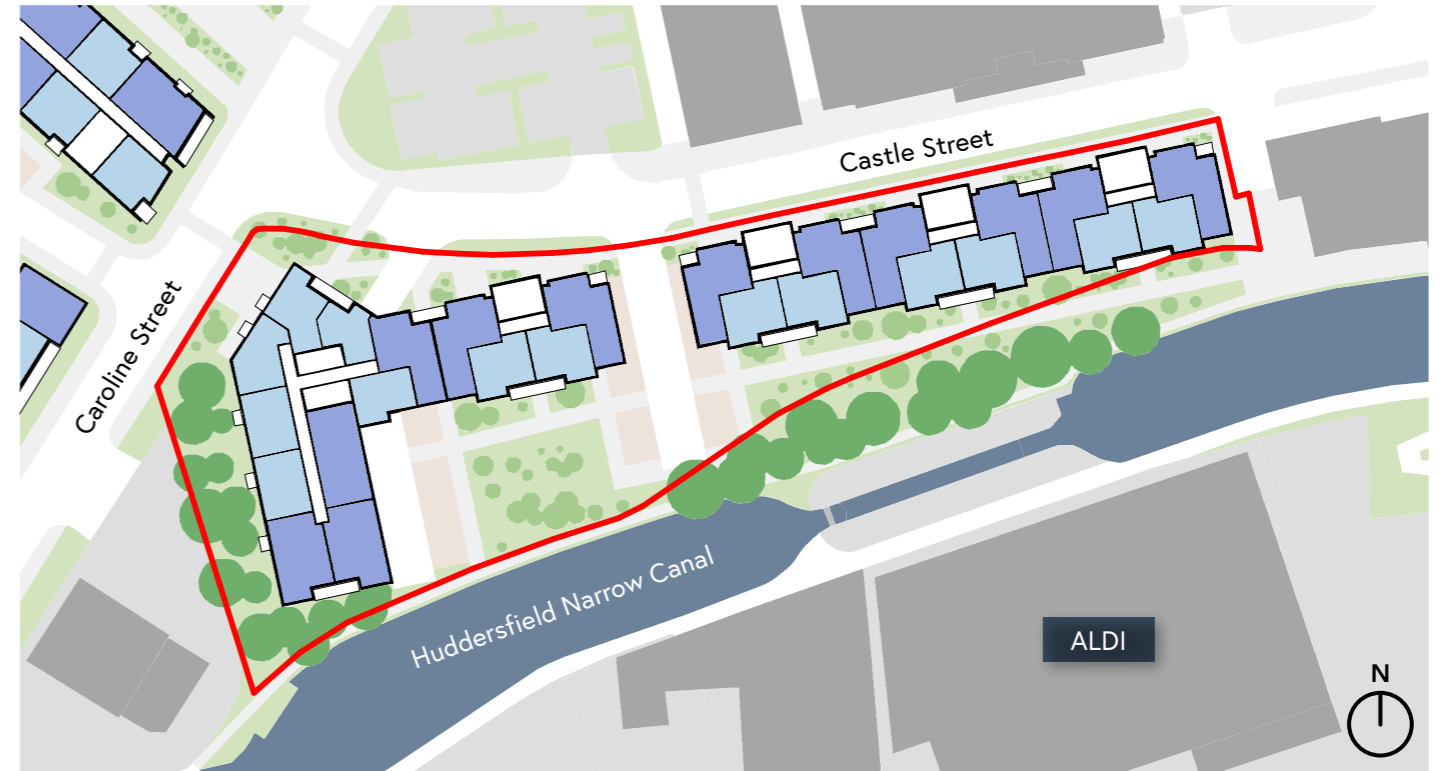
Commercial


### Potential Development Capacity

Circa. 130 no. Residential Units

Circa. 70 sqm Commercial Space

Circa. 35 no. Parking Spaces



 Council owned sites for priority delivery



# Castle Street Perspective

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# 6.4 Site 4 - Castle Street Car Park

**Site Area**

Circa. 650 sqm

**Potential Use**

Residential

Commercial

**Potential Development Capacity**

Circa. 15 no. Residential Units

Circa. 80 sqm Commercial Space

Circa. 5 no. Parking Spaces



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Council owned sites for priority delivery



## 6.5 Site 5 - Waterloo Road Car Park

**Site Area**


Circa. 3000 sqm

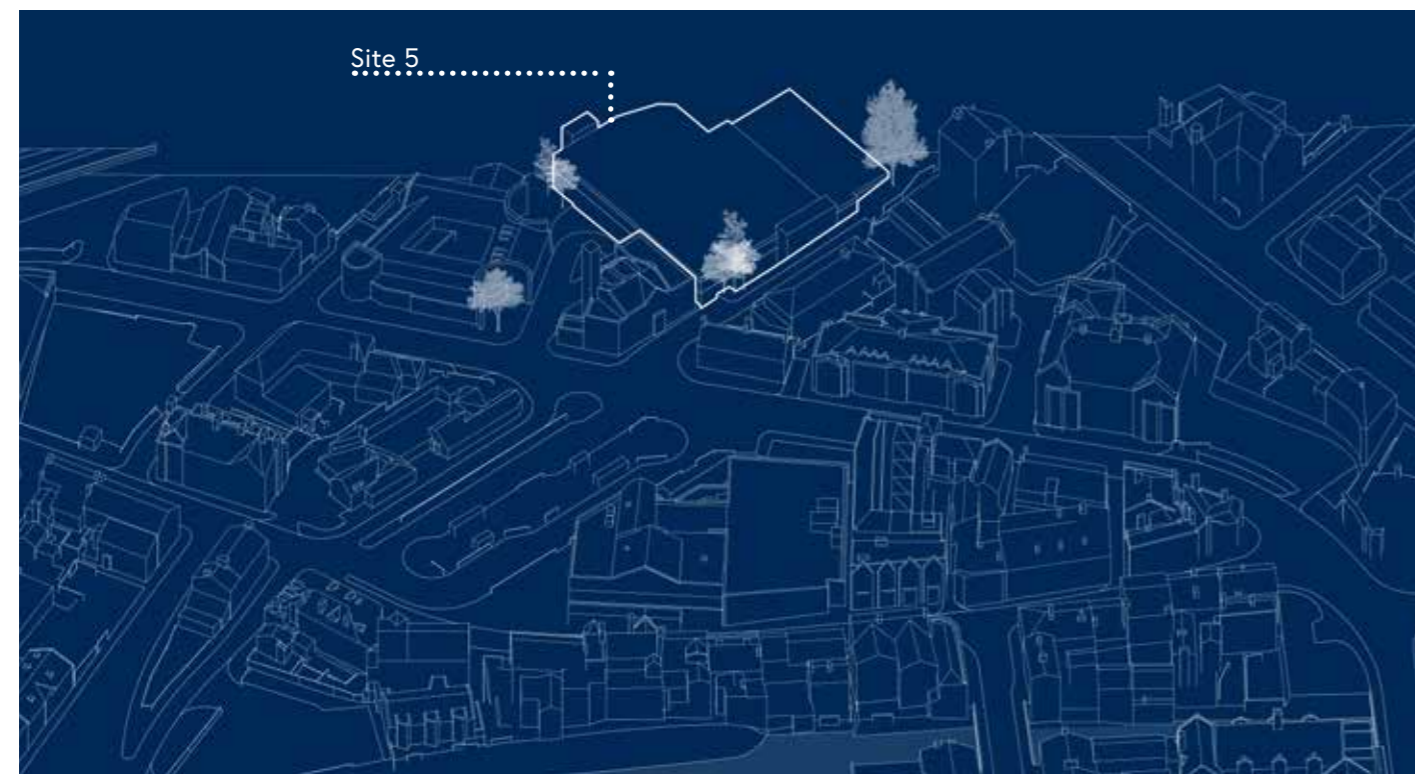
**Potential Use**

Public Parking

**Potential Development Capacity**

Circa. 300 no. Parking Spaces

 Council owned sites for priority delivery



# 7.0 Third Party Sites For Future Development

## 7.1 Site 6 - Rail Station Interchange

### Site Area

Circa. 3000 sqm

### Potential Use


Railway Station Parking

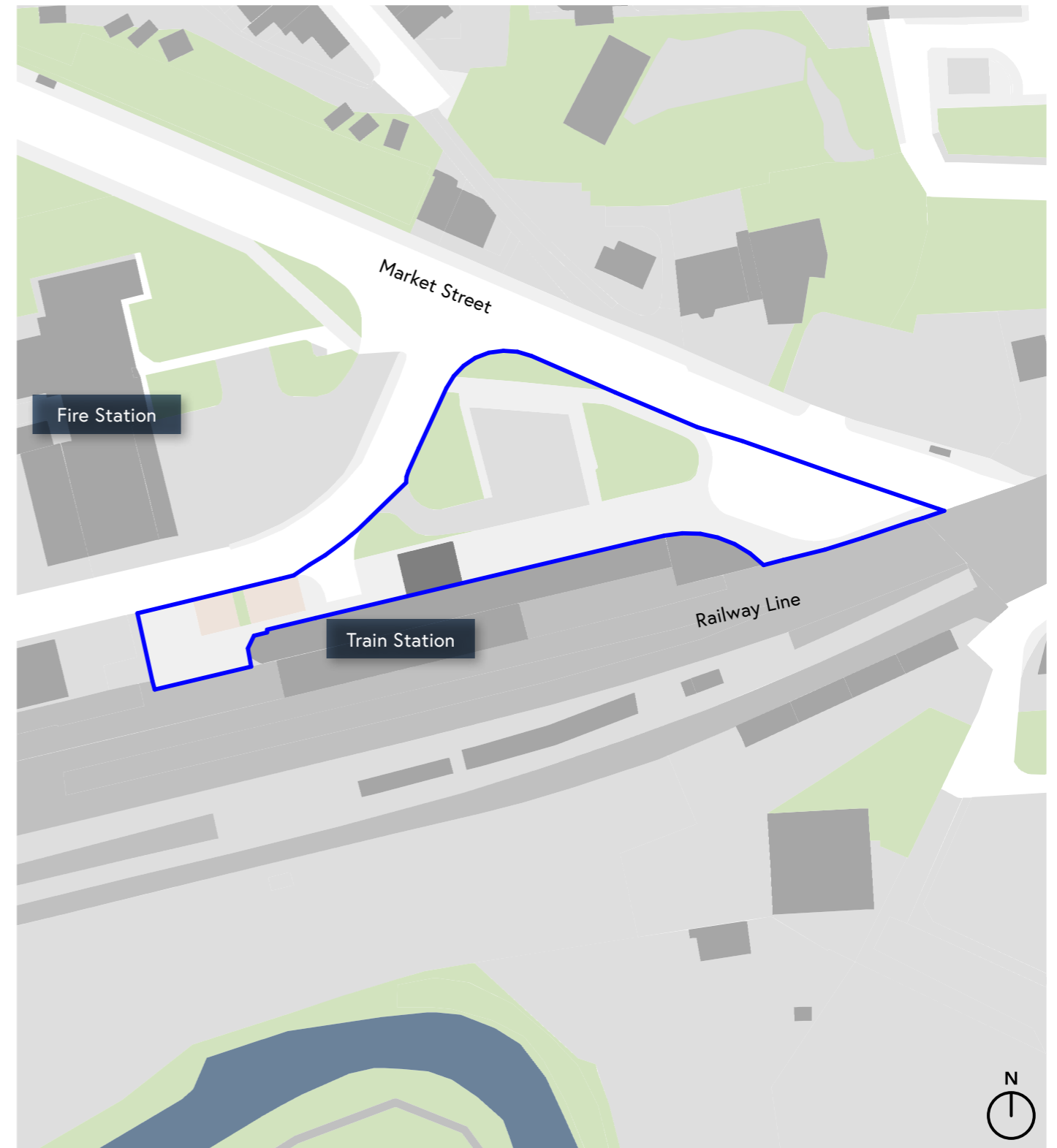
### Potential Development Capacity

11 no. Parking Spaces (including 6 no. Accessible)

### Notes

- The proposal indicated is reflective of the emerging designs being developed and is in accordance with GRIP3 Option Selection Report (2022.00173.001).

 Third party sites for future development



## 7.2 Site 7 - Land Opposite Rail Station

### Site Area

Circa. 3000 sqm

### Potential Use


Railway Station Amenities / Car Parking

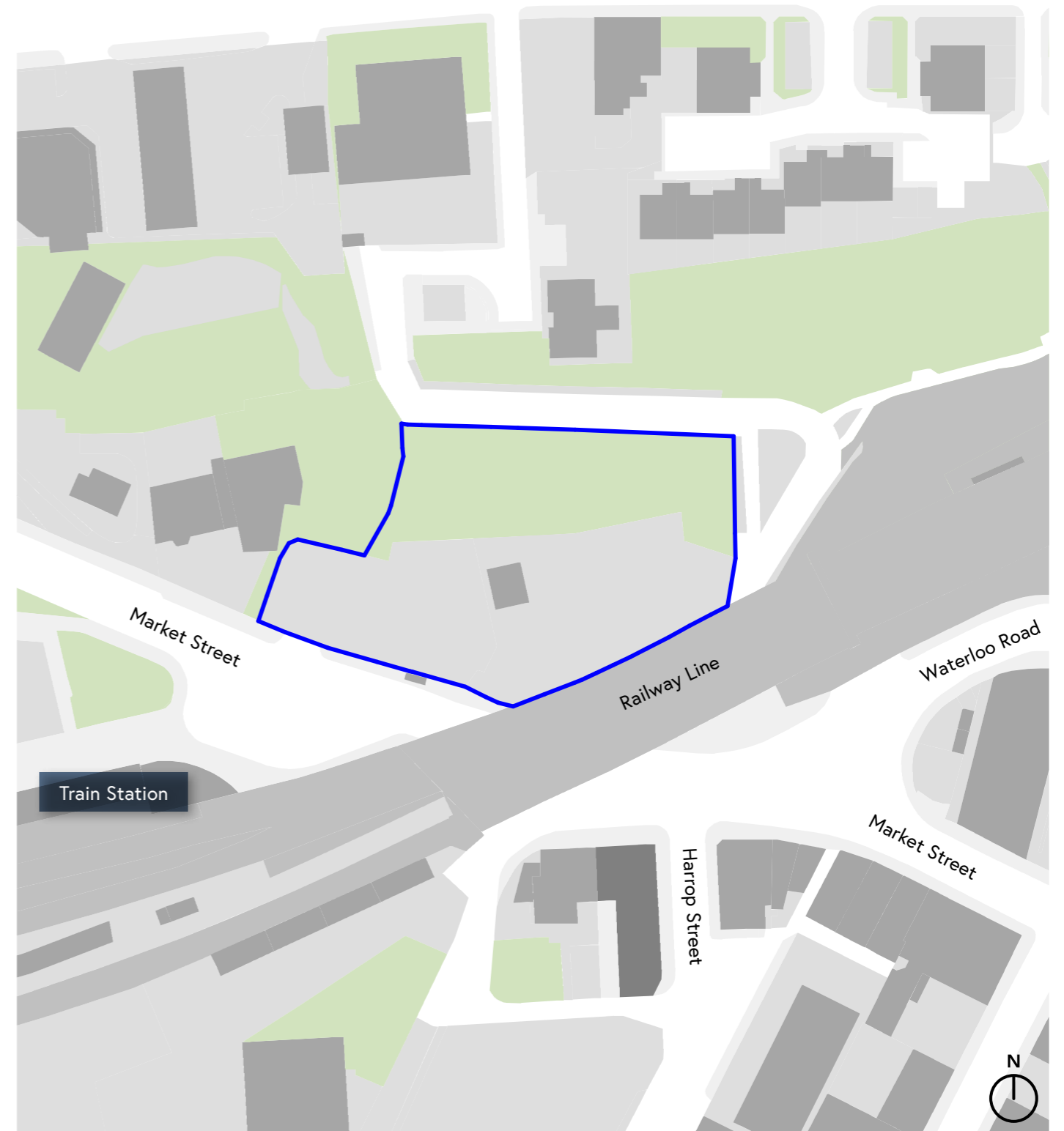
Residential

### Notes

- The site is in close proximity to the existing railway station and railway line
- There is a large bank to the north of the site (Highlighted in green within the blue line) which limits the development potential for this site.

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 Third party sites for future development





## 7.3 Site 8 - 7 Market Street

### Site Area

Circa. 300 sqm

### Potential Use


Residential

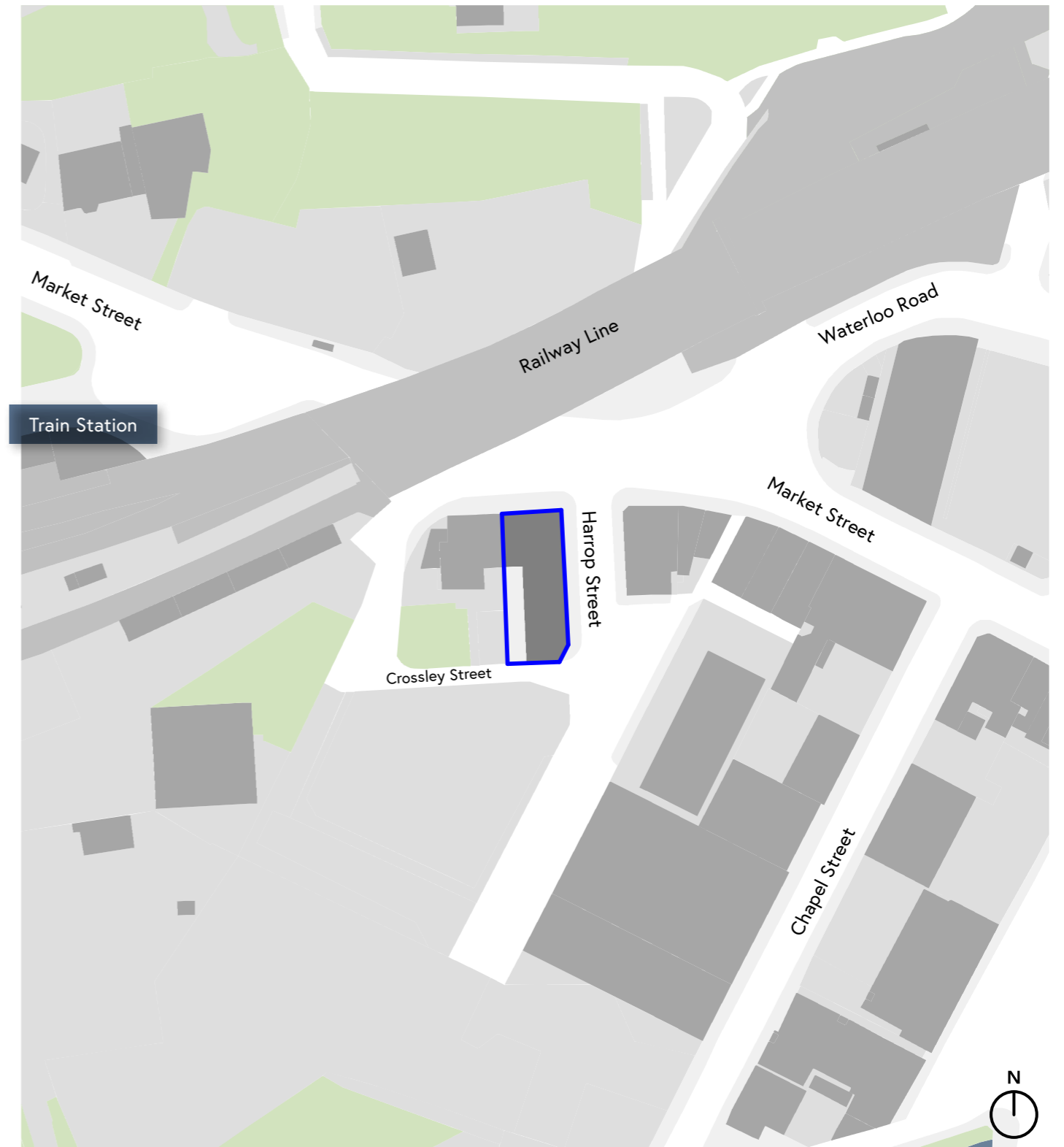
Commercial

### Potential Development Capacity

Circa. 5 no. Residential Units

Circa. 300 sqm Commercial Space

 Third party sites for future development



# 7.4 Site 9 - Land South of Harrop Street

### Site Area

Circa. 17000 sqm

### Potential Use

- Residential
- Supported Living
- Community
- Commercial


### Potential Development Capacity

Circa. 210 no. Residential Units (Including 40 no. Potential Supported Living Units)

Circa. 760 sqm Commercial Space

Circa. 560 sqm Community Space

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 Third party sites for future development



# 7.5 Site 10 - Bus Station

### Site Area

Circa. 2000 sqm


### Potential Use

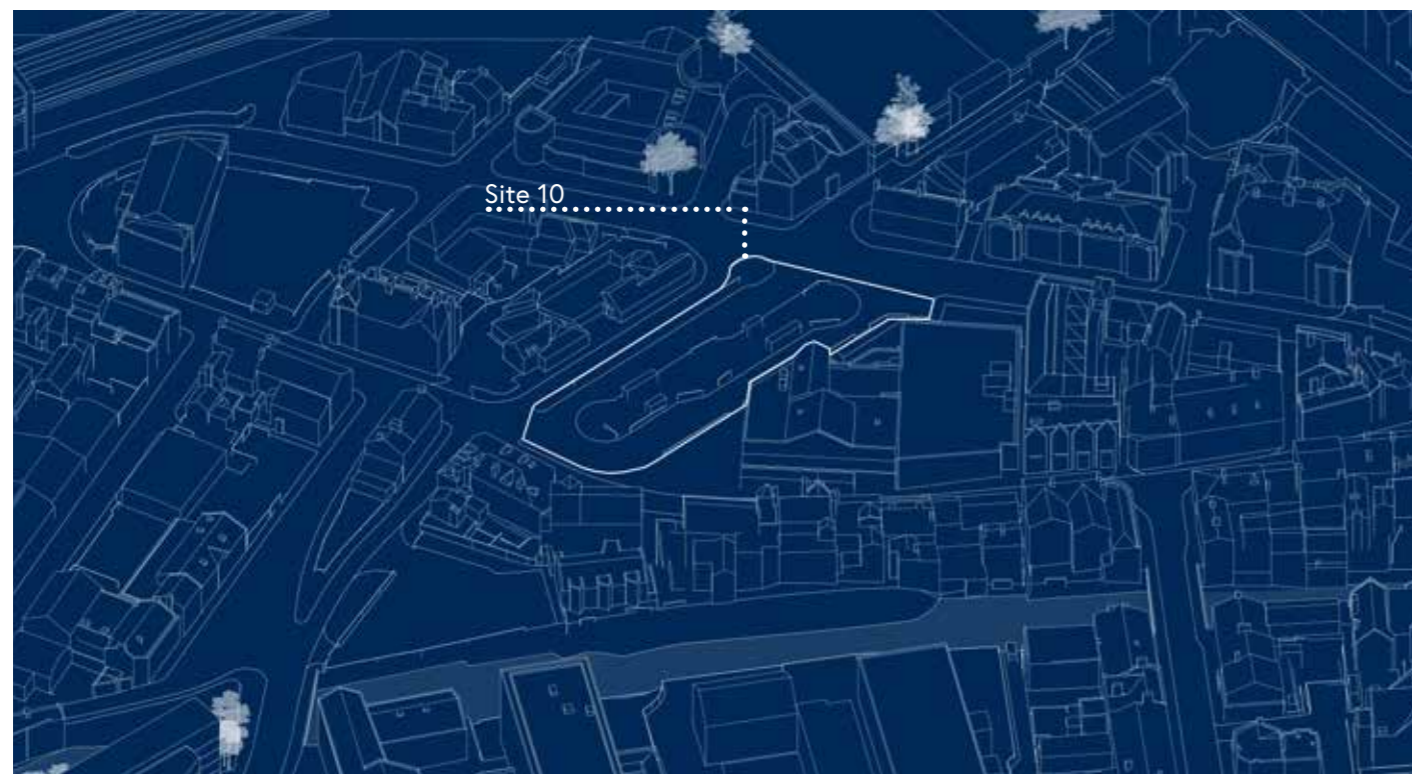
- Residential
- Commercial
- Leisure
- Healthcare
- Public Realm Improvements

### Notes

- Potential to expand development boundary to provide an improved regeneration offering

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 Third party sites for future development



## 7.6 Site 11 - Former Clinic Site

**Site Area**

Circa. 1400 sqm

**Potential Use**

Residential

**Potential Development Capacity**

Circa. 40 no. Residential Units


Circa. 200 sqm Commercial Space

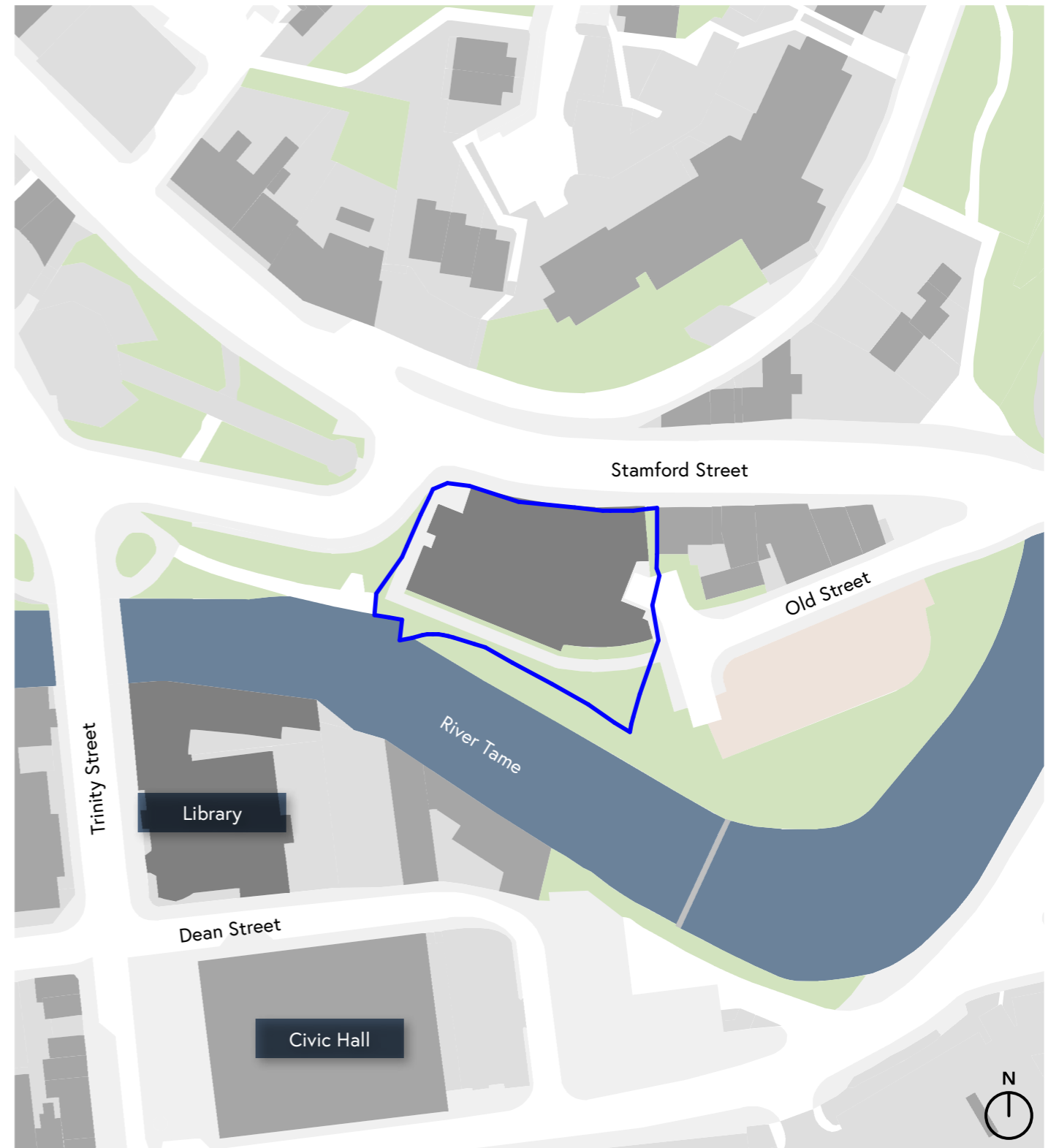
Circa. 30 no. Parking Spaces

**Notes**

- The proposal indicated is reflective of the emerging designs being developed and is in accordance with 06/00006/OUT

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 Third party sites for future development



# 8.0 Sites Under Development

## 8.1 Site 12 - Former Police Station

### Site Area

Circa. 1200 sqm

### Potential Use

Residential

Office

### Potential Development Capacity

Circa. 20 no. Residential Units

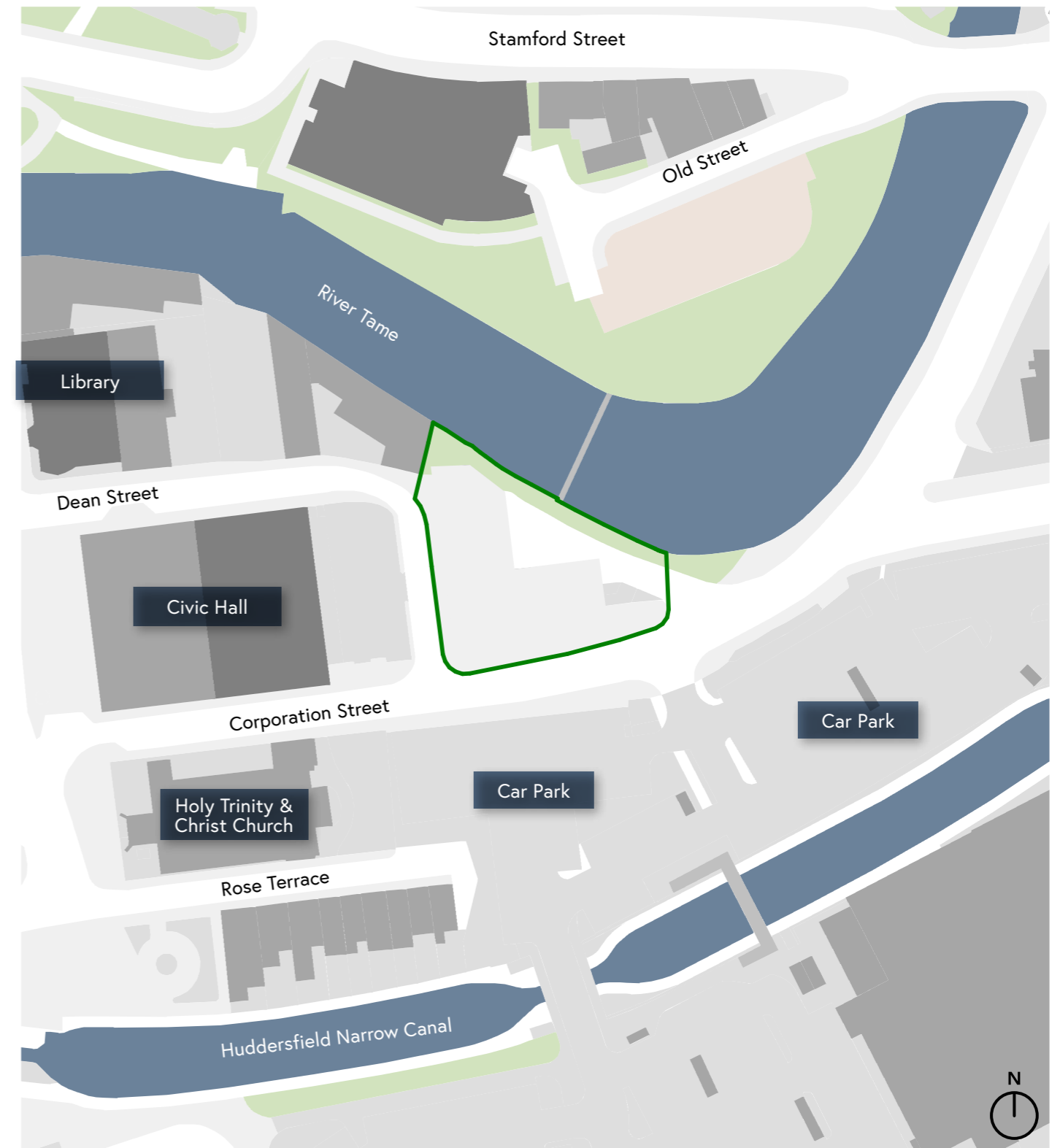
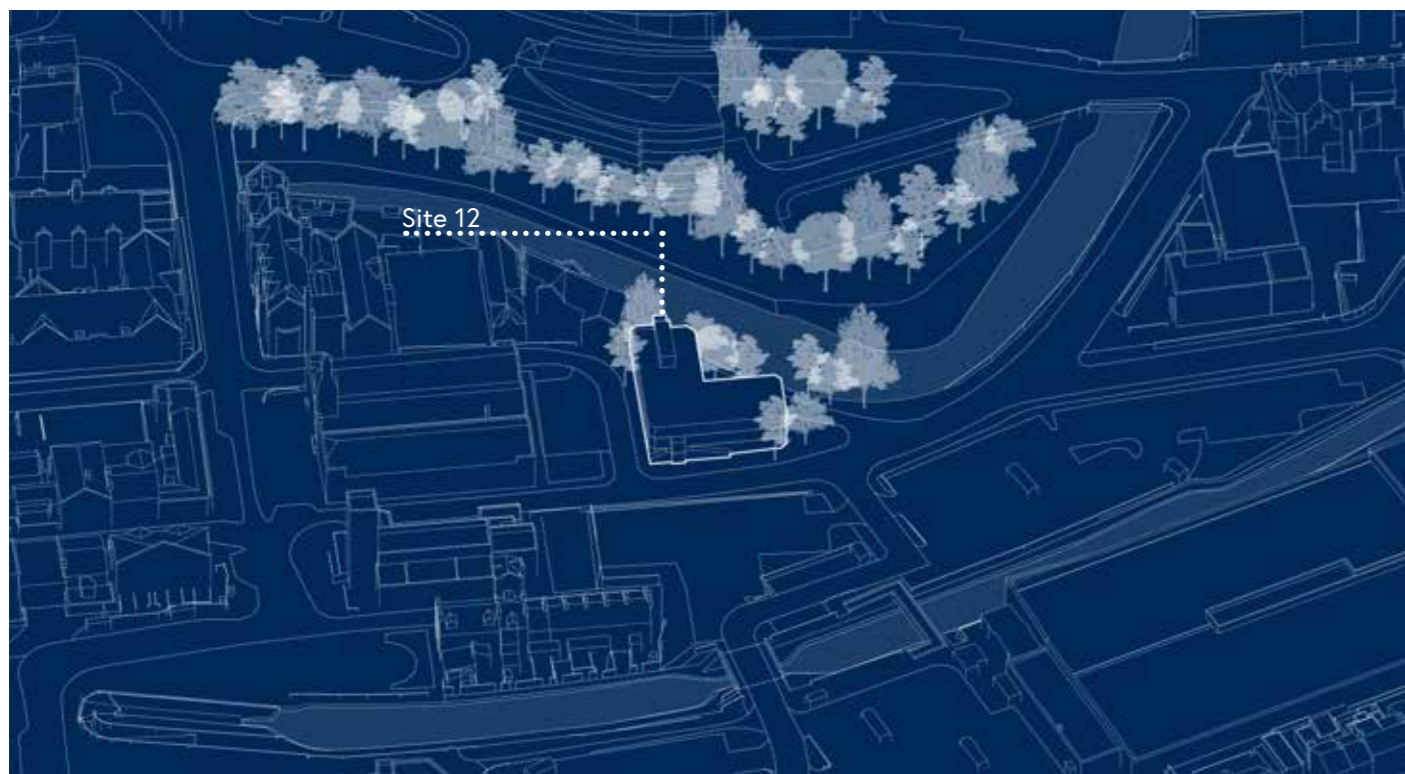
Office Space

### Notes

- The proposal indicated is reflective of the emerging designs being developed and is in accordance with 06/01853/OUT
- The development is currently on site and is due for Completion March 2024

 Sites under development

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## 8.2 Site 13 - Land at Grosvenor Street

### Site Area

Circa. 300 sqm

### Potential Use

Residential

### Potential Development Capacity

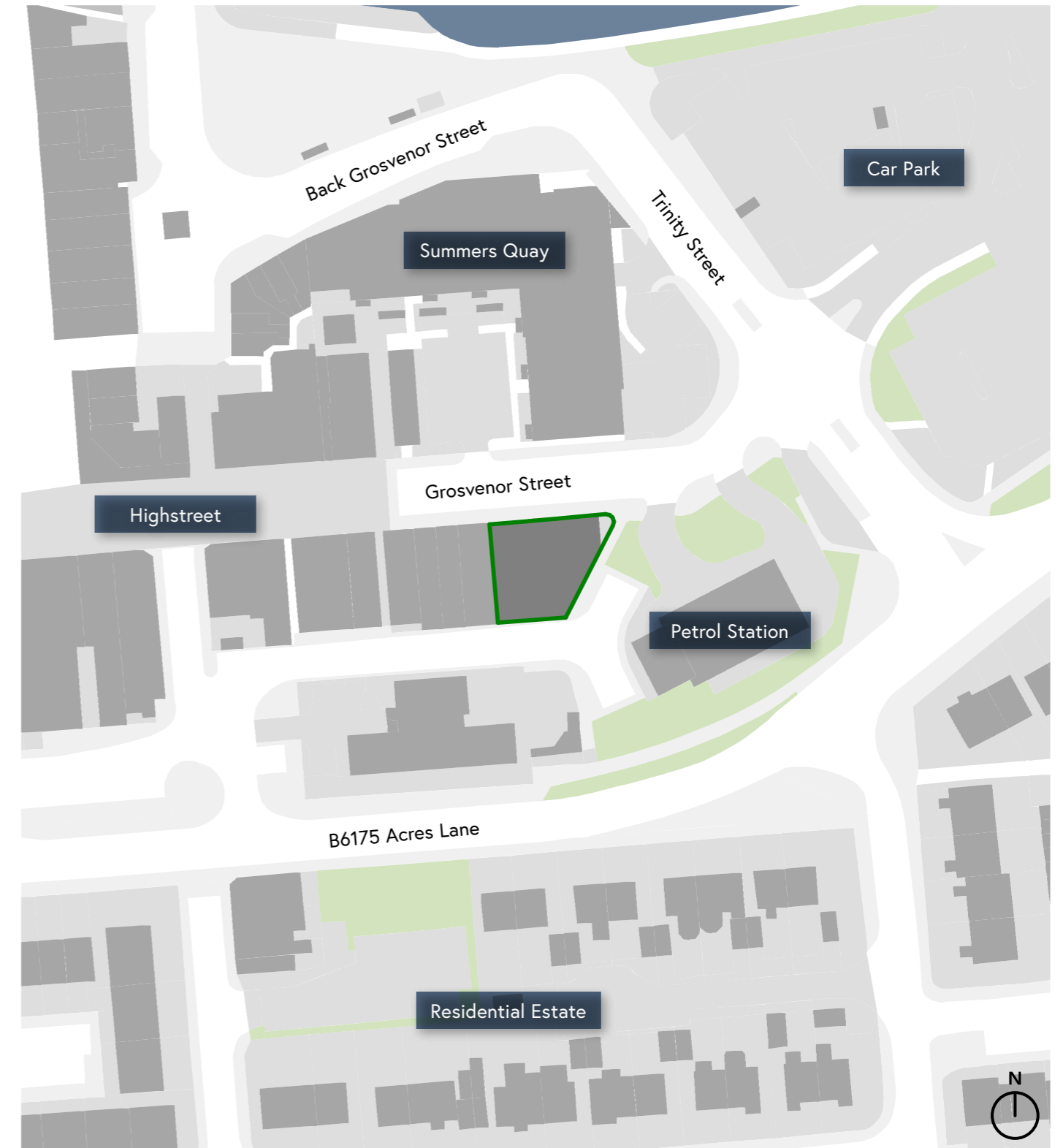
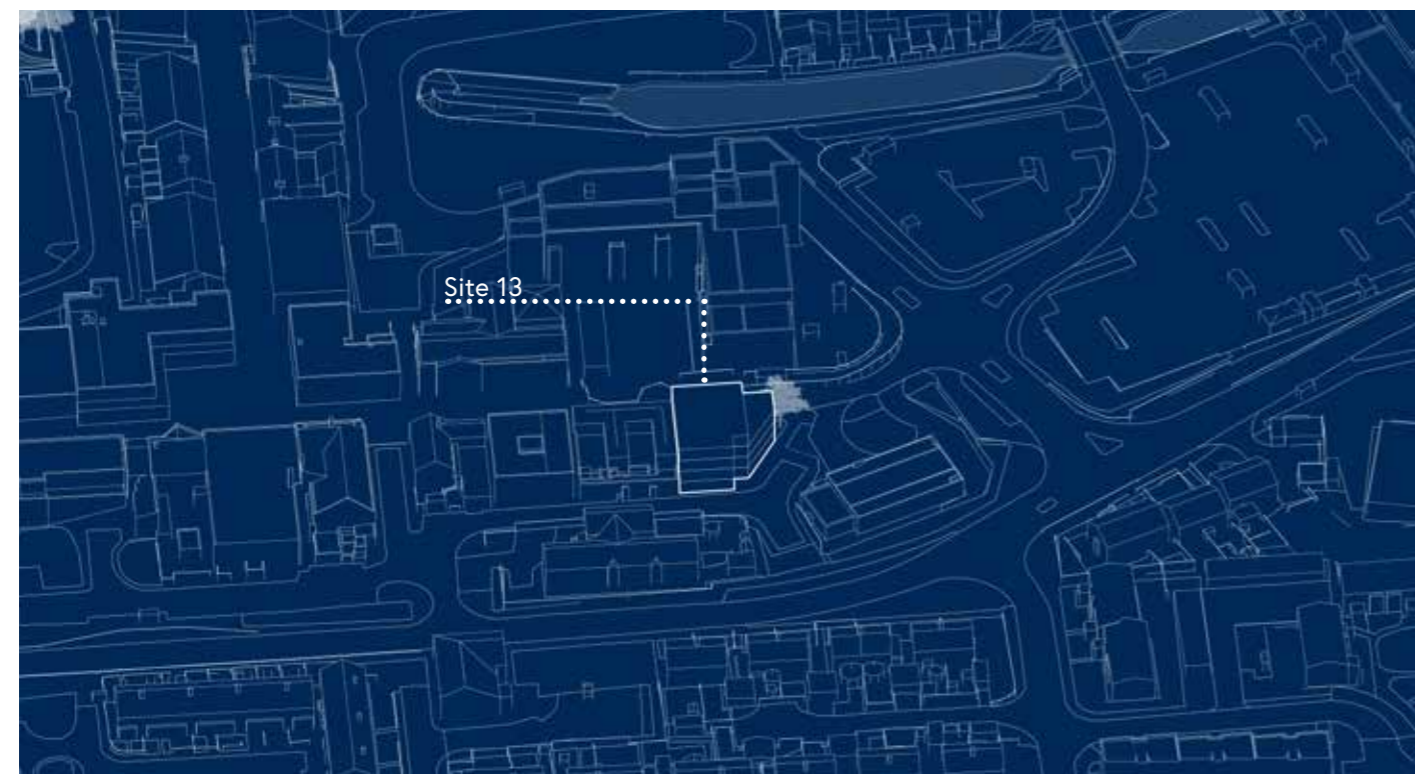
Circa. 10 no. Residential Units

### Notes

- The proposal indicated is reflective of the emerging designs being developed and is in accordance with 17/00012/OUT
- The development is currently on site

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 Sites under development



## 8.3 Site 14 - Land South of Acres Lane

### Site Area

Circa. 6000 sqm


### Potential Use

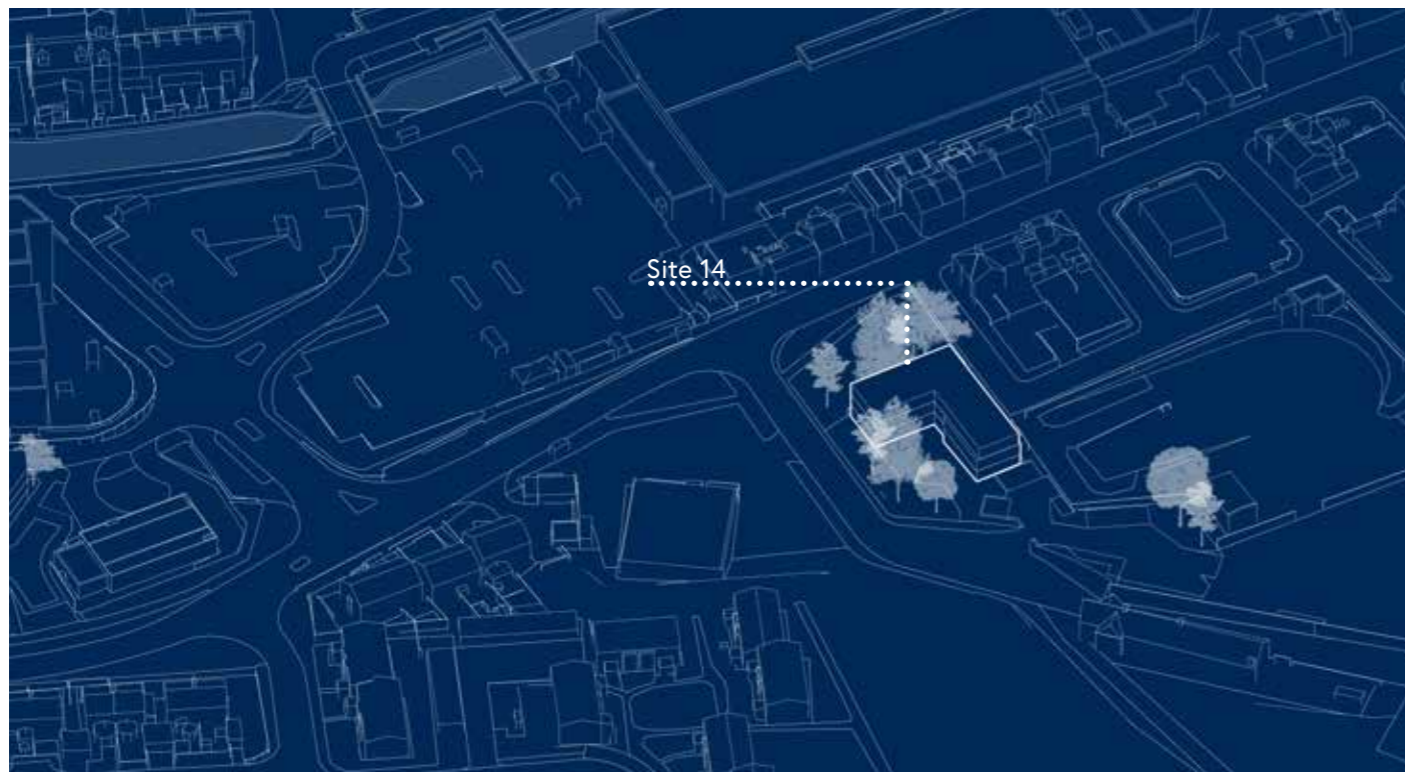
Residential - Apartments & Housing

Commercial

### Potential Development Capacity

Circa. 10 no. Residential Units (Re-use of existing building)

 Sites under development



# 9.0 Heritage Sites

## 9.1 Site 15 - Museum and Art Gallery

### Site Area

Circa 400 sqm

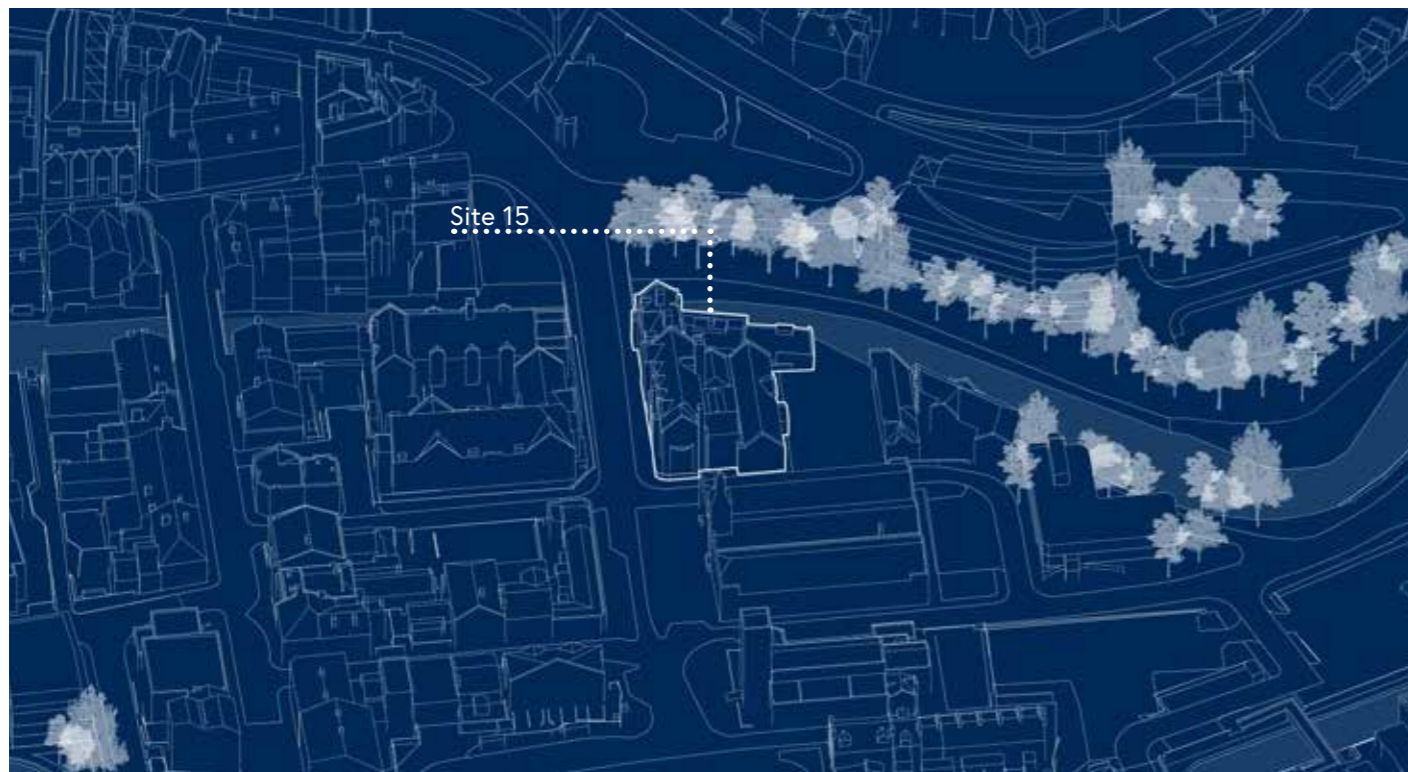
### Potential Use

As Existing

### Notes

- Existing facilities to be refurbished

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## 9.2 Site 16 - Civic Hall

### Site Area

Circa. 1350 sqm

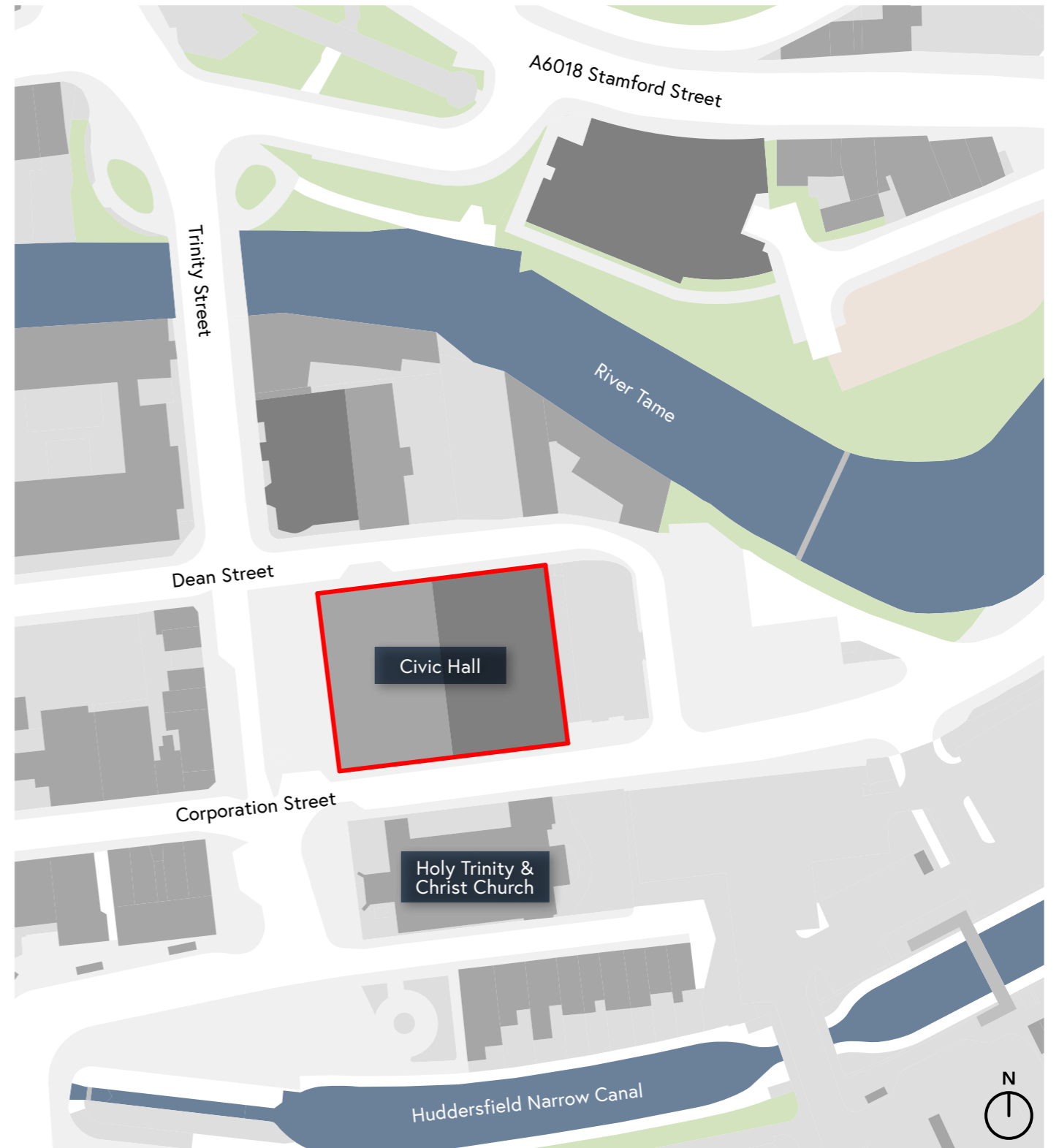
### Potential Use

Public use

### Notes

Consideration to be given to a pilot programme of activity commencing within the Civic Hall space once the current refurbishment works are completed, including markets, food and drink events, music, theatre, comedy, and arts/cultural exhibition events. This will inform future decisions on the long term sustainable use of the building

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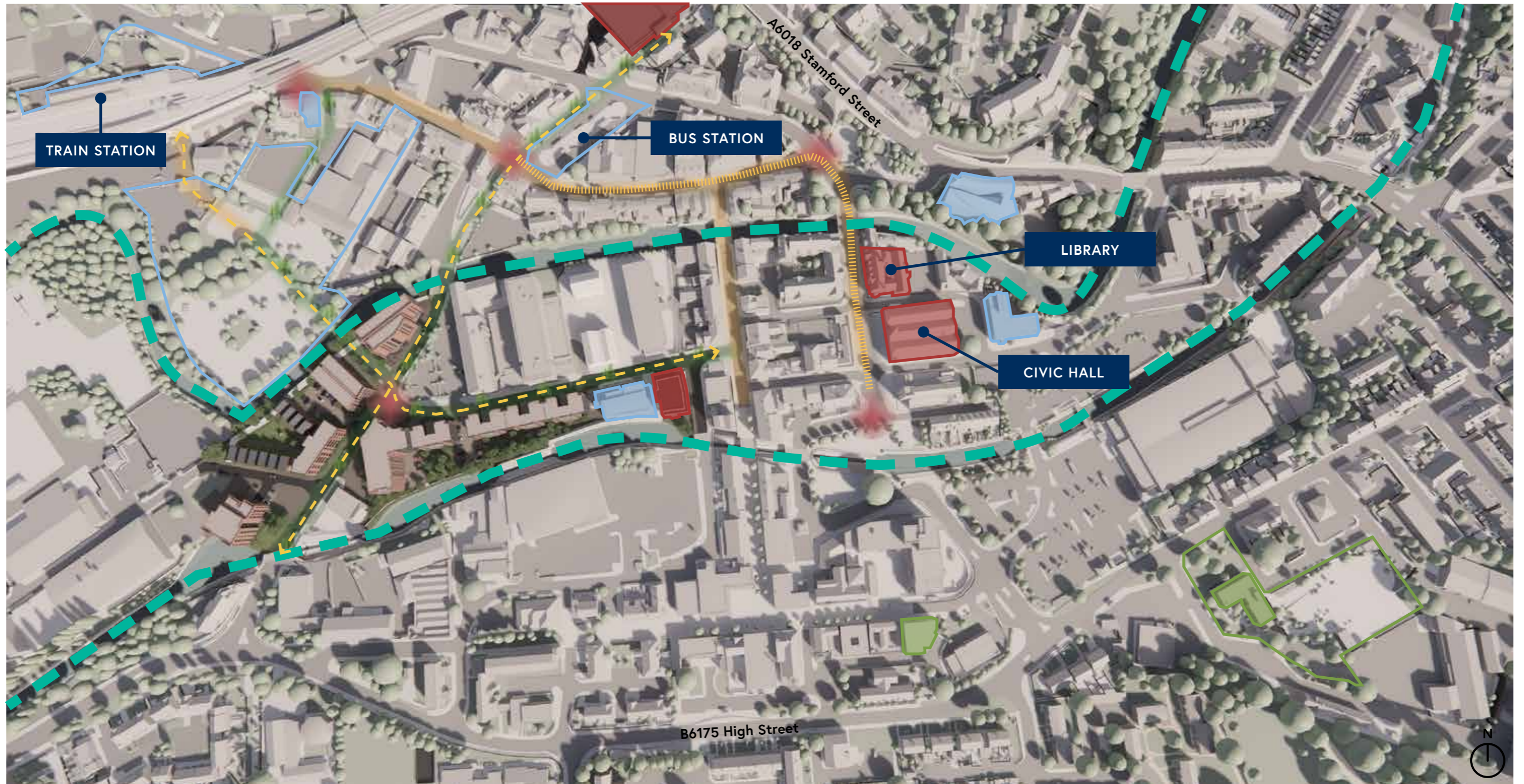
# 10.0 Site Visuals

## 10.1 Site links

- Pedestrian Links
- Bus Route
- Water Networks

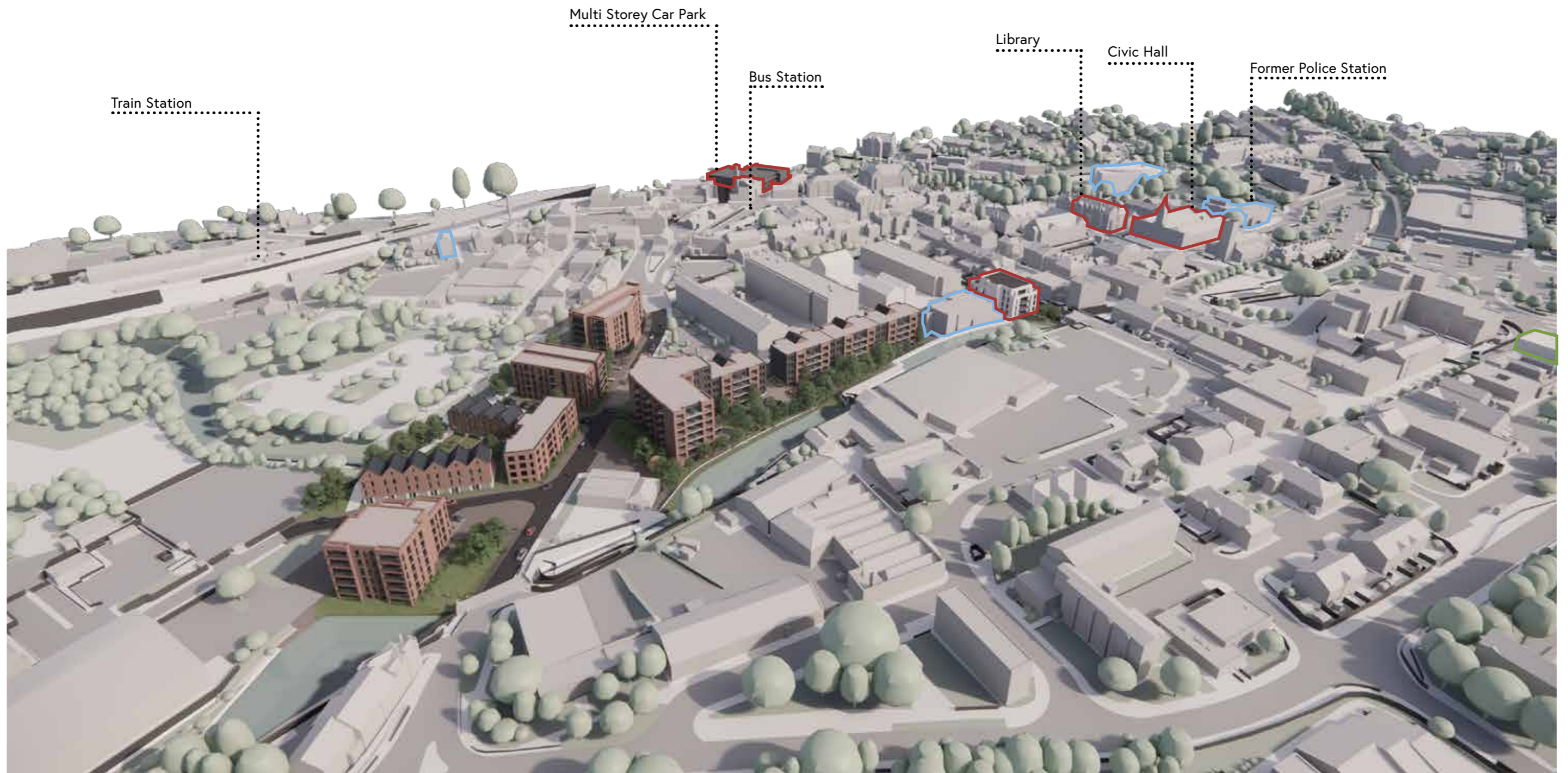
RIVER TAME

HUDDERSFIELD NARROW CANAL



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# 10.2 Identified Site Potential



# 10.3 Identified Site Potential



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# Agenda Item 10

<b>Following Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor John Taylor – Executive Member (Adult Social Care, Homelessness and Inclusivity)
<b>Reporting Officer:</b>	Stephanie Butterworth – Director of Adult Services
<b>Subject:</b>	<b>ADULT SOCIAL CARE CHARGING PHASE 2</b>
<b>Report Summary:</b>	<p>This report sets out a request for approval to consult on a second phase of alignment of charges to the fee paid by the Council for care and support provided, the adoption of a revised Transport and Travel Policy, see Appendix 1, along with the introduction of charges for some areas that are currently not charged for. The consultation covers the following areas:</p> <ul style="list-style-type: none"><li>• Day Service charges;</li><li>• Transport charges and revised Transport and Travel Policy;</li><li>• Supported Living charges;</li><li>• Respite Care – Learning Disability;</li><li>• Removal of the maximum weekly charge for non-residential services;</li><li>• Discretionary Services<ul style="list-style-type: none"><li>▪ Pet Care;</li><li>▪ Key Safes;</li><li>▪ Replacement costs for pre-payment cards;</li></ul></li></ul> <p>Costs of providing payroll and managed accounts for Direct Payments</p>
<b>Recommendations:</b>	<p>That Executive Cabinet be recommended to approve:</p> <ol style="list-style-type: none"><li>1. Consultation with the public on a second phase of alignment of charges in relation to:<ul style="list-style-type: none"><li>• Day Service</li><li>• Supported Living</li><li>• Respite Care – Learning Disability</li><li>• Payroll and Managed Accounts for Direct Payments</li></ul></li><li>2. Consultation on a revised Transport and Travel Policy including proposed charges.</li><li>3. Consultation on the introduction of charges for discretionary services that are currently not charged for.<ul style="list-style-type: none"><li>• Pet Care</li><li>• Key Safes</li><li>• Replacement costs for pre-payment cards</li></ul></li><li>4. Consultation on the removal of the maximum weekly charge for non-residential services.</li></ol>
<b>Corporate Plan:</b>	<p>The service links into the Council's priorities:</p> <ul style="list-style-type: none"><li>• Help people to live independent lifestyles supported by responsible communities.</li><li>• Improve Health and wellbeing of residents</li><li>• Protect the most vulnerable</li></ul>

Also links to the Public Health Plan – Building Back Fairer, Equalities Strategy, Anti-Poverty Strategy, Corporate Housing Strategy.

**Policy Implications:**

The proposal aligns with the Living Well, Working Well and Ageing Well programmes for action

**Financial Implications:**

**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

Recommendation 1 of this report seeks approval to commence consultation on the existing Adult services charging policy to align the charge to the service user to either the fee paid by the Council for the care and support provided via an external organisation or the actual cost of the internal provision (details within Appendix 2).

The 2023/24 Adult Social Care client income contributions budget for Non-Residential care provisions total £ 8.318m. The 2023/24 Period 7 forecast for Non-Residential care client income contributions totalled £5.985m. This equates to a £2.333m under achievement in Non-Residential Client Income to budget for the financial year.

There are currently 2,325 Non-Residential clients in the Financial Assessment system of which 609 (26%) have been assessed as being able to pay the full cost of their care package. The average client contribution towards a Non-residential Care package currently equates to 36% of the total cost of the care package.

Any increase in service user charges will result in additional income to the Council to fund the care provided. However, this would only effect full cost payers as all other service users have already been financially assessed in the current year.

The value of the estimated additional income that the Council will realise will be dependent on individual financial circumstances for the care provisions provided in Appendix 2. However, as a guide the table below provides a high-level summary of the estimated additional income based on a full year at 2023/24 values. The 2024/25 values are dependent on the level of approved provider fee rates payable by the Council, which is subject to a separate report.

	Full Year £m
Estimated Additional Income (Lower Value)	0.040
Estimated Additional Income (Higher Value)	0.090

There is a risk that these estimated income values could reduce if existing full cost paying service users request a financial re-assessment on their ability to continue paying the full cost charge of care provided.

Recommendation 2 of the report seeks approval for consultation regarding the current Transport and Travel Policy including proposed charges.

The 2023/24 Adult Social Care expenditure budget for Service User transport provision totals £ 0.768m. The 2023/24 Period 7 forecast for Service User transport provision totalled £0.853m. This equates to a £0.085 over spend on Service User transport provision to budget for the financial year.

The no. of service users accessing Transport on Taxi routes in



2023/24 currently totals 153 at a total weekly cost of £0.021m.

Based on the proposed rates for consultation below, the estimated weekly cost for 153 services users at an average route distance of 5 - 10.99 Miles per day would total £0.011m. This would equate to an estimated weekly cost reduction of £0.010m.

<b>Transport Required (no. of days per Week)</b>	
<b>No. of Miles:</b>	<b>Daily Provision Rate (Rate per Annum)</b>
0 - 1.99 Miles	£144
2 - 4.99 Miles	£351
5 - 10.99 Miles	£772
11 - 15.99 Miles	£1,123
16 miles or further	£1,334

Recommendation 3 of the report seeks approval for consultation on the introduction of charges for discretionary services that are currently not charged for.

- Pet Care
- Key Safes
- Replacement costs for pre-payment cards

The current forecast spend on the above in 2023/24 is circa £0.015m. The value of the estimated additional income that the Council will realise will be dependent on individual financial circumstances. However, based on the current average client contribution of 36% this would equate to £0.005m.

Recommendation 4 of the report seeks approval for consultation on the removal of the maximum weekly charge for non-residential services.

There are currently 29 service users who pay a reduced contribution towards their care package due to the maximum weekly charge limit. Removal of the maximum weekly charge could result in additional weekly income of £0.005m, £0.261m annually.

There is a risk that these estimated income values could reduce if existing full cost paying service users request a financial re-assessment on their ability to continue paying the full cost charge of care provided.

**Legal Implications:**

The report provides an accurate account of the legislation to which the Council is subject to in relation to charging for adult social care services. The report seeks approval to consult upon a second wave of proposed charges as detailed in the report. The recommendations proposed in the report are supported to ensure that any final decision upon the charges proposed is taken having regard to and informed by relevant feedback from the consultation and the equality impact assessment. This would form part of a robust decision-making process in the ultimate setting of the charges, the subject of the consultations and any equality impact assessment.

**Risk Management:**

The key risks relate to people's ability to pay the charges that they are assessed for and the need to have robust financial monitoring and swift reactions between Resources and Adult Services to ensure that if people are struggling to pay that as much help and support is available so that people are either not left with adequate

weekly income or without the correct level of care and support.

Currently the cost of the Council Fleet minibuses is split between Adult Social Care and Children's Services based on the number of passengers. These are fixed costs and if the number of Adult Social Care users reduced this would increase costs for Children's Services.

There are currently 30 routes for Adult Social Care using private hire vehicles and minibuses. These often transport more than one user and on some routes escorts are required. Depending on the number of users of the vehicle a Personal Transport budget (PTB) may not always offer better value. The contracts for these routes end in July 2025 and a 30 day notice period is required if the route is to be stopped.

**Background Information:**

The background papers relating to this report can be inspected by contacting Tracey Harrison Assistant Executive Director - Adults.



Telephone: 0161 342 3414



e-mail: [tracey.harrison@tameside.gov.uk](mailto:tracey.harrison@tameside.gov.uk)

## **1. INTRODUCTION**

- 1.1 The Care Act 2014 (the Act) placed a number of duties and responsibilities on local councils when considering charging for adult social care services including residential and non-residential care (such as homecare, day care and respite care). The Act continues to allow councils some discretion as to what services they can charge for and what income, savings and assets can be taken into account when calculating a person's ability to pay for their care.
- 1.2 In terms of the elements of the Act that relate to charging for services, the Department of Health published two key sets of regulations that embody the statutory requirements of the Act as well as indicating the discretionary elements that are open to local interpretation and decisions.
- 1.3 The key regulations are:
  - The Care and Support (Charging and Assessment of Resources) Regulations 2014
  - The Care and Support (Deferred Payment) Regulations 2014
- 1.4 In December 2023, Executive Cabinet approved the revised Charging Policy, which combined non-residential and residential charges into a single Policy which simplifies and explains more clearly how the Council charges for adult social care.
- 1.5 Furthermore, Executive Cabinet also approved aligning the cost of delivery to the current charges, in line with the fees currently paid for the following areas:
  - Direct Payments
  - Support at Home – hourly rate
  - Standard Homecare – hourly rate
  - Extra care
  - Residential & Nursing Care
- 1.6 This report sets out a request for approval to consult on a second phase of alignment of charges to the fee paid by the Council for care and support provided, the adoption of a revised Transport and Travel Policy, see Appendix 1, along with the introduction of charges for some areas that are currently not charged for. The consultation covers the following areas:
  - Day Service charges;
  - Transport charges and revised Transport and Travel Policy;
  - Supported Living charges;
  - Respite Care – Learning Disability;
  - Removal of the maximum weekly charge for non-residential services;
  - Discretionary Services
    - Pet Care;
    - Key Safes;
    - Replacement costs for pre-payment cards;
  - Costs of providing payroll and managed accounts for Direct Payments;
- 1.7 Further details about these proposals are outlined in Section 4 of this report.
- 1.8 The proposals outline the key principles to ensure it is fair, equitable and sustainable for the Council in the long term by reflecting the true cost of care and support services and ensures consistency in applying charges and collecting income.

## **2. POLICY CONTEXT**

- 2.1 The Care Act 2014 was implemented on 1 April 2015. Crucially, part 1 of the Act focussed on the assessment and eligibility of people who receive social care and support and the acknowledgement that people who have the ability to pay, should indeed pay for those services that they are assessed as requiring. This principle of financial assessment and payment for

services has been well established within statute over the years and until the Care Act, had been encompassed within the Fairer Charging Policy and the Charging for Residential Accommodation Guide (CRAG).

2.2 The Act repealed both these sets of regulations and replaced them with the Government's expectations of what councils must charge for or may want to charge for.

2.3 The following are key to the Council's duty and powers when determining how it charges for care and support:

- Council's power to charge for services arises from Section 14 of the Care Act 2014.
- Section 78(1) of the Care Act 2014 provides that Local Authorities should act under The Care and Support Statutory Guidance.
- The regulations made under the Care Act 2014 are the Care and Support (Charging and Assessment of Resources) Regulations 2014 ("The Regulations").
- The MIG (minimum income guarantee) is set by Regulation 7 of the Regulations.
- Under the regulations when assessing the level of charge the Council is prohibited from taking into account the following:
  - Earnings from employment or self-employment (Regulation 14)
  - Housing-related costs (Regulation 15(1) and Schedule 1 para 2)
  - The mobility element of PIP (but not the daily living element of PIP) (Regulation 15(1) and Schedule 1 para 8)
  - Any disability related expenditure ("DRE") paid for with disability benefits (Regulation 15(1) and Schedule 1 para 4).
- Otherwise, Regulation 15(2) gives the Council a discretion about what it will or will not take into account when means-testing the person to be charged for Council services.

### 3. FINANCIAL CONSIDERATIONS

3.1 The Council relies significantly on income from charging for adult social care services. Table 1 provides the analysis of the 2023/24 budget together with the forecast outturn income as at 31 October 2023 (Period 7).

**Table 1**

<b>Care Provision</b>	<b>2023/24 Income Budget £m</b>	<b>2023/24 Income Forecast £m</b>	<b>2023/24 Variation £m</b>
Residential and Nursing	10.297	12.731	2.434
Non-Residential Services	8.318	5.985	(2.333)
Total	18.615	18.716	0.101
<b>% to Total Gross Expenditure</b>	<b>13.6%</b>	<b>12.6%</b>	

If the Council did not charge fees for these services, an equivalent level of efficiency savings from the Adult Social Care revenue budget would need to be made, which would significantly reduce the level of services provided in future years.

3.2 The review of the current policies and charging approaches has also involved benchmarking against other Councils' policies and charging approaches to assess the most common approach.

3.3 As noted Executive Cabinet in December 2023 approved aligning the cost of delivery to the current charges, in line with the fees currently paid for the following areas:

- Direct Payments
- Support at Home – hourly rate

- Standard Homecare – hourly rate
  - Extra care
  - Residential & Nursing Care
- 3.4 It has been identified there is a significant gap between the cost of delivering services and the charge made to people who use our services in the following areas which therefore does not demonstrate best value for the Council;
- Day Services;
  - Transport;
  - Supported Living;
  - Respite Care (Learning Disability);
- 3.5 There is currently a maximum charge that can be made in relation the weekly charge for non-residential services. This again does not demonstrate best value for the Council and is not consistent with charges for residential services, so the proposal is therefore to remove this maximum weekly charge.
- 3.6 Further it is clear that the Council is paying for services that are not being charged for. It is therefore proposed that charges are introduced in the following areas:
- Pet Care;
  - Key Safes;
  - Replacement costs for pre-payment cards;
  - Costs of providing payroll and managed accounts for Direct Payments;
- 3.7 A moderate increase in income from some charges is anticipated if the proposals following consultation are approved. The extent of this increase depends on the future uptake by people of the disability-related expenses options and the financial assessment as permitted by Section 17 of the Care Act 2014.
- 3.8 Ongoing changes in the demographics of the borough, particularly increasing number of older people and younger adults with disabilities and life limiting health conditions, adds further pressure to the Adult Services budget.
- 3.9 Given the changes in the demographics, it is important that all aspects of budgets are scrutinised to ensure that services can be protected and maintained as much as possible and to that end, charging for services continues to be a crucial element of the management of the total budget.

#### **4. PROPOSED CONSULTATION**

- 4.1 The proposed consultation see Appendix 2 will focus on a number of key areas:
- The further alignment of charges to people who use services, with the fee paid by the Council for care and support provided, within the context of the national means test
  - The removal of a maximum weekly charge for non-residential services
  - Introduction of new charges for discretionary non-eligible services
- 4.2 In addition, the public will be asked for general feedback on the draft Transport and Travel Policy and the simplified format that makes it easier for the public to access information relevant to them.
- 4.3 It should be stressed that any changes to charges are subject to the national means test and people will not be asked to pay for care that they cannot afford. Regardless of any charges, people will undergo a financial assessment to establish their financial contribution to the total cost of their care. As a result, some people may be required to:
- Pay the full cost of their care (self-funders)

- Pay a partial contribution
- Not pay at all.

4.4 The consultation will run for four weeks, commencing on Monday 29 January 2024 and closing on Sunday 25 February 2024 and will be available in a range of opportunities to contribute:

- Completing this online survey via The Big Conversation
- Completing a paper version of this survey.
- By telephone
- By e-mail
- In writing

4.5 The following sections explain the key elements of the consultation exercise in more detail:

#### 4.6 Alignment of charges with the fees paid by the Council

**Day Service Charges** - The Council does not currently charge people the full amount it costs to deliver the day service and the aim is to review the charges to reflect the fees paid by the Council. Over the years, the Council has looked to protect people from rising costs and the charging rates have only ever risen by inflation (which have in fact fallen significantly behind the cost the Council pays to providers).

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per day</b>
Commissioned Day Service via Active Tameside (Attendance - per day)	£64.10	£3.00
In-house Day Service for people with complex needs (Attendance - per day)	£114.30	£3.00

In addition, the Council does not directly provide, or commission providers to offer, meals and drinks as part of the day service for people. It is proposed that any charge that has related to meals and drinks historically is removed completely.

**Transport** - the Council currently arranges transport as part of a person's package of care and has only charged a small amount as a contribution towards cost. Benchmarking work has shown other Council's generally charge more for the transport it provides. The Council in arranging transport where this cannot be done via family, friends and/or carers, delivers this in several ways including provision by its own minibuses and commissioning taxis.

Where people have an assessed need in relation to transport and travel, the proposal is to base charges on the full cost either directly or via a "Personal Transport Budget" (PTB) which would be given as a Direct Payment.

Based on the consultation work being done in relation to young people, Adult Services is proposing to introduce the following in relation to the provision of transport and associated charging.

It is proposed that where people are eligible for transport the Council offer will be:

- Council Fleet Minibus – where an individual requires an escort and will be charged at full cost.
- Provision of a Personal Transport Budget where no escort is required will be provided as a Direct Payment – The value of this will be based on the following:

<b>Transport Required (no. of days per Week)</b>	
<b>No. of Miles:</b>	<b>PTB Daily Provision Rate (Rate per Annum)</b>
0 - 1.99 Miles	£144
2 - 4.99 Miles	£351
5 - 10.99 Miles	£772
11 - 15.99 Miles	£1,123
16 miles or further	£1,334

The Council does not have a published Adult Social Care Transport Policy at present, though there are criteria applied at a person's assessment to establish a need for transport that the Council must meet. With this in mind an Adult Social Care Transport and Travel Policy has been drafted which will be included in the proposed consultation.

A consultation on the 16–19 Home to School Transport Policy for young people with an education health care plan (EHCP) is due to be completed by the end of January 2024. The proposal being consulted on is to provide every eligible young person with a "Personal Transport Budget" to enable families to commission their own transport support to meet their individual needs. This proposal has been considered when developing the draft "Adult Social Care Transport and Travel Policy", which it is believed ensures that the principles are aligned for young people to have a seamless transition to adulthood in respect of their transport.

There is also likely to be an impact for the Integrated Transport Unit (ITU) within Place Directorate and it is therefore proposed to consult in more detail with colleagues alongside the public consultation.

**Supported Living** – The Council currently provides 24 hour supported living services for its Adult population.

These services are provided by either:

- The Councils in-house service - who generally provide support to people with a learning disability with the most complex needs, or;
- Commissioned by the Council with independent providers - who deliver support people with a learning disability, mental health need and/or physical disability.

The proposal in relation to charging for Supported Living Services is to move from the existing complicated charging on the basis of hourly rates to an individual placement cost which reflects the cost the Council pays – this will introduce rates for in-house, and independent provision.

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per hour of support</b>	<b>Proposed charge to people per day</b>
Supported Living – In-House	£249.90	£17.20	£249.90
Supported Living – Commissioned	£188.00	£17.20	£188.00
Supported Living – Commissioned Intensive Support Service	£260.20	£17.20	£262.20
Supported Living – Commissioned Mental Health	£62.20	£17.20	£62.20

**Learning Disability Respite Support** - The Councils respite support for people with a learning disability is currently provided at Cumberland Street which is a 24 hour/7 day a week building based support service.

The table below shows the current cost of service delivery alongside the current charge to people who use it.

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per day</b>
Respite support for people with a learning disability	£215.10	£14.30

4.7 **Proposal to remove the maximum weekly charge for non-residential services** - Currently, there is a maximum weekly charge to people of £521.20 per week for non-residential services such as home care or day services. In residential care there is no such maximum weekly charge.

The proposal is to align the charges with the approach in residential charging and therefore remove the current weekly maximum charge for non-residential services completely. This means that people will be charged for the total cost of their care and there will be no cap. The financial assessment process will not change.

4.8 **Charging for Discretionary Services** - the Council must take into account its long-term financial sustainability so must consider what additional services can be charged for whilst acting in a lawful and equitable way. This proposal seeks to consider additional services that can be charged for at discretion to the Council. Under consideration are the following areas:

- Charges for pet care
- Charges for key safes
- Charges for replacement pre-paid cards

**Charges for Pet Care** – The Council has a duty of care for a person’s belongings; this includes arranging care for a person’s pet(s) in the event that the person goes into hospital or to a care home for example. Currently, the Council does not charge for this service.

The proposal is to recover the actual cost of pet care when this is required. The Council will always ask whether a member of the family, a friend or a charity could take care of the pet first to avoid incurring costs for the pet’s owner. However in some cases, where this is not possible, a paid service is required.

**Charges for Key Safes** – These provide safe access to a person’s property in case of an emergency. Having a key safe prevents forced entry if nominated contacts cannot be reached. The keys can only be accessed by entering a PIN into the key safe. Currently, the Council does not charge for the installation of key safes where people have eligible needs.

The current costs to the Council are as follows:

<b>Delivery Options</b>	<b>Cost of Delivery</b>	<b>Cost of Key Safe</b>	<b>Installation Cost</b>	<b>Total Cost (key safe + installation + delivery)</b>
Standard – 4 Days:	£20	£42.46	£10	<b>£72.46</b>
Premium – 2 Days:	£28	£42.46	£10	<b>£80.46</b>
Urgent – Next Day (5pm Cut-Off):	£40	£42.46	£10	<b>£92.46</b>
Emergency – Within 4 Hours (4pm cut-off)	£75	£42.46	£10	<b>£127.46</b>

The proposal is to fully charge for costs incurred by the Council to install and deliver key safes if you have an assessed need. The financial assessment process will not change.



**Charges for Replacement Pre-Paid cards** - Currently, the Council provides pre-payment cards for Appointeeships for people living in the community. The cost of the initial pre-payment card is currently included in the Appointeeship charge, however the Council currently does not charge for replacement cards. It is proposed to introduce a charge of £5 for any replacement cards only. This is to cover the charge to the Council to replace them.

**Payroll and Managed Accounts for Direct Payments** - The Council currently has a contract in place to deliver a Payroll and Managed Account Service to support people who have taken a Direct Payment to organise their own care needs which are as follows:

- **A Managed Account Service**– This is where the provider manages the financial side of the Direct Payment. The managed account service will for example pay invoices to agencies, pay the Personal Assistants wages and any associated HMRC bills etc.
- **A Standard Payroll Service** - If a Personal Assistant is directly employed, they may have to pay tax and national insurance on their wages. The Standard Payroll service will work this out and send a payslip so individuals know how much to pay the Personal Assistant.

The cost of the service provision is not currently reflected via any charge to the individual in receipt of a Direct Payment and the current costs of providing these services are as follows:

	<b>Current monthly costs from 1/4/23</b>	<b>Current Monthly Charge</b>	<b>Proposed Weekly Charge</b>
Managed Account Service Fee Rate (Month) with or without Payroll including year-end fee	<b>£30.58</b>	<b>£30 (£7.5 x 4wk)</b>	<b>£7.32</b>
Standard Account Service Fee Rate (Month) per PA including year-end fee	<b>£9.28</b>	<b>£0</b>	<b>£2.40</b>
NEST Pension Set Up (One off cost)	<b>£12.01</b>	<b>£0</b>	<b>£12.01 (one off cost)</b>

It costs the Council £7.32 per week for the Managed Account, £2.40 for the Standard Account and a one off fee of £12.01 for the pension set up costs. The proposal is to fully charge what it costs to deliver the Payroll Services for a Direct Payment.

## 5. RISK MANAGEMENT

5.1 The table below outlines the key risks and mitigations associated with the content of this report.

<b>Risk</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Action to Mitigate Risk</b>
The Charging Policy is not equitable	Challenge to the Council regarding the equity of the Policy. Financial and reputational damage.	1	4	Legal advice has been sought on revised policy, consideration has been taken of Norfolk Judgement and Regulations and Care Act 2014 have been followed.  Where there is increased risk of legal challenge full consultation is advised and these areas will therefore be subject to a separate report see 5.3 of this report.

People are unable to afford the charges	Either they would decide not to receive the care or get into debt.	2	4	Full financial assessment of all people who use our services and clear determination of an ability to pay will be established. If someone cannot afford to pay then further assessment may be required to ascertain the situation. The Policy should not leave people without adequate funds for daily living.
People accrue large debts once a charge has been set	Added anxiety to service user and family. Council unable to receive the full amount of the charge	2	4	Close scrutiny of the debts being accrued by client finance team and early warning system to be in place between Resources and Adult Services Directorates so that early intervention and support can be put in place
Non-payment of charges	Council's budget negatively affected and services may need to be stopped	2	4	Effective debt recovery in line with the Council's policy will be in place together with an early alert system allowing Adult Services to intervene and ensure that the person is aware of the consequences of non-payment and also is able to afford the charges.
People refuse to pay the charges	Potential for services to be stopped	1	4	Importance of explaining the Charging Policy from the start of the assessment process so that people are aware that they will be charged, following consultation new leaflets are being produced to leave with people who use our services. The website will be updated with clear information and the policy. Charges will be based upon an ability to pay and so if they are correct and the person refuses to pay then the consequences will be explained and inevitable services may need to be withdrawn.
Withholding or giving incorrect financial information	This could lead to an inaccurate financial assessment and the wrong charge being calculated	2	3	Clear explanation given to the user from the start of the assessment process explaining the consequences of withholding or giving inaccurate financial information.
Impact on the Council's financial position	Revised charges would provide a moderate increase in income	4	2	The maximum charge for non-residential services requires full consultation and therefore isn't part of this policy update. The extent of the increase income under the proposed policy depends on the future uptake by people who use our services.
	Phased approach to implementation could lay the Council open to potential legal	2	4	Clear explanation given to people who use our services from the start of the assessment process on the policy and current charges. Website to contain clear information, the policy and copy of

	challenge or settlement from new people who use our services given a two tiered charging approach			explanatory leaflets <a href="http://tameside.gov.uk">Paying for Care (tameside.gov.uk)</a>
	Increased the potential risk for human error when selecting the correct charge for people who use our services during the implementation phase.	2	4	Training and additional quality assurance oversight to be in place for the phased implementation period.
Impact on delivery from ITU	Contract clauses and potential reductions – fleet and escorts Taxi contract			

## 6 EQUALITIES

- 6.1 An Equalities Impact Assessment (EIA) is currently being undertaken which takes into account the proposed changes to the previous Charging Policy. The Council recognises that whilst charging for services does inevitably have an impact on people as it reduces their income there is a recognition that the way that charges are made should be equitable for everyone whether they are working, unable to work or have a severe disability.
- 6.2 The EIA will be completed on closure of the consultation when the final proposals are put to Executive Cabinet for approval.
- 6.3 The key foundation of any Charging Policy is that it is transparent and fair in that it takes into account the true cost of the care being provided, the charges applied to the person drawing on care and support and their ability to pay for that care.
- 6.4 The proposed changes are in line with these key principles, and will treat people equitably.
- 6.5 The charging for adult social care services is based on a person's ability to pay and a full financial assessment is carried out on anyone assessed as needing a social care service. If the savings and assets an individual has means that they are able to pay the full cost of their care then this would be appropriate and fair. If, on the other hand, a person is unable to pay for their care then it is right and proper that the Council pays all or a proportion of the cost of the care so that everyone is able to receive the correct level of care and support that has been assessed as being needed to meet their needs.

## 7. FUTURE POLICY IMPLICATIONS

- 7.1 The Government 10 Year Strategy - People at the Heart of Care included an intention to introduce a cap on care costs and a more generous means test to further protect people

against unpredictable and potentially unlimited care costs, however this proposal was formally delayed by Government until at least 2025.

- 7.2 The provision for an annual review of the policy and associated charges for care and support funded by the Council ensures the Council can be responsive to any future national policy changes.

## **8. CONCLUSION**

- 8.1 Every effort has been made to ensure people that could potentially be impacted by these proposals have had the opportunity to feed into the consultation during 2024.
- 8.2 It is estimated that the proposed changes outlined in section 4 of this report will generate a moderate increase in income for the Council. In addition, it will simplify the Adult Social Care Charging Policy and explain more clearly, the way the service charges for care.
- 8.3 Furthermore if approved, this report makes provision for a further phase of consultation where it has been determined that changes may have a more significant impact on individuals for the charges referenced in section 3.3 of this report. Should it be approved, Adult Services will ensure consultation during 2024 to bring forward recommendations for subsequent changes at the earliest opportunity.

## **9. RECOMMENDATIONS**

- 9.1 As set out at the front of the report.

# Tameside MBC Adult Social Care

**Transport and Travel Policy (Draft#1)  
2024 -2027**



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## 1. INTRODUCTION

- 1.1 The purpose of this policy is to ensure that the Council has a fair and consistent approach to the provision of transport to people whose care and support needs are met by the Council. People with assessed needs and their carers have the right to have their views taken into account by the Council when it is assessing and considering provision of travel assistance or services. [The Care Act 2014](#), together with the [Care and Support Statutory Guidance](#) provides the Legal Framework for making eligibility decisions. Transport for those eligible can be directly commissioned or individually purchased from a direct payment in the most cost effective way
- 1.2 To meet the changing needs in the borough the Council is developing a modern, flexible, financially sustainable asset based approach that will support people and their carers to remain independent and enabled to lead fulfilling lives. Travel is a necessary aspect of everyday life and central to this policy is the aim that people live and travel as independently and safely as possible.
- 1.3 We want to encourage use of the most sustainable and suitable travel and transport options, such as travel training to enable people to use public transport, walking or mobilising with the use of aids, either independently or with support, utilising concessionary travel and vehicle sharing with others.
- 1.4 The Policy aligns with the following Adult Social Care priorities:
  - Review and update all information so that it is accessible and up to date
  - Ensure services are available that help people stay independent and confident in their community
  - Provide access to a range of high-quality services to meet needs when people draw on care and support, offering choice and control.
  - Improve how we work with other services so that people experience better joined-up care and support.
  - Make sure the people providing care and support are well trained and understand people's needs.

## 2. POLICY STATEMENT

- 2.1 The Adult Social Care Transport and Travel Policy applies to the following people who access support provided directly or commissioned by the Council:
  - People who have an assessed eligible social care need for transport and travel support
  - People aged over 18 and not in full time education; and
  - People who are an ordinary resident in Tameside
- 2.2 The Policy will apply to transport and travel options provided or arranged by the Council to ensure:
  - Support with transport and travel is provided in a fair and equitable way, for people with assessed eligible needs.

- Eligibility for transport and travel support for people over 18 years of age, who are not in full time education is identified through the social care needs assessment process.
  - The independence and inclusion of the person is promoted by encouraging and supporting a range of transport and travel options including independent travel and the use of concessionary travel passes.
  - Efficient use of resources.
  - The reduction in air pollution and encourage the use of sustainable resources by promoting the use of public transport and shared travel where possible.
- 2.3 The over-riding principle of this policy is that the decision to provide transport and travel support is based on needs, risks and person-centred outcomes and on promoting independence.
- 2.4 It is expected that people who can travel to a community activity, either independently or with assistance from family, friends or support providers will do so.
- 2.5 The Council will only provide assisted transport to help meet an assessed need following a Care Act assessment. Support provided will be appropriate for that need and arranged in the most cost-effective way.
- 2.6 People who qualify for concessionary travel (free bus travel) will be expected to apply for and use this when appropriate to meet their needs. The constraints of concessionary travel (i.e. no free travel before 9.30am) will be taken into account during the assessment.

### **3. ELIGIBILITY**

- 3.1 The needs assessment process will consider what support, if any, is needed in relation to transport and travel in order to meet an assessed eligible social care need. In order to identify this, the Council will ask the questions in the checklist below, to assist with the decision-making process:

***How far is the support or service from where you live?***

People will be required to access support and community services based nearest to where they live. To promote local inclusion, it is not generally appropriate to arrange a community service outside of a person's local area, unless it is not possible to meet their assessed need in that area. The perception of a local area can be different for people who live in rural areas compared to those who live in towns and cities. But broadly, people will be expected to access support and community services based nearest to where they live, as long as they are appropriate to meet the assessed, eligible needs.

***Can you share travel arrangements with another person accessing that service?***

Promotion of transport sharing is promoted to support sustainable travel.



***Can you walk or cycle, use a wheelchair, walking aid to the service?***

Being able to walk might mean by walking alone or with the assistance from someone else, for example, using a buddying scheme or assistance from family, friends or a carer.

***Do you arrange your own travel from an independent source and meet the cost of travel from any mobility allowance awarded to you?***

A person who receives a benefit for example, the mobility component of Disability Living Allowance (DLA) or Personal Independence Payment (PIP), to facilitate their mobility needs, may consider using this to access support and services.

The actual amount will depend on the person's needs and requirements. During the needs assessment, consideration will be given to other critical demands placed on the allowance, and if it is reasonable for either a contribution or full costs of any agreed transport support to be funded by the benefit or if this would leave the person without the means to manage their situation.

If the person is not in receipt of any mobility allowance, support can be provided to make an application and a referral to the Welfare Rights Service will be made.

***Can you use your own transport?***

If the person has their own motor vehicle, a vehicle obtained through the Motability scheme, a specially adapted vehicle or some other vehicle, it is expected that this would be available for use. We would not expect family members to claim priority over the use of mobility vehicles for their own use.

***Can you use public transport?***

This might be travelling independently or with assistance from someone else for example, a buddying scheme, family, friends or a carer.

***Do you have a concessionary bus pass? If not, could you be assisted to apply for one?***

Where a person can use public transport or community transport either independently or with support, part of the support planning process may involve investing resources in the short term, to support people to be able to use these options, for example through travel training to support them to develop their skills around independent travel.

People who qualify for concessionary travel will be expected to apply for and use this, to meet the costs of travel to community services or activities that meet their social care needs. The constraints of concessionary travel (i.e. no free travel before 9.30am) will be taken into consideration during the assessment.

***If you cannot currently use public transport, could you do so following a period of reassurance, support, enablement and travel training?***

The Council can provide support to adults who wish to travel independently.

***Can you access transport with a carer, family member or friend?***

Where it is identified that a carer will provide travel assistance, the Council will ensure any impact of this solution has been appropriately considered in the carer's assessment.

***What will happen if, on occasion, your friends or carer are unable to provide travel assistance, what are your contingencies?***

Alternative arrangements should be detailed in a contingency plan to cover periods where they are unable to assist.

***Do you live in a residential/nursing care home, supported accommodation or some other supported housing setting?***

Where people are living in settings funded by the Council there is an expectation that the cost of the placement will meet the full range of support needs, including travel to and from community activities, unless assessed as otherwise.

***Should another agency be providing the transport?***

A person may be eligible for funding for their transport from another agency or organisation, for example to attend a service to meet an assessed health need.

- 3.2 It should be noted that, although a person may attend a specific community service/activity to meet their assessed needs, they will not be eligible automatically for transport and travel support to and from the service/activity.

#### **4. POSITIVE RISK MANAGEMENT AND SAFEGUARDING**

- 4.1 In order to make a safe and fair decision the Council will consider the risks involved in accessing one of the transport options, and whether there are actions that can be put in place to ensure the option selected is safe and reasonable.
- 4.2 To determine the risks involved in getting out and about or with travel arrangements, the following factors will be considered as part of the social care assessment of need:
- Does the person have a disability, frailty, or a physical health issue? Is there any reason to doubt the person's ability to make safe decisions regarding their travel arrangements?
  - Can the person travel independently and is it safe for them to do so?
  - Are there any barriers to independent travel? Can these barriers be resolved?
  - What public transport is available to the person? How can they access public transport safely? Do they need support to use public transport?

- Is there a risk to other people, if considering shared travel?
- 4.3 The assessment process should consider whether providing travel assistance will either reduce their independence or increase their dependence on support.

## **5. SUPPORT PLANNING**

- 5.1 Where there is more than one service or support being accessed, or accessed on more than one day, there may be more than one solution or option available. Each day, service or journey may require different arrangements or no arrangements at all. Each journey will be considered separately, as part of the person's support plan.
- 5.2 Support planning will consider the impact the travel arrangements will have on the sustainability of the plan and on family carers. This will be considered through assessment of the person's and their carer's needs. Determining the best way to meet the eligible need will be addressed at the support planning stage.
- 5.3 Transport and travel support may be partially or wholly provided or arranged by the Council and will include consideration of the following:
- Promoting independence and inclusion, and not increasing a person's dependence on others.
  - How the support or services that can help the person meet their eligible needs will be accessed.
  - The clear identification of travel support including a contingency plan in cases of unforeseen changes.
  - Ensuring people and their family carers are aware of options for transport and travel support and that these are reflected in their support plans.
  - The need to provide passenger assistance, where required due to health and safety reasons.
  - The support plan will have regard to the sustainability of the caring role.
  - Making good and effective use of the resources available.
  - Always using the nearest appropriate and available resource to meet the person's assessed needs before considering any other resource. Or alternatively provide the sufficient funding that would be made available for the transport to the person's home with the option for the person to top up their funding to make up the difference. This may increase their contribution to their care and support package.

## **6. PROCESS**

- 6.1 The best way to meet any eligible transport and travel need will be determined and agreed with the person at the support planning stage. This may be partially or wholly provided or arranged by the Council.

- 6.2 Transport and travel support may be provided on a temporary basis and reviewed when the person's situation changes or at least within 6 months.
- 6.3 Transport and travel needs will be included as part of the regular assessment and support planning reviews.
- 6.4 Once support is in place, the responsibility of cancelling the service due to illness or holidays, falls to the person or a person acting on their behalf. They must inform the Council giving as much notice as possible, preferably at least 48 hours, to enable the contract to be cancelled and costs not to be incurred.
- 6.5 Where identified, the Council will offer funded transport and travel support in the following order
  - (i) Independent travel training
  - (ii) Assistance with using public transport
  - (iii) Provision of transport by family/carers
  - (iv) Use of community volunteer car and driver schemes
  - (v) Use of the Council's internal transport fleet where an escort is required
  - (vi) Where all other options have been explored and discounted, a Personal Transport Budget offer will be made as a Direct Payment.

## **7. CHARGING FOR SERVICES**

- 7.1 [Section 14](#) of the Care Act empowers local authorities to charge adults for care and support where they have needs identified under [Sections 18 to 20](#) of the Act. Those sections contain the statutory duty and powers of the local authority to meet needs for care and support for both vulnerable adults and carers.
- 7.2 The Council has agreed a comprehensive policy for charging all service users who receive care and support services. This includes transport. The Council's Charging Policy describes the principles and processes used by the Council when assessing a person's contribution to the cost of care and support services.
- 7.3 For a full copy of the Council's Charging Policy please refer to the Council's website on the following link [insert link].
- 7.4 Where the Council signposts individuals to community or public transport, individuals will be charged as per the service providers charges. These charges are not subject to financial assessment and the full cost levied by the transport provider is to be paid by the individual.
- 7.5 If the only alternative is for the Council to directly provide transport to meet an eligible need, or in the rare instances that transport itself is the need which the Council has a duty to meet, any charges that it reasonably levies for doing so would be subject to financial assessment in accordance with the Care Act.

## **8. PEOPLE WITH NO ELIGIBLE NEED FOR TRANSPORT**

- 8.1 Where a person is not eligible for the provision of Council funded and arranged transport and travel support, as an assessed need, they should be signposted to any community groups or public transport offers that would be relevant in supporting them such as:

[Miles for smiles](#) - Community transport scheme run by volunteers for the residents of Tameside, who use their own vehicles to support people to and from health and wellbeing appointments.

[Ring and Ride](#) - Ring & Ride provide accessible, low-cost transport to disabled people and older people with walking difficulties.

## **9. APPEALS**

- 9.1 The assessment for an eligible social care need, including any assessed need for support with transport and travel, will be carried out by qualified Assessor/Social Worker with the person and/or their family/carer representative.
- 9.2 In cases where agreement cannot be reached the matter will be referred to the Service Unit Manager for the locality the person lives in, who will attempt to resolve the issue. If the person/their representative remains dissatisfied with the Council's decision they can make a complaint under the [Adult Social Care Complaints Procedure](#).

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# **Tameside MBC Adult Social Care Charging Consultation**



Commencing: Monday 29 January 2024  
Ending: Sunday 25 February 2024

## **Purpose of this consultation**

Tameside Council is seeking your views on several proposed changes to the way it charges for Adult Social Care Services.

The aim is to review the charges for Adults Social Care Services to reflect the fees paid by the Council. Over the years, the Council has looked to protect people from rising costs and the charging rates have only ever risen by inflation (which have in fact fallen behind the cost the Council pays to providers).

The proposed changes to Adult Social Care charges aim to ensure quality services can be provided to the people who draw on care and support in Tameside in a financially sustainable manner for all.

For eligible services determined by [The Care Act 2014](#), charges can be taken into consideration as part of the financial assessment process, to determine what people's contribution will be towards the package of care. As a result some people may be required to:

- Pay the full cost of their care (self-funders)
- Pay a partial contribution
- Not pay at all.

The Charges are being reviewed, but the financial assessment process will not change.

The consultation will run for four weeks, commencing on **Monday 29 January 2024** and closing on **Sunday 25 February 2024**.

All consultation feedback will be considered by the Council before being incorporated into the new Charging Policy, which will then be taken to Board and Executive Cabinet in 2024 for consideration and final approval.

## **Changes to charges for social care services**

People affected by any changes to Adult Social Care charges which are put in place as a result of this consultation, will be notified prior to any changes being implemented.

## **Give your feedback on the "Changes to Adult Social Care Charging" proposals**

View the "Changes to Adult Social Care Charging" proposal, and give your feedback, by:

- Completing this online survey [Insert link to Big Conversation]
- Completing a paper version of this survey. This can be requested by contacting: TBC
- Calling: TBC
- Emailing: TBC
- Writing to: TBC

You can ask someone, for example a carer or family member, to help you complete this survey if you wish to.

## **Keeping your data safe**

Any personal information you give us will remain private, be stored securely, and be used in line with the Data Protection Act 2018. To read more about how we use your data read our [Privacy Notice](#).



## ADULT SOCIAL CARE CHARGING CONSULTATION - PROPOSALS

The Council relies significantly on income from charging for Social Care services. If the Council did not charge for these services, an equivalent level of efficiency savings from the Adult Social Care budget would need to be made which would significantly reduce the level of services provided in future years.

A review of current policies and charging approaches has included benchmarking across other Councils policies and charging approaches to assess the most common approach. The review has identified that there is a gap between the cost of delivering services and the charges made to individuals using those services – this does not therefore demonstrate the duty to deliver best value for the Council.

In light of this review, and given the significant difference between what is charged and what the services cost, the Council is now proposing changes to its Adult Social Care charges as detailed below:

1. Day Service charges;
2. Transport charges and revised Transport and Travel Policy;
3. Supported Living charges;
4. Respite Care – Learning Disability;
5. Removal of the maximum weekly charge for non-residential services;
6. Discretionary Services
  - Pet Care;
  - Key Safes;
  - Replacement costs for pre-payment cards;
7. Costs of providing payroll and managed accounts for Direct Payments;

### 1. DAY SERVICE CHARGES

This section of the consultation relates to proposals where Tameside Council is reviewing the charges to people who use adult social care day services.

The Council does not currently charge people the full amount it costs to deliver the day service and the aim is to review the charges to reflect the fees paid by the Council. Over the years, the Council has looked to protect people from rising costs and the charging rates have only ever risen by inflation (which have in fact fallen behind the cost the Council pays to providers).

In addition, the Council does not directly provide, or commission providers to offer, meals and drinks as part of the day service for people. It is proposed that any charge that has related to meals and drinks historically is removed completely.

You can see the amount it costs to deliver the service, and what we charge people who use this service in the table below:

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per day</b>
Commissioned Day Service via Active Tameside (Attendance - per day)	£64.10	£3.00
In-house Day Service for people with complex needs (Attendance - per day)	£114.30	£3.00

Currently, we charge £3 per day for attending day services, but the proposal is that the charge matches the cost of delivery.

**Q1** The Council wants to know, *“What are your thoughts in relation to the proposals for the changes to charge people for day services in line with what it costs to deliver the service?”* The financial assessment process will not change.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q2** Do you have anything further to add in relation to Q1?

**Q3** The Council wants to know, *“What are your thoughts in relation to the proposal to remove any existing charges that relate to meals and drinks from the day services charges?”*

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q4** Do you have anything further to add in relation to Q3?

## **2. TRANSPORT CHARGES AND REVISED TRANSPORT AND TRAVEL POLICY**

This section of the consultation relates to proposals for Adult Social Care transport.

The Council currently arranges transport as part of a person's package of care and has only charged a small amount as a contribution towards cost. The review has shown other Council's generally charge more for the transport it provides. The Council in arranging transport where this cannot be done via family, friends and/or carers, delivers this in a number of ways including provision by its own minibuses and commissioning taxis.

All charges are taken into consideration as part of the financial assessment process, to determine what you are able to afford to pay. As a result some people may be required to:

- Pay the full cost of their care (self-funders)
- Pay a partial contribution
- Not pay at all.

Where people have an assessed need in relation to transport and travel, the proposal is to base charges on the full cost either directly or via a “Personal Transport Budget” which would be given as a Direct Payment.

The Council does not have an Adult Social Care Transport Policy at present, though there is transport eligibility criteria which is applied in line with national legislation.

A consultation on the 16–19 Home to School Transport Policy for young people with an Education Health Care Plan (EHCP) is due to be completed by the end of January 2024. The proposal being consulted on is to provide every eligible young person with a “Personal Transport Budget” to enable families to commission their own transport support to meet their individual needs. This proposal has been considered when developing the draft “Adult Social Care Transport and Travel Policy”, which the Council ensures that the principles are aligned for young people to have a seamless transition to adulthood in respect of their transport.

Based on the consultation work being done in relation to young people, Adult Services is proposing to introduce the following in relation to the provision of transport and associated charging.

It is proposed that where people are eligible for transport the Council offer will be:

- Council Fleet Minibus – where an individual requires an escort
- Provision of a Personal Transport Budget where no escort is required will be provided as a Direct Payment – The value of this will be based on the following:

INSERT TABLE

**Q5** The Council wants to know, “*What are your thoughts in relation to the attached draft Transport and Travel Policy*”.

- Agree
- Neither agree nor disagree
- Disagree
- Don’t know

**Q6** Do you have anything further to add in relation to Q5?

**Q7** The Council wants to know, “*What are your thoughts in relation to the proposals for the changes to charging the full cost of transport services?*”

- Agree
- Neither agree nor disagree
- Disagree
- Don’t know

**Q8** Do you have anything further to add in relation to Q7?

**Q9** The Council wants to know, “*What are your thoughts in relation to the proposal that people eligible for transport services are provided with a ‘Personal Transport Budget’ to arrange their own travel via a Direct Payment*”.

- Agree
- Neither agree nor disagree
- Disagree
- Don’t know

**Q10** Do you have anything further to add in relation to Q9?

**Q11** The Council wants to know, “*What impact do you feel receiving a Personal Transport Budget will have on you or your family?*”

- A positive impact
- No impact at all
- A negative impact
- Don’t know

**Q12** Do you have anything further to add in relation to Q11?

### 3. SUPPORTED LIVING

The Council currently provides 24 hour supported living services for its Adult population.

These services are provided by either:

- The Councils in-house service - who generally provide support to people with a learning disability with the most complex needs, or;
- Commissioned by the Council with independent providers - who deliver support people with a learning disability, mental health need and/or physical disability.

The proposal in relation to charging for Supported Living Services is to move from the existing complicated charging on the basis of hourly rates to an individual placement cost which reflects the cost the Council pays – this will introduce rates for in-house, and independent provision.

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per hour of support</b>	<b>Proposed charge to people per day</b>
Supported Living – In-House	£249.90	£17.20	£249.90
Supported Living – Commissioned	£188.00	£17.20	£188.00
Supported Living – Commissioned Intensive Support Service	£260.20	£17.20	£262.20

Supported Living – Commissioned Mental Health	£62.20	£17.20	£62.20
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**Q13** The Council wants to know, “*What are your thoughts in relation to the proposals to move from the existing complicated charging on the basis of hourly rates to an individual placement cost which reflects the cost the Council pays?*”

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q14** Do you have anything further to add in relation to Q13?

#### 4. RESPITE SUPPORT LEARNING DISABILITY

The Councils respite support for people with a learning disability is currently provided at Cumberland Street which is a 24 hour/7 day a week building based support service.

The table below shows the current cost of service delivery alongside the current charge to people who use it.

	<b>Provider fee/cost of delivery per day</b>	<b>Current charge to people per day</b>
Respite support for people with a learning disability	£215.10	£14.30

**Q15** The Council wants to know, “*What are your thoughts in relation to the proposals for the changes to charge people for respite care for people with a learning disability in line with what it costs to deliver the service?*” The financial assessment process will not change.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q16** Do you have anything further to add in relation to Q15?

#### 5. REMOVAL OF MAXIMUM WEEKLY CHARGE FOR NON-RESIDENTIAL SERVICES

Currently, there is a maximum weekly charge to people of £521.20 per week for non-residential services such as home care or day services. In residential care there is no such maximum weekly charge.

The proposal is to align the charges with the approach in residential charging and therefore remove the current weekly maximum charge for non-residential services completely. This means that people will be charged for the total cost of their care and there will be no cap. The financial assessment process will not change.

**Q17** The Council wants to know, *“What are your thoughts in relation to the proposals to remove the maximum weekly charge of £521.20 per week to people in receipt of non-residential services?”* The financial assessment process will not change.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q18** Do you have anything further to add in relation to Q17?

Where people have eligible needs for adult social care, they are financially assessed which means tests people's affordability for the services they need and what their charges could look like.

## **8. DISCRETIONARY SERVICES**

Tameside Adult Social Care provide a range of services that historically have never been charged for even though in some cases there is significant cost to providing those services. The following details the three areas where it is proposed that the Council introduces new additional charges as part of its approach to charging.

### **Charges for Pet Care**

The Council has a duty of care for a person's belongings; this includes arranging care for a person's pet(s) in the event that the person goes into hospital or to a care home for example. Currently, the Council does not charge for this service.

The proposal is to recover the actual cost of pet care when this is required. The Council will always ask whether a member of the family, a friend or a charity could take care of the pet first to avoid incurring costs for the pet's owner. However in some cases, where this is not possible, a paid service is required.

**Q19** The Council wants to know, *“What are your thoughts in relation to the proposals to implement charges for taking care of a person's pet(s) in the event that family, friends and carers cannot do this and paid for services are required?”*

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q20** Do you have anything further to add in relation to Q19?

### Charges for Key Safes

If you need urgent help, a key safe helps emergency service workers gain access to your home. They can also be used by care agencies or other service workers that support you, to allow them to enter your home if you can't open the door by yourself.

If you have been assessed as being eligible for adult social care and need to have a key safe, the Council does not currently charge you for the service.

The current costs to the Council are as follows:

<b>Delivery Options</b>	<b>Cost of Delivery</b>	<b>Cost of Key Safe</b>	<b>Installation Cost</b>	<b>Total Cost (key safe + installation + delivery)</b>
Standard – 4 Days:	£20	£42.46	£10	<b>£72.46</b>
Premium – 2 Days:	£28	£42.46	£10	<b>£80.46</b>
Urgent – Next Day (5pm Cut-Off):	£40	£42.46	£10	<b>£92.46</b>
Emergency – Within 4 Hours (4pm cut-off)	£75	£42.46	£10	<b>£127.46</b>

The proposal is to fully charge for costs incurred by the Council to install and deliver key safes if you have an assessed need. The financial assessment process will not change.

**Q21** The Council wants to know, “*What are your thoughts in relation to the proposals to fully charge for the delivery and installation of key safes?*”

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q22** Do you have anything further to add in relation to Q21?

### Charges for a Replacement Pre-Paid Card

A pre-paid card is just like a normal bank or debit card. It is loaded with your regular personal allowance so you can withdraw cash from cash machines and pay for things in the shops or on the internet.

The Council issues pre-paid cards for Appointeeships in Adult Social Care. The initial cost of the pre-paid card is included in the charges for putting the Appointeeship in place.

Sometimes, cards can get lost or stolen and the Council currently does not charge for the replacement of the pre-paid cards. The proposal is the Council will charge the £5 cost for the replacement of lost or stolen pre-paid cards.

**Q23** The Council wants to know, “*What are your thoughts in relation to the proposals to fully charge for the cost or replacing pre-payment cards??*”

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q24** Do you have anything further to add in relation to Q23?

## 9. COSTS OF PROVIDING PAYROLL AND MANAGED ACCOUNTS FOR DIRECT PAYMENTS

If you or someone you care for receive support from Adult Social Care, you can apply for a Direct Payment to organise your own support. This allows you to choose and buy the services you need yourself and gives you more flexibility and greater control of your support package instead of having them organised by the Council.

To support managing your Direct Payment the Council has a contract in place to deliver a Payroll and Managed Account Service to support you in organising your support to meet your needs. This includes:

- **A Managed Account Service**– This is where the provider manages the financial side of your Direct Payment. The managed account service will for example pay invoices to agencies, pay your Personal Assistants wages and any associated HMRC bills etc.
- **A Standard Payroll Service** - If you employ a Personal Assistant, they may have to pay tax and national insurance on their wages. The Standard Payroll service will work this out for you and send you a payslip so you know how much to pay your Assistant.

The current costs of providing these services are as follows:

	Current monthly costs from 1/4/23	Current Monthly Charge	Proposed Weekly Charge
Managed Account Service Fee Rate (Month) with or without Payroll including year-end fee	£30.58	£30 (£7.5 x 4wk)	£7.32



Standard Account Service Fee Rate (Month) per PA including year-end fee	<b>£9.28</b>	<b>£0</b>	<b>£2.40</b>
NEST Pension Set Up (One off cost)	<b>£12.01</b>	<b>£0</b>	<b>£12.01 (one off cost)</b>

We currently do not charge for payroll services. It costs the Council £7.32 per week for the Managed Account, £2.40 for the Standard Account and a one off fee of £12.01 for the pension set up costs. The proposal is to fully charge what it costs to deliver the Payroll Services for a Direct Payment.

**Q25** The Council wants to know, "*What are your thoughts in relation to the proposals to fully charge for the cost to deliver the payroll service?*"

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

**Q26** Do you have anything further to add in relation to Q25?

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<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2023
<b>Executive Member:</b>	Councillor John Taylor – Executive Member Adult Social Care, Homelessness, and Inclusivity
<b>Reporting Officer:</b>	Stephanie Butterworth, Director of Adult Services
<b>Subject:</b>	<b>CONTRACT AWARD FOR THE PROVISION OF A RESPITE SERVICE FOR ADULTS WITH A LEARNING DISABILITY</b>
<b>Report Summary:</b>	<p>On 24 August 2022, approval was given by Executive Cabinet to tender a Respite Service for Adults with a Learning Disability to commence 1 October 2023 for a period of five years up to 30 September 2028.</p> <p>Further to this, on 27 September 2023 approval was given by Executive Cabinet to extend the current provision for 18 months from 1 October 2023 to 31 March 2025 to allow time for a complete review of supported accommodation for people with learning disabilities which included a number of other Adults contracts together with the Respite Service.</p> <p>However, the incumbent provider of the Respite Service for People with a Learning Disability contract has since confirmed its intention not to continue with the contract once it ended on 1 October 2023 but has agreed to continue with a six month extension only from 1 October 2023 to 31 March 2024.</p> <p>To align with the previous governance obtained on 24 August 2022 by Executive Cabinet, the intention is to award a contract for a duration of four years and six months from 1 April 2024 to 30 September 2028, with no option to extend.</p> <p>The Council has therefore completed a comprehensive competitive procurement process and the highest-ranking provider has been identified. This report seeks approval by Executive Cabinet to award the contract as detailed in the report to Company H namely, Icare Solutions Stockport LTD.</p>
<b>Recommendations:</b>	That Executive Cabinet approve the award of the contract to the highest ranking and most economically advantageous provider namely: Icare Solutions Stockport LTD.
<b>Corporate Plan:</b>	<p>The service links into the Council's priorities: -</p> <ul style="list-style-type: none"><li>• Help people to live independent lifestyles supported by responsible communities.</li><li>• Improve the health and wellbeing of residents.</li><li>• Protect the most vulnerable.</li></ul>
<b>Policy Implications:</b>	The proposals align with the Living Well, Working Well and Aging Well programmes for action.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151</b>	The Respite Service for Adults with a Learning Disability provision is costing £0.277m in 2023/24 and is financed by General Fund budgets.

**Officer & Chief Finance Officer)**

The Directorate are requesting approval for the recommissioning of the provision for the 4 year and 6 month period from 1 April 2024 to 30 September 2028.

Although the contract is proposed for a period of 4 years and 6 months, appropriate break clauses will be included within any future contract arrangements to ensure that the commissioned service can be altered, should it be required, to mitigate any adverse financial impact on the Council.

Any uplift in commissioned contract values due to inflation, demand or service configuration will be taken into account within the service specification to ensure that it is affordable within the available annual budget allocation for the contract duration.

Value for money will be evaluated as part of the contract award process and this required to be clearly evidenced and retained for section 151 officer assurance.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

The report provides assurance that STaR have been engaged in providing legal advice and assistance to ensure that a lawful procurement process has been adopted in the selection and engagement of the proposed contractor.

**Risk Management:**

There will be a continued dialogue between commissioners and the provider to ensure that best value is delivered against the contract resource with a view to working towards service developments. These will be delivered through contract performance management and working in partnership with neighbourhood teams.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Kerry Woolley:



Telephone: 07866 971 001



e-mail: [kerry.woolley@tameside.gov.uk](mailto:kerry.woolley@tameside.gov.uk)

## **1. INTRODUCTION**

- 1.1 On 24 August 2022 approval was given by Executive Cabinet to tender for the provision of a Respite Service for Adults with a Learning Disability for the period 1 October 2023 for a period of five years to 30 September 2028.
- 1.2 On 27 September 2023 Executive Cabinet approved a review of all supported accommodation based services for people with a learning disability, to establish a refreshed model of support. To enable the review to take place, Executive Cabinet approved an extension to the existing Respite contract from 1 October 2023 to 31 March 2025 (18 months).
- 1.3 However, the incumbent provider, Community Integrated Care (CIC), has since notified the Council that they had taken the decision to move away from respite services in order to focus on other areas aligned with their strategy and confirmed its intention not to continue with the contract once it ended on 1 October 2023.
- 1.4 To allow for a compliant tender process to be completed, the Council and CIC agreed to continue their contractual relationship for an additional six months from 1 October 2023 to 1 April 2024.
- 1.5 An open tendering exercise commenced 23 October 2023 and closed 20 November 2023. The tender was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (North West procurement portal).
- 1.6 To align with the previous governance obtained on 24 August 2022 by Executive Cabinet, the intention is to award a contract for a duration of four years and six months from 1 April 2024 to 30 September 2028, with no option to extend.

## **2. RESPITE SERVICE FOR ADULTS WITH A LEARNING DISABILITY**

- 2.1 Provision of a building based short stay/respite provision for adults with a learning disability.
- 2.2 The service delivers support to individuals with a range of mild, moderate, and complex learning disabilities.
- 2.3 The service is delivered from a building base provided by the Council through a Registered Social Landlord.
- 2.4 The service provides access to 24-hour support within a shared accommodation environment for individuals who, for the majority of the time, reside in the parental/family/carer home.
- 2.5 The service adopts an outcome focused, person-centred approach to the provision of support, in reflecting individual's lifestyles, skills, aspirations and interests. The service facilitates opportunities for individuals to engage in purposeful activity, meaningful relationships, and inclusion within the community.
- 2.6 The service provides a model of care and support that understands the differing levels of need of the individuals supported. The service offers an enabling environment for individuals and adopts an approach to develop and promote independent living skills, giving people more opportunities to progress with a view to becoming less dependent on support in the future.
- 2.7 The service will be provided to individuals in Tameside who are 18 years or over and have been assessed by the Commissioner as requiring the service in accordance with its eligibility criteria.

- 2.8 The service delivers appropriate staffing levels for one property, providing short stay/respice for up to four individuals at a time, plus one emergency placement. The total number of overnight stays available per week, inclusive of the emergency placement, is 35.
- 2.9 The service is delivered flexibly and responsively, 24 hours a day, 365 days per year. The service delivers overnight support each night, in the form of a waking night.
- 2.10 The service allows for individuals changing and diverse needs and demand for the service including the emergency placement. The service is managed within the maximum budget specified within this contract.

### **3. DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS**

- 3.1 Tameside Adult Services in its role as lead commissioner is looking to award a contract for a period of four years six months, from 1 April 2024 to 30 September 2028.

### **4. PROCUREMENT APPROACH USED**

- 4.1 An open tendering exercise commenced on 23 October 2023 and closed on 20 November 2023. The tender was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (the North West procurement portal).
- 4.2 The approach used on the tender:
- Tender submission questionnaire - The tender submission questionnaire included seven quality questions and covered the following topics: experience and infrastructure, person-centred support, communication, supervisory management, appropriately trained and competent workforce, recruitment and retention and a carer led question.
  - Carer question - Commissioners approached carers to take part in the tender process. Following discussions, it was agreed that one carer would develop the question and evaluate the response independently. However, due to the change in the initial tender timeline, the carer was not able to commit to attending the evaluation meetings in November. It was established that including the question developed with the carer was vital and it was agreed that the evaluation panel would undertake the evaluation of the question on behalf of the carer.

### **5. EVALUATION METHOD AND OUTCOME**

- 5.1 Responses were received from ten organisations, and these were evaluated by:
- |               |   |
|---------------|---|
| Jenny Lawton  | Assistant Team Manager, West Neighbourhood  |
| Azeem Mhar    | Assistant Team Manager, Shared Lives        |
| Kerry Woolley | Commissioning and Contracts Officer, Adults |
- 5.2 The tender submission was weighted, in terms of significance, based on an 80% Quality (including 20% Social Value) and 20% Cost split. The requirement to weight tender submissions ensures compliance with public procurement requirements.
- 5.3 All questions were drafted with input from panel members and related to matters pertinent to the contract being tendered.
- 5.4 A maximum annual budget for 2024/2025 of £0.277m for the service was included within the advertisement and organisations were invited to submit a year one pricing schedule against the maximum budget. The total budget for the four-year six-month contract will be £1.247m.

An annual uplift may apply to the contract value following the setting of the council's budget and taking into account national announcements and indicators.

## 6. CHECKS ON PROVIDERS

6.1 STAR Procurement has undertaken a full financial check via Company Watch. The check measures the overall financial health of a company. It is based on a statistical evaluation of a company's publicly available financial results in order to determine the level of financial risk associated with the company. The results were as follows:

- Company A Non-compliant bid
- Company B Did not meet quality thresholds
- Company C Non-compliant bid
- Company D Low Risk
- Company E Low Risk
- Company F High Risk – No accounts data available
- Company G Did not meet quality thresholds
- Company H Low Risk
- Company I Non-compliant bid
- Company J High Risk – No accounts data available

7. All organisations have indicated they have the appropriate levels of insurance on commencement of the service. Insurance documents will be obtained from the successful bidder on award of the contract.

## 8. CONCLUSION

8.1 A full summary of the evaluation scores is provided in the table below. The individual organisation's scores are available for scrutiny.

SUMMARY OF MODERATION SCORES				
Bidder	Quality Score	Price Score	Total Score	Rank
Weighting	80.00%	20.00%	100.00%	
Company A	Non-compliant bid			6
Company B	Did not meet quality thresholds			6
Company C	Non-compliant bid			6
Company D	37.30%	17.41%	54.71%	3
Company E	26.25%	8.24%	34.49%	5
Company F	49.02%	20.00%	69.02%	2
Company G	Did not meet quality thresholds			6
<b>Company H</b>	<b>68.75%</b>	<b>17.11%</b>	<b>85.86%</b>	<b>1</b>
Company I	Non-compliant bid			6
Company J	27.55%	19.85%	47.40%	4

## 9. RECOMMENDATIONS

9.1 As set out at the front of the report.

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<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor John Taylor – Executive Member for Adult Social Care, Homelessness and Inclusivity
<b>Reporting Officer:</b>	Stephanie Butterworth, Director of Adults Services
<b>Subject:</b>	<b>CONTRACT EXTENSION FOR THE PROVISION OF INTEGRATED ELECTRONIC HOME CARE MONITORING AND SCHEDULING SOLUTION</b>
<b>Report Summary:</b>	<p>On 27 September 2023, approval was given by Executive Cabinet to tender for the Provision of an Integrated Electronic Staff Monitoring and Scheduling Solution for a contract period of five years and 24 days to commence 7 March 2024 to 31 March 2029.</p> <p>It has since been identified, that the solution should be linked to an electronic care management system for the Councils in house registered providers. The Government 10 year Strategy - People at the Heart of Care states - Technologies can complement and enhance the quality of care delivered by the workforce, while digitisation of care records will ensure care staff and multidisciplinary teams have the information they need to provide holistic, person-centred care in any setting. Following the Government 10 year Strategy recommendation for digitalisation the Council's external registered providers have been required to move to electronic care management systems. Therefore, we need to ensure the Councils internal provision are also adopting this change.</p> <p>In order to carry out full market research, establish the correct route to market and seek governance for the electronic care management system to be procured in conjunction with the electronic staff monitoring and scheduling solution, this report is seeking an extension to the current Electronic Staff Monitoring and Scheduling Solution contract for a period of 12 months from 7 March 2024 to 6 March 2025.</p>
<b>Recommendations:</b>	<p>To approve the extension of the current contract for the Provision of Integrated Electronic Home Care Monitoring and Scheduling Solution with HAS Technology for 12 months to commence 7 March 2024 to 6 March 2025.</p> <p>To approve the commencement of a soft market test early 2024, to establish the market interest and the correct route to market to procure the required electronic social care management and staff monitoring and scheduling solution.</p>
<b>Corporate Plan:</b>	<p>The service links into the Council's priorities :-</p> <ul style="list-style-type: none"><li>• Help people to live independent lifestyles supported by responsible communities.</li><li>• Improve the health and wellbeing of residents</li><li>• Protect the most vulnerable</li></ul>
<b>Policy Implications:</b>	<p>The proposal aligns with the Living Well, Working Well and Ageing Well programmes for action and the recommendation of the Government 10 Year Strategy People at the Heart of Care.</p>

**Financial Implications:**  
**(Authorised by the  
statutory Section 151  
Officer & Chief Finance  
Officer)**

The Integrated Electronic Home Care Monitoring contract has a budget of £0.031m in 2023/24 and is financed by Council general fund. The provider for this provision is Access Uk Ltd. The current forecast spend on the contract is £0.036m for 2023/24. The additional cost above budget relates to an additional module for CMAR & Digital forms at a cost of £0.005m per annum. This is currently a cost pressure on the Adult Services revenue budget.

The Directorate are requesting approval for the extension of the current contract, for a 1 year period from 7 March 2024 to 6 March 2025. If the additional module is also extended for the 12 month period, the service would be required to mitigate the additional cost of £0.005m plus inflation.

Although the contract extension is proposed for periods of 12 months, appropriate break clauses have been included within the contract arrangements to ensure that the commissioned service can be altered, should it be required, to mitigate any adverse financial impact on the Council.

Any uplift in commissioned contract values due to inflation, demand or service configuration will need to be taken into account within the service specification to ensure that it is affordable within the available annual budget allocation for the contract duration.

It is essential that value for money is evaluated as part of the contract extension process and that this is clearly evidenced and retained for section 151 officer assurance.

**Legal Implications:**  
**(Authorised by the  
Borough Solicitor)**

There are limited circumstances, in accordance with Regulation 72 of the Public Contracts Regulations 2015, whereby a contract may be modified without the need for a procurement process to be undertaken. The modification in this instance falls within Regulation 72(1) (b) on the basis of the economic, technical or inoperability ground and significant inconvenience to the Council. STaR should be engaged to ensure a lawful procurement process for the substantive contract.

**Risk Management:**

There will be a continued dialogue between commissioners and the provider to ensure that best value is delivered against the contract resource with a view to working towards service developments. These will be delivered through contract performance management.

**Background Information:**

The background papers relating to this report can be inspected by Contacting Siobhan Gough



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## **1. INTRODUCTION**

- 1.1 On 27 September 2023 approval was given by Executive Cabinet to tender for the provision of an Integrated Electronic Staff Monitoring and Scheduling Solution for a contract period of five years and 24 days to commence 7 March 2024 to 31 March 2029.
- 1.2 It has since been identified, that the solution should be linked to an electronic care management system for the Councils in-house registered providers and further work to carry out full market research and establish the correct route to market is required. Therefore, this report is seeking approval to commence a soft market test early 2024 and an extension to the current Electronic Staff Monitoring and Scheduling Solution contract for a period of 12 months to commence on 7 March 2024 to 6 March 2025 to enable the appropriate research to be conducted.
- 1.3 The annual cost of the contract for 2023/2024 is £0.036m however, an annual uplift may apply to the contract value following the setting of the council's budget and taking into account national announcements and indicators.

## **2. SERVICE OVERVIEW**

- 2.1 Tameside Adult Services operates an in-house Long Term Support Service and Reablement Service. The service utilises the Integrated Electronic Home Care Monitoring and Scheduling Solution, to schedule staffing hours in response to the demands of the service, produce rotas, monitor individual staffing hours for payroll and produce reports.
- 2.2 The Long Term Support Team employ 337 members of staff to provide support to 192 individuals across 26 sites. These sites include 16 shared accommodations for a small cohort of individuals, 72 independent flats across five extra care housing schemes and five centres to provide day support. The Long Term Support Team primarily support individuals over the age of 18 years with a learning disability, autism, physical disabilities and mental health conditions, to remain living as independently as possible in the community.
- 2.3 The Reablement Service provides support to individuals over the age of 18 years with no upper age limit in their own homes. The goal of Reablement is to support individuals with their daily living needs and enable them to develop skills to promote independence. Reablement has 90 members of staff (350 hours' vacant staffing hours per week at present) providing up to 1752 hours of support each week across the borough of Tameside.
- 2.4 The Government 10 year Strategy states - Technologies can complement and enhance the quality of care delivered by the workforce, while digitisation of care records will ensure care staff and multidisciplinary teams have the information they need to provide holistic, person-centred care in any setting. Following the recommendation for digitalisation the Council's external registered providers are required to move to electronic care management systems, therefore, it is essential that the Councils internal provision is also adopting this change.
- 2.5 It is also essential that the new system is able to deliver the reporting requirements of the new ContrOCC system currently being implemented by the Council and will also support the changes to the reviewed Charging System for Adult Social Care.

## **3. AIMS AND OBJECTIVES**

- 3.1 The Integrated Electronic Home Care Monitoring and Scheduling Solution is a vital resource for both Long Term Support and Reablement to organise service delivery. It is critical to ensure systems remain in place so service delivery is not impacted.

- 3.2 The Council is required to look towards implementing an electronic care records system as recommended in the Government 10 Year Strategy - People at the Heart of Care, to provide a more effective way of recording and storing individual's records and improve information sharing.
- 3.3 Integrating the Electronic Home Care Monitoring and Scheduling Solution and Care Management system will ensure the most cost effective solution for the Council, as there will be only one implementation process and one system to maintain. It will also ensure effective communication as independent systems often struggle to interact.

#### **4. CONCLUSION**

- 4.1 In order to procure a system that can provide this dual function Adult Services will be working in partnership with the Councils IT colleagues to ensure the upcoming tender includes the required technical specifications. As a detailed analysis of requirements is needed, a project group is in place, which includes Adults Commissioning Officer, Adults Service Unit Manager, Adults Services Team Managers from both Service and Head of ICT Technical and Development to ascertain the technical ability needed to suit both Adults requirements and those of the Council.
- 4.2 To enable this appraisal to take place, permission is therefore sought to extend the current contract with the incumbent provider for twelve months from 7 March 2024 to 6 March 2025. This will allow sufficient time to complete this work effectively and to re-tender for the provision of a new contract for the contract period of five years and 25 days to commence 7 March 2025 to 31 March 2030.

#### **5. RECOMMENDATIONS**

- 5.1 As set out at the front of the report.

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	24 January 2024
<b>Executive Member:</b>	Councillor John Taylor – Executive Member Adult Social Care, Homelessness and Inclusivity
<b>Reporting Officer:</b>	Stephanie Butterworth, Director of Adult Services
<b>Subject:</b>	<b>CONTRACT AWARD FOR THE PROVISION OF MENTAL HEALTH SERVICES: WELLBEING HUB</b>
<b>Report Summary:</b>	<p>On 24 August 2022, approval was given by Executive Cabinet to extend the current contract for the period of 1 April 2020 to 31 March 2023 for a period of 12 months to allow for an options appraisal of the different procurement options available to be considered with the support of STAR Procurement.</p> <p>Following the appraisal and the completion of a Soft Market Test process, this report seeks approval by Executive Cabinet to direct award the contract to the current provider namely; Tameside Oldham and Glossop Mind as detailed in the report.</p>
<b>Recommendations:</b>	That Executive Cabinet be recommended to approve the direct award of the contract for the period 1 April 2024 to 31 March 2027 with an option to extend for 12 months to the incumbent provider namely: Tameside Oldham and Glossop Mind.
<b>Corporate Plan:</b>	<p>The proposals align with the Living Well, Working Well and Aging Well programmes for action. The service also links into the Council's priorities: -</p> <ul style="list-style-type: none"><li>• Help people to live independent lifestyles supported by responsible communities.</li><li>• Improve the health and wellbeing of residents.</li><li>• Protect the most vulnerable.</li></ul>
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	<p>The Provision of Mental Health Wellbeing Hub has a budget of £0.054m in 2023/24 and is financed by the Council general fund. The contract value has been set on this financial envelope, so all costs will be contained within this budget allocation.</p> <p>The Directorate are requesting approval for the direct award of the provision, for the 3 year period 1 April 2024 to 31 March 2027, to Tameside, Oldham and Glossop Mind.</p> <p>Although the contract is proposed for a period of 3 years, appropriate break clauses will be included within any future contract arrangements to ensure that the commissioned service can be altered, should it be required, to mitigate any adverse financial impact on the Council.</p> <p>Any uplift in commissioned contract values due to inflation, demand or service configuration will need to be taken into account within the service specification to ensure that it is affordable within the available annual budget allocation for the contract duration.</p> <p>It is essential that value for money is evaluated as part of the direct award process and that this is clearly evidenced and retained for section 151 officer assurance.</p>
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	Details of the procurement approach, which has been overseen by STAR, to ensure that the process is lawful, are contained within the report. The report proposes a direct award of the contract. Under the Constitution CPR 9.3 provides that exemptions may be provided in

exceptional circumstances and examples are provided such as: 9.3 (g) where the ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or 9.3 (h). The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or 9.3 (j). Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist or 9.3 (k). Any other exceptional circumstances.

The report sets out the reasons for justifying the direct award in supporting the recommendation.

**Risk Management:**

There will be a continued dialogue between commissioners and the provider to ensure that best value is delivered against the contract resource with a view to working towards service developments. These will be delivered through contract performance management.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Nicola Carter:

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## **1. INTRODUCTION**

- 1.1 On 24 August 2022 Executive Cabinet approved an extension to the existing contract for the provision of mental health services for the period 1 April 2020 to 31 March 2023 for a period of 12 months to 31 March 2024 to enable time for a review of the contract to take place and to undertake an appraisal of the different procurement options available.
- 1.2 The annual budget allocation for 2023/2024 for this contract is £0.053m however, an annual uplift may apply to the contract value following the setting of the council's budget and taking into account national announcements and indicators.
- 1.3 A Soft Market Test commenced 25 August 2023 and closed 8 September 2023. This was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (North West procurement portal).
- 1.4 The intention is to award a contract for a duration of three years commencing 1 April 2024 with an expiry date of 31 March 2027, with an option to extend for 12 months.

## **2. PROVISION OF MENTAL HEALTH SERVICES: WELLBEING HUB**

- 2.1 The current service is delivered by Tameside Oldham and Glossop Mind at its premises at 216-218 Katherine Street, Ashton-under-Lyne, OL6 7AS, in the community and on the telephone.
- 2.2 The Wellbeing hub offers people recreational and social opportunities in order to improve their mental and physical health, and to foster the skills and confidence necessary to re-engage with other community resources. The Wellbeing Hub is open access. Based on the principles of wellness, self-directed care and prevention, anybody is able to access the facilities, services, groups and activities based there, whether they have a recognised or diagnosed mental health needs or not.
- 2.3 An initial contact, advice and information service (1-2-1) is provided for people with mental health related needs, their family, friends and carers. A key role is to sign-post people on to services that could assist, either within the Wellbeing Hub or elsewhere.
- 2.4 Opportunities for volunteering, along with user-led initiatives, are actively provided, supported and facilitated including the Peer Support Project.
- 2.5 The service delivers access to support, 50 weeks a year.
- 2.6 The service delivers an outcome model based on a recovery approach. Key features of recovery-based services are; promoting Self-Management, Responsive Provision, Expert "User", Valuing Ethnicity and Diversity, Workforce Competency, Access, Choice and Opportunity. Recovery emphasises health, strengths, wellness and hope. The approach is closely associated with social inclusion and being able to take on meaningful and satisfying social roles in society and gaining access to mainstream services that support ordinary living.

## **3. DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS**

- 3.1 Tameside Adult Services in its role as lead commissioner is looking to award a three year contract, which is expected to commence on 1 April 2024 and expire on 31 March 2027.

#### **4. PROCUREMENT APPROACH USED**

- 4.1 A Soft Market Test commenced on 25 August 2023 and closed on 8 September 2023. The exercise was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (the North West procurement portal).
- 4.2 The approach used a questionnaire which included four quality questions which explored: user voice and promoting choice; person centred approaches; the recovery approach; support of experts by experience; approaches to outreach; accessibility and cultural competence.

#### **5. EVALUATION METHOD AND OUTCOME**

- 5.1 A previous Soft Market Test completed in 2020 confirmed Tameside Oldham and Glossop Mind as the only local provider able to deliver this service. In order to explore and potentially diversify the market a soft market test was conducted opening on 25 August 2023 and closing on 8 September 2023.
- 5.2 The Soft Market Test included a full specification of the service to be provided based on a maximum budget of £0.053m. The budget is based on the value for 2023/2024 – Standard contract terms and conditions allow for an annual uplift as determined by the Council which will be applied to the new contract value from April 2024.
- 5.3 Responses were received from nine organisations, and these were evaluated by:
- Community Engagement Officer, Adults
  - Contract Performance Officer, Adults
  - Commissioning and Contracts Officer, Adults
- 5.4 All questions were drafted with input from panel members and related to matters pertinent to the contract being explored by the Soft Market Test.
- 5.5 A detailed evaluation was completed and it was identified that taking into account the detail requested in section 4.2 of the report together with the location and the wider Tameside offer that there was only one provider who satisfied the requirements of the contract.
- 5.6 Following advice from STAR Procurement, it was agreed that an exemption request should be completed and permission is therefore sought from Executive Cabinet to direct award the above contract to the incumbent provider Tameside Oldham and Glossop Mind for the contract period of three years from 1 April 2024 to 31 March 2027 with an option to extend for 12 months

#### **6. CONCLUSION**

- 6.1 The incumbent provider is a key organisation in supporting the Council in delivering its responsibilities in relation to the Care Act 2014 and the Government Adult Social Care 10 year Strategy and has been working in partnership with the Council for many years.
- 6.2 Given the profile, skills, knowledge and expertise of the provider, along with its recourse to support and innovation at a National level through National Mind we consider this an additional benefit to continuing with the current arrangements.
- 6.3 The incumbent provider is able to demonstrate an understanding of the approaches, values and outcomes required and currently delivers this service within requirements.



**7. RECOMMENDATIONS**

7.1 As set out at the front of the report.

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**Report to:** EXECUTIVE CABINET

**Date:** 24 January 2024

**Executive Member:** Councillor John Taylor – Executive Member for Adult Social Care Homelessness & Inclusivity

**Reporting Officer:** Stephanie Butterworth - Director of Adult Services

**Subject:** CONTRACT AWARD FOR THE PROVISION OF HEALTHWATCH

**Report Summary:** Core legislation for Healthwatch is the Local Government and Public Involvement in Health Act (2007) and Health and Social Care Act (2012). The Council has a duty to make provisions for the delivery of Local Healthwatch statutory activity in Tameside.

NHS complaints is included in the Health and Social Care Act 2012. The Council are required to make arrangements, as it considers appropriate, for the provision of services in relation to its area, providing assistance to individuals in connection with complaints relating to the provision of services as part of the Health Service.

The Council is provided with Central Government funding to provide both services.

On 24 August 2022, Executive Cabinet approved a tender process for a contract commencement date of 1 April 2024 for a Healthwatch Service for a contract period of six years to 31 March 2030.

This report seeks to gain permission to award the provision of Healthwatch contract to commence 1 April 2024 to 31 March 2030 and to modify the current Independent Advocacy contract dated 1 September 2022 to 6 July 2027 to include NHS complaints Levels 1 to 4 from 1 April 2024 to 6 July 2027.

**Recommendations:** That the Executive Cabinet be recommended to agree:

- (i) To approve the recommended Option 4 for the delivery of the Healthwatch and NHS Levels 1 to 4 complaints contract from 1 April 2024.
- (ii) To direct award the provision of Healthwatch contract to Action Together to commence 1 April 2024 to 31 March 2030.
- (iii) To modify the existing Independent Advocacy contract dated 1 September 2022 to 6 July 2027 to include NHS Level 1 to 4 complaints to commence 1 April 2024 to 6 July 2027.

**Corporate Plan:** The procurement of the provision of a Healthwatch contract to deliver Healthwatch and NHS Level 1 to 4 complaints in Tameside will allow the Council to show it is taking positive and clear actions within a number of themes of the Corporate Plan:

- Aspiration and hope through learning;
- Resilient families and supportive networks;
- Nurturing Communities;
- Longer and healthier lives with good mental health;
- Independence and activity in older age, and dignity and

choice

**Policy Implications:** The proposal aligns with the Living Well, Working Well and Ageing Well programmes for action.

**Financial Implications:** The Healthwatch Provision contract has a budget allocation of £0.136m in 2023/24 and is financed by the Council's general fund. The provider for this contract is Action Together.

**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

The Independent Advocacy Provision has a budget of £0.234m in 2023/24 and is financed by Local Reform and Community Voices Grant of £0.160m and the Council's general fund of £0.074m. The provider for this contract is VoiceAbility Advocacy.

The Directorate are requesting approval for the direct award of the Healthwatch provision to Action Together for the 6 year period 1 April 2024 to 31 March 2030.

The service has requested an uplift of £0.005m for the Healthwatch contract from 1 April 2024. This increase will be funded by the Local Reform and Community Voices Grant that is expected to continue in 2024/25.

The total Local Reform and Community Voices Grant allocation in 2022/23 was £0.165m and is a grant received by the Council from the Department of Health and Social Care for a number of years. £0.160m of this grant finances the current Independent Advocacy Provision contract.

The confirmed funding announcement for 2023/24 is expected in February 2024 at the 2022/23 value of £0.165m. The grant is allocated to Local Authorities for the following statutory duties:

- funding for deprivation of liberty safeguards (DoLS) in hospitals
- funding local Healthwatch services
- funding for independent NHS complaints advisory services

The Directorate are also requesting approval for the modification of the Independent Advocacy contract to include NHS Level 1 to 4 complaints. The modification is for a 3 year and 3 month period from 1 April 2024 to 6 July 2027 to VoiceAbility Advocacy.

The service has requested an uplift of £0.020m for the contract modification. This will be funded by the existing Independent Advocacy Provision budget (£0.234m) which has a forecast underspend of £0.019m in 2023/24. It is envisaged that this will be an equivalent annual underspend based on the existing contract value.

Although the contract award and modifications are proposed for periods of 6 & 3 years respectively, appropriate break clauses have been included within the contract arrangements to ensure that the commissioned service can be amended, should it be required to mitigate any adverse financial impact on the Council.

Any uplift in commissioned contract values due to inflation, demand or service configuration will need to be taken into account within the service specification to ensure that it is affordable within the available annual budget allocation for the contract duration.

It is essential that value for money is evaluated as part of the direct award and contract amendment process and that this is clearly

evidenced and retained for section 151 officer assurance.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**


The report correctly identifies the legislative framework governing the Council's duties in connection with the provision of Healthwatch Services. The report also confirms that Star Procurement have been engaged to ensure that a lawful procurement process has been undertaken in connection with the proposed contractual arrangements. The report identifies that there is no other genuine competition for the services procured in relation to the services proposed to be provided by Action Together, pursuant to the exemptions at CPR 9.3g. Further, the proposed modification to the Independent Advocacy contract with VoiceAbility amounts to a change in provision of the existing contract as it is within the nature and scope of that current contract and justifiable on "economical, technical or inoperability" grounds. Also, the proposed increase is below 50% of the value of the original contract in accordance with CPR 9.8b.

**Risk Management:**

The service is required by the Council in order to meet its statutory responsibilities. Risks will be identified and managed by appropriate officers.

**Access to Information:**

The background papers relating to this report can be inspected by contacting Victoria Heyes, Commissioning and Contracts Officer.

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## **1. INTRODUCTION**

- 1.1 On 24 August 2022, Executive Cabinet approved a tender process for a contract commencement date of 1 April 2024 for a Healthwatch Service for a contract period of six years to 30 September 2030.

## **2. BACKGROUND**

- 2.1 The Health and Social Care Act 2012 established Healthwatch, nationally as Healthwatch England and locally in Tameside as Healthwatch Tameside. Healthwatch Tameside became operational in April 2013 when it replaced its predecessor Local Involvement Networks (known as LINKs). Arrangements were made to support the pre-existing Tameside Local Involvement Network (LINK) to become Tameside Healthwatch. Action Together has hosted the borough's Healthwatch contract throughout its duration.
- 2.2 In 2014 Action Together agreed to deliver, at no additional cost, NHS complaints advocacy – Levels 1 to 4 (L1-4), with the specialist Level 5 (L5) complaints being provided under the Independent Advocacy contract.
- 2.3 Action Together have delivered both Healthwatch and NHS complaints L1-4 since 2014 and the current contract which commenced 1 April 2018 is due to end 31 March 2024.

## **3 CORE LEGISLATION - HEALTHWATCH**

- 3.1 The two key pieces of legislation relevant to Healthwatch are the Local Government and Public Involvement in Health Act (2007) - Part 14 - clauses 222, 224, 225, and 227 and Health and Social Care Act (2012)- Chapter 1 - clauses 181 (Healthwatch England) 182 to 184 and 186 to 189 (Healthwatch Locally).

The law refers to the roles of:

- Local authorities who are required to make provisions for Healthwatch statutory duties to be effectively fulfilled;
  - Providers of Healthwatch services;
  - Healthwatch England, whose main role is to provide advice and support to every local Healthwatch and to provide general recommendations to local authorities on making contractual arrangements for the delivery of Healthwatch duties.
- 3.2 Legislative frameworks advise local Healthwatch, Local authorities and Healthwatch England what they should do (duties), may do (powers), and what is prohibited.

## **4. ADDITIONAL KEY LEGISLATION - HEALTHWATCH**

Health and Care Act (2022) - The Act does not change the statutory functions of Healthwatch Tameside, but does amend the Local Government and Public Involvement Act 2007 to replace the Clinical Commissioning Group (CCG) with the Integrated Care Board regarding the duty to respond to Healthwatch Tameside reports. Statutory guidance places a requirement on the Integrated Care System (ICS) to collaborate with Healthwatch Tameside.

Safeguarding Vulnerable Groups Act 2006 - As amended by the Protection of Freedoms Act 2012, the Act sets out regulated activity and Schedule 2 of the Care Act (2014) sets out how Healthwatch Tameside is involved in local safeguarding arrangements. Healthwatch Tameside should consider how local health and care organisations deal with safeguarding as part of their

service provision. Healthwatch Tameside should also have appropriate policies and procedures to ensure safeguarding.

Data Protection Act (2018) - Healthwatch Tameside collect, store and use individuals sensitive data. For GDPR purposes, this includes special category data.

Freedom of Information Act (2000) - Healthwatch Tameside is considered a 'public authority' and is specifically included in this Act, although only in respect of information held in connection with arrangements made under section 221(1) or arrangements made in pursuance of those arrangements. The Act provides the public a right to access information held by public bodies unless certain exemptions apply.

## **5. CORE LEGISLATION - NHS COMPLAINTS**

5.1 The Health and Social Care Act (2012) requires all local authorities with adult social care responsibilities to *“make such arrangements as it considers appropriate for the provision of independent advocacy in relation to its area”* in the provision of assistance for individuals making or intending to make an NHS complaint. This covers all NHS services, including:

- NHS trusts, including NHS foundation trusts;
- Primary health care services provided for the NHS by GPs, dentists, opticians and community pharmacies;
- Clinical commissioning groups;
- Private health care organisations if the treatment has been paid for by the NHS
- All other health services commissioned by the NHS.

## **6. THE CURRENT HEALTHWATCH SERVICE**

6.1 The aim of Healthwatch Tameside is to give citizens and communities a stronger voice to influence and challenge how health and social care services are provided within their locality. Local Healthwatch are funded by and accountable to local authorities.

6.2 Healthwatch Tameside’s core purpose of making sure the views of the public shape the health and care services they need, requires them to be:

- Independent in purpose - amplifying the voice and experiences of the most pressing and difficult issues in health and social care;
- Independent in voice - speaking up on behalf of sometimes unpopular causes or groups who are marginalised and/or face disadvantages or discrimination;
- Independent in action - designing and delivering activities that best meet the needs of the people they service.

6.3 The Government has put in place legislation that places duties or obligations on Local Healthwatch. This means that there is a requirement for Healthwatch Tameside to undertake certain actions or activities. The Council are accountable for commissioning the eight core statutory activities:

- Promoting and supporting the involvement of people in the commissioning, the provision, and scrutiny of local care services;
- Enabling people to monitor the standard of provision of local care services and whether and how local care services could and ought to be improved;
- Obtaining the views of people regarding their need for, and experiences of, local care services and importantly to make these views known to those responsible for

commissioning, providing, managing or scrutinising local care services and to Healthwatch England;

- Making reports and recommendations about how local care services could or ought to be improved. These are usually directed to commissioners and providers of care services and people responsible for managing or scrutinising local care services and shared with Healthwatch England;
- Providing advice and information about access to local care services so people can make choices about local care services;
- Formulating views on the standard of provision and whether and how the local care services could and ought to be improved and sharing these views with Healthwatch England;
- Making recommendations to Healthwatch England to advise the Care Quality Commission (CQC) to conduct special reviews or investigations (or, where the circumstances justify doing so, making recommendations direct to CQC); and to make recommendations to Healthwatch England to publish reports about issues;
- Providing Healthwatch England with the intelligence and insight it needs to enable it to perform effectively.

6.4 In 2014 the incumbent provider of Healthwatch, Action Together, agreed to also deliver, at no additional cost, the NHS complaints advocacy L1-4, with the specialist L5 complaints being provided under the Independent Advocacy contract.

6.5 As part of the commissioning process, before any new tender is completed, a review of the existing service takes place. This has now been completed and the following key points have been identified:

- The current budget of £0.136m has not been increased in line with inflation since 2018 and has remained the same for the delivery of both elements of the contract since this date.
- The incumbent provider has confirmed that they cannot continue to deliver the contract for this amount.
- Research has shown that no other Local Authority in Greater Manchester separate the delivery of the different levels of NHS complaints advocacy and in discussion with Healthwatch England it was confirmed that they were unaware of any other LAs nationally separating the different levels of NHS complaints advocacy.
- The current arrangements are confusing for individuals to navigate the system across two providers.
- It is difficult to monitor performance of the different NHS complaint levels across the two providers.

## **7. OPTIONS CONSIDERED**

7.1 Following the above review and in discussion with the incumbent provider of Healthwatch Tameside, namely Action Together, it was deemed that the continuation of the contract with the current service specification and at the current value was not an option for them going forward and it was indicated that the provider would not be in a position financially to bid for the new contract in its current state. As a result a number of options were considered.

### **Option 1 - Do Nothing**

The Council could tender as planned for £0.136m p.a. and risk no submissions to the Healthwatch and NHS L1-4 Contract. Current research suggests that there would be none/very little interest from the market. This is not an option as the Council would be at risk of not delivering its statutory responsibilities.



## **Option 2 – Increase the funding envelope to levels suggested by Action Together**

Action Together have indicated for them to provide all aspects of the current contract i.e. Healthwatch and NHS L1-4 complaints the required budget would be £0.171m p.a. This would mean a contract value increase of £0.035m p.a. and would mean the continuation of the L1-5 NHS complaints being delivered separately by two different providers which feedback has suggested is confusing for individuals going through the process (see section 6.5 of the report).

## **Option 3 – Separate the Healthwatch and NHS L1-4 complaints to two separate contracts with the loss of general advocacy.**

Following discussions with Action Together, it has been confirmed that the cost of continuing to deliver the Healthwatch element of the contract would be £0.141m p.a. for 2024/25 plus the agreed inflationary uplift as approved by the Council. The incumbent provider of the Independent Advocacy contract, VoiceAbility, suggested that by ceasing the non-statutory general advocacy element of the Independent Advocacy contract, VoiceAbility would be able to deliver the NHS L1-4 complaints as part of their current contract at no additional cost. This would mean an increase in budget of £0.005m p.a. but would result in the loss of general advocacy provision for the people of Tameside.

## **Option 4 - Separate the Healthwatch and NHS L1-4 complaints to two separate contracts with no loss of general advocacy**

As detailed above, Action Together are able to continue to deliver the Healthwatch only element of the contract for £0.141m p.a. and VoiceAbility have agreed that they would be able to deliver the NHS L1-4 complaints element of the contract at a cost of £0.020m p.a. This would result in an increased budget of £0.025m p.a. but would mean there would be no loss of general advocacy and the NHS L1-5 complaints would be delivered by the one provider, resulting in an improved experience for people involved in the NHS complaints process.

### **8. RECOMMENDED OPTION**

- 8.1 The preferred and recommended option is option 4 to separate the Healthwatch and NHS L1-4 complaints to two separate contracts with no loss of general advocacy.
- 8.2 Action Together has agreed that they would be able to deliver the Health watch element of the contract for £0.141m p.a. for 2024/25 plus the agreed inflationary uplift as approved by the Council.
- 8.3 This is in line with the funding from central government funding sources to deliver the Healthwatch contract and the value would meet government funding expectations as given in the Healthwatch England Annual report to government. This also allows Healthwatch to focus on Healthwatch activity only.
- 8.4 VoiceAbility, the incumbent Independent Advocacy provider, has agreed to deliver the additional NHS L1-4 complaints with an additional £0.020m p.a. budget for 2024/2025 plus the agreed inflationary uplift as approved by the Council.
- 8.5 This would improve the current provision to individuals as all elements of the NHS complaints process would be delivered by the same provider. VoiceAbility also currently deliver NHS complaints advocacy in other parts of Greater Manchester and across the UK and have an established delivery model for this.

## **9. THE PROCUREMENT APPROACH USED**

9.1 Following advice from STAR Procurement a Soft Market Test has been conducted and has identified that there is no other genuine competition within the current market. The tendering process has been completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements as advised by STAR Procurement.

9.2 The approach used to evaluate the responses include:

- Soft Market Test – To assess whether there is any interest in the market to tender for this service. Each provider is required to complete a supplier questionnaire with pass/fail questions to allow checks to be completed that will assess its viability to provide the service in the borough and that it is able to meet all aspects of the specification. With no other providers completing the market engagement, the decision is taken to direct award to the current provider.
- Cyber Security Questionnaire – Each provider is required to complete a questionnaire to demonstrate the level of security in place to receive and store information safely. In conjunction with colleagues in Central IT and Information Governance teams, the successful provider will have a Data Protection Impact Assessment (DPIA) in place to ensure any improvements needed to its cyber security are achieved within an agreed timescale prior to contract commencement.

## **10. DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS**

10.1 Tameside Adult Services in its role as lead commissioner has established the need for:

- A six year contract with Action Together to deliver Healthwatch Tameside, commencing on 1 April 2024 and expiring on 31 March 2030 with no scope to extend.
- A modification to the existing Independent Advocacy contract with VoiceAbility to deliver NHS L1-4 complaints, commencing on 1 April 2024 and expiring on 6 July 2027 in line with their current contract, with no scope to extend. This would be completed under the change in provision as it is within the nature and scope of the current contract and on “economical, technical or inoperability” grounds. The increase is also less than 50% of the value of the original contract.

## **11. CHECKS ON PROVIDERS**

11.1 STAR Procurement undertake a full financial check via Company Watch. The check measures the overall financial health of a company. It is based on a statistical evaluation of a company’s publicly available financial results in order to determine the level of financial risk associated with the company. VoiceAbility is classified as a low risk and as Action Together is a Charitable Incorporated Organisation this check does not apply.

11.2 Both current providers have indicated they have the appropriate levels of insurance on commencement of the service. Insurance documents will be obtained from the successful organisations on award of the contract.

## **12. RECOMMENDATION**

12.1 As set out at the front of the report.

**Report to:** EXECUTIVE CABINET

**Date:** 24 January 2023

**Executive Member:** Councillor John Taylor – Executive Member for Adult Social Care Homelessness & Inclusivity

**Reporting Officer:** Stephanie Butterworth - Director of Adult Services

**Subject:** **CONTRACT FOR THE PROVISION OF DEPRIVATION OF LIBERTY SAFEGUARDS ASSESSMENTS IN RESPECT OF DELIVERING THE COUNCIL'S RESPONSIBILITIES UNDER THE MENTAL CAPACITY ACT 2005.**

**Report Summary:**

The Council has a duty to act as a supervisory body for the Deprivation of Liberty Safeguards (DoLS) which imposes upon it a more general duty to act as a Human Rights Champion for those adults who might lack capacity to agree to actions taken by others. The role of the Human Rights Champion entails the active promotion of the human rights of citizens – for example, in avoiding breaches of their human rights wherever possible, and facilitating their ability to contest actions of the local authority in court. The Deprivation of Liberty Safeguards are an amendment to the Mental Capacity Act 2005 and apply in England and Wales only. The Mental Capacity Act allows some restraint and restrictions to be used – but only if they are in a person's best interests and necessary and proportionate.

This report seeks to gain permission to procure a new Flexible Purchasing System (FPS) of DoLS Assessments carried out by Best Interest Assessors and Section 12 Doctors. These include: Best Interest Assessments, Mental Health Assessments, Mental Capacity Assessments and CoPDoLS renewals. A call off contract will be issued to providers delivering for Tameside.

The FPS will include:

- Lot 1 - Best Interest Assessors to select for both with and without a Mental Capacity Assessment, and select Council areas where the provider is able to deliver assessments;
- Lot 2 - Mental Health Assessors to selected for both with and without a Mental Capacity Assessment, and Council areas where the provider is able deliver assessments;
- Lot 3 – Court of Protection DoLS renewals.

On 27 October 2021 approval was given by Strategic Commissioning Board, to tender for a framework of DoLS Assessors to commence no later than 31 March 2023. The delays in the implementation of Liberty Protection Safeguards (LPS) have unfortunately impacted on the procurement timescales and delayed the Councils ability to meet the tender requirements approved at Strategic Commissioning Board on 27 October 2021.

Given the notification on 1 April 2023 confirming the indefinite delay of the implementation of LPS it is now necessary to complete a further review of current provision to ensure that statutory responsibilities of the Council are met.

Therefore permission is sought to continue with the current

procurement arrangements to 30 September 2024, which will allow a full review and tender process to take place with a view to entering into a new five year contract commencing on 1 October 2024 to 30 September 2029.

**Recommendations:**

That Executive Cabinet approve:

- Continuation of the current procurement arrangements until 30 September 2024.
- To procure a new FPS containing 3 lots via STAR Procurement, to deliver Best Interest Assessments, Mental Health Assessments, and Mental Capacity Assessments, and CoPDoLS renewals to commence 1 October 2024 to 31 September 2029 for a period of 5 years.
- That on each occasion the FPS is opened, any recommendations for contract award would be authorised and signed off by the Executive Member for Adult Social Care Homelessness & Inclusivity and the Director of Adult Services.

**Corporate Plan:**

The procurement of the FPS contract to deliver DoLS Assessments for ordinary residents or patients in Tameside will allow the Council to show it is taking positive and clear actions within a number of themes of the Corporate Plan:

- Nurturing communities – increase access, choice and control in emotional and mental self-care and wellbeing
- Independence and activity in older age, and dignity and choice at end of life – increase the number of people helped to live at home

**Policy Implications:**

The proposal aligns with the Living Well, Working Well and Ageing Well programmes for action

**Financial Implications:**

**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

The service has a budget of £0.353m in 2023/24 for expenditure relating to Deprivation of Liberty Safeguards (DoLS) Assessments and is financed by Council general fund. The forecast spend for 2023/24 is £0.323m and is included in the Period 8 monitoring.

The Directorate are requesting approval for the continuation of the current process for the procurement of DoLS assessments until 30 September 2024.

The service will work with STAR Procurement to procure a new Flexible Purchasing System (FPS) commencing on 1 October 2024 to 30 September 2029 (five years). As part of the procurement process the service will ensure that the proposed expenditure relating to any new FPS will be within the current allocated budget.

Although the contract is proposed for a period of five years, appropriate break clauses will be included within any future contract arrangements to ensure that the commissioned service can be altered, should it be required, to mitigate any adverse financial impact on the Council.

Any uplift in commissioned contract values due to inflation, demand or service configuration will need to be taken into account within the service specification to ensure that it is affordable within the

available annual budget allocation for the contract duration.

It is essential that value for money is evaluated as part of the direct award process and that this is clearly evidenced and retained for section 151 officer assurance.

In addition, an Executive Decision will be required prior to award of the resultant contract. This is in accordance with the value thresholds within the Council's Financial Regulations approved at full Council on 5 October 2021 – section 4 Procurement Decisions – Award Of New Contracts within the section headed 'Financial Delegations' refers.

The Council's Financial Regulations are available for reference via the following link. [Financial Regulations \(moderngov.co.uk\)](https://www.moderngov.co.uk)

**Legal Implications:**  
**(Authorised by the**  
**Borough Solicitor)**

The report correctly identifies the statutory obligations of the Council to provide Deprivation of Liberty Safeguarding Assessments pursuant to duties contained within the Mental Capacity Act 2005. The report sets out the reasons for the delay in the procurement process and provides assurance that a lawful procurement process will be undertaken through the CHEST with appropriate advice provided by STAR.

**Risk Management:**

The service is required by the Council in order to meet their statutory responsibilities under the Mental Capacity Act 2005. Risks will be identified and managed by appropriate officers.

- (1) The Council could choose to do nothing. This is not a viable option as the current spot purchasing mechanism is not a formal procurement route.
- (2) The Council could choose to procure the works in such a way that would hand all the works contained within the tender to one contractor. This would not provide value for money. It would be a single point of failure. It would not allow the Council to work with existing providers that provide the service at good value with excellent quality.
- (3) The Council could choose to procure the works using a Flexible Purchasing System (FPS). Existing providers do not engage with the procurement process. The Council in partnership with STAR Procurement will offer a market engagement session to support with registration on the CHEST (the North West procurement portal) and the procurement process.

**Access to Information:**

The background papers relating to this report can be inspected by contacting Victoria Heyes, Commissioning and Contracts Officer and Lucinda Bogahalanda, Team Manager – MCA Lead.



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## 1. BACKGROUND

- 1.1 On 27 October 2021 approval was given by the Strategic Commissioning Board, to tender for a framework of DoLS Assessors to commence no later than 31 March 2023.
- 1.2 A Deprivation of Liberty Safeguards (DoLS) Service is required to meet statutory guidelines by assessing whether a person's care or treatment amounts to a Deprivation of Liberty and is in that person's Best Interest. At present the DoLS assessments are performed by a number of qualified Assessors through a spot purchasing mechanism operated by the Council, as well as in house by members of trained staff. However, the spot purchasing mechanism is not a formal procurement route.
- 1.3 In July 2018, the Government published a Mental Capacity (Amendment) Bill which was to see DoLS replaced by the Liberty Protection Safeguards (LPS). This passed into law in May 2019. Under LPS, there was to be a streamlined process to authorise deprivations of liberty. This legislative change was due to be implemented in October 2020. However, after many delays on 1 April 2023 the Department of Health issued an update that it was delaying the implementation of LPS beyond the life of this Parliament.
- 1.4 In order to ascertain the capacity of the market, particularly with the uncertainty of future legislation, a Soft Market Test was launched in March 2021. The Soft Market Test was undertaken to identify the capacity of providers to complete a procurement exercise to enter into a formal framework agreement under the current legislative arrangements and then complete a further procurement exercise once changes to legislation were known. Twelve organisations responded to the Soft Market Test and these were a mix of current and new suppliers. However only three of these were current providers, and all three were Best Interest Assessors and none were Mental Health Assessors (Doctors).
- 1.5 At the time a risk analysis was undertaken with STAR Procurement which identified there were 34 suppliers on the approved provider list for the period 1 April 2019 to 31 March 2020. It was agreed that if all 12 applicants met the required standard, of which nine were new, this would still be well below the number required to deliver the volume of work at that time. Many Local Authorities had long waiting lists and Tameside had a high standard of providers and no waiting lists. Therefore with DoLS assessments being time critical, not meeting need by having a long waiting list could result in legal challenges and this was not an option.
- 1.6 At the time of the risk analysis other considerations to a delay in procurement were:
  - Providers are individual local specialist practitioners who would be required to participate in repeat procurement, in close succession, once the full extent of the new legislation requirements was known.
  - The details of their role and the specification and terms and conditions required were to change substantially under the new legislation, therefore time was needed to allow for the development of these documents to meet the Councils obligations in delivering these services going forward.
  - The risk of challenge was low as providers could request to be added to the list as long as they met the required standards and regular correspondence was shared with the list and the providers were given the option to choose volume of work.
- 1.7 Taking the above into consideration, commissioners have continued to work with STAR Procurement and the advice has been to monitor the situation. Other Local Authorities are in a similar position, and further advice was to undertake one procurement exercise when there was clarity on the changes to legislation. This was to ensure any procurement exercise would meet the Council's obligations and ensure the sector has the right information and training available to meet any requirements.
- 1.8 On 27 October 2021 approval was given by the Strategic Commissioning Board, to tender for a framework of DoLS Assessors to commence no later than 31 March 2023. However,

the delays in the implementation of LPS, as detailed in 1.3 above, impacted on the procurement taking place and delayed the Councils ability to meet the tender requirements approved at Strategic Commissioning Board on 27 October 2021.

1.8 Given the notification on 1 April 2023 confirming the indefinite delay of the implementation of LPS it is now necessary to complete a further review of current provision to ensure that statutory responsibilities of the Council are met.

1.9 Therefore permission is sought to continue with the current procurement arrangements until 30 September 2024, which will allow a full review and tender process to take place with a view to entering into a new five year contract commencing on 1 October 2024 to 30 September 2029.

## **2. CORE LEGISLATION**

### **2.1 Mental Capacity Act 2005**

The Deprivation of Liberty Safeguards is an amendment to the Mental Capacity Act 2005. They apply in England and Wales only. The Mental Capacity Act allows some restraint and restrictions to be used, but only if they are in a person's best interests and necessary and proportionate. Extra safeguards are needed if the restrictions and restraint used deprive a person of their liberty. These are called the DoLS. The DoLS can only be used if the person will be deprived of their liberty in a care home or hospital. In other settings the Court of Protection can authorise a deprivation of liberty. Care homes or hospitals must ask a Local Authority if they can deprive a person of their liberty. This is called requesting a standard authorisation.

### **2.2 Human Rights Act**

Article 5 of the Human Rights Act states that 'everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty [unless] in accordance with a procedure prescribed in law'. The DoLS is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm.

### **2.3 Supreme Court Judgement**

In March 2014 the judgement made reference to the "Acid Test" to determine whether a person was being deprived of their liberty. This consisted of two questions:

- Is the person free to leave?
- Is the person subject to continuous supervision and control?

### **2.4 Liberty Protection Safeguards**

As stated in section 1.2 of the report, in July 2018, the Government published a Mental Capacity (Amendment) Bill which was to see DoLS replaced by the Liberty Protection Safeguards (LPS). This passed into law in May 2019. Under LPS, there was to be a streamlined process to authorise deprivations of liberty. This legislative change was due to be implemented in October 2020. However, after many delays on 1 April 2023 the Department of Health issued an update that it was delaying the implementation of LPS beyond the life of this Parliament.

## **3. THE STATUTORY ROLE OF THE LOCAL AUTHORITY**

3.1 The DoLS code of practice is invaluable for understanding the roles and responsibilities created by these Safeguards. The role of the Local Authority to act as a supervisory body for DoLS imposes upon it a more general duty to act as a Human Rights Champion for those adults who might lack capacity to agree to actions taken by others.

3.2 The role of Human Rights Champion entails the active promotion of the human rights of citizens – for example, in avoiding breaches of their human rights wherever possible, and

facilitating their ability to contest actions of the Local Authority in court. When a Local Authority is carrying out its supervisory functions, it is essential that its processes and practices promote human rights, are open, transparent and helpful to the person at the centre of DoLS and their relatives or friends. The 'positive obligation of the state' means that all interventions must be accompanied by scrutiny within this essential framework.

#### **4. PROCUREMENT APPROACH**

4.1 The Flexible Purchasing System (FPS) is a mechanism that allows the DoLS Team to have a number of approved Best Interest Assessors and Section 12 Doctors that are available to pick up assessments on a spot purchase basis. The proposed FPS will cover the following:

- Lot 1 - Best Interest Assessors to complete Form 3, Form 3A or Form 3B select for both with and without a Mental Capacity Assessment, and select Council areas where the provider is able to deliver assessments;
- Lot 2 – Section 12 Doctors to complete Form 4 for both with and without a Mental Capacity Assessment, and Council areas where the provider is able deliver assessments;
- Lot 3 – Court of Protection DoLS, renewals.

4.2 An open tendering exercise will commence at the beginning of February 2024 in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via The CHEST with advice from STAR Procurement.

#### **5. CONTRACT MAKEUP**

5.1 The Council in its role as lead commissioner is looking to establish a five year FPS, commencing on 1 October 2024 and expiring on 31 September 2029 with no scope to extend. The service will be for a period of 5 years with a termination period of 6 months. If changes are required e.g. the implementation of LPS the Council will work with providers to develop the service around any future requirements.

5.2 The Council will add STAR partner authorities, and any other local authorities, wishing to be added. Providers will be required to tick the area they wish to supply services to. Other authorities will be able to use a call off contract to use providers as required.

5.3 The FPS will be 'opened' annually for a standard period and via the CHEST to allow other providers to apply to join. Should, for any reason there be a requirement, the FPS can be opened more frequently.

5.4 On each occasion the FPS is opened, any recommendations for contract award would be authorised and signed off by the Executive Member for Adult Social Care Homelessness & Inclusivity and the Director of Adult Services.

#### **6. VALUE OF CONTRACTS**

6.1 The anticipated total value of the DoLS Assessments in Tameside for 2023/24 is £0.334m combined. This is based on spend in 2022/23. The breakdown of the different elements will be as follows:

- Lot 1 - Best Interest Assessors £0.246m
- Lot 2 - Section 12 Doctor Assessors £0.085m. It is intended the budget can be flexed across both elements based on need.



- Lot 3 - The CoPDoLS assessments is a service that may be developed with a provider, during this contract.

6.2 A benchmarking exercise has taken place with a number of other GM and North West Councils and the following prices detailed in section 6.3 of the report have been agreed with those LA's which wish to be named on the FPS with Tameside as the Lead Authority.

6.3 The assessments will be procured on a spot purchase basis from the FPS and to ensure that Councils are working in partnership and not competing for the same resources, the following prices have been suggested. Following discussion with Finance colleagues, these prices will be finalised with all LA's wishing to join the FPS prior to the tender being published.

#### Lot 1

- Best Interest Assessor completes a Form 3 - Best Interest Assessment with or without Mental Capacity Assessment - £280.00 (currently £275 plus mileage)
- Best Interest Assessor completes part Form 3 or full Form 3A [if RP has capacity/not deprived of liberty] – With or without a Mental Capacity Assessment - £180.00 (currently ad-hoc)
- Best Interest Assessor completes a Form 3B [For stable care arrangements subject to 12 monthly renewals] - With or without a Mental Capacity Assessment - £180.00 (currently £175 plus mileage)

#### Lot 2

- Section 12 Doctor - Mental Health Assessor completes Form 4 - Mental Health Assessment, Eligibility Assessment, with or without Mental Capacity Assessment - £180.00 (currently £173 plus mileage)

#### Lot 3

- CoPDoLS – These prices will be determined as part of the procurement process and in order to ensure best value for money and as necessary, the development of the offer, discussions and approval will be sought from the DoLS Team Manager.

It should be noted that mileage is excluded from the above suggested costs, however in the event of an out of area assessment this will be agreed with the DoLS Team Manager utilising other GM and North West LA's approved providers in the first instance.

## 7. ALTERNATIVE OPTIONS

7.1 The Council has two alternative options to procuring a new FPS at this time regarding the delivery of DoLS Assessments.

- Option 1 - The Council could choose to do nothing;
- Option 2 - The Council could choose to procure the works in such a way that would hand all the works contained within the tender to one contractor.

## 8. RISKS

8.1 Option 1 - This is not a viable option as the current spot purchasing mechanism is not a formal procurement route.

8.2 Option 2 - This would not provide value for money. It would be a single point of failure. It would not allow the Council to work with existing providers that provide the service currently at good value with excellent quality.

## **9. PREFERRED OPTION OF PROCUREMENT**

- 9.1 The preferred procurement option is for a FPS split into type of assessor. Prior to procurement Best Interest Assessors and Section 12 Doctors will be encouraged to bid for inclusion on the FPS.
- 9.2 Lot 1 and Lot 2 – Best Interest Assessors/Mental Health Assessors - The work will be offered on a rota basis with the option to accept or decline the work offered based on agreed process, with a maximum of 5 assessments per week to one provider. Should the provider decline, the offer will be made to the next DoLS Assessor on the list. The work will be on a fixed price scheme with prices benchmarked and agreed across Greater Manchester.
- 9.3 Lot 3 – Court of Protection DoLS Renewals - Those interested in the work will provide price per assessment for completing renewal assessments, the provider with the lowest price being successful. The Council will work with the independent CoPDOLS Assessor to develop this offer.
- 9.4 This preferred procurement option gives the Council more flexibility and control in the provision of the DoLS and CoPDOLS assessments, whilst retaining DoLS Assessors and Section 12 Doctors that currently provide the service at good value with excellent quality.

## **10. MARKET ENGAGEMENT**

- 10.1 The Council wishes to promote and increase opportunities for providers within Tameside to help maintain employment, support social capital and give providers a sense of helping their local community.
- 10.2 In order to ensure the FPS is available to as many local providers as possible the Council is planning to hold a market engagement event to offer local providers the opportunity to meet commissioners and ask questions about the FPS and the procurement process. The previous Soft Market Test highlighted that many of the DoLS providers will not be registered on the CHEST. It is therefore our intention to support these providers to register on the CHEST portal prior to this event in preparation for the procurement process. STAR Procurement will be involved in providing this support.

## **11. EXTENSION OF EXISTING ARRANGEMENT**

- 11.1 It is proposed the Council use the current procurement mechanism until the new FPS commences on 1 October 2024. This will provide enough time to hold the market engagement event, prepare the procurement process, carry out the evaluation process and complete governance for the award process.

## **12. CONCLUSION**

- 12.1 As stated above, it is essential that the Council is able to meet its statutory requirements therefore permission to extend the existing arrangements to 30 September 2024 to allow time for the review, the market engagement and to complete the necessary procurement requirements to enter into a five year FPS from 1 October 2024 is requested.

## **13. RECOMMENDATIONS**

- 13.1 That the recommendations at the front of this report be approved.

**Report to:** EXECUTIVE CABINET

**Date:** 24 January 2024

**Executive Member:** Councillor John Taylor – Executive Member Adult Social Care, Homelessness and Inclusivity

**Reporting Officer:** Stephanie Butterworth, Director of Adult Services

**Subject:** **CONTRACT AWARD FOR THE PROVISION OF SUPPORT FOR OLDER PEOPLE**

**Report Summary:** On 24 August 2022, approval was given by Executive Cabinet to extend the current contract for the period of 1 April 2020 to 31 March 2023 for a period of 12 months to allow for an options appraisal of the different procurement options available to be considered with the support of STAR Procurement.

Following the appraisal and the completion of a soft market test process, this report seeks approval by Executive Cabinet to direct award the contract to the current provider namely; Age UK Tameside as detailed in the report.

**Recommendations:** That Executive Cabinet be recommended to approve the direct award of the contract for the period 1 April 2024 to 31 March 2027 with an option to extend for 12 months to the incumbent provider namely: Age UK Tameside.

**Corporate Plan:** The proposals align with the Living Well, Working Well and Aging Well programmes for action. The service also links into the Council's priorities: -

- Help people to live independent lifestyles supported by responsible communities.
- Improve the health and wellbeing of residents.
- Protect the most vulnerable.

**Financial Implications:** The Provision of Support for Older People budget of £0.156m in 2023/24 is financed by the Council general fund.

**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

The Directorate are requesting approval for the direct award of the provision, for the 3 year period 1 April 2024 to 31 March 2027, to Age UK Tameside. The annual contract value for 2024/25 will be £0.151m plus inflation, the value of which will be included within the 2024/25 Council budget that is scheduled for approval at the Council meeting on 27 February 2024. The confirmed contract value must be contained within the existing budget allocation of £0.156m.

Although the contract is proposed for a period of 3 years, appropriate break clauses will be included within any future contract arrangements to ensure that the commissioned service can be altered, should it be required, to mitigate any adverse financial impact on the Council.

Any uplift in commissioned contract values due to inflation, demand or service configuration will need to be taken into account within the

service specification to ensure that it is affordable within the available annual budget allocation for the contract duration.

It is essential that value for money is evaluated as part of the direct award process and that this is clearly evidenced and retained for section 151 officer assurance.

**Legal Implications:  
(Authorised by the  
Borough Solicitor)**

The report indicates that STAR procurement have been engaged to ensure that a lawful procurement process takes place. It is noted that a direct award is proposed. There is an exemption to make such an award within the constitution at Paragraph 9.3 g. of the Contract Procedure Rules whereby if the ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works then, if such is the case, an exemption may be granted.

**Risk Management:**

There will be a continued dialogue between commissioners and the provider to ensure that best value is delivered against the contract resource with a view to working towards service developments. These will be delivered through contract performance management.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Nicola Carter:



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## **1. INTRODUCTION**

- 1.1 On 24 August 2022 Executive Cabinet approved an extension to the existing contract for the provision of support to older people for the period 1 April 2020 to 31 March 2023 for a period of 12 months to 31 March 2024 to enable time for a review of the contract to take place and to undertake an appraisal of the different procurement options available.
- 1.2 The annual budget allocation for 2023/2024 for this contract is £0.151m however, an annual uplift may apply to the contract value following the setting of the Council's budget and taking into account national announcements and indicators.
- 1.3 A Soft Market Test commenced 21 July 2023 and closed 4 August 2023. This was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (North West procurement portal).
- 1.4 The intention is to award a contract for a duration of three years commencing 1 April 2024 with an expiry date of 31 March 2027, with an option to extend for 12 months.

## **2. SUPPORT FOR OLDER PEOPLE TO STAY AT HOME**

- 2.1 The current service is delivered by Age UK Tameside at their premises at 131 Katherine Street Ashton – under- Lyne, in the community and on the telephone.
- 2.2 The aim of the commissioned service is to support both the promotion of independence and maintenance of services and also the development of new initiatives in furtherance of agreed preventive principles. Central to this approach is reducing the development of a range of social problems, improving the quality of life for older people in Tameside and relieving pressure on statutory services.
- 2.3 The service comprises an Advice and Information Service, a Dementia Service, volunteering opportunities and a Community Support Service.
- 2.4 The Advice and Information Service provides a service to people requiring support on a range of issues. The service provides advice and information on the increasing range of care and support services to help people exercise choice and control.
- 2.5 The Dementia Service provides 'drop-in' sessions and 1:1 support to individuals and Carers living with Dementia or signs and symptoms. It provides access and opportunity for early intervention and brings together local services under one roof to provide advice on the range of practical and emotional support available in the Borough.
- 2.6 The Community Support service aims to support all vulnerable people, from all client groups, aged 50+, who may be at risk of isolation or are struggling to maintain daily living, to regain their independence, reconnect with the community, develop skills, have a safe discharge from hospital and regain confidence etc. in order to live the life that they wish.
- 2.7 The service delivers access to support, 50 weeks a year.
- 2.8 The Service will deliver an outcome model based on preventing or relieving sickness, disease or suffering in older people (whether emotional, mental or physical); promoting equality and diversity; promoting the human rights of older people in accordance with the universal declaration of human rights; assisting older people in need be it reason of ill-health, disability, financial hardship, social exclusion or other disadvantage.

### **3. DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS**

- 3.1 Tameside Adult Services in its role as lead commissioner is looking to award a three year contract, which is expected to commence on 1 April 2024 and expire on 31 March 2027.

### **4. PROCUREMENT APPROACH USED**

- 4.1 A Soft Market Test commenced on 21 July 2023 and closed on 4 August 2023. The exercise was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with public procurement requirements via the CHEST (the North West procurement portal).
- 4.2 The approach used two questionnaires. The questionnaires were separate to encourage applications from a wider range of providers.

#### The Community Support Questionnaire

This included eight quality questions exploring: experience of delivering buddying; befriending and other Community support (including support after discharge from hospital); outcomes focussed response to loss of independence or confidence; supporting people experiencing loss; bereavement and other life transitions; approaches to outreach; knowledge of and connection to the community and accessibility.

#### The Core Services Questionnaire

This included five quality questions exploring: provision of Advice and Information; provision of volunteering opportunities; supporting people living with Dementia/the signs and symptoms of cognitive decline and their carers.

### **5. EVALUATION METHOD AND OUTCOME**

- 5.1 A previous Soft Market Test completed in 2020 confirmed Age UK Tameside as the only local provider able to deliver this service. In order to explore and potentially diversify the market a further Soft Market Test was conducted opening on 21 July 2023 and closing on 4 August 2023.
- 5.2 The Soft Market Test included a full specification of the service to be provided based on a maximum budget of £0.151m. The budget is based on the value for 2023/2024 – Standard contract terms and conditions allow for an annual uplift as determined by the Council which will be applied to the new contract value from April 2024.
- 5.3 Again, as in 2020, the exercise identified that there is no genuine competition in the market to deliver this service and that Age UK Tameside is the only local provider with the skills, infrastructure and capacity to deliver the requirements of the contract.
- 5.4 Following advice from STAR Procurement, it was agreed that an exemption request should be completed and permission is therefore sought from Executive Cabinet to direct award the above contract to the incumbent provider Age UK Tameside for the contract period of three years from 1 April 2024 to 31 March 2027 with an option to extend for 12 months.

## **6. CONCLUSION**

- 6.1 A key aspect of continuing to partner with a nationally recognised brand in provision of support for older people is its accessibility; older people know the Age UK brand and readily approach for support, information and advice.
- 6.2 The support and advice offered to older people in Tameside by Age UK reduces demand into core services such as adult's social care and the hospital, and also mitigates other challenges such as financial difficulty, which is particularly important in the light of the current cost of living crisis.

## **7. RECOMMENDATIONS**

- 7.1 As set out at the front of the report.

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