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EXECUTIVE CABINET

Day: Wednesday
Date: 26 January 2022
Time: 1.00 pm or at the rise of Strategic Commissioning Board, whichever is the later
Place: George Hatton Hall, Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for the meeting from Members of the Executive Cabinet.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of Executive Cabinet.	
3.	MINUTES	
a)	EXECUTIVE CABINET To consider the Minutes of the meeting of the Executive Cabinet held on 15 December 2021.	1 - 6
b)	STRATEGIC COMMISSIONING BOARD To receive the Minutes of the meeting of the Strategic Commissioning Board held on 15 December 2021.	7 - 12
c)	EXECUTIVE BOARD To receive the Minutes of the meetings of Executive Board held on 8 December 2021.	13 - 20
4.	MONTH 8 INTEGRATED FINANCE REPORT To consider the attached report of the Executive Member (Finance and Economic Growth)/Director of Finance.	21 - 34
5.	CORPORATE PLAN SCORECARDS UPDATE To consider the attached report of the Executive Leader/Director of Transformation.	35 - 42
6.	LOCAL COUNCIL TAX SUPPORT SCHEME 2022/23 To consider the attached report of the Executive Member (Finance and Economic Growth)/Assistant Director (Exchequer Services).	43 - 206

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
7.	COLLECTION, RECOVERY AND IRRECOVERABLE MONIES 2021 To consider the attached report of the Executive Member (Finance and Economic Growth)/Assistant Director (Exchequer Services).	207 - 250
8.	NEW CUSTOMER SERVICE CENTRE DELIVERY MODEL To consider the attached report of Executive Member (Neighbourhoods, Community Safety and Environment)/Director of Place.	251 - 336
9.	FOSTER CARER OFFER CONSULTATION REPORT To consider the attached report of the Deputy Executive Leader/Assistant Director (Children's Services).	337 - 420
10.	COMMUNITY SAFETY STRATEGY To consider the attached report of the Executive Member (Neighbourhoods, Community Safety and Environment)/Director of Place.	421 - 466
11.	DETERMINATION OF SCHOOL ADMISSION ARRANGEMENTS FOR SEPTEMBER 2023 To consider the attached report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage)/Director of Education.	467 - 504
12.	HYDE TOWN CENTRE HIGH STREET TASK FORCE UPDATE To consider the attached report of the Executive Member (Finance and Economic Growth)/Director of Place.	505 - 522
13.	EXCLUSION OF THE PRESS AND PUBLIC That under Section 100A of the Local Government Act 1972 (as amended) the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure would or would likely prejudice the commercial interests of the Council and it would not be in the Council's and/or taxpayers interests to disclose at this time.	
14.	DROYLSDEN LOCK KEEPERS AND FORMER LIBRARY SITE DISPOSAL To consider the attached report of the Executive Member (Finance and Economic Growth)/Director of Place.	523 - 534
15.	URGENT ITEMS To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or carolyn.eaton@tameside.gov.uk, to whom any apologies for absence should be notified.

EXECUTIVE CABINET

15 December 2021

Commenced: 1 40pm

Terminated: 2.10pm

Present: Councillors Warrington (Chair), Bray, Fairfoull, Feeley, Gwynne, Ryan and Wills

In Attendance:

Ashwin Ramachandra	Co-Chair, Tameside & Glossop CCG
Steven Pleasant	Chief Executive & Accountable Officer
Sandra Stewart	Director of Governance & Pensions
Kathy Roe	Director of Finance
Ian Saxon	Director of Place
Steph Butterworth	Director of Adult Services
Debbie Watson	Interim Director of Public Health
Emma Varnam	Assistant Director, Operations and Neighbourhoods

Apologies for absence: Councillors Cooney and Kitchen who participated in the meeting virtually.

96. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Cabinet members.

97. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 24 November 2021 be approved as a correct record with the addition of Councillor Fairfoull to the list of persons present.

98. MINUTES OF STRATEGIC COMMISSIONING BOARD

RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 24 November 2021 be noted.

99. MINUTES OF EXECUTIVE BOARD

RESOLVED

That the Minutes of the meetings of Executive Board held on: 10 November 2021 and 1 December 2021, be noted.

100. CONSOLIDATED 2021/22 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2021

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Lead Clinical GP / Director of Finance. The report detailed actual expenditure to 31 October 2021 (Month 7) and forecasts to 31 March 2022 for the Council and 31 October 2021 for the CCG.

It was reported that, overall, the Council was facing a total forecast overspend of £1.579m for the year ending 31 March 2022. A substantial majority of the forecast related to ongoing demand

pressures in Children's Social Care.

The forecast outturn on Council Budgets had improved by 348k since Month 6, mainly due a reduction in external placement costs in Children's Social Care. There were some other smaller movements relating to the release of contingency budget and reduced income compensation grant for sales, fees and charges losses.

The CCG did not currently have H2 (October 2021 to March 2022) budgets in place. Detailed planning for H2 had been underway at both a CCG and Greater Manchester level since publication of the guidance. But formal approval of plans was not due until after publication of the M7 budget monitoring report. Allocations for H2 were expected by the end of November.

The Trust had submitted a breakeven financial plan for H2 (October 2021 to March 2022) which was in line with national guidance, and was forecasting break even for the year in line with the plan.

RESOLVED

That the forecast outturn position and associated risks for 2021/22 as set out in Appendix 1 to the report, be noted.

101. SAVINGS DELIVERY 2021/22

The Executive Member, Finance and Economic Growth / Director of Finance submitted a report providing Members with an update on the savings monitoring exercise for delivery of 2021/22 savings, and highlights any risks or delays to delivery.

It was reported that progress on the delivery of proposed savings as part of the 2021/22 budget process was being monitored on a monthly basis, with a proportion of schemes reviewed in detail at different points during the year. All directorates completed an implementation template as part of their original proposals.

Appendix1 to the report provided further detail on the current status of savings to be delivered during 2021. Key messages were as follows:

- Since the update to Board in September, the position on savings delivery had improved across the Council. Delivery of planned savings remained at risk in some areas however there had been a significant increase in mitigating savings to offset non-delivery of original plans;
- Overall the total forecast savings to be delivered in 2021/22 had increased to £9.166m, which exceeded the original target by £0.230m. The value of savings rated red or amber had also reduced since September, and the level of mitigating savings had increased; and
- It was noted that most of the mitigating savings were one-off in nature (£1.311m) with only £0.138m of mitigations expected to continue into 22/23. Of the £3.569m of savings currently rated red or amber, £3.156m was currently forecast to deliver in 22/23, meaning that the balance of £0.413m would need to be found from other savings.

RESOLVED

That the progress report and risk areas for delivery in 2021/22 and future years savings, be noted.

102. COUNCIL TAX BASE 2022/23

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Assistant Director, Exchequer Services, explaining that the law required that the calculation of the Council Tax base for tax setting must be made between 1 December and 31 January. The Calculated Tax Base was used to estimate the value of Council tax income.

It was reported that the calculation of the authority tax base for Council Tax setting purposes gave

an estimated Band D equivalent of 65,263.9 properties. There were no Ministry of Defence properties in Tameside. An estimated collection rate of 97% gave a Council Tax base of 63,306.0.

The calculation of the Mossley Parish tax base for Council Tax setting purposes gave an estimated Band D equivalent of 3,540.5 properties. There were no Ministry of Defence properties in Mossley. An estimated collection rate of 97% gave a Council Tax base of 3,434.3.

RESOLVED

It be agreed that, pursuant to the figures set out in the report of the Assistant Director of Exchequer Services, and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012:

- 1. the amount calculated by Tameside Metropolitan Borough Council as its Council Tax base for the year 2022/2023 shall be 63,306.0; and**
- 2. the amount calculated by Tameside Metropolitan Borough Council as the tax base for the Town Council of Mossley for the year 2022/2023 shall be 3,434.3**

103. KICKSTART SCHEME

A report was submitted by the Executive Leader / Assistant Director, People and Workforce Development setting out the opportunities for the Kickstart Scheme in Tameside from both an internal and external perspective.

It was explained that the Kickstart Scheme provided funding to employers to create new 6-month job placements for young people aged 16 to 24 who were claiming Universal Credit (UC) and were at risk of long-term unemployment. The scheme was announced in July 2020 as part of the government's Plan for Jobs and aimed to create thousands of new, fully funded jobs across England, Scotland and Wales. Kickstarts placements could commence at any point up until 31 March 2022, therefore meaning that the maximum end date of the scheme was 30 September 2022, with £2bn of the Plan for Jobs fund committed specifically to Kickstart.

Members were advised that all opportunities were required to be submitted to DWP who then liaised with JCP Work Coaches to match potential candidates to roles. Communication took place between DWP and the applying organisation via the online government Kickstart platform. The platform supported messages sent between the two organisations. When the JCP coaches alerted the DWP to a job role match, the DWP informed the Council who could then facilitate interviews for the roles.

The required element of employability skills training could be supported by Workforce Development; Tameside Adult Community Education (ACE), through courses such as Essential Digital Skills for Work; or other partners including Skills Support for the Workforce, delivered by the Growth Company.

The role holders would be treated as employees and would be subject to monthly probationary meetings in order to identify their areas of strength and any areas of improvement. The employees would be inducted through normal processes and be offered all relevant training.

Members were further advised that to support the Kickstarters, specific cohort workplace/team mentors were identified to support the individual within their placement. This support was in addition to the formal management arrangements to ensure the cohort had the best chance of success in their role and ability to secure future employment.

The scheme provided opportunities for candidates to gain employment in an entry level position for 6 months. Through these experiences, the employees would gain valuable skills which they could use to apply for internal roles within the organisation including apprenticeships, upon completion of their six month term. The scheme provided the organisation with the possibility to further support care leavers who met the criteria by signposting them to Kickstart roles which they could apply for via the JCP.

RESOLVED

It be agreed that:

- (i) The Kickstart initiative be implemented in the organisation; and**
- (ii) In doing so, a number of opportunities are identified from different directorates which can be offered for the Kickstart Scheme.**

104. IMPLEMENTATION OF A 2021 MODEL PAY POLICY FOR BOTH SCHOOL BASED AND CENTRALLY BASED TEACHING STAFF

Consideration was given to a report of the Executive Leader / Executive Member for Lifelong Learning, Equalities, Culture and Heritage / Assistant Director for People and Workforce Development, outlining the statutory changes to the School Teachers Pay and Conditions Documents (STPCD) 2021.

It was reported that there was a consolidated award of £250 to all teachers whose full-time equivalent basic earnings (excluding allowances) were less than £24,000. Further, there was an advisory 6-point pay range reintroduced on the Unqualified Teacher (UNQ) Pay Range 2021.

It was explained that the changes to the STPCD included a reduction of 1 day, 195 days to 194 days and a reduction in hours from 1265 hours to 1258.5 hours that teachers (FTE) must be available to work as a result of the additional Bank Holiday on Friday 3 June 2022. In addition, the updated STPCD 2021 incorporated statutory induction changes for Early Career Teachers (ECT). It was further explained that ECTs were not negatively affected by the extension of the induction period from one to two years and outlining that this change did not prevent a school from awarding pay progression to ECTs at the end of the first year.

It was reported that the changes also introduced flexibilities around TLR3 payments for tutoring which was part of the education catch up programme to address learning disruption as a result of the pandemic.

RESOLVED

It be agreed that:

- (i) The Council implements the Model Pay Policy 2021 as detailed in Appendix 1 to the report, for all centrally based teaching staff employed within the Education Service;**
- (ii) The Council recommends the Model Pay Policy 2021 as detailed in Appendix 1 to the report, for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all teaching staff employed within these schools;**
- (iii) The Council implements the national recommended changes with effect from 1 September 2021, which are:**
 - A consolidated award of £250 is awarded to all teachers whose full-time equivalent basic earnings (excluding allowances) are less than £24,000;**
 - Advisory pay points are reintroduced on the Unqualified Teacher (UNQ) Pay Range 2021, which include the £250 consolidated award on the bottom three pay points, UNQ1-UNQ3 pay points;**
 - A reduction of 1 day from 195 to 194 that teachers (FTE) must be available to work as a result of the additional Bank Holiday on Friday 3 June 2022 to mark the Queen's Platinum Jubilee;**
 - Incorporate the statutory induction changes for Early Career Teachers (ECTs); and**
 - Introduce flexibilities around TLR3 payments for tutoring which is part of the education catch up programme to address learning disruption as a result of the pandemic.**

105. APPROVAL & IMPLEMENTATION OF REVISED WASTE STRATEGY AND ENFORCEMENT POLICY

Consideration was given to a report of the Executive Member for Neighbourhoods, Community Safety and Environment / Director of Place, providing details on the operational outcomes of the 3 weekly waste collections of the blue and black bins in the trial areas of Ridge Hill, Stalybridge, Central Hyde and Haughton Green, Denton. The report also provided a summary of the responses received from the survey that had taken place around the 3 weekly trial and the Waste Strategy and Enforcement Policy.

It was reported that it was clear from the trial of the 3 weekly collections, that operationally the collection system could work and had not had any negative impacts to the collection system.

It was explained that a full consultation process had taken place and whilst 70% of the comments made in the policy consultation were wholly negative; in the pilot area consultation, only one third of the comments made were wholly negative. So there was less negative feedback from households in the pilot area, who have lived experience of the changes, than from those who had fed back on the proposals but who had not been involved in the trial.

The report detailed the approach of changing the collection frequency of the bin to provide the efficient use of resources was being used across other GM authorities. Collection frequencies had been changed in other GM authorities and this had shown to work in those areas.

Members were advised that alternative options for further savings and efficiencies had been considered and disregarded in favour of the model that was trialled during August 2021 and October 2021 as they featured more disadvantages and operational challenges than advantages. Mitigation remained in place for exceptional circumstances and large families. Exemptions for charging for the wheeled bins had been considered and included in the Waste Strategy and Enforcement Policy; this included the concerns around stolen bins.

It was stated that a detailed approach to communications covering both a strategic and operational approach had been considered and would accompany any future potential changes.

Since 2010, funding from central government to local government had on average reduced by half in real terms. At the same time, the Council had faced growing cost pressures from increasing demand for services and rising costs. In the last seven years alone the Strategic Commission had needed to find budget savings of £171 million to balance the books.

The Council faced a significant budget gap beyond 2021/22, and this budget gap would increase if planned reductions in spending were not delivered in 2021/22. The Council must ensure a relentless focus on delivery of savings, both in 2021/22 and planned for 2022/23, to have any chance of closing the gap in future years. Budgets had been balanced through the use of reserves over the last few years, to provide services with the time to improve, but this was not sustainable in the long run and the Council needed to ensure robust and transparent management of these services to ensure the delivery of the improvement plans and transformation.

RESOLVED

That the updated Waste Strategy and Enforcement Policy be approved (as attached at Appendix 7 to the report) with effect from 31 January 2022, including;

- (i) Changes in frequency of Blue and Black bin collection from 2 weekly to 3 weekly;**
- (ii) The extension of charging for new and replacement brown, blue and black wheeled bins; and**
- (iii) Exceptional circumstances (bin capacity) and exemptions (charging) policies to assist those in specific need or circumstances.**

106. CLIMATE CHANGE AND ENVIRONMENT STRATEGY

Consideration was given to a report of the Executive Member for Neighbourhoods, community Safety and Environment / Director of Place / Assistant Director of Strategic Property giving details of the Climate Change and Environment Strategy 2021-2026 and provided a framework to determine actions in response to climate emergency.

Members were advised that the strategy was the product of cooperation between departments within Tameside Council. Through public engagement and other forums, guidance from local people had been sought and work had taken place regionally with colleagues in partner organisations to develop a workable document and a framework for an effective action plan.

It was explained that the five focal points of the Strategy were, Greenspace & Biodiversity, Homes Workspaces & Council Buildings, Influencing Others, Reducing Consumption & Producing Sustainably and Travel & Transport.

The Environment & Climate Emergency Working Group (ECEWG) was positioned to maintain and oversee the resultant action plans, with assistance from affiliated task-groups to oversee each of the five thematic areas. A task group comprising of elected members and specialist officers would monitor and manage progress and report back to ECEWG in relation to the contribution to net carbon reduction. An annual report will be produced to demonstrate progress towards carbon neutrality.

AGREED

- (i) That the draft Climate Change and Environment Strategy 2021-2026 as attached at appendix 1 to the report, be approved and adopted;**
- (ii) That the draft Action Plans at appendices 2 - 6 to the report be approved, noting that new initiatives which have budget implications will be the subject of separate reports to Executive Cabinet at the appropriate time; and**
- (iii) That a culture of carbon literacy be approved, backed by a programme of carbon literacy training.**

107. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR

59. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Board members.

60. MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of the Strategic Commissioning Board held on 24 November 2021 be approved as a correct record with the addition of Councillor Bill Fairfoull to list of persons present.

61. MINUTES OF THE EXECUTIVE BOARD

RESOLVED

That the Minutes of the meetings of the Executive Board held on: 10 November 2021 and 1 December 2021, be noted.

62. CONSOLIDATED 2021/22 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2021

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Lead Clinical GP / Director of Finance. The report detailed actual expenditure to 31 October 2021 (Month 7) and forecasts to 31 March 2022 for the Council and 31 October 2021 for the CCG.

It was reported that, overall, the Council was facing a total forecast overspend of £1.579m for the year ending 31 March 2022. A substantial majority of the forecast related to ongoing demand pressures in Children's Social Care.

The forecast outturn on Council Budgets had improved by 348k since Month 6, mainly due a reduction in external placement costs in Children's Social Care. There were some other smaller movements relating to the release of contingency budget and reduced income compensation grant for sales, fees and charges losses.

The CCG did not currently have H2 (October 2021 to March 2022) budgets in place. Detailed planning for H2 had been underway at both a CCG and Greater Manchester level since publication of the guidance. But formal approval of plans was not due until after publication of the M7 budget monitoring report. Allocations for H2 were expected by the end of November.

The Trust had submitted a breakeven financial plan for H2 (October 2021 to March 2022) which was in line with national guidance, and was forecasting break even for the year in line with the plan.

RESOLVED

That the forecast outturn position and associated risks for 2021/22 as set out in Appendix 1 to the report, be noted.

63. FAMILY HUBS: LOCAL TRANSFORMATION FUND

The Deputy Executive Leader, Children and Families / Executive Member, Adult Social Care and Health / Clinical Leader, Starting Well / Interim Director of Population Health / Interim Director of Children's Services, submitted a report providing an update on the recently announced national Family Hubs: Local Transformation Fund and outlined Tameside's approach and intention to make a bid application.

It was explained that the Government had committed to championing family hubs. Family hubs were

a way of joining up locally and bringing existing family help services together to improve access to services, connections between families, professionals, services, and providers and putting relationships at the heart of family help. Family hubs brought together services for families with children of all ages (0-19) or up to 25 with special educational needs and disabilities (SEND), with a great Start for Life offer at their core. The principles key to the family hub model were detailed as follows:

- **More accessible** – through clearly branded and communicated hub buildings, virtual offers and outreach.
- **Better connected** – family hubs drive progress on joining up professionals, services and providers (state, private, voluntary) – through co-location, data sharing, shared outcomes and governance. Moving from services organised for under-fives, to families with children of all ages, reduces fragmentation (even though an emphasis on early years and the ‘Start for Life’ offer would remain).
- **Relationship-centred** – practice in a family hub built on family strengths and looked to improve family relationships to address underlying issues.

The Family Hubs Local Transformation Fund was a key part of this commitment and was funded through HM Treasury’s Shared Outcomes Fund, which aimed to test innovative ways of working across the public sector to address complex policy challenges.

To support the development and implementation of family hubs, the Government would provide funding to at least 12 Local Authorities that did not currently have family hubs and currently provide the six core services for the conception to age 2 period that made up the Start for Life ‘Universal Offer’. The fund would pay for the change process only, supporting Local Authorities to move to a family hub model through programme and capital funding. Local Authorities could apply for up to £1 million transformation funding (expect grant range between £650k-£1million), with up to £833k available for programme expenditure and up to £167k available in capital expenditure per local area. Successful Local Authorities would have approximately two years (over the financial years 2022-2023 and 2023-2024) to transition to a family hub model and open family hubs by March 2024.

The application period would open from 2 November 2021 and would close at 23:59pm on 17 December 2021. Key dates and deadlines for the application process were set out in the report.

RESOLVED

- (i) That a bid application into the Family Hubs: Local Transformation Fund be supported; and**
- (ii) Approval be given to the approach intended by the Local Authority if the bid application into the Family Hubs: Local Transformation Fund, is successful.**

64. MACMILLAN SOLUTIONS

Consideration was given to a report of the Executive Member, Adult Social Care and Health / CCG Governing Body Co-Chair / Director of Commissioning providing a brief update on Macmillan’s solutions, in relation to funding from April 2022 and beyond.

It was explained that Macmillan Solutions provided practical and emotional support to people affected by cancer (PABC) from diagnosis to post bereavement, dependant on need. Macmillan Solutions aligned to the wider offers already available within the Locality, ensuring there were no gaps in the provision specialist support for people with cancer.

Macmillan Cancer Support had funded the community based service for people with Cancer for the past ten years, which focused on similar principles to social prescribing, considering the wider determinants of health and the wider issues affecting their wellbeing.

Covid-19 had a catastrophic impact on the finances available to Macmillan Cancer Support, with a considerable reduction in number of charitable donations received. The resulting impact was that

Macmillan Cancer Support could no longer fund Macmillan Solutions beyond the end of March 2022 and were seeking stable funding from CCG's.

Beyond the initial funding period for all Macmillan funded schemes, there was an expectation from Macmillan that CCGs provided a commitment to sustain the outcomes from the programme, pending a full evaluation (Macmillan presented this in the form of a Business Case Proposal to Greater Manchester Cancer Alliance (GMCA)).

The Business case included a number of options (options 2 to 4 were included within the Business case) to ensure the continued provision of the charitable function:

- Option 1: Do Nothing – lose the charitable function and volunteers;
- Option 2: Resource the charitable function concentrating on the Localities making most use of the current Charitable Function (variable uptake across Greater Manchester), namely Manchester, Salford, Tameside, and Bolton. Preferred Option by Macmillan Solutions;
- Option 3: Offer an expanded charitable function to include Clinical Commissioning Groups (CCGs) areas who want to further develop Macmillan Solutions; or
- Option 4: Fund an expanded model across Greater Manchester (GM) ensuring PABC across GM will be able to access high quality Macmillan Solution charitable function. This would duplicate resources in areas who are accessing comparable services.

RESOLVED

- (i) That, support be given for the Macmillan's Solutions charitable function to be funded from April 2022; and**
- (ii) The preferred option: Option 2: Resource the charitable function, Macmillan Solution for the Tameside Locality, be supported. Therefore, the charitable function will have to be funded as new investment, awarded on a grant agreement (with robust governance and reporting processes in place for assurances purposes), following compliant procedures. Funding to support the sustainability of the charitable function was included within the budget for NHS Tameside and Glossop Clinical Commissioning Group (T&G CCG)/future Integrated Care System (ICS) and will assist the work of Macmillan Solutions to support PABC**

65. GREATER MANCHESTER LEARNING DISABILITY AND AUTISM COMPLEX NEEDS PROJECT

A report was submitted by the Executive Member, Adult Social Care and Health / Clinical Lead, Living Well, Finance and Governance / Director of Adults Services setting out details of the GM Complex Needs Programme, linked to the 'bespoke commissioning' priority in the GM Learning Disability Strategy.

It was explained that the main objective of the programme was the development of a new approach to commissioning support across GM for people with complex needs (Learning Disabilities and autism). The aim of the work was to ensure people received the best possible quality of care and support in the right place at the right time, reducing the number of people placed out-of-area, ensuring a more person-centred approach and effective value for money. The individuals in scope were those people who were in a secure hospital and there was no local plan in place for discharge (some people had been in hospital for over 10 to 15 years without any discharge plans) and people whose localities were struggling to find local provision for. The whole aim of the programme was to ensure people with a learning disability who lived in the 10 boroughs were not detained unnecessarily and were discharged as soon as possible to live in community settings.

The report sought agreement to the terms of the Greater Manchester (GM) Learning Disability and Autism Complex Needs Project Memorandum of Understanding (MOU), a copy of which was appended to the report. The purpose of the MOU was to set out clear arrangements across Greater Manchester Local Authorities and Clinical Commissioning Groups when commissioning through the Complex Needs Project, setting out the roles and responsibilities of the placing authority and host

authority, where these were different.

Signatures were required from each Greater Manchester Local Authorities and Clinical Commissioning Groups to progress the MOU.

RESOLVED

- (i) That the terms of the Greater Manchester (GM) Learning Disability and Autism Complex Needs Project Memorandum of Understanding (MOU) be agreed and entered into on the basis set out in the report; and**
- (ii) It be agreed that Individual Agreements be produced for each proposed new service between the relevant placing and host localities and be subject to an Executive Decision, which will provide information about the proposed scheme and will include sub-group information, localities involved, provider support costs, property requirements and why the chosen property had been selected in that locality together with the full provider support proposal and a project plan including timeline.**

66. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR

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BOARD

8 December 2021

Present: **Elected Members** **Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen, Ryan and Wills**

Borough Solicitor **Sandra Stewart**

Deputy Section 151 Officer **Caroline Barlow,**

Also in Attendance: **Stephanie Butterworth, Ilys Cookson, Sally Dickin, Dr Ashwin Ramachandra, Ian Saxon, Sarah Threlfall, Emma Varnam, Debbie Watson and Jessica Williams**

155 DECLARATIONS OF INTEREST

There were no declarations of interest.

156 MINUTES OF PREVIOUS MEETING

The minutes of the Board meeting on the 1 December 2021 were approved a correct record.

157 MONTH 7 INTEGRATED FINANCE REPORT

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Lead Clinical GP / Director of Finance. The report detailed the actual expenditure to 31 October 2021 (Month 7) and forecasts to 31 March 2022.

It was reported that overall the Council was facing a total forecast overspend of £1.579m for the year ending 31 March 2022. A substantial majority of this forecast related to ongoing demand pressures in Children's Social Care.

It was explained that the forecast outturn on council budgets had improved by 348k since Month 6, mainly due a reduction in external placement costs in Children's Social Care. There were some other smaller movements relating to the release of contingency budget and reduced income compensation grant for sales, fees and charges losses.

It was stated that the CCG did not have H2 (October 2021 to March 2022) budgets in place. Detailed planning for H2 had been underway at both a CCG and Greater Manchester level since publication of the guidance. But formal approval of plans was not due until after publication of the M7 budget monitoring report. Allocations for H2 were expected by the end of November.

The Trust had submitted a breakeven financial plan for H2 (October 2021 to March 2022) which was in line with national guidance, and was forecasting break even for the year in line with the plan.

AGREED

That Executive Cabinet be recommended to note the forecast outturn position and associated risks for 2021/22 as set out in Appendix 1.

158 SAVINGS DELIVERY 2021/22

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Finance. The report provided Members with an update on the savings monitoring exercise for delivery of 2021/22 savings, and highlighted any risks or delays to delivery.

The Assistant Director of Finance reported that progress on the delivery of proposed savings as part of the 2021/22 budget process was being monitored on a monthly basis, with a proportion of schemes reviewed in detail at different points during the year. All directorates completed an implementation template as part of their original proposals.

It was highlighted that since the update to Board in September, the position on savings delivery had improved across the Council. Delivery of planned savings remained at risk in some areas however there had been a significant increase in mitigating savings to offset non-delivery of original plans.

Members of the Board discussed the details within Appendix 1 and Appendix 2. The Assistant Director of Finance advised that further work would be undertaken on identifying mitigating or one off savings which could be continued into 2021/22 before presented to Executive Cabinet.

AGREED

That Executive Cabinet note the progress report and the risk areas for delivery in 2021/22 and future year's savings.

159 COUNCIL TAX BASE 2022/2023

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Assistant Director for Exchequer Services. The report set out the calculation of the Council Tax base for tax setting, a legal requirement that must be made between 1 December 2021 and 31 January 2022.

The Assistant Director for Exchequer Services reported that the calculation of the authority tax base for Council Tax setting purposes gave an estimated Band D equivalent of 65,263.9 properties. There were no Ministry of Defence properties in Tameside. An estimated collection rate of 97% gave a Council Tax base of 63,306.0.

It was stated that the calculation of the Mossley Parish tax base for Council Tax setting purposes gave an estimated Band D equivalent of 3,540.5 properties. There were no Ministry of Defence properties in Mossley. An estimated collection rate of 97% gave a Council Tax base of 3,434.3.

AGREED

That Executive Cabinet be recommended to agree that pursuant to the figures set out in the report of the Assistant Director of Exchequer Services, and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012

- (i) the amount calculated by Tameside Metropolitan Borough Council as its Council Tax base for the year 2022/2023 shall be 63,306.0**
- (ii) the amount calculated by Tameside Metropolitan Borough Council as the tax base for the Town Council of Mossley for the year 2022/2023 shall be 3,434.3**

160 KICKSTART SCHEME

Consideration was given to a report of the Executive Leader / Assistant Director for People and Workforce Development. The report set out opportunities for the Kickstart Scheme in Tameside from both an internal and external perspective.

The Assistant Director for People and Workforce Development explained that the Kickstart Scheme provided funding to employers to create new 6-month job placements for young people aged 16 to 24 who were claiming Universal Credit (UC) and were at risk of long-term unemployment. It was further explained that Kickstart placements could commence at any point up until 31 March 2022, therefore meaning that the maximum end date of the scheme was 30 September 2022, with £2bn of the Plan for Jobs fund committed specifically to Kickstart.

It was stated that available opportunities were advertised within the relevant Jobcentre Plus (JCP) and JCP Work Coaches would match eligible candidates to the positions. Funding would cover

100% of the relevant National Minimum Wage for 25 hours a week, the associated employer National Insurance contributions and employer minimum automatic enrolment pension contributions.

The Assistant Director for People and Workforce Development advised that this scheme provided opportunities for candidates to gain employment in an entry level position for 6 months. Through these experiences, the employees would gain valuable skills which they could use to apply for internal roles within the organisation including apprenticeships, upon completion of their six month term.

It was reported that the scheme provided the organisation with the possibility to further support care leavers who meet the criteria by signposting them to Kickstart roles which they could apply for via the JCP. Further, the scheme could be used to develop skills in individuals which were difficult to find, thereby having a sufficiently trained person in the future who was able to apply for roles which required those same skills.

AGREED

That Executive Cabinet be recommended to agree that:

- (i) The Kickstart initiative is implemented in the organisation.**
- (ii) In doing so, a number of opportunities are identified from different directorates which can be offered for the Kickstart Scheme.**

161 MISSING FROM HOME SERVICE

Consideration was given to a report of the Deputy Executive Leader / Interim Director of Children's Services. The report provided an overview of the statutory requirements and background information on the service delivery in Tameside. In addition it provided details about the work that had been done as part of the review of the current provision and in planning for the proposed changes. The report further explained the proposals being put forward and implications that these entail.

It was stated that in March 2020 there was a review of the missing from home service, through the governance of the Tameside Safeguarding Children Partnership (TSCP) as there were amplified concerns about children missing during the pandemic conditions when the Government announced the national response through a lockdown.

The service review considered the systems in place between police reports of missing, response from children's service and the effectiveness of the commissioned service for return interviews. There was a service mapping exercise that took place in January 2020 and this identified systems problems with the Greater Manchester Police (GMP) i-ops process, children's services systems and Barnardo's. The service review found that there were too many handoffs to make effective the 72 hour requirement of return interview.

Members were advised that as part of the review there was comparison with a neighbouring local authority model. Stockport had recently remodelled their service, having previously commissioned a third sector charity to deliver their return interviews.

It was explained that bringing the service in-house would mean a better service for young people of the Borough that would increase our ability to effectively safeguard and respond to vulnerable young people who go missing. An increased understanding of the profile and contextual nature of the missing could also improve our ability to reduce and prevent future missing episodes.

AGREED

That the Deputy Executive Leader be recommended to:

- (i) Determine that the statutory duty for undertaking return interviews for children who go missing from home or care is insourced at the expiry of the current contract and delivered by Tameside Children's Services.**
- (ii) Note that TUPE will apply to the transfer of this service to the Council.**

162 APPROVE SPENDING PLAN FOR HOUSEHOLD SUPPORT FUND (SUPPORT PROGRAMMES FOR RESIDENTS)

Consideration was given to a report of the Executive Member for Neighbourhoods, Community Safety and Environment / Assistant Director of Operations and Neighbourhoods / Director of Transformation. The report proposed a spending plan for the Household Support Fund (HSF).

It was stated that the Department of Work and Pensions (DWP) had awarded Tameside MBC approximately £2.2 million as part of their Household Support Fund (HSF), a £500 million grant package running from 6 October 2021 to 31 March 2022. Funding was to be provided in arrears subject to two management information returns due on 21 January 2022 and 22 April 2022 respectively.

It was proposed that the awarded monies be split across four distinct support streams, each serving a specific purpose and together ensuring that the support offer spread was maximised across the borough's residents. The Assistant Director for Operations and Neighbourhoods set out the four streams:

1. Funding for Free School Meals (FSM) as agreed by executive decision on 13 October
2. An open support programme into which all residents can apply, offering vouchers or payments for food, essentials, and energy;
3. A targeted support offer for residents with whom we're already working through existing welfare services, largely to support food, essentials, and energy costs, with a small portion able to be used for housing cost in exceptional circumstances; and
4. Support offered through third sector partners in the form of vouchers to distribute or direct awards to be used for agreed purposes.

AGREED

That the Executive Member for Neighbourhoods, Community Safety and Environment be recommended to approve the proposed approach for utilising the £800 thousand of Household Support Fund money remaining after the provision of Free School Meals be agreed as set out in paragraph 2.9.

163 FAMILY HUBS: LOCAL TRANSFORMATION FUND

Consideration was given to a report of the Deputy Executive Leader / Executive Member for Adult Social Care / Clinical Lead for Starting Well / Interim Director of Population Health / Interim Director of Children's Services. The report provided an update on the recently announced national Family Hubs: Local Transformation Fund and outlined Tameside approach and intention to make a bid application.

It was stated that following the initial manifesto commitment in August 2021, in the October 2021 Spending Review the Government had announced £82 million to create this new network of Family Hubs in 75 Local Authorities across England through a Family Hubs: Local Transformation Fund ('The Fund'). The Fund was a venture from the Department of Education (DfE) and was open to Local Authorities (Local Authorities) to apply for help in opening Family Hubs in local areas by March 2024.

The Interim Director of Population Health set out Tameside's approach and intentions. It was stated the next step was to submit an application in to Family Hubs: Local Transformation Fund. A successful application into the Fund would see the local programme of work regarding families and the neighbourhood model accelerate at scale and pace. Linking to the Fund's principles, the Tameside's application sought to deliver the following objectives and activities:

- **More accessible** – develop and deliver a robust coproduction, communication and outreach programme, including adaptations to buildings (Family Hubs) to be more accessible and open to all families in Tameside. This would include the identification of estates e.g. a hub and spoke model, and enable the appropriate delivery of services and support in the digital

space.

- **Better connected** – develop and deliver on an IT Strategy that would bring organisational partners in the modern era, including the voice of families to ensure partners could support families through new technologies. This would include the development/ integration of software(s) and purchasing of IT equipment. Furthermore, this would include building an infrastructure to enable data sharing and/or shared systems.
- **Relationship-centred** – Investment in workforce development, to scale up, add capacity and delivery new embedded cultures, by using evidence based interventions that would promote the 'model of practice' across Tameside including Signs of Safety, Trauma Responsive Approaches, Child Development and Parenting Programmes, such as the Solihull Approach.

It was explained that in order to deliver on the above, the bid application included an ask for funding to build a Transformation Team, linking together the transformation programmes of the Local Authority and the Tameside and Glossop Integrated Care Foundation Trust who's objective would be to facilitate the development and launch of the Family Hubs.

AGREED

That the Strategic Commissioning Board be recommended to:

- Support a bid application into the Family Hubs: Local Transformation Fund; and**
- Give approval to the approach intended by the Local Authority if the bid application into the Family Hubs: Local Transformation Fund is successful.**

164 GREATER MANCHESTER LEARNING DISABILITY AND AUTISM COMPLEX NEEDS PROJECT

Consideration was given to a report of the Executive Member for Adult Social Care and Health / Clinical Lead for Living Well, Finance and Governance / Clinical Lead for Living Well / Director for Adult Services. The report detailed the GM Complex Needs programme and sought approval on the terms Memorandum of Understanding (MOU) and approval to enter into the agreement.

It was reported that the GM Complex Needs programme was linked to the 'bespoke commissioning' priority in the GM Learning Disability Strategy. The main objective of this programme was the development of a new approach to commissioning support across GM for people with complex needs (Learning Disabilities and Autism). The aim of this work was to ensure people get the best possible quality of care and support in the right place at the right time – reduce the number of people placed out-of-area, ensuring a more person-centred approach and effective value for money.

It was explained that the project had been developed by the Greater Manchester Health and Social Care Partnership and the GM Directors of Social Services (GM ADASS) to address the priorities in the NHS long term plan that by March 2023/24, inpatient provision would have reduced to less than half of 2015 levels and, for every one million adults, there would be no more than 30 people with a learning disability and/or autism cared for in an inpatient unit. Nationally progress had not been as good as expected and in 2020 the Health and Social Care Secretary called for a renewed focus to ensure people with learning disabilities or autism be discharged promptly from hospital back into the community.

The GM response had been to understand the key specialist services that needed to be developed locally in order to support the move of individuals into locally provided services. Based on the information provided by the localities there were a total of 79 people identified, as requiring provision going forward. At this time there was one person identified for Tameside & Glossop.

The report sought approval for the terms of the Greater Manchester (GM) Learning Disability and Autism Complex Needs Project Memorandum of Understanding (MOU). The MOU set out clear arrangements across Greater Manchester Local Authorities and Clinical Commissioning Groups when commissioning through the Complex Needs Project, setting out the roles and responsibilities of the placing authority and host authority, where these are different.

The Director of Adult Services advised that an individual Complex Needs Inter-Locality Agreement would be produced for each proposed new service between the relevant placing and host localities. It was requested that as the place leads, the Chief Executive of the Council and Accountable Officer for the locality CCG (where different) sign the document. It would require the host locality Director of Adult Social Services (DASS) sign off before any service would go ahead. It was proposed each locality area would only host one service from a particular cohort. An Individual Agreement would be produced for each proposed new service between the relevant placing and host localities.

AGREED

That Strategic Commissioning Board be recommended to approve:

- (i) the terms of the Greater Manchester (GM) Learning Disability and Autism Complex Needs Project Memorandum of Understanding (MOU) and enter into the agreement on the basis set out in the report; and**
- (ii) that any Individual Agreements will be produced for each proposed new service between the relevant placing and host localities and subject to an Executive Decision, which will provide information about the proposed scheme and will include sub-group information, localities involved, provider support costs, property requirements and why the chosen property has been selected in that locality together with the full provider support proposal and a project plan including timeline.**

165 MACMILLAN SOLUTIONS

Consideration was given to a report of the Executive Member for Adult Social Care and Population Health / CCG Co-Chair / Director of Commissioning. The report provided an update on Macmillan's solutions, in relation to funding from April 2022 and beyond.

It was reported that the Macmillan Solutions charitable function had been operating for nearly ten years funded by Macmillan. Tameside were the second highest referrer in GM to the service, with good access locally. Macmillan Solutions were an asset-based charitable function, delivered by volunteers that offer a flexible approach to the work they provide (based on needs of the individual).

It was stated that T&G CCG had similar provider offers in place, which provided personalised care and support for people who had long-term conditions, including support for people with or affected by cancer.

It was explained that Covid had impacted on the length of time that people were having to wait for their treatment, this offer was crucial to ensuring PABC had access to a wide range of personalised care and support.

Macmillan Cancer Support previously funded the charitable function; therefore, if supported, Macmillan Solutions would have to be funded as new investment, awarded on a grant agreement, following compliant procedures. Funding to support the sustainability of the service was included within the T&G CCG/future ICS budget.

The Director of Commissioning advised that option 2 in the report was the preferred option, to resource the charitable function concentrating on the CCG areas making most use of the current service, namely Manchester, Salford, Tameside, and Bolton. It was further explained that the charitable function would concentrate on improving the level and quality of work in these localities. The valued charity would be maintained for the benefit of PABC, volunteers and referrers. Costs to each CCG would reflect the current percentage referral patterns into Macmillan Solution.

AGREED

That Strategic Commissioning Board be recommended to approve option 2 to resource the charitable function, Macmillan solution for the Tameside Locality.

166 STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT 2021 - 2037

Consideration was given to a report of the Executive Member for Housing, Planning and Employment / Director of Place. The report sought approval to publish the 2021 revision of the Strategic Housing and Economic Land Availability Assessment and the 2021 revision of the Brownfield Land Register.

The Director of Place advised the Board that the 2020/21 Strategic Housing and Economic Land Availability Assessment (SHELAA) was to build upon previous iterations of the assessment, which would identify and quantify the housing and economic land potential in the borough. It covered the period 1 April 2021 to 31 March 2037. SHELAA could be found attached at Appendix 1.

It was stated that the identification of sites on the Council's Brownfield Land Register continued to be informed by the SHELAA. The Brownfield Land Register was a sub-set of SHELAA data. The register highlights those SHELAA sites that were wholly brownfield, not under construction and met other specific criteria, as set out in regulations. In 2021, 104 number of sites fell into this category from the SHELAA and formed the register, with potential to deliver 4,227 net residential units. The 2021 Brownfield Land Register could be found attached at Appendix 2.

AGREED

That the Executive Member for Housing Planning and Employment be recommended to agree to:

- (i) Publish the 2020/21 revision of the Strategic Housing and Economic Land Availability Assessment in accordance with delegated authority as agreed by Executive Cabinet on 29 July 2020, minute no. 34 refers.**
- (ii) Publish the 2021 revision of the Brownfield Land Register in accordance with approved delegated authority as agreed by Executive Cabinet on 29 July 2020, minute no. 34 refers.**

167 PROCUREMENT OF EXTERNAL SUPPORT FOR TRANSFORMATION

Consideration was given to a report of the Executive Leader / Director of Transformation. The report sought approval for external support from transformation specialists to drive the transformation programme with the right expertise and at the right pace.

Members were advised that A=a core Transformation Team would provide a sustained and focused approach to a programme of work to improve outcomes and make financial savings. However, it would be necessary to engage external specialist support to ensure sufficient scale and pace and to provide additional capacity and specialist skills.

It was reported that a number of local authorities, including geographic neighbours, had successfully engaged in transformation programmes with the support of external organisations. Feedback indicated delivery of positive results from an outcomes and financial perspective.

It was explained that following a soft market test exercise to understand the market, it was estimated that Tameside would need to invest a one off amount of £2m to complete a 2 year transformation project including diagnostic and implementation. Initially the intention was for this to be Council-wide, with the option to undertake more deep dive service specific pieces of work later in the programme.

Procurement advice had been sought from partners STAR and it was proposed that a closed competitive procurement activity via a framework be undertaken. Six organisations would be invited to bid to support the Council with its Transformation Programme and their suitability assessed against a robust evaluation framework. Value for money would be driven into the contract via the competitive process.

AGREED

That the Executive Leader be recommended to agree that:

- (i) External support from transformation specialists is required to assist in delivering the Council's Transformation Programme over the next 2 years to deliver changes in service, improve outcomes for residents and realise associated savings.**
- (ii) A compliant procurement exercise is undertaken to appoint an external organisation to provide diagnostic and implementation support during the Transformation Programme.**

168 FORWARD PLAN

The forward plan of items for Board was considered.

CHAIR

Agenda Item 4

Report To:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member / Reporting Officer:	Councillor Oliver Ryan – Executive Member (Finance and Economic Growth) Dr Ash Ramachandra – Lead Clinical GP Kathy Roe – Director of Finance
Subject:	STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT CONSOLIDATED 2021/22 REVENUE MONITORING STATEMENT AT 30 NOVEMBER 2021
Report Summary:	<p>This is the financial monitoring report for the 2021/22 financial year reflecting actual expenditure to 30 November 2021 (Month 8) and forecasts to 31 March 2022.</p> <p>The forecast outturn on Council Budgets has improved by 371k since Month 7, mainly due a reduction in external placement costs in Children’s Social Care (£207k). There are some other smaller movements relating to the release of contingency budget and one-off additional income.</p> <p>The CCG plans for H2 were approved by NHS England in mid-November and allocations have now been transacted. As a result of this, full year budgets are now in place across the NHS and for the first time this year we are able to present full 12 month budget position for the CCG. The reported position at M8 shows a forecast overspend of (£3,553k), with a YTD variance of (£536k). This relates to the Hospital Discharge Programme, GP additional roles and responsibilities, and QIPP delivery with further detail set out in section 2 and Appendix 1.</p>
Recommendations:	<p>That Strategic Commissioning Board and Executive Cabinet be recommended to:</p> <ul style="list-style-type: none">(i) to note the forecast outturn position and associated risks for 2021/22 as set out in Appendix 1(ii) to rescind the earlier recommendation to serve notice on the Section 75 Agreement and to extend the existing Agreement into 2022/23 subject to any variations that may be required to reflect the Glossop position.
Policy Implications:	Budget is allocated in accordance with Council/CCG Policy
Financial Implications: (Authorised by the Section 151 Officer & Chief Finance Officer)	<p>This report provides the 2021/22 consolidated financial position statement at 30 November 2021 for the Strategic Commission and ICFT partner organisations. The Council set a balanced budget for 2021/22 which included savings targets of £8.930m whilst also being reliant on a number of corporate financing initiatives to balance.</p> <p>Despite this, a significant pressure is currently forecast, which will need to be addressed within this financial year. A new financial</p>

turnaround process is being implemented across all budget areas to address financial pressures on a recurrent basis.

With the outbreak of COVID-19 last year, emergency planning procedures were instigated by NHSE and a national 'command and control' financial framework was introduced. While some national controls have been relaxed over time, normal NHS financial operating procedures have still not yet been fully reintroduced.

CCG plans were approved by NHS England in mid November and allocations have now been transacted. As a result of this, full year budgets are now in place across the NHS and for the first time this year we are able to present full 12 month budget position.

It should be noted that the Integrated Commissioning Fund (ICF) for the Strategic Commission is bound by the terms within the Section 75 and associated Financial Framework agreements. The report below sets out the process for revising the Section 75 Agreement for 2022/23 to reflect the CCG's changing boundaries.

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

A sound budget is essential to ensure effective financial control in any organisation and the preparation of the annual budget is a key activity at every council.

Every council must have a balanced and robust budget for the forthcoming financial year and also a 'medium term financial strategy (MTFS). This projects forward likely income and expenditure over at least three years. The MTFS ought to be consistent with the council's work plans and strategies, particularly the corporate plan. Due to income constraints and the pressure on service expenditure through increased demand and inflation, many councils find that their MTFS estimates that projected expenditure will be higher than projected income. This is known as a budget gap.

Whilst such budget gaps are common in years two-three of the MTFS, the requirement to approve a balanced and robust budget for the immediate forthcoming year means that efforts need to be made to ensure that any such budget gap is closed. This is achieved by making attempts to reduce expenditure and/or increase income.

The Revenue Monitoring Statement records on a regular basis the Council's position. The Consolidated Revenue Monitoring Statement records how we are faring as a strategic Commission but any deficits remain the responsibility of the individual organisations unless legally statement otherwise.

In challenging financial times it is tempting to use reserves to maintain day-to-day spending. However reserves by their very nature can only be spent once and so can never be the answer to long-term funding problems. Reserves can be used to buy the council time to consider how best to make efficiency savings and can also be used to 'smooth' any uneven pattern in the need to make savings.

Risk Management:

Associated details are specified within the presentation.

Failure to properly manage and monitor the Strategic Commission'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 :

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Tracey Simpson, Deputy Chief Finance Officer, Tameside and Glossop Clinical Commissioning Group

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1. BACKGROUND

- 1.1 Monthly integrated finance reports are usually prepared to provide an overview on the financial position of the Tameside and Glossop economy.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Clinical Commissioning Group. The total gross budget of the ICF is just over £1bn.
- 1.3 Please note that any reference throughout this report to the Tameside and Glossop economy refers to the three partner organisations namely:
 - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
 - NHS Tameside and Glossop CCG (CCG)
 - Tameside Metropolitan Borough Council (TMBC)

2. FINANCIAL SUMMARY (REVENUE BUDGETS)

- 2.1 Overall the Council is facing a total forecast overspend of £1.207m for the year ending 31 March 2022. A substantial majority of this forecast relates to ongoing demand pressures in Children's Social Care.
- 2.2 The forecast outturn on Council Budgets has improved by 371k since Month 7, mainly due a reduction in external placement costs in Children's Social Care (£207k). There are some other favourable movements (£252k) relating to the release of contingency budget and additional one-off income relating to reimbursement of costs from a prior year, and a small reduction (£88k) in COVID related funding for administration costs recognised in 2021/22..
- 2.3 Last month reported that NHS plans for the second half of 2021/22 had not been formally approved at the time the report was written. Plans were approved by NHS England in mid-November and allocations have now been transacted. As a result of this, full year budgets are now in place across the NHS and for the first time this year we are able to present full 12 month budget position.
- 2.4 The reported position at M8 shows a forecast overspend of (£3,553k), with a YTD variance of (£536k). This is made up as follows:
 - **(£1,681k) Hospital Discharge Programme** (YTD £536k). In total we have spent £2,087k against the Hospital Discharge Programme in the first 8 months of the year. Claims of £1,551k relating to H1 have already been approved by NHSE, resulting in the YTD variance of £536k. Total forecast spend for the full year is £3,232k. After adjusting for H1 claim results which have already been reimbursed, we are reporting a total variance of £1,681k. We anticipate receipt of an allocation to match this variance, resulting in an effective breakeven position after reimbursement has been approved and transacted.
 - **(£1,422k) GP Additional Roles & Responsibilities** (YTD £0k). £3,207k of total funding has been made available by NHS England, against which our Primary Care Networks can claim in 2021/22. Based on current PCN plans, this is expected to be spent in full. CCG baseline allocations include £1,785k of ARRs funding and we are able to reclaim any spend in excess of this, hence the reported variance. Any slippage in PCN expenditure will reduce the value of CCG claims (i.e. ARRs will be cost neutral for the CCG position).
 - **(£451k) QIPP Shortfall** (YTD £0k). We have reported to NHS England that QIPP will be achieved in full. However based on standard optimism bias rules we are currently projecting a shortfall in achievement. Work is underway to address this risk and identify schemes which will close the gap. A more detailed report will be taken to Finance & QIPP Assurance Group, updating on progress.

- 2.5 There is work underway to produce a revised Section 75 Agreement between the CCG and the Council to reflect the CCG's changed boundaries from 1 April 2022 when the Glossop locality is due to move into the boundaries of NHS Derby and Derbyshire CCG. As directed by NHS England and NHS Improvement (NHSE/I) the CCG has sought legal advice from the solicitors appointed by NHSE/I. The approach now recommended which was different to that previously advised is to now rescind the earlier recommendation to serve notice on the Section 75 Agreement and instead to extend the existing Agreement into 2022/23. The CCG and Council will then agree the future amendment of the 2022/23 Section 75 Agreement to reflect the boundary change by means of a contract variation. The Section 75 Agreement will be supported by an accompanying Financial Framework for 2022/23.
- 2.6 Further detail on the financial position can be found in **Appendix 1**.

3. RECOMMENDATIONS

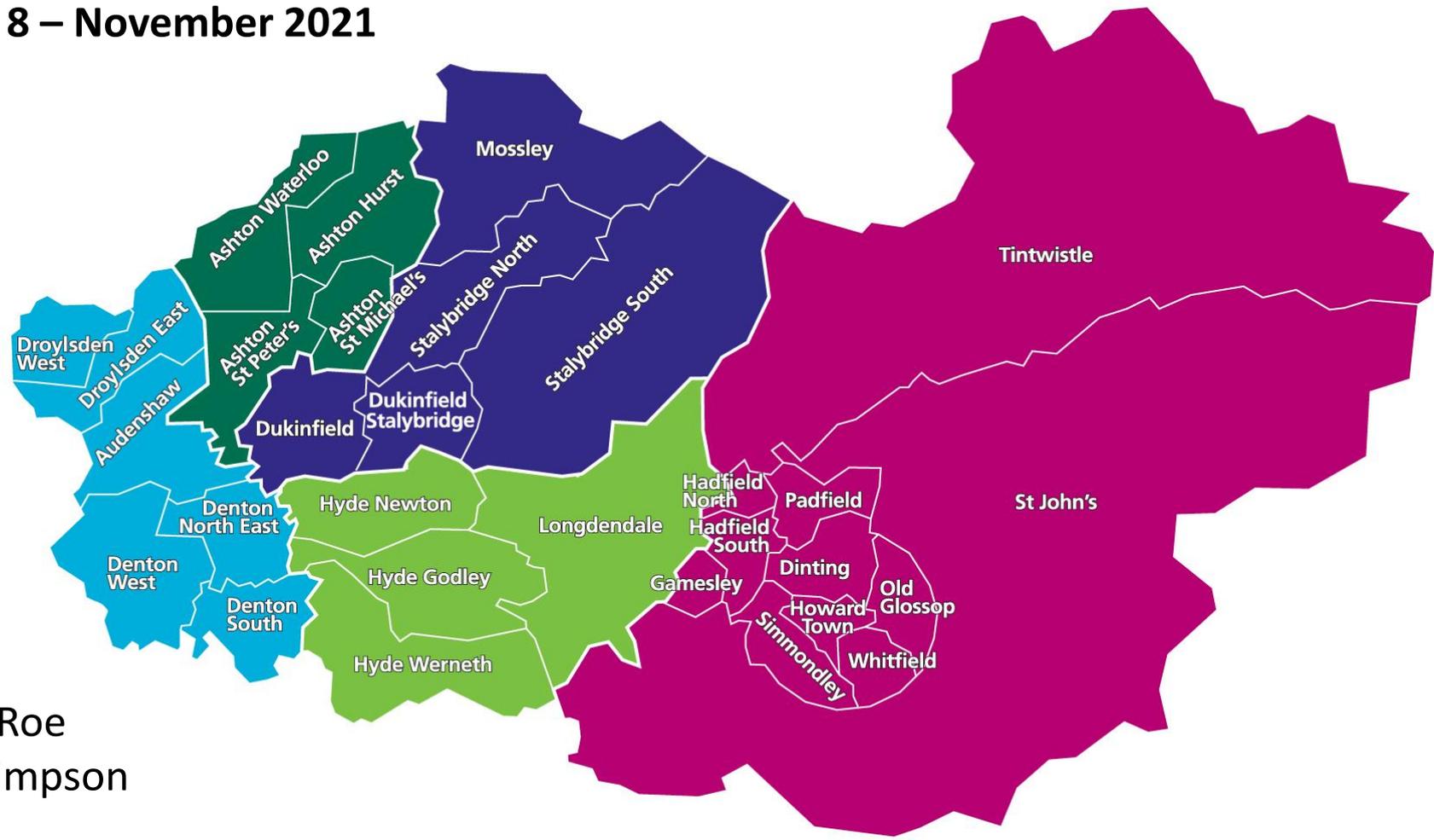
- 3.1 As stated on the front cover of the report.

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Tameside and Glossop Strategic Commission

Finance Update Report
Financial Year 2021-22
Month 8 – November 2021

Page 27



Kathy Roe
Sam Simpson

Period 8 Finance Report

Executive Summary	3
Integrated Commissioning Fund Budgets	4
CCG Budgets	5
ICFT Position	6 - 7

This report covers the Tameside and Glossop Strategic Commission (Tameside & Glossop Clinical Commissioning Group (CCG) and Tameside Metropolitan Borough Council (TMBC)) and Tameside & Glossop Integrated Care Foundation Trust (ICFT). It does not capture any Local Authority spend from Derbyshire County Council or High Peak Borough Council for the residents of Glossop.

Finance Update Report – Executive Summary

Message from the DOFs:

Last month we reported that NHS plans for the second half of 2021/22 had not been formally approved at the time the report was written. Plans were approved by NHS England in mid November and allocations have now been transacted. As a result of this, full year budgets are now in place across the NHS and for the first time this year we are able to present full 12 month budget position.

While we are now focused upon delivery against this plan, delivery is now against the backdrop of the new Omicron variant and the accelerated vaccine roll out recently announced by the Government. These will inevitably impact upon operational delivery and may make delivery of financial savings more challenging. It is too early to quantify this risk, but finance are working with operational colleagues to facilitate delivery and monitor financial progress, while ensuring that we operate within the agreed funding envelope and access any new COVID funding as appropriate.

Looking forward to next year, the Council are in the process of calculating budgets and identifying potential savings in advance of the Local Government Finance Settlement which is expected in mid December. Whilst the recent spending review did offer some additional funding for Local Government, current estimates are that cost and demographic pressures will continue to significantly exceed available funding.

There remains uncertainty about the future financial regime within the NHS. But work is underway to prepare for the creation of the Greater Manchester Integrated Care Board from April. We are working with colleagues from Derbyshire to ensure successful transition of commissioning arrangements for Glossop patients into the Derbyshire ICB. This includes appropriate financial and contractual transfers and the preparation of a revised section 75 Agreement to reflect the CCG's changed boundaries.

TMBC Financial Position

£371k

Improvement in financial position since M7, as a result of reduced costs in Children's Social Care and other one off benefits

Children's Social Care

(£4,619k)

Forecast overspend against full year budget. Though note this represents an improvement on the M7 position

CCG QIPP

(£451k)

Post Optimism Bias shortfall against QIPP target. Work underway to progress further savings and close this gap.

ICFT YTD Position

£34k

Despite In month pressures in November, spend on a YTD basis is slightly less than plan.

Forecast Position £000's	YTD Position			Forecast Position			Variance	
	Budget	Forecast	Variance	Budget	Forecast	Variance	Previous Month	Movement in Month
CCG Expenditure	294,840	295,377	(536)	451,719	455,272	(3,553)	N/A	N/A
TMBC Expenditure	130,002	125,430	4,572	194,494	195,701	(1,207)	(1,579)	371
Integrated Commissioning Fund	424,842	420,807	4,035	646,213	650,973	(4,761)	(1,579)	371

Integrated Commissioning Fund Budgets

Forecast Position £000's	YTD Position (Net)			Forecast Position (Net)			Net Variance		Gross Position (full year)	
	Budget	Actual	Variance	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
Acute	152,062	151,724	338	228,148	227,805	343	N/A	N/A	228,148	0
Mental Health	29,927	29,820	107	45,466	45,417	49	N/A	N/A	45,466	0
Primary Care	61,324	61,710	(387)	95,496	96,470	(974)	N/A	N/A	95,496	0
Continuing Care	9,231	8,816	415	14,769	14,595	174	N/A	N/A	14,769	0
Community	25,385	25,841	(456)	38,024	39,636	(1,611)	N/A	N/A	38,024	0
Other CCG	14,055	14,677	(622)	25,259	26,342	(1,083)	N/A	N/A	25,259	0
CCG TEP Shortfall (QIPP)	0	0	0	0	451	(451)	N/A	N/A	0	0
CCG Running Costs	2,857	2,788	69	4,556	4,556	(0)	N/A	N/A	4,556	0
Adults	26,809	27,686	(877)	40,214	39,335	879	879	0	90,822	(50,608)
Children's Services - Social Care	34,852	38,510	(3,658)	53,510	58,129	(4,619)	(4,826)	207	65,395	(11,885)
Education	5,635	1,919	3,716	7,239	6,928	311	311	0	32,730	(25,491)
Individual Schools Budgets	3,457	(1,083)	4,541	0	0	0	0	0	124,147	(124,147)
Population Health	9,647	6,436	3,211	14,470	13,610	860	860	0	15,873	(1,403)
Place	40,082	51,225	(11,143)	61,581	61,900	(319)	(319)	0	124,215	(62,634)
Governance	7,583	9,099	(1,516)	9,083	9,607	(524)	(524)	0	71,470	(62,387)
Finance & IT	5,750	5,530	220	8,326	7,637	689	689	0	10,153	(1,827)
Quality and Safeguarding	98	(8)	106	142	142	(0)	(0)	0	383	(241)
Capital and Financing	(663)	(890)	226	4,775	4,327	448	448	0	8,964	(4,189)
Contingency	2,634	(1,800)	4,434	3,959	3,918	41	(211)	252	4,715	(756)
Contingency - COVID Costs	0	12,880	(12,880)	0	16,229	(16,229)	(16,229)	0	0	0
Corporate Costs	3,355	3,425	(70)	5,051	4,973	78	78	0	5,352	(301)
LA COVID-19 Grant Funding	(9,237)	(25,688)	16,451	(13,856)	(29,359)	15,503	15,591	(88)	(5,239)	(8,617)
Other COVID contributions	0	(1,811)	1,811	0	(1,676)	1,676	1,676	0	0	0
Integrated Commissioning Fund	424,842	420,807	4,035	646,213	650,973	(4,761)	(1,579)	371	1,000,698	(354,485)

Forecast Position £000's	YTD Position			Forecast Position			Variance		Gross Position (full year)	
	Budget	Forecast	Variance	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
CCG Expenditure	294,840	295,377	(536)	451,719	455,272	(3,553)	N/A	N/A	451,719	0
TMBC Expenditure	130,002	125,430	4,572	194,494	195,701	(1,207)	(1,579)	371	548,979	(354,485)
Integrated Commissioning Fund	424,842	420,807	4,035	646,213	650,973	(4,761)	(1,579)	371	1,000,698	(354,485)

A: Section 75 Services	230,262	228,755	1,507	352,512	354,363	(1,851)	Note: The CCG did not have H2 budgets in place at M7, therefore unable to measure movements to variance at M8, but will do so again at M9			
B: Aligned Services	146,373	137,049	9,324	220,450	223,337	(2,887)				
C: In Collaboration Services	48,207	55,002	(6,795)	73,251	73,273	(22)				
Integrated Commissioning Fund	424,842	420,807	4,035	646,213	650,973	(4,761)				

Integrated Commissioning Fund Key Messages

Children's Social Care (£4,619k) Overspend

The Directorate forecast position is an over spend of (£4,619k), a favourable decrease of £207k since period 7. The over spend is predominately due to the number and cost of external and internal placements. At the end of November the number of cared for children was 696 a decrease of 2 from the previous month. The reduction in forecasts since period 7 is due to a favourable decrease in external placements (£207K).

Overall TMBC Position

The forecast outturn on Council Budgets has improved by 371k since Month 7, mainly due a reduction in external placement costs in Children's Social Care (£207k). There are some other favourable movements (£252k) relating to the release of contingency budget and additional one-off income relating to reimbursement of costs from a prior year, and a small reduction (£88k) in COVID related funding for administration costs recognised in 2021/22.

CCG QIPP

Against a full year target of £5,164k, £3,863k (75%) of the required savings have realised in the first 8 months of the year.

In addition to our banked savings, there is a further £310k, which we are completely confident of realising in future months. This leaves savings of £991k still to find.

After application of optimism bias, we anticipate making further savings of £540k from schemes currently rated as amber. Reducing the savings gap to £451k.

Work is underway to identify further schemes which will close this gap

CCG Reported Position

The reported position at M8 shows a forecast overspend of (£3,553k), with a YTD variance of (£536k). This is made up as follows:

(£1,681k) Hospital Discharge Programme (YTD £536k). In total we have spent £2,087k against the Hospital Discharge Programme in the first 8 months of the year. Claims of £1,551k relating to H1 have already been approved by NHSE, resulting in the YTD variance of £536k. Total forecast spend for the full year is £3,232k. After adjusting for H1 claim results which have already been reimbursed, we are reporting a total variance of £1,681k. We anticipate receipt of an allocation to match this variance, resulting in an effective breakeven position after reimbursement has been approved and transacted.

(£1,422k) GP Additional Roles & Responsibilities (YTD £0k) . £3,207k of total funding has been made available by NHS England, against which our Primary Care Networks can claim in 2021/22. Based on current PCN plans, this is expected to be spent in full. CCG baseline allocations include £1,785k of ARRs funding and we are able to reclaim any spend in excess of this, hence the reported variance . Any slippage in PCN expenditure will reduce the value of CCG claims (i.e. ARRs will be cost neutral for the CCG position).

(£451k) QIPP Shortfall (YTD £0k). We have reported to NHS England that QIPP will be achieved in full. However based on standard optimism bias rules we are currently projecting a shortfall in achievement. Work is underway to address this risk and identify schemes which will close the gap. A more detailed report will be taken to Finance & QIPP Assurance Group, updating on progress.

Finance Summary Position – T&G ICFT

	Month 8			YTD		
	Plan £000's	Actual £000's	Variance £000's	Plan £000's	Actual £000's	Variance £000's
Total Income	£22,553	£22,863	£310	£182,170	£184,652	£2,482
Employee Expenses	(£16,241)	(£15,959)	£282	(£125,186)	(£126,037)	(£851)
Non Pay Expenditure	(£6,415)	(£6,987)	(£572)	(£51,933)	(£54,107)	(£2,174)
Total Operating Expenditure (excl. COVID-19)	(£22,656)	(£22,946)	(£290)	(£177,119)	(£180,144)	(£3,025)
Income - COVID-19	£30	£28	(£2)	£60	£191	£131
Employee Expenses - COVID-19	(£739)	(£694)	£45	(£5,558)	(£5,424)	£134
Non Pay Expenditure - COVID-19	(£93)	(£189)	(£96)	(£1,496)	(£1,126)	£370
Total Operating Expenditure - COVID-19	(£802)	(£855)	(£53)	(£6,994)	(£6,359)	£635
Total Operating Expenditure	(£23,458)	(£23,801)	(£343)	(£184,113)	(£186,503)	(£2,390)
Net Surplus/ (Deficit) before exceptional Items	(£905)	(£938)	(£33)	(£1,943)	(£1,851)	£92
Trust Efficiency Programme	£375	£542	£167	£3,714	£3,493	(£221)
Capital Expenditure	(£506)	(£814)	(£308)	(£2,942)	(£2,559)	£383
Cash and Equivalents		£29,571				

Trust Financial Summary – Month 8

The Trust H2 financial plan for H2 is breakeven, in line with national guidance. In month 8 the Trust reported an in month variance against plan of c.£33k deficit and a YTD surplus of c.£92k. e Trust H2 financial plan for H2 is breakeven, in line Trust H2 financial plan for H2 is breakeven, in line

The in month actual position is a reported deficit of c.£938k this represents a reduction of spend from the previous month of c.£31k. ward arrears for H1 was transacted in month 6, in line with national guidance, the impact of the pay award was assumed to be fully funded in H1. Any shortfall Total COVID expenditure incurred in month equated to c.£855k against planned spend of c.£802k and a total YTD spend of c£6.359m against a plan of c.£6.994m which represents an underspend of £635k. COVID spend increased during month 8 predominantly due to increases in the numbers of COVID positive in-patients treated during the month.

The Trust is forecasting a breakeven financial position for 2021/22 in line with plan.

Page 33 Activity and Performance:

Restoration plans have been established within the Trust and the Trust continues to aspire to deliver nationally prescribed activity targets, which for H2 is to deliver 89% of the completed Referral to Treatment pathways relative to 2019/20. The Trust continues to report good levels of performance against restoration targets. However, the Trust continues to experience significant pressures within Urgent Care, Non-elective and COVID positive admissions.

Efficiency target:

The Trust has set an efficiency target for H2 of 3% in line with national guidance. This equates to c£4.381m for H2 and c£7.472m for the financial year 2021/22.

The Trust has delivered efficiencies equating to c. £542k in month 8 and c.£3.493m YTD which are predominantly through productivity improvements and income generation schemes.

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Agenda Item 5

Report to :	EXECUTIVE CABINET
Date :	26 January 2022
Reporting Officers:	Councillor Brenda Warrington – Executive Leader (Tameside Council) Dr Ashwin Ramachandra / Dr Asad Ali – Co-chairs (Tameside and Glossop Clinical Commissioning Group) Sandra Stewart – Director Governance and Pensions Sarah Threlfall – Assistant Director Policy, Performance and Communications (Governance and Pensions)
Subject :	CORPORATE PLAN SCORECARD
Report Summary :	The corporate plan outcomes scorecard attached provides evidence to demonstrate progress towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality. The scorecard is attached at Appendix 1 .
Recommendations :	That the contents of the report and scorecard Appendix 1 are noted, and that the next quarterly update to Board and to Executive Cabinet be agreed.
Links to Corporate Plan:	The report is relevant to all elements of the Corporate Plan as the scorecards provide data to help track progress towards achieving its aims and objectives.
Policy Implications :	The corporate scorecard provides the evidence for demonstrating the progress being made towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality. The thematic scorecards – which support the corporate scorecards - will enable services to monitor their own performance and their contribution to delivery of the Corporate Plan.
Financial Implications : (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	Whilst there are no direct financial implications arising from the recommendations in this report, the scorecard should assist Members in making decisions regarding the prioritisation of the Council's limited resources. The CIPFA Financial Management Code sets an expectation that to remain financially sustainable an authority must have timely information on both its financial and operational performance. Performance information should aid Members understanding as to whether spending decisions are achieving objectives, and enable informed decisions regarding the prioritisation of scarce resources in the face of significant financial challenges.
Legal Implications : (Authorised by the Borough Solicitor)	The purpose of the scorecards is to provide Members with data on which to measure the Council's performance against the corporate plan and ultimately for the residents of Tameside. The scorecards are always an important tool for Members to use to measure the council's delivery but they are all the more

critical in light of the current challenges faced by the council in relation to the impact of covid and budgetary pressures.

This current data should help Members in their considerations on how to meet these challenges and how to address any issues arising in relation to the effectiveness of the council in undertaking the deliver of services.

Risk Management :

Effective use of data, including performance management through scorecards, helps to identify areas where improvement activity is required thus avoiding the risk of service failure. Alongside this services have management information that is used to assess risk and drive improvement.

Access to Information :

The background papers relating to this report can be inspected by contacting Alec Milner, Policy Officer



Telephone:0161 342 3905



e-mail: alec.milner@tameside.gov.uk

1. CORPORATE OUTCOMES SCORECARD

- 1.1 The Corporate Plan outcomes scorecard, **Appendix 1**, follows the structure of the Corporate Plan, and contains indicators focused on long term outcomes across the plan's priorities. There are a number of proxy indicators for issues related to the pandemic which will take significantly longer to be reflected in the regular long term measures.
- 1.2 The number of Tameside residents receiving Universal Credit in October was down slightly on the same month in 2020, although the percentage of UC recipients in employment in September was higher than in September 2020. The number of households in receipt of council tax support has fallen below 18,000 for the first time since climbing during the first wave of the coronavirus pandemic last year.
- 1.3 Building across the borough has decreased since the last financial year. The net number of additional dwellings per 10,000 residents has fallen from 20.93 in 2019/2020 to 16.2 in 2020/2021. This remains significantly lower than the national average of 38.3 per 10,000 people. This has also affected the completion of affordable homes, with new affordable homes per 10,000 residents falling from 8.51 in 2019/2020 to just 2.51 in 2020/2021, significantly lower than the national average of 9.2 per 10,000 people.
- 1.4 There has also been a notable drop in performance on a number of wider health metrics. The latest data for the proportion of people walking or cycling 3+ times a week, from 2019/2020, is 15 percentage points lower than the previous year at just 27.4%, below the national average of 34.5%.

2. RECOMMENDATION

As set out on the front of report.

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Theme	Priority	Outcome	Metric Reference	Metric	Previous Position	Current Position	National Average	Period	Progress	Targets	
										Apr 2025	Apr 2030
Economy	Very Best Start	Reduce rate of smoking at time of delivery	V1	% Smoking at time of delivery	7.40%	9.70%	9.10%	Q1 2021/2022	↑	10.50%	All expectant mothers to be supported to be smoke free at the time of delivery
		Improve school readiness	V2	% achieving a 'good' level of development	65.7%	66.90%	71.80%	2019	↑	75%	All children start school ready to learn
			V3	% achieving expected level in Phonics decoding	79.0%	78.00%	82.00%	2019	↓		
			V4	% 3 & 4 year olds at 'good' or 'outstanding' EY settings	93%	93%	93%	2021	↔	98%	All children to attend good or outstanding early years settings
			V5	% 2 year olds in funded early education	75%	71%	62%	2021	↓	95%	All eligible 2 year olds benefit from funded early years education
			V6	% of children in year 6 who are overweight or obese	36.2%	35.9%	35.2%	2020	↓	34%	All children to be a healthy weight at the end of Year 6
	Aspirations & Hope (Educational Attainment Measures Suspended)	Young people going into higher education	A1	% Key Stage 4 going into/remaining in further education	85.2%	84.1%	86.9%	2020	↓	90%	All young people going into/remaining in further education after KS4
		Children attending 'good' and 'outstanding' schools	A2	% Primary schools 'good' & 'outstanding'	89.50%	88.20%	88.10%	Ad Hoc	↑	95%	All children attending a good or outstanding primary school
			A3	% Secondary schools 'good' & 'outstanding'	66.70%	66.70%	77.40%	Ad Hoc	↔	80%	All children attending a good or outstanding secondary school
		Proportion of children with good reading skills	A4	% Key Stage 2 achieving expected reading standard	73%	72%	73%	2019	↓	80%	All children to be provided with the opportunity to achieve their full educational potential
		Promote a whole system approach and Improving wellbeing and resilience	A5	Secondary Fixed Term Exclusions	16.80%	10.22%	7.43%	2019/2020	↓		
			A6	Mean worthwhile ratings (adults 16 and over)	7.92	7.79	7.71	2020/2021	↓	8.5	All residents 16+ feel that the things they do in life are worthwhile
	Resilient Families & Supportive Networks	Early Help Intervention	R1	Child and Family Assessments currently open	629	587	N/A	Q1 2021/2022	↓	To be developed	All vulnerable families receive the help they need
		Reduce the number of first time entrants into Youth Justice	R2	First Time Entrants into Youth Justice aged 10-17, rate per 100k	211	99	170	2020	↓	212.9	No young people entering the youth justice system
		Increased levels of fostering and adoption	R3	% Cared for children adopted in year	12%	10%	12%	2019	↓	18.60%	All looked after children provided with the opportunity to be adopted, where its of benefit to the young person within
		Improve the quality of social care practice	R4	Children's Services Audits Rated 'Good' & 'Outstanding'	5%	50%	N/A	Q2 2021/2022	↑	50%	All Children Social Care audits rated good or outstanding
	Work Skills & Enterprise	Increase median resident earnings	W1	Median Annual Income	£25,825	£27,706	£31,490	2021	↑	£27,492	The median annual income to be in line with the England average
			W2	Percentage in Employment	75.0%	72.9%	75.7%	2020	↓	78%	All people who can work are in work
		Increase the working age population in employment	W3	Universal Credit Recipients	25,776 (Oct 2020)	25,706	N/A	Oct-21	↓		
			W4	Universal Credit Recipients in Employment	38.1% (Sep 2020)	39.0%	40.5%	Sep-21	↑		
		Increase the number of people earning above the Living Wage	W5	New enterprises (percentage of total businesses)	12.66%	12.27%	12.12%	2020	↓	18.97%	Tameside is recognised as a vibrant economy where entrepreneurs are supported to start new businesses
			W6	Business Rate Taxbase: Total Rateable Value	£148,235,884 (Aug-21)	£148,594,042	N/A	Nov-21	↑		
		Increase number of enterprise / business start-ups	W7	Percentage of population with at least level 3 skills	48.20%	48.60%	61.3%	2020	↑	54.90%	Higher proportion of Tameside's population have Level 3 skills than the national average
			W8	Number of apprenticeships started	2050 (146.2 per 10k)	1380 (98.5 per 10K)	196,300 (56.1 per 10K)	Q1-3 19/20 Academic	↓	2310	Apprenticeships are available to all that seek them
	Covid-19 Impact and Recovery	W12	Households Receiving Council Tax Support	18,112 (Nov 2020)	17,795	N/A	Nov-21	↓			
		Environment	Improve air quality	I1	Particulate Matter Pollution in the Air (PM2.5, ug/m^3)	9.70	7.60	7.54	2020	↓	6
I2	Territorial Carbon Dioxide Emissions (kilotonnes)			849.92	810.10	879.27	2019	↓			
I3	Trees Planted Annually			6749	15000	N/A	2020/2021	↑			
I4	Net Additional Dwellings per 10,000 Residents		20.93	16.2	38.3	2020/2021	↓		Targets to be agreed		

Theme	Priority	Outcome	Metric Reference	Metric	Previous Position	Current Position	National Average	Period	Progress	Targets			
										Apr 2025	Apr 2030		
Great Place - Ian Saxon / Vibrant Eccles	Living Well	Infrastructure and E	I5	New Affordable Homes per 10,000 Residents	8.51	2.51	9.2	2020/2021	↓		Targets to be agreed		
			I6	Maximum Mean Download Speed	56.9	60.4	71.2	Q1 2021/2022	↑	41.5	All households to have access to high quality internet services		
			I7	Percentage of all waste recycled	50.90%	45.9%	43.0%	2019/2020	↓	57.78%	All household waste recycled where possible		
			I8	% population walking / cycling 3+ times a week	42.0%	27.4%	34.5%	2019/2020	↓	47%	Tameside is a walking/cycling friendly borough		
			I9	% of residents with Level 4 access to public transport network at peak times		82.7% (GM)	N/A		N/A	Targets to be agreed	All residents with Level 4 access to public transport network at peak times		
	Ageing Well	Nurturing Communities	Reduce victims of domestic abuse	N1	Rate of PPIs per 1000	25.2 (Q1 2020/21)	25.2	N/A	Q1 2021/2022	↔	25.1	Tameside has low rates of domestic abuse	
				Reduce the number of rough sleepers/homelessness	N2	Street counts & estimates of rough sleepers	2 (0.19 per 10k HHolds)	5 (0.22 per 10K)	0.76 per 10K	2020	↑	2	Nobody sleeping rough on the streets of Tameside
					N3	Households reporting as at risk of homelessness- Jigsaw	211 (2019)	90 (2020)	N/A	2020	↓		
					N4	Mean life satisfaction ratings	7.74	7.43	7.38	2020/2021	↓	8.5	Maintain mean life satisfaction at 8.5
				Improve satisfaction with local community	N5	Deaths due to suicide- rate per 100,000	9.4	8.3	10.4	2018-2020	↓		
					N6	IAPT Referrals	10,465	8,325	N/A	2020/2021	↓	12383.4	Everyone has access to good quality mental health services
			Covid-19 Impact and Recovery	N7	Food Bank Enquiries	100 (WC Oct 2020)	62 (WC Oct 2021)	N/A	Oct-21	↓			
				N8	Placements in Emergency Temporary Accommodation	557	510	N/A	2020/2021	↓			
				N9	Domestic Abuse Incidents reported to Children's Services	163 (Oct 2020)	253	N/A	Oct-21	↑			
				N10	Residents Agreeing that People Look Out for One Another	73% (Jul-Sep 2019)	83% (Apr-Jun 2020)	N/A	Apr-Jun 2020	↑			
				N11	Residents Feeling Safe in their Local Area	89% (Jul-Sep 2019)	92% (Apr-Jun 2020)	N/A	Apr-Jun 2020	↑			
				N12	Self Isolation Payments	636 (WC Nov 2020)	148 (WC Oct 2021)	N/A	Oct-21	↓			
	Longer & Healthier Lives	Improve the wellbeing of our population	Increase physical and mental healthy life expectancy	L1	Healthy Life Expectancy at birth	Male - 60.4 years, Female - 58.3 years	Male - 61.9 years, Female - 58.7 years	Male - 63.2 years, Female - 63.5 years	2017-2019	↑	Male - 61.2 years, Female - 62.3 years	Healthy life expectancy to be in line with the England average	
				L2	Covid-19 Vaccination Rate (1st Dose, Residents 18+)	89.6% (5th Aug)	90.3% (25th Nov)	94.9% (25th Nov)	Ad Hoc	↑			
			L3	Covid-19 Bed Occupancy - ICFT	8% (10th Aug)	13% (23rd Nov)	N/A	Ad Hoc	↑				
L4			Happiness ratings (average)	7.39	7.13	7.31	2020/2021	↓	7.52	Maintain mean happiness ratings above 8			
L5			Prevalence of smoking, 18+. Survey Data	17.0%	18.2%	13.9%	2019	↑	11%	Tameside and Glossop are smoke free areas			
L6			% of population 'inactive' (<30m exercise a week)	29.6%	30.5%	27.1%	Nov 2019- Nov 2020	↑	25.20%	All residents are physical active where possible			
L7			% adults (18+) classified as overweight or obese	70.5%	71.3%	62.8%	2019/2020	↑					
L8			CQC Audit Results: % good or outstanding	94.3%	97.1%	N/A	Ad Hoc	↑	100%	All GP practices to be rated good or outstanding by CQC			
L9			Admission rate for alcohol related harm per 100k	2783	2780	2370	2018/2019	↔	2250	Alcohol harm rates are low and support is available			
L10			Deaths from drug misuse per 100k	5.6	8.8	5	2018-2020	↑	4	Drug misuse rates and low and support is available			
		Increase the number of people helped to live at home	ID1	Funded 65+ in residential/nursing homes per 100k	644.6	620.4	498.2	2020/2021	↓	585.6	Only those in most in need access residential/nursing care at the right point for them		

Theme	Priority	Outcome	Metric Reference	Metric	Previous Position	Current Position	National Average	Period	Progress	Targets	
										Apr 2025	Apr 2030
Independence & Dignity in Older Age		Reduce hospital admissions due to falls	ID2	Emergency admissions for falls 65+ per 100k	1961	2073	2222	2019/2020	↑	1875.57	Emergency falls in the 65+ age group are low
		Increase levels of self-care / social prescribing	ID3	% service users who find it easy to find information	70.2%	70.6%	68.4%	2019/2020	↔	78.6%	Tameside and Glossop is a place where people are supported to self care
		Good' and 'Outstanding' social care settings	ID4	CQC Audit Results: % care home beds good or outstanding	80.84% (Dec 2020)	79.80%	N/A	Dec-21	↓	80%	All residential/nursing settings are rated good or outstanding
		Prevention support outside the care system	ID5	Number of people supported outside the social care system with prevention based services	5660	5965	N/A	Q2 2021/2022	↓	7500	All people are supported to remain in the community
		Covid-19 Impact and Recovery	ID6	Contacts Made to ASC	695 (Oct 2020)	602	N/A	Oct-21	↓		
			ID7	Open ASC Provisions	4861 (Oct 2020)	4735	N/A	Oct-21	↓		

* Where available data will be provided at the Tameside & Glossop level for health related indicators. Data as of 3rd December 2021.

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Agenda Item 6

Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Ilys Cookson – Assistant Director Exchequer Services
Subject:	LOCAL COUNCIL TAX SUPPORT SCHEME 2022/23
Report Summary:	<p>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 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. Additional costs associated with the default scheme were estimated to be in excess of £3.2m in 2013/14, and this will probably be significantly increased in 2022/23 depending on demand and the amount of Council Tax Support applied.</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>
Recommendations:	<p>It is recommended that the Council:</p> <ul style="list-style-type: none">(i) continues the scheme introduced in 2013/14, as amended in 2016/17, and adopts the Council Tax Reduction Scheme for 2022/23 set out in Appendix 3; save for the annual benefit upratings which are not yet released by DWP.(ii) approves a £50,000 hardship fund be in place in order to assist severe cases of hardship funded from existing budgets, to be administered by Exchequer Services under the Section 13A Policy.
Corporate Plan:	The Council Tax Support (CTS) scheme assists the most financially vulnerable in the Borough by providing means tested financial support towards Council Tax costs.
Policy Implications:	In line with Council policy and guidance from The Department for Levelling Up, Housing and Communities, formerly known as Ministry of Housing, Communities and Local Government (MHCLG).
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	The Council Tax Support (CTS) Scheme is a cost to the Council in the sense that it reduces the amount of Council Tax that can be collected. For 2021/22, the estimated 'cost' of the scheme, in terms of revenue foregone, is approximately £15.4m, compared to £16.5m in 2020/21. The cost of the Council Tax Support is usually expected to increase year on year as the Council Tax charge increases. The reduction in forecast costs this year is due to the 2020/21 figures including the impact of additional support funded through the Local Council Tax Support COVID grant.

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. No changes are proposed to either the Council Tax Support Scheme or the Hardship Fund for 2021/22.

If the Council chose to adopt the default scheme, rather than a local scheme, the 'cost' to the Council is estimated to be significantly greater than the cost of the local scheme. The Council could choose to adopt a less generous local scheme however any reduction in the level of support provided is expected to increase levels of uncollected Council Tax as those claimants in receipt of Council Tax Support are often the most economically vulnerable.

Legal Implications:
(Authorised by the Borough Solicitor)

The legal implications are set out in the main body of the report together with a consideration of the risks related to this matter set out in section 8 of the report. The Council in setting the scheme has attempted to achieve a balance between those who struggle to pay owing to levels of income and everyone else who pays whilst taking into account legal requirements of the scheme.

Risk Management:

The scheme is legally compliant in the way it has been set and Risks are set out in Section 8 of this report.

Background Information:

Appendix 1	equality impact assessment
Appendix 2	The Hardship Fund
Appendix 3	Council Tax Reduction Scheme for 2022/23

The background papers relating to this report can be inspected by contacting Karen Milner, Service Unit Manager — Assess and Pay and Income and Collection:

 Telephone: 0161 342 5022

 e-mail: karen.milner@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Welfare Reform Act 2012 contained provision to abolish Council Tax Benefit. The Government replaced it with a power for each local authority to have its own locally set Council Tax Reduction Scheme. The necessary primary legislation is included in the Local Government Finance Act, passed on 31 October 2012 which contained provision, amended by The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017, that Councils wishing to implement a local scheme must have the scheme approved by 11 March each year.
- 1.2 The local scheme was funded in the first year by way of a fixed grant which the Department of Communities and Local Government (now The Department for Levelling Up, Housing and Communities) have determined as being 90% of the 2011/12 outturn for Council Tax Benefit expenditure. In real terms this reduction in funding equated to 17.3% for Tameside for 2013/14 and a local Council Tax Support Scheme was set taking into account the costing envelope available.
- 1.3 Tameside's own local Council Tax Support (CTS) scheme was set at the Council meeting on 21 December 2012. The scheme was adopted to a challenging timescale additionally, the Universal Credit Regulations 2013, on which the principals of the Council Tax Support Scheme were based, was not passed through parliament until 25 February 2013.
- 1.4 The 2013/14 CTS scheme which had been in place since 1 April 2013 was revised after consultation had been carried out with the public between 14 September 2015 and 30 November 2015. The Police Authority and Fire and Rescue Authority precepting bodies were also consulted.
- 1.5 The following elements were introduced to the scheme from 1 April 2016:
 - Capping support to a Band A property.
 - Reduce the maximum CTS award to 75%.
 - Align deductions for non-dependents of working age to the same level as those in the prescribed scheme for claimants of pensionable age.
 - Non-dependent deductions are disregarded for CTS claimants in receipt of a Staying Put payment.
- 1.6 In consideration of setting the local CTS scheme for 2022/23 this reports sets out:
 - What the Council is required to do
 - The operation of the Council Tax Support scheme since 2013/14 and revisions effective from 01 April 2016 and in line with recommendations in 2019 The Local Government Ombudsman.
 - The operation of the scheme in relation to the COVID-19 pandemic.
 - The operation of the Hardship Payment Fund under the Section 13A Policy.
 - Proposed Council Tax Support scheme 2022/2023.

2. PROCEDURAL REQUIREMENTS

- 2.1 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.
 - There are 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 in 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.

2.2 A procedural requirement in drafting the Council Tax Support Scheme was to consult with members of the public and precepting bodies. As the scheme will remain unchanged from that set for 2013/14 and amended for 2016/17 it is not necessary to consult as no changes are proposed for the forthcoming year. Precepting bodies have been informed that the 2022/23 scheme will be unchanged from that which was set in 2016, and therefore there will be no impact on the precept budgets as a result of this.

2.3 The procedural requirements are contained in the Local Government Finance Act 2012.

3. COUNCIL TAX SUPPORT SCHEME IN OPERATION

3.1 In considering the setting of the local Council Tax Support Scheme 2022/23, 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, impact on equalities, communications and on the recovery of Council Tax remained within projections which took place at the time the scheme was set.

Demand

3.2 As at the end of quarter two of 2021/22 approximately 17,898 people claim Council Tax Support. Of this number, there are approximately 7,406 (41%) people of pensionable age who will be guaranteed protection under the CTS scheme. Therefore approximately 10,492 (59%) 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.

Table 1

Demand on Local Council Tax Support Scheme

Year	Total claimants
01/04/2013	23,716
14/04/2014	23,231
10/04/2015	22,029
18/04/2016	20,889
04/04/2017	20,087
18/10/2018	19,140
01/10/2019	18,161
29/10/2020	18,155
01/10/2021	17,898

Claimant caseload fluctuates on a daily basis and overall there has been a reduction in overall claimant numbers from 01 April 2013. The caseload continued to fall during 2021/22 even though residents had more to pay in Council Tax due to the Council Tax rise in April 2021 and despite the impact of the Coronavirus pandemic; however this decline appears to follow the pattern from previous years. The fall is unlikely 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 CTS awarded, it did not change the eligibility criteria.

4. OTHER FACTORS TO BE CONSIDERED

- 4.1 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, so 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 2021/22.
- 4.2 The Department for Levelling Up, Housing and Communities have not issued any guidance on what Local Authorities should consider including in their local scheme for the forthcoming financial year. Should The Department for Levelling Up, Housing and Communities release guidance at a future date then this would be included in a revision to the scheme to be effective from 01 April 2022.
- 4.3 The Local Government Ombudsman (LGO) in their report of August 2019 to Local Authorities titled "Council Tax Reduction – Guidance for Practitioners" to help Local Authorities manage complex council tax reduction enquiries and complaints, 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. Therefore to provide clarity in Tameside's Council Tax Support Scheme in relation to the treatment of these adjustments to entitlement, wording was inserted into the Scheme for 2020/21 at Schedule 8, paragraph (10). The wording will remain in the scheme for 2022/23.
- 4.4 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.
- 4.5 To provide clarity in Tameside's Council Tax Support Scheme in relation to determining the commencement date of entitlement to Council Tax Support, wording was inserted into the Scheme for 2020/21 to clarify the definition within the prescribed Regulations of when an application form is "issued". Wording was inserted in to the Scheme for 2020/21 at Schedule 1, paragraph 48 and Schedule 9, paragraph 64. The wording will remain in the scheme for 2022/23.

5. EQUALITY IMPACT ASSESSMENT

- 5.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of: Age, gender, race, sexual orientation, gender re-assignment, marriage and civil partnership, disability, pregnancy and maternity, religion or belief.
- 5.2 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.

5.3 The Act therefore imposes a duty on the Council which is separate from the general duty not to discriminate. When a local authority carries out any of its functions, including deciding what Council Tax Support scheme to adopt, the local authority must have due regard to the matters within the section of the Act outlined above. The courts have made it clear that the local authority is expected to rigorously exercise that duty.

5.4 The Government has confirmed that people of state pension credit age are to have their current Council Tax Support levels protected and that the prescribed scheme must apply to them.

5.5 The population of Tameside is estimated at 227,117 based on the 2020 mid-year 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 39,976 according to the ONS and the gender split of Tameside's overall population is 49% male and 51% female. There are currently 102,369 households in Tameside as at October 2020.

5.6 Tameside has approximately 17,898 CTS claimants (as at October 2021), of these 7,406 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 full equality impact assessment on the scheme is detailed at **Appendix 1** undertaken in 2015 in consideration of the changes to the scheme which became effective from 01 April 2016. The scheme to be adopted in 2021/22 is the same scheme as that set for 2016/17, 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22.

5.7 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. For those with a disability this is 99% (although this is a function of incapacity / disability benefits being used as a proxy for disability).
- Carers – 880 (5%) of all claimants receive Carer's Allowance.
- Maternity – 8 (0.08%) of working age claimants receive Maternity Allowance.
- War widows – 21 (0.1%) of all claimants are war widows (of which 6 are of working age).

(Data as at 01 October 2021)

5.8 To ensure that the Council Tax Support scheme complied with the statutory public sector equality duty and the child poverty strategy quarterly reviews have been undertaken. It has been important to continually consider the equality impact to ensure that no adverse impacts emerged on the key characteristic groups of age, disability, gender, pregnancy and maternity, race, sexual orientation, gender re-assignment, marriage and civil partnership and religion and belief.

5.9 The detail of the quarter two review of the scheme for 2021/22 , and conclusions drawn from the evidence and analysis of the effects on equality on the key characteristic groups are detailed here:

Workers

5.10 As at the end of quarter two (data taken 1 October 2021) 10,492 or 59% of total claimant base are working age claimants and 94% of those working age claimants are out of work. Working age claimants have decreased by 203 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.

Disabled

- 5.11 A total of 5,373 claimants are disabled (30% of total claimants) and of those 2,674 are pensioners and so must be fully protected. There has been a distinct increase in the number of working age disabled claimants from 2,578 to 2,699 between quarter four of 2020/21 and quarter two of 2021/22. The cause for this increase is not known but coincides with the COVID pandemic.
- 5.12 Of the 2,699 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 £152.15 per week (2021/22 rates), from 684 in quarter four of 2020/21 and 793 in quarter two of 2021/22.
- 5.13 A total of 26 disabled claimants were working in quarter two; an increase of five claimants between quarter one to quarter two. A total of 880 claimants (5%) receive Carer's Allowance and have been provided with extra support by having an additional element of allowable income in the assessment. This is a decrease of 1 person from quarter one.
- 5.14 The number of claimants in receipt of war pensions or war widow's pensions which are excluded from the assessment for Council Tax Support, has stayed the same from quarter four in 2020/21 to quarter two 2021/22.

Women

- 5.15 A total of 59% (10,560) of claimants are female. The number of lone parent households has decreased by 68 claims between quarter one and quarter two. Of all the lone parent households, 2,522 (91% of all lone parent claims) are female. Of those that do not receive maximum support, disregarding Child Benefit in full offers some protection to this claimant category, (1,684 claims, 65% of the total female lone parent claims) however this is not specifically restricted to female households nor is the disregard of childcare costs for working claimants with children. The number of female pensioners has fallen between quarter one and two to 4,243 from 4,254 (23.7 % of total claimants). The scheme has affected women more than men as expected as there are more female claimants.

Children and families

- 5.16 In setting the 2013/14 scheme the Child Poverty Strategy was considered as this commits the Council and its partners to eliminating the effects of child poverty and supporting the most vulnerable while reducing inequalities. There are 3,727 claimants with children. The scheme continues to provide some protection for families with children by disregarding child benefit in full which affected 2,495 working age claimants (24% of working age claimants) of which 1,684 or 68% are lone parents and female in quarter two. Child care costs are disregarded for claimants in work in 18 claims of which 16 (89%) are single parents and 2 (11%) are couples.
- 5.17 Child maintenance has been taken into account in the calculation for 26 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 pensions

- 5.18 War pensions and war widow's pensions are disregarded in full from the calculation for CTS.

Effect of scheme changes introduced in April 2016

- 5.19 Band A cap. 1,614 (15%) of working age claimants have been affected by the introduction of cap on the amount of CTS awarded to that of a Band A property. Claimants living in higher banded properties have to pay the difference in Council Tax between a Band A property. There are 52,636 Band A properties in the Borough.
- 5.20 Reducing the maximum award to 75%. The total working age caseload of 10,492 has been affected by reducing the maximum award from 80% when the scheme was set in April 2013 to 75% in April 2016. Pensioners are not affected as they continue to be protected in accordance with legislation.
- 5.21 Align deductions for non-dependents of working age to the same level as those in the prescribed scheme for claimants of pensionable age. There are 10,492 working age claimants however of these only 436 have a working age non-dependant where a deduction is taken.
- 5.22 Non-dependent deductions are disregarded for CTS claimants in receipt of a Staying Put payment. In the last year 1 claimant has benefitted from having a non-dependent deduction disregarded as they have an 18 year to 21 year old person living in the household who is subject to the Staying Put scheme after leaving care.

6. MITIGATION AND SUPPORT

- 6.1 In setting the 2013/14 local Council Tax Support scheme a Hardship Fund was put in place. 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. The Hardship Fund for 2021/22 was £50k and this will remain the same for 2022/23. Hardship funding is identified from existing budgets and is administered by Exchequer Services under the Section 13A Policy which is detailed at **Appendix 2**.
- 6.2 However this amount does not exclude approved applications being granted should the maximum allocated funding being exceeded.
- 6.3 Residents may also obtain advice and assistance on the Hardship Fund and Council Tax Support scheme from the Council's Benefits Service, Citizens Advice Bureau and Tameside Welfare Rights Service.
- 6.4 As at 09 November 2021, two applications for Hardship Relief have been successful in 2021/22 for the total sum of £1,484.00. The circumstances of the claims do not suggest that any one equalities group has been adversely affected.
- 6.5 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 £152.15 per week for the higher rate (2021/22 rates). This benefits 793 disabled claimants as at quarter two. 880 claimants in receipt of Carer's Allowance are provided with extra support by having an additional element of allowable income in the assessment. Disabled

claimants in receipt of war pensions or war widow's pensions are protected as this income is also excluded from the CTS assessment.

Women are affected more by the scheme than men because there are a higher proportion of female claimants. The number of female lone parents has remained at 91% of all lone parent claimants. Female pensioners have reduced between quarters one and two by 11. A total of 838 female single parent households receive maximum CTS benefit with the remainder being protected by the exclusion of Child Benefit from the CTS calculation.

Children and Families are protected by disregarding child benefit in full within the CTS calculation and child care costs being disregarded for claimants in work.

Staying Put Scheme: Non-dependent deductions are disregarded in households where there is an 18 year to 21 year old person living in the household who is subject to the Staying Put scheme after they have left local authority care. There is currently 13 people residing in Tameside in receipt of Staying Put payments however only 1 of these is in receipt of CTS and benefiting from the disregard at present.

There continues to be no specific impacts negative or positive on the following protected characteristic areas – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender re-assignment.

- 6.6 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.
- 6.7 The scheme, including the changes introduced in April 2016, 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 2022/23 that was set in 2013/14 and revised in 2016/17 and continue to use the annual DWP Housing Benefit upratings, and the annual uprated Universal Credit elements as applicable. 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.
- 6.8 The Benefits and Council Tax service works closely with housing and voluntary sector colleagues who assist claimants in supported accommodation. There are links with local DWP Job Centre to ensure that claimants of Universal Credit also complete a claim for Council Tax Support at the point of becoming unemployed.
- 6.9 The law states that Universal Credit annual upratings must be used for claimants in receipt of Universal Credit.
- 6.10 In 2020/21 the Government, as part of its response to COVID-19, awarded the Council a Council Tax Hardship Grant of £2.158m which was mandated to be used to make a payment of £150 to all existing and new working age Council Tax Support (CTS) claims in 2020/21 (up to available funding).
- 6.11 For 2021/22 the Council has been awarded a further grant of £2.025m. The application of this grant is not mandated but provided with the guidance that grant is to be used to meet the anticipated additional costs due to COVID of providing Local Council Tax support in 2021-22, resulting from increased unemployment.

- 6.12 On 28 July 2021, the Executive Cabinet determined that £1,012,500 of the grant monies be used to directly support Council Tax Support claimants and financially vulnerable households as follows:

Claimant support	Cost
A maximum of £50 to be awarded to each CTS claimant	£634k
A maximum of £50 to be awarded to further new claims for CTS and for hardship cases under Section 13a Hardship Policy	£378k

- 6.13 The government has not made any announcements to date regarding additional grant funding in respect of the year 2022/23.

7. SCHEME COSTS AND IMPACT ON COLLECTION

- 7.1 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 in Council Tax Benefit. This means that any reductions in funding cannot impact on pensioners so the full impact falls entirely upon claimants of below pension credit age.
- 7.2 A further policy update received in July 2013 from The Ministry of Housing, Communities and Local Government (now The Department for Levelling Up, Housing and Communities) confirmed that the amount of funding would not be identifiable from 2013/14 onwards as it stated that it is entirely for local authorities to decide how much they are prepared to spend on Council Tax Support, which is why allocations for future years will not be separately identifiable.
- 7.3 With the reduction in monies available to fund the scheme it has been important to continually monitor the cost of the scheme. The amount of Council Tax Support expenditure fluctuates on a daily basis and the scheme costs have stabilised over the last 4 years as detailed in Table 2 below.

Table 2 Costs of scheme by year

Year	Costs
April 2013	£16.6m
April 2014	£15.9m
April 2015	£14.9m
April 2016	£14.3m
April 2017	£13.7m
April 2018	£13.8m
April 2019	£13.8m
April 2020	£13.9m
April 2021	£14.7m

- 7.4 A social care precept and a Council Tax increase are expected from April 2022 which will impact on the scheme. This however would be offset by any increase in Council Tax collected. Scheme costs will continue to be closely monitored every quarter.
- 7.5 Any increase in Council Tax from April 2022 will have the effect of increasing scheme costs however as the costs have stabilised over the last 4 years and, despite the Coronavirus pandemic, the number of claimants has not increased significantly, suggests that the scheme costs will stabilise or may even decrease.

- 7.6 Claimants in receipt of Council Tax Support are monitored in terms of ensuring that Council Tax liabilities are paid. 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.
- 7.7 A total of 53.51% of all Council Tax due this year for CTS claimants was collected as at 31 October 2021 totalling £1.8m. Of that £717k was collected from pensioners in receipt of CTS and £1.08m from working age claimants in receipt of CTS.

8. RISKS

- 8.1 In setting the local Council Tax Support scheme for 2022/23 it is important to consider the risks in doing so. If a local scheme is not set by 11 March 2022 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. Costs associated with the default scheme were estimated to be in excess of £3.2m in 2013/14, and this is likely to increase depending on demand and the amount of Council Tax Support paid.
- 8.2 There is a continued risk that demand for support could increase if the economic picture worsens due to the COVID-19 pandemic and 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.
- 8.3 Implementation of the local scheme has meant that some working age people are paying 25% Council Tax. 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.
- 8.4 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 Councils 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.

9. CONCLUSION

- 9.1 In setting a Council Tax Support scheme for 2022/23 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. Appendix Three details Tameside's Council Tax Support Scheme for 2022/23
- 9.2 Demand for the CTS scheme has been stable throughout the year to date despite the economic impact of the COVID-19 pandemic. The scheme, when drafted, was designed to be as fair as possible and it appears sensible to continue to provide a Hardship Fund of £50k to be administered by Exchequer Services as part of the Section 13A Policy.
- 9.3 The public sector equality duty has been considered in relation to the live operation of the scheme. There will be no anticipated specific impacts negative or positive on the following protected characteristic areas as a result of the Council Tax Support scheme – ethnicity, marriage/civil partnership, sexual orientation religion and belief and gender re-assignment,

disability, age and gender. There has been a reduction in overall caseload and categories of claimant as evidenced via the quarterly monitoring that has taken place.

- 9.4 The procedural requirements have been adhered to as the scheme will be adopted before 11 March 2022 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 state pension credit age will continue to receive the same support as they received under Council Tax Benefit.
- 9.5 As it is not intended to change the basis of the scheme no consultation other than that required to precepting bodies no further consultation is believed to be required under the legislation. Precepting bodies have been notified that the same scheme is proposed to be adapted in 2022/23 as that set in 2013/14, and as revised in April 2016.
- 9.6 Council Tax collection rates have been monitored throughout the year and support and advice has been made available to all CTS claimants. 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.

10. RECOMMENDATIONS

- 10.1 As set out at the front of the report.

Equality Impact Assessment Form

Subject	Local Council Tax Support Scheme (original changes to scheme agreed in 2013)	
Service / Business Unit	Service Area	Directorate
Benefits	Exchequer	Governance and Resources
EIA Start Date (Actual)	EIA Completion Date (Expected)	
August 2015	December 2015	

Lead Contact / Officer Responsible	Ilys Cookson
Service Unit Manager Responsible	Michelle Bowler

EIA Group (lead contact first)	Job title	Service
Ilys Cookson	Assistant Executive Director	Exchequer
Michelle Bowler	Service Unit Manager	Exchequer
Karen Milner	Operations Manager	Exchequer

SUMMARY BOX
<p>The Welfare Reform Act 2012 abolished Council Tax Benefit from 31 March 2013 and all Local Authorities, including Tameside Council, were required to design and run their own scheme or use the government default national scheme which would have resulted in a short fall in funding in real terms at that time of approximately £4.2 million.</p> <p>The Government stipulated that certain claimants, such as those of pensionable age, must remain protected from any cuts. This means that any reduction in support cannot impact on pensioners and so the full impact falls entirely upon claimants of working age.</p> <p>Tameside's Council Tax Support Scheme was introduced, after consultation, from 1 April 2013. The scheme, which is supported by a full Key Decision on 21 December 2012 and Equality Impact Assessment, still provides financial assistance to some Council Tax Charge payers on a low income whether they rent or own their home, or live rent-free. The effect of receiving Council Tax Support is a reduction in the amount of Council Tax they have to pay.</p> <p>Since 2010 the Council has had £104 million less to spend on services due to funding cuts from</p>

Equality Impact Assessment Form

the Government. Over the next 5 years we know the Government will continue to make further cuts to our funding. We expect that will mean at least another £90 million less to spend on services.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%
3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

Section 1 - Background

BACKGROUND

The Welfare Reform Act 2012 abolished Council Tax Benefit from 31 March 2013 and all Local Authorities, including Tameside Council, were required to design and run their own scheme or use the government default national scheme which would have resulted in a short fall in funding in real terms of approximately £4.2 million.

The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012 must be included in the Councils own scheme and provide protection to claimants of pensionable age so that they must remain protected from any cuts. This means that any reduction in support cannot impact on pensioners and so the full impact falls entirely upon claimants of working age.

Tameside's Council Tax Support Scheme was introduced from 1 April 2013. The scheme still provides financial assistance to some Council Tax Charge payers on a low income whether they rent or own their home, or live rent-free. The effect of receiving Council Tax Support is a reduction in the amount of Council Tax they have to pay. The caseload of claimants is currently 11,760 working age and 9,753 pensioners as at September 2015 and the current cost of the scheme is £14.8 million.

Council Tax Support is accessed by a claim form which is available on-line on the Council's

Equality Impact Assessment Form

website and a paper form can be provided when necessary. Help is also available to support those who may have difficulty applying.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%
3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

Although the changes being proposed will protect approximately 9,753 pensioner claims there are 11,760 working age claims who are currently receiving Council Tax Support who will be affected by the proposed amendments to the new scheme.

The table below shows the Council Tax Support caseload by area.

	Pension age				Working age				
	Band A	Band B	Band C	Total	Band A	Band B	Band C	Total	
Audenshaw	308	84	71	463	339	48	46	433	896
Ashton	1706	232	212	2150	2686	278	164	3128	5278
Denton	1076	158	372	1606	1023	161	94	1278	2884
Droylsden	677	301	96	1074	1414	220	68	1702	2776
Dukinfield	757	81	125	963	869	59	64	992	1955
Hyde	1306	221	213	1740	1828	210	136	2174	3914
Longdendale	212	80	44	336	231	60	36	327	663
Mossley	293	42	51	386	391	36	22	449	835
Stalybridge	803	104	128	1035	1144	76	57	1277	2312
Total	7138	1303	1312	9753	9925	1148	687	11760	21513

Equality Impact Assessment Form

Of these 21,513 claimants, 59% are female, and 41% male. Amongst this same 21,513 cohort there are 5,007 claimants with children, of which 4,929 are working age, 3,317 being single parents that are working age claimants. 93% are working age lone parents that are female.

Some protection will continue to be given to the non-passported benefit claims where child benefit is received. This equates to almost 1,017 claims of which 43% are single parents and primarily single mothers.

In addition some protection is also being given to 282 standard working age claims in receipt of Disability Living Allowance income. This would limit the impact of proposal C as claimant's who are in receipt of some elements of Disability Living Allowance income will be protected.

Section 2 – Issues to consider & evidence base

ISSUES TO CONSIDER

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.

The Council has also taken into consideration the Welfare Reform Act 2012 and The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012.

Financial considerations.

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.

The caseload of claimants is currently 11,760 working age and 9,753 pensioners as at September 2015 and the current cost of the scheme is £14.8 million.

Cuts in funding from Government have a significant impact on how much the Council has to spend on services.

To meet this challenge a range of proposals across the Council are currently being considered and consulted on including changing the Council Tax Support Scheme for 2016 / 2017 to reduce the cost of the scheme.

Equality Impact Assessment Form

It is estimated that the proposed changes will make the following financial efficiencies:

Proposal A – Capping support to a band A property - Based on the current Council Tax Support caseload, the potential saving would be £234,000.

Proposal B – Reduce the maximum limit of Council Tax Support that can be paid - Based on the current Council Tax Support caseload, the potential saving would be £357,000.

Proposal C - Changing the amount deducted in respect of non-dependants residing in the household - Based on the current Council Tax Support caseload, the potential saving would be £104,000.

Consultation, engagement & feedback

A robust consultation process was undertaken to gain views from the public and stakeholders.

The consultation commenced on 14 September 2015 and ran until 30 November 2015 on the three proposals.

The consultation was conducted as follows:

- Precepting Bodies: Consultation took place with the Police Authority and Fire and Rescue Authority by email.
- Via the Council's online Big Conversation consultation portal
- Two advertisements in local press.
- Paper copies of the questionnaire were made available on request.
- Stakeholders and local voluntary organisations were also contacted by letter to inform them of the consultation, including;
 - CAB
 - Welfare Rights
 - Customer Services
 - Housing Options
 - MINT
 - CVAT
- Notice was given at a Registered Social Landlord Forum
- Notices of the consultation were also sent out to benefit claimant with benefit notification letters and enclosed with Council Tax bills.
- Notices were also sent with approximately 40,000 electoral registration reminders, making a total notice circulation of 58,000.
- Fifty posters were displayed in supermarkets, doctors surgeries and public buildings
- A message about the consultation was also put on the Benefits and Council Tax telephone lines.
- Awareness messages were put on the benefits and Council Tax Council webpages
- Article was placed in the Tameside staff newsletter "The Wire"
- Promoted via social media channels e.g. Council's Twitter account, Contour Housing

Equality Impact Assessment Form

Twitter account

The responses to the consultation have been analysed on a weekly basis.

In total, 21 consultation responses were received. All of these were received via the Big Conversation consultation portal.

An analysis of the 21 consultation responses follows:

Proposal	Agree	Disagree	Neither Agree/ Disagree	Don't know	Total
Cap CTS to Band A properties	14	6	0	1	21
Award a maximum of 75% CTS	10	9	1	1	21
Align non-dependent deductions with the prescribed scheme	16	1	2	2	21

Respondent details:

A member of the public	16
A community or voluntary group	0
A partner organisation	1
A business /private organisation	0
Other	3

Gender

Male	9
Female	9

Age

Aged 18 – 25	1
Aged 26 – 35	4
Aged 36 – 45	1
Aged 46 – 55	7
Aged 56 – 65	2
Aged 65 years and over	0

Equality Impact Assessment Form

Disability

Where day-to day activities are limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months, including problems related to old age.

Yes, limited a lot	2
Yes, limited a little	2
No	15

Ethnicity

White - English / Welsh / Scottish / Northern Irish / British	15
White - Irish	
White - Gypsy or Irish Traveller	
Other White background	
White & Black Caribbean	
White & Black African	
White & Asian	1
Other Mixed background	
Black/Black British – African	
Black/Black British – Caribbean	
Other Black / African / Caribbean background	
Asian/Asian British - Indian	
Asian/Asian British - Pakistani	1
Asian/Asian British - Bangladeshi	
Asian/Asian British - Chinese	
Other Asian background	
Arab	
Any other ethnic group	

Carers

Equality Impact Assessment Form

Where the respondent looks after, or gives any help or support to, family members, friends, neighbours or others because of either:

- Long term physical or mental ill-health / disability
- Problems due to old age

No	15
Yes, 1-19 hours a week	1
Yes, 20-49 hours a week	2
Yes, 50 or more a week	1

LIST OF EVIDENCE SOURCES

- Communities and Local Government Department Guidance – Localising Support for Council Tax - Vulnerable people – key local authority duties
- The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012, as amended.
- Big Conversation results analysis
- Capita reporting module
- Quarterly monitor of current Council Tax Support scheme Equality Impact Assessment data

Section 3 – Impact

IMPACT

TAMESIDE POPULATION – COUNCIL TAX SUPPORT CLIENT BASE

The population of Tameside is estimated at 219,324 in the March 2011 Census (Office for National Statistics), of which 176,616 are aged 16 years and over. There are an estimated 100,968 properties in Tameside. The population of Tameside is estimated at 220,800 based on the 2014 mid-year population. Trends show an ageing population. The number of people aged 65 years and over has increased by 18.7% between 2001 and 2014. The gender split of Tameside's overall population is 49.1% male and 50.9% female. There are an estimated 100,968 households in Tameside as at 2015.

Age (16 and over)

Equality Impact Assessment Form

- Population – 16 to 65 / over 65 – 142,415 65% / 34,201 16%
- CTS client base – working age / pension age – 55% / 45%

The age profile of the CTS client base has a greater proportion of older people compared than the Tameside population. The percentage of claimants of pension age has remained consistent since the Council Tax Support Scheme came into effect in April 2013.

Gender

- Population – Male / Female – 107,650 49% / 111,674 51%
- CTS client base – Male / Female – 41% / 59%

The gender profile of the CTS client base has a greater proportion of females compared to the Tameside population.

Disability

- Population aged 16 and over – Disabled / Not disabled – 25% / 75%
- CTS client base – Disabled / Not disabled – 24% / 76%

The disability profile of the CTS client base is indicative of the Tameside population aged 16 or over.

Note: receipt of disability related benefits or premiums have been used as a proxy for disabled people within the CTS client base figures.

Ethnicity

- Population aged 16 or over – White / Non-white – 92% / 8%
- CTS client base – White / Non-white – 90% / 10%

The ethnicity profile of the CTS client base is indicative of the Tameside population aged 18 or over.

Religion & belief / sexual orientation / gender re-assignment / pregnancy & maternity / marriage & civil partnership

Specific data is not available on those protected characteristics for the CTS client base.

Single People / Couples / Families

Information within the Council Tax Support system allows us to model data on family make-up. The data below is indicative and looks at family status and the breakdown between pensioners and non-pensioners.

- Single person households – approximately 14,640 (7,340 – pensioners / 7,300 – non-pensioners).
- Lone parent households – 3,357 (40 – pensioners / 3,317 – non-pensioners).
- Couples with children – 1,650 (38 pensioners / 1,612 – non-pensioners).
- Couples with no children – 3,185 (2,307 pensioners / 878 – non-pensioners).

Note: of the 3,317 non-pensioner (i.e. working age) lone parent families, 93% of these are female.

Equality Impact Assessment Form

Other considerations

- *Economic vulnerability* – 90% of the working age claimants (i.e. non-protected people below pension credit age) are out of work. For those with a disability this rises to 99.5% (although this is a function of disability benefits being used as a proxy for disability).
- *Carers* – 558 (3%) of all claimants receive Carer's Allowance.
- *Maternity* – 23 (0.2%) of working age claimants receive Maternity Allowance.
- *War widows* – 40 (0.2%) of all claimants are war widows (of which 7 are of working age).

IMPACT ON CLIENT BASE – PROPOSALS FOR COUNCIL TAX SUPPORT SCHEME

Tameside has approximately 21,513 claimants of Council Tax Support (CTS). Of these, 9,753 are pensioners (i.e. reached pension credit age) and are therefore fully protected under the legislation and will not see any change in their benefit entitlement.

The remaining 11,760 claimants are all potentially affected by the changes proposed in the LCTSS consultation and proposals. The general impact will be that residents of working age will not receive the same level of CTS as in previous years. This will have economic impacts on a variety of groups of people who will face additional cost pressures due to changes in benefits more generally such as the introduction of Universal Credit and changes to Tax Credits.

Pensioner age – 9,753 (45%) of claimants are fully protected. Almost half of current claimant base will be subject to no impact as a result of the final scheme. Similarly, there will be no change to the 100% war pensions/war widows pension disregard for working age claimants.

Disabled people – 5,224 (24%) of claimants are disabled. Of these, 2,812 (54%) are pensioners so are already covered by the full protection afforded to people who have reached pension credit age. The remaining 2,412 disabled claimants may be affected to varying degrees depending on whether they fall into any of the categories below.

PROPOSAL A - Capping Council Tax Support to a Band A

Currently Council Tax Support is limited to claimants living in band A and band B properties. Claimants living in a band C property and above can only claim to a maximum of 80% of a band B liability and have to pay the difference in full.

As at 1 September 2015 the majority of Council Tax Support claimants, over 84%, live in Band A properties

It is proposed to reduce the level of support given to people living in larger properties, by limiting the maximum award of Council Tax Support for people living in a band B property or above to the maximum level of a band A property.

The effect of this restriction means that those claimants living in more expensive properties will have a larger shortfall. This change would affect the following working age groups:

Equality Impact Assessment Form

Age

1,835 working age claims reside in a property band B or above, 16% of the working age caseload and 9% of the total caseload.

1,135 (10%) of which reside in a band B property.

Gender

1,268 claims in a band B or above are female, which is 69% of all claims in Band B and above. 43% are female and reside in a band B property.

18% are male and reside in a band C property or above.

Ethnicity

91% of the people affected are white and 9% are Non-white.

Disability

22% of the people affected have a disability.

Carers

166 (9%) of the people affected are carers.

Children

620 (34%) are single people with children, of which 589 (95%) are female.

400 (35%) reside in a band B property.

253 (14%) are couples with children

War Pensioners

There is 1 working age war pensioner who would be affected by this change.

Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership

Specific data is not available on these protected characteristics for the CT client base. It is not anticipated that there will be any disproportionate impact on these protected characteristic groups.

PROPOSAL B - Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%

Currently support is limited to a maximum discount of 80% for all working age claimants.

It is proposed that the maximum discount would be reduced to a limit of 75%.

All working age households would receive less support, leaving households having to pay at least 25% of their Council Tax.

Age

11,760 (55%) of claims are working age.

Equality Impact Assessment Form

Gender

61% of the people affected are female, which is 33% of the total CTS caseload.

Ethnicity

Of those people who have informed the Council of their ethnic origin, 8141 are white and 841 are Non-white.

Disability

There are 2,412 working age claims where it can be determined that there is a disability, which is 21% of the affected claims.

282 of these claims have received some protection as Disability Living Allowance income is not taken into consideration in the calculation of the CTS award.

Carers

558 (5%) of the people affected are carers. 65 carers are pension age.

Children

3,317 (28%) of those affected are single people with children, of which 93% are female.

400 single people with children reside in a band B property.

1,612 (14%) are couples with children

Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership

Specific data is not available on these protected characteristics for the CT client base. It is not anticipated that there will be any disproportionate impact on these protected characteristic groups.

PROPOSAL C - Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

A non-dependant is a person who normally resides with a claimant on a non-commercial basis, such as an adult family member or friend. A deduction is made from a claimant's Council Tax Support dependant on the non-dependant's income.

Currently only non-dependants with a net weekly earned income of £189.00 or above contribute £7.00 per week towards the household Council Tax liability for working age claimants.

This proposal would align the deduction income levels and amounts to pension age claimants, which are prescribed amounts i.e. set by the Government. The prescribed amounts are not currently set for 2016 / 2017.

The deduction for all non-dependant's aged 18 or over residing with working age claimants would increase.

Equality Impact Assessment Form

Non-dependant deductions do not apply to some claimants with entitlement to specific components of Disability Living Allowance and would be protected from the proposed change.

Age

1015 claims with a non-dependant, of which 617 are working age claims or 5% of the working age caseload and 3% of the total caseload.

Gender

461 claims (75%) of the people affected are female

Ethnicity

63% of the people affected are white and 12% are Non-white. The other 25% of working age claims have not declared their ethnicity.

Disability

139 (22%) of the people affected have a disability.

Carers

64 (10%) of the people affected are carers.

Children

134 (22%) are single people with children.

100 (16%) are couples with children

Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership

Specific data is not available on these protected characteristics for the CT client base. It is not anticipated that there will be any disproportionate impact on these protected characteristic groups.

The Council has a hardship fund to support people suffering severe financial hardship as a result of the changes to the Council Tax Support Scheme.

Section 4 – Proposals & Mitigation

PROPOSALS & MITIGATION

PROPOSALS

Tameside Council have considered and consulted on the following proposed changes to the Council Tax Support Scheme;

1. Capping Council Tax Support to a Band A
2. Reduce the maximum limit to the amount of Council Tax Support that can be paid to 75%

Equality Impact Assessment Form

3. Changing the amount deducted for working age claimants in respect of non-dependants residing in the household to align with claimants who are pension age.

MITIGATION

The Hardship Fund introduced in 2013/14 when the local council tax support scheme was set will remain in place to support claimants in exceptional circumstances, who suffer severe financial hardship as a result of the introduction of the scheme and may apply for additional monies to help pay their council tax. The Hardship Fund will remain at £5k in 2016/7 however this amount does not exclude approved applications being granted should the maximum allocated funding being exceeded. Hardship Funding will be identified from existing budgets and be administered via Tameside Resettlement Scheme.

Mitigations will continue to be 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. Claimants in receipt of Carer's Allowance are provided with extra support by having an additional element of allowable income in the assessment. Disabled claimants in receipt of war pensions or war widow's pensions are protected as this income is also excluded from the CTS assessment.

Women are affected more by the scheme than men because there are a higher proportion of female claimants. The number of female lone parents has remained static since the scheme was set in 2013 at 93% of all lone parent households. There are 5,571 female pensioners. A total of 2,702 female single parent households receive maximum CTS benefit with the remainder being protected by the exclusion of Child Benefit from the CTS calculation.

Children and Families are protected by disregarding child benefit in full within the CTS calculation and child care costs being disregarded for claimants in work

There is no anticipated impact on the following protected characteristic groups – ethnicity, marriage/civil partnership, sexual orientation, religion and belief, gender re-assignment.

Section 5 – Monitoring

MONITORING PROGRESS

Ilys Cookson – Assistant Executive Director / Michelle Bowler – Service Unit Manager

Equality Impact Assessment Form

Issue / Action	Lead officer	Timescale
Ensure that changes to the Council Tax Support scheme are communicated appropriately (i.e. different media) and in a timely manner.	Ilys Cookson	On-going
Monitoring (by protected characteristic group where appropriate) those presenting to the Council with concerns over Council Tax Liability, eligibility for Council Tax Support, and access to help / advice.	Ilys Cookson	On-going

NB – The version sent to Corporate Performance should be the version agreed and signed off by the relevant Senior Manager.

Sign off

Signature of Service Unit Manager	Date
Signature of Assistant Executive Director / Assistant Chief Executive	Date

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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
- 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

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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Tameside Metropolitan Borough Council Council Tax Support Scheme 2022 - 2023

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 1st 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 29th April 2013 and has been rolled out throughout the country.

The Universal Credit Regulations 2013 were passed on 25th 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 2022-23

THE SCHEME PART 1 General

1. Citation, commencement and application

(1) This scheme may be cited as the Tameside Council Tax Support Scheme 2022-23 and comes into force on 1 April 2022.

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;

“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 141 of the SSCBA;

“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;

“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 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person –

(a) From the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th 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;

“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 11th 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 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th 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 29th 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 3rd 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 28th 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 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 6th April in one year and ending with 5th 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;

"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 **Page 85** 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 (5) or (6), 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—
- (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 where that leave is –
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;
 - (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) Subject to paragraph (1A), 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.

(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of European Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).

(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 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 of paragraphs (1) or (2) apply is entitled to receive support under this scheme in accordance with Schedules 7 to 12.

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 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 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st 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.

PART 3

Maximum council tax support for the purposes of calculating eligibility for support under 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, £12.45 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.05 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 £217.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);

(b) not less than £217.00 but less than £377.00, the deduction to be made under this paragraph is £8.30;

(c) not less than £377.00 but less than £469.00, the deduction to be made under this paragraph is £10.40.

(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); 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 Page 96 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, personal independence 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))
 - (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 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-dependant 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;
 - (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; or
 - (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)
- (jb) statutory parental bereavement pay under 12ZD of that Act;
- (k) statutory shared paternal pay payable under Part 12ZA 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 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 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;
- (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);
 - (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 1st April 2013) or support under the authority's scheme (for the period on or after 1st 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) the 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 within 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 in 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 st April 2021	(1) £191.15
(2) Couple where one or both members have attained pensionable age before 1 st April 2021	(2) £286.05
(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 st April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £286.05
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £94.90
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	(4) £177.10
(5) Couple where both members have attained pensionable age on or after 1st April 2021	(5) £270.30
(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) £270.30
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £93.20

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) £68.60
(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) £68.60

- (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 £17.65 in respect of a reduction week which begins in the period beginning 1st April 2016 and ending with 30th April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016.

- (2) Subject to paragraph (3), the end date of 30th April 2016 in sub-paragraph (1)(a) and, sub-paragraph (1)(b), does not apply to a person who, on 30th 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—

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- (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 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 or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or 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 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or 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 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or 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 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or 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;

(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 carer's 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; or

(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,

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

(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.

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) £67.30;
(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) £67.30; (ii) £134.60
(2) Enhanced disability premium.	(2) £26.67 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) £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium	(4) £37.70 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 £215.00 per week; (ii) is not less than £215.00 per week but less than £279.00 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 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component does not apply) or regulation 7 of the Employment and Support Allowance Regulations 2013 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, £10 of 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 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th 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) £59.20 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 31st 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.

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 gift 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.

(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 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 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, 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.

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
 - (iii) 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 1st 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.
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.

PART 3

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 for support under the 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, £12.45 x 1/7;
(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £4.05 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 £217.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
(b) not less than £217.00 but less than £377.00, the deduction to be made under this paragraph is £8.30;
(c) not less than £377.00 but less than £469.00, the deduction to be made under this paragraph is £10.40.

(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); 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 or personal independence 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
 - (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);
 - (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 an 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 applies;

(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;
- (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 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 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;
 - (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);
- (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 paternal 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 employed 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;
 - (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;
 - (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, 1st 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 1st 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 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st 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 1st 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.

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.
- (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, 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 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 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st 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 single claimant 25 or over & Lone Parents joint claimants both under 25 joint claimants where either is 25 or over	£59.20 £74.70 £117.40 £117.40
Child element first child or qualifying young person second and each subsequent child or qualifying young person Additional amount for disabled child or qualifying young person: lower level higher level	£68.60 £68.60 £65.94 £92.61
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium) limited capability for work and work related activity (includes Work Related Activity component)	£39.40 £29.70
Carer Element	£37.70
Child care costs disregard maximum amount for one child maximum amount two or more children	Amount variable £175.00 £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—
 - 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 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 or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

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 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 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 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.

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 or 42 (capital treated as income, treatment of student loans) is to be treated as income.

29. (1) Any payment made under or by the Trusts of 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.

(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 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) 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 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 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.

(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—
- 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;
 - which can only be disposed of by order or direction of any such court; or
 - 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—
- an award of damages for a personal injury to that person; or
 - 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—
- award of damages for a personal injury to that person; or
 - 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—
- 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,
- 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 diagnosed person;
 - the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - 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
 - 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 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;
 - 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;
 - 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—
 - two years after that date; or
 - 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 to develop or 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 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. Subject to paragraph 34, 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) £58.90,
- 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 (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 a 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 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th 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 1st 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 develop or 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) £12.45
 - (b) £4.05
- (2)
 - (a) less than £217.
 - (b) not less than £217.00 but less than £377.00, deduction £8.30;
 - (c) not less than £377.00 but less than £469.00, deduction £10.40.

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 st April 2021	(1) £191.15
(2) Couple where one or both members have attained pensionable age before 1 st April 2021	(2) £286.05
(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 st April 2021 -	(3)
(a) for the applicant and the other partner to the marriage;	(a) £286.05
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £94.90
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	(4) £177.10
(5) Couple where both members have attained pensionable age on or after 1st April 2021	(5) £270.30
(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) £270.30
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £93.20

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) £68.60
(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) £68.60

2. Child or young person amounts

Part 2

3. Family premium

£17.65

Part 4

Provision	Amount
(1) Severe Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £67.30;
(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) £67.30;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £134.60.
(2) Enhanced disability premium.	(2) £26.67 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) £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £37.70 in respect of each person who satisfies the condition specified in paragraph 9.

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 £215.00

(ii) not less than £215.00 per week but less than £279.00 per week

Appendix 2

Schedule 9: People who are not Pensioners

Part 3

8. Non-dependant deductions

- (1)
 - (a) £12.45
 - (b) £4.05
- (2)
 - (a) less than £217.00.
 - (b) not less than £217.00 but less than £377.00, deduction £8.30;
 - (c) not less than £377.00 but less than £469.00, deduction £10.40.

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	£59.20
single claimant 25 or over & Lone Parent	£74.70
joint claimants both under 25	£117.40
joint claimants where either is 25 or over	£117.40
Child element first child or qualifying young person	£68.60
second and each subsequent child or qualifying young person	£68.60
Additional amount for disabled child or qualifying young person:	
lower level	£65.94
higher level	£92.61
LCW and LCWRA Elements limited capability for work (includes Support component and Disability premium)	£39.40
limited capability for work and work related activity (includes Work Related Activity component)	£29.70
Carer Element	£37.70
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	£257.33
single claimant 25 or over	£324.84
joint claimants both under 25	£403.93
joint claimants where either is 25 or over	£509.91
Child element first child or qualifying young person	£282.50
second and each subsequent child or qualifying young person	£237.08
Additional amount for disabled child or qualifying young person:	
lower level	£128.89
higher level	£402.41
LCW and LCWRA Elements limited capability for work	£128.89
limited capability for work and work related activity	£343.63
Carer Element	£163.73

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Agenda Item 7

Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Oliver Ryan – Executive Member Finance and Economic Growth
Reporting Officer:	Ilys Cookson – Assistant Director Exchequer Services
Subject:	COLLECTION, RECOVERY AND IRRECOVERABLE MONIES 2021
Report Summary:	The report details the collection and recovery processes for Council Tax, Business Rates and Sundry Debts, compares levels of irrecoverable debts with other local authorities, identifies debt which cannot by law be recovered and considers a corporate debt recovery policy.
Recommendations:	That Executive Cabinet be recommended to agree: <ul style="list-style-type: none">(i) That the report be noted(ii) Approve the Debt Recovery Policy at Appendix 2 of this report.
Corporate Plan:	By law the financial implications of recovery, collection and irrecoverable monies are factored into the Council's overall budget position.
Policy Implications:	In line with Council policy.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	Income from Council Tax, Business Rates, and Fees and Charges for services, are a significant income stream for the Council, and an essential mechanism for funding services. It is vital that the Council has policies and procedures in place to ensure monies due to the Council are collected effectively and that rates of collection are maximised. However, the costs of pursuing and recovering outstanding debt can be high and there will always be a balance to be struck to ensure that the cost of recovery does not exceed the value of the monies being recovered. Given the volume of income transactions due to the Council, it is inevitable that some debt cannot be collected for a variety of reasons and a level of write off is expected across all types of debt. In accordance with recommended accounting practice, the Council maintains a provision for write-offs in respect of council tax, business rates and sundry debt invoices. This provision is subject to annual review and allowance is held within the Corporate contingency budget to fund any increases required to the provision.
Legal Implications: (Authorised by the Borough Solicitor)	<p>A significant part of the council's overall budget is received through council tax and business rates with additional funding being generated by the payment for services provided. Therefore collection and recovery of these is an essential part of the council's overall budget management particularly in the current challenging financial climate</p> <p>This report sets out how the Council has increased its overall debt recovery year on year and also the speed of the debt</p>

recovery to increase the number of debts recovered in the same financial year as they arose. However a portion of these payments will still not be made on time, if at all and so the council as 'keeper of the public purse' has a duty to pursue any debts owed rigorously whilst having regard to the LGSCO guidance on the need to take into account evidence, reasonableness and appropriateness of collection. This approach is set out in the appended policy.

This report also highlights that there are a number of different circumstances where the council by operation of law is unable to recover debts as set out in section 4 and appendix 4 of this report. In these cases the debts become irrecoverable i.e. bad debts.

As debts are accounted for in the council's budget prudent financial management required any irrecoverable costs to be written off as they will artificially inflate and potentially distort the overall budget position.

It is therefore critical that the council continues to pursue debts wherever they arise by adopting the appended debt recovery policy.

Risk Management:

Risks are detailed in Section 5 of this report.

Background Information:

The background papers relating to this report can be inspected by contacting the report author Ilys Cookson



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1. INTRODUCTION

- 1.1 The collection of monies is a statutory duty in accordance with legislation pertaining to each function. It is essential that all monies owed to the Council are collected in a timely manner using legislative permitted processes in order to protect the public purse and continue to fund vital public services.
- 1.2 Balances outstanding can, in specific circumstances be reduced where an applicable statutory discount, exemption, relief or revaluation are awarded providing eligibility is met. It is inevitable that there will always be an amount of debt, which cannot be collected across all debt types each year for a variety of reasons. Such debts are termed irrecoverable because the law does not permit the Council to collect the debt according to circumstances.
- 1.3 Exchequer Services collect monies owed to the Council in respect of a range of services such as:
- Council Tax
 - Business rates (National Non Domestic Rate)
 - Sundry debt accounts for goods and services provided such as leases and rents, library fines, trade waste, adult social care charges for homecare and residential care, community alarms
 - Overpaid Housing Benefit where there is a change in circumstances or Her Majesty's Revenues and Customs (HMRC) and Department of Work Pensions (DWP) provide information on undeclared income or capital
- 1.4 This report considers collection and recovery rates by debt type, and is an update on the report considered by Executive Cabinet in December 2019.

2 COLLECTION

- 2.1 In March each year the service sends out the majority of Council Tax and Business Rates bills and invoices. Bills and invoices in respect for goods and services are also sent out throughout the year as changes occur in respect of Council Tax and Business Rates and as services request invoices to be raised.
- 2.2 The following tables put into context the number of accounts and amount of money to be collected.

COUNCIL TAX

Table 1: Council Tax as at March 2021	
Council Tax bills sent out	103,367
Value of Council Tax bills	£139,243,109
Total Council Tax Support (CTS) claimants	18,852
Value of Council Tax Support awarded	£14,700,000

- 2.3 The CTS scheme is a means tested benefit scheme funded from Council budget and supporting the most financially vulnerable residents. Being assessed as eligible to receive CTS is dependent on income, capital, assets and savings, household composition and Council Tax band. Everyone, including those receiving the maximum welfare benefits from the Department of Work and Pensions (DWP) must pay at least 75% of their Council Tax due if they are in receipt of CTS and CTS is capped at property Band A.
- 2.4 Council Tax collection has increased significantly over recent years as follows:

Table 2: Council Tax cash collected by year			
Financial Year	Council Tax Cash collected £ m	% collected in year	% collected as at 31 October 21
2016/17	£89.3	93.69	97.16
2017/18	£93.7	93.42	96.60
2018/19	£98.9	93.41	96.12
2019/20	£ 104.8	93.52	95.49
2020/21	£ 108.8	93.95	95.35
Total collected in last 5 years	£ 495.5 m	Average 93.6% collected in year	Average of cumulative collection rate over last 5 years 96.14

2.5 It must be borne in mind that recovery of monies owed continues regardless of the financial year in which the debt falls and arrears continue to be recovered until all arrears are paid or recovery exhausted.

2.6 A range of methods of payment of Council Tax are available, including direct debit, on-line or telephone payments by credit or debit card, standing order, BACS payments, cash at Post Offices and Payzone outlets. Cheques are accepted however, the processing costs are high and direct debit is the preferred method of payment due to the low transaction costs. Many charge payers do pay regularly and on time, however many do not and this is where the most resource is required. Recovery processes are detailed in Section 3 and Appendix 1 of this report.

2.7 The following section puts into context the number of accounts and money collected:

BUSINESS RATES

Table 3: Business Rates as at March 2021	
Business Rates bills sent out	7,952
Value of Business Rates bills	£33,231,789

2.8 Business Rates accounts can, subject to eligibility criteria, receive a number of reliefs as determined by central government, all of which have the effect of reducing the amount payable. The reliefs currently available are as follows:

- Transitional Relief
- Small business rates relief
- Retail discount
- Discretionary relief
- Charitable relief

2.9 The above reliefs are in addition to the range of grants made available by central government during 2020/21 and 2021/22 as a result of the COVID restrictions on the economy. Many business ratepayers seek to reduce rateable values by using rating agents who act on their behalf in appealing to the Valuation Office Agency (VOA). The VOA notifies the Council of the outcome of an appeal. The two largest assessments in Tameside are IKEA and Asda both in Ashton. Like the majority of multi-national businesses, their premises are subject to continual appeal often resulting in a reduction in rateable value and a lower amount of rates payable. The outcome of appeals of this nature cannot be predicted.

Table 4: Business Rates cash collected by year		
Financial Year	Cash collected £ million	% collected in year
2016/17	£64.45	93.69
2017/18	£60.35	93.42
2018/119	£57.20	93.41

2019/20	£56.09	97.01
2020/21	£28.78	94.79
Total collected in last 5 years	£ 266.87m	Average 94.46% collected in year

2.10 The above table demonstrates how the net collectable debit has reduced due to the continual award of reliefs set by the government. Like Council Tax, it must be borne in mind that recovery of monies owed continues regardless of the financial year in which the debt was raised and arrears continue to be recovered until all arrears are paid. Payment methods are the same for Council Tax as detailed in Section 2.6 above.

SUNDRY DEBTS

2.11 Invoices are raised throughout the year in respect of goods and services provided by the Council. There are 106 different debt types and typical debt types are as follows:

- Adults social care services
- Trade waste
- Ground rents
- Allotments
- Community alarms
- Commercial Rents
- Hire charges
- Pest control charges
- Licensing fees
- Planning fees
- Market rents

Financial Year	No of invoices raised	Value of invoices
2015-16	41,944	£50,055,037
2016-17	41,404	£43,942,797
2017-18	38,335	£47,959,543
2018-19	38,023	£69,070,864
2019-20	37,383	£75,976,844
2020-21	31,217	£90,639,634
Total issued in last 5 years	228,306	£377.6m

Financial Year	Collected £ m	% collected in year debt was raised
2016/17	£38.0	87
2017/18	£37.9	87
2018/19	£61.0	88.42
2019/20	£69.8	91.98
2020/21	£84.3	93.02
Total collected in last 5 years	£291.0	89.4

2.12 The highest value of invoices raised each year are by Financial Management, Adults social care, Estates, Payroll and then Markets. The highest value of invoices raised for Financial Management for 2019/20 was £49.13m (140 invoices raised) and in 2020/21 £64.16m, 117 invoices raised, the highest value in 2020/21 was £12.55m.

2.13 Typical invoices requested to be raised for Financial Management are in respect of the NHS Tameside and Glossop ICF, schools and other local authorities.

2.14 The highest number of invoices raised each year by services are in respect of Adults residential and non-residential care, which average £9m to £10m. **Appendix 1** details the

value and number of invoices raised by service area. Payment methods for sundry debtor invoices is the same as that for Council Tax and Business Rates.

- 2.15 The collection of monies in respect of adult's social care is, in many cases difficult and complex and which is reflected in collection of this debt type nationally. Recipients of care are often elderly and very vulnerable, and many are reliant on other people to manage their finances and pay for their care. Frequently the family members themselves are elderly and many take on the role of paying in an informal capacity. Difficulties arise when those acting on behalf of the service user themselves do not have a clear picture of the financial affairs and such difficulties are compounded in the determination as to who is the Executor of an estate where a person passes away. Frequently relatives believe that all care should be free and many do not want to pay for care for loved ones. However, the law is clear as contained in the Care Act that care cannot be withdrawn wherever a care need is identified regardless of whether payment being met at that time.
- 2.16 The sundry debtor's service has always worked closely with Adults Social Care and individual debtor's cases are discussed with social workers where appropriate, however the sums of money involved in providing care are considerable and these are generally the most challenging and difficult debts to recover.
- 2.17 An aged debt report is produced monthly and the Sundry Debt Service also sends a monthly report to service areas.

3 RECOVERY OVERVIEW

- 3.1 The report to Executive Cabinet in December 2019 proposed a corporate charging policy be implemented. This is in the process of being drafted by Financial Management colleagues and which will be the subject of a separate report to Cabinet at a future date. A Debt Recovery Policy has been drafted and which is appended to this report at **Appendix 2**. This details the legislative process by which the Council can recover monies owed. Information is available, and has been available in various places on the Councils website for many years, however, the purpose of the Debt Recovery Policy is to bring together in one document all forms of recovery that may be undertaken according to debt type. Those that owe money should be clear on the routes that can be taken and an equalities impact assessment has been considered. However, as there is no change in the processes for the recovery methods which must adhere to legislation pertaining to the recovery of debts, an impact assessment is not a requirement. Through every stage of the recovery process, regardless of debt type, consideration continues to be given to the debtors circumstances and appropriateness of recovery method used.
- 3.2 The majority of monies owed are recovered in the year that the debt is raised; however, it is inevitable that some individuals, businesses and organisations do not pay on time and are subject to recovery action in accordance with legislation appropriate to the debt type. The method of recovery can differ between different types of debts owed.
- 3.3 The service is keen to encourage payment at every opportunity and frequently signpost customers experiencing financial difficulties and other problems to appropriate agencies. The latest information leaflet to be included with Reminders is regarding support for budgeting advice and can be seen at **Appendix 3**.
- 3.4 Direct debit is also encouraged and cash payers are targeted to encourage by direct debit campaigns (a letter going out the bill or recovery document) to take this up as this is the cheapest method of collecting money.
- 3.5 **Help and support:** is available direct from Exchequer Services and Customer Services Offices support Exchequer in terms of customer queries predominantly regarding Benefits

and Council Tax recovery. The potential closure of Customer Services face to face service is likely to impact directly on the volume of contacts Exchequer receive. The table below demonstrates the volume of contacts that are likely to fall to Exchequer should face to face service be reduced. Certain contacts are time bound for example needing Housing Benefit to be paid before the next payment of rent is due to having to pay a bill before a Court hearing date or where an enforcement agent has made contact for example.

- 3.6 Vulnerable, and often older people and the digitally excluded benefit from face to face meetings in particular.

Table 7: Customer Services contacts April 2019 – March 2020	
Council Tax	9,164
Housing Benefit	12,133

- 3.7 Welfare Rights also support customers with benefit queries and those in arrears with Council Tax, Business Rates or a sundry debt, or where there is an overpayment to be recovered, and problem debt cases are referred to Welfare Rights by Exchequer where financial advice and support is required. **Appendix 3** details the budgeting support leaflet, which is sent out with recovery documents to assist residents who may have difficulty in paying by sign posting to relevant advice agencies.

- 3.8 **Debt value:** The debt type with highest value outstanding is detailed below; however, it must be borne in mind that sundry debts invoices are being raised throughout the year and not just at year start and so some monies outstanding will have only been invoiced in the last few months and so not necessarily yet in arrears. As with all debt types, recovery of monies takes place until the debt is paid in full or it cannot be collected by law due to an event taking place instigated by the debtor for example, bankruptcy, debt relief order, insolvency etc.

- 3.9 Table 8 below highlights the highest value debt type at year end and the monies collected in respect of previous years arrears while the graphs below detail the monies collected in respect of previous years arrears, and shows a typical arrears collection picture that money continues to be collected from 2005/2006 and that arrears balances reduce over time.

Table 8: Debt types with highest value arrears for previous year as at March 2021 and June 2021			
Debt type	Mar 21	June 21	Sept 21
Sundry Debts	13.51m	5.13m	6.85m
Council Tax	6.8m	5.7m	5.4m
Business Rates	1.58m	1.2m	0.989m

- 3.10 Unlike Council Tax and Business Rates the recovery of Sundry Debts is not contained in one specific piece of legislation. Specific legislation does exist in relation to the recovery of specific debt types only. For example, a land charge can never be written off in law and yet can take years to recover, which is usually at the point of house sale providing the Council is aware of the sale to ensure the solicitors are aware. Ground rents are equally difficult to recover, as they are often such low value that it is in many cases uneconomic to raise an invoice annually.

- 3.11 Each local authority generally determines the fees and charges applied to goods and services they provide. Unfortunately the Department for Communities and Local Government (formerly MHCLG) do not collect any data on sundry debts therefore there is no comparative data on services provided or costs. However, the fees and charges for goods and services in Tameside is set following approval of the Executive Cabinet Fees and Charges report prior to the commencement of each financial year.

- 3.12 Depending on debt type regular invoices can be raised throughout the year for a pre-determined frequency for the same person for the same service, for example with home care

services the invoice is raised monthly and with commercial rents. In the case of a planning fee or licence, for example the invoice will be a one-off. Some invoices are also raised at the start of the financial year for the entire year for example community alarms, market rents and trade waste.

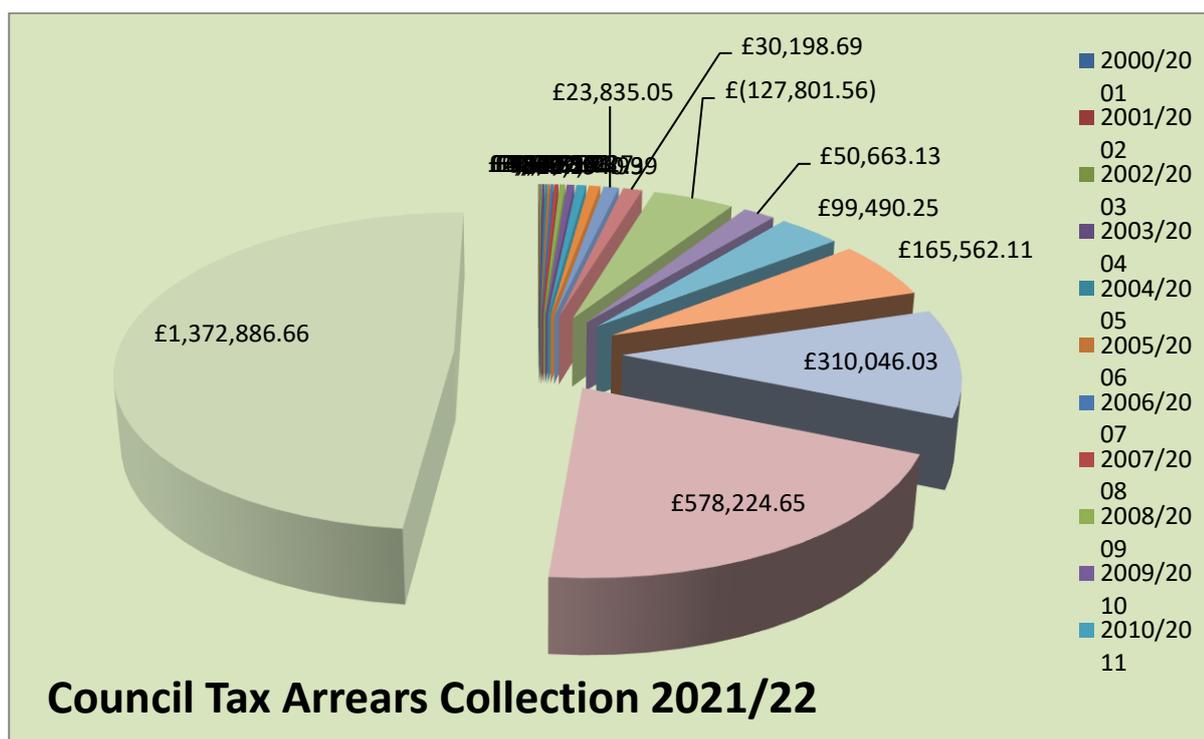
- 3.13 Payment instalments also differ according to debt type with some being invoiced in arrears, to be paid immediately, some invoiced in advance to be paid by instalments throughout the year and some are one-off invoices for immediate payment, however payment combinations and invoice raising can be any combination of these.
- 3.14 The most cost effective process for providing goods and services is for services to request invoices be raised and paid in full before service is provided. This was introduced in April 2020 following the decision of the Executive Cabinet in December 2019 and has proved effective as the Sundry Debt Service challenge service areas that request an invoice to be raised and the debtor still owes money to the Council.
- 3.15 However, it is acknowledged that the above practice cannot be adopted for all debt types raised due to legal constraints. For example, adult's social care cannot suspend service wherever a care need is identified as stated in legislation contained in the Care Act 2014, regardless as to whether previous care bills have been paid in full. A further example is where the Council provides services to another organisation under contract, as contract provision must continue regardless as to whether previous invoices are paid in full.
- 3.16 **Avoidance:** A number of common avoidance tactics are used by individuals and frequently by businesses, none of which are unique to Tameside. Rate avoidance affects the whole country. The Government have consulted on this matter twice and the last time in July 2019 from the Local Government Association. So far, there has been no change to any legislation to prevent avoidance practices. A typical avoidance tactic is where companies open, trade for a period and then cease to operate for a very short period and 'dissolve' the company then open up again often under the same name as before, however the company will have been dissolved and so by law any arrears they may owe has to be written off. Such companies may change the company name with Companies House yet the trading name will remain the same. Unfortunately, this is not an illegal process. Companies House position is clear their role is for the registration of company business, incorporation and dissolution of limited companies and will not enter into any communication with regard to recovery of any monies or conduct relating to monies owing.
- 3.17 Other common avoidance scams are for landlords of business premises to create a fictitious tenant or shell company. While lease agreements are requested at the point of registration to determine liability for payment, this is not sufficient deterrent to the most unscrupulous landlords or property owners.
- 3.18 The recent landmark victory for Local Authorities in terms of business rates was the case of *Rosendale BC v Hurstwood Properties*, which involved property owners letting unoccupied properties to 'special purpose vehicles' (SPV) or sham companies. This enabled both the property owners and the SPVs avoid liability for business rates, particularly as the SPV then dissolves and so escaping business rates liabilities levied on empty properties. The Supreme Court determined that the "owners" of the properties were the landlords and not the SPVs and that such actions are an abuse of legal process and may also have involved unlawful conduct by the directors. The liquidation scheme was declared to be an abuse of the insolvency legislation.
- 3.19 The case highlighted generally applies to larger premises where there is much to gain, however in all cases such practice is difficult to detect and difficult to recover monies from, and challenging such cases via the Court process is costly and resource intensive.
- 3.20 Equally with both Council Tax and sundry debt recovery there is an element of deliberate

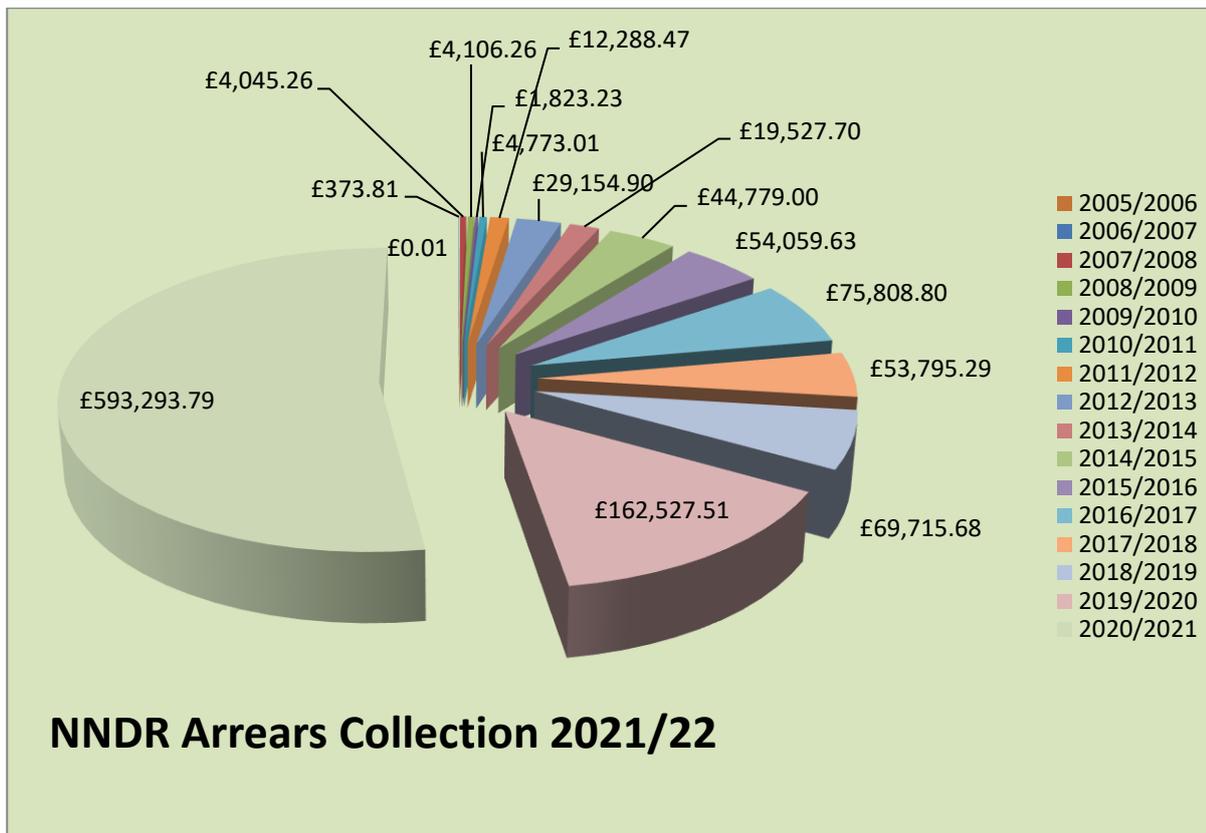
avoidance and it is common that there are a number of people who attempt to gain a reduced Council Tax bill by claiming that they live alone, yet live with another adult and make a claim for Single Person Discount (SPD). A number of successful Single Person Discount review exercises have been undertaken in recent years to determine those that may have claimed falsely or those where an SPD is no longer due ie where a child becomes an adult in the same household for example. Such exercises see the removal of the discount from the account and the full Council Tax falls due. The table below highlights the last four such review exercises.

Year	Increase to Council Tax Base £
2013/14	300k
2015/16	630k
2019/20	640.6k
2020/21	549k

3.21 **Arrears recovery:** Table 10 below details the cash collected in respect of previous years arrears. It is important to note that due to proactive and robust collection of all arrears over several years that there has been a history of collecting in excess of the requirement predicted for Council budget requirements. It is anticipated that this trend will continue in future years as arrears continue to be collected for many years after the debt was first raised.

Financial Year	% collected in year that it was due	Actual % collection as at 31 October 2021	% collection required for the tax base *	% collected over tax base requirements
2014/15	94.07%	97.89%	95%	+2.89%
2015/16	94.17%	97.55%	95%	+2.55%
2016/17	93.69%	97.16%	95%	+2.16%
2017/18	93.40%	96.60%	96.5%	+0.10%
2018/19	93.41%	96.12%	96.5%	-0.38%
2019/20	93.52%	95.49%	98.0%	-2.51%
2020/21	93.95%	95.35%	98.0%	-2.65%





The graphs above detail the monies collected from 01 April 2021 in respect of previous year's arrears. This demonstrates that money is still be collected from 2000/1 in respect of Council Tax and 2005/6 in respect of Business Rates.

- 3.22 Exchequer services have worked closely with Her Majesty's Courts and Tribunal Service (HMCTS) to introduce a new remote hearing process in light of the COVID pandemic. The new process works well, however, a considerable constraint in the recovery of monies at present is the availability of Magistrates Court hearing dates, and the Magistrates imposed cap on the number of summons that can be issued in relation to any one court hearing date. This is affecting all local authorities in the region as Courts grapple with backlogs of hearings.
- 3.23 The impact of this means that not as many people can be summonsed at any one time and so while recovery via Magistrates Courts continues to take place, it is at a slower rate than we would like.
- 3.24 Many charge payers do pay regularly and on time. However, many in receipt of benefits have to have arrears attached to their benefit, which is deducted at source by the DWP at the rate of £3.70 a week to reduce arrears. This rate is set by central government and has not changed for many years. This low rate of deduction is helpful to those on a low income however; the reality is that the deductions do not clear one year's Council Tax in the year that it falls due. This results in many benefit claimants starting the new financial year in arrears.
- 3.25 **Processes:** The process to recover monies owed differs between Council Tax, Business Rates and Sundry Debts utilising both Magistrates Courts and Enforcement Agent recovery as appropriate. Council Tax Legislation set out in the Local Government Finance Act (Administration and Enforcement) Regulations 1992 details the method and timescales for the statutory recovery of Council Tax and Business Rates monies.
- 3.26 The process is that for all debts recovery documents are issued on a weekly / monthly cycle. The actual processes of recovery are detailed in **Appendix 1** and which also details the

additional recovery processes introduced to support residents paying monies owed.

- Reminder contact by text
- Consideration of ability to pay
- Encouragement to pay by direct debit
- Encouragement to sign up to self service
- In-house welfare team (Arrears Support Team) for difficult cases
- Support and signposting
- Budgeting Advice Leaflet

3.27 The work involved in pursuing monies owed is considerable and reflects that in the last year over a third of all residents received a Reminder notice. The tables below highlight the volume of recovery documents that are sent out each year.

Table 11: Council Tax Reminders issued and value per year		
Financial Year	Number of Reminders issued	Value of Reminders issued
2019/20	39,849	£7,748,442
2020/21	32,685	£7,847,815
2021/22 (as at 30/9/21)	24,004	£4,683,105

3.28 Where Council Tax or Business Rates remain unpaid in accordance with the bill issued and arrears are not brought up to date a summons may be issued, and which incurs an additional £86.00 summons cost for Council Tax and £129.00 for Business Rates. The table below details the number and value of summons issued by year. Both Council Tax **and Business Rates matters are heard in Magistrates Courts. Tameside was the first local** authority to work with the Courts to introduce remote hearings in August 2020 to enable recovery of monies to recommence at the earliest opportunity in the COVID pandemic.

Table 12: Number of Council Tax summons issued by year and value		
Financial Year	Number of Summons issued	Value of Summons issued
2019/20	23,864	£16,401,945.06
2020/21	9,638	£ 6,952,371.30
2021/22 (as at 30/9/21)	12,115	£7,823,098.23

Table 13: Number of Council Tax Liability Orders Granted		
Financial Year	Number of Liability Orders granted	Value of Liability Orders granted
2019/20	15,333	£10,498,511.78
2020/21	8,142	£5,847,584.40
2021/22 (as at 30/9/21)	7,377	£9,524,002.56

Table 14: Business Rates Reminders issued and value per year		
Year	No of Reminders	Amount of Reminders
2019/2020	1790	£3,258,304
2020/2021	2197	£4,198,467
2021/22 (as at 30/9/21)	2,205	£2,120,921.40

Table 15: Business Rates Summons issued by year		
Year	No of Summonses	Value of Summonses
2019/20	774	£4,858,602
2020/21	349	£2,190,673
2021/22 (as at 30/9/21)	676	£4,128,082

Table 16: Number of Business Rates Liability Orders Granted		
Year	No of Liability Orders	Value
2019/20	413	£2,119,566
2020/21	201	£1,031,556
2021/22 (as at 30/9/21)	287	£1,506,186

3.29 The Magistrates usually grant a Liability Order for non-payment and this in effect gives authority to recover monies in alternative ways such as by attaching the debt to a person's benefit or earnings; however, the latter cannot be undertaken for Business Rates. The DWP may also attach any debts that they are recovering to a person's benefit and this takes priority. Some cases have numerous debts attached to their benefit and which take many years to clear and as detailed in 2.4 above the standard deduction rate of £3.70 a week has not changed for many years resulting in people starting each financial year in arrears.

3.30 The debt, post liability order, may also be referred to an enforcement agent for collection. While this is a last resort, such measures are necessary in the recovery of unpaid monies owed. The number of referrals in respect of Council Tax rose to an all time high in 2019/20, however the cessation of recovery due to the COVID pandemic accounts for the lower number of referrals in 2020/21 and referrals are expected to rise again in 2021/22.

Financial Year	Number of debts referred to Enforcement Agent	Value of debts referred to Enforcement Agent
2019/20	10,624	£7,795,849
2020/21	7,338	£6,882,924
2021/22	3,217	£3,609,748

Table 18: Number of referrals to Enforcement Agents (NDR)		
Financial Year	Number of debts referred to Enforcement Agent	Value of debts referred to Enforcement Agent
2019/20	571	£2,593,973
2020/21	82	£258,164
2021/22	64	£326,750

3.31 Enforcement agent fees and the amount of deductions under an attachment of benefit or earnings are set in legislation. Current enforcement agent fees and attachment deductions are detailed in **Appendix 4**. The conduct of enforcement agents is set in legislation and each enforcement agent must be certified by Magistrates to enable them to work for the local authority. Strict codes of conduct are in place for enforcement agents employed under a Greater Manchester framework agreement, which is in addition to our local code of conduct to be adhered to by every enforcement agent engaged.

3.32 Sundry debt recovery differs to Council Tax and Business Rates and different recovery documents are issued according to debt type as detailed in **Appendix 1**.

3.33 The Reminders being issued vary from day 10 to day 20 depending on debt type, and Final Notices from day 20 to day 45. A decision on further recovery varies from day 30 to day 55. In addition to the above, there are seven different recovery routes for the following types of debt:

- Community Alarm
- Companies
- Deceased
- Small Balances
- Markets
- Social Services
- Trade Waste

- 3.34 The total number of recovery letters sent prior to formal action being taken for sundry debt recovery is as follows with Table 20 detailing the number of sundry debt accounts referred to enforcement agents for recovery:

Fin Year	First Reminder	Final Reminder	Enforcement
2019-20	13,225	6,555	202
2020-21	11,242	6,098	400
2021-22 (to end Sept 21)	5,987	2,931	252

Financial Year	Number of debts referred to Enforcement Agent	Value of debts referred to Enforcement Agent
2019/20	1031	£820,721
2020/21	914	£413,267
2021/22	314	£442,616

4 IRRECOVERABLE MONIES

- 4.1 Collecting money for any reason whether for public or private funds carries an element of bad debt i.e. debt which is uncollectable. The impact of not writing off debts that are irrecoverable by law can result in the following:
- Inflated and inaccurate levels of bad debt provision in the Councils budget
 - Inflated and inaccurate levels of arrears

The above can, and does, manifest itself in Freedom of Information requests, and it is therefore essential that irrecoverable debts be written off systems to enable accurate financial accounting and forecasting.

- 4.2 The reasons for bad debt relate solely to the circumstances of the debtor and which the law states the debt cannot be recovered. **Appendix 4** details debts irrecoverable in law. The following section highlights debts where recovery is not legally enforceable:

Council Tax legally unenforceable debts:

- **Debt Relief Order** - Charge payer seeks via application from Official Receiver
- **Bankruptcy Order** - Charge payer made bankrupt
- **Individual Voluntary Arrangement (IVA)** – Charge payer sets up an arrangement with the insolvency practitioner
- **Statute Barred**- where part of debt or all of debt not in recovery must be written off as the debt is over 6 years old.

Business Rates legally unenforceable debts:

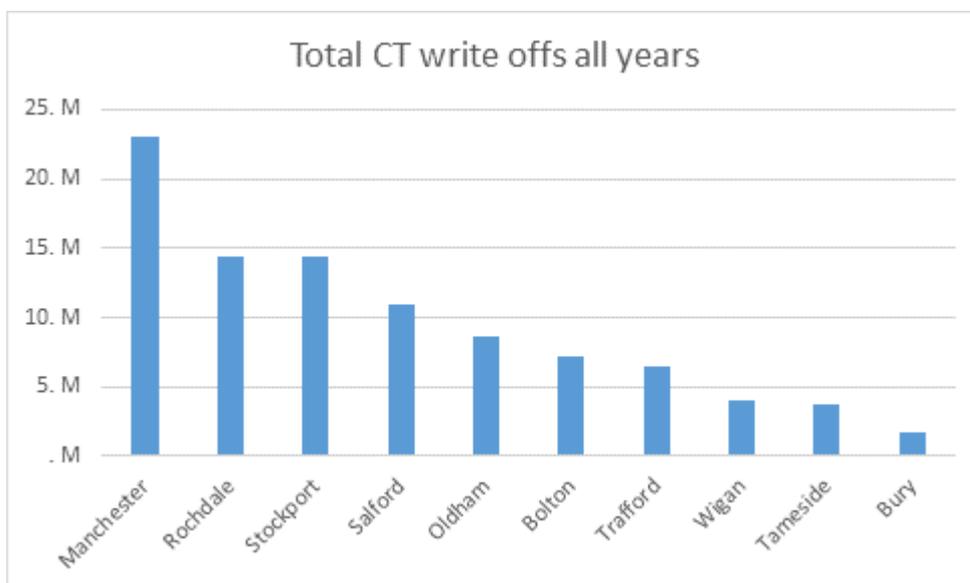
- **Company dissolved** – company is liquidated which in some cases can take several years to be finalised
- **Company voluntary arrangement (CVA)** – debtor seeks application from insolvency practitioner
- **Debt Relief Order** - Charge payer seeks via application from Official Receiver
- **Bankruptcy Order** - Charge payer made bankrupt
- **Individual Voluntary Arrangement (IVA)** – Charge payer sets up with insolvency practitioner
- **Statute Barred**- where part of debt or all of debt not in recovery must be written off as the debt is over 6 years old.

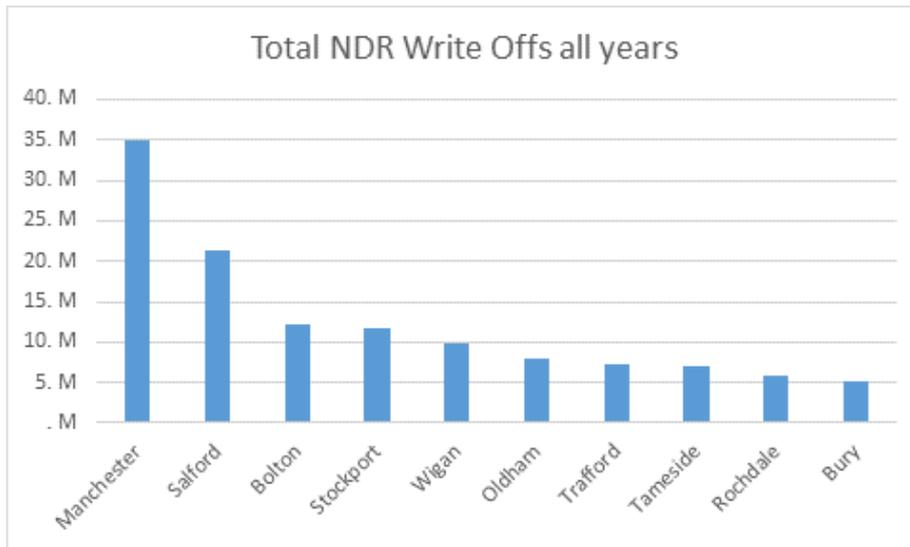
Sundry Debts legally unenforceable debts:

- **Debt Relief Order** - Charge payer seeks via application from Official Receiver

- **Bankruptcy Order** - Charge payer made bankrupt
- **Individual Voluntary Arrangement (IVA)** – Charge payer sets up an arrangement with the insolvency practitioner
- **Statute Barred**- where part of debt or all of debt not in recovery must be written off as the debt is over 6 years old.
- **Company dissolved** – company is liquidated which in some cases can take several years to be finalised
- **Company voluntary arrangement (CVA)** – debtor seeks application from insolvency practitioner

- 4.3 The most common reason for writing off debt is where a debt relief order is in place, bankruptcy and dissolved companies. In addition to the above, there are discretionary irrecoverable debts, which relate in the main to deceased persons where there are no monies left in the estate after probate searches have been obtained. Very few cases are written off due to the charge payer having absconded as both internal and external tracing methods are used. Whenever an absconder’s whereabouts become known after a debt has been written off, there is a clear process to ‘write back’ the debt and continue recovery of monies owed.
- 4.4 The writing off of irrecoverable debt is subject to strict audit processes, which are evidenced on the Councils Agresso and Capita financial systems. All local authorities write off sums which are irrecoverable by law and which are included in Government returns to MHCLG for Council Tax and Business Rates.
- 4.5 Recovery processes are such that recovery of monies can take many years and the oldest debt currently being collected in Tameside relates to 2000/01.
- 4.6 Information on debts that have been written off is available from Department for Communities and Local Government (formerly MHCLG) for all years up to 2020/21 for Council Tax and Business Rates. The data when compared to other Greater Manchester Councils is that less is written off in Tameside compared to other similar sized authorities.





- 4.7 As can be seen above the graphs demonstrate that Tameside is the second lowest in Greater Manchester in terms of Council Tax bad debt written off and third lowest in terms of Business Rates debt written off as every effort is made to pursue recovery of all monies owed.
- 4.8 In the last 5 years a total of £495.5m Council Tax has been collected and £4m has been written off in Tameside (0.80%), and in the same period, £266.87m Business Rates has been collected with £7m being written off (2.6%). This is below the average of debt written off for similar size authorities and below the average of Greater Manchester local authorities.
- 4.9 Such comparative data for Sundry Debts does not exist as each local authority will set differing charges for goods and service provided, and central government do not collate this information. However, the table below details the debts written off in the last 2 years and which equates to an average of 1.39% of net debit raised for Sundry Debts is written off. Specific debts written off in the last 2 years are as follows:

Debt type	2019/20	2020/21
Council Tax	£436k	£298k
Business Rates	£2.093m	51k
Sundry Debts	£2,069,273	£455,048

5 RISKS

- 5.1 The key risk in not collecting any debt due to the Council in a timely manner is the impact on the Councils overall budget. All recovery action is undertaken within the shortest timescales possible subject to current constraints on the numbers of summons that can be issued at any one time in respect of Council Tax and Business Rates Magistrates Court hearings. Aged debt reports in respect of sundry debts arrears are available for Financial Management to discuss with service budget holders. Arrears continue to be collected many years after the debt was raised and are recovered against until the debt is paid in full. Enforcement action is used as a last resort however is necessary in terms of recovering monies owed.
- 5.2 Not writing off bad debt is also a risk on the Councils budget position as the collection of money for any reason carries an element of bad debt i.e. debt which is uncollectable. The impact of not writing off debts that are irrecoverable by law can result in inflated and inaccurate levels of bad debt provision in the Council's budget and an inflated and inaccurate levels of arrears. It is therefore important that debts, which are irrecoverable, be written off subject to audit guidelines and in accordance with the Councils Financial Regulations.

6 CONCLUSION

- 6.1 The highest overall debts owed to the Council is in respect of a range of services provided by the Council and for which an invoice is raised via Sundry Debts and then Council Tax and Business Rates. Adults social care debts are difficult to recover and take considerable time due to the complexity of monies owed for people requiring care.
- 6.2 In addition legislative recovery methods in place for the recovery of Council Tax, Business Rates and Sundry Debts further mechanisms are in place to prompt payments such as text Reminders, self-service on-line accounts. Regular single person discount reviews are undertaken.
- 6.3 A Debt Recovery Policy sets out the recovery methods which are taken, according to debt type, to recover monies owed to the Council and which is appended to this report at **Appendix 2**. Information is available, and has been available in various places on the Councils website for many years, however the purpose of the Debt Recovery Policy is to bring together in one document all forms of recovery that may be undertaken. An equalities impact assessment has been considered however, as there is no change in the processes of the recovery methods used and which must adhere to legislation pertaining to the recovery of debts, this is not a requirement. Through every stage of the recovery process, regardless of debt type, consideration continues to be given to the debtors circumstances and appropriateness of recovery method used
- 6.4 Avoidance in paying debt is common and particularly in relation to the recovery of Council Tax and Business Rates arrears and which affects all local authorities nationally. Arrears continue to be collected for many years after the payment is due and which requires costly recovery action to be undertaken using Council resource, the Court process and enforcement action. Debts continue to be collected from 2000/2001.
- 6.5 The Magistrates Court have imposed a limit on the number of summons to be served for any one hearing and this is a regional issue while the Courts address a backlog of cases arising due to COVID pandemic. Whenever an absconder's whereabouts become known after a debt has been written off, there is a clear process to 'write back' the debt and continue recovery of monies owed.
- 6.6 An aged debt report is sent to service areas in respect of Sundry Debt arrears. Some debts cannot be recovered according to circumstances, as the law does not permit recovery in such cases as detailed in Section 4.
- 6.7 Tameside is the second lowest in Greater Manchester in terms of Council Tax bad debt written off and third lowest in terms of Business Rates debt written off as every effort is made to pursue recovery of all monies owed. In the last 5 years, a total of £495.5m Council Tax has been collected and £4m has been written off in Tameside (0.80%), and in the same period £266.87m Business Rates has been collected with £7m being written off (2.6%). This is below the average of debt written off for similar size authorities and below the average of Greater Manchester local authorities. Comparable data is not available either locally or nationally in respect of sundry debts as Councils charge different amounts for fees and charges, and some services may not be charged in some authorities.
- 6.8 Services can assist by ensuring that payment is made before the service is provided and in the accrual of arrears by ceasing to provide services for debtors in arrears as such invoice requests for the same are challenged by Exchequer Services. However, it is acknowledged that in some circumstances invoices must continue to be raised, as service cannot legally cease to be provided such as services provided under contract and adults social care services where care continues to be provided.

7 RECOMMENDATIONS

7.1 As set out at the front of the report.

APPENDIX 1

Highest value invoices raised by service area for 2019/20 and 2020/21

2020/21 Top 12 Invoices by Value - Service area	Volume of invoices raised	Value of invoices raised
Financial Management *	117	£64,167,852
Adults Residential	4,925	£5,899,418
Non-residential care	12,568	£4,078,554
Estates	3,604	£2,000,755.
Payroll invoices	168	£1,361,299
Markets	846	£1,288,930
Trade Waste	1,506	£1,200,688
Environmental Development	30	£1,069,732
Ecology	337	£918,244
Community Alarms	2,798	£826,568
NAFN	469	£809,940.
Policy Service Invoices	1	£792,284
2019/20 Top 12 Invoices by Value - Service area	Volume of invoices raised	Value of invoices raised
Resource Management	140	£49,136,435
Adults Residential	5,531	£6,320,720
Non-residential care	14,981	£4,170,901
Estates	3,629	£1,794,394
Payroll invoices	180	£1,432,350
Markets	1,022	£1,357,654
NAFN	1,801	£1,191,488
Operations & Neighbourhood	118	£1,117,460
Trade Waste	1,402	£1,051,279
Community Alarms	2,745	£794,051
Ecology	501	£755,389
Engineers (skips, traffic)	606	£707,489

* In some cases Financial Management raise invoices on behalf of other service areas

TAMESIDE COUNCIL DEBT RECOVERY POLICY

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INTRODUCTION

This document sets out the Council's procedures in relation to the recovery of unpaid Council Tax, business rates and sundry debts. The document purpose is to ensure that the recovery of Council Tax/business rates or sundry debts that are not paid when due, are administered in an effective, fair, proportionate and consistent way. This document does not affect the statutory rights of the Council, taxpayers or those that owe a sundry debt.

The recovery of debts is covered in 3 parts in this document as follows:

Part One – Council Tax and Business Rates debts

Part Two – Sundry Debts

Part Three - Adult Social Care Charges

PART ONE – COUNCIL TAX AND BUSINESS RATES

1 RECOVERY PROCEDURE UP TO LIABILITY ORDER

1.1 Demand Notice (Bill)

At the beginning of the financial year, or when a new Council Tax account/business rates liability commences, a demand notice (Bill) will be sent to the taxpayer detailing the Council Tax/business rates owed for the tax year and the amount and due dates of any instalments. The demand notice is usually known as the Council Tax or business rates bill.

If there are any changes to an account which alters the amount of Council Tax/business rates due for the year then a further adjustment notice will be sent to the taxpayer. This informs the taxpayer of any changes to the Council Tax/business rates due or to changes in the amount of payment instalments due.

Payment must be made in accordance with the instalments on the demand notice, however if there is no right to pay by instalments, then the full amount on the notice must be paid within seven days. A demand may be issued against one or more joint taxpayers/business ratepayers in respect of an amount for which they are jointly and severally liable. Recovery procedures for the full sum owed may be applied to one or more than one of the joint taxpayers/business ratepayers.

1.2 Reminder and Final Notices

The recovery of Council Tax/business rates is governed by legislation contained in the Council Tax (Administration and Enforcement Regulations) 1992. If a taxpayer has the right to pay by instalments but does not pay an instalment by the due date then a text message or email Reminder may be sent to advise the Council Tax payer that payment is due. If a payment is not received within 7 days of the instalment date to bring the account up to date then a Reminder notice will be issued and we will ask the taxpayer to pay the missed instalment within a further seven days.

If the missed instalment is received within seven days, no further action will be taken. If it is not paid then the right to pay by instalments is lost, and the remaining Council Tax/business rates for the entire year becomes due. If the amount remaining for the year is not paid, then a summons to appear at a liability order hearing at the Magistrates' court will be issued. Council Tax must be paid in accordance with the payment instalment detailed on the Council Tax bill or your Council Tax payment arrangement letter. Wherever a payment is made that does not match an instalment due, then the processing system will automatically credit the payment to the oldest debt. This is how the system addresses such payments and is common to system software.

If the missed instalment is received within seven days, but another instalment is not paid, then a second Reminder notice will be issued. If the missed instalment is received within seven days no further action will be taken. If the missed instalment is not paid then the right to pay by instalments is lost and the remaining Council Tax/business rates for the entire year becomes due. If this is not paid then a summons to appear at a liability order hearing at the Magistrates' court will be issued.

If the account is brought up to date but falls behind for a third time, a Final Notice for the full outstanding amount for the tax year will be issued as the right to instalments is lost. If this is not paid in full within seven days then a summons to appear at a liability order hearing at the Magistrates' court will be issued in due course.

1.3 Summons

Where Council Tax/business rate payers fail to respond to any Reminder notice or Final Notice or defaults on an arrangement to pay following the issue of notices, the Council will apply to the

Magistrates' court for a liability order to be issued.

A summons to appear at a liability order hearing at the Magistrates' Court will be sent to each person named on the bill and summons costs will be added to the account. These costs are reviewed annually.

A summons will always be issued within at least 14 days between issue and the court hearing date. The summons will state the amount due and the time and place of the court hearing. The summons will normally be served by second-class post.

If a Council Tax/business ratepayer pays the amount of the summons including the costs prior to the court hearing; then the application will not proceed and we will not obtain a liability order. If the Council Tax/business ratepayer does not pay the summons amount including costs in full prior to the hearing, the hearing will proceed and we will ask the Magistrates to grant a liability order plus additional costs.

Any time after a summons is issued, the Council will consider making an arrangement to pay the amount due on the summons including costs. If an arrangement is made at this stage, a liability order will still be obtained to secure the debt. However, if payments are received as per the terms of the arrangement, no further action will be taken. No arrangement will be made without first obtaining the debtor's current employment and benefit details.

If the Council decides that a summons has been issued incorrectly, then it will be withdrawn and no costs will be charged.

1.4 Liability order hearings

A Council Tax/business rate payer has a right to attend a hearing and a right to give evidence as to why a liability order should not be granted by the Magistrates. If they do not attend, the hearing will still proceed in their absence. Her Majesties Court and Tribunal Service (HMCTS) may determine that the hearing is held remotely rather than in-person.

If the Magistrates are satisfied that the Council Tax/business rates are payable and remains unpaid, then they are required to issue a liability order.

If a Council Tax/business rate payer wishes to defend an application for a liability order, they must offer a valid defence against it. Valid defences include:

- the Council has not demanded Council Tax/business rates in accordance with the regulations
- the amount has been paid in full with costs
- the person named on the summons is not the liable person
- the Council has already commenced bankruptcy or winding up proceedings, which include the unpaid Council Tax/business rates concerned.

It is not a valid defence if the taxpayer for example:

- is unable to pay
- has recently applied for Council Tax/business rates discount or exemption or applied for Council Tax support
- has applied to the Valuation Office Agency against their Council Tax band/business rates rateable value
- has appealed their liability to the Valuation Tribunal.

Obtaining a liability order incurs costs of £86.00 for Council Tax and £129.00 for business rates as at 01 April 2021. These costs are reviewed annually.

1.5 Costs

Summons and liability order costs will be added to a debtor's account and will be included as part of their debt to be repaid.

Costs reflect the administrative cost, enforcement and tracing fees to the Council and the court fees incurred. Therefore, costs will only be removed from an account in exceptional circumstances as determined and agreed by the Council. Where a debtor pays the unpaid Council Tax due, but does not pay the costs owed, these will still be pursued as a debt using the actions detailed in the sections below. Summons costs are detailed in Appendix One.

2 RECOVERY PROCEDURE AFTER A LIABILITY ORDER IS GRANTED

2.1 Liability Orders

A liability order gives the Council certain powers to enforce the unpaid Council Tax/business rates debt.

Once a liability order is granted for Council Tax debts, we can:

- ask for financial information, including employment and employer details
- take money directly from wages using an attachment of earnings order
- take money directly from benefits including Universal Credit, Income Support, Jobseekers Allowance, Pension Credit or Employment Support Allowance
- instruct civil enforcement agents to collect the debt on the Council's behalf
- seek a charging order against property
- start bankruptcy proceedings
- start committal proceedings for imprisonment of up to three months.

A liability order may be made against one or more joint taxpayers in respect of an amount for which they are jointly and severally liable. Recovery procedures for the full sum owed may be applied to one or more than one of the joint taxpayers.

Once a liability order is granted for business rates debts, we can:

- instruct civil enforcement agents to collect the debt on the Council's behalf
- start bankruptcy proceedings against an individual
- start committal proceedings for imprisonment of up to three months.

2.2 14 Day Notice for Council Tax debts

Once a liability order is granted, the Council may issue a 14 Day Notice to demand the debtors income details. The debtor must provide their income details to the Council within 14 days of the demand notice being issued. The Council may then use this information to attach the debt to either earnings or benefits and may serve these to obtain up to date income details if other recovery methods have failed.

2.3 Further Summons for failing to provide income details pertaining to Council Tax debts

A further Magistrates Court summons may be issued to debtors that do not provide their income details when requested. The Council may withdraw the summons if income information is provided prior to the hearing date. The Magistrates may consider a fine where information is not provided.

2.4 Payment arrangements after a liability order

Debt repayment arrangements may be made after a liability order has been granted, subject to the specific requirements in addition to those detailed above.

Repayment arrangements, which are greater than the value of attachment of earnings for Council Tax debts, will be approved or which clear the debt within the current tax year. A debtor must also not have defaulted on any previous repayment arrangement and where this is the case a further repayment arrangement will only be made in exceptional circumstances as determined by the Council.

2.5 Attachment of earnings for Council Tax debts

Where the Council has been given a debtor's employment details we may issue an order to the

debtor's employers to make deductions from their earnings. Employers are legally required to comply with the order. The amount that can be deducted is prescribed by law and depends on the debtor's earnings as detailed in Appendix One.

A letter confirming the amount to be deducted will be sent to the debtor and to the employer when the order is issued. Each attachment is for one liability order, and a maximum of two attachments of earnings can be applied at any given time. Where we are considering issuing more than one order, the most recent debt takes first priority.

The Council will usually attach earnings where it will clear the debt in the current tax year. Attachments that will not clear the debt in the current tax year will be decided on a case-by-case basis, considering the total amount of debt and time it will take to clear the debt. If an attachment will not clear the debt in a reasonable time or if it is otherwise considered inappropriate, then the Council will consider another recovery action.

An attachment to earnings will only be cancelled in exceptional circumstances. In cases where a debtor claims hardship because of an attachment, the individual circumstances will be considered in deciding whether to cancel the attachment. The Council will require evidence of any claimed hardship. This will usually include evidence that they cannot afford to pay for essential expenses such as their housing costs, utilities or food.

2.6 Deduction from benefits for Council Tax debts

Deductions can be made from Universal Credit, Job Seekers Allowance, Pension Credit, Income Support and Employment Support Allowance to pay liability orders for unpaid Council Tax. The amount of deduction is set by central government and is detailed in Appendix One.

If a debtor is receiving one of these benefits, the Council may ask the Department for Work and Pensions (DWP) to make regular deductions from the benefit and make payments to the Council. Only one deduction can be applied at any one time although applications can be stacked if there is more than one years debt outstanding.

This action is taken where the Council has details of the debtor's benefit and where the deduction will clear the debt in the current tax year. Deductions that will not clear the debt in the current tax year will be decided on a case-by-case basis, considering the total amount of debt and time it will take to clear the debt. If a deduction will not clear the debt in a reasonable time or if it is otherwise considered inappropriate, then the Council may consider another recovery action.

A deduction from benefits will only be cancelled in exceptional circumstances. In cases where a debtor claims they will suffer hardship because of a deduction, the individual circumstances will be considered in deciding whether to cancel it. The Council will require documentary evidence of any claimed hardship. This will usually include proof that they cannot afford to pay for essential expenses such as their housing costs, utilities or food.

2.7 Enforcement agents

The Council will consider other recovery action before civil enforcement agents are requested to collect the Council Tax or business rates debt.

If the following circumstances apply, then the debt will be passed to the Council's external enforcement agents:

- there has been no contact from the debtor despite request to do so;
- if no payment arrangement has been agreed or maintained;
- if the debtor has not provided us with employer or benefit details and the debt relates

to Council Tax

Debtors will be advised in writing at least 14 days prior to the enforcement agents' visit together with the fees that may be charged. Fees charged by civil enforcement agents are prescribed by law and are detailed at Appendix One.

Once a debt is referred to civil enforcement agents, any payments either made to them or directly to the Council; will be applied to the agent's fees first before paying the debt owed to the Council. If a debt has been passed to civil enforcement agents and payment is made directly to the Council without including the civil enforcement agent's fees, then the civil enforcement agent will continue the enforcement process for their fees incurred.

Enforcement agents may make an acceptable payment arrangement with the debtor to repay the sums due or levy distress on goods owned by the debtor to satisfy the amount outstanding. If civil enforcement agents cannot identify sufficient goods to clear the debt or cannot gain lawful entry to the property; then they will send a certificate to the Council to confirm this. Other courses of recovery action in this procedure will then be considered.

The Council will ensure as far as possible that the information, the civil enforcement agent holds is up to date and accurate. Enforcement agents are expected to operate in a fair and consistent manner and are subject to regular review based on collection performance and conduct. Civil enforcement agents are also required to follow the Council's Code of Conduct.

The Council will only consider withdrawing a debt from civil enforcement agents in exceptional circumstances, for example, when a person is or may be vulnerable. However, the Council have determined that vulnerability itself does not stop use of civil enforcement agents, although an identified vulnerability will be taken into consideration when making any contact or agreement with the customer. Requests for withdrawal are considered on a case-by-case basis and the decision made will be based on individual circumstances. Any cases that are identified as vulnerable will be dealt with by the enforcement agent's specialist vulnerability/welfare team.

3 FURTHER RECOVERY ACTION

Where the actions in section 2 have been unsuccessful in recovering all of the debt owed or when they are considered inappropriate the Council may consider further recovery actions. These include:

- making the debtor bankrupt
- seek a charging order against property owned by the debtor
- seeking committal to prison.

All of these actions may have serious consequences for the debtor. They will therefore always be considered on a case-by-case basis, taking individual circumstances into account. Other legal actions outside of this procedure may also be considered where appropriate. This can include for example, the forcing the sale of a property if this is deemed a necessary and proportionate action and which may be considered for empty properties or where more than one property is owned.

3.1 Warning letter

Debtors will receive notice in writing which will be sent to their last known address when the Council is considering further legal action. These warning letters will include:

- clear warning of the actions being considered, their likely cost and the seriousness of their consequences
- a request that the debtor contact the Council to try and make an arrangement to pay the debt and information as to the consequences of failing to respond
- the date by which they must respond
- a recommendation that they seek debt advice from a local non-profit advice agency and details of how they can be contacted.

3.2 Factors to take into consideration

When considering further recovery action, the Council will investigate the circumstances of the debtor and consider:

- impact of non-payment on revenues and the need to deliver services to the community
- equality between those who do pay and those who don't
- why other recovery methods are not appropriate
- whether action is likely to be effective
- the potential debt that may be recovered by the action and whether the likely costs of the action are proportionate to it
- whether the debtor's failure to pay may result from a vulnerability or disability and, if so, what action is appropriate as a result
- the potential effect of the action on any known dependants
- the need to prevent homelessness and whether the action may cause it
- any other circumstances, which may warrant protection from the consequences of the action.

An investigation into a debtor's circumstances will include:

- an attempt to contact the debtor in person, including a home visit if necessary
- data about the debtor shared by other areas of the Council including but not limited to Benefits, Income Services, and Electoral Registration
- data about the debtor shared by other public bodies as permitted by the Data Protection Act 1998 and General Data Protection Regulations (GDPR) 2018.

Written records of the above will be kept with:

- details of attempts to contact the debtor
- the information gathered, consideration of whether the action is proportionate to the likely debt to be recovered and the reasons for proceeding with the action.

3.3 Bankruptcy

Where the debtor is an individual the Council can apply to the County Court or High Court for them to be made bankrupt if they have liability orders for a debt of more than £5,000.00.

This course of action is costly and can have a considerable impact on debtors and members of their household. Before taking this action, the Council will therefore make reasonable attempts to investigate the taxpayer's personal and financial circumstances to determine whether bankruptcy action is appropriate.

The Council is more likely to pursue this action where:

- the debtor has previously broken agreed payment arrangements
- from the information the Council holds they appear to likely have sufficient realisable assets to pay the debt and likely costs
- the likely costs are proportionate to the debt to be recovered
- the taxpayer and members of their household are not vulnerable
- all other enforcement remedies have been exhausted.

A statutory demand will first be served on the taxpayer setting out the debt outstanding, and the options available to them to prevent further action, the time scales in which they need to respond and direct contact details of officers dealing with the case. A guide to the potential bankruptcy costs is included with the statutory demand. No additional costs are incurred at this stage, and the Council may still agree a payment arrangement with the taxpayer at this stage.

Where the taxpayer has not responded to the statutory demand within 21 days or where the Council is unable to agree arrangements that will discharge the debt, the Council will consider whether a petition for the taxpayer to be made bankrupt should be made to a court.

Where new information is received which suggests that the taxpayer or other members of the household may be vulnerable as per section 2.2, the information will be referred to a Senior Recovery Officer to consider whether this action is still appropriate.

Where a bankruptcy order is made, and a debtor has assets that might be sold to settle a debt, a licensed insolvency practitioner will be appointed by the Court as a trustee to safeguard and secure the assets of the debtor.

The costs associated with this type of action are high, typically running into several thousands of pounds, which are paid by the debtor.

3.4 Charging orders

The Council may apply to the County Court or High Court for a charge to be put on a property owned by the debtor where a Council Tax debt of more than £1,000.00 is owed.

The Council is more likely to apply for a charging order against a property that is either fully or jointly owned by a debtor where:

- the debtor has previously broken agreed payment arrangements
- the debtor has failed to provide employment or benefit details
- no contact can be made with the debtor

The Council will usually contact the debtor again to try and settle the matter without the need for legal proceedings. Legal proceedings will commence if no agreement is reached.

Where new information is received by the Council, which suggests that the taxpayer or other members of the household may be vulnerable, then consideration will be given as to whether this action is still appropriate.

The costs associated with this type of action are high, and will be added to the amount of the order. Where a charging order is granted, other methods of recovery may continue to be used to collect the debt.

The Council may also apply to the court for an order for sale, which may result in the property being sold and the amount subject to the charging order, including costs, being paid from the proceeds of sale. The Council is more likely to apply for an order for sale where the debtor owns more than one property, there is likely sufficient equity in the property to pay the debt and costs and the likely costs are proportionate to the debt owed.

3.5 Committal proceedings

If enforcement agents have been unable to find any or sufficient goods to pay the debt, the Council can apply to the Magistrates' Court to have the debtor committed to prison for a maximum of three months. Committal proceedings are usually the recovery action of last resort when all other actions either have failed or are not appropriate.

The Council is more likely to take committal action against a debtor when:

- enforcement agents have not been able to recover all of the debt
- the debtor has no property or assets
- the debtor has previously broken agreed payment arrangements
- the debtor has failed to provide employment or benefit details
- the debtor is not considered vulnerable
- the debtor has no dependants
- it appears that the failure to pay may be the result of wilful refusal or culpable neglect
- no other recovery action is appropriate.

Where committal action may be appropriate, the Council will write to the taxpayer inviting them to attend an informal interview with Council officers. The interview would discuss their financial and personal circumstances to attempt to resolve the matter without the need to commence committal proceedings.

Where the debtor fails to respond or where an agreement is not reached, the Council will then apply for a summons for the debtor to appear at a hearing before the Magistrate's court.

At the hearing the Magistrates will usually conduct a means enquiry to determine whether the failure to pay the Council Tax concerned was due to 'wilful refusal' or 'culpable neglect'. The Magistrates may make the following decisions:

Commit to prison: The Magistrates can decide to send the debtor to prison for up to three months.

Fix a term of imprisonment and postpone on conditions: The debtor is usually ordered to pay in instalments as determined by the Magistrates. If payments are made as ordered then no further action is taken. If payments are missed, then the prison sentence will come into force and the debtor can be sent to prison for up to three months.

Adjourn: A hearing may be postponed to a later date if, for example, more information or evidence is needed before a decision can be made.

Dismiss (take no action): The Magistrates may decide that no further action is appropriate.

Remit some or all of the debt: The Magistrates can remit (write off) some or all of the Council Tax owed. If only some of the debt is remitted, the Magistrates may make a court order for the rest.

Where the debtor does not attend the hearing as required, the Council will ask for a warrant of arrest with bail to be issued for a further hearing at the Magistrate's court. A warrant of arrest without bail may be applied for in some circumstances, for example where a debtor has previously not complied with a warrant with bail.

If a term of imprisonment is served, the relevant amount of Council Tax will usually be written off as irrecoverable. A part payment will also reduce the term of imprisonment by the ratio of payment to the total amount of the debt.

The costs of committal proceedings are high and can add hundreds or thousands of pounds to an existing Council Tax/business rates debt, which will be recoverable from the debtor/s.

PART TWO – SUNDRY DEBTS

1 RECOVERY PROCEDURE PRIOR TO LEGAL ACTION

1.1 Invoice issue

An invoice for monies owed to the Council for goods, services, fees or charges is sent to the debtor at the point that it is established that money is owed to the Council. This may be at the beginning of the financial year, or at any point within the year. The invoice will detail the amount due, and due date of any instalments. The invoice is also known as a Sundry Debt invoice.

If there are any changes to an account which alters the amount of money due to the Council then a further adjustment notice will be sent to the customer. This informs the customer of any changes to the amount or date of payment due.

If there is no right to pay by instalments, then the full amount on the invoice must be paid as detailed on the invoice. Where appropriate an invoice will be raised before the goods or services are provided.

1.2 Reminder and Final Notice

If a customer does not pay an instalment by the due date then a Reminder notice will be issued. The customer must pay the amount requested on the Reminder notice generally within 15 days.

If the account is not brought up to date in accordance with the Reminder notice issued then a Final Notice will be issued to the debtor 10 days after the payment was due to be paid in accordance with the Reminder notice.

1.3 Further Recovery

Where the amounts requested under the Reminder and Final Notice are not paid or the account remains in arrears, a contact letter and statement of account is sent to the debtor. The debtor is requested to contact and make an arrangement to pay or pay in full within 14 days and notified of the next stage of recovery if payment is not made. No arrangement will be made without first obtaining the debtor's employment and benefit details.

If there has been no contact from the debtor, if no payment arrangement has been agreed or maintained, if the debtor has not provided us with benefit details if the debt relates to a benefit overpayment, then the debt will be passed to the Council's external enforcement agents to make contact with the debtor.

Enforcement agents contact the debtor at this stage and request that contact is made direct within 14 days to arrange payment. The debtor may make an acceptable payment arrangement with the enforcement agent without incurring any enforcement agent fees.

In the case of commercial rents, Enforcement Agents can uplift goods and add costs without the permission of the Court.

Where the debt relates to a Housing Benefit overpayment, the Council will seek to take money directly from earnings or from benefits including Universal Credit, Income Support, Jobseekers Allowance, Pension Credit or Employment Support Allowance. This is known as an attachment of earnings or benefit order and the Council does not need the permission of the Court to take this action.

2 RECOVERY PROCEDURE WITH LEGAL ACTION

2.1 Warning letter

Where the amounts requested under the Reminder and Final Notice are not paid or the account remains in arrears, and no contact or payment arrangement been maintained with the enforcement agent, debtors may receive notice in writing, which will be sent to their last known address, that the Council is considering further legal action. These warning letters will include:

- clear warning of the actions being considered, their likely cost and the seriousness of their consequences
- a request that the debtor contact the Council to try and make an arrangement to pay the debt and information as to the consequences of failing to respond
- the date by which they must respond
- a recommendation that they seek debt advice from a local non-profit advice agency and details of how they can be contacted.

2.2 Factors to take into consideration

When considering further recovery action, the Council will investigate the circumstances of the debtor and consider:

- impact of non-payment and the need to deliver services to the community
- equality between those who do pay and those who don't
- why other recovery methods are not appropriate
- whether action is likely to be effective
- the potential debt that may be recovered by the action and whether the likely costs of the action are proportionate to it
- whether the debtor's failure to pay may result from a vulnerability or disability and, if so, what action is appropriate as a result
- the potential effect of the action on any known dependants
- the need to prevent homelessness and whether the action may cause it
- any other circumstances which may warrant protection from the consequences of the action.

An investigation into a debtor's circumstances will include:

- an attempt to contact the debtor in person, including a home visit if necessary
- data about the debtor shared by other areas of the Council including but not limited to Benefits, Income Services, and Electoral Registration
- data about the debtor shared by other public bodies as permitted by the Data Protection Act 1998.

Written records of the above will be kept with:

- details of attempts to contact the debtor
- the information gathered, consideration of whether the action is proportionate to the likely debt to be recovered and the reasons for proceeding with the action.

3 COUNTY COURT JUDGEMENTS

Where it is deemed appropriate to do so and the debt remains unpaid and no payment arrangement has been made or maintained to pay the outstanding debt, the Council will apply to the court to obtain a county court judgement (CCJ) against the debtor.

A county court judgement gives the Council certain powers to enforce the unpaid debt.

Once a CCJ is granted for sundry debts we can:

- ask for financial information, including employment and employer details
- take money directly from wages using an attachment of earnings order
- seek a charging order against property
- start bankruptcy proceedings

The County Court may instruct civil enforcement agents to collect the debt on the Council's behalf and add their fees. In the case of commercial rent debts civil enforcement agents appointed by the Court may uplift goods to the value of the debt and costs.

A county court judgement and the actions outlined may have serious consequences for the debtor and they will therefore always be considered on a case by case basis, taking individual circumstances into account. Other legal actions outside of this procedure may also be considered where appropriate, such as forcing the sale of a property if this is deemed a necessary and proportionate action and which may be considered for empty properties or where more than one property is owned.

3.1 Attachment of earnings for sundry debts

Where the Council has been given a debtor's employment details, we may issue an order to the debtor's employers to make deductions from their earnings. Employers are legally required to comply with the order. The amount that can be deducted is set by the county court after consideration has been given to the debtors income and expenditure.

A letter confirming the amount to be deducted will be sent to the debtor and to the employer when the order is issued. Where we are considering issuing more than one order, the most recent debt takes first priority. More than one attachment of earnings can be applied at any one time.

If an attachment will not clear the debt in a reasonable time or if it is otherwise considered inappropriate, then the Council will consider another recovery action.

An attachment to earnings will only be cancelled in exceptional circumstances. In cases where a debtor claims hardship because of an attachment, the individual circumstances will be considered in deciding whether to cancel the attachment. The Council will require evidence of any claimed hardship. This will usually include evidence that they cannot afford to pay for essential expenses such as their housing costs, utilities or food.

3.2 Enforcement agent action

The Court may appoint an enforcement agent to recover the sundry debt on the Council's behalf.

Enforcement agents will issue a notice of enforcement and add statutory enforcement fees to the debt after a County Court Judgment has been granted by the Court.

Once a debt is referred to civil enforcement agents, any payments made either to them or directly to the Council will be applied in accordance with the Taking Control of Goods (Fees) Regulations 2014. If a debt has been passed to civil enforcement agents and payment is made directly to the Council without including the civil enforcements agent's fees; then the civil enforcement agent will pro rata the payment between debt and fees in strict accordance with regulations.

The debtor will be encouraged to repay the sums due or the enforcement agents may levy distress on goods owned by the debtor to satisfy the amount outstanding. If civil enforcement agents do not receive payment, cannot identify sufficient goods to clear the debt or cannot gain lawful entry to the property then they will send a certificate to the Council to confirm this position. Other courses of recovery action in this procedure will then be considered.

The Council will ensure as far as possible that the information, the civil enforcement agent holds is up to date and accurate. Enforcement agents are expected to operate in a fair and consistent manner and are subject to regular review based on collection, performance and conduct. Civil enforcement agents are also required to follow the Council's Code of Conduct.

The Council will only consider withdrawing a debt from civil enforcement agents in exceptional circumstances, for example, when a person is or may be vulnerable. However, vulnerability itself

does not stop use of civil enforcement agents, although an identified vulnerability will be taken into consideration when making any contact or agreement with the customer. Requests for withdrawal are considered on a case-by-case basis and the decision made will be based on individual circumstances. Any cases that are identified as vulnerable will be dealt with by the enforcement agent's specialist vulnerability/welfare team.

3.3 Bankruptcy

Where the debtor is an individual, the Council can apply to the County Court or High Court for them to be made bankrupt if the sundry debt is more than £5,000.00.

This course of action is costly and can have a considerable impact on debtors and members of their household. Before taking this action, the Council will therefore make reasonable attempts to investigate the taxpayer's personal and financial circumstances to determine whether bankruptcy action is appropriate.

The Council is more likely to pursue this action where:

- the debtor has previously broken agreed payment arrangements
- from the information the Council holds they appear to likely have sufficient realisable assets to pay the debt and likely costs
- the likely costs are proportionate to the debt to be recovered
- the taxpayer and members of their household are not vulnerable
- all other enforcement remedies have been exhausted.

A statutory demand will first be served on the debtor setting out the debt outstanding, and the options available to them to prevent further action, the time scales in which they need to respond and direct contact details of officers dealing with the case. A guide to the potential bankruptcy costs is included with the statutory demand. No additional costs are incurred at this stage, and the Council may still agree a payment arrangement with the debtor at this stage.

Where the debtor has not responded to the statutory demand within 21 days or where the Council is unable to agree arrangements that will discharge the debt; the Council will consider whether a petition for the debtor to be made bankrupt should be made to a court.

Where new information is received which suggests that the debtor or other members of the household may be vulnerable, consideration will be given regarding whether this action is still appropriate.

Where a bankruptcy order is made, and a debtor has assets that might be sold to settle a debt, a licensed insolvency practitioner will be appointed by the Court as a trustee to safeguard and secure the assets of the debtor. The costs associated with this type of action are high, typically running into several thousands of pounds, which are paid by the debtor.

3.4 Charging orders

The Council may apply to the County Court or High Court for a charge to be put onto a property owned by the debtor. The Council is more likely to apply for a charging order against a property that is either fully or jointly owned by a debtor where:

- the debtor has previously broken agreed payment arrangements
- the debtor has failed to provide employment or benefit details
- no contact can be made with the debtor

The Council will usually contact the debtor again to try and settle the matter without the need for legal proceedings. Legal proceedings will commence if no agreement is reached.

Where new information is received by the Council which suggests that the taxpayer or other members of the household may be vulnerable, then consideration will be given as to whether this

action is still appropriate.

The costs associated with this type of action are high, and will be added to the amount of the order. Where a charging order is granted, other methods of recovery may continue to be used to collect the debt.

The Council may also apply to the court for an order for sale, which may result in the property being sold and the amount subject to the charging order, including costs, being paid from the proceeds of sale. The Council is more likely to apply for an order for sale where the debtor owns more than one property, there is likely sufficient equity in the property to pay the debt and costs and the likely costs are proportionate to the debt owed.

PART THREE – ADULT SOCIAL CARE DEBTS

1 RECOVERY PROCEDURE

1.1 Deferred Payment Arrangements

This method of recovery is only available in respect of adults social care debts relating to residential care in accordance with the Care Act 2014.

A Deferred Payment Arrangement is a binding legal agreement between the Council and the customer to defer part of the payment of the adult social care debt in exchange for a legal charge to be placed on the property, where eligibility criteria is met. A contribution is made towards monthly costs and the debt is settled when the property is sold. Compound interest is charged on the debt at a rate which is set nationally. Such arrangements can be made by anyone in receipt of residential care services at any point in time.

To be eligible for a deferred payment, a client must meet the three criteria detailed below:

- (a) A client must have needs that are to be met by the provision of care in a care home. This is determined when someone is assessed as having eligible needs which the Council decides should be met through a care home placement. This will comply with Choice of Accommodation Regulations and care and support planning guidance and so take reasonable account of a person's preferences;
- (b) A client must have less than (or equal to) £23,250 in assets excluding the value of their home (i.e. in savings and other non-housing assets); and
- (c) A client's home is not otherwise disregarded, for example it is not occupied by a spouse or dependent relative as defined in regulations on charging for care and support (i.e. someone whose home is taken into account in the local authority financial assessment and so might need to be sold).

1.2 Invoice issue

If a Deferred Payment Arrangement is not in place, then an invoice for monies owed to the Council for care fees or charges or community alarms is sent to the customer at the point that it is established that money is owed to the Council. This may be at the beginning of the financial year, or at any point within the year. The invoice will detail the amount due, and due date of any instalments. The invoice is also known as a sundry debt invoice.

If there are any changes to an account which alters the amount of money due to the Council, then a further adjustment notice will be sent to the customer. This informs the customer of any changes to the amount or date of payment due.

If there is no right to pay by instalments, then the full amount on the invoice must be paid as detailed on the invoice. Where appropriate an invoice will be raised before the service is provided.

The invoice may be addressed to the customer's representative where they have the authority to act on the customers behalf, for example Power of Attorney for Property and Welfare.

1.3 Reminder and Final Notice

If a customer does not pay an instalment by the due date, then a Reminder notice will be issued. The customer must pay the amount requested on the Reminder notice generally within 20 days.

If the account is not brought up to date in accordance with the Reminder notice issued, then a Final Notice will be issued to the debtor 20 days after the payment was due to be paid in accordance with the Reminder notice. If the debt remains unpaid then further recovery actions are considered.

2 FURTHER RECOVERY ACTIONS

The Council may consider whether other courses of action are appropriate to recover adult social care debts after the issue of Reminder and Final Notices where the debt remains unpaid. This may include further contact or visit by the Council to determine the particular circumstances of the customer to determine if they are in hospital or recently moved into residential care or has diminishing capacity and / or contact with others who may be acting on the customer's behalf. Such contacts may include social workers, the Office of the Public Guardian or investigations into financial abuse or mis-management of a service users monies should this be necessary to establish the reasons for non-payment. Infrequently the Council may have to pursue the debt in other ways and seek legal action as outlined in this Policy document in Part Two – Sundry Debts Recovery.

GENERAL MATTERS

Payment Arrangements

At all stages, the Council will usually encourage and give customers, the opportunity to make individual arrangements to pay their debt.

The Council will expect an arrangement that clears the debt within the current financial year, which runs 01 April to 31 March. The Council will only consider arrangements beyond these parameters on an exceptional basis. Arrangements will also be assessed on affordability and to make this assessment the Council may require customers to provide full details and documentary evidence of their income, expenditure and savings. No arrangement will be made without first obtaining the debtor's employment and benefit details.

It is the responsibility of the customer to ensure that their arrangement payments reach the Council on time. If any arrangement payments are missed or late, the Council may proceed with further recovery action immediately. A customer should contact the Council straightaway if they have difficulty keeping to an arrangement to discuss the matter.

Acting in accordance with this procedure will help to ensure that the collection of sums due is conducted in a consistent and objective manner; that will reduce the risk of inadvertent discrimination against persons with protected equality characteristics.

Advice agencies

We recognise that a person who fails to pay a debt to the Council often has wider financial difficulties. We therefore provide information on how to contact a non-profit advice agency as appropriate in addition to providing information on how to apply for benefits, exemptions and discounts. The Council also recognises the importance of the work of non-profit advice agencies and endeavours to work in partnership with them on individual cases.

Debt

Where a person has significant debts which are included in a legal debt relief order, individual voluntary arrangement order, breathing space scheme, or bankruptcy order the Council will not recover any amounts included in the order as the law requires for the time period specified by the order.

Vulnerability

The recovery of debts from those are receiving care and support is sensitive given the potentially vulnerable nature of the individuals and the Council's responsibility to meet needs.

The Council also recognises that certain groups of people may be especially vulnerable, temporarily or permanent, and require additional assistance in dealing with their financial affairs, this may include people who are disabled, have a mental impairment or learning difficulty, experiencing serious illness, recently bereaved, very elderly and those who have difficulty in reading or writing.

Each case will be considered individually, taking into account all relevant factors and the where a person is identified as vulnerable the person may be allowed longer to pay, be advised to claim benefits, discounts or other entitlements, be referred to sources of independent advice, be given a temporary payment arrangement with a lower repayment.

It is important to note that being vulnerable does not mean that the person will not be required to pay the Council Tax owed. In determining this procedure consideration has been given to the Council's statutory equality duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

Data

The Council will collect and store personal data for the purposes of the effective billing, collection and recovery of debts. Personal data retained for this purpose will be processed in accordance with the Data Protection Act and General Data Protection Regulations (GDPR) 2018. Personal data may be shared with other public bodies, agents or contractors appointed by the Council for the recovery of debts as permitted by law and data will be stored securely at all times. The privacy notice link provides further information on this [Exchequer-Services-Privacy-Notice.pdf \(tameside.gov.uk\)](#)

Personal data may be used in accordance with law enforcement purposes. The term 'law enforcement purposes' relates to the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties and which includes benefit fraud. Personal data will be used to ensure that benefits, discounts and exemptions are correctly awarded.

Enforcement Agents

The Council employs externally contracted civil enforcement agents who must act in accordance with the Council's Code of Practice at all times. The contractor must ensure and monitor that its employees and agents comply with the Code of Practice at all times and ensure that taking control of goods is carried out in a fair manner and in accordance with the Council's requirements.

Complaints

While the Council's objective is to provide an excellent level of service we recognise that things sometimes can go wrong. When it comes to an officer's attention that a customer is dissatisfied or that there is an error on an account, they should where possible address the dissatisfaction and correct any error immediately and remove the need for the taxpayer to seek redress through a complaint or appeal.

If a customer is unhappy with the service they have received they can at any stage lodge a complaint. All complaints will be dealt with as per the Council's complaints procedure and can be found on the Council's website at: [Complaints to Tameside Council and the Council's complaints procedure and general complaints information](#)

Summons costs set locally and reviewed annually	
Council tax	£86 per summons
Business rates	£129 per summons

Monthly Attachment of Earnings set by central government	
Net earnings	Deduction rate %
Not exceeding £300	0
Exceeding £300 but not exceeding £550	3
Exceeding £550 but not exceeding £740	5
Exceeding £740 but not exceeding £900	7
Exceeding £900 but not exceeding £1,420	12
Exceeding £1,420 but not exceeding £2,020	17
Exceeding £2,020	17 in respect of the first £2,020 and 50% in respect of the remainder

Attachment of Benefit Deductions set by central government
The current rate of deduction is £3.70 per week.

Enforcement Agent Fees set by central government		
Fee	Cost	Information
Compliance fee	£75	Initial contact by the Enforcement Agent to the debtor to urge contact to discuss a payment arrangement.
Enforcement fee	£235	The Enforcement Agent fee for attending the property. Plus 7.5% of the value of the original debt that exceeds £1500
Removal and Disposal Stage Fee	£110	This fee reflects the uplift and disposal of goods to the value of the debt. Plus 7.5% of the value of the original debt that exceeds £1500

Budgeting support



Use this tool to find help for a financial problem. Common financial problems below are matched up with the organisations that can help on the right.

What is the problem?

I suddenly have no money:

- Lost job
- Benefits stopped (sanctioned / failed a medical)
- Emergency/disaster (fire, flood, lost money)
- Relationship breakdown
- No recourse to public funds (NRPF)

LC CA WR II

I have debt:

- Rent, Council Tax, gas or electricity arrears
- Payday loans or owing friends and family
- Benefit repayments

WR CA GW CAP

I'm waiting on a payment / decision:

- Made a new claim for benefit
- Benefit is delayed
- Waiting for benefit decision to be reassessed

CA WR

My money doesn't stretch far enough:

- Deciding between food and fuel
- Low income or zero hours contract
- Not sure if eligible to claim for benefit
- Change of circumstances (e.g. new baby / illness / benefit reduction)
- Unsure how to manage my money

LC CA WR GW CAP

CA CITIZENS ADVICE

Advice on welfare benefits, financial capability, immigration & residency issues, human rights, family & personal issues. Offer specialist services in debt, housing and employment.

Tel: 0808 278 7805
For universal credit support: 0800 144 8 444
Textphone: 03444 111 445 Mon-Fri 9-5pm

GW GROUNDWORK

Advice and support to make contact with energy companies to access grants or discounts. Offer energy saving advice and some support to access replacement whitegoods (where eligible)

Tel: 0800 090 3638 (Mon-Thurs 9-5, Fri 9-4)
Online referral form:
<http://ow.ly/QcZ950DMlyO>

WR WELFARE RIGHTS

Advice on welfare benefits issues, including challenging benefit decisions and providing representation at appeal tribunals. Debt advice service assists those residents who are facing eviction.

Welfare Rights Advice Line: 0800 074 9985
Mon-Fri 9.30-12.30pm
Debt advice: 0161 342 3494 Mon-Fri 9-4pm

CAP CHRISTIANS AGAINST POVERTY

Free debt and budgeting help from team run through local churches. We help you to find the best route out of debt, work out a budget for you, and walk with you every step of the way. We support anyone regardless of religion.

Tel: 0800 328 0006 Mon-Fri 9-5pm
www.capuk.org

LC GM LAW CENTRE

Advice including benefit checks, support completing application forms for disability benefits, and appeals on benefit decisions and sanctions. Offer legal advice for employment, those experiencing homelessness, and those at risk of losing their homes.

Tel: 0161 769 2244
Mon-Fri 10-3pm

II INFINITY INITIATIVES

Provide free practical and emotional support, advocacy and counselling. Can refer those with no recourse to public funds to Migrant Destitution Fund.

Tel: 01613396137
Email: info@infinitycic.uk
Mon-Fri 9.30-2.30pm

APPENDIX 4

IRRECOVERBLE DEBTS BY LAW

Individual Voluntary Arrangement (IVA)

Any arrears and any liability for an individual who has received a bill for the financial year in which a person is subject to an IVA must be written off and cannot be legally recovered. Confirmation of the IVA being granted is required as evidence from insolvency practitioners or from customers direct. Copy bills are sent to insolvency practitioners to confirm the debts owed to the Council.

Debt Relief Order (DRO)

This pertains to individuals and affects the arrears accrued only up to the point of the Debt Relief Order being granted. We receive notice from either the customer or from insolvency practitioners and legally the debts accrued up to the DRO being granted cannot be recovered.

Bankruptcy

Any arrears and any liability for an individual, who has received a bill for the financial year in which a person is made bankrupt, must be written off and cannot be legally recovered. Confirmation of the bankruptcy order being granted is required as evidence from insolvency practitioners or from customers direct. Copy bills are sent to insolvency practitioners to confirm the debts owed to the Council.

Company Voluntary Arrangement (CVA)

Any arrears and any liability for a company which has received a bill for the financial year in which the company is subject to the CVA must be written off and cannot be legally recovered. Confirmation of the CVA being granted is required as evidence from insolvency practitioners. Copy bills are sent to insolvency practitioners to confirm the debts owed however dividends from insolvency practitioners are rarely received. Where dividends are received then balance of the debt is reduced accordingly.

Dissolved

Companies go through the process of liquidation in order to dissolve the company and assets are often sold prior to the company being dissolved. The process can take years to conclude during which time the Council has to continue to try to recover accruing arrears. Extensive searches are undertaken where a company ceases trading and prior to official notice of the date of dissolve being made publicly available on Companies House website.

Statute barred

This term relates to not being able to recover any debt which is more than 6 years old and has not had any recovery action taken to recover that debt within the 6 year period. The exception is where a Liability Order granted in a Magistrates Court or County Court Judgement has been granted within the 6 year period, in which case the debt can continue to be recovered. Debts accrued prior to the Care Act 2014 relating to Adults Social Care Debts have a statute barred limit of 3 years.

Additional irrecoverable debts

Deaths

Where a person dies leaving debts we are notified by either the next of kin or the Registrars Service. Enquiries are made to identify the Executors and payment is requested via sending of copy bills/invoices. Written confirmation and evidence by way of funeral bills and copies of closing bank and building society statements are required in order to determine that there are insufficient monies in the estate to pay any monies owed. Wherever there is doubt or no information is provided by the Executor we contact the Probate Office to determine if there are any monies in the deceased estate. Where no estate exists or the estate has been used to pay funeral expenses with nothing left then the debt should be considered to be written off as there is no prospect of recovering the monies owed.

Gone Away

Tracing procedures commence on any individual who we become aware of that has left a property without providing a forwarding address and where money is owed. Quite often information is available to identify the individuals' new address whether by notice from solicitors, landlords, letting agents, and using existing internal systems. However where these prove futile, extensive searches then are invoked with Locta (a national Local Authority database for tracing purposes used for Housing Benefit, Council Tax, Business Rates and the Electoral Register) and also credit reference agencies such as Experian via the National Anti-Fraud (NAFN) in addition to Companies House for businesses. Such searches are not an exhaustive list and all searches are resource intensive. Searches yield the best results where the debtors date of birth and national insurance number are known, however not all debtors details are known to this extent. Wherever debt is written off processing systems, and a person is subsequently traced at a later date, then the debt can be written back onto the system. However such instances are a rare occurrence as the majority of debtors where trace procedures have been exhausted are rarely found.

Agenda Item 8

Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Allison Gwynne – Neighbourhoods, Community Safety and Environment
Reporting Officer:	Ian Saxon, Director of Place Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	NEW CUSTOMER SERVICE CENTRE DELIVERY MODEL
Report Summary:	On 23 June 2021, Executive Cabinet approved public consultation on a proposed new delivery model for the face to face customer services function. This report sets out the findings of the consultation and defines the proposed model of service delivery for the future.
Recommendations:	That Executive Cabinet be recommended to agree: <ul style="list-style-type: none">(i) The proposed new customer service model is implemented, subject to consultation with staff with an anticipated implementation date of 14 March 2022.(ii) The delivery model is reviewed following implementation to ensure quality of service that vulnerable residents are able to access appointments and that it meets demand whilst at the same time being affordable and cost effective. A further report will be presented to Executive Cabinet after 12 months of the new model being operational.
Corporate Plan:	The Corporate Plan sets out a number of priorities and delivery of these priorities relies heavily on effective customer contact and care.
Policy Implications:	The report recommends a new model of face to face customer services provision is implemented to meet demand whilst being affordable and cost effective.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The Place directorate has identified savings proposals of £2.777m in 2021/22 increasing to £3.998m by 2025/26.</p> <p>The proposed service model outlined in this report delivers an annual saving of £0.051m in 2021/22 (part year effect). This increases to £0.097m per year on a recurrent basis from 2022/23 onwards. The part year savings in 2021/22 have been realised prior to the proposed 14 March 2022 implementation date of the new model, as four officers (3.19 full time equivalent employees) have recently left the service and have not been replaced.</p> <p>Members should note that the savings realised by this proposed new delivery model currently assumes that there will be no additional investment required in any related appointment booking systems (as referenced in section 14.5). Clearly, any additional investment required would lead to an increase in savings that will need to be realised by the directorate to ensure a balanced budget is delivered on a recurrent basis.</p> <p>Further transformational savings opportunities are being considered as part of the Corporate Digital Strategy review (as referenced in</p>

section 6 of the report), the details of which will be reported to Members at a later date.

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

Members are being asked to carefully consider the feedback from the consultation and Equality Impact Assessment set out in this report as part of the decision making regarding customer services adopting a digital first model.

If Members are minded to make the decision they need to be content that the mitigations in relation to any equality impact are sufficient.

Affected staff have already been consulted with in relation to the possible changes to the delivery of the service. If Members decide to progress with the digital first model then staff and Union engagement will be required in relation to any employment related changes. Support will be required from the council's Human Resources (HR) department and the relevant HR procedures followed.

It would be advisable for there to be a review of the performance of the service 12 months after a digital approach is adopted to monitor that both access to and quality of the service.

Risk Management:

It is necessary to fully understand the impact any changes may have on the public accessing Council services. Consultation on the proposed new customer service model has been undertaken to understand the impact of any new service model on current and future service users, including those with a protected characteristic. A full Equality Impact Assessment has been completed which identifies and mitigates where possible any negative impact of changes on service users.

Concerns were raised in the consultation around how the new service model would be communicated and how appointments would be accessed to ensure that vulnerable residents do not slip through the net. To make sure this does not happen, there will be a robust triage process and communication plan to inform residents how they can access the service including how to book an appointment. Face to face and telephone appointments will be offered and organised to ensure that customers are seen promptly and staffing levels will be kept under review to ensure demand for the service is managed.

The proposed new customer service model will also be kept under review and closely monitored to ensure quality of service and that vulnerable residents are able to access appointments. A further report will be presented to Executive Cabinet after 12 months of operation with the results of the review.

Background Information:

Appendix 1	The consultation pack
Appendix 2	A full list of all the organisations contacted re consultation
Appendix 3	consultation survey results
Appendix 4	full equality impact assessment

The background papers relating to this report can be inspected by

contacting Janine Yates, Team Manager, Welfare Rights Service.

 Telephone: 0161 342 3181

 e-mail: janine.yates@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Customer Services function was suspended in March 2020 due to the Covid 19 pandemic and no face to face service has been offered since that time. During that period officers have been supporting call centre operators handling customer enquiries via the telephone, web chat or on-line. Officers have also been assisting customers to complete housing benefit/council tax support applications by telephone appointment. This has been beneficial and an improvement in service for many customers, who have received help with their enquiry without the need to make a journey. Previously no telephone service to complete a benefit application was available.
- 1.2 Almost two years have now elapsed without the face to face customer service, the landscape of customer service has had an abrupt and enforced change requiring customers to very quickly become familiar with accessing services via other channels.
- 1.3 It is now timely to undertake a further review of the service to determine how this might be offered in the future taking into account the changes in peoples' attitudes to technology, the future need for a reactive drop in face to face service and the fact that face to face customer service has always been the highest cost channel with the lowest volume of customers.
- 1.4 Consideration will be given to the work of the Tameside Poverty Truth Commission which explores peoples lived experience of the challenges faced around issues of poverty.
- 1.5 The review will also consider how the service has been delivered during the pandemic and how it could be transformed into a more bespoke and tailored offer to better meet customer needs in the future through a combination of digital, telephone and face to face.
- 1.6 A report was taken to Executive Cabinet on the 23 June 2021 detailing the case for a new face-to-face customer service offer and recommending that public consultation be undertaken to establish views on the proposed new customer services delivery model. Following this decision, public consultation commenced on the 28 June 2021 and closed on the 19 September 2021.
- 1.7 This report details the findings of the consultation and recommends a cost effective service for the future which meets customer needs and demand. The report also includes an updated Equalities Impact Assessment for the proposed changes to inform decision makers of any adverse impacts and how these are to be addressed.
- 1.8 In this report, Level 1 and Level 2 enquiries are referred to. Level 1 enquiries are regarding in-depth Housing Benefit and Council Tax Support queries; these are dealt with solely by the dedicated customer services staff face to face and by staff within Exchequer Services by telephone. Level 2 enquiries are to book, pay, request a service and verification of housing benefit and council tax documents.

2. SERVICE PRIOR TO AND DURING COVID 19

- 2.1 Prior to the pandemic face to face customer services was offered solely on a reactive drop in basis from level one of Tameside One in Ashton. The opening hours were:
 - **Monday – Wednesday:** 8.30am – 5.00pm
 - **Thursday:** 8.30am – 4.30pm
 - **Friday:** 8.30am – 4.00pm
- 2.2 Customers attending the service would be greeted by a Meet and Greet Officer who would triage the enquiry and assist with issuing tickets to the relevant queue (Customer Services, CAB, Credit Union, Planning etc). This officer could also respond to quick general enquiries depending on how busy the customer service floor was at any point in time.

- 2.3 Customer Services Officers, with a higher level of training, would handle all types of enquiries including those categorised as Level 1 alongside Level 2 enquires.
- 2.4 In addition to the offer at Tameside One, all libraries in the Borough also offered Level 2 service to customers, including Ashton library which is also based in Tameside One on the ground floor.
- 2.5 During the pandemic it has not been possible to offer face to face customer services and therefore the service was suspended in March 2020. During this time officers from the service have been working at home handling telephone and web chat contact alongside the Corporate Contact Centre staff. The contact centre responds to calls categorised as Level 2 and primarily consists of refuse, street scene, parking, blue badge administration etc but also the Covid helpline calls.
- 2.6 The majority of Council Tax and Housing Benefit calls are responded to by the Revenues and Benefits service rather than in the Corporate Contact Centre. However, those customers who require assistance to complete an application form are still able to access assistance over the phone by Customer Services Officers which is a new offer that was not available previously.
- 2.7 During the period 26 January 2021 and 15 November 2021, the Customer Services Officers provided 485 customers with assistance by telephone to complete housing benefit and council tax support applications.

3. DEMAND IN CUSTOMER SERVICES

- 3.1 Prior to Covid 19 the demand in Customer Services, whilst showing some fluctuations, had reduced significantly over the years as demonstrated in **Table 1**.

Table 1

Year	Number of visitors	Year	Number of visitors
2003/04	100,126	2012/13	71,262
2004/05	104,986	2013/14	62,440
2005/06	92,560	2014/15	43,325
2006/07	811,10	2015/16	32,682
2007/08	83,463	2016/17	31,411
2008/09	74,694	2017/18	38,020
2009/10	77,599	2018/19	32,236
2010/11	83,114	2019/20	32,359
2011/12	75,896		

- 3.2 The majority of demand presenting at the face to face Customer Service Centre is in respect of Housing and Council Tax matters. **Table 2** below details contact type and denotes whether the contact is categorised as Level 1 or Level 2 contact.

Table 2

April 2019 – March 2020			
Type of enquiry	Level 1	Level 2	Total
Housing Benefit	6,096	6,037	12,133
Council Tax	4,580	4,584	9,164
Education Admissions		379	379
Adult Social Services		314	314
Blue Badges		4,188	4,188
Waste Management		1,545	1,545
Parking		274	274

Referred to Partners		1,875	1,875
Street scene/highways		364	364
Other enquiries	361	1,762	2,123
Total	11,037	21,322	32,359

3.3 Analysis of the enquires received at Ashton Customer Service Centre during the 12 months prior to Covid 19 indicate that nearly 66% were Level 2 enquiries and only 34% were Level 1 enquiries. During staffed operating times all libraries can assist with Level 2 enquiries, meaning that customers who are travelling to Ashton could actually seek assistance at a venue closer to their home. Also, many Level 2 enquiries can be dealt with over the phone, via web chat or email.

3.4 Further analysis of the Level 1 enquiries has revealed that just under 83% (9131) could be dealt with by other contact channels, albeit in some cases assisted by a Customer Services officer trained to handle Level 1 enquiries. The remaining 17% (1906) could also be dealt with via other channels although this may be less likely due to the nature of the enquiries, for example: assist in completion of blue badge applications, council tax billing, housing benefit appeals and overpayments etc. Whilst these types of enquiries can be handled via other contact channels, some vulnerable customers may still need face to face assistance in these areas.

4. COST OF SERVICE

4.1 The cost of each transaction for the face to face customer service function far outweighs the cost of other channels. **Table 3** below details the cost for each of the channels:

Table 3

Period	Web		Call Centre		Face to Face	
	Volume	Average Cost	Volume	Average Cost per contact	Volume	Average Cost per visit
2003/04	452,378	£0.45	303,511	£1.29	100,126	£8.57
2004/05	679,813	£0.30	314,602	£1.20	104,986	£8.46
2005/06	1,499,904	£0.14	275,555	£1.31	92,560	£8.92
2006/07	1,954,604	£0.07	225,516	£1.46	81,110	£9.23
2007/08	1,984,500	£0.06	272,043	£1.28	83,463	£9.07
2008/09	2,286,087	£0.05	219,804	£1.68	74,694	£9.90
2009/10	2,423,329	£0.05	211,957	£1.65	77,599	£8.70
2010/11	2,378,582	£0.04	197,061	£1.59	83,065	£7.96
2011/12	2,601,214	£0.01	170,532	£1.61	75,828	£7.62
2012/13	2,316,793	£0.02	180,135	£1.35	71,210	£6.08
2013/14	2,244,788	£0.02	166,957	£1.36	62,440	£5.55
2014/15	3,000,404	£0.01	165,369	£1.31	43,225	£7.48
2015/16	3,338,273	£0.01	179,001	£1.26	32,682	£10.52
2016/17	3,658,006	£0.01	156,055	£1.47	31,411	£7.68
2017/18	3,332,619	£0.01	121,061	£1.84	38,020	£5.92
2018/19	3,218,502	£0.01	104,912	£2.20	32,236	£6.00
2019/20	3,245,374	£0.01	96,461	£2.32	32,359	£7.08

4.2 The cost to serve is calculated using the number of visits against the cost of providing the service and therefore it follows that if the number of visits reduces and the cost to provide the service does not take a corresponding reduction, the cost per visit will increase.

- 4.3 Over the years staffing levels have reduced to reflect the reducing number of visits, but in a reactive drop in service model, staffing levels cannot be reduced below that required to ensure sufficient cover is available during peak demand and holiday/sickness.
- 4.4 The volume of visitors has remained fairly static over the 5 year period prior to the pandemic, however as the service has not been available for almost two years it is highly likely that were it to return as a drop in service, visitor numbers would be significantly reduced as residents have become accustomed to alternative contact channels. If this were the case the cost per visit would increase dramatically.

5. POTENTIAL FUTURE FACE TO FACE SERVICE MODEL

- 5.1 It is clear that with the advent of social trends and technological advancements the way that customers access services has changed over recent years.
- 5.2 UK Government figures estimate that in January/February 2020 96% of households in Great Britain had access to the internet, an increase from 93% in 2019 and 90% in 2018. Internet connections in households with one adult 65 years and over had increased by seven percentage points to 80% since 2019, although these households have the lowest percentage of internet connections. 87% of all adults had shopped on-line in the previous 12 months with those aged 65 years and older showing the highest growth from raising from 16% in 2008 to 65% in 2020.
- 5.3 The Office of National Statistics (ONS) indicates that in quarter 1 of 2020 93% of people in Greater Manchester had used the internet in the last 3 months or prior to that, an increase from 92.9% in 2019 and 91.4% in 2018.
- 5.4 The pandemic has pushed the use of technology to another level and served to create a catalyst for change in peoples' attitudes. Many who would not have previously used technology in any aspect of their lives are now turning to such platforms to order shopping, access services, keep in touch with family/friends etc.
- 5.5 Some evidence of this change can be seen following the Council introducing a web chat function in early 2019/20. Since implementation, over 39,000 enquiries have been responded to via this channel.
- 5.6 Residents are able to access services on the Council's website for both information and advice but also to complete applications for Housing Benefit, Council Tax Support, discounts/exemptions and notify of change of circumstances etc. Applications can be completed on all devices eg PCs, laptops, tablets and smart phones.
- 5.7 It is worth noting that we do not hold any qualitative data on why residents using face to face customer services need or choose to do so. However, the service has been suspended for almost two years and residents have had to make contact via other channels including telephone, web chat, on-line etc. During this time new technology skills will have been learnt, utilised and become common place for many residents and continued utilisation of these skills should be encouraged when accessing services in the future rather than reverting back to reliance on expensive face to face services.
- 5.8 It is probably fair to conclude that if a customer has accessed a service by an alternative channel whilst face to face customer services has been suspended, and that contact produced the required results to satisfy the enquiry, being able to access again by that method in the future would be preferable to making the trip to customer services and queuing up at a drop in service with no guarantee of not having a long wait time.
- 5.9 As detailed in section 4 of this report face to face Customer Service is the most expensive

channel, yet it serves the fewest customers. The majority of enquiries during 2019/20 to the service (66%) were Level 2 enquiries which can be dealt with in all Tameside libraries. The ideal would be that expensive face to face customer service is only provided to those residents that really need it and those that can self-serve and use other more cost effective channels do so.

- 5.10 As protectors of public funds it is incumbent upon all Council services to review the service offer from time to time and ensure services are cost effective whilst meeting residents' needs. The Covid 19 pandemic has created a unique circumstance where change has been accelerated at pace and this change has led to many residents becoming less reliant on face to face services. These circumstances should be capitalised upon when determining future service provision rather than simply returning to the previous landscape and it is therefore now time to undertake a further review of the Customer Service provision with the main drivers for this being:
- Covid-19 and the health and safety of residents and staff with the likelihood that we will be living with Covid for the foreseeable future
 - Using learning from the lockdown to shape the future service and build back better
 - A desire to improve and modernise the service offer to residents
 - Improvements in technology and on-line support
 - Understanding that visiting Ashton is not always the most convenient or cost effective option for residents
 - Take into consideration vulnerable customers' needs to ensure they can access services and do not suffer any detriment
 - Use the limited resources in the best way possible and ensure the most cost effective delivery model which also meets residents requirements
- 5.11 The proposed service model for the future would be based on providing the most appropriate access channel, tailored in accordance to customers' requirements and would be very similar to the current offer but with the addition of face to face contact where necessary and only for those where other channels would not be suitable. The principles would be:
- retain Level 2 enquiries at all Tameside Libraries
 - promote, encourage and support a digital first model with the expectation that where possible, residents should self-serve utilising the Council website or other technology such as mobile applications (Apps) where available
 - where this is not possible a supported service offer over the telephone, web chat, email etc to assist customers with their enquiries
 - where more detailed assistance is required, for example completing a housing benefit application, a telephone call back service by appointment would be available
 - face to face appointments only for the most vulnerable to ensure that residents are able to access services and assistance without disadvantage. Appointments will be bookable by telephone
 - not to re-open the expensive reactive drop in Customer Service centre based in Tameside One at Ashton in the previous format
- 5.12 There is no doubt that some customers may be more vulnerable and/or do need additional support to access services or make enquiries. This can be because the enquiry is complex, there are multiple issues or there are additional health problems which affect a person's ability to manage their situation. Any new service model must take into account all residents' needs and therefore some face to face element would be retained. It is proposed that this would be by appointment only rather than drop-in and would be following a triage process to understand the nature of the enquiry and the assistance required.
- 5.13 Overall, the proposed new model would transform the customer services offer, taking into account peoples changing attitudes to accessing services whilst enhancing the previous model by the introduction of telephone appointments and retaining face to face in a tailored bespoke manner. By offering face to face on an appointment basis, this will negate the

requirement to queue up and wait to see a customer services officer at busy times, which will further benefit customers.

6. TAMESIDE AND GLOSSOP DIGITAL STRATEGY

6.1 The Tameside and Glossop Digital Strategy was approved by Cabinet in September 2020 and it sets out a five year vision and plan for the use of digital technologies for Tameside Council (TMBC) and Tameside and Glossop Clinical Commissioning Group (T&G CCG). The strategy details both organisations ambitions to be at the forefront of delivering world class accessible, engaging and targeted digital communication channels for residents and as such reviewing and remodelling Customer Services is an important stream of work which will present significant opportunities.

6.2 Specific actions within the Digital Strategy include:

- The development of a single economy wide digital front door offering online public services that are joined up, user-friendly and make sense
- A new single virtual Call Centre for all Council services with new features such as web chat and automation
- The use of new and emerging technology and Artificial Intelligence to deliver better services and smarter, tailored digital interactions

6.3 The Digital Strategy will become an important strand of a wider corporate business transformation strategy and delivery programme.

6.4 The new model for face to face customer services in the Place Directorate is therefore the first phase of a wider corporate review of how the Council interacts with the public and businesses, a process that will ensure that in the future we have the appropriate systems, skills and capacity to deliver longer term benefits both financially and qualitatively. This new overarching customer services model will include but not limited to the following areas:

- Planning
- Enforcement
- Adults social care
- Children's social care
- Complaints
- Payment services
- Advice and guidance

7. PUBLIC CONSULTATION

7.1 Public consultation on the potential future model for the delivery of customer services was undertaken for a 12 week period between 28 June and 19 September 2021, to seek views of those who have used the service when it was operational and any others who may have views before any decision was made on the future of the service.

Communications/Promotion

7.2 The consultation was in the form of a standard questionnaire with an introduction to explain the reasons for the proposed changes followed by a series of questions to seek relevant views, which would be used to shape the future provision of the service. Additionally the survey contained free format text boxes to seek more detailed views from responders.

7.3 The survey formed part of the Council's Big Conversation process, which allowed the results to be captured and evaluated in a consistent manner. The Big Conversation consultation is prominently publicised via the Council's website and the consultation pack was also available in paper format from all libraries. Posters promoting the consultation were also displayed in libraries with staff actively encouraging people to complete the questionnaire and express

their views. The consultation pack is included at **Appendix 1**.

7.4 The following channels were used to communicate to the public and wider stakeholders (including staff) that the consultation was taking place:

- Press release
- Tameside Council website
- Chief Executive's Brief
- Leaders blog
- Twitter
- Citizen – Summer 2021 edition
- Facebook
- Partnership Engagement Network
- Healthwatch Tameside
- Inequalities Reference Group
- Independent Advisory Group
- Information Ambassadors Network Mailing List

Engagement

7.5 In addition to promotion through the above channels, the consultation was also promoted in other ways. These include via:

- Partnership Engagement Network workshop delivered on 1 July 2021 – a network of 390 contacts; public, patients, stakeholders, partners and voluntary and community sector
- Council departments where customer services had assisted their customers prior to Covid-19. Dedicated meetings arranged for those services that wished to express views
- All Council Assistant Directors and Service Unit Managers asking for their views and also that they circulate a link to the consultation to staff and service users
- Elected Members and MP's by way of a briefing note and link to the consultation

7.6 Staff in Customer Services and Libraries were encouraged to complete the survey so that their perspective could be included in the evaluation.

7.7 The consultation was shared via existing groups, networks and services including organisations that support people in protected characteristic groups. A full list of all the organisations contacted can be found at **Appendix 2**.

8. RESULTS AND FINDINGS FROM THE CONSULTATION

8.1 The consultation ran from the 28 June to 19 September 2021. Analysis of the consultation is based on feedback from the on-line survey, email comments and engagement sessions that were undertaken. After the consultation closed, officers read each response and coded all comments received against a number of themes to be able to consider and respond appropriately.

Survey

8.2 A total of 222 responses to the survey were received. The consultation survey results can be found at **Appendix 3** and the key findings are summarised below.

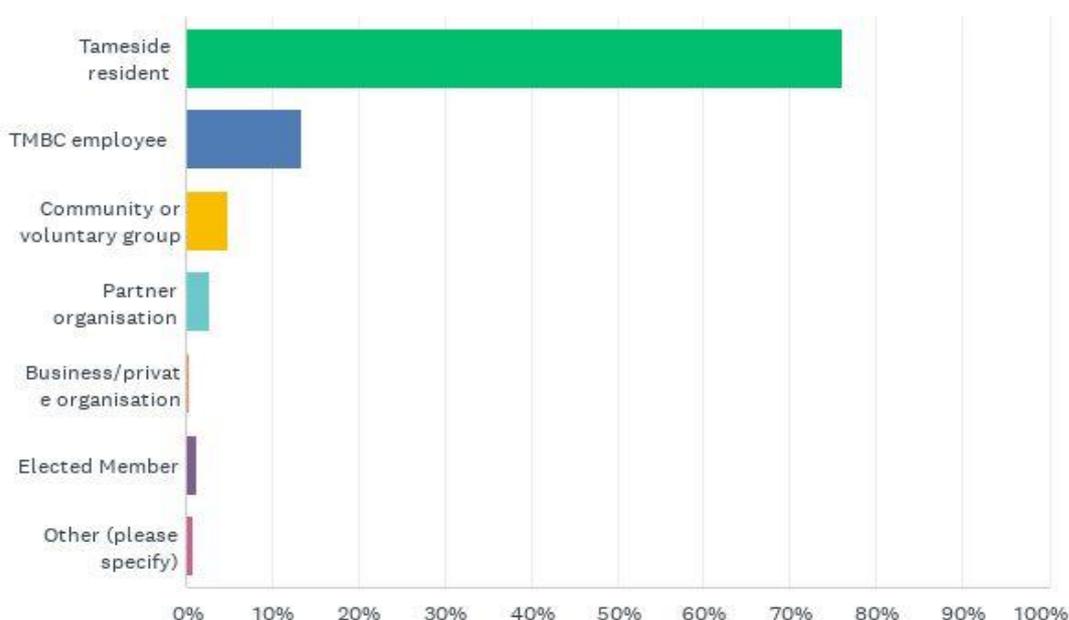
8.3 152 respondents answered the question regarding sex with 65.13% identifying as female, and 30.26% male. The remaining 4.61% of respondents stated they preferred not to say. This is different to the balance in the wider Tameside population (51% female, 49% male) and different to the customer services data held of previous customers (52.14% female, 47.86% male). During the consultation period, further promotion of the consultation was undertaken with men's community and voluntary organisations to encourage responses from this group; however, this group remains under-represented in the survey responses.

- 8.4 A quarter of survey respondents (25.17%) were aged between 30 - 44 years age which is a reasonably representative sample compared to the wider Tameside population of 19.39% and customer services data held of 31.29%.
- 8.5 Individuals in the older age bracket were over-represented in the sample with over a third (35.66%) of respondents indicating they were over 60 years of age, compared to 23.38% in the wider Tameside population. In comparison, customer service data held on previous users of the service indicated that 23.45% of customers were aged over 60 years of age.
- 8.6 With regard to ethnicity 132 people answered the question. Of these, the large majority 90.15% (119) classed themselves as White British, 1.52% classed themselves as Asian Bangladeshi and 1.52% of respondents classed themselves as Asian Pakistani. This is different to the balance of the wider Tameside population where 88% of residents identify as White British, 2% as Asian Bangladeshi and 2.2% as Asian Pakistani. Customer Services user data indicates that just 0.28% of its customers identified as Asian Bangladeshi and this group was therefore over represented in the survey results. As comparison however, 10.52% of customers to the service identified as Asian Pakistani and therefore further contact was undertaken during the consultation period with organisations representing BAME groups. Diversity Matters North West, Community Champions and Action Together were approached asking them to further promote the survey with their members to encourage responses.
- 8.7 149 people answered the question regarding whether their day-to-day activities were limited by a health problem or disability. Of these, 40.27% (60) stated that their activities were limited a little/a lot. This is higher than the wider Tameside population, which indicates that 21% people in Tameside have a disability that affects their day-to-day life.

Key Findings from the Consultation

Question 1 – Tick the box that best describes your interest in this issue

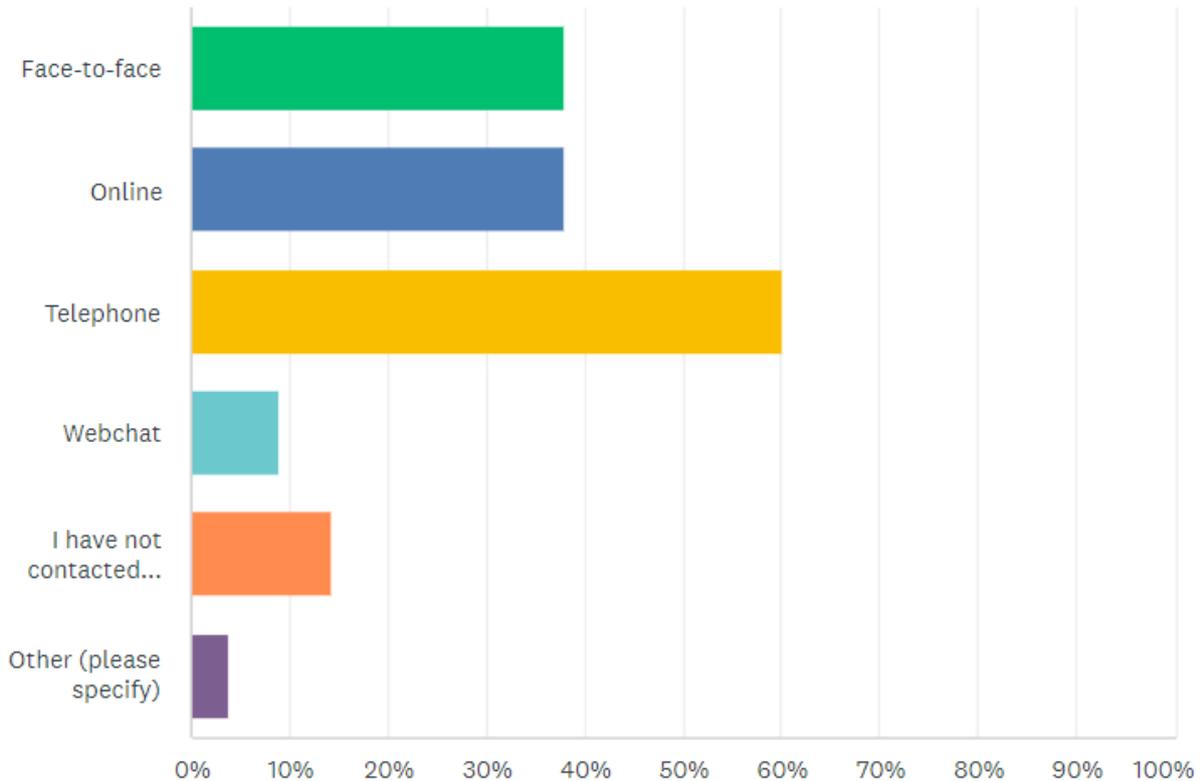
- 8.8 222 respondents answered this question with the majority of 76.13% (169) indicating that they were a Tameside resident, followed by 13.51% (30) identifying as a Tameside Council employee. The full breakdown of responses can be found in the graph below.



Question 2 – How did you typically access customer services prior to Covid-19

- 8.9 As a multi response question, respondents could tick more than one way by which they had previously accessed the service. Therefore, the total number of methods chosen is greater

than the 211 respondents that answered the question. 60.19% (127) indicated they had typically accessed customer services by telephone followed by on-line and face to face methods at 37.91% (80) in equal numbers. Details of all responses received can be seen in the graph below.



Question 3 – why you chose the methods of contact in Q2

8.10 Question 3 asked for comments by way of a free format text box as to why respondents had chosen the methods of contact indicated in Question 2. 145 comments were made and each response is grouped into themes based on their content and linked to each method of contact specified in Question 2. Some respondents provided comments which related to multiple methods of contact and therefore single comments may be counted more than once (eg under on-line and web chat). As such, the total comments grouped below in **Table 4** add up to more than the individual comments received.

Table 4

Method of contact	Comments grouped by themes
Telephone (94 comments)	<ul style="list-style-type: none"> • easy • more convenient • needed a quick answer • couldn't travel in to visit in person due to work • prefer to speak to a person • on-line methods not accessible • more personal service • get an immediate answer/quicker response • digital platforms complicated • website needs work • unable to go out • seems to be the only option to get things done • needed to clarify evidence for council tax • face to face difficult due to autism

	<ul style="list-style-type: none"> • more likely to get issue resolved • lack of digital skills/access to digital
Face to face (58 comments)	<ul style="list-style-type: none"> • on-line not accessible • prefer to speak to a person • more personal service • location close to work • immediate answer to query/quicker response • unable to use remote methods due to disability i.e. hearing/sensory impairments • unable to use remote methods due to lack of digital skills or no internet • unable to use remote methods - homeless • telephone methods time consuming or too long to wait • better for complex enquiries • easier • more convenient • more likely to get issue resolved by speaking to a person
On-line (58 comments)	<ul style="list-style-type: none"> • easier and more convenient • saves a trip out • not able to travel due to work • saves time • unable to go out • needed a quick answer • face to face difficult due to autism/anxiety • access to a translator tool due to language issues
Other (12 comments)	<ul style="list-style-type: none"> • The chosen method of contact depends on the enquiry • Cannot get an answer by telephone • No contact with anyone due to covid • Signposting people for help and support
Web chat (11 comments)	<ul style="list-style-type: none"> • Ease of use • Convenient • Work full time
Email (1 comment)	<ul style="list-style-type: none"> • to clarify details

Question 4 – Do you have access to the internet at home?

8.11 Of the 162 respondents that answered this question, a considerable number of 93.21% (151) stated that they did have access to the internet at home using a computer/laptop or a mobile phone/tablet.

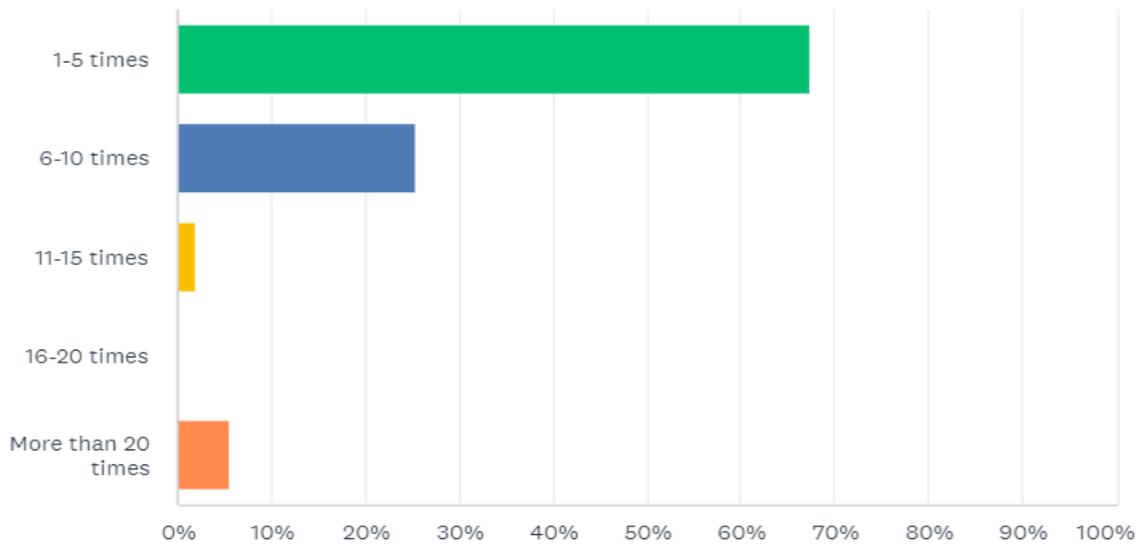
Question 5 – Did you visit customer services in the previous 12 months prior to the Covid-19 pandemic?

8.12 The next set of questions were asked to specifically ascertain whether, and how often, face to face customer services was used prior to the pandemic and the type of enquiries made.

8.13 160 respondents answered question 5 with just 37.5% (60) indicating that they had visited customer services in the 12 months prior to Covid-19.

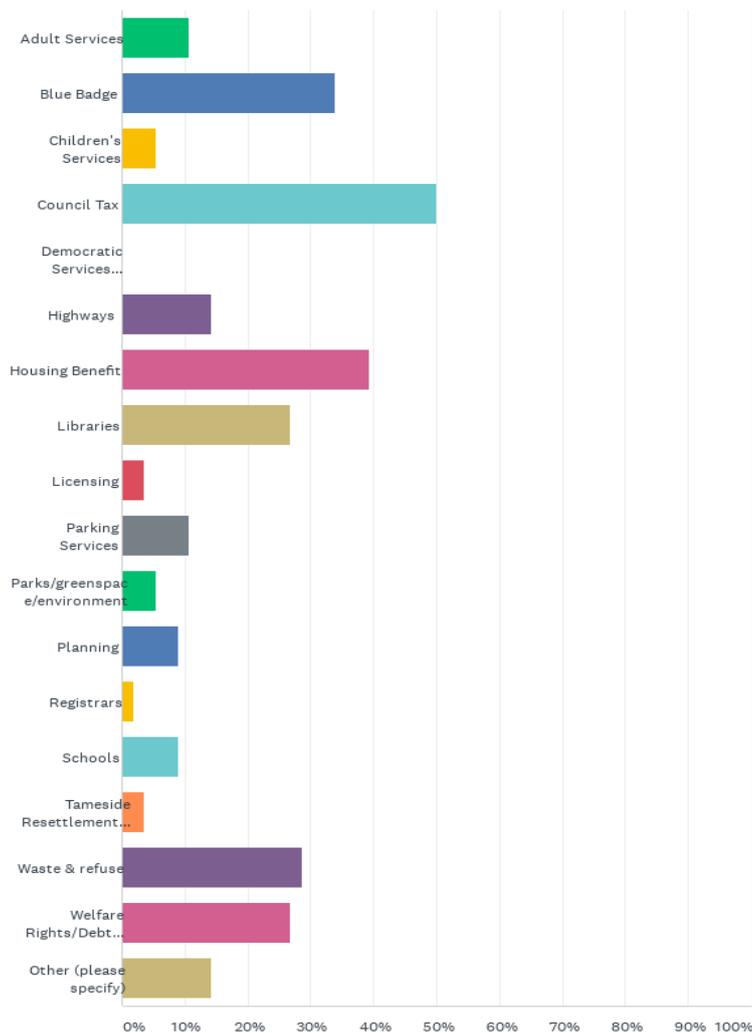
Question 6 – How many times in the 12 month period prior to Covid-19 did you use face to face customer services?

8.14 55 respondents answered question 6, with the majority of respondents 67.27% (37) indicating that they had used the face to face service between 1-5 times. The graph below details the full responses received.



Question 7 – what were the reasons for your visit in the 12 months prior to Covid-19?

8.15 As a multi response question, respondents were asked to tick all services they had used in the previous 12 months. 56 responders answered this question with the vast majority of enquiries in relation to housing and council tax benefit, these could be either level 1 or level 2 enquires. The remainder were enquiries that would be classified as level 2 type of enquiries. A total of 164 different types of enquiry were specified with the full breakdown detailed in the graph below.

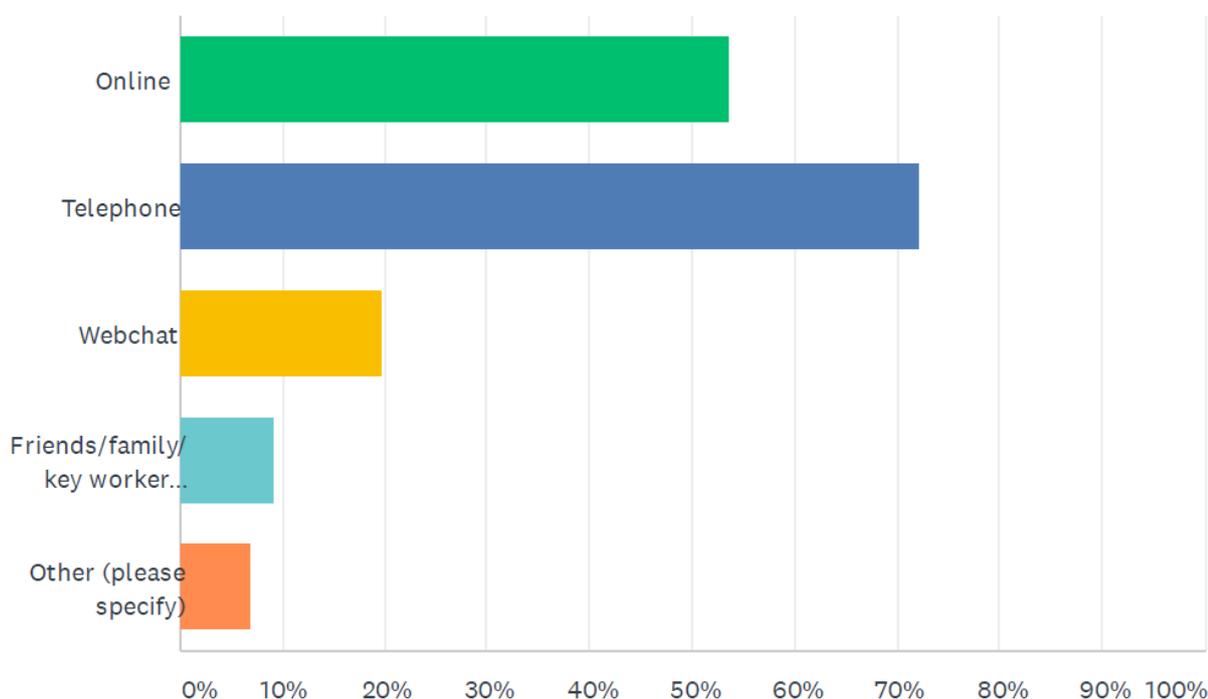


Question 8 - Have you needed to access services or assistance from the Council since the beginning of the pandemic?

8.16 These questions related to access to services or assistance from the Council since the start of the pandemic and the suspension of face to face customer services. Out of the 154 responders that answered this question, 57.79% (89) indicated that they had needed to access services or assistance from the Council since the start of the pandemic with 42.21% (65) indicating not.

Question 9 - How have you accessed services or assistance from the Council since face to face customer services was suspended due to Covid-19?

8.17 As a multi response question, respondents were asked to choose all channels used to contact the council since the start of the pandemic. Therefore, the total answer choices received add up to more than the number of respondents who answered the question. 86 people responded to the question with the majority of respondents 72.09% (62) indicating that they had accessed council services by telephone, followed by 53.49% (46) who had accessed on-line. The graph below indicates the full responses as to how people have accessed services since Covid-19.



Question 10 – What was your experience of using these methods of contact (in Q9)?

8.18 84 comments were received regarding the experience of their specific method of contact. As multiple methods of contact were chosen by respondents in question 9, some comments were considered multiple times i.e. under telephone and on-line. Therefore the total responses outlined in **Table 5** below is greater than the 84 comments received. Comments have been grouped into themes based on their content and related to each method of contact specified in question 9.

Table 5

Method of access and number of responses	Experience – common themes
Telephone (41)	Customers reported positive experiences whilst using the telephone including interaction with understanding and supportive staff. Others commented that their transaction was quick and easy. (19) However, some indicated that telephone access was not as helpful as

	face to face with some stating they had experienced long wait times, disconnection, problems hearing and some enquiries had not been fully resolved. (22)
Online (32)	<p>Respondents trying to access services online reported some issues which included customers experiencing difficulties finding the correct information and instances where information was out of date. Some indicated that they had struggled to access the service on-line and that it was not as helpful as face to face. (20)</p> <p>Others reported that they had found the on-line service user friendly, convenient, quick and easy. (12)</p>
Method of contact not stated (22)	<p>Some respondents provided comments without specifying how they had previously contacted the service.</p> <p>Many indicated that their interaction with the council had been a positive one (13) with a smaller number indicating that they needed a quicker response or that they did not get the help they needed. (9)</p>
Web chat (10)	<p>The majority of customers reported positive experiences using web chat, saying it was easy to use, quick and helpful. (7)</p> <p>A smaller number of respondents indicated that they had found it unhelpful, difficult to use and some commented on the time it took to resolve an enquiry. (3)</p>
Emails (3)	Long response times reported when communicating with the council by email (3)

8.19 Many of the comments in question 10 that referred to areas of improvement were repeated in questions 13 and 14 and are responded to within 8.25.

Question 11 – When you contacted the Council to access services or assistance via the methods mentioned in Q9, was your query resolved?

8.20 Overall, 48.28% (42) of respondents said that their enquiry had been resolved satisfactorily and a further 29.89% (25) stating the issue had been partly resolved/in the process of resolution. The remaining 28.74% (25) said that their query had not been resolved. As this was a multi-choice answer some respondents have ticked more than one option so the number of responses is greater than the 87 respondents who replied.

Question 12 – Why were customer services unable to resolve your issue?

8.21 Respondents were asked to provide comments in free text format to this question. Some respondents provided more than one reason as to why their issue was not resolved and therefore the total comments made was greater than the 39 responders who answered the question. The comments received have been considered and grouped into themes below.

- 19 respondents reported that their enquiry had not been fully resolved with people waiting for responses or waiting for the correct information to be received. Other comments related to system issues and lack of information being available. One person said that a food parcel could not be delivered
- 10 respondents commented that face to face customer services was important especially for vulnerable residents and two respondents had been unable to contact the service. Other comments related to Tameside One and access to libraries including concerns about confidentiality at the library counter. Others expressed concerns about removing drop-in and that elderly and vulnerable being less likely to arrange an appointment. One respondent commented how the autism community have been affected
- 7 respondents had poor experiences around getting through to the correct departments or speaking to correct people on web-chat. One person had difficulties speaking on another person's behalf and a further concern raised around pressures on library staff
 - 4 comments related to neighbour issues and Covid restrictions
 - 3 respondents did not know

Open response questions 13 and 14. How the proposals will impact you/your family friends/other users of the service and any other comments you wish to make?

- 8.22 Questions 13 and 14 were open text questions and were asked to give respondents the opportunity to respond to how the proposals would impact themselves or others (Q13). There was also an opportunity to make any additional comments about customer services (Q14).
- 8.23 A total of 142 respondents provided an answer to Question 13, and a further 91 respondents provided an answer to Question 14. The responses from both of these questions have been merged and classified by theme based on their content, in order to identify and fully analyse all of the issues identified. Some respondents provided comments that related to multiple themes and therefore these comments have been included under each relevant theme. As such, the total comments grouped below by theme add up to more than the individual comments received.
- 8.24 Comments received by email to the consultation have also been included within the table below and grouped by theme.
- 8.25 The following information is provided in **Table 6**:
- Short explanation of the theme (based on the comments made)
 - Number of comments (i.e. number of consultation returns that commented in that way).
 - The response to the concerns raised.

Table 6

<p>Question 13: Having read the proposals around how customer services may be delivered in the future, please explain how the proposals will impact you/your family/friends/other users of the service.</p> <p>Question 14: Please give any other comments you wish to make regarding customer services in Tameside in the box below</p>	
Consultation feedback theme	Tameside MBC Response
<p><u>Face to face still needed (60)</u></p> <ul style="list-style-type: none"> • Some don't understand technology and are more comfortable face to face • Some need another person to accompany them regarding their enquiry • Things are explained better face to face • Some get anxious or are not good using the telephone • More personal service • Better for complex queries • Prefer face to face • Allows other issues to be explored that on-line does not allow for <p>Ensure there are not long wait times for appointments. The face to face element needs to be easily accessible.</p>	<p>Face to face customer services will be retained and an appointment can be made to see a Customer Services Officer.</p> <p>Customer service can also be accessed by dropping into any library in the Borough where the majority of customer services enquiries can be handled. Library staff will also be able to access an appointment for those customers where that is the contact method required. This appointment could be either via telephone or face to face.</p> <p>Appointments will be organised to ensure that customers are seen promptly and staffing levels will</p>

<p>Some concerns that the service will not be as good and that more needs to be done.</p>	<p>be closely monitored to accommodate this. The new model will offer a range of ways to contact customer services with those people who need an appointment being offered one.</p>
<p><u>No impact (37)</u> No impact/no change for me.</p>	<p>This is evidence that the changes will be suitable for some customers</p>
<p><u>Vulnerable residents - access issues (36)</u> People with disabilities may have difficulties using telephone/on-line methods and will still need to access services face to face e.g. hearing/visual impairment, mental health, elderly. Some customers will be unable to access remote methods due to literacy issues.</p> <p>Concerns that any changes to the service could cause the vulnerable to slip through the net/cause stress.</p>	<p>There will always be some customers who have additional needs when needing to contact the Council. Digital, telephone, web chat and face to face will remain available with the most appropriate channel being utilised depending on a customer's requirements.</p> <p>Communication around how to access the service, especially the face to face channel will be particularly important. Vulnerable residents may need assistance to access services and both contact centre and library staff already provide this and will continue to do so in order to ensure all residents are able to access the services they need.</p> <p>The proposed new customer service model will be reviewed after 12 months of operation and closely monitored to ensure that vulnerable residents are able to access appointments.</p>
<p><u>Digital concerns (33)</u> Concerns about those people who are digitally excluded e.g. older people, people with no internet access or suitable device.</p> <p>Access to free internet in libraries limited to 1 hour. Few free wi-fi hotspots with suitable shelter in the Borough.</p> <p>An alternative model was suggested; make a number of PC's/tablets available on Level 1 at Tameside One with a Customer Service Officer on site to help customers digitally self-serve. The vulnerable not able to self-serve would then be identified and booked in for a face to face appointment</p>	<p>Free PC access is available at libraries if people are able to use digital means. Alternatively, telephone access is available and face to face appointments where this is the most appropriate contact channel for the customer.</p> <p>Although free internet is limited to 1 hour per day on library PCs, there is no limit should a resident wish to use their own device in the library to get on-line. For people using library PCs there are occasions where extra time can be offered e.g. job seeking. Library staff would be able to assist with helping people get on-line. Customers are also able to purchase additional internet time.</p> <p>There are a number of PC's available in the library on the ground floor of Tameside One. PC's are also available at all other libraries within the Borough. Library staff are able to assist customers to get onto a PC. If a person is not able to self-serve then a face to face or telephone appointment can be made via the library staff.</p> <p>Anyone wishing to sign up for Open+ access should go to their local library during staffed hours for a</p>

<p><u>General positive comments about the proposals (25)</u></p> <ul style="list-style-type: none"> • A more professional offer. • Easier to make contact locally. More people are using technology to access services • Retain Level 2 enquiries at libraries. Direct savings elsewhere • Proposals are ok, provided the vulnerable are identified and supported 	<p>quick induction and to be signed up.</p> <p>These comments are indicative of the effect the Covid-19 pandemic has had on the way that services are being accessed by some residents/customers. The proposed new model for customer services will include appointments by both telephone and face to face. This is an increased offer compared to how the service was delivered prior to the pandemic.</p> <p>Level 2 enquiries will be retained at all libraries and can be accessed by dropping in.</p> <p>Whilst it is still vital to ensure that everybody can access services by whichever channel is the most appropriate for individuals, it does demonstrate that other channels are sometimes suitable. There needs to be understanding that the channel of choice may change depending on the type of enquiry being made at any particular time.</p> <p>The most vulnerable will be supported to access the service and an appointment offered where this is deemed to be the most appropriate method of contact.</p>
<p><u>Triage/appointment booking process (16)</u></p> <p>Concerns about how people, especially the vulnerable will access an appointment.</p> <p>Ensure local services and libraries are promoted, as these may be an alternative method of help.</p> <p>Changes around how to request an appointment should be communicated and clearly advertised.</p> <p>The triage process should be clearly defined to ensure those who need an appointment are offered one.</p> <p>Professionals supporting a vulnerable resident should be able to request an appointment.</p> <p>Concerns over delays/wait times for an appointment and that this should not be a detriment to lose benefit due to start date of any required benefit claims.</p> <p>Some customers may have difficulties</p>	<p>Data from visits is captured and in 2019/20, pre – pandemic, nearly 66% of enquiries in customer services were level 2 in nature. Many of these enquiries can be dealt with immediately over the phone, web chat or email or in person at any library. For those residents who need an appointment, a triage process will operate. People can attend the library in person and request an appointment with customer services or can telephone the dedicated number. The triage will be delivered by customer services and communication around how to access an appointment will be particularly important. This will be cascaded through the council’s communication channels and via partner organisations/community groups. Libraries will also act as a communication channel to inform residents how they can access the service including arranging a face to face or telephone appointment where required.</p> <p>Professionals supporting vulnerable residents will be able to request an appointment on a person’s behalf.</p> <p>Processes will be in place to protect the start date of a claim. It is envisaged that if there is capacity on the day, either by telephone or by face to face</p>

<p>remembering future appointment dates.</p> <p>What happens over bank holidays/weekends?</p>	<p>that this would be facilitated.</p> <p>Should anyone struggle to remember an appointment date or time, arrangements can be made to remind a person prior to an appointment.</p> <p>The operating hours for the council are not changing under the new proposed model.</p>
<p><u>Telephone comments (15)</u></p> <p>Concerns that accessing the service by telephone is not an effective method with some enquiries not fully resolved and some calls not returned.</p> <p>There are long wait times.</p> <p>Some enquiries are too complex to deal with on the telephone.</p> <p>Concerns around the cost of accessing the service by telephone.</p>	<p>Through this consultation, it has transpired that many enquiries both before and during the pandemic have been dealt with effectively by telephone. Feedback from those who had previously accessed the service by telephone indicated it had been easy to use, convenient and saved making a journey especially for those with work commitments. However, it is evident that this is not the same experience for all. Calls to the council have taken longer to answer during Covid-19. The pandemic has had an unprecedented effect across many Council Services who have been required to take on new work streams such as business grants, self-isolation payments and support with food for those isolating. There have also been some staffing difficulties caused by officers isolating due to Covid and because of the HGV driver shortages in waste services.</p> <p>With regard to the complexity of enquiries, if this is the case a face to face appointment will be arranged, bookable by telephone or via the library.</p> <p>The new model will offer a range of ways to contact customer services with those people who need an appointment being offered one. These will be arranged either face to face or by telephone with the service making the call to the customer so that cost is not incurred. Appointments can be accessed via email or by visiting any library.</p>
<p><u>On-line comments (13)</u></p> <p>Concerns raised about accessing services on-line. Some felt better technology was needed i.e. updates via bin app and better use of social media for updating residents.</p> <p>Investment needed in the website and online services to update it and make it more user oriented. Some of the on-line support options do not always support the query. Reduce response times.</p>	<p>The Tameside and Glossop Digital Strategy was approved by Cabinet in September 2020 and includes a 5 year vision with specific actions that will improve digital accessibility of services. This includes:</p> <ul style="list-style-type: none"> • The development of a single economy wide digital front door offering online public services that are joined up, user-friendly and make sense • A new single virtual Call Centre for all Council services with new features such as web chat and automation • The use of new and emerging technology and Artificial Intelligence to deliver better services and smarter, tailored digital

	<p>interactions</p> <p>It is recognised that delivery on this strategy will be required in order to improve digital access.</p>
<p><u>Council budgets and buildings (13)</u> Concerns were expressed about the cost of building Tameside One when cutting the face to face service.</p> <p>Some concerns made around cuts to services whilst raising Council Tax.</p> <p>Some concerns raised around privacy in libraries if discussing private/personal matters at the counter.</p>	<p>The Tameside One building remains open to the public for the library service and other partners continue to operate out of the building i.e. Jobcentre Plus, CAB. It is proposed that in the future, appointments for Customer Services will also be in the Tameside One building.</p> <p>Since 2010, funding from central government to local government has on average reduced by half in real terms. At the same time, the Council has faced growing cost pressures from increasing demand for services and rising costs. In the last seven years alone, the Strategic Commission has needed to find budget savings of £171 million to balance the books. The Council continues to face significant cost pressures from demographic growth and increased costs. Funding from Central Government continues to reduce in real terms and does not keep up with increased costs facing the Council due to increased demand and general increases in costs due to inflation. The 2021/22 Local Government Finance settlement had a headline 4.5% increase in core spending power but only 0.5% of this reflected additional funding. Most of the increase in spending power (4%) was based on an assumption from Central Government that Local Government would increase Council Tax by the maximum amount possible.</p> <p>Libraries have always offered help with level 2 enquiries at the counter. If a customer feels that their enquiry is of a confidential nature, a face to face or telephone appointment can be requested with customer services.</p>
<p><u>Drop in still required (9)</u> Some respondents indicated there is still a need for drop in without the need to book an appointment.</p>	<p>Any customers, including our more vulnerable residents, can drop into any library for a face to face service for a level 2 type enquiry.</p> <p>If a customer requires a face to face appointment with customer services then this can be arranged.</p>
<p><u>General comments on the consultation exercise (8)</u> Concerns raised about access to the survey for those digitally excluded.</p>	<p>Posters were issued to all libraries to display during the consultation period. Library staff had paper copies of the questionnaire available if people needed a printed version. For customers who could use digital methods, library staff assisted customers on library PC's by uploading the link to the questionnaire on survey monkey. Various</p>

<p>Comments made around having a better understanding of customer needs and feedback to develop the service.</p> <p>Concerns about staff retaining jobs</p>	<p>community organisations and groups were contacted to promote the survey with people they support and a full list of these groups can be found at Appendix 2. All responses from the survey have been considered in order to fully understand views before implementing any changes.</p> <p>The data collected by the service has been analysed and considered as part of this consultation. This has included the numbers of visitors each year along with the type of enquiries that customers have presented with.</p> <p>No staff will lose their jobs as part of the proposed new service model.</p>
<p><u>Positive comments about customer services (7)</u></p> <p>Positive comments were received regarding the face to face Customer Services citing it as excellent and supportive with customers happy with the help provided.</p>	<p>Customer Services staff are extremely committed, knowledgeable and professional and it is pleasing to receive positive feedback through this consultation.</p>
<p><u>People should have a choice of contact method (6)</u></p> <p>Customers should be able to choose the best method of contact for them with a mix of options for contact kept.</p>	<p>All channels will be retained in the proposed new Customer Services delivery model. A discussion will take place during triage with the customer to establish the channel that best suit their needs. This may change depending on the type of enquiry at any particular time.</p>
<p><u>Strain elsewhere in the council (5)</u></p> <p>Concerns raised that other methods of contact could be put other services under more strain i.e. call centre/libraries.</p>	<p>Libraries have for many years dealt with Level 2 enquiries and will be able to accommodate any additional enquiries to the service. During the Covid 19 pandemic previous face to face customers have accessed services via other channels including telephone and an increase in calls in certain services will have been experienced. Should any increases become unsustainable resources would need to be considered.</p>
<p><u>Equalities comments (5)</u></p> <p>Some comments made related to equalities:</p> <ul style="list-style-type: none"> • Ensure the service is approachable and inclusive and meets their needs • It can be more difficult to access services for BSL/ language issues/ visually impaired • Hearing loop suggested • Information that libraries give out needs to be in a suitable format for the visually impaired • Not everyone understands and communicates in English 	<p>The Council is mindful that some customers have additional needs when contacting to access services. Digital, telephone, web chat and face to face will remain available with the most appropriate channel being utilised depending on a customer's requirements.</p> <p>Hearing loops are available in libraries and customer services.</p> <p>If a customer had difficulty with a particular print format the library would look to enlarge font size, change the colour or look for online versions if the</p>

	<p>customer is able to use any online accessibility tools. If these options were not appropriate then the library would contact the “owner” of the information to see what alternative suitable formats might be available.</p> <p>For those customers whose first language is not English, we would request that they bring someone with them to assist in their appointment. Otherwise, suitable interpretation services can be organised.</p>
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Engagement Sessions

- 8.26 Due to changing national and local Covid-19 social distancing restrictions, all engagement took place through virtual sessions.
- 8.27 A total of 3 engagement sessions were undertaken and a summary of discussions and key themes arising from these sessions are outlined below.

Partnership Engagement Network

- 8.28 The Partnership Engagement Network (PEN) was established as part of a multi-agency approach to provide public and partners with an identified and structured method to influence the work of public services and to proactively feed in issues and ideas.
- 8.29 On 1 July 2021 representatives from Tameside Council, NHS Tameside and Glossop Clinical Commissioning Group and Tameside and Glossop Integrated Care NHS Foundation Trust along with public, stakeholders, partners, and voluntary, community and faith sectors came together for the second virtual PEN Conference of 2021. There were around 60 participants in total.
- 8.30 A facilitated workshop took place at the conference to gain views on the review of customer services and the proposed new model. Along with feedback from 6 workshop participants, key points were also communicated to the wider conference participants (60) during the conference. The key points from the workshop are provided below:
- No recorded problems amongst clients with being able to access customer services since the face to face service closed
 - People have dealt fairly well with online although some in-depth queries might be more difficult to solve using online methods
 - Offer of call-back appointments is good
 - Use of local library is a good option for those who cannot travel as easy
 - Will need better and simpler communication on the different ways people can access customer services
 - Consider those with a disability; including those who are deaf, visually impaired, learning disabled and language barriers for those people whom English is not their first language. Some may have support workers who can help, and the library is also still accessible
 - Consider how older people will be able to access services
 - Digital access – not digitally connected due to lack of IT skills or for financial reasons, no access to a phone or tablet, vulnerability. Some charities can provide access to laptops. Note scamming and fraud could be an issue if more remote delivery of the service
 - More methods of contact proposed than prior to Covid and as face to face been closed for 18 months, then the more natural way to go

Tameside MBC Exchequer Service

- 8.31 The largest number of customers presenting at customer services has always been in respect of housing benefit and council tax. Therefore, specific consultation was undertaken with the Exchequer Service who carry out this core function to make sure all aspects were fully considered. The Exchequer Service also oversees the financial assessment function for customers receiving assessed social care, although evidence suggests that only a small number (around 3 per week) require assistance with the form.
- 8.32 The COVID 19 pandemic has had an unprecedented effect across many Council Services and particularly Exchequer Services who have been required to take on new work streams as a result of the pandemic. This has included business grants, self-isolation payments and council tax support hardship monies, all of which are continuing in the current financial year and require considerable resource.
- 8.33 Although a wealth of information, self-service and on-line forms are available on the Councils website, the Exchequer service continues to face significant demands in terms of customer contact at around 13,786 telephone contacts and 10,331 email contacts each month. The website traffic for this service averages around 116,642 hits each month.
- 8.34 Many residents have contacted Exchequer by telephone, email or sought information via the Councils website during the pandemic and will continue to contact in the same way now that restrictions are easing, it is likely that the most vulnerable and who may be elderly and digitally excluded are those most in need of face to face services. That said, many elderly residents are becoming increasingly digitally enabled, and many have mobile phones and/or may have family or friends to assist with claims for benefits. However support with form completion pertaining to their unique circumstances can often still be required. This extends to individuals in receipt of an assessed care need who are required to complete a financial assessment form are perhaps also likely to require support with the form either by telephone or face-to-face.

Other Tameside MBC Services

- 8.35 Consultation with internal services with regard to the proposed customer services model was undertaken to establish if any issues were perceived in terms of receiving information from customers in order to deliver their services. Whilst it must be remembered that this is the service's perspective and would not necessarily be reflected in the customers perspective, the consultation was undertaken to obtain a complete picture and identify any impact from all parties. Services consulted were Waste Services, Environmental Health, Greenspace and Engineering who all indicated no adverse impacts if the proposed changes are adopted as the vast majority of contact for these services is made by channels other than face to face.
- 8.36 Tameside MBC Education Admissions service provided feedback on the proposals. The admissions team report that they handle around 500 telephone calls per month and are happy to discuss school admissions or bus passes with families. If parents require a face to face appointment, then this would be arranged and therefore the view is the proposed changes should not impact customers to that service.
- 8.37 Consultation was undertaken with Ashton library management staff as this service has experienced an increase in customers visiting the library with enquiries that would previously have been made to Customer Services. Although libraries have for many years dealt with Level 2 enquiries, prior to Covid 19 most people attended the Customer Service Centre with these types of enquiries rather than Ashton library due to its close proximity in the building. The suspension of the face to face Customer Service Centre has also served to widen the variety of enquiries to the library service. To assist library staff to be able to effectively respond to the uplift in these different types of enquiries, additional support has been put in place from trained Customer Service Officers.
- 8.38 The library has also seen a number of people enquiring about partner organisations such as

Citizen's Advice Bureau and Cashbox Credit Union. Service information cards have been made available to issue to customers who wish to speak with these organisations. Citizens Advice will be implementing face to face appointments in the near future. The library service continues to record all enquiries and these are being closely monitored to enable further support for staff to be arranged if necessary.

9. REFINING THE CUSTOMER SERVICES DELIVERY MODEL

- 9.1 The consultation undertaken was to gain feedback on a proposed new Customer Service model and to use these views to shape the service for the future ensuring it meets resident's needs.
- 9.2 The proposed new model for the delivery of customer services promotes a digital first model, encouraging residents to self-serve if they are able. A bespoke supported service offer over the telephone, web chat and email would be offered to assist customers unable to self-serve and where it is identified that more detailed assistance is required a telephone appointment would be offered. Face to face service would be available where appropriate and it is proposed that this would be by appointment only rather than drop-in and would be following a triage process to understand the nature of the enquiry and the assistance required.
- 9.3 The proposed new model should also consider the work being undertaken by the Tameside Poverty Truth Commission (PTC) which launched on 9 November 2021. This saw community commissioners sharing lived experience of challenges they had faced around issues of poverty. Whilst this is its infancy and more learning will come to the fore as the PTC develops, currently indications are that a smooth customer journey is imperative to ensure people aren't passed between services as this exacerbates poverty and crisis. Any future feedback from the PTC will be considered and used to improve the customer services model going forward but in the meantime the appointment and triage process through both libraries and customer services will be particularly important in ensuring that people are supported effectively and in a timely manner with their enquiry.
- 9.4 Whilst 93.21% of respondents to the survey indicated that they had access to the internet at home using a suitable device, a small number of comments were received around contacting the council digitally and improvements being required to enhance the customer experience. These issues will need to be addressed in order to offer excellent service to customers and particularly in a model which promotes digital first. A number of respondents did however comment that on-line was easier and more convenient, particularly for people working as it could be done at any time of the day.
- 9.5 Responders to the survey indicated that telephone was the most used way of contacting the Council for services both before and since the start of the pandemic. Some respondents who had chosen this method of contact stated that they had done so because it was easier, quick and less effort than making a journey for face to face contact.
- 9.6 However, a few comments were cited as an issue for telephone contact including wait times, some enquiries not fully resolved with calls not returned. Wait times for calls to be answered has been an issue in some services caused by increased call volumes due to the pandemic, staff being affected by Covid themselves or having to self-isolate which impacted on service delivery and more recently the lack of HGV drivers impacting on the refuse collection service.
- 9.7 From the consultation it is clear that for a new model to be successful face to face customer service should be retained. Consultation responders cited this need for a number of reasons including individual vulnerability/disability, digital exclusion whether due to age or availability of devices/broadband, complexity of enquiry and the need to be accompanied by another. Responders also stated that customers should be able to exercise a choice in how they wish to access the service.

- 9.8 There were concerns raised around how people, especially the vulnerable will access an appointment and how the triage will operate to ensure nobody slips through the net. It was also recognised that professionals supporting vulnerable customers should be able to request an appointment on a person's behalf.
- 9.9 Currently the service is being delivered remotely with some customers attending the library for level 2 enquiries. Telephone appointments for housing benefit and council tax support claim forms is being provided through customer services, with approximately 15 claims being made each week. The customer services officers assisting with these enquiries are of the view that around 25% of customers assisted would have benefited from a face to face appointment had this been available.
- 9.10 Taking into account all of the consultation responses received it is proposed that the new customer services model would be based on providing a range of access channels to meet customers' requirements, bespoke to their needs and personal preference choice. The proposed model would be:
- Promote, encourage and support a digital first model with the expectation that where possible, residents should self-serve utilising the Council website or other technology such as mobile applications (Apps) where available
 - For those able to self-serve digitally, but without access to the internet or a suitable device, access to a PC via any library in the borough
 - A supported service offer over the telephone, web chat and email to assist customers with their enquiries
 - All libraries within the Borough will continue to offer Level 2 support to customers on a drop-in basis and this will form part of the communication plans
 - Offer telephone appointments to customers who choose to be supported in this manner to make a claim for housing benefit or council tax support etc
 - Face to face appointments will be available to customers to ensure that everyone is able to access services and assistance without disadvantage
 - Customers that need an appointment will be supported to access this via libraries or people can directly contact the service by telephone or email. The triage and appointment booking service will be promoted through the council's communication channels, through libraries and via community groups/partner organisations
 - Professionals supporting a vulnerable customer will be able to book an appointment on a person's behalf
- 9.11 The triage and appointment booking process for either a telephone or face to face appointment will be administered via Customer Services. Customers will be able to access the triage and appointment booking process in a number of ways; by directly telephoning customer services, via any library or by email. Referrals will also continue to be taken from other services such as the council's Exchequer service for those customers who require an appointment. Professionals supporting vulnerable customers will also be able to request an appointment on a person's behalf. It is envisaged that any face to face appointments will take place at Tameside One in Ashton.
- 9.12 The triage process will ensure that customers are able to discuss their issue with a member of customer services staff and agree the most suitable method to provide advice and assistance. Appointments will be organised to ensure that customers are seen promptly and staffing levels will be closely monitored to accommodate this. To ensure that customers are not disadvantaged if they are making a new claim for benefit, processes will be in place to protect the start date of any claim.

10. STAFF IMPLICATIONS

- 10.1 The previous customer service model was delivered by 7.49 FTE. Four officers equivalent to 3.19 FTE have recently left the service and have not been replaced. This has left 4.3 FTE

officers in the service which is estimated would be sufficient to deliver the new proposed service model.

- 10.2 Officers have been briefed and consulted for their views regarding how the new model may operate. Additionally they were also encouraged to complete the survey to enable their views to be captured and analysed along with other survey responders. Formal consultation will need to be undertaken with staff and unions around the changes and implementation of the proposed new model.

11. FINANCIAL IMPLICATIONS

- 11.1 The proposed service model generates an annual saving of £0.051m part year in 2021/22 increasing to £0.097m annually from 2022/23 and recurrently thereafter. This results from reducing staffing levels and operating a self-serve model with support options via telephone, web chat and face-to-face appointments.
- 11.2 The savings will be achieved by not replacing the officers that have already left the service and their posts being deleted.
- 11.3 These savings would contribute to the overall savings allocation for the Place directorate of £2.777m in 2021/22 increasing to £3.998m by 2024/25.
- 11.4 Members should note that the savings realised by this proposed new delivery model currently assumes that there will be no additional investment required in any related appointment booking systems (as referenced in section 14.5). Clearly, any additional investment required would lead to an increase in savings that will need to be realised by the directorate to ensure a balanced budget is delivered on a recurrent basis.

12. IMPLEMENTATION

- 12.1 Should the proposed new service model be implemented, communication with residents and potential service users would be required. Publicity would be undertaken through the council's communication channels including libraries, social media and the council website. Partner organisations such as registered housing providers, community and voluntary sector via Action Together and internal networking groups such as the Information Ambassador Network would be asked to assist in circulating information on the new service provision. The publicity campaign would provide details on how customers can access services including on-line, telephone and face to face.
- 12.2 It is proposed that the new service model would be implemented with effect from the 14 March 2022.
- 12.3 There will be a reporting mechanism in place within the service to raise any feedback, concerns or issues relating to the triage and/or appointment booking system. This will enable any measures or changes to be implemented at the earliest stage to ensure that vulnerable residents are able to access the service.

13. EQUALITY IMPACT ASSESSMENT

- 13.1 A full equality impact assessment has been undertaken on the consultation process and how the proposed changes to face to face Customer Services might impact on customers and particularly those with a recognised protected characteristic. The full equality impact assessment can be found at **Appendix 4**.

- 13.2 It is not proposed to remove the face to face customer service facility, but to replace the reactive drop in service with an appointment system delivered either by telephone or face to face.
- 13.3 Whilst there may be some potential negative impact on protected characteristic groups, mitigation measures have been identified within the EIA to minimise this. There were specific concerns raised around elderly and vulnerable residents being unable to use digital or telephone channels and would still require face to face customer service. Other comments related to how the new model would be communicated to ensure people knew how to access the service and how triage would operate to ensure vulnerable people did not slip through the net. In order to ensure this doesn't happen, the new service model will be well communicated to ensure those residents who are unable to use digital or telephone methods due to disability, age or vulnerability are able to access a face to face service. Appointments will be bookable in person via libraries, by email or by directly telephoning customer services. Professionals supporting vulnerable customers will also be able to request an appointment on a person's behalf.
- 13.4 The proposed new customer service model and in particular the triage and appointment booking system, will be kept under review to ensure quality of service and closely monitored to ensure that vulnerable residents are able to access an appointment.

14. RISKS

- 14.1 Concerns were raised in the consultation around how the new service model would be communicated and how appointments would be accessed.
- 14.2 Communication around how to access an appointment will be particularly important. This will be cascaded through the council's communication channels and via partner organisations/community groups. Libraries will also act as a communication channel to inform residents how they can access the service including arranging a face to face or telephone appointment where required.
- 14.3 Appointments will be accessible through libraries, by telephoning a dedicated number or by email. The appointments will be booked via a triage process and delivered directly by Customer Services. It is envisaged that a discussion with the customer will take place during triage to establish the channel of access that best suits the customer needs. This method of access may change for the customer depending on the type of enquiry at any particular time.
- 14.4 Appointments will be organised to ensure that customers are seen promptly and staffing levels will be closely monitored to accommodate this. This will be particularly important to ensure that residents maximise any potential entitlement to housing benefit and/or council tax support. Processes will be in place to protect the start date of a claim and it is envisaged that if there is capacity on the day that someone presents for an appointment, then this would be facilitated.
- 14.5 A booking system will be required in order to operate on an appointment basis. A system was developed some years ago, although not currently used, and this is being evaluated with a view to bringing it back into use should the proposed service model be implemented. If this system proves unsuitable then further consideration will need to be given to how appointments will be managed.
- 14.6 Whilst it is unknown what the demand will be for face to face appointments, it is felt that 4.3 FTE staff would be sufficient to manage the new service model and staffing levels will be kept under review.
- 14.7 Members should note that whilst savings are being made in customer services, there could

be impact if work increases in other areas of the council as a result of the proposed changes to the service. It will be difficult to monitor if any potential workload increases elsewhere could be directly attributed to the proposed new customer service model, however this will be kept under review as far as possible.

15. CONCLUSION

- 15.1 Although there is a still a demand for traditional face to face customer service, this is reducing over time with technological advances and therefore change to the service must be made to ensure it is affordable and efficient going forward. Additionally, Covid-19 has brought about an abrupt and enforced change in how customer services is offered, requiring customers to very quickly become familiar with accessing services via other channels
- 15.2 Face to face customer services has been suspended for almost two years due to the pandemic. During this time, people have accessed the service mainly by telephone and through on-line methods. Respondents to the survey indicated that in the 12 months prior to Covid they had mainly accessed the service by telephone. Continued use of these methods of contact should be encouraged when accessing services in the future rather than reverting back to reliance on face to face services.
- 15.3 Since the start of the pandemic, customer services appointments have been delivered by telephone. It is estimated that around 25% of customers assisted during this period would have benefited from a face to face appointment.
- 15.4 The consultation responses overwhelmingly support that face to face customer service be retained under any new model. It is therefore proposed that a new customer service delivery model should encourage, promote and support self-serve digital first via the website or applications where available but retain other supported channels, telephone, web chat, email etc. for those who need additional assistance. Telephone appointments would be a feature in the model along with face to face appointments for those who require this. A triage and appointment booking process would support the new model and be communicated as set out in 12.1.
- 15.5 Overall, the proposed new model would transform the customer services offer, taking into account peoples changing attitudes to accessing services and it would enhance the previous model by the introduction of telephone appointments whilst still retaining face to face in a tailored, bespoke manner. By offering face to face on an appointment basis this will negate the requirement to queue up and wait to see a customer services officer at busy times which will further benefit customers.
- 15.6 It is proposed to keep this model under review and make any further adjustments as necessary to ensure quality of service, that it meets customer demand and that vulnerable residents are able to access appointments, whilst at the same time being affordable and cost effective. A further report will be presented to Executive Cabinet after 12 months of operation with the results of the review.

16. RECOMMENDATIONS

- 16.1 As set out at the front of the report

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Customer Services Review Consultation

Introduction and background:

The way that customers access services has changed over recent years, due to changes in technological advancements and increasing access as well as the Covid-19 pandemic.

UK Government figures estimate that in January/February 2020, 96% of households in Great Britain had access to the internet, an increase from 93% in 2019 and 90% in 2018. Internet connections in households with one adult 65 years and over have increased by seven percentage points to 80% since 2019. The Office of National Statistics (ONS) indicates that in quarter 1 of 2020 93% of people in Greater Manchester had used the internet in the last 3 months or prior to that, an increase from 92.9% in 2019 and 91.4% in 2018.

The Covid-19 pandemic has created unique circumstances where many residents are no longer reliant on face-to-face services. Some evidence of this change can be seen following the Council introducing web chat in early 2019/20. Since implementation almost 32,000 enquiries have been responded to via this channel.

Since March 2020, due to the Covid-19 pandemic no face-to-face Customer Service function has been offered. Residents wishing to contact the Council have had to make contact via other channels, including telephone, email or Webchat via the Council website.

Another consequence of the coronavirus pandemic has meant that this has been one of the most challenging budget rounds faced by the Council. The Council's 2021/22 revenue budget assumes savings proposals of £8.9m that increase to £14.8m by 2025/26. However, despite these levels of savings, the Council still has a financial gap to close of £14.3m in 2022/23 which increases to £22.3m by 2025/26 based on current assumptions.

It is incumbent upon all Council services to review the service provision from time to time and ensure services are cost effective whilst meeting residents' needs. These circumstances of accelerated change combined with decreasing budgets have presented an opportunity to review the way we deliver services.

Proposed changes to the service:

We are proposing to undertake a review of the face-to-face Customer Service provision.

Prior to the Covid 19 pandemic face-to-face Customer Services based in Tameside One in Ashton offered a reactive drop in service handling all types of enquiries including those categorised as Level 1 (in-depth housing benefit and Council tax enquiries) alongside Level 2 enquires (book, pay, request a service and verification of housing benefit documents).

Level 2 enquiries can also be dealt with at the 8 libraries within the Borough.

The proposed service model for the future would be based on providing the most appropriate access channel according to customers' requirements. It would be very similar to the current offer but with the addition of face-to-face contact where necessary and only for those where other channels would not be suitable. The principles would be:

- Not to re-open the drop-in customer service centre based in Tameside One in Ashton in the previous format
- Retain Level 2 enquiries at all Tameside Libraries
- Promote, encourage and support a digital-first model with the expectation that where possible, residents should self-serve utilising the Council website or other technology such as mobile applications where available.
- Where this is not possible, provide a supported service offer over the telephone, web chat, email etc. to assist customers with their enquiries.
- Where more detailed assistance is required, for example completing a housing benefit application, a telephone call back service by appointment would be available

- Face-to-face appointments only for the most vulnerable to ensure that residents are able to access services and assistance without disadvantage. These will be bookable via telephone.

There is no doubt that some customers may be more vulnerable and/or do need additional support to access services or make enquiries. Any new service model must take into account all residents' needs and therefore some face-to-face element would be retained. It is proposed that this would be by appointment only rather than drop in and would be following a triage process to understand the nature of the enquiry and the assistance required.

We want to hear your views on the proposed changes to Customer Services.

You can find more information about the proposals [here](#) (See Item 14 on the page).

To have your say online, please complete the following survey:
<https://www.surveymonkey.co.uk/r/customersservicereview1>

If assistance is required in completing the questionnaire this can be obtained at libraries, subject to Covid-19 safety measures being in place. Help will also be available through the council's contact centre by telephoning 0161 342 8355.

The consultation will run from 28 June 2021 – 19 September 2021. All returns will be considered along with our existing information to form firm recommendations for the Council's Executive Cabinet to consider.

Questions:

1. Please tick the box that best describes your interest in this issue? (Please tick one box only)

- I am a Tameside resident
- I am a Tameside Council employee
- I represent a community or voluntary group
- I represent a partner organisation
- I represent a business /private organisation
- I am an Elected Member
- Other (please specify below)

Accessing Customer Services

2. Prior to the Covid-19 pandemic there were a number of ways to access customer services. How did you typically access customer services prior to the pandemic? Please indicate any methods that you have previously used to contact customer services by ticking all that apply.

- Face-to-face
- Online
- Telephone
- Webchat
- I have not contacted customer services within the last 2 years (Go to Q13)
- Other (please specify below)

3. Please tell us why you chose to use the methods of contact indicated at Q2? Please give your comments in the box below.

4. Do you have access to the internet at home? For example using a computer/laptop, a mobile phone or tablet? Please tick one box only.

- Yes
- No

Face to Face Customer Services

5. Prior to the Covid-19 pandemic and the suspension of face-to-face customer services in March 2020, did you visit customer services in Tameside One during the previous 12 months i.e. between April 2019 and March 2020? (Please tick one box only)

- Yes
- No (Please go to Q8)

6. How many times in that previous 12 month period (April 2019 to March 2020) did you use face-to-face customer services? (Please give your best estimate)

- Between 1-5 times
- Between 6-10 times
- Between 11-15 times
- Between 16-20 times
- More than 20 times

7. Which of the following reasons did you use face-to-face customer services for in the 12 month period between April 2019 and March 2020? (Please tick all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Adult Services | <input type="checkbox"/> Parking |
| <input type="checkbox"/> Blue Badge | <input type="checkbox"/> Parks/greenspaces/environmental |
| <input type="checkbox"/> Children's Services | <input type="checkbox"/> Planning |
| <input type="checkbox"/> Council Tax | <input type="checkbox"/> Registrars |
| <input type="checkbox"/> Democratic Services (Elections) | <input type="checkbox"/> Schools |
| <input type="checkbox"/> Highways | <input type="checkbox"/> Tameside Resettlement Scheme/
Homelessness |
| <input type="checkbox"/> Housing Benefit | <input type="checkbox"/> Waste & refuse |
| <input type="checkbox"/> Libraries | <input type="checkbox"/> Welfare Rights/Debt Advice |
| <input type="checkbox"/> Licensing | |
| <input type="checkbox"/> Other (please specify) | |

Accessing Customer Services since Covid-19 Pandemic (March 2020 onwards)

8. Have you needed to access services or assistance from the Council since the beginning of the pandemic (March 2020 to present) i.e. during the time face-to face customer services has been suspended? Please tick one box only.

- Yes (Please go to Q9)
- No (Please go to Q13)

9. How have you accessed services or assistance from the Council since face-to-face customer services were suspended due to Covid-19? (March 2020- present) Please tick all that apply.

- Online
- Telephone
- Webchat
- Friends/family helped me

- Other (please specify below)

10. What was your experience of using these methods of contact? Please describe in the box below.

11. When you contacted the Council to access services or assistance via one of the methods mentioned at Q9, was your query resolved? (Please tick all that apply)

- Yes (Please go to Q13)
 No (Please go to Q12)
 Partly resolved / in process of resolution (Please go to Q12)

12. Why were customer services unable to help resolve your issue? Please give details in the box below.

The Future of Customer Services

13. Having read the proposals around how customer services may be delivered in future, please explain how the proposals will impact you / your family or friends / or other users of the service (Please state in the box below)

14. Please give any other comments you wish to make regarding customer services in Tameside (Please state in the box below)

ABOUT YOU

We would like to ask some questions about you. This information will help the Council to improve its services. The information you provide will be kept entirely confidential, will be used for statistical and research purposes only and will be stored securely. If there are any questions you do not wish to answer, please move on to the next question.

15. Are you: (Please tick one box only)

- Female
 Male
 Other (Please state below)
 Prefer not to say

16. Is your gender identity the same as the sex you were assigned at birth?

- Yes
 No
 Prefer not to say

17. What is your age? (Please state)

18. What is your postcode? (Please state)

19. What is your ethnic group? (Please tick one box only)

White

- English / Welsh / Scottish / Northern Irish / British
- Irish
- Gypsy or Irish Traveller
- Any other White background (please specify)

Mixed / Multiple Ethnic Groups

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed / Multiple ethnic background (please specify)

Black / African / Caribbean / Black British

- African
- Caribbean
- Any other Black / African / Caribbean background (please specify)
- Any other Black / African / Caribbean background (please specify)

Asian / Asian British

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background (please specify)

Other ethnic group

- Arab
- Any other ethnic group (please specify)

20. What is your religion or belief? (Please tick one box only)

- Christian (including Church of England, Catholic, Protestant and all other Christian denominations)
- Buddhist
- Jewish
- Sikh
- Hindu
- Muslim
- No religion
- Any other religion (please specify)

21. What is your sexual orientation? (Please tick one box only)

- Heterosexual / straight
- Gay or lesbian
- Bisexual
- Prefer not to say

- Prefer to self-describe
- Other sexual orientation (Please state below)

22. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age. (Please tick one box only)

- Yes, limited a lot
- Yes, limited a little
- No

23. Do you look after, or give any help or support to family members, friends, neighbours or others because of either, long-term physical or mental ill-health / disability or problems due to old age? (Please tick one box only)

- No
- Yes, 1-19 hours a week
- Yes, 20-49 hours a week
- Yes, 50 or more a week

24. Are you a member or ex-member of the armed forces? (Please tick one box only)

- Yes
- No
- Prefer not to say

25. What is your marital status? (Please tick one box only)

- Single
- Married
- Civil Partnership
- Divorced
- Widowed
- Prefer not to say

26. Are you pregnant, on maternity leave or returning from maternity leave?

- Yes
- No
- Prefer not to say

27. If yes, are you:

- Pregnant
- On maternity leave
- Returning from maternity leave

Thank you for completing this survey. Please return your completed questionnaire to a library officer.

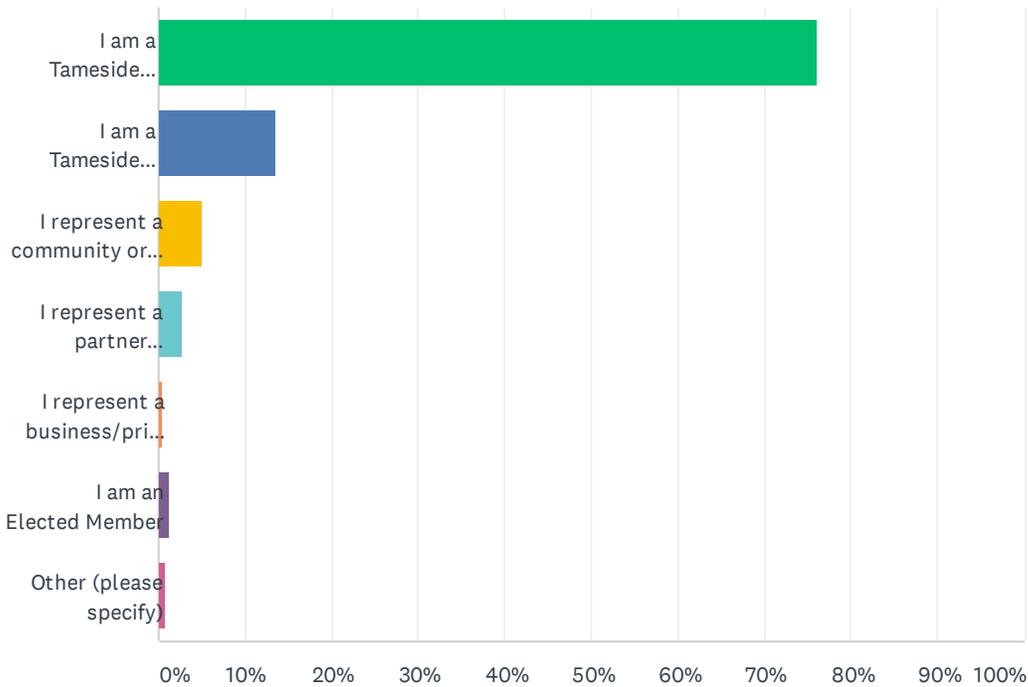
Customer Services Consultation Engagement Plan

Group
Tameside and Glossop Partnership Engagement Network
Inequalities Reference Group
Independent Advisory Group
Information Ambassadors Network
Diversity Matters North West
Community Champions
Tameside Carers Association/Carers Centre
Action Together
The Grafton Centre
Age UK Tameside
Tameside and Glossop MIND
West African Group
Anthony Seddon Fund
Welfare Rights Service
Revenues & Benefits
Planning
Citizens Advice
Department for Work & Pensions
Social landlords (all) and homelessness services
Mint
Tameside Housing Advice
Parking Services
Tameside Resettlement Scheme
Adult Social Care
Children's Services
Democratic Services
Street Scene
Waste Services
Planning
Education Admissions
Environmental Health
Highways
Assistant Executive Directors/Service Unit Managers
Elected Members/MPs
Cashbox Credit Union
Community Mental Health Team
Foodbanks
Employment and Skills
Change Grow Live
Community Safety

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Q1 Please tick the box that best describes your interest in this issue.
(Please tick one box only)

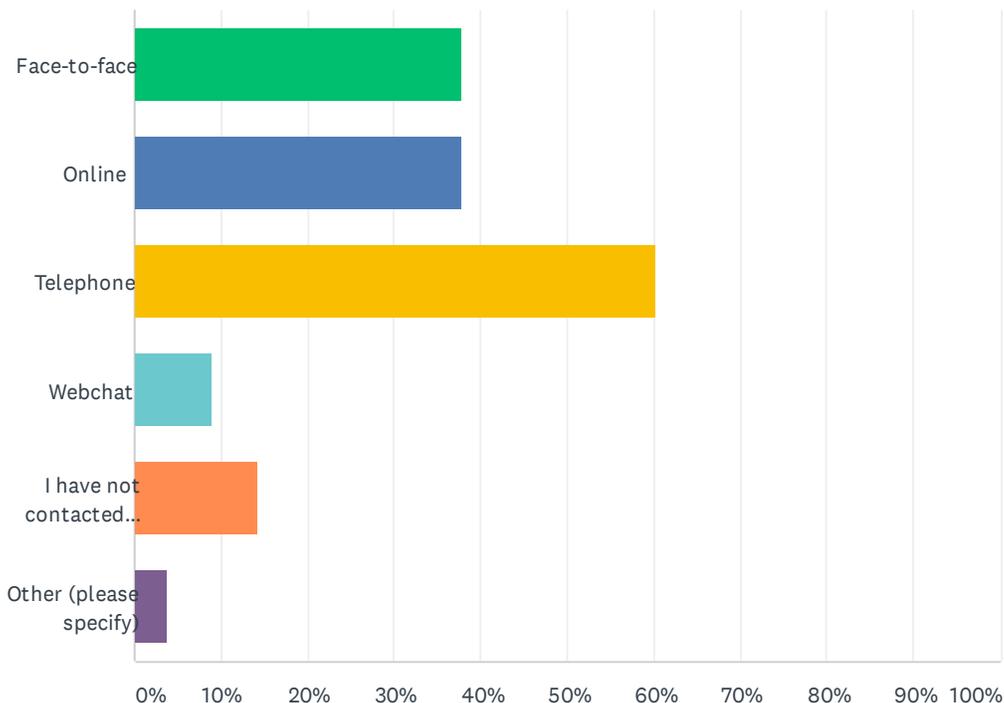
Answered: 222 Skipped: 0



ANSWER CHOICES	RESPONSES	
I am a Tameside resident	76.13%	169
I am a Tameside Council employee	13.51%	30
I represent a community or voluntary group	4.95%	11
I represent a partner organisation	2.70%	6
I represent a business/private organisation	0.45%	1
I am an Elected Member	1.35%	3
Other (please specify)	0.90%	2
TOTAL		222

Q2 Prior to the Covid-19 pandemic there were a number of ways to access customer services. How did you typically access customer services prior to the pandemic? Please indicate any methods that you have previously used to contact customer services by ticking all that apply.

Answered: 211 Skipped: 11



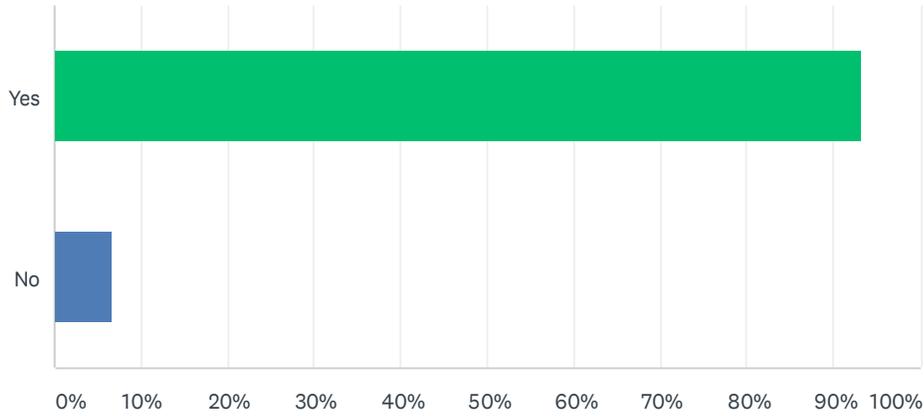
ANSWER CHOICES	RESPONSES	
Face-to-face	37.91%	80
Online	37.91%	80
Telephone	60.19%	127
Webchat	9.00%	19
I have not contacted customer services within the last 2 years	14.22%	30
Other (please specify)	3.79%	8
Total Respondents: 211		

Q3 Please tell us why you chose to use the methods of contact indicated in Q2? Please give your comments in the box below.

Answered: 145 Skipped: 77

Q4 Do you have access to the internet at home? For example using a computer/laptop, or a mobile phone/tablet? Please tick one box only.

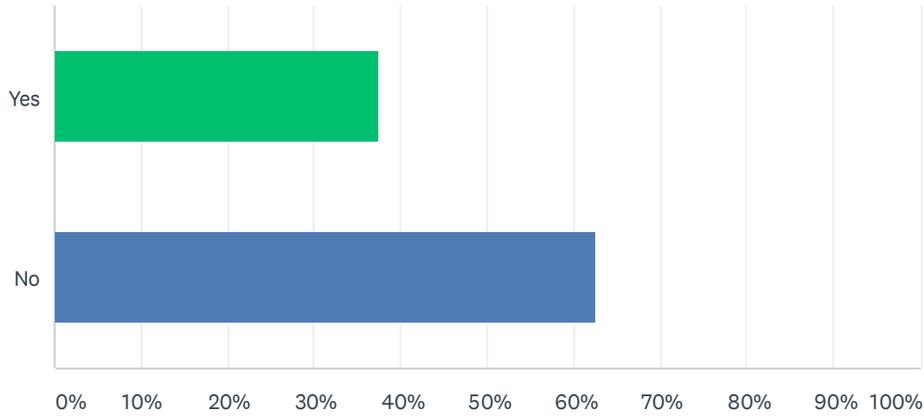
Answered: 162 Skipped: 60



ANSWER CHOICES	RESPONSES	
Yes	93.21%	151
No	6.79%	11
TOTAL		162

Q5 Prior to the Covid-19 pandemic and the suspension of face-to-face customer services in Tameside One in March 2020, did you visit customer services in the previous 12 months? I.e. between April 2019 and March 2020? Please tick one box only.

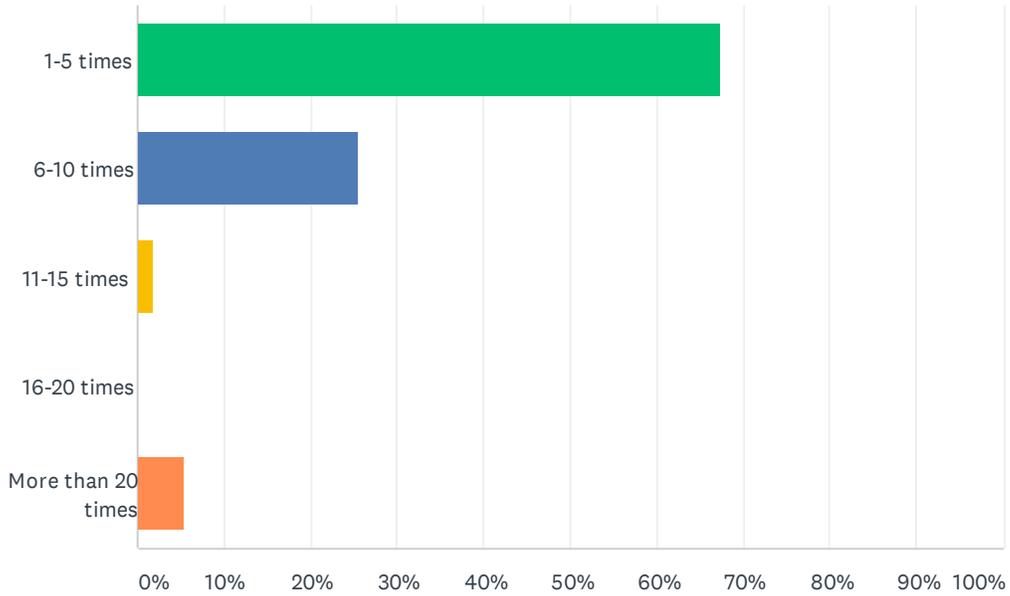
Answered: 160 Skipped: 62



ANSWER CHOICES	RESPONSES	
Yes	37.50%	60
No	62.50%	100
TOTAL		160

Q6 How many times in that previous 12 month period (April 2019 - March 2020) did you use face-to-face customer services? Please give your best estimate.

Answered: 55 Skipped: 167

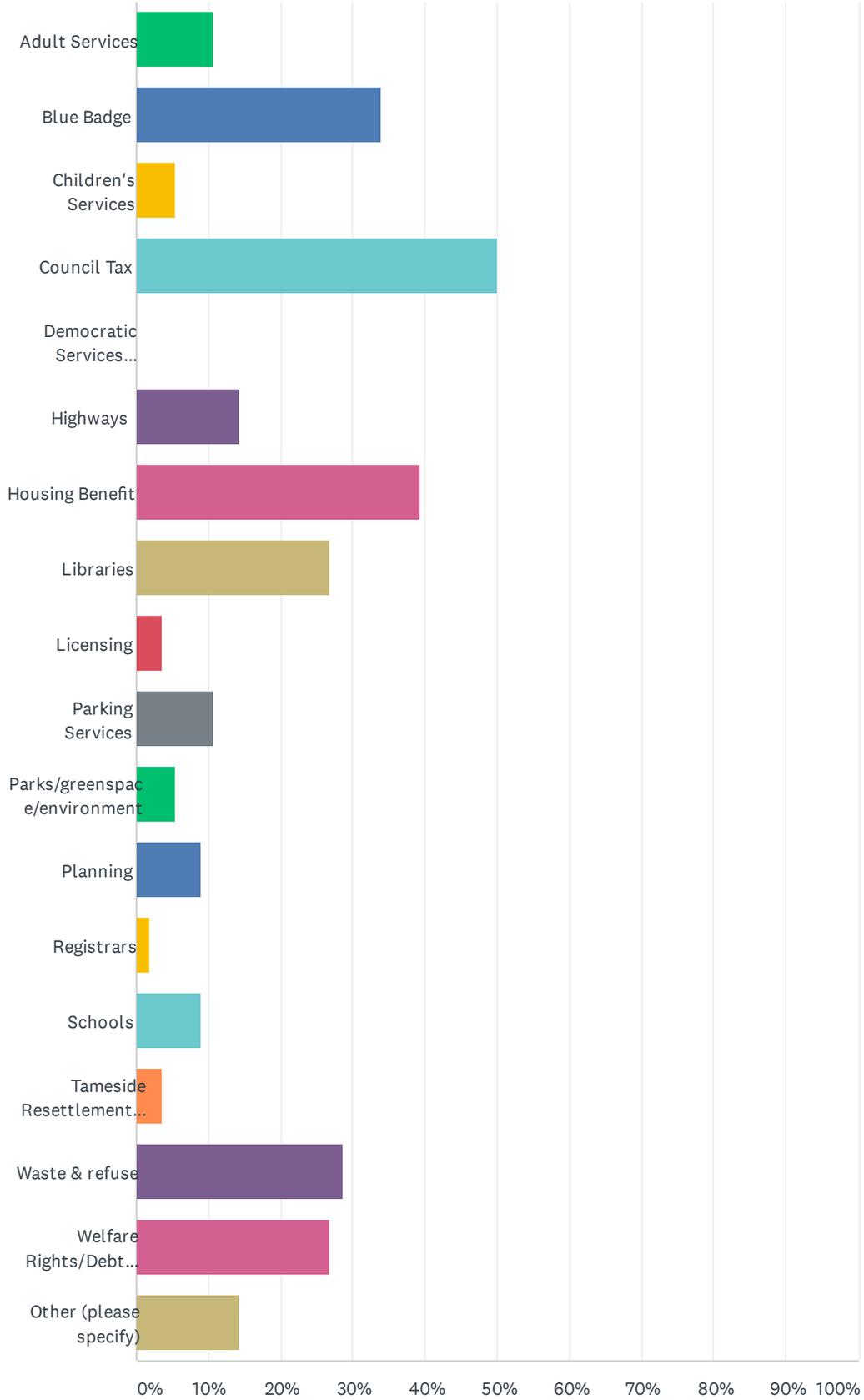


ANSWER CHOICES	RESPONSES	
1-5 times	67.27%	37
6-10 times	25.45%	14
11-15 times	1.82%	1
16-20 times	0.00%	0
More than 20 times	5.45%	3
TOTAL		55

**Q7 Which of the following reasons did you use face-to-face customer services for in the 12 month period between April 2019 and March 2020?
Please tick all that apply.**

Answered: 56 Skipped: 166

Customer Services Review Consultation

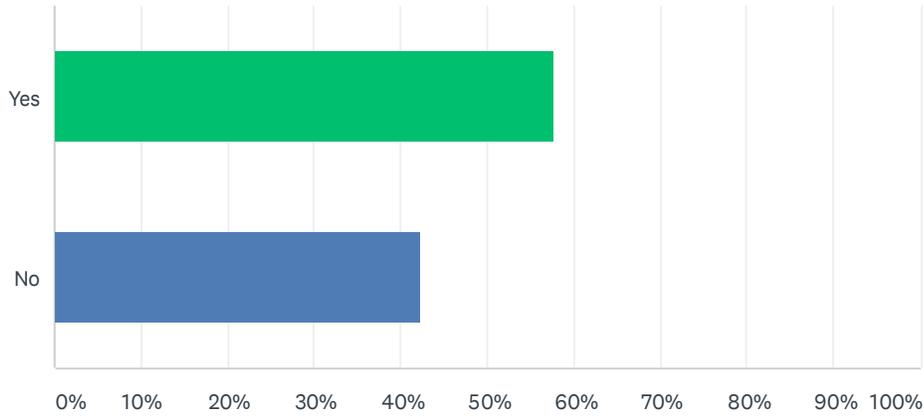


Customer Services Review Consultation

ANSWER CHOICES	RESPONSES	
Adult Services	10.71%	6
Blue Badge	33.93%	19
Children's Services	5.36%	3
Council Tax	50.00%	28
Democratic Services (Elections)	0.00%	0
Highways	14.29%	8
Housing Benefit	39.29%	22
Libraries	26.79%	15
Licensing	3.57%	2
Parking Services	10.71%	6
Parks/greenspace/environment	5.36%	3
Planning	8.93%	5
Registrars	1.79%	1
Schools	8.93%	5
Tameside Resettlement Scheme/ Homelessness	3.57%	2
Waste & refuse	28.57%	16
Welfare Rights/Debt Advice	26.79%	15
Other (please specify)	14.29%	8
Total Respondents: 56		

Q8 Have you needed to access services or assistance from the Council since the beginning of the pandemic (March 2020 to present) i.e. during the time face-to face customer services has been suspended? Please tick one box only.

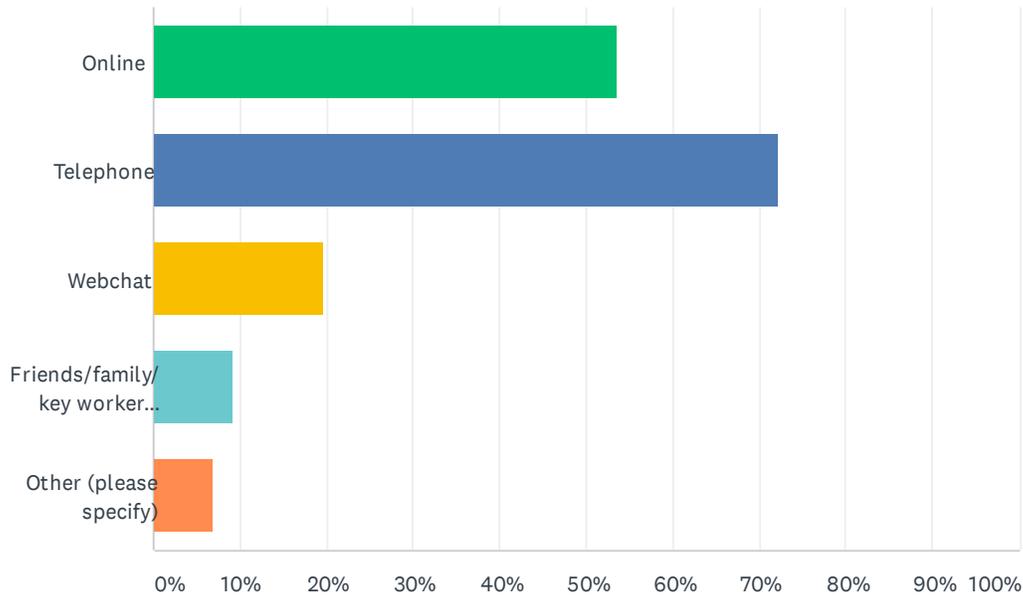
Answered: 154 Skipped: 68



ANSWER CHOICES	RESPONSES	
Yes	57.79%	89
No	42.21%	65
TOTAL		154

Q9 How have you accessed services or assistance from the Council since face-to-face customer services were suspended due to Covid-19? (March 2020- present) Please tick all that apply.

Answered: 86 Skipped: 136



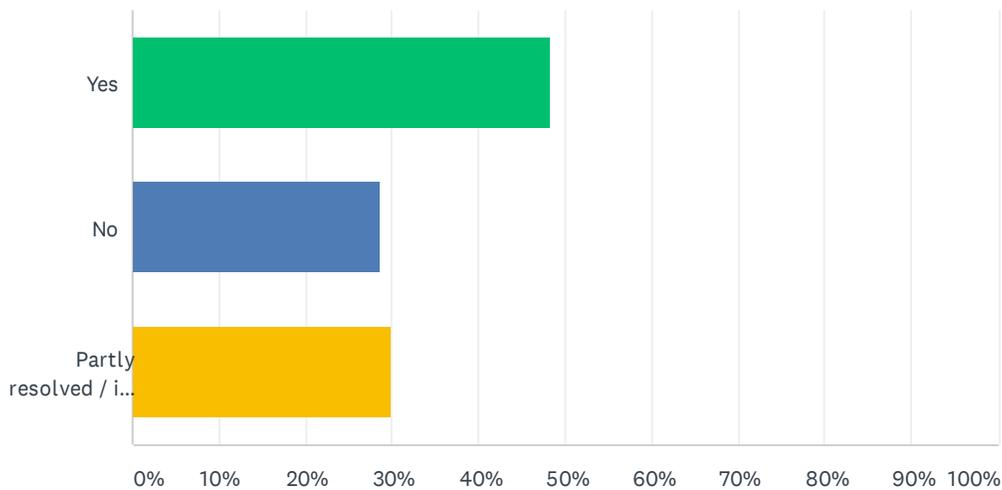
ANSWER CHOICES	RESPONSES	
Online	53.49%	46
Telephone	72.09%	62
Webchat	19.77%	17
Friends/family/key worker helped me	9.30%	8
Other (please specify)	6.98%	6
Total Respondents: 86		

Q10 What was your experience of using these methods of contact? Please describe in the box below.

Answered: 84 Skipped: 138

Q11 When you contacted the Council to access services or assistance via the methods mentioned in Q9, was your query resolved? Please tick all that apply.

Answered: 87 Skipped: 135



ANSWER CHOICES	RESPONSES	
Yes	48.28%	42
No	28.74%	25
Partly resolved / in process of resolution	29.89%	26
Total Respondents: 87		

**Q12 Why were customer services unable to help resolve your issue?
Please give details in the box below.**

Answered: 39 Skipped: 183

Q13 Having read the proposals around how customer services may be delivered in future, please explain how the proposals will impact you / your family or friends / other users of the service. Please give your comments in the box below.

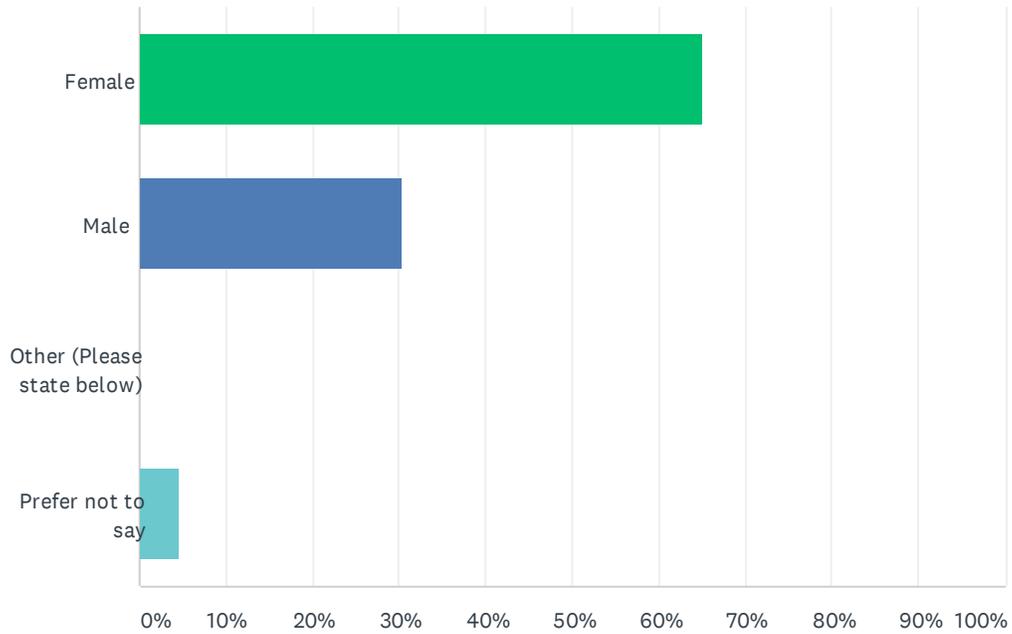
Answered: 142 Skipped: 80

Q14 Please give any other comments you wish to make regarding customer services in Tameside in the box below.

Answered: 91 Skipped: 131

Q15 Are you: (please tick one box only)

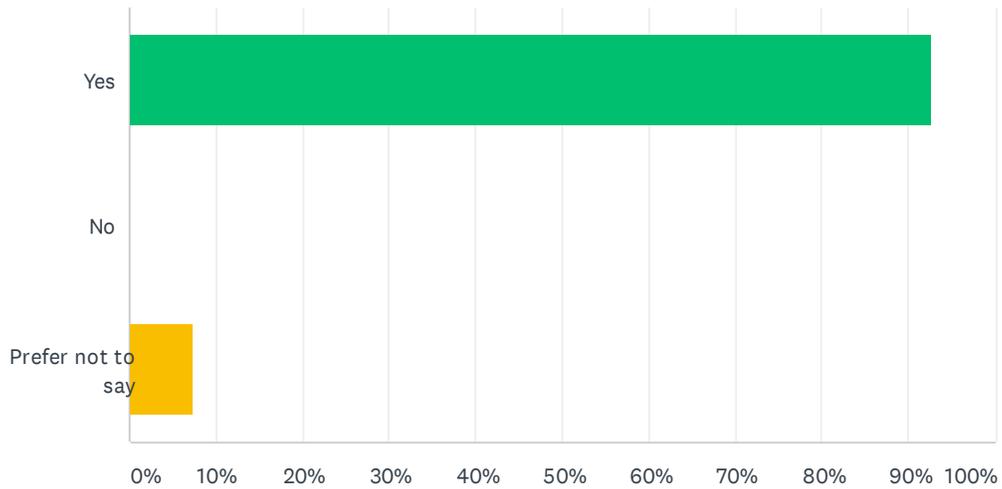
Answered: 152 Skipped: 70



ANSWER CHOICES	RESPONSES	
Female	65.13%	99
Male	30.26%	46
Other (Please state below)	0.00%	0
Prefer not to say	4.61%	7
TOTAL		152

Q16 Is your gender identity the same as the sex you were assigned at birth?

Answered: 149 Skipped: 73



ANSWER CHOICES	RESPONSES	
Yes	92.62%	138
No	0.00%	0
Prefer not to say	7.38%	11
TOTAL		149

Q17 What is your age? (Please state)

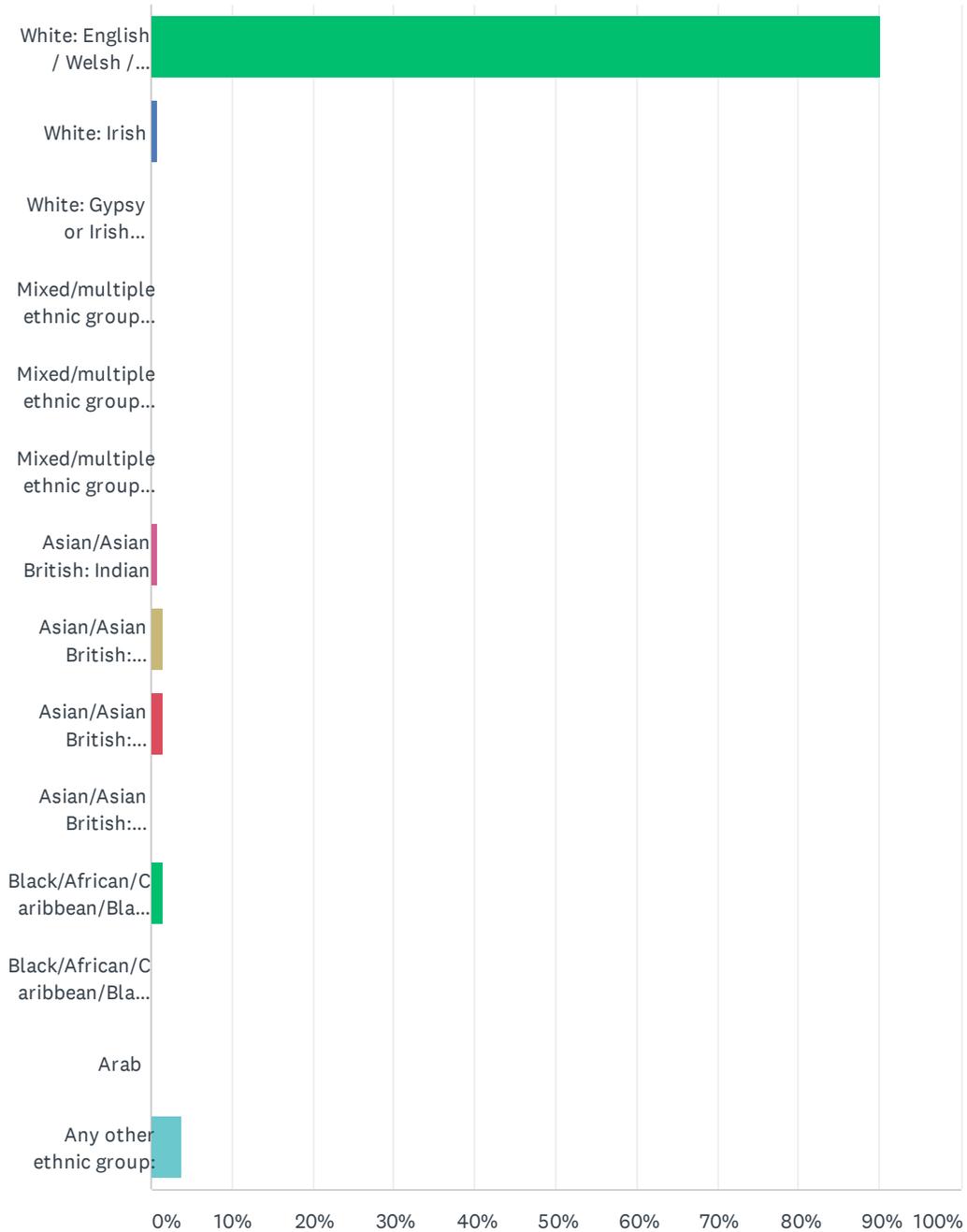
Answered: 149 Skipped: 73

Q18 What is your postcode? (Please state)

Answered: 138 Skipped: 84

Q19 What is your ethnic group? (Please select from the list below)

Answered: 132 Skipped: 90

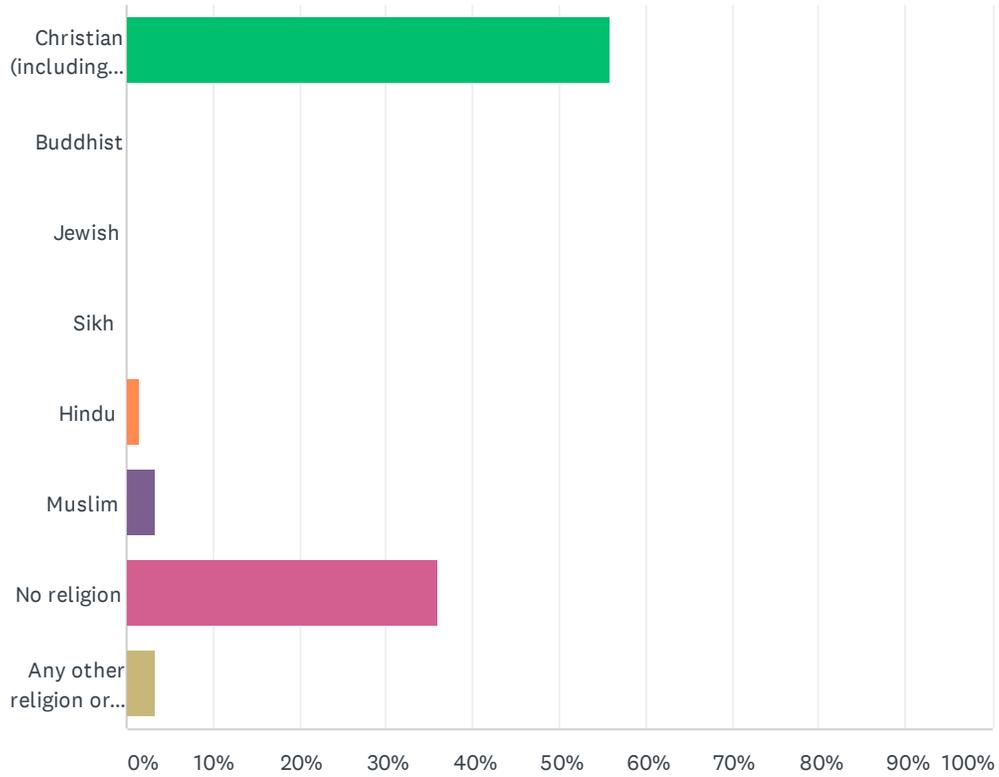


Customer Services Review Consultation

ANSWER CHOICES	RESPONSES	
White: English / Welsh / Scottish / Northern Irish / British	90.15%	119
White: Irish	0.76%	1
White: Gypsy or Irish Traveller	0.00%	0
Mixed/multiple ethnic groups: White & Black Caribbean	0.00%	0
Mixed/multiple ethnic groups: White & Black African	0.00%	0
Mixed/multiple ethnic groups: White & Asian	0.00%	0
Asian/Asian British: Indian	0.76%	1
Asian/Asian British: Pakistani	1.52%	2
Asian/Asian British: Bangladeshi	1.52%	2
Asian/Asian British: Chinese	0.00%	0
Black/African/Caribbean/Black British: African	1.52%	2
Black/African/Caribbean/Black British: Caribbean	0.00%	0
Arab	0.00%	0
Any other ethnic group:	3.79%	5
TOTAL		132

Q20 What is your religion or belief? (Please tick one box only)

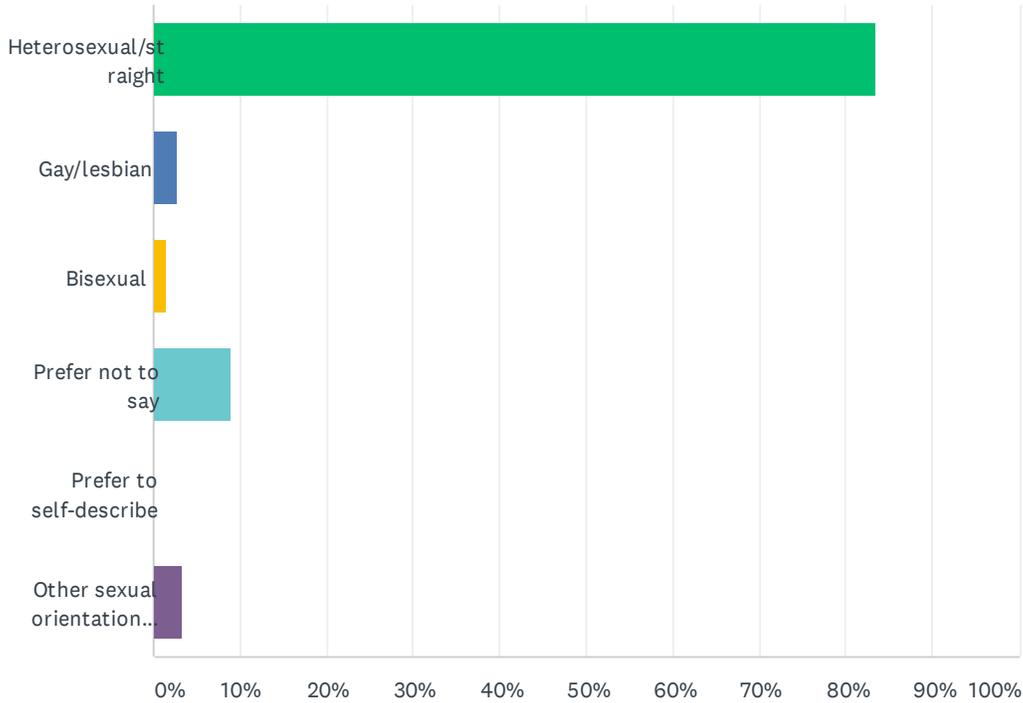
Answered: 147 Skipped: 75



ANSWER CHOICES	RESPONSES	
Christian (including Church of England, Catholic, Protestant and all other Christian denominations)	55.78%	82
Buddhist	0.00%	0
Jewish	0.00%	0
Sikh	0.00%	0
Hindu	1.36%	2
Muslim	3.40%	5
No religion	36.05%	53
Any other religion or belief, please state	3.40%	5
TOTAL		147

Q21 What is your sexual orientation? (Please tick one box only)

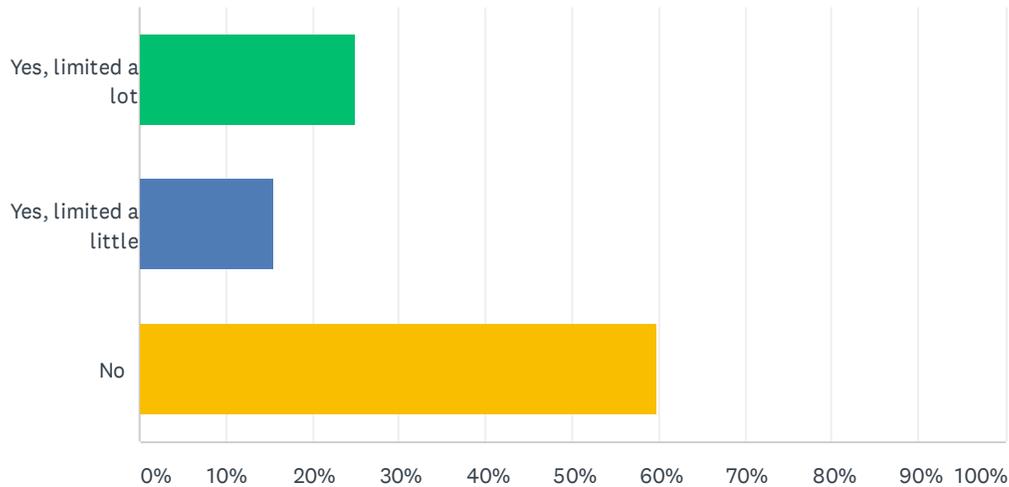
Answered: 145 Skipped: 77



ANSWER CHOICES	RESPONSES	
Heterosexual/straight	83.45%	121
Gay/lesbian	2.76%	4
Bisexual	1.38%	2
Prefer not to say	8.97%	13
Prefer to self-describe	0.00%	0
Other sexual orientation (Please state)	3.45%	5
TOTAL		145

Q22 Are your day-to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age. (Please tick one box only)

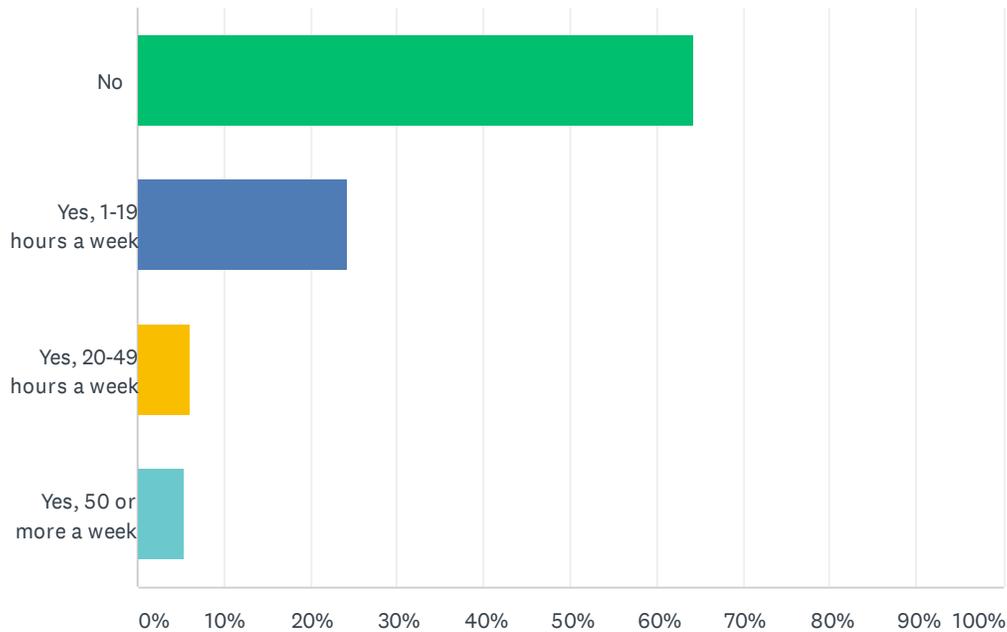
Answered: 149 Skipped: 73



ANSWER CHOICES	RESPONSES
Yes, limited a lot	24.83% 37
Yes, limited a little	15.44% 23
No	59.73% 89
TOTAL	149

Q23 Do you look after, or give any help or support to family members, friends, neighbours or others because of either long term physical or mental ill-health /disability or problems related to old age? (Please tick one box only)

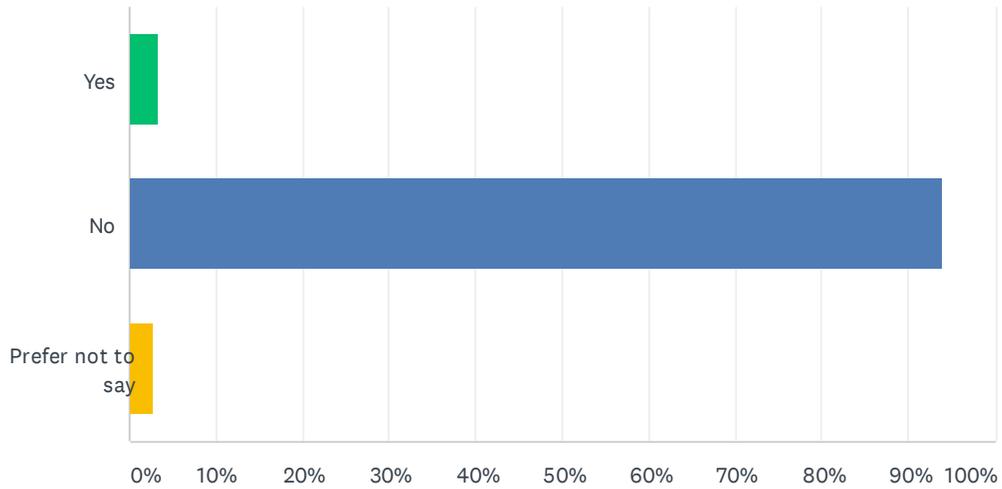
Answered: 148 Skipped: 74



ANSWER CHOICES	RESPONSES	
No	64.19%	95
Yes, 1-19 hours a week	24.32%	36
Yes, 20-49 hours a week	6.08%	9
Yes, 50 or more a week	5.41%	8
TOTAL		148

Q24 Are you a member or ex-member of the armed forces?

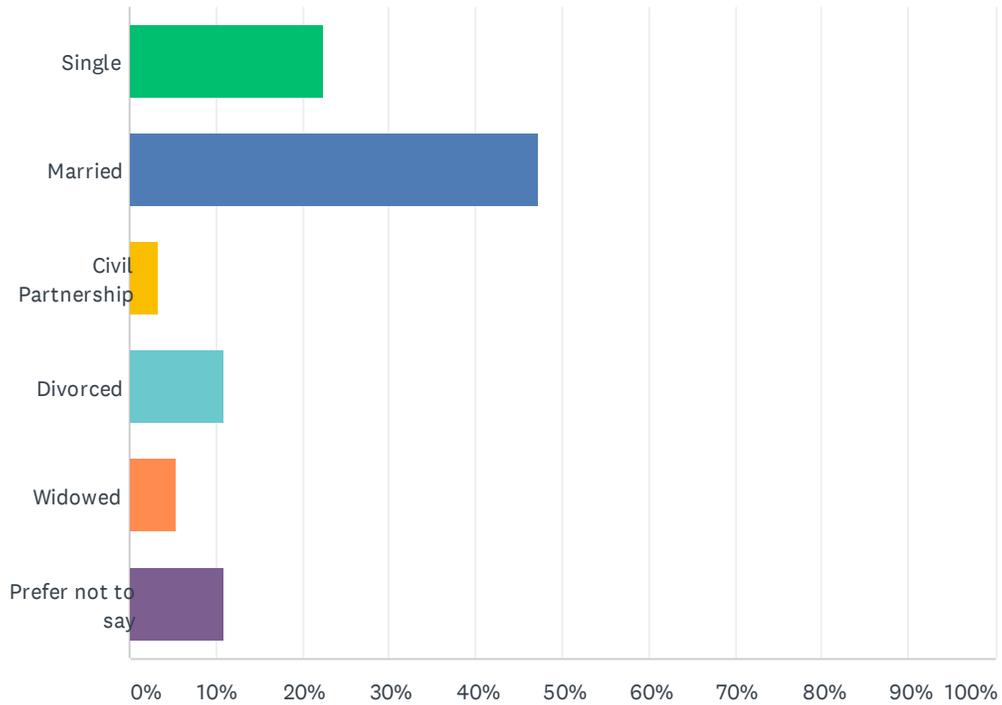
Answered: 147 Skipped: 75



ANSWER CHOICES	RESPONSES	
Yes	3.40%	5
No	93.88%	138
Prefer not to say	2.72%	4
TOTAL		147

Q25 What is your marital status?

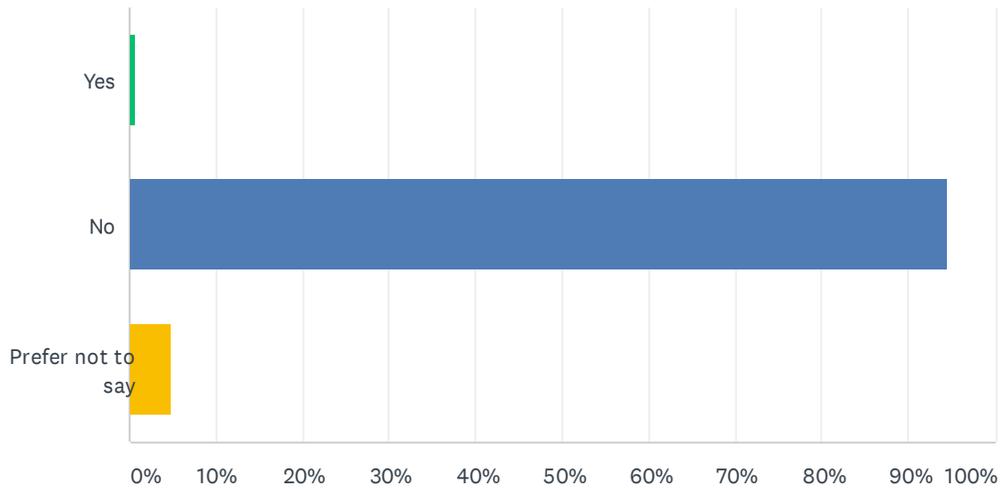
Answered: 148 Skipped: 74



ANSWER CHOICES	RESPONSES	
Single	22.30%	33
Married	47.30%	70
Civil Partnership	3.38%	5
Divorced	10.81%	16
Widowed	5.41%	8
Prefer not to say	10.81%	16
TOTAL		148

Q26 Are you pregnant, on maternity leave or returning from maternity leave?

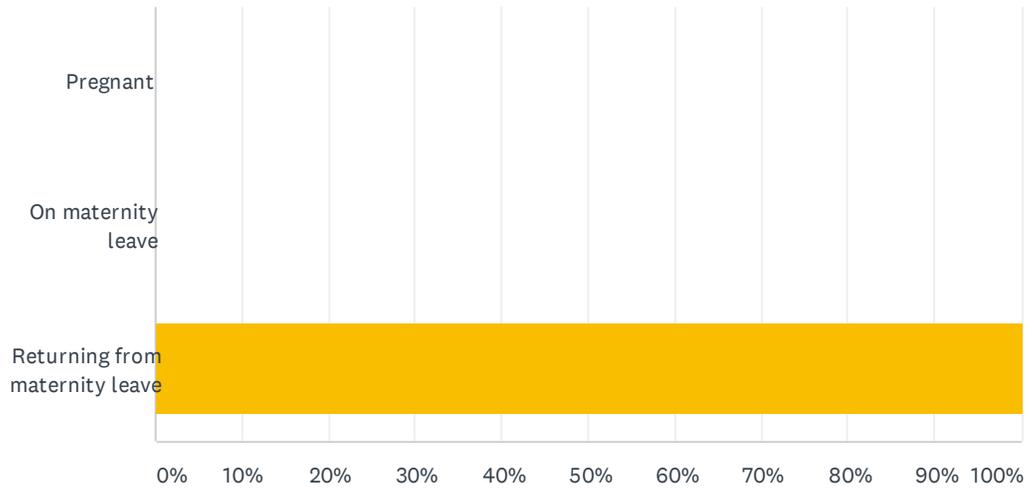
Answered: 147 Skipped: 75



ANSWER CHOICES	RESPONSES
Yes	0.68% 1
No	94.56% 139
Prefer not to say	4.76% 7
TOTAL	147

Q27 If yes, are you:

Answered: 1 Skipped: 221



ANSWER CHOICES	RESPONSES	
Pregnant	0.00%	0
On maternity leave	0.00%	0
Returning from maternity leave	100.00%	1
TOTAL		1

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Subject / Title	New Customer Service Centre Delivery Model		
Team	Department	Directorate	
Customer Services	Cultural and Customer Services	Place	
Start Date		Completion Date	
9 April 2021		18 November 2021	
Project Lead Officer	Mandy Kinder		
Contract / Commissioning Manager			
Assistant Director/ Director	Emma Varnam		
EIA Group (lead contact first)	Job title	Service	
Mandy Kinder	Head of Cultural and Customer Services	Cultural and Customer Services	
Janine Yates	Team Manager Welfare Rights	Cultural and Customer Services	

PART 1 – INITIAL SCREENING

1a.	What is the project, proposal or service / contract change?	A review of the Council's face to face Customer Service function.
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**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

<p>1b.</p>	<p>What are the main aims of the project, proposal or service / contract change?</p>	<p>To consider the current customer service model and propose a more cost effective and efficient model with the ideal being face to face customer service is only provided to those residents that really need it and those that can self-serve and use other more cost effective channels do so.</p> <p>The new proposed model would remove the 'drop-in' facility at Tameside One for the customer services centre.</p> <p>The current customer services model delivers advice at both Level 1 and Level 2. Customer Services Officers, with a higher level of training, would handle all types of enquiries including those categorised as Level 1 (in-depth housing benefit and council tax enquiries) alongside Level 2 enquires (book, pay, request a service and verification of housing benefit documents).</p> <p>In addition to the offer at Tameside One, all libraries in the Borough also offer Level 2 service to customers, including Ashton library, which is also based in Tameside One on the ground floor.</p> <p>To undertake public consultation on the proposed new model.</p> <p>The principles of the proposed model is as follows:</p> <ul style="list-style-type: none"> • Not to re-open the expensive reactive drop in customer service centre based in Tameside One at Ashton in the previous format • retain Level 2 enquiries at all Tameside Libraries • promote, encourage and support a digital first model with the expectation that where possible, residents should self-serve utilising the Council website or other technology such as applications where available • where this is not possible a supported service offer over the telephone, web chat, email etc to assist customers with their enquiries • where more detailed assistance is required e.g. completing a housing benefit application a telephone call back service by appointment would be available • face to face appointments only for the most vulnerable to ensure that residents are able to access services and assistance without disadvantage. These will be bookable via
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**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

		telephone
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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	✓			<p>Some older people may be less likely to access services digitally or have the digital skills to do so and be more reliant on face to face assistance.</p> <p>Resident information from the customer services recording system (NI14) shows 59.23% of customers in 2019/20 were aged under 55 with 40.77% over the age of 55.</p> <p>Data has been considered from Tameside Insight on: Older singles, low income; Older singles, moderate income; pensioners on low income and; affluent pensioners. Specifically, for the purpose of the EIA – preferred method of contact when getting in touch with their local authority. Based on the data available, it shows that there is a mix of preferred methods of contact among older people in Tameside. For example, people falling under the ‘older singles, low income’ category, there is strong preference for face-to-face contact. However, among the other categories there appears to be no strong demand for accessing council services in this way. Other preferred methods are post, and a neutral attitude to telephone contact.</p> <p>UK Government figures estimate that in Jan/Feb 2020, households with one adult 65 years and over have increased by seven percentage points to 80% since 2019.</p>
Disability	✓			<p>Some residents with a disability may struggle to access services both digitally and on the telephone. This may include those who have a learning disability. There would need to be consideration how those with hearing and sight impairments would be able to access services.</p> <p>Resident information from NI14 shows 21.74% of customers in 2019/20 identified as having a disability</p>
Ethnicity		✓		<p>The data we have available suggests that in 2019/20 71.12% of those contacting customer services identified themselves as British, followed by 28.88% identifying as Ethnic Minorities</p>
Sex			✓	<p>This is a universal service to all residents including</p>

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

				those within the protected characteristic groups Resident information from NI14 shows 52.14% of customers are female and 47.86% male
Religion or Belief			✓	This is a universal service to all residents including those within the protected characteristic groups
Sexual Orientation			✓	This is a universal service to all residents including those within the protected characteristic groups
Gender Reassignment			✓	This is a universal service to all residents including those within the protected characteristic groups
Pregnancy & Maternity			✓	This is a universal service to all residents including those within the protected characteristic groups
Marriage & Civil Partnership			✓	This is a universal service to all residents including those within the protected characteristic groups
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Mental Health	✓			People with a mental health issue may struggle to access services digitally and by telephone and may be more reliant on face to face services.
Carers			✓	This is a universal service to all residents including those within the protected characteristic groups
Military Veterans			✓	This is a universal service to all residents including those within the protected characteristic groups
Breast Feeding			✓	This is a universal service to all residents including those within the protected characteristic groups
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/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Low or no income groups	✓			As the majority of the enquiries to customer services are housing benefit/council tax related which affects low income groups there may be some impact. This group are potentially less likely to have funds to secure devices/data/telephone credit to contact the council

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

People whose first language isn't English	✓			Some residents whose first language is not English may struggle to access services digitally and by telephone and may be more reliant on face to face services. Resident information from NI14 in 2019/20 showed 71.12% of customers identifying as British with 28.88% identifying as Ethnic Minorities.
Vulnerable residents	✓			There may be some impact on vulnerable residents who may have difficulty accessing services digitally or by telephone.

"Low or no income groups" should be included as a key consideration when assessing the impact of your project, proposal, policy or service/contract change.

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.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
		✓	
1e.	What are your reasons for the decision made at 1d?	<p>If the proposed service model is implemented it will be on the basis that face to face customer service is only provided to those residents that really need it and those that can self-serve and use other more cost effective channels do so. The expectation will be that customers self-service digitally where possible and if this is not possible then access via more cost effective supported channels i.e. telephone, web chat, email etc is utilised. Face to face would only be for those customers where other channels are not appropriate.</p> <p>This may impact older people who are not as familiar with digital technology, those with a disability or people who do not have English as their first language.</p> <p>By removing the 'drop-in' facility for customers, it should be considered how those residents with a protected characteristic are able to access the service, and in particular how they can access a face to face appointment if this is required. Any concerns raised through the consultation should be considered.</p> <p>The consultation needs to take account of people with these protected characteristic to ensure they have equal access to services.</p>	

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

2a. Summary

Prior to the Covid 19 pandemic face to face customer services was offered on a reactive drop in basis from level one of Tameside One in Ashton. The opening hours were:

Monday – Wednesday 8.30am – 5.00pm

Thursday - 8.30am – 4.30pm

Friday – 8.30am – 4.00pm

Customer Services Officers, with a higher level of training, would handle all types of enquiries including those categorised as Level 1 (in-depth housing benefit and council tax enquiries) alongside Level 2 enquires (book, pay, request a service and verification of housing benefit documents).

In addition to the offer at Tameside One, all libraries in the Borough also offered Level 2 service to customers, including Ashton library, which is also based in Tameside One on the ground floor.

The face to face customer services function at Tameside One in Ashton has been suspended for almost two years due to the Covid 19 pandemic. During this time, residents have had to make contact with the Council via other channels including telephone, web chat, on-line etc. Customer Service Officers have been assisting residents to complete claim forms for Housing Benefit and Council Tax Support over the telephone rather than face to face.

Another consequence of the coronavirus has meant that this is one of the most difficult budget rounds ever as the pandemic has led to a large increase in spending, as well as a significant reduction in revenue.

The face to face Customer Services function is the most expensive provision when compared to on-line and telephone/web chat, yet it serves the fewest customers. Analysis of the enquires received at Ashton Customer Service Centre during the 12 months prior to Covid 19 indicate that nearly 66% were general level enquiries and only 34% were higher level enquiries. During normal operating times, all libraries can assist with general level enquiries, meaning that customers who are travelling to Ashton could possibly seek assistance at a venue closer to their home. Also, many level 2 enquiries can be dealt with over the phone, via web chat or email.

As protectors of public funds, it is incumbent upon all council services to review the service provision from time to time and ensure services are cost effective whilst meeting residents' needs. The Covid-19 pandemic has created a unique circumstance where change has been accelerated at pace and this change has led to many residents becoming less reliant on face to face services. These circumstances should be capitalised upon when determining future service provision rather than simply returning to the previous landscape.

Based on this, it was proposed that the council undertake a review of the face to face Customer Service provision.

The ideal would be that expensive face to face customer service is only provided to those residents that really need it and those that can self-serve and use other more cost effective channels do so.

The main drivers for a review:

- Covid-19 and the health and safety of residents and staff with the likelihood that

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

we will be living with Covid for the foreseeable future

- Using learning from the lockdown to shape the future service and build back better
- A desire to improve and modernise the service offer to residents
- Improvements in technology and on-line support
- Understanding that visiting Ashton is not always the most convenient or cost effective for residents
- Take into consideration vulnerable customers to ensure they can access services and do not suffer any detriment
- Use the limited resources in the best way possible and ensure the most cost effective delivery model which also meets residents requirements

The proposed service model for the future would be based on providing the most appropriate access channel according to customers' requirements and would be very similar to the current offer but with the addition of face to face contact where necessary and only for those where other channels would not be suitable. The principles would be:

- retain Level 2 enquiries at all Tameside Libraries
- promote, encourage and support a digital first model with the expectation that where possible, residents should self-serve utilising the Council website or other technology such as mobile applications (Apps) where available
- where this is not possible a supported service offer over the telephone, web chat, email etc to assist customers with their enquiries
- where more detailed assistance is required, for example completing a housing benefit application, a telephone call back service by appointment would be available
- face to face appointments only for the most vulnerable to ensure that residents are able to access services and assistance without disadvantage. Appointments will be bookable by telephone
- not to re-open the expensive reactive drop in Customer Service centre based in Tameside One at Ashton in the previous format

Executive Cabinet agreed on 23 June 2021 that public consultation on the proposed new delivery model should be undertaken. The consultation took place between 28 June 2021 and 19 September 2021 and subsequently, taking into account the feedback received, proposals for the new customer service centre delivery model have been developed. This EIA has been updated to reflect the consultation process, the proposals which have been developed and the impact on customers.

From the initial screening the protected characteristics of age, disability, ethnicity and mental health, and the locally determined characteristics of low or no income groups and people whose first language is not English were identified as being potentially impacted by the proposals. Therefore, a full Equality Impact Assessment was undertaken to investigate these impacts in further detail and decide whether they can be justified if sufficient mitigations are put in place.

To ensure these groups' views were represented during the consultation, there was continual monitoring of responses received throughout the consultation period. This monitoring enabled further promotion of the consultation to be undertaken with any specific groups that appeared to be under-represented from the overall survey sample

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

Following the consultation, it has been determined that an additional group, 'vulnerable residents' should be included in the EIA as a group potentially affected by the proposals.

2b. Issues to Consider

The issues to consider are the impact that the changes to the face to face customer services will have on customers in respect of the protected characteristics of age, disability, ethnicity, mental health, and the locally determined characteristics of low or no income groups, people whose first language is not English and vulnerable residents. The EIA will examine the equalities impact in terms of the proposed changes to the face to face customer service.

In the initial draft EIA, the main issue to consider was to ensure that the diverse population within the Borough were able to access the consultation and have their views taken into account, having due regard to the Equality Act.

Consultation, engagement & feedback

Public consultation on the potential future model for the delivery of customer services was undertaken over a 12 week period between 28 June and 19 September 2021.

The consultation was in the form of a standard questionnaire with an introduction to explain the reasons for the proposed changes followed by a series of questions to seek relevant views, which would be used to shape the future provision of the service. Additionally the survey contained free format text boxes to seek more detailed views from responders.

The questionnaire was available digitally through the Council's Big Conversation process, which allowed the results to be captured and evaluated in a consistent manner. Consideration was given to those residents in protected characteristic groups in ensuring they knew about the consultation and were able to complete the questionnaire, in particular during the Covid 19 pandemic when many face to face services were closed to the public. The consultation pack was also available in paper format from all libraries with posters promoting the consultation displayed in libraries with staff actively encouraging people to complete the questionnaire and express their views.

Staff were available in libraries to assist people to complete the questionnaire if this was required, covid restrictions allowing. Assistance was also offered by telephone through the contact centre to help people complete the questionnaire. In order to seek the views of residents currently using the Customer Services facility, officers made residents aware of the questionnaire during telephone appointments and offered assistance to complete where this was required.

The following channels were used to communicate to the public and wider stakeholders (including staff) that the consultation was taking place:

- Press release
- Tameside Council website
- Chief Executive's Brief
- Leaders blog
- Twitter
- Citizen – Summer 2021 edition
- Facebook
- Partnership Engagement Network

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

- Healthwatch Tameside
- Inequalities Reference Group
- Independent Advisory Group
- Information Ambassadors Network Mailing List

In addition to promotion through the above channels, the consultation was also promoted in other ways. These include via:

- Partnership Engagement Network workshop delivered on 1 July 2021 – a network of 390 contacts; public, patients, stakeholders, partners and voluntary and community sector
- Council departments where customer services had assisted their customers prior to Covid-19. Dedicated meetings arranged for those services that wished to express views
- All Council Assistant Directors and Service Unit Managers asking for their views and also that they circulate a link to the consultation to staff and service users
- Elected Members and MP's by way of a briefing note and link to the consultation

Staff in Customer Services and Libraries were encouraged to complete the survey so that their perspective could be included in the evaluation.

The consultation was shared via existing groups, networks and services including organisations that support people in protected characteristic groups. A full list of all the organisations contacted can be found below at **Appendix 1**.

A total of 222 responses to the survey were received along with additional comments by email and three engagement sessions were undertaken. All views from the consultation responses and engagement sessions have been fully considered as part of evaluation process.

With regard to ethnicity, 132 people answered the question. Of these, the large majority 90.15% (119) classed themselves as White British, 1.52% classed themselves as Asian Bangladeshi and 1.52% of respondents classed themselves as Asian Pakistani. This is different to the balance of the wider Tameside population where 88% of residents identify as White British, 2% as Asian Bangladeshi and 2.2% as Asian Pakistani. Customer Services user data indicates that just 0.28% of its customers identified as Asian Bangladeshi and this group was therefore over represented in the survey results. As comparison however, 10.52% of customers to the service identified as Asian Pakistani and therefore further contact was undertaken during the consultation period with organisations representing BAME groups. Diversity Matters North West, Community Champions and Action Together were contacted to further promote the survey with their members to encourage responses.

149 people answered the question regarding whether their day-to-day activities were limited by a health problem or disability. Of these, 40.27% (60) stated that their activities were limited a little/a lot. This is higher than the wider Tameside population of 21% people in Tameside have a disability that affects their day-to-day life.

A quarter of survey respondents (25.17%) were aged between 30 - 44 years age which is a reasonably representative sample compared to the wider Tameside population of 19.39% and customer services data held of 31.29%.

Individuals in the older age bracket were over-represented in the sample with over a third (35.66%) of respondents indicating they were over 60 years of age, compared to 23.38% in the wider Tameside population. In comparison, customer service data held on previous users of the service indicated that 23.45% of customers were aged over 60 years of age.

In summary, the survey responses relevant to the EIA show that a representative sample was achieved in the protected characteristic groups of older people and disability. Some respondents did directly

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

address mental health groups within comments received and therefore this group may be included within the disability group responses. Ethnicity and people whose first language is not English were under-represented in the sample despite efforts being taken during the consultation period to increase responses from these groups. Of the few comments received, this has been addressed within the report, specifically for those customers whose first language is not English. An appointment would be offered and if the person were unable to bring someone with them to assist in their appointment, suitable interpretation services would be organised. Although carers were not an identified group within the EIA, they were well represented within the survey sample (35.81%) and very likely are supporting vulnerable residents who may be impacted by the proposals.

The full percentages of responses from each demographic group compared to the Tameside population are in the table below. Where available, customer services user data has been included for further comparison.

Demographic	Customer Services Consultation Results	Customer Services Data	Tameside figures
Sex	Female 65.13%	Female 52.14%	51% female
	Male 30.26%	Male 47.86 %	49% male
	Prefer not to say 4.61%		
Age Group			
26-29	2.80% (4)	4.90%	5.35%
30-44	25.17% (36)	31.29%	19.39%
45-49	11.89% (17)	15.51%	6.46%
50-54	12.59% (18)	12.25%	7.28%
55-59	11.89% (17)	11.45%	7.12%
60-64	13.29% (19)	7.30%	5.78%
65-69	8.39% (12)	8.60%	4.86%
70-74	6.29% (9)	5.10%	4.99%
75-79	5.59% (8)	1.70%	3.47%
80-84	0.70% (1)	0.38%	2.37%
85+	1.40% (2)	0.37%	1.91%
Ethnic group	White British 90.15%	British 71.12%	White British: 88%
	White: Irish 0.76%	Pakistani 10.52%	
	Asian Pakistani: 1.52%	African 0.67%	Asian Pakistani 2.2%
	Asian Bangladeshi 1.52%	Other White Background 0.37%	Asian: Bangladeshi 2%
	Asian Indian: 0.76%	Bangladeshi 0.28%	
	Black British: African: 1.52%	Other Asian 0.27%	
	Any other ethnic group: 3.79%	Indian 0.19%	

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Day-to-day activities limited by health problem/disability	Yes (limited a little/a lot) 40.27%	Yes 21.74%	21% people in Tameside have a disability that affects their day-to-day life
	No 59.73%		
Do you look after/give support to family members etc.	No 64.19%		11% people in Tameside have caring responsibilities
	Yes 35.81%		
Do you have access to the internet at home?	Yes 93.21%		93% of people in Greater Manchester had used the internet in the past 3 months
	No 6.79%		

2c. Impact/Relevance

The new model will encourage a self-serve digital approach and retain other supported channels (telephone, web chat and email) for those who need additional assistance. Telephone and face to face appointments would be accessible in the new model.

It is not proposed to remove the face to face customer service facility, but to replace the reactive drop in service with an appointment system delivered either by telephone or face to face.

Face to face contact is in some instances a matter of preference for the customer. However, for certain groups it is a necessity, for example particular customers who find it difficult to complete forms without assistance, or if the query is particularly complex or there are multiple issues. This may include, amongst others, elderly customers, customers with language barriers and customers with a disability. In addition, there are customers who do not fall into these groups but would still have difficulty completing transactions either by phone or on the internet. This may include those on very low income who have no access to the internet or phone credit to use the telephone. It was imperative that the views of these customers were received during the consultation in order to understand how the proposals may affect them.

As the proposals remove the customer services drop-in, any concerns raised in the consultation around how people would be able to make a face to face appointment should be considered, particularly those in a protected characteristic group who may struggle using the internet or telephone.

Based on the consultation findings, it is anticipated that the changes will not affect the general population, but may affect older people, people with mental health issues, those who have digital access issues and those with disabilities. A high number of comments referred to 'vulnerable residents' and how the proposals would adversely impact them. When asked how the proposals may affect you, family, friends or others in question 13, out of 142 comments received, 18% (26) had concerns about older people, 13% (19) vulnerable residents, 6% (8) disability, 2% (3) mental health and one comment raised concerns for those without English as a first language. Similarly, in question 14 when asked if there were any final comments to make about customer

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services, 91 comments were received; 13% (12) had concerns about the vulnerable, 4% (4) disability, 3% (3) older people, and one comment raised concerns about people with mental health.

- The majority of comments received highlighted the need to retain a face to face customer service. In particular, for people who struggle to use technology, those with mental health issues and for people who need another person to support them
- Concerns raised about those people who are digitally excluded e.g. older people, people with no internet access or suitable device
- Some older people may be less likely to access services digitally or have the digital skills to do so and be more reliant on face to face assistance.
- Concerns about how people, especially the vulnerable will access an appointment and the importance of allowing professionals supporting others to make appointments on their behalf.
- People with disabilities may have difficulties using telephone/on-line methods and will still need to access services face to face e.g. hearing/visual impairment, mental health, elderly. Some customers will be unable to access remote methods due to literacy issues.
- Concerns that any changes to the service could cause the vulnerable to slip through the net/cause stress.
- Some residents whose first language is not English may struggle to access services digitally and by telephone and may be more reliant on face to face services

Digital exclusion/access

93.21% of respondents to the survey indicated that they had access to the internet at home using a suitable device. This is slightly greater than ONS data for Greater Manchester whereby in quarter 1 of 2020, 93% of people had used the internet in the last 3 months or prior to that.

Prior to Covid, 37.91% of survey respondents had previously accessed the service through on-line methods. A number of responses (33) from the consultation did however highlight concerns about residents who were unable to use technology or digitally excluded. These included the elderly who cannot use digital services or find it more difficult to adapt to on-line services. Other comments related to those without access to the internet or a suitable device. Respondents had concerns around customers with disabilities such as hearing and visual impairments, mental health and those with literacy issues who may have difficulties using on-line methods and will still need to access face to face services.

Accessibility to services is important to those digitally excluded. Free PC access is available at libraries if people are able to use digital means and library staff can assist help people get on-line.

If a person is not able to self-serve then a face to face or telephone appointment can be made via library staff, email or by telephoning customer services.

Telephone access

Responders to the survey indicated that telephone was the most used way of contacting the Council for service both before (60.19%) and since the start of the pandemic (72.09%). Some respondents who had chosen this method of contact stated that they had done so because it was easier, quick and less effort than making a journey for face to face contact. Others said that accessing the service by telephone had been ineffective with some enquiries not fully resolved and some calls not returned.

People with disabilities may have difficulties using the telephone and will still need access to a face to face service. Some people, including the elderly can get anxious or lack confidence in using the telephone.

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Currently the service is being delivered remotely by customer services. The service has been providing telephone appointments for housing benefit and council tax support claim forms with approximately 15 claims being made each week. The customer services officers assisting with these enquiries are of the view that around 25% of customers assisted would have benefited from a face to face appointment had this been available.

For those people who struggle using the telephone and require a face to face appointment, this will be accessible via library staff or by emailing the service. If the person is supported by a professional, appointments can be booked on their behalf.

Face to face appointments

Face to face customer services has been suspended for almost two years due to the pandemic. The proposed new model replaces the drop in service with an appointment system.

The consultation responses (96) overwhelmingly support that a face to face customer service be retained under any new model. A small number of respondents (9) indicated there is still a need for drop in without the need to book an appointment. Any customers, including more vulnerable residents, can drop into any library with level 2 enquiries for a face to face service or if the customer requires a face to face appointment with customer services then this can be arranged.

Respondents indicated that a face to face service is needed for elderly, visually impaired, hard of hearing, mental health, vulnerable and for those who need the support of another.

The new model would retain the face to face service for those customers that require this with appointments bookable by telephone, email or via the library. Depending on the needs of the customer, appointments will be delivered either by telephone or face to face.

Communication, triage and appointments

Concerns were raised in the consultation around how the new service model would be communicated and how appointments would be accessed.

Communication around how to access an appointment will be particularly important. This will be cascaded through the council's communication channels and via partner organisations/community groups. Libraries will also act as a communication channel to inform residents how they can access the service including arranging a face to face or telephone appointment where required.

The triage and appointment booking process for either a telephone or face to face appointment will be administered via Customer Services. Customers will be able to access the triage and appointment booking process in a number of ways; by visiting any library, by telephoning customer services directly on a dedicated number or by email. It is envisaged that a discussion with the customer will take place during triage to establish the channel of access that best suits the customer needs. Referrals will also continue to be taken from other services such as the council's Exchequer service for those customers who require an appointment. Face to face appointments are expected to be delivered from Tameside One in Ashton.

Appointments will be organised to ensure that customers are seen promptly and staffing levels will be closely monitored to accommodate this. This will be particularly important to ensure that residents maximise any potential entitlement to housing benefit and/or council tax support. Processes will be in place to protect the start date of a claim and it is envisaged that if there were capacity on the day that someone presents for an appointment, then this would be facilitated.

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Professionals supporting vulnerable residents will be able to request an appointment on a person's behalf.

Conclusion

Since the start of the pandemic people have accessed the service mainly by telephone and through on-line methods. The proposed new model for customer services will include a mix of different ways to contact the service with appointments offered either by telephone or face to face. This is an increased offer compared to how the service was delivered prior to the pandemic.

Considerations have been made regarding the impact that the proposals may have on residents and mitigations are detailed in the section below.

The proposed new customer service model and in particular the triage and appointment booking system will be kept under review and closely monitored to ensure quality of service and that vulnerable residents are able to access appointments. A further report will be presented to Executive Cabinet after 12 months of operation with the results of the review.

2d. Mitigations (Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)	
<i>Residents are not able to access the consultation due to no access to the internet</i>	Posters and paper copies of the consultation will made accessible in libraries and help provided from library staff where required
<i>Residents without digital skills who require assistance to complete the questionnaire</i>	Help is available through the contact centre to complete the questionnaire.
<i>Protected characteristic groups do not know about the consultation</i>	The consultation will be accessible digitally through the Big Conversation, with paper copies of the survey made available in libraries. Posters will be displayed in libraries to let people know about the consultation. The consultation will also be promoted by customer services officers whilst carrying out telephone appointments. The consultation will be promoted through the PEN, Social Media channels, Registered Providers, Public Health, Action Together, Citizens Advice and Community and Voluntary Sector organisations.
<i>Protected characteristic groups do not know how to access the service</i>	Should the proposed new service model be implemented, communication with residents and potential service users would be required. Publicity would be undertaken through libraries, social media channels, and the council website. Partner organisations such as registered housing providers, community and voluntary sector via Action Together and internal networking groups such as the Information Ambassador Network would be asked to assist in circulating information on the new service provision. The publicity campaign would provide details on how customers can access services including on-line, telephone and face to face.
<i>Protected characteristic</i>	The most vulnerable will be supported to access the service by staff in libraries and through the councils contact centre. If an appointment is

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<i>groups do not know how to access an appointment</i>	required then contact will be made with customer services and either a telephone or face to face appointment will be arranged. Professionals supporting customers will also be able to access an appointment on their behalf.
<i>Protected characteristic groups unable to use digital channels</i>	Face to face customer services will be retained and an appointment can be made to see a Customer Services Officer. Customer services can also be accessed by dropping into any library in the Borough where the majority of level 2 customer services enquiries can be handled. Library staff will also be able to access an appointment for those customers where that is the contact method required. This appointment could be arranged either via telephone or face to face. Appointments can also be accessed by telephoning the dedicated customer services line or by email.
<i>Residents with low income without access to the internet</i>	Free PC access is available at libraries if people are able to use digital means. Alternatively, telephone access is available and face to face appointments where this is the most appropriate contact channel for the customer
<i>Residents with low income without access to a telephone</i>	Free PC access is available at libraries if people are able to use digital means. For those residents who need a face to face appointment, this can be arranged either by email or through any of the libraries in the Borough.

2e. Evidence Sources
<ul style="list-style-type: none"> • NI14 data – this is the customer services database which includes number and type of enquiry along with demographic data - ethnicity/age/disability and gender • Anecdotal evidence from the officers who work in customer services as well as colleagues in welfare rights and exchequer who have been making referrals to customer services for residents who require assistance during covid-19. • Internet access – households and individuals, Great Britain - Office for National Statistics (ons.gov.uk) • https://www.tameside.gov.uk/TamesideMBC/media/policy/Equality-and-Diversity-Profile-Tameside-v9.pdf • Consultation exercise June – September 2021 • Data collected within the service of telephone appointments undertaken since 26 January 2021

2f. Monitoring progress		
Issue / Action	Lead officer	Timescale
<i>Required</i>	<i>Required</i>	<i>Required</i>

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Signature of Contract / Commissioning Manager	Date
Signature of Assistant Director / Director	Date

**Appendix 1
Customer Services Consultation Engagement Plan**

Group
Tameside and Glossop Partnership Engagement Network
Inequalities Reference Group
Independent Advisory Group
Information Ambassadors Network
Diversity Matters North West
Community Champions
Tameside Carers Association/Carers Centre
Action Together
The Grafton Centre
Age UK Tameside
Tameside and Glossop MIND
West African Group
Anthony Seddon Fund
Welfare Rights Service
Revenues & Benefits
Planning
Citizens Advice
Department for Work & Pensions
Social landlords (all) and homelessness services
Mint
Tameside Housing Advice
Parking Services
Tameside Resettlement Scheme
Adult Social Care
Children's Services
Democratic Services
Street Scene
Waste Services
Planning
Education Admissions
Environmental Health
Highways
Assistant Executive Directors/Service Unit Managers
Elected Members/MPs
Cashbox Credit Union
Community Mental Health Team
Foodbanks
Employment and Skills

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Equality Impact Assessment (EIA) Form**

Change Grow Live
Community Safety

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Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member/Reporting Officer:	Councillor Bill Fairfoull, Deputy Executive Leader Tony Decrop, Assistant Director of Children's Services
Subject:	FOSTER CARER OFFER CONSULTATION REPORT
Report Summary:	This report provides an update on the outcome of the Foster carer offer public consultation.
Recommendations:	<p>That Executive Cabinet be recommended to agree:</p> <ul style="list-style-type: none">(i) That the proposals for the foster carer offer from the report agreed at Executive Cabinet on the 28 July 2021 are approved as the Final offer taking into account consultation comments and affordability.(ii) The Equality Impact assessment is noted and the implementation delivery plan agreed.(iii) The cost in the current year is financed from the central contingency and future years included in the Medium Term Financial Plan (MTFP).
Corporate Plan:	The review of the Foster Carer offer is in line with the corporate plan in terms of ensuring that children who become cared for after are able to remain in Tameside with Tameside foster carers. Children therefore continue to be a part of their own communities despite not living within their birth families. This offer will have direct impact on reducing the number of children placed externally and outside of the borough.
Policy Implications:	In line with Policy and Financial Framework
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The report of the 28 July 2021 set out the basis of consultation for this report.</p> <p>The financial implications outlined in the July report, that an estimated increase in budget of £686k to for the foster care element and £476k for the impact of Special Guardianship carer's (SGO). This would be an increase of £1.162m.</p> <p>Budget has been set aside in the council MTFP for this which creates a pressure that would need to be mitigated by other cost savings should members approve this report.</p> <p>It is estimated point where the cost becomes cost neutral would be once we had created additional foster care placements of 5, expected to be 2 IFA's and 3 residential placements conversion. The service expects this to be achieved alongside other placement reductions by 2023/24.</p> <p>Each carer and SGO would need to be assessed for the relevant skills levels before progressing through the levels for increased payments. It is recommended that once the assessment has taken place, that budget is awarded on an actual basis.</p>

Legal Implications (Authorised by the Borough Solicitor)

All foster carers receive an allowance for each child they foster. The amount depends on the age of the child, and is paid per day or per week depending how long the child is in the care of a foster family.

The basic allowance is to cover food, clothing, pocket money, a contribution towards housing costs such as household bills and other expenses associated with day-to-day living. Foster carers also receive set allowances to cover “additional costs” such as caring for a child over Christmas or another significant religious festival and the child’s birthday.

The National Minimum Standards for Fostering 2002 provide for payment of an allowance to foster carers. Standard 28 provides:

- Each foster carer receives at least the national minimum allowance for the child, and any necessary agreed expenses for the care, education and reasonable leisure interests of the child, including insurance, holidays, birthdays, school trips, religious festivals etc., which cover the full cost of caring for each child placed with her/him.
- Payments of allowances and any fees paid are made promptly at the agreed time and foster carers are provided with a statement of payment at the end of each tax year.
- Allowances and any fees paid are reviewed annually and the fostering service consults with foster carers in advance of any change to the allowance and fee.
- The fostering service advises foster carers of financial and other support that is available to foster carers where a child remains with them after they reach the age of 18 or where they care for/provide a home for a child and their parent(s).
- There is a clear and transparent written policy on payments to foster carers that sets out the criteria for calculating payments and distinguishes between the allowance paid and any fee paid. The policy includes policy on payment of allowances and any fee during a break in placement or should the fostering household be subject to an allegation.
- The written policy and the current level of payments are provided annually to each foster carer and commissioners of the service. The foster carer receives clear information about the allowances and expenses payable, and how to access them, before a child is placed.

The power to prescribe minimum allowances for foster carers through Regulations was included in Section 49 of the Children Act 2004. The national minimum allowance was first introduced in the DFE guidance: The National Minimum Fostering Allowance and Fostering Payment Systems: Good Practice Guidance 2006. The national minimum allowance is reviewed annually.

There is also case law which sets out how cases should be considered in relation to payments and the service is undertaking a further assessment to ensure that all carers are receiving the correct payments.

The Fostering Services (England) Regulations 2011 at Regulation 17 provide that a fostering service provider must provide foster parents with such training, advice, information and support,

including support outside office hours, as appears necessary in the interests of children placed with them.

Details of the feedback from the consultation are included in this report. That feedback needs to be carefully considered by the decision makers in order for the process to be both fair and robust. It would help if the report could summaries the initial changes which were proposed to the council's policy and any further changes which are now proposed after taking the feedback into consideration.

The report needs to be clear as to the base line and how success will be measured and monitored both in terms of improvements to children's lives and monetary efficiency and effectiveness.

Risk Management:

This is covered with the report

Background Information:

Appendix 1	Equality Impact Assessment (EIA) Form
Appendix 2	Foster Carer Offer Marketing Plan Overview
Appendix 3	Foster Care Offer Overview
Appendix 4	Cabinet report 28.07.2021

The background papers relating to this report can be inspected by contacting the report author Glen Perryman, Fostering Service Unit Manager.



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EXECUTIVE SUMMARY

- In house (Local Authority run) foster care is widely recognised to provide the best option for the majority of children who require care from their Local Authority. It enables children to remain local to their family, friends, home community and services such as schools and health and represents by far the best value for money, at significantly less than half the cost per placement when compared to independent (private) fostering providers.
- Unfortunately over recent years we have not given our own fostering service the attention that is required in order to grow its size or maintain or improve its performance and as a result the proportion of our cared for children who are placed with Independent Fostering Agencies (IFAs) has grown disproportionately and is now at close to 50%.
- The ambition of this investment proposal, which sits alongside an ambitious three year recruitment strategy, is to make it more attractive to become an in-house foster carer for Tameside Council and once here to stay, helping to ensure that children are able to be placed with local foster carers wherever possible by initially stabilising our current fostering cohort and then seeking to expand. Enabling children to continue to attend local schools and have contact with their families and friends (where appropriate).
- It should be noted that to do nothing, would most likely lead to further reductions in capacity and an increased reliance on IFAs, children being more often placed out of Borough and the associated increased costs of both.
- It has to be recognised though that we are operating in an increasingly difficult context in terms of recruiting and retaining foster carers, as Local Authorities and IFAs compete for a largely finite resource of individuals who wish to foster against a nationally increasing number of children who require these placements. Foster carers recruited and retained locally though offers the opportunity for our Tameside children to stay in Tameside in a family home, and can be uniquely attractive to local carers – “local carers for local children” and for every placement made saves the Local Authority from £490 per week (compared to average Independent Fostering Agency Fees).
- To enable this we need to make the offer from the Local Authority as attractive as possible.
- Whilst we recognise that we cannot compete like for like with independent fostering agencies in terms of fees paid, we can place ourselves in a better position by having comparative rates when compared to other Local Authorities and to compete with IFAs for those families who want to foster locally but for whom the difference in rates currently makes it unaffordable. The proposal is to increase fees to a level of the higher median for Greater Manchester.
- The ambition is to eventually realign our figures from a roughly 50/50 split figures to the optimum provision of 85% in-house fostering placement capacity.
- As previously stated though this is an extremely competitive market with many competing players, so whilst our ambition for growth as detailed at section 3.4 onwards may seem cautious, growing our capacity by the end of 2025/26 with a minimum carers of 57 and high estimate of 73, this is in reality a stretched and challenging target, set against a total net growth in placements across the 10 GM LAs in the past year of 7 placements.
- It is worth noting though, that we are moving from a relatively low base of in house carers as previously detailed, so this does give some headroom in terms of attracting local carers/prospective carers to a revitalised and dynamic fostering agency with their own LA, which may not previously have appeared as attractive a proposition when compared with an IFA.

- This report proposes a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers and to Increase Level 3 skill payments by 10% (£15 per week per child). This will also apply to our existing foster carers giving a much better chance of retaining those carers we currently have while increasing our recruitment rates.
- The estimated costs of this uplift alongside a number of other improvements foster carers have told us would make us a more attractive recruiter means the proposed investment for the revised fostering offer is £686k.
- As detailed in the finance section the scheme will break even at the point that 27 additional placements are made with in house carers as opposed to IFAs, projected to be in the year 2023/24.
- The investment will be tracked, then formally reviewed and reported on at 3, 6 and 12 month intervals to assess whether the investment is delivering the improvements and increases we had expected.
The review points will be
 - March 2022
 - June 2022
 - December 2022
- The wider offer of a 24 hour support line and additional training and support sits in parallel with this financial package to support improved recruitment and retention.

1. INTRODUCTION

- 1.1 This report should be read in conjunction with the Executive Cabinet Report dated 28 July 2021 which is included at **Appendix 4**.
- 1.2 Following Executive Cabinet agreement to the proposed recommendations to improve the foster carer offer, it was agreed a Full Public consultation would take place with an updated Equality Impact Assessment. The consultation looked to seek feedback on the recommendations of the improved offer to Tameside Foster Carers.
- 1.3 The consultation was hosted on the Tameside's Big Conversation website with a link to a Survey Monkey Questionnaire. The consultation was promoted through Tameside Council's Social Media channels, the website, staff portal and other communication methods.
- 1.4 We also undertook a targeted consultation piece with existing Tameside Foster Carers, who are identified as being directly impacted by the implementation of a new foster carer offer. Alongside the survey monkey for foster carers to complete the service undertook three focus groups that were facilitated by the Policy, Performance and Intelligence Team with support from the fostering service to ensure that it was non biased and had independence.
- 1.5 The consultation was promoted with foster carers through the fostering service newsletter and weekly reminders via emails.
- 1.6 The consultation ran for 8 weeks from 2 August 2021 and 28 September 2021. We decided not to run the consultation period immediately after Executive Cabinet, as we wished to avoid the school holidays, to ensure that everyone had the opportunity to attend any arranged Focus Groups.
- 1.7 The focus groups took place on the 8 September, 14 September and 24 September 2021.

2. CONSULTATION PROCESS

- 2.1 The survey monkey went live on 2 August 2021 and closed on the 28 September 2021. To make the survey as simple and accessible to all, there were three questions to cover the three main areas of the proposed recommendations to improve the foster carer offer. The areas were identified as:
- Foster care payments & reward
 - Training and development offer
 - Support offer for foster carers
- 2.2 There were 69 responses in total from the survey. The below graph shows that 97% of respondents were foster carers for Tameside Council, 1.5 % were interested in becoming a foster carer for Tameside Council and 1.5% were employed by Tameside Council.



- 2.3 Three focus group sessions took place over Zoom and all Tameside Council foster carers were invited to attend. The sessions took place on the following dates:
- Focus Group 1 took place on 08/09/21 with 8 households in attendance
 - Focus Group 2 took place on 14/09/21 with 5 households in attendance
 - Focus Group 3 took place on 24/09/21 with 1 household in attendance
- 2.4 The focus groups were promoted by regular correspondence with foster carers via newsletters, emails and asking the fostering service staff to promote it through regular interactions with the foster carers.
- 2.5 The focus groups were not as well attended as expected, and the number of households in attendance were only around 5% of the total number of approved fostering households.
- 2.6 Overall 86 Tameside Fostering households engaged with the consultation, that's 49% of the total number of approved fostering households.

3. CONSULTATION RESPONSE – PAY AND REWARD

- 3.1 The first question on the survey asked for comments and opinions on the proposals relating to Pay & Reward of Foster Carers in Tameside. The following responses were provided:
- 28% of respondents feel positive about the overall plans regarding payment & reward;
 - 20% of respondents felt that it is fair to align the payments for connected and mainstream carers;
 - 10% said that all foster carers should receive the same payment & reward, regardless of experience or foster carer type
 - 10% felt that the proposals still are not enough to attract new foster carers;
 - 10% commented that there were no incentives in the proposals for Level 4 carers
- 3.2 The foster carers in attendance at the three focus groups gave the following responses to the discussion on payment and reward element of the new proposed offer:
- Foster carers felt that the proposal to uplift basic levels of pay is welcome. This was said to be an essential (referring to uplift level 2, align connected carers and recruited carers etc.)
 - Some carers commented on the lack of further incentives for Level 4 carers.
 - The start-up grant was said to be vital. Some reasons given were that some reported personal experience of difficulty when a new child was placed with them.
 - It was felt that the proposal of a referral fee when one foster carer recommends Tameside to someone who later becomes a carer – there were concerns that this creates too much of a monetary focus on the decision to foster.
 - In contrast, referral fee was seen as an incentive by some as it helps to attract other people who would make good foster carers to undertake the role. It was cited that independent agencies often offer £500.
 - It was said that the £30 uplift would not make Tameside competitive with IFAs. Suggestion that in order to tackle it properly, Tameside should be offering higher fees closer to that of IFAs. Other comments in the chat by others echoed this sentiment.
 - There was a consensus that the revised offer is a positive move in the right direction, however still a way to go with some of the existing issues mentioned.
- 3.3 The survey results and focus group comments show that a significant proportion of carers feel positive about the proposals, with many commenting that it is a step in the right direction to align the allowances for mainstream & connected carers. However, some feel that there is more to be done in equalising payments across the board, regardless of experience or foster care type and also becoming more competitive with IFA's. Carers who feel that the proposals will help with foster carer recruitment (5%) made some positive comments. However, in addition to those listed above some suggestions were made of the following;

they feel bridging payments should be made available to foster carers between placements (8%) and that foster carers should be entitled to paid holidays (3%).

- 3.4 Overall, 53% of the total survey responses were positive comments regarding the proposals. While there were some respondents that disagreed with the referral fee proposal all other comments focused on further suggestions rather than disagreeing with the other proposals made. This shows that overall, foster carers feel that the plans are a step in the right direction (and though some feel that there is further work to be done to build upon these) they are welcomed in the main.
- 3.5 In response to the to the comment that there was no incentive to Level 4 approved foster carers, it was explained that we would have ideally liked to uplift all skills level payments, however we needed to focus on the entry levels initially to enable us to grow the number of new carers. Level 4 foster carers in Tameside receive a competitive allowance in comparison to the other GM Local Authorities. We are committed to continue to review allowances annually.
- 3.6 Some comments suggested that the uplift would still not be enough to challenge the Independent Fostering Agency Sector. During discussions it was explained that Tameside Fostering services would not be able to increase allowances to directly compete with IFA's as we don't have the resources to do this and it would not be sustainable. We advised that the uplift to skills level 1 and 2 would make us more competitive in GM and that we would be able to market this to attract and grow the foster carer community.

4. CONSULTATION RESPONSE – TRAINING AND DEVELOPMENT

- 4.1 The second question on the survey asked for comments and opinions on the proposals relating to training and development of foster carers in Tameside. The following responses were provided:
- 55% of respondents believe the training proposals sound positive and will benefit them as a foster carer;
 - 23% of respondents feel that they are already happy with the current training provided and feel that it meets my needs as a carer already
- 4.2 The foster carers in attendance at the three focus groups gave the following responses to the discussion on training and development of foster carers foster carers element of the new proposed offer:
- There was a general feeling that the organisation of training had improved although some participants would rather face-to-face training where you have the opportunity in coffee breaks to network with other foster carers, something that has proved difficult with virtual training. It was felt that a lot can be learned from each other.
 - Other suggestions for training included – having a portal showing all training, payslips etc. in one place, as well as the idea of suggesting new types of training.
 - It was said that the Steering Group was an important move – this would be an easy way for foster carers to work together like a professional team.
 - One participant noted that the attachment training they had recently been on had been the best training received in the last 20 years (not just related to fostering).
 - Overall the proposals on training and development were welcomed and were seen as positive for foster carers.
- 4.3 It is very positive to see that the majority of foster carers are either happy with the new proposals, or feel that they already receive adequate training. While there has been much ongoing development in the training offer for foster carers throughout the pandemic, the proposals will bring a much enhanced & varied offer to foster carers built on the strong foundations already in place.

- 4.4 While acknowledging that the plans are welcomed, some other comments regarding training and development including carers wanting more specific detail on the proposals (3%) and carers requesting more accredited courses to be included as part of the offer (3%) and also that training should be offered outside of school hours for better accessibility (3%).
- 4.5 In response to the comments from carers regarding to face to face training, the fostering service are looking at how some training in 2022 can return to face to face in safe and secure way. The training programme will be a hybrid approach of both face-to-face and virtual training via Zoom to make it as accessible for all approved foster carers. Foster carers will continue to shape and develop the training programme as part of the new foster carer offer and will be invited to working groups.
- 4.6 Work is being undertaken to look at how we can have a foster carer portal as part of the website. This would act as a space that foster carers could access securely to book on training, access any online maternal, submit mileage and expenses.

5. CONSULTATION RESPONSE – SUPPORT TO FOSTER CARERS

- 5.1 The third question on the survey asked for comments and opinions on the proposals relating to improving the level of support to foster carers in Tameside. The following responses were provided:
- 58% of respondents believe that the new proposals sound positive and will support them in their role as a foster carer;
 - 15% of respondents are pleased with the proposals as long as they are supported with proper implementation
- 5.2 The foster carers in attendance at the three focus groups gave the following responses to the discussion on to improving the level of support to foster carers foster carers element of the new proposed offer:
- Regarding the proposals to establish a foster carer forum, it was said that having the experience and input of other foster carers is important, not just from social workers
 - The move to having a first port of call for foster carers was welcomed
 - Practice standards will create among foster carers a better idea of what standards can be expected of social workers, which is positive. At the moment there is some inconsistency depending on the social worker.
 - Other comments reflected that all the proposals in this section were positive. Participants were hopeful that the support offer to bring up standards for children's social care as opposed to the fostering side of things.
 - It was felt by some that the Forum should be independently chaired.
 - A question was raised regarding if there is any work to take place regarding retention of social workers, citing difficulties with children having multiple changes of social worker.
- 5.3 To summarise the response to the support proposals, it is good to see that they were welcomed by the majority of foster carers, with many positive comments made. Some further suggestions were made including the provision of Respite support (3%) and a plan for the retention of social workers (6%) to allow for better continuity for children. Overall, foster carers felt that the support plans were a step in the right direction and were happy with the proposals made.
- 5.4 Consideration to an independent chair for the foster care forum is a good idea, and this is something that will be explored as part of the new offer during the implementation stage.
- 5.5 We have updated foster carers on the Local Authorities plans in respect to recruitment and retention of social workers within children services.

6. CONSULTATION RESPONSE – ADDITIONAL COMMENTS

- 6.1 In the survey we asked for any additional comment in relation to the improved offer for Tameside foster carers. The following responses were received:
- 67% of respondents feel that the proposals are positive and will support them in their role as a foster carer;
 - 8% commented that a foster carer handbook is much needed and will be welcomed by foster carers
- 6.2 In the three focus groups we asked for any additional comment in relation to the improved offer for Tameside foster carers. The following responses were received:
- Participants said that the proposed offer is a positive start, not the endpoint of doing better but moving in the right direction for children in Tameside.
 - Further comments suggested the possibility of foster carers having a 2-week break in between placements. Some expressed the need for this over having a referral fee introduced.
- 6.3 The results show that the majority (67%) of the responses regarding the overall proposals are that carers feel positive about the foster carer offer. Other comments that were made about the proposals overall were that matching and referrals should be done so carers are not without placement for long periods (8%) and that more flexibility around holidays for foster carers should be considered (8%).
- 6.4 The foster carer handbook has now been launched and the feedback from our foster carer community has been positive.
- 6.5 Consideration was given at the time of the review of the foster carer offer to consider paid break in-between placements. It was decided not to proceed with this recommendation and that individual requests would be considered on a case-by-case basis.

7. MARKETING AND RETENTION ACTIVITY – NEW FOSTER CARER OFFER

- 7.1 Following the consultation process we have reviewed the Recruitment and Marketing Strategy and set out how we will market the new offer following its approval.
- 7.2 We currently have 102 mainstream fostering households looking after 155 children in foster care but we do not have enough in-house foster carers to meet the demand of children requiring foster care. The ratio of foster placements to foster carer households currently stands at around 1:5
- 7.3 We need to recruit another 70-80 foster carers over the next 3 years (while retaining our existing carers) to achieve net growth & enable us to place more children with in house Tameside Foster Carers and remain in their local area. We also need to consider losses of carer households due to retirement, resignation etc.
- 7.4 To principal aims & objectives of the marketing plan are to raise awareness for the new Foster Carer Offer within Tameside and also to position Tameside Council Fostering Service as the fostering service/agency of choice to local people. To break down the aims into clear marketing objectives;
- 7.5 Campaign Objectives
- To raise awareness for the new Foster Carer Offer within Tameside;
 - To clearly highlight the benefits of fostering for Tameside Council;
 - To position Tameside Council Fostering Service as the fostering service/agency of choice to local people.

- 7.6 Tactical Objectives
- To increase the number of fostering households within the fostering service;
 - To achieve net growth in fostering households year on year.
- 7.7 The below details techniques that are currently being utilised to recruit new foster carers and have been in place over the previous year. These are helping to work towards growing the foster carer network but much more support is needed through the foster carer offer to achieve net growth. However, particularly the retention techniques have been proving successful in foster carer satisfaction with many feeling better supported in their roles.
- 7.8 The below outlines the existing foster carer recruitment activities that are taking place;
- Constant digital campaign across Google and Facebook;
 - Fostering Campaigns e.g. Foster Care Fortnight – radio, local & regional press, MEN etc.;
 - Working with other Local Authorities;
 - Tameside Council Social Media;
 - Virtual drop in events;
 - Retargeted CRM mailers;
- 7.9 While the above have been successful in generating enquiries, the current offer to potential foster carers is a big obstacle in converting these enquiries into approvals. Particular challenges include; Independent Fostering Agencies offering higher financial rewards, the perception of lack of support from the Local Authority/ negative preconceptions of historic LA offering; single applicants not able to foster due to finances, fear of the unknown, financial implications on families to name a few.
- 7.10 The below is the methods utilised to ensure that whilst recruiting new foster carers there is a real aim and focus on the retention of our foster current carers. The following have been undertaken:
- Fortnightly newsletters;
 - Training & Support;
 - Support groups;
 - SSW's;
 - Buddy system;
 - Foster Carer Handbook;
 - SMS comms;
 - Celebration event;
 - Seasonal Gifting & engagement e.g. Christmas video.
- 7.11 The above techniques have been in place over the past 12 months and have helped to progress in making carers feel supported, valued and appreciated. However, with limited resources these efforts can only go so far. The full training, development and support plan as detailed in the foster carer offer aims to ensure that these plans can really form substance, and develop a full and consistent approach to foster carer retention. This will help in gaining the trust of foster carers and showing them that they are professionals whom the service value and want to develop in their roles.
- 7.12 Our strategy aims to be inclusive, so we are talking to all Tameside residents over the age of 21, with a spare bedroom and the desire to help local children.
- 7.13 We also want to ensure our messages resonate with the following groups: carers for siblings, single applicants, carers for teenagers, BAME applicants, disabled applicants, applicants under the age of 50, LGBTQI+ applicants, home based workers.
- 7.14 Some of the barriers to fostering need to be addressed in key messaging, in order to reach the right people, with the right message at the right time. Key messaging helps to dispel these

barriers, responding directly to key questions raised by potential enquirers:

Barrier	Key Messaging
<p>Awareness & Consideration</p> <ul style="list-style-type: none"> • I wasn't aware that Tameside were in such need of foster carers • I had never considered fostering but I think I would be good at it • I would love to help local children but I don't know much about fostering 	<p>Awareness & Consideration</p> <p>Tameside Council are in urgent need of foster carers for children and young people 0-18, sibling groups, children with additional needs</p>
<p>Legacy & preconceptions</p> <ul style="list-style-type: none"> • I have heard negative things about Tameside Fostering Service in the past • How have things changed? • Is the support different now? 	<p>Legacy & preconceptions</p> <p>Tameside Council's new foster carer offer is an unprecedented investment in the service to improve the offering to foster carers</p> <p>A new & improved service offering to support carers</p>
<p>Eligibility</p> <p>Can I foster?</p> <ul style="list-style-type: none"> • If I work • If I am single • If I have children • If I rent my home • Etc... <p>Do I have the right skills and experience?</p> <p>How does fostering work with my family, job, current commitments etc.?</p>	<p>Eligibility</p> <p>You can foster regardless of age, marital status, religion, sexuality, employment status, whether or not you are a homeowner etc...</p> <p>(Breaking down common myths to fostering)</p> <p>You can foster whether or not...</p> <p>Over 21, spare room...</p>
<p>Support & Development</p> <ul style="list-style-type: none"> • How will I be supported? • What training is on offer? • How do I progress as a foster carer? • Is this something I could do as a career? 	<p>Support & Development</p> <ul style="list-style-type: none"> • Training & development programme • Access to FIWs • Dedicated SSW • Clinical support • Psychological support • Educational support/virtual school • Foster Carer Advice line 24hr • Support groups • Training opportunities e.g. skills to foster, IHVs. • Quarterly Meetings • Career Development
<p>Allowances & Reward</p> <ul style="list-style-type: none"> • Can I afford to foster? • Will the allowances equate to my current salary if I give up work? 	<p>Allowances & Reward</p> <ul style="list-style-type: none"> • Uplifted base allowances • Expenses • Celebration Events • Max Card • Seasonal incentives; events, gifting etc.

7.15 The marketing plan has been developed to encompass digital, event-led and relationship-led marketing that focuses on reaching the right people, with the right message, at the right time. It is crucial that an omni-channel approach is utilised to reach key audiences appropriately. The ways in which we will market to the different audiences include: retargeting previous enquiries, and ongoing digital campaign, foster carer recommendation & retention, recruitment events and member/partner engagement.

- 7.16 An ongoing omni-channel Marketing Campaign will help to reintroduce the Fostering Service as a competitive choice for local people. Some key channels include:
- Facebook Lead Generation;
 - Google Ads;
 - Outdoor Advertising/ Out of Home digital Sites;
 - Spotify Advertising;
 - Paid Advertorials e.g. MEN article;
 - Radio Advertising e.g. Tameside Radio (ads and regular slot) and BBC Radio Manchester;
 - Local Press e.g. Tameside Reporter;
 - Recruitment Events w/ fostering branded merchandise;
- 7.17 We will retarget previous enquirers with various marketing techniques. Some of the reasons enquiries do not progress include:
- Increased allowances offered by Private Fostering Agencies
 - Financial implication
 - Common fostering myths e.g. being too old/young, renting home etc.
 - Fear of the unknown
 - Lack of knowledge of support on offer
- 7.18 Some of the ways we can retarget include: CRM personalised mailers, SMS with link to new offer brochure, inviting previous enquirers to info events.
- 7.19 It's really important that we utilise Council members, partners and existing foster carers to advocate for the new foster carer offer and push out key messages. Some ways we will do this will include:
- Foster Carer Comms on referral scheme/including training session;
 - Referral Cards for all cares, staff and elected members
 - Foster Carer Event Support including Packs with branded merchandise & banners/info packs etc;
 - Information sessions held for all to brief on the new foster carer offer;
 - Information packs distributed to all: printed & digital.
 - Partner leaflet drops in local areas
- 7.20 We will continue to prioritise retention of our existing foster carer community with the new offer to ensure that they play a key part in growing the internal fostering service. The tried and tested methods listed below will continue to be used, whilst we also look at the implementation of more through the new foster carer offer.
- Newsletters
 - Celebration Events
 - Foster Carer Association as part of the new offer
 - Fostering Committee meetings with Senior Leadership Team
 - Support & Development
 - Seasonal Events and Gifts
 - Involvement in training developments and pathways
 - Cared For Children's Events
- 7.21 As part of the marketing strategy there will be both face-to-face and virtual event planned throughout 2022. The plans are to include information drop-in sessions every fortnight, where new enquirers will be invited along with previous enquirers. These will run alongside in-person community events to take place every fortnight (staggered with virtual so there is an event every other week), drop-ins at Costas, local cafes, Active Tameside, Foodie Friday, etc. here will be merchandise with fostering brand & carers, SSW's and Marketing & Recruitment Office to be present at events. This will involve the introduction of an event for carers & SSW's to book on to.

- 7.22 Engaging partners and members will be key to the implementation and marketing of the offer, and will help key messages to reach a wide audience. Some ways in which this will be done is to provide each member/partner with recruitment packs specially created (both digital & printed) for to hand out to potential enquirers in their wards. Packs will contain information leaflets, business cards and recommendation cards to be given out. We will also provide information sessions will be held for all partners and members to brief them on the new improved foster carer offer.
- 7.23 The new foster carer, this will be an opportunity to specifically target foster carers from independent fostering agencies (IFA) who care for our children to consider transferring and fostering for the Local Authority.
- 7.24 The new offer provides a range of support services for carers and a chance to develop through our new training pathway. As part of the permanence strategy, we will be holding 'permanence planning meetings' prior to children being matched long term to foster carers. Where children are placed with IFA carers, we will be providing those carers with information on our new offer (see appendices) so they consider fostering for Tameside and a potential transfer. We will also asking those carers to consider Special Guardianship Orders (SGO) where it's appropriate for children to have full legal permanence.

8. CONCLUSION

- 8.1 The response to the consultation was on the whole positive and that the majority of those who responded stated that they were in agreement to the proposed recommendations and could see the benefit of the new offer to them and new carers.
- 8.2 All participants felt that the improved offer would enhance the support that foster care's received and enhance them in their role as foster carers. The feedback was that they felt that the offer would support them remaining as foster carers for Tameside.
- 8.3 Its acknowledged from the consultation that the financial uplift to skills level 2 and 3 was positive, some responses stated that this did still not go far enough to attract new foster carers and suggest that the Local Authority increase the uplift further to compete directly with the private sector. We have explained to participants that this was a viable option for us and did not have the financial resources to achieve this.
- 8.4 There were responses that stated there no incentive for those carers who had already achieved level 4 status. We have considered the responses from those carers who are level 4 carers, and although we would have liked to uplift all skills levels, we are not able to do this currently. The carers who are skill level 4 receive a competitive allowance in comparison to our GM neighbours and some compete directly with IFA competitors. We will review all allowances annually as set out in the recommendations.
- 8.5 The foster carers who have participated in the consultation feel that the new improved offer is a 'good start' but there is still some further work to be completed. We hope that the implementation of the new offer will ensure that that existing foster carers feel valued and provides them with enhanced support and training opportunities to meet the needs of Tameside cared for children.
- 8.6 We have outlined an ambitious marketing strategy for the implementation of the new offer. Its important that we get our message out far and wide to attract people to become foster carers for the Local Authority. There will be a mix of both virtual and face-to-face events, alongside a very heavy digital presence through social media channels that have proved successful during the past 12 months.

8.7 We have considered all of the responses from the survey and the focus groups. On the basis that the respondents have stated that they feel the new offer and its recommendation will benefit from the new offer, we propose that the recommendations agreed in the Cabinet report dated the 28 July 2021 (**Appendix 4 refers**) are those recommended to Cabinet as the final proposals following the consultation with no changes at this time.

9. RECOMMENDATIONS

9.1 As set out at the front of the report.

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**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Subject / Title	Foster Carer Offer	
Team	Department	Directorate
Fostering Service	Children's	Children's Services
Start Date	Completion Date	
June 2021	Ongoing, live document	
Project Lead Officer	Glen Perryman	
Contract / Commissioning Manager		
Assistant Director/ Director	Tony Decrop	
EIA Group (lead contact first)	Job title	Service
Glen Perryman	Fostering Service Unit Manager	Fostering Service
Gabrielle Sulek	Marketing & Recruitment Officer	Fostering Service
Lorraine Kitching	Performance, Intelligence and Scrutiny Service Manager	Policy, Performance and Intelligence
Anna Wiley	Policy Officer	Policy, Performance and Intelligence

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.

1a.	What is the project, proposal or service / contract change?	Tameside Council is proposing a new Foster Care Offer. The main aim of this is to support and retain existing foster carers and attract more foster carers so that Tameside can build its proportion of in-house local placements for cared for children.
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<p>1b.</p>	<p>What are the main aims of the project, proposal or service / contract change?</p>	<p>It is proposed that a new offer to foster carers be implemented, to retain and build on our group of quality in-house foster carers in Tameside. A renewed and attractive foster care offer will support the organisational goal of increasing the numbers of mainstream and connected carers, and make Tameside a place of positive choice to become a foster carer. The human cost gain to this offer is that children will remain in Tameside, not just physically but all aspects of life remain in place for them; schools, health services, family and friends.</p> <p>The proposed changes to the Foster Care Offer will cover the following areas:</p> <ul style="list-style-type: none"> • Foster care payments & reward • Training and development offer • Support offer for foster carers <p>Cost: The total anticipated cost of revising the fostering offer is £686,072. It should be noted that not all of the proposals amount to a cost to the authority and some will become self-funding.</p> <p>The proposals are outlined in a summary of recommendations below:</p>
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		<ul style="list-style-type: none"> • Recommendation 1 – Outlines the need for all Foster Carers have an entry level of skills level 2 payments. • Recommendation 3: Provide a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers • Recommendation 4: Increase Level 3 skill payments by 10% (£15 per week per child) • Recommendation 5: Provide a start-up grant for all newly approved foster carers • Recommendation 6: Introduce a referral fee to local approved foster carers who introduce new carers to Tameside • Recommendation 9: Review foster carer allowances and fees annually in consultation with foster carers • Recommendation 10: Clarify and notify all foster carers of allowances, fees and grant entitlements in a refreshed Foster Carer Handbook • Recommendation 11: Introduce a foster carer out of hours telephone advice service • Recommendation 12: Introduce new support role of foster carer coach • Recommendation 14: Establish a foster carer training and development pathway that provides universal, targeted and advanced practitioner training • Recommendation 15: Introduce the role of Fostering Development Co-ordinator • Recommendation 16: Introduce a Therapeutic Fostering Social Worker role • Recommendation 18: Establish a Tameside Foster Carer Forum • Recommendation 19: Establish a Tameside Foster Carer Association • Recommendation 20: Introduce a 'How Did We Do' annual foster carer survey • Recommendation 21: Establish a Tameside Fostering Training and Development Steering Group (T&DSG)
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		<ul style="list-style-type: none"> • Recommendation 22: Provide an integrated approved foster carer and supervising social worker induction training programme • Recommendation 23: Introduce foster carer placement matching profiles and stretch targets into the annual review process • Recommendation 24: Review Tameside Fostering Handbook and local fostering standards, policies and protocols • Recommendation 25: Establish a set of supervising social worker professional practice standards that are specific to fostering • Recommendation 26: Establish annual supervising social workers stretch targets <p>Recommendation 27: Introduce a 'Commitment to Practice' Statement of intent</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	X			<p>Foster Carers</p> <p>Of the 291* Tameside Council Foster Carers who currently form a crucial part of the fostering service, a significant proportion are over the age of 45:</p> <ul style="list-style-type: none"> • 82% of foster carers are over 45 • 0% of foster carers are aged under 25 <p>Therefore, the proposals will have the most impact on foster carers in the 45-65+ age bracket, with this age group forming the vast majority of carers.</p> <p>The proposals however, will have an indirect impact on children and young people ages 0-25 (including those in foster care, SGO and staying put arrangements) due to the benefits it plans to hold for their primary caregivers.</p> <p>It is anticipated that the proposals would benefit carers of all ages in equal measure and would only act to enhance the current offer to carers of every age group, rather than hinder the current offer in any way.</p> <p>Correct as of 15th June 2021</p> <p>Cared for Children</p> <p>As aforementioned, the proposals will have an indirect impact on cared for children within Tameside of ages 0-</p>

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			18. The anticipated impact of the proposals to children & young people is to be positive; the support to foster carers both developmental and financial
Disability		X	<p>Foster Carers Currently, there are no foster carers recorded as living with a disability, however, the proposals are not anticipated to affect foster carers if they were living with disabilities, e.g. if this was not recorded. The enhanced support for carers within the proposals would mean that they have a positive effect.</p> <p>Cared for Children Data across 3 years (2017-2020) shows that cared for children in foster care were more likely to be placed externally if they had an ECHP or disability, and this was the case across each of the 3 years. The foster carer offer proposals aim to recruit more carers and specifically those that have the skills to care for children with additional needs and disabilities. The enhanced training proposals also encourage existing carers to stretch their capabilities and feel more confident to care for children needing a more specialised care. Therefore, there is an anticipated positive indirect impact on cared for children.</p> <p>The proposals are anticipated to enhance the service provided to foster carers regardless of whether they are living with a disability or not.</p> <p>The enhanced support package on offer to foster carers will benefit all carers, inclusive of those living with a disability.</p> <p>Enhancements to foster carer allowances will not negatively impact the disability payments of any carers who receive them as it is not considered taxable income as such. Foster carers living with a disability will be able to claim the same allowances as previously, having no detrimental impact on these.</p>
Ethnicity		X	<p>Taken from recent data, approximately 12% of foster carers in Tameside (both connected carers and mainstream) identify themselves as other than White British and are identified in the following ethnic groups:</p> <ul style="list-style-type: none"> • White Other • Asian – Pakistani • Asian – Other • Asian - Indian • Mixed White British Caribbean • Mixed Other <p>A 12% minority ethnicity foster carer population is slightly higher than the Tameside average (8.7%). The foster carer offer proposals aim to positively impact the service to all carers so there will be an anticipated positive impact on those from both minority and WBRI</p>

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				backgrounds within the fostering service, regardless of ethnicity. However, due to the data showing that those from minority backgrounds are represented more highly within the service, there is an anticipated indirect positive impact upon those from minority ethnic backgrounds.
Sex			X	Overall, the service is used by broadly similar numbers of men and women. There is no evidence available to suggest any direct or indirect impact in terms of sex.
Religion or Belief			X	The service is used by people of all religion/beliefs. There is no evidence to suggest any direct or indirect impact in terms of religion or belief.
Sexual Orientation			X	The service is used by people of all sexual orientations. There is no evidence to suggest any direct or indirect impact in terms of sexual orientation.
Gender Reassignment			X	No direct impact is anticipated in terms of gender reassignment. There is no evidence available to suggest there would be either direct or indirect impact in terms of gender reassignment.
Pregnancy & Maternity		X		<p>The birth parents of cared for children are most likely to have recently (or currently) be experiencing pregnancy and maternity of young children. These are the individuals who therefore will experience an indirect impact from the proposals. Foster carers will typically have completed their biological families prior to fostering.</p> <p>There is an anticipated indirect impact on birth parents of foster children experiencing pregnancy and maternity where their child later becomes cared for by the Local Authority. The impact is anticipated to be a positive one; better support for foster carers who may go on to look after their children when they come into care of the LA. In addition, the proposals would also mean a more attractive offer to recruit and retain a network of skilled foster carers who are able to form a crucial part of the team around the child, alongside birth parents and professionals.</p> <p>This would therefore have the anticipated positive impact on those experiencing pregnancy and maternity within Tameside.</p>
Marriage & Civil Partnership			X	No direct or indirect impact of the proposals is anticipated for anyone who is Married or in a Civil Partnership. There is no evidence to suggest any direct or indirect impact in terms of Marital or Civil Partnership status.
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation

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		ce		
Mental Health	X	X		<p>Many cared for children within Tameside will experience Mental Health issues at some point in their childhood/adulthood. Foster carers play a vital role in advocating for the best services for the child and also ensuring they are well equipped with appropriate support and training themselves to best support the young people in their care.</p> <p>The proposals are therefore anticipated to have an indirect positive impact on the Mental Health of cared for children within Tameside and an anticipated direct positive impact on foster carer's Mental Health and wellbeing as they aim to better support them in their roles through a range of service enhancements including out of hours support services, training investment, uplifted allowances among other benefits.</p>
Carers	X			<p>The proposals will have a, anticipated direct positive impact on specifically foster carers, but also an indirect positive impact on other carers (perhaps birth family and close friends) of the child.</p>
Military Veterans			X	<p>The service may be used by military veterans, but it is not anticipated there would be any direct or indirect impact on these individuals as a result of the proposals.</p>
Breast Feeding			X	<p>The service is used by individuals who breastfeed, particularly birth parents of cared for children, however the proposals bear no anticipated indirect or direct impact on these individuals as a result.</p>
<p>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)</p>				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Low or no income groups		X		<p>The proposals could positively impact those from low/no income groups. The proposed uplift in foster carer allowances could mean that individuals and families (for whom fostering is not financially feasible) could now foster children, benefitting both cared for children in Tameside and the wider service which would have both social and financial benefits for both the individuals and the wider organisation.</p>
Cared for Children	X	X		<p>Cared for children are at the centre of all proposals, with the aims of providing the highest quality of care and the best outcomes for cared for children within Tameside. The proposals are aimed to benefit foster carers, but the indirect anticipated impact will be to cared for children. If foster carers are better supported, the level of care they are able to provide to the children in their care is also likely to improve. The ability to recruit more foster carers will also directly benefit cared</p>

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				for children, as it will mean more children remaining within a home setting rather than residential care. Children will therefore continue to be a part of their own communities despite not living within their birth families. This offer will have direct impact on reducing the number of children placed externally and outside of the borough.
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“Low or no income groups” should be included as a key consideration when assessing the impact of your project, proposal, policy or service/contract change.

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.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
		X	
1e.	What are your reasons for the decision made at 1d?	<p>The changes proposed are seeking to make a direct positive impact for service users and service providers alike. As the proposals include important changes to certain ways in which areas of the service are run (which will impact all users and providers either directly or indirectly) it is important that all demographic groups are considered in this process.</p> <p>Both cared for children and foster carers are central to the considerations in this process, as they are the individuals who will be most impacted by the offer proposals.</p>	

If a full EIA is required please progress to Part 2.

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary
<p>There is a national shortage of foster carers and this situation is reflected regionally across Greater Manchester, including in Tameside.</p> <p>The Greater Manchester Children and Young People’s Plan 2019-2022 contains the wider context of Greater Manchester’s ambition for children, young people and their families. It also includes a commitment to review “placement sufficiency across Greater Manchester to capture the varied needs of looked after children alongside the current offer of placements and the requirements of placements in the future” and to “develop a Greater Manchester Commissioning Plan and Sufficiency Strategy to ensure children coming into care are provided with a quality placement which meets their needs, ensuring permanence is achieved at the earliest stage.”</p> <p>Between 31 March 2016 and 31 March 2020 the national number of mainstream LA fostering households decreased by 14.3%, while the number of mainstream IFA households increased by</p>

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4.7%. If this trend continued at the same year-on-year average percentage change, **IFAs will have more mainstream fostering households than LAs, by around 2026/27**

Recent data has been provided and has evidenced that Tameside have placed 43 children with IFA carers within our own borders. Tameside use of IFA's is the second highest in GM and there is a pressing need to improve the balance of availability of internal placement options at local level. The cost of an IFA placement to the local authority, is significantly higher (circa 50%) than a local authority approved foster placement cost (not taking into account infrastructure costs).

There is a myth that private provider means better quality provision but this isn't necessarily the case if we get the support model right. There are a number of recommendations and proposals that are at no additional cost and are within our gift to implement but to really enhance the offer those other recommendations with some cost are really critical.

Additional to the cost issue, one of our corporate parenting priorities is about permanence, stability and security. This is more achievable within a family and that outlined within our permanence strategy as a priority.

The review of the Foster Carer offer is in line with the corporate plan in terms of ensuring that children who become cared for after are able to remain in Tameside with Tameside foster carers. Children therefore continue to be a part of their own communities despite not living within their birth families. This offer will have direct impact on reducing the number of children placed externally and outside of the borough.

IMPACT OF NEW FOSTER CARER OFFER

The proposed new foster carer offer will shape, support influence the growth of the internal fostering service to provide fostering households for Tameside Cared for Children. The proposed offer is crucial to enable the service to deliver on the 3 year recruitment strategy that was presented at Childrens senior leadership team in January 2021.

Through a variety of marketing, recruitment & retention techniques, the aim is to support and grow our network of valued carers in Tameside. The number of cared for children in Tameside has been on an upward trajectory, so the need for high quality in-house foster carers is crucial. This approach includes the retention of existing foster carers, through implementation of the improvements to the foster carer offer, in addition to working closely with carers to listen to their views and consider them when building and implementing the strategy.

Tactical objectives;

- To increase in-house placement sufficiency in Tameside by 34% over the next four years
- To retain existing foster carers and through support and training, enable them to take on more challenging placements;
- To implement the Marketing Plan for FY21/22 which has the primary aim of delivering the first steps towards the 34% increase target for foster carers (**plan to be updated each FY in line with optimisation approach**);

Strategic objectives;

- To support & retain existing foster carers through training & incentives and ensure they feel valued in their roles;
- To build a strong fostering identity that is recognisable and resonates with our carers and young people;
- To ensure all comms are consistent & aligned to enable strength in campaign messaging
- To raise awareness & consideration for fostering in Tameside (long term).

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A renewed and attractive foster care offer is one way to support the organisational goal of increasing the numbers of mainstream and connected carers, and make Tameside a place of positive choice to become a foster carer.

THE FOSTER CARER OFFER – WHAT DO THE PROPOSALS INCLUDE?

Please note, some of the recommendations from the offer proposals were not accepted therefore not included in the list below. The below recommendations are the ones currently being progressed and are included in the latest version of the implementation plan:

- Recommendation 1 – Outlines the need for all Foster Carers have an entry level of skills level 2 payments.
- Recommendation 3: Provide a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers
- Recommendation 4: Increase Level 3 skill payments by 10% (£15 per week per child)
- Recommendation 5: Provide a start-up grant for all newly approved foster carers
- Recommendation 6: Introduce a referral fee to local approved foster carers who introduce new carers to Tameside
- Recommendation 9: Review foster carer allowances and fees annually in consultation with foster carers
- Recommendation 10: Clarify and notify all foster carers of allowances, fees and grant entitlements in a refreshed Foster Carer Handbook
- Recommendation 11: Introduce a foster carer out of hours telephone advice service
- Recommendation 12: Introduce new support role of foster carer coach
- Recommendation 14: Establish a foster carer training and development pathway that provides universal, targeted and advanced practitioner training
- Recommendation 15: Introduce the role of Fostering Development Co-ordinator
- Recommendation 16: Introduce a Therapeutic Fostering Social Worker role
- Recommendation 18: Establish a Tameside Foster Carer Forum
- Recommendation 19: Establish a Tameside Foster Carer Association
- Recommendation 20: Introduce a 'How Did We Do' annual foster carer survey
- Recommendation 21: Establish a Tameside Fostering Training and Development Steering Group (T&DSG)
- Recommendation 22: Provide an integrated approved foster carer and supervising social worker induction training programme
- Recommendation 23: Introduce foster carer placement matching profiles and stretch targets into the annual review process
- Recommendation 24: Review Tameside Fostering Handbook and local fostering standards, policies and protocols
- Recommendation 25: Establish a set of supervising social worker professional practice standards that are specific to fostering
- Recommendation 26: Establish annual supervising social workers stretch targets
- Recommendation 27: Introduce a 'Commitment to Practice' Statement of intent

2b. Issues to Consider

The planned implementation of the foster carer offer within Tameside will be mindful of some of the

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key demographic groups within its service users:

- 82% of foster carers in Tameside are over 45 years old;
- 12% of foster carers are from minority ethnic backgrounds (slightly above the 8.7% Tameside average)

Consultation Considerations

The full consultation will consider the views of all foster carers and members of the general public within Tameside and negative comments reviewed and addressed.

It is important that both majority and minority groups are considered to ensure equal opportunity and for each person's voice to be heard.

Both online survey and Zoom format focus groups will be held to ensure accessibility for all participants during the consultation process.

Consultation & findings

From 168 foster carer households, 49% participated in the consultation either through the online survey or the Zoom focus groups.

The foster carer offer consultation survey was live for 8 weeks from 2/08/21 until 28/09/21 and open to all members of the Tameside general public. Three focus group sessions also took place over Zoom and all Tameside Council foster carers were invited to attend. The sessions took place on the following dates:

- Focus Group 1 took place on 08/09/21 with 8 households in attendance
- Focus Group 2 took place on 14/09/21 with 5 households in attendance
- Focus Group 3 took place on 24/09/21 with 1 household in attendance

SurveyMonkey

There were 69 responses in total from the survey. The below graph shows that 97% of respondents were foster carers for Tameside Council, 1.5 % were interested in becoming a foster carer for Tameside Council and 1.5% were employed by Tameside Council.

The below analysis details responses from both the survey and the focus groups to identify key themes raised by foster carers and other respondents;

Payment & Reward

Please give us your comments and opinions on the proposals relating to Pay & Reward of Foster Carers in Tameside:

Survey

- 28% of respondents feel positive about the overall plans regarding payment & reward;
- 20% of respondents felt that it is fair to align the payments for connected and mainstream carers;
- 10% said that all foster carers should receive the same payment & reward, regardless of experience or foster carer type

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- 10% felt that the proposals still are not enough to attract new foster carers;
- 10% commented that there were no incentives in the proposals for Level 4 carers

Focus Groups

- Foster carers felt that the proposal to uplift basic levels of pay is welcome. This was said to be an essential (referring to uplift level 2, align connected carers and recruited carers etc.)
- Some carers commented on the lack of further incentives for Level 4 carers.
- The start-up grant was said to be vital. Some reasons given were that some reported personal experience of difficulty when a new child was placed with them.
- It was felt that the proposal of a referral fee when one foster carer recommends Tameside to someone who later becomes a carer – there were concerns that this creates too much of a monetary focus on the decision to foster.
- In contrast, referral fee was seen as an incentive by some as it helps to attract other people who would make good foster carers to undertake the role. It was cited that independent agencies often offer £500.
- It was said that the £30 uplift will not make Tameside competitive with IFAs. Suggestion that in order to tackle it properly, Tameside should be offering higher fees closer to that of IFAs. Other comments in the chat by others echoed this sentiment.
- There was a general consensus that the revised offer is a positive move in the right direction, however still a way to go with some of the existing issues mentioned

The survey results and focus group comments show that a significant proportion of carers feel positive about the proposals, with many commenting that it is a step in the right direction to align the allowances for mainstream & connected carers. However, some feel that there is more to be done in equalising payments across the board, regardless of experience or foster care type and also becoming more competitive with IFA's. Some positive comments were made by carers who feel that the proposals will help with foster carer recruitment (5%). However, in addition to those listed above some suggestions were made of the following; they feel bridging payments should be made available to foster carers between placements (8%) and that foster carers should be entitled to paid holidays (3%).

Overall, 53% of the total survey responses were positive comments regarding the proposals. While there were some respondents that disagreed with the referral fee proposal all other comments focused on further suggestions rather than disagreeing with the other proposals made. This shows that overall, foster carers feel that the plans are a step in the right direction (and though some feel that there is further work to be done to build upon these) they are welcomed in the main.

Training & Development

Please give us your comments and opinions on the proposals relating to revising the training and development of foster carers in Tameside.

Survey

- 55% of respondents believe the training proposals sound positive and will benefit them as a foster carer;
- 23% of respondents feel that they are already happy with the current training provided and feel that it meets my needs as a carer already;

Focus Groups

- There was a general feeling that the organisation of training had improved although some participants would rather face-to-face training where you have the opportunity in coffee breaks to network with other foster carers, something that has proved difficult with virtual training. It was felt that a lot can be learned from each other.
- Other suggestions for training included – having a portal showing all training, payslips etc.

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in one place, as well as the idea of suggesting new types of training.

- It was said that the Steering Group was an important move – this would be an easy way for foster carers to work together like a professional team.
- One participant noted that the attachment training they had recently been on had been the best training received in the last 20 years (not just related to fostering).

Overall the proposals on training and development were welcomed and were seen as positive for foster carers

It is very positive to see that the majority of foster carers are either happy with the new proposals, or feel that they already receive adequate training. While there has been much ongoing development in the training offer for foster carers throughout the pandemic, the proposals will bring a much enhanced & varied offer to foster carers built on the strong foundations already in place.

While acknowledging that the plans are welcomed, some other comments regarding training and development including carers wanting more specific detail on the proposals (3%) and carers requesting more accredited courses to be included as part of the offer (3%) and also that training should be offered outside of school hours for better accessibility (3%).

Support

Please give us your comments and opinions on the proposals relating to improving the level of support to foster carers in the box below.

Survey

- 58% of respondents believe that the new proposals sound positive and will support them in their role as a foster carer;
- 15% of respondents are pleased with the proposals as long as they are supported with proper implementation;

Focus Groups

- Regarding the proposals to establish a foster carer forum, it was said that having the experience and input of other foster carers is important, not just from social workers
- The move to having a first port of call for foster carers was welcomed
- Practice standards will create among foster carers a better idea of what standards can be expected of social workers, which is positive. At the moment there is some inconsistency depending on the social worker.
- Other comments reflected that all the proposals in this section were positive. Participants were hopeful that the support offer to bring up standards for children's social care as opposed to the fostering side of things.
- It was felt by some that the Forum should be independently chaired.
- A question was raised regarding if there is any work to take place regarding retention of social workers, citing difficulties with children having multiple changes of social worker.

To summarise the response to the support proposals, it is good to see that they were welcomed by the majority of foster carers, with many positive comments made. Some further suggestions were made including the provision of Respite support (3%) and a plan for the retention of social workers (6%) to allow for better continuity for children. Overall, foster carers felt that the support plans were a step in the right direction and were happy with the proposals made.

Overall comments

Please give us any other comments you have in relation to the Fostering Offer:

Survey

- 67% of respondents feel that the proposals are positive and will support them in their role as a foster carer;

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- 8% commented that a foster carer handbook is much needed and will be welcomed by foster carers

Focus Groups

- Participants said that the proposed offer is a positive start, not the endpoint of doing better but moving in the right direction for children in Tameside.
- Further comments suggested the possibility of foster carers having a 2-week break in between placements. Some expressed the need for this over having a referral fee introduced.

The results show that the majority (67%) of the responses regarding the overall proposals are that carers feel positive about the foster carer offer. Other comments that were made about the proposals overall were that matching and referrals should be done so carers are not without placement for long periods (8%) and that more flexibility around holidays for foster carers should be considered (8%).

2c. Impact/Relevance

It is anticipated that:

For payment & reward, this will have a positive impact on service users. While there were some comments from carers regarding a further increased payment necessary for Level 2&3 carers to compete with private agencies, the majority of participants felt that the proposals will have a positive impact.

Comments regarding placing a monetary reward on referrals of new foster carers were considered, but positive comments made by other participants give a more balanced reaction to this recommendation and therefore it will remain on the proposals.

For training & development, this will support foster carers in their roles and will continue to build upon the improved training programme that launched over the pandemic. While many carers felt the new approach to training met their needs, the proposals will offer further support to carers to offer children and young people the best possible care. Comments around moving some training back to being face to face are also being considered to allow carers to enjoy a hybrid model that combines the best of both platforms.

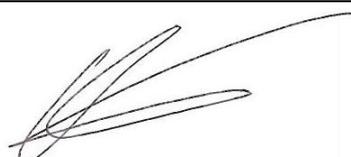
In terms of support, there will be a positive impact to service users in offering them much improved support in their roles as foster carers. The majority of responses to the survey reflected this, with some comments around ensuring proper implementation that will be considered. The comments around improvement in retention of children's social workers are also being considered in response to the issues raised in the consultations.

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2d. Mitigations (Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)	
Some respondents commented that new allowances do not compare with IFA's (private agencies)	Review the fostering allowances annually to ensure that we are in line with the upper quarter of LA's. While it is difficult to be competitive with private agencies for Levels 2 & 3, the fostering service should ensure that it competes with other LA's and allowances are in line particularly with neighbouring GM authorities.
Training should be offered in person in addition to virtual training	A hybrid training model to be considered pending the continuation of lifted COVID restrictions.
Retention of children's social workers should be considered in addition to the support proposals	While CSW team sits separately to fostering, the issues raised by foster carers have been escalated to leadership who are identifying an action plan to address this issue. This will work alongside the foster carer proposals to support both carers and children.

2e. Evidence Sources
<ul style="list-style-type: none"> National Statistics, Fostering in England 2019 to 2020: main findings. Published 12 November 2020 Tameside Performance and Intelligence Service data, provided for the report 2021 Tameside Fostering Service - Where every carer counts, Maria Greenwood, 2020

2f. Monitoring progress		
Issue / Action	Lead officer	Timescale
Post-consultation Survey Monkey to foster carers	Gabrielle Sulek	TBC

Signature of Contract / Commissioning Manager	Date
	21.10.2021
Signature of Assistant Director / Director	Date

Guidance below to be removed from the completed EIA template submitted to Executive Board, Executive Cabinet or Strategic Commissioning Board (SCB)

**Tameside & Glossop Strategic Commission
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:

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- 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 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.

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.

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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 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			✓	
NHS Tameside & Glossop Clinical Commissioning Group locally determined protected groups?				
Mental Health			✓	
Carers		✓		
Military Veterans			✓	
Breast Feeding	✓			Children's Centres provide services to pregnant women and new mothers
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)				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Lone Parents		✓		Children's Centre users may include lone

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				parents
Disadvantaged families	✓			Children's Centres support the most disadvantaged families, with an aim to reduce inequalities in child development and school readiness.

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 /

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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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TAMESIDE COUNCIL
FOSTERING SERVICE

FOSTER CARER OFFER MARKETING PLAN

TAMESIDE COUNCIL
FOSTERING SERVICE

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FOSTER FOR TAMESIDE
CHANGE A LOCAL CHILD'S LIFE

 **Tameside**
Metropolitan Borough

 **FOSTER**
FOR TAMESIDE COUNCIL

 **NHS**
Tameside and Glossop
Clinical Commissioning Group

MARKETING PLAN OVERVIEW



To **raise awareness** for the new Foster Carer Offer within Tameside

AND

to position Tameside Council Fostering Service as the **fostering service/agency of choice** to local people.

WHY IS MARKETING THE OFFER NEEDED?

We currently have around 100 mainstream fostering households looking after 155 children in foster care but we do not have enough in-house foster carers to meet the demand of children requiring foster care.

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We need to recruit another **70-80 foster carers over the next 3 years (while retaining our existing carers)** to enable us to place more children with in house Tameside Foster Carers and remain in their local area.

We also need to consider losses of carer households due to retirement, resignation etc. to aim towards net growth.



WHAT ARE THE CHALLENGES?

- Private Fostering Agencies offering higher financial incentives;
- Negative preconceptions of the LA;
- Common fostering myths e.g. renting your home, being single, too old/young;
- Fear of the unknown;
- Financial implications;
- Questions over whether fostering can be a career;
- Concerns on support for carers/families.

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Overcoming these challenges:

- Communicating benefits the new foster carer offer;
- Specific targeted campaigns e.g. teens, carers with disabilities, LGBTQI+ etc.
- Reaching right audience with right message at right time;
- Breaking down myths through campaign messaging & communications.



WHAT ARE WE LOOKING TO ACHIEVE?

Campaign Objectives

- To raise awareness for the new Foster Carer Offer within Tameside;
- To clearly highlight the benefits of fostering for Tameside Council;
- To position Tameside Council Fostering Service as the fostering service/agency of choice to local people.

Tactical Objectives

- To increase the number of fostering households within the fostering service;
- To achieve net growth in fostering households YoY.



WHAT ARE WE DOING ALREADY?

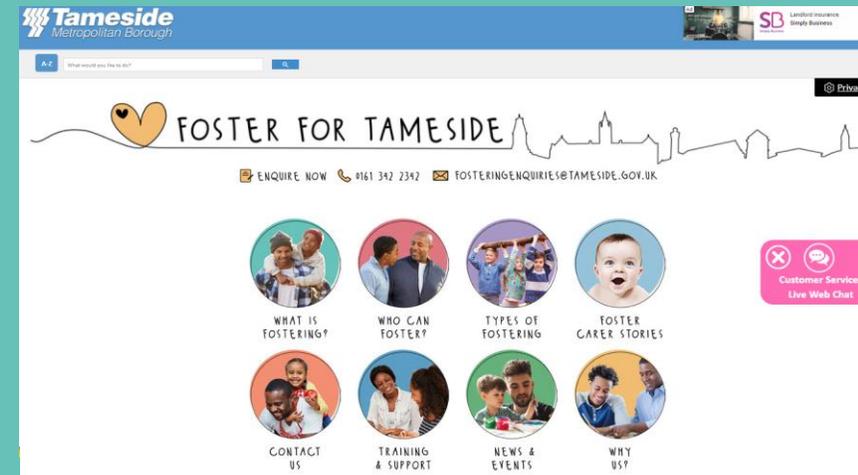
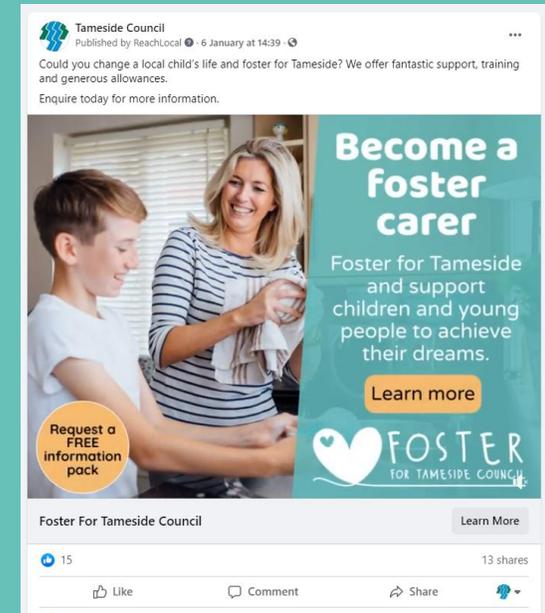
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Recruitment

- Constant digital campaign across Google and Facebook
- Fostering Campaigns e.g. Foster Care Fortnight – radio, local & regional press, MEN etc.
- Working with other Local Authorities
- Tameside Council Social Media
- Virtual drop in events
- Retargeted CRM mailers

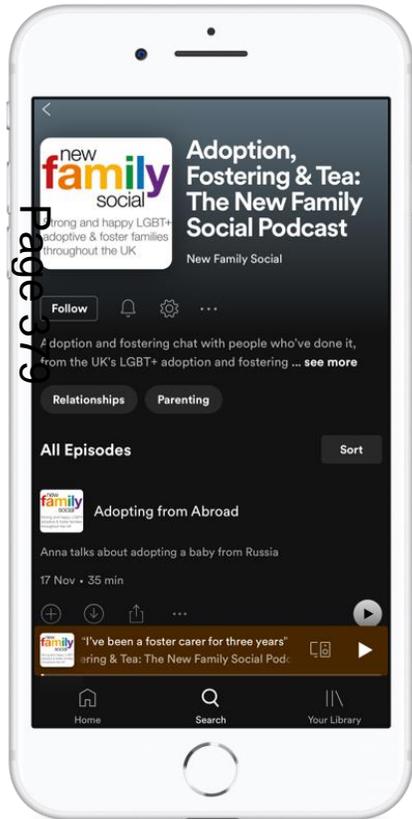
Retention

- Fortnightly newsletters
- Training & Support
- Support groups
- SSW's
- Buddy system
- Foster Carer Handbook
- SMS comms
- Celebration event
- Seasonal Gifting & engagement e.g. Christmas video

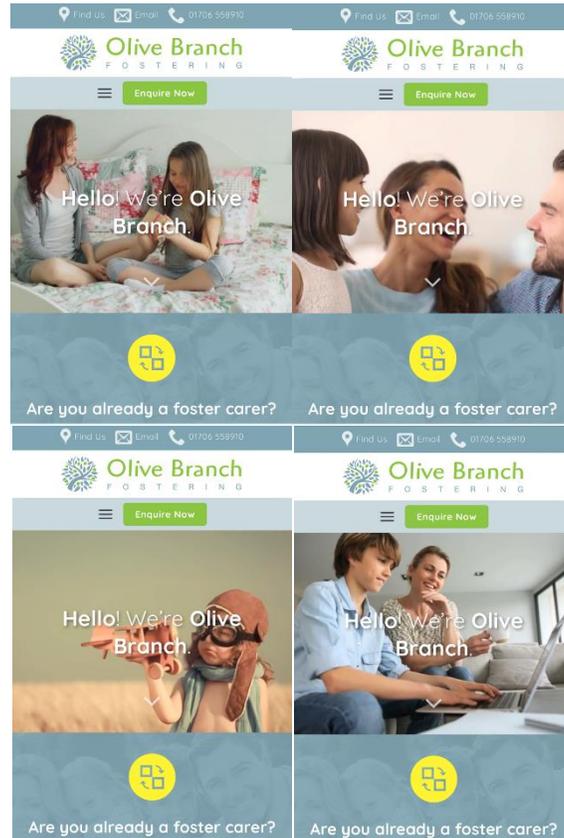


WHAT ARE OTHERS DOING?

NEW FAMILY SOCIAL SPOTIFY ADS/PODCASTS



OLIVE BRANCH GIFS/VIDEO CONTENT



PARALLEL PARENTS RECRUITMENT EVENT



FOSTER4 HOME BASED HEROES CAMPAIGN

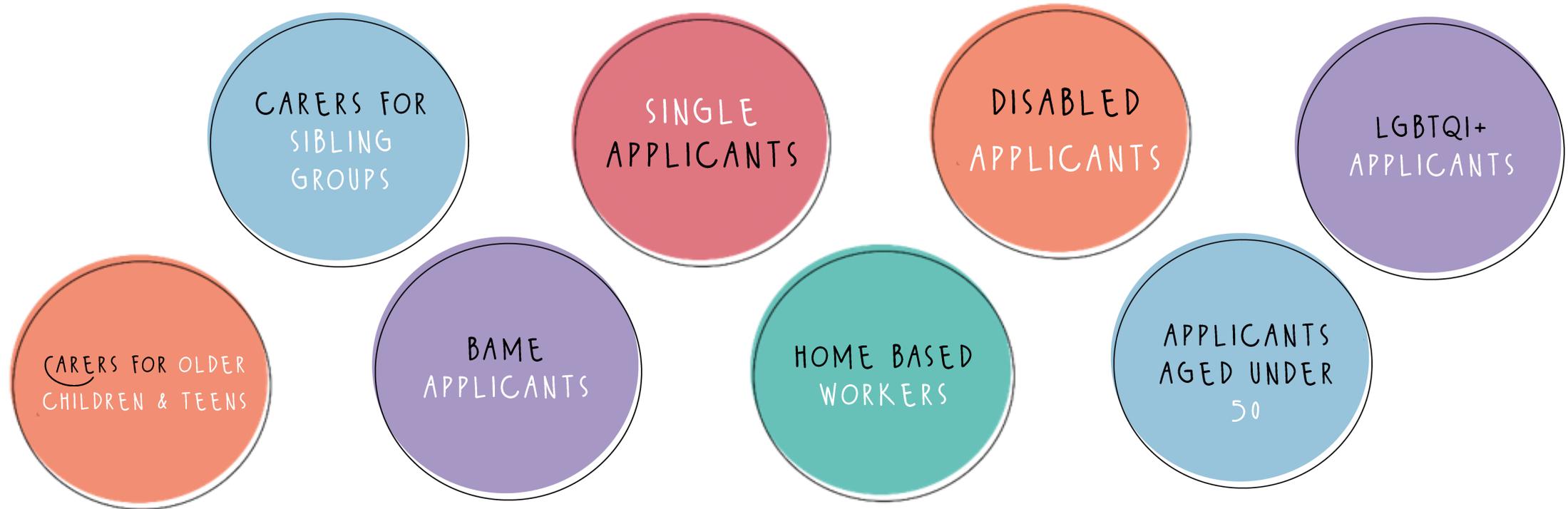


WHO ARE WE TALKING TO?

Our strategy aims to be inclusive, so we are talking to all Tameside residents over the age of 21, with a spare bedroom and the desire to help local children.

We also want to ensure our messages resonate with the following groups:

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WHAT ARE THE BARRIERS TO FOSTERING?

Barrier	Awareness & Consideration	Legacy & preconceptions	Eligibility	Support & Development	Allowances & Reward
<p><u>Questions to address in Campaign messaging</u></p> 	<p>I wasn't aware that Tameside were in such need of foster carers</p> <p>I had never considered fostering but I think I would be good at it</p> <p>I would love to help local children but I don't know much about fostering</p>	<p>I have heard negative things about Tameside fostering Service in the past</p> <p>How have things changed?</p> <p>Is the support different now?</p>	<p>Can I foster?</p> <ul style="list-style-type: none"> • If I work • If I am single • If I have children • If I rent my home • Etc... <p>Do I have the right skills and experience?</p> <p>How does fostering work with my family, job, current commitments etc.?</p>	<p>How will I be supported?</p> <p>What training is on offer?</p> <p>How do I progress as a foster carer?</p> <p>Is this something I could do as a career?</p>	<p>Can I afford to foster?</p> <p>Will the allowances equate to my current salary if I give up work?</p>

WHAT ARE OUR OUR KEY MESSAGES?

<u>Barrier</u>	Awareness & Consideration	Legacy & preconceptions	Eligibility	Support & Development	Allowances & Reward
<p><u>Key campaign messaging</u></p> <p>Page 382</p>	<p>Tameside Council are in urgent need of foster carers for children and young people 0-18, sibling groups, children with additional needs</p>	<p>Tameside Council's new foster carer offer is an unprecedented investment in the service to improve the offering to foster carers</p> <p>A new & improved service offering to support carers</p>	<p>You can foster regardless of age, marital status, religion, sexuality, employment status, whether or not you are a homeowner etc...</p> <p>Breaking down the barriers to fostering.</p> <p>You can foster</p> <p>Over 21, spare room</p>	<ul style="list-style-type: none"> • Training & development programme • Access to FIWs • Dedicated SSW • Clinical support • Psychological support • Educational support/virtual school • Foster Carer Advice line 24hr • Support groups • Training opportunities e.g. skills to foster, IHVs. • Quarterly Meetings • Career Development 	<p>Uplifted base allowances</p> <p>Expenses</p> <p>Celebration Events</p> <p>Max Card</p> <p>Seasonal incentives; events, gifting etc.</p>

HOW WILL WE REACH OUR AUDIENCE?

Our marketing plan encompasses **digital, event-led and relationship-led marketing** that focuses on reaching the right people, with the right message, at the right time.

It is crucial that an omni-channel approach is utilised to reach key audiences appropriately.

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RETARGETING
PREVIOUS
ENQUIRERS

ONGOING
DIGITAL
CAMPAIGN

FOSTER CARER
RECOMMENDATION
& RETENTION

RECRUITMENT
EVENTS

MEMBER &
PARTNER
ENGAGEMENT

MARKETING SCHEDULE

ORGANIC CHANNELS

TMBC Social Media CRM email SMS messaging TMBC Website Livewire Leader's Brief Citizen Magazine Press Release Virtual Information Sessions

PAID CHANNELS

Content creation: photography/video Facebook Lead Adverts Google Ads Outdoor Advertising /Out of Home Sites Spotify Advertising MEN Article/ Paid Advertorials Tameside Radio/BBC Radio Manchester Tameside Reporter & local press Recruitment Events Local Event Presence

RETENTION ACTIVITY

Newsletters Celebration Events Christmas Gifting/ recognition Max Cards Foster Carer Association Cared for Children's Events

OTHER

Foster Carer Offer brochure Members' recruitment packs Partner recruitment packs Information sessions partners/ members

MARKETING CAMPAIGN

An ongoing omni-channel Marketing Campaign will help to reintroduce the Fostering Service as a competitive choice for local people. Some key channels include:

- Facebook Lead Generation;
- Google Ads;
- Outdoor Advertising/ Out of Home digital Sites;
- Spotify Advertising;
- Paid Advertorials e.g. MEN article;
- Radio Advertising e.g. Tameside Radio (ads and regular slot) and BBC Radio Manchester;
- Local Press e.g. Tameside Reporter;
- Recruitment Events w/ fostering braded merchandise;
- Recruitment Packs; digital & printed.



RETARGETING

We will retarget previous enquirers with various marketing techniques. **Some of the reasons enquiries do not progress include:**

- Increased allowances offered by Private Fostering Agencies
- Common fostering myths e.g. being single, being out of work
- Fear of the unknown
- Financial implications
- Worries about getting too attached
- Lack of knowledge of support on offer

Some of the ways we can retarget include:

- CRM personalised mailers
- SMS with link to new offer brochure
- Invite previous enquirers to info events



RECOMMENDATION & RETENTION

It's really important that we utilise Council members, partners and existing foster carers to advocate for the new foster carer offer and push out key messages. Some ways we can do this include:

Recommendation

- Foster Carer Comms on referral scheme/including training session;
- Referral Cards;
- Foster Carer Event Support including Packs with branded merchandise & banners/info packs etc;
- Info sessions held for all to brief on foster carer offer;
- Info packs distributed to all: printed & digital.
- Partner leaflet drops in local areas.

Retention

- Newsletters
- Celebration Events
- Foster Carer Association
- Support & Development
- Seasonal Events/Gifting
- Cared For Children's Events



RECRUITMENT EVENTS

Virtual Events

- Information drop-in session every fortnight
- New enquirers invited along with previous enquirers

In the community events

- In person events every fortnight (staggered with virtual so there is an event every other week)
- Events at Costas, local cafes, Active Tameside, Foodie Friday, etc.
- Merchandise with fostering brand – jumpers, info packs, pens, banners, table cloth
- Carers, SSW's and Marketing & Recruitment Office to be present at events;
- Event Schedule to be created for carers & SSW's to book onto.



MEMBER & PARTNER ENGAGEMENT

Engaging partners and members will be key to the implementation and marketing of the offer, and will help key messages to reach a wide audience. Some ways in which this will be done are as follows:

- Member's/Partner's recruitment packs specially created (both digital & printed) for members to hand out to potential enquirers in their wards. Packs will contain information leaflets, business cards and recommendation cards to be given out;
- Sessions to be held for all partners and members to brief them on the foster carer offer;



CREATIVE APPROACH



THANK YOU

If you have any questions, please contact:
gabriellesulek@tameside.gov.uk



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FOSTER CARER OFFER

TRAINING & DEVELOPMENT

New Foster carer training and development pathway

Specialist Fostering Development Co-ordinator;

Tameside Fostering Training and Development Steering Group (T&DSG)

Induction training programme for carers and SSW's

Foster carer placement matching profiles

PAYMENT & REWARD

A generous weekly fostering allowance that helps to you to focus on giving a foster child the best possible care

Start-up grant for all newly approved foster carers;

Referral award fee to local foster carers

Review foster carer allowances and fees annually in consultation with foster carers

SUPPORT

Our Foster carer out of hours telephone advice service is there to support you 24 hours a day, every day

You'll receive a high level of support from your own dedicated supervising social worker

Foster Carer Handbook and review standards, policies and protocols

Access to Therapeutic support

Tameside Foster Carer Forum

Tameside Foster Carer Association

'How Did We Do' annual foster carer survey

Regular social activities and local support groups

We support your children who have access to our Sons and Daughters support group

Dedicated educational support from our Virtual School

Access to a Family Intervention Worker if you need additional support

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Report to:	EXECUTIVE CABINET
Date:	28 July 2021
Executive Member:	Cllr Bill Fairfoull - Deputy Executive Leader (Children's)
Reporting Officer:	Tracy Morris - Assistant Director Children's
Subject:	FOSTER CARER OFFER
Report Summary:	<p>This report provides a summary of the finding and details of all the recommendations of a recent review of our Foster Carer Offer that was a commissioned piece of work as part of the 7 Looked after Children sustainability projects.</p> <p>This covering report provides an over view of this review and the internal service review and response to its recommendations and proposals to take forward.</p> <p>Not all recommendations that have been made in the review are accepted fully by the service and the overview report seeks to provide a rationale as to why.</p> <p>There are clear proposals for implementation and there are costs to consider and agree attached to some of these proposals. The overview report provides the details of these costs.</p>
Recommendations:	<p>That Executive Cabinet be recommended to agree:</p> <ul style="list-style-type: none"> (i) That the proposals for the foster carer offer are approved for consultation as set out in the report. (ii) That prior to any final decision being made as to the Foster Care Offer an implementation delivery plan will be presented to Cabinet together with the consultation feedback and an equality impact assessment. (iii) The cost in the current year is financed from the central contingency provision.
Corporate Plan:	The review of the Foster Carer offer is in line with the corporate plan in terms of ensuring that children who become cared for after are able to remain in Tameside with Tameside foster carers. Children therefore continue to be a part of their own communities despite not living within their birth families. This offer will have direct impact on reducing the number of children placed externally and outside of the borough.
Policy Implications:	Following completion of recommendations one and two above, relevant policies and associated procedures will require updating as appropriate in line with the final decisions made by Cabinet.
Financial Implications:	The financial impact of the recommended increase in fostering allowances is in two parts.
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>First, the allowances, support and training that will be provided an additional £686,072 based on current numbers.</p> <p>This is in the context of more expensive other forms of care provision. The average cost for each type of placement is shown below, which demonstrates, that even with the increased cost per</p>

placement, the internal foster care provision is still the most cost effective option currently open to us.

Placement Type	Average Full Year Cost per child £
Revised Internal Foster Care payments	18,554
Current Average cost of IFA	44,030
Current Average cost of Residential	237,728

In order to cover the increased costs of in house fostering allowances a transfer of 27 children from the Independent Fostering Agencies into in-house fostering care would cover the increased costs represented in this proposal, or 3 children from residential care into in-house fostering at the average cost.

Secondly, there will also be a corresponding increase in payments to Special Guardianship Order (Special Guardianship) carers as a result of the Councils non-detriment policy, for foster carers who convert to Special Guardianship carer's. This is estimated to be £475,800. Therefore the total cost of this initiative is £1,161,872. The cost in the current year is recommended to be financed from the central contingency provision. A full breakdown of costs can be found in section 7.

Legal Implications:

(Authorised by the Borough Solicitor)

All foster carers receive an allowance for each child they foster. The amount depends on the age of the child, and is paid per day or per week depending how long the child is in the care of a foster family.

The basic allowance is to cover food, clothing, pocket money, a contribution towards housing costs such as household bills and other expenses associated with day-to-day living. Foster carers also receive set allowances to cover "additional costs" such as caring for a child over Christmas or another significant religious festival and the child's birthday.

The National Minimum Standards for Fostering 2002 provide for payment of an allowance to foster carers. Standard 28 provides:

- Each foster carer receives at least the national minimum allowance for the child, plus any necessary agreed expenses for the care, education and reasonable leisure interests of the child, including insurance, holidays, birthdays, school trips, religious festivals etc, which cover the full cost of caring for each child placed with her/him.
- Payments of allowances and any fees paid are made promptly at the agreed time and foster carers are provided with a statement of payment at the end of each tax year.
- Allowances and any fees paid are reviewed annually and the fostering service consults with foster carers in advance of any change to the allowance and fee.
- The fostering service advises foster carers of financial and other support that is available to foster carers where a child remains with them after they reach the age of 18 or where they care for/provide a home for a child and their parent(s).
- There is a clear and transparent written policy on payments to foster carers that sets out the criteria for calculating payments and distinguishes between the allowance paid and any fee paid. The policy includes policy on payment of allowances and any fee during a break in placement or should the fostering household be subject to an allegation.

- The written policy and the current level of payments are provided annually to each foster carer and commissioners of the service. The foster carer receives clear information about the allowances and expenses payable, and how to access them, before a child is placed.

The power to prescribe minimum allowances for foster carers through Regulations was included in Section 49 of the Children Act 2004. The national minimum allowance was first introduced in the DFE guidance: The National Minimum Fostering Allowance and Fostering Payment Systems: Good Practice Guidance 2006. The national minimum allowance is reviewed annually.

The Fostering Services (England) Regulations 2011 at Regulation 17 provide that a fostering service provider must provide foster parents with such training, advice, information and support, including support outside office hours, as appears necessary in the interests of children placed with them. A number of the proposals advise that there are no direct costs arising from the proposal although this needs to be considered in light of the fact that there are existing infrastructure costs and the intention is that it will be managed within existing budget. That said these should also be benchmarked to be able to demonstrate value for money.

Finally Members need to carefully consider the details set out in this report including the outcomes from the consultation to ensure that the proposals provide the necessary support and provisions for our foster carers to ensure a sustainable and consistent fostering service that also represents good value for the Council in these challenging times. Whilst the heads of paragraphs 3.4 to 3.6 inclusive set out what we intend to deliver there needs to be clear deliverables and timelines and how this will deliver value for money and demonstrate how this money will deliver better outcomes rather than staying the same for more cost. Before making a final decision on any Policy changes Members must be sighted on an equality impact assessment and this can be undertaken during the consultation process.

Risk Management:

Clearly, there is a risk that any private foster agency or other local authority will use the new proposed offer to review their own offer.

Background Information:

The background papers relating to this report can be inspected by contacting Tracy Morris, Assistant Director of Children's:



Telephone: 0161 342 4143



e-mail: Tracy.morris@tameside.gov.uk

EXECUTIVE SUMMARY

- In house (Local Authority run) foster care is widely recognised to provide the best option for the majority of children who require care from their Local Authority. It enables children to remain local to their family, friends, home community and services such as schools and health and represents by far the best value for money, at significantly less than half the cost per placement when compared to independent (private) fostering providers.
- Unfortunately over recent years we have not given our own fostering service the attention that is required in order to grown its size or maintain or improve its performance and as a result the proportion of our cared for children who are placed with Independent Fostering Agencies (IFAs) has grown disproportionately and is now at close to 50%.
- The ambition of this investment proposal, which sits alongside an ambitious three year recruitment strategy, is to make it more attractive to become an in-house foster carer for Tameside Council and once here to stay, helping to ensure that children are able to be placed with local foster carers wherever possible by initially stabilising our current fostering cohort and then seeking to expand. Enabling children to continue to attend local schools and have contact with their families and friends (where appropriate).
- It should be noted that to do nothing, would most likely lead to further reductions in capacity and an increased reliance on IFAs, children being more often placed out of Borough and the associated increased costs of both.
- It has to be recognised though that we are operating in an increasingly difficult context in terms of recruiting and retaining foster carers, as Local Authorities and IFAs compete for a largely finite resource of individuals who wish to foster against a nationally increasing number of children who require these placements. Foster carers recruited and retained locally though offers the opportunity for our Tameside children to stay in Tameside in a family home, and can be uniquely attractive to local carers – “local carers for local children” and for every placement made saves the Local Authority from £555 per week (compared to average Independent Fostering Agency Fees).
- To enable this we need to make the offer from the Local Authority as attractive as possible.
- Whilst we recognise that we cannot complete like for like with independent fostering agencies in terms of fees paid, we can place ourselves in a better position by having comparative rates when compared to other Local Authorities and to compete with IFAs for those families who want to foster locally but for whom the difference in rates currently makes it unaffordable. The proposal is to increase fees to a level of the higher median for Greater Manchester.
- The ambition is to eventually realign our figures from a roughly 50/50 split figures to the optimum provision of 85% in-house fostering placement capacity.
- As previously stated though this is an extremely competitive market with many competing players, so whilst our ambition for growth as detailed at section 3.4 onwards may seem cautions, growing our capacity by the end of 2024 by circa 31/38 placements, this is in reality a stretched and challenging target, set against a total net growth in placements across the 10 GM LAs in the past year of 7 placements.
- It is worth noting though, that we are moving from a relatively low base of in house carers as previously detailed, so this does give some headroom in terms of attracting local carers/prospective carers to a revitalised and dynamic fostering agency with their own LA, which may not previously have appeared as attractive a proposition when compared with an IFA.

- This report proposes a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers and to Increase Level 3 skill payments by 10% (£15 per week per child). This will also apply to our existing foster carers giving a much better chance of retaining those carers we currently have while increasing our recruitment rates.
- The estimated costs of this uplift alongside a number of other improvements foster carers have told us would make us a more attractive recruiter means the proposed investment for the revised fostering offer is £686,072.
- As detailed in the finance section the scheme will break even at the point that 27 additional placements are made with in house carers as opposed to IFAs, projected to be in the year 2023/24.
- The investment will be tracked, then formally reviewed and reported on at 6, 12 and 18 month intervals to assess whether the investment is delivering the improvements and increases we had expected.
The review points will be
 - December 2021
 - June 2022
 - December 2022
- The wider offer of a 24 hour support line and additional training and support sits in parallel with this financial package to support improved recruitment and retention.

1. INTRODUCTION

- 1.1 Tameside's Looked After Children's 7 Sustainability Projects were developed as a response to the following challenges.
- i. Reduce the need for local authority care. This will be done by strengthening prevention work and improving children's progress through care. Families require more practical support earlier to prevent cases from escalating
 - ii. Stabilise the existing LAC cohort. We currently have too many expensive placements and too many that are placed out of borough. We can stabilise placements by ensuring there is appropriate support and respite provision for both families on the Edge of Care and fostering placements nearing placement breakdown. This will include therapeutic support and support for families so that children can remain with them safely.
- 1.2 An independent review was commissioned in 2020 as part of the 7 Looked after Children sustainability projects and it has sought to build a better understanding of how Tameside local authority internal fostering services, can effectively improve its fostering offering and encourage, attract and retain increasing numbers of high quality foster carers in order to keep pace with demand for placements.
- 1.3 This report provides an overview of the final report of the review on the offer to foster carers approved by Tameside MBC. The fostering offer relates to the package of allowances, reward, training and support that foster carers receive.
- 1.4 The fostering national minimum standards, together with regulations on the placement of children in foster care, such as the Fostering Services (England) Regulations 2011, form the basis of the regulatory framework under the Care Standards Act 2000 for the conduct of fostering services. They apply to local authority fostering services, independent fostering agencies and voluntary organisations providing fostering services under the Children's Act 1989.
- 1.5 They are minimum standards rather than best possible practices. They focus on achievable outcomes for children. The fostering service providers and Ofsted should use them to secure positive welfare, health and education outcomes for children and young people as well as reducing risks to their welfare and safety.
- 1.6 The DfE expects local authorities to place children as near to home as possible and they are expected, as far as reasonably practicable, to:
- "secure sufficient accommodation within the local authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area" (the sufficiency duty)."*
- 1.7 This review has been a detailed and thorough review of the current offer and how this compares to other Local Authorities in GM and the North West. It has also compared the offer against the private market in Independent Fostering Agencies (IFA's).
- 1.8 The project officer has also undertaken consultation with current foster carers so their views have been fully considered and taken seriously in this review.
- 1.9 Following the completion of the review a draft report was provided and this was considered by the Assistant Director, Head of Service and Service Unit Manager for Fostering in order to consider findings and recommendations. At this meeting the recommendations hadn't had the financial calculations.

- 1.10 The full review report makes a number of recommendations for next steps to be taken forward by the service. These have now been reviewed internally and proposals in what the service agrees needs to be implemented are detailed in this overview report for consideration and approval.
- 1.11 The review of the Foster Carer offer is a very detailed report that reflects information gained from broad consultation with individuals, groups and organisations who have generously contributed to the review. It makes findings and draws conclusions, following submissions from those with both personal and professional experiences of fostering.
- 1.12 It is not the intention to repeat the detail of the full review in this overview report but it is intended to present key information in terms of what needs to change in the offer so we are able to grow an internal resource of not just increasing numbers of foster carers, but also developing the skills of foster carers to promote placement stability for some of the more complex children and young people.

2. WHY TAMESIDE NEEDS TO IMPROVE IT'S OFFER TO FOSTER CARERS

- 2.1 There is a national shortage of foster carers and this situation is reflected regionally across Greater Manchester, including in Tameside.
- 2.2 The Greater Manchester Children and Young People's Plan 2019-2022 contains the wider context of Greater Manchester's ambition for children, young people and their families. It also includes a commitment to review:

“placement sufficiency across Greater Manchester to capture the varied needs of looked after children alongside the current offer of placements and the requirements of placements in the future” and to “develop a Greater Manchester Commissioning Plan and Sufficiency Strategy to ensure children coming into care are provided with a quality placement which meets their needs, ensuring permanence is achieved at the earliest stage.”

- 2.3 Between 31 March 2016 and 31 March 2020 the national number of mainstream LA fostering households decreased by 14.3%, while the number of mainstream IFA households increased by 4.7%. If this trend continued at the same year-on-year average percentage change, **IFAs will have more mainstream fostering households than LAs, by around 2026/27**
- 2.4 Recent data has been provided and has evidenced that Tameside have placed 43 children with IFA carers within our own borders. Tameside use of IFA's is the second highest in GM and there is a pressing need to improve the balance of availability of internal placement options at local level. The cost of an IFA placement to the local authority, is significantly higher (circa 50%) than a local authority approved foster placement cost (not taking into account Council infrastructure costs so not directly comparable).
- 2.2 The average weekly fee paid to an IFA for an individual placement made by Tameside in 2019/20 was £811.00.
- 2.3 The cost of a Tameside in-house foster care placement (with Level 2 payment uplift of £30 per child per week) would range from: £262 per week for a 0-1 year old child - £328 per week for a 16-18 year old young person. This is an average weekly placement cost of £286.80 for a placement with an in-house foster carer.
- 2.4 Considering the number of IFA and in-house placements for 2019/20, which were: **110 in house placements vs. 106 IFA placements** (a 51%/49% split). The average weekly placement costs for 2019/20 were as follows; (please note these are based on average costs only):

- 110 (51%) in-house placements based on current Level 2 at an average weekly cost of £256.80 = **£28,248 placements cost per week on average**
- 106 (49%) IFA placements on average £811 per week = **£85,966 placements cost per week on average**
- **Cost per week = total of £114,214 placements cost per week on average**

2.5 The ambition is to realign these figures to the optimum provision of 85% in-house fostering placement capacity. However the net recruitment growth ambition outlined in section 3.18 would provide give a 73%, 27% by the end of 2024/25 split between in-house and IFA respectively, the finances would show the following;

Numbers	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	%
In House	110	110	135	172.5	242.5	292.5	73%
IFA's	106	106	106	106	106	106	27%
	216	216	241	278.5	348.5	398.5	100%

NB Growth assumptions that the 2019/20 baseline holds for 2020/21

Setting aside the projected growth, if the mix of carers was able to be shifted towards internal provision 73% the using the 2019/20 figures the costs would be as follows

- 157 (73%) in-house placements on average Level 2 (uplifted) at a weekly cost of £286 = **£45k placements cost per week**
- 59 (27%) IFA placements based on previous year average costs = **£47,849 placements cost per week**
- **Total of £92,876 placements cost per week on average**

2.6 There is potential for cost avoidance in the region of roughly £21k per week on IFA placement fees, if the service were to achieve the 73%, or and greater if we were able to deliver the 85% foster care provision outlined in the fostering marketing and recruitment strategy. These objectives are underpinned by a new foster carer offer that encourages new carers into the role and ultimately supports the conversion of enquiries. It is therefore imperative that the financial offering to new carers is realigned and sits within the higher median for GMCA, in order to achieve 70-80 carers over the next 4 years.

2.7 There is a myth that private provider means better quality provision but this isn't necessarily the case if we get the support model right. There are a number of recommendations and proposals that are at no additional cost and are within our gift to implement but to really enhance the offer those other recommendations with some cost are really critical

2.8 There are too many children currently living in external children's homes because there wasn't a foster placement available for them, or because they have made progress in the home but there is not a foster family available for them to 'step down' too. Some of these children are very young to be in residential care and it is not the right environment for most coming into care from a family into a children's home. Average weekly costs for an external residential home is £237,728 per year based on 2020/21 figures. Therefore, we would only need to prevent three children entering this type of provision (whole year costs) for this to cover the costs of these proposals.

2.9 Additional to the cost issue, one of our corporate parenting priorities is about permanence, stability and security. This is more achievable within a family and that outlined within our permanence strategy as a priority.

2.10 This offer and proposals are about growing an internal resource and therefore the measure of success will actually be increases being required year on year, however, the other measure of success will be a reduction in spend on the external placement budget.

- 2.11 The projection for placement sufficiency of internal fostering is challenging with many constant variables making it difficult to predict accurate provisions for a given time, with fluctuation in placement supply and demand. However, projections will be made based on latest data, which will be reviewed throughout the year in line with the changing nature of the demand.
- 2.12 A report by Fostering Futures in conjunction with The Fostering Network^[1] suggests that 85% internal foster placement availability produces the optimum benefits from a mixed economy of provision.
- 2.13 Taking into account the previous year figures for Cared for Children in Tameside 2019/20^[2], out of the total 216 mainstream foster care placements, 110 are local authority recruited foster care placements, while 106 are private external fostering placements. This gives a percentage split of:
- 51% of placements provided by Local Authority
 - 49% of placements provided by IFAs
- 2.14 In order to reach the 85% benchmark for optimum internal foster carer provision, the current split of 110 in house placements and 106 IFA placements needs to be realigned by around 34% in favour of in house provision. This equates to in house provision for around 184 placements, based on us seeing similar trends of children coming into foster care.
- 2.15 Based on current figures, Tameside mainstream foster carers have the capacity to look after on average 2.3 children. Therefore, projections have been made based on the assumption that foster carer capacity is for 2.3 children in placement, meaning that the target of 70-80 new carers could potentially provide 161-184 placements for children, dependent on successful matching.
- 2.16 It's important that we also ensure retention of existing foster carers, however it's inevitable that there will be some level of deregistration's of existing foster carers through retirement and Special Guardianship. As mentioned, it's anticipated as part of sufficiency planning that over next three financial years, there needs to increase in the region of 70-80 new carers.

3. IMPACT OF NEW FOSTER CARER OFFER

- 3.1 The proposed new foster carer offer will shape, support influence the growth of the internal fostering service to provide fostering households for Tameside Cared for Children. The proposed offer is crucial to enable the service to deliver on the 3 year recruitment strategy that was presented at Childrens senior leadership team in January 2021.
- 3.2 Through a variety of marketing, recruitment & retention techniques, the aim is to support and grow our network of valued carers in Tameside. The number of cared for children in Tameside has been on an upward trajectory, so the need for high quality in-house foster carers is crucial. This approach includes the retention of existing foster carers, through implementation of the improvements to the foster carer offer, in addition to working closely with carers to listen to their views and consider them when building and implementing the strategy.

*Based on today's foster carer figures – this is dynamic and under constant review.

^[1] Source: Fostering Futures: Impower in consultation with the Fostering Network on behalf of DfE 2013

^[2] Source: Tameside Performance and Intelligence Service data. Provided for the report, November 2020

Tactical objectives;

- To increase in-house placement sufficiency in Tameside by 34%* over the next four years
- To retain existing foster carers and through support and training, enable them to take on more challenging placements;
- To implement the Marketing Plan for FY21/22 which has the primary aim of delivering the first steps towards the 34% increase target for foster carers (**plan to be updated each FY in line with optimisation approach**);

Strategic objectives;

- To support & retain existing foster carers through training & incentives and ensure they feel valued in their roles;
- To build a strong fostering identity that is recognisable and resonates with our carers and young people;
- To ensure all comms are consistent & aligned to enable strength in campaign messaging
- To raise awareness & consideration for fostering in Tameside (long term).

3.3 Tameside mainstream foster carers currently have the capacity to look after on average 2.3 children per household. Therefore, projections have been made based on the assumption that foster carer capacity is for 2.3 children in placement, meaning that the target of 70-80 new carers being recruited across a three year plan will potentially provide 161-184 new placements for children. This projection is underpinned by careful and considerate matching to the skills and knowledge of carers meeting the needs of the children requiring a fostering placement. It's important that we also ensure retention of existing foster carers, however it's inevitable that there will be some level of deregistration's of existing foster carers through retirement and Special Guardianship. As mentioned, it's anticipated as part of sufficiency planning that over next three financial years, there needs to increase in the region of 70-80 new carers. The targets for the next four years are broken down as follows:

FY20/21

3.4 The aim is to retain our current co-hort of foster carers. This will not deliver the growth that was planned at the start of year. This is due to changes and movements within the service following a period of instability and also the delay in recruiting to the vacant marketing and recruitment officer post. The COVID-19 pandemic has also impacted on foster carer recruitment as the service has not been able to undertake recruitment events due to government restrictions in relation to social distancing. The service has completed digital media campaign, however since the appointment to the marketing and recruitment post in September 2020, there is evidence of increased activity. The maintaining of previous year figures will allow the service to create clear and strong objectives for the coming years while the groundwork is done to create successful recruitment and retention processes.

FY22/23: 7-10 new carers

3.5 The steady increase in target carer numbers reflects the start of the implementation of the Fostering Recruitment Strategy and the new Foster Carer offer. This will allow us to put the plans in motion, while building a stronger network of support and incentives for our existing foster carers. This will truly be a year of trial, test and evaluation of many different marketing techniques to find the best ways to reach potential carers in Tameside. We hope that the implementation of a clear offer and of the aims and objectives of the new strategy that existing carers will be receptive, and in turn aid the growth of our fostering network through word-of-mouth recommendation and involvement in key campaigns throughout the year.

FY23/24:12-15 24-28 new carers

3.6 This year will be the one in which our established marketing strategy enables us to 'ramp up' our recruitment position strengthened by the evaluation of key campaigns from the previous year. With a strategy tried and tested, and established foster carer offer meaning strength in

our fostering community, we will aim to double the foster carer recruitment figures from the previous year.

FY24/25: 24-28 14-20 new carers

- 3.7 We predict in the following year a natural slowing of the recruitment of carers due to the conversion of a large number of potential applicants in the previous year. However, this gives us the opportunity to increase our efforts in reaching more of our minority carers e.g. younger carers, career carers and find innovative ways to appeal to an even wider audience.
- 3.8 Effective foster care sufficiency planning along with targeted recruitment goes hand in hand with any new offer that is established. Greater emphasis on foster carer recruitment and retention strategies and active promotion of the new local offer, are a service priority. The role of the new Marketing & Recruitment Officer will encompass both recruitment and retention by creating and implementing a clear recruitment strategy, initially for a four-year period. The retention plan will promote the new offer, while continuing to listen to feedback using online surveys and focus groups with the aim to build and grow an engaged network of foster carers.
- 3.9 A combination of incentives and recognition schemes (including and in addition to those outlined in the new offer) will bring value to the role of foster carers and will form an integral part of the retention strategy. The recruitment element will include a clear and consistent Marketing & Communications plan with a multi-channel approach, Digital Marketing Campaign and Partnership with local and national organisations, community groups, schools and places of worship. Ensuring strength in both recruitment and retention is key to longer-term recruitment goals.
- 3.10 The human cost gain to this offer is that children will remain in Tameside, not just physically but all aspects of life remain in place for them; schools, health services, family and friends. Successful corporate parenting is more achievable when the partnership have existing relationships and children are accessing our own provisions. For those children who present with a level of risk or complexity of need it is much easier to manage risk and improve outcomes when children are within our own boundaries. Local placements will ensure that cared for children will have improved support from social workers and other professionals. Placing children within Tameside be reduce travel time to visit children and their carers by social workers, respond to any difficulties or crisis in a timely manner and will enable better relationships between young people and professionals in the network of support.
- 3.11 Increasing numbers of cared for children who need good local foster placements is putting pressure on local authorities, including Tameside, who are struggling to keep pace with growing demand.
- 3.12 A renewed and attractive foster care offer is one way to support the organisational goal of increasing the numbers of mainstream and connected carers, and make Tameside a place of positive choice to become a foster carer.
- 3.13 As part of the new refreshed offer to foster carers, it is proposed that there should be a financial uplift in level 2 skills payments that will shift Tameside into the top half of GM median entry-level skill payments to approved foster carers. As started in the independent report:
- 3.14 *'Tameside carers and social workers have consistently highlighted concerns during this review that level 2 payment for skills is simply not enough reward for the job that newer carers do... [it] **does not provide any incentive to choose Tameside to become a carer**'*
- 3.15 The current allowances are proving be a challenge in recruitment when outlining the offer to potential applicants. The January 2021 digital campaign has already brought in a significant number of new enquiries, almost four times the number of the previous few months, despite not yet reaching the month end (38 enquiries as at end of January 2021).

- 3.16 Five separate enquirers have shown strong interests in wanting to foster for Tameside, but on review of finances have explained that it is not a feasible option for them within the current Level 2 skills allowances that they would receive as a new carer.
- 3.17 This demonstrates the investment into Marketing & Recruitment is proving successful at generating new enquiries, but the current financial offer is **still a barrier in converting many of them**. It should be noted that each of these applicants had a spare room and relevant experience that would make them potentially strong applicants.
- 3.18 Some other crucial components of the new offer that would help to incentivise new carers include: Providing a start-up grant for all newly approved foster carers and establishing a cash scheme for the immediate purchase of essential, urgently required child specific items when an unplanned, emergency placement has been made.
- 3.19 A fundamental part of the proposed new foster carer offer is the impact on the retention of existing foster carers. Tameside Foster carers relationship with the department is described as being fragmented due to past decisions made and a distrust in the service to deliver on improvements stated by senior leaders in the service.
- 3.20 A key aim of the Marketing & Recruitment strategy is the retention of existing foster carers. While we aim to recruit 70-80 new foster carers over the next four financial years, it is vital that we reduce deregistration's of foster carers, and the only way to do this is to put value into the role of a foster carer. This means ensuring they are adequately supported financially, practically and emotionally, whilst providing with the best levels of training available to enable them to take on more challenging placements throughout their careers as foster carers. The recommendations outlined in this report to create a new and refreshed offer to foster carers will support the Local Authorities strategy to retain our existing foster carer community whilst providing them with the support and resources required to provide better quality fostering homes for Tameside cared for children.
- 3.21 Without these much-needed changes, we risk foster carers leaving the service, some of whom are already disillusioned with the service and are relying on a strong offer to place their trust back in the service.
- 3.22 Naturally, foster carer retention has a halo effect on recruitment, which is hugely important when enticing new carers and from word-of-mouth recommendations from current foster carers. Foster carers play a key role in recruitment, whether this is involvement in a case study for a news article, engaging with applicants to discuss their fostering experiences or becoming involved in delivering training. It is imperative that they feel valued and respected as part of a team along with professionals and the offer is paramount to achieving that.
- 3.23 The proposed foster carer offer has a focus on the training and development of new and existing foster carers. The proposal sets out an investment in foster carer training to enable a comprehensive and detailed programme that upskills foster carers whilst supporting children and young people in their care. There is also a proposal for a dedicated practice manager post to lead on the training and development plan and implement this within the foster carer community.
- 3.24 Through an improved foster carer training offer, it will enable us to stretch the capabilities of existing foster carers through offering training and support to take on children with additional needs, different ages to the children they have experience caring for and those with complex emotional and behavioural difficulties. Upskilling foster carers to Skill Level 4 will provide greater sufficiency to place cared for children with internal foster carers. This would therefore reduce the need to place cared for children within and IFA and external residential placements and therefore leading to potential cost avoidance.

- 3.25 Encouraging carers to gain new skills and experiences with an achievable aim to get to skill level 4 will offer our children and young people more options, and the better chance of an in-house placement. We therefore aim to recruit flexible carers, who are open to the varying needs of children irrespective of age, and appeal to carers who have the capacity to take on sibling groups. While prospective carers will have an age group in mind, we will work with them to understand their skills and strengths, and that many children requiring care could be well matched to them despite them being slightly older/younger.
- 3.26 In September 2020, the fostering service launched an interim training programme which has been met with positive feedback from foster carers on engaging and relevant topics, content and delivery. An accompanying brochure to bring the courses to life & help them to feel engaging for foster carers. Carers have also reacted positively to the brochure and its contents.
- 3.27 A Foster Care Training and Development Task and Finish Group has been set up to oversee, monitor and track progress of the new two year training pathway. This is one of the proposed recommendations in the offer that has already been implemented. The Task and Finish Group has representation from the foster carer community, education, health and from within the fostering service. It offers both support and challenge in respect of foster carer training programme and will ensure that the delivery of the programme for April 2021 will be achieved. The group will remain in place to review the programme on a quarterly basis. This blended learning approach will further support the carer categorisation process and will enable better matching based on skills when combined with our growth aspirations. The growth in internal capacity will increase our placement options thus reducing the need to outsource. It will also improve outcomes through developing a skilled foster carer community to meet the needs of our cared for children.

4. CONSULTATION

- 4.1 During the review the independent author carried out a range of consultation opportunities with the foster carer community as part of the review last year. This included a survey monkey that was sent out to over 160 carers. 35 completed returns (22 %) were received. There was also a cross section of 16 Tameside carers who took part in three separate group consultations. Feedback from these consultations was factored in the initial report and forms the basis of the recommendations.
- 4.2 There will be further consultation with foster carers around the outcome of this proposal subject to approval.
- 4.3 We are developing a consultation plan that will take place over 6-8 weeks. We plan to send a survey monkey out to all approved foster carers followed by two consultation events that would be held via zoom.

5. IMPLEMENTATION

- 5.1 An implementation plan will be developed to ensure that recommendations agreed as part of the offer as implemented in a timely manner. It is proposed that the implementation plan is presented to board within 12 weeks of the recommendations being agreed. This will ensure that recruitment and retention of foster carers can take place at pace to provide more stable and secure fostering placements for Tameside children. There are a number of recommendations that have already been implemented within the service.
- 5.2 The implementation of the revised offer to foster carers will be reviewed on an annual basis. The review will look at its success in relation to recruitment and retention of foster carers, but also to ensure cost efficiency. The review of the implementation will also consider the staffing

structure and if there is a need to consider increase in the number of fostering social workers to ensure that all foster carers receiving high levels of quality of support that is required to retain foster carers. It's estimated that each fostering assessment and approval costs the Local Authority to be approximately £8,248¹, so therefore retention of foster carers needs to be a priority and the appropriate staffing structure needs to reflect this.

- 5.3 There will be a post implementation review after 12 months (subject to approval). The success of the carer offer will have measurable quantifiable outcomes that can be reported on which will evidence 'what is working well' and what may need to be revised. If we achieve our foster carer recruitment targets, we will have to further explore caseloads to ensure they are manageable. This will be balanced against the reduction in cared for children through discharges relating to Special Guardianship Orders.

6. PROPOSALS

- 6.1 The report will detail each recommendation and the response from the service in terms of whether they are being put forward as a proposal to this board. Out of the 27 recommendations there are 16 recommendations with costs attached.
- 6.2 **Recommendation 1 – Outlines the need for all Foster Carers have an entry level of skills level 2 payments.**

Currently connected carers enter on skills level 1 at approval (Agency Decision Maker approval) and can only progress to level 2 payments once they have completed Training Support and Development Standards. Most main stream foster carers following the initial Form F assessment are assessed as reaching skills level 2 and thus start as foster carers at level 2 on entry to the fostering service. We are proposing that all foster carers both connected and mainstream following assessment have an entry level of skills level 2 on approval.

We are currently undertaking concurrent planning with regards to permanency and Special Guardianship Orders will be sought if appropriate. A recent audit of all children in connected carer placements identified that 32 out of 80 are ready for discharge, a further 40 require further work to prepare for discharge. Cases are presented to Permanence Panel where decisions are ratified and plans are put in place to discharge orders. We cannot pre-empt the court decision, however the implementation of a new permanency pathway ensures that the plans are rigorous and robust. We have invested in a dedicated team who will offer post order support. This approach places achieving legal permanence for our cared for children at the center of practice. This will have an impact in reducing our number of cared for children numbers in a safe way and most importantly we will be prioritising what is in the best interests of our children. There will also be a reduction in caseloads for Child's Social Worker, Supervising Social Worker, Independent Reviewing Officer, managerial oversight, etc. Although this will not reduce staffing costs, it will drive improvements in practice and support staff retention as they will have more manageable caseloads.

All foster carers will have the opportunity to progress through the skills levels regardless of how they have become foster carers.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

¹ Independent report Foster care in England - Sir Martin Narey and Mark Owers's independent review of the fostering system in England with recommendations to the government about improving foster care.

The change of payment to connected carers, moving to skills payments 2 and then where appropriate onto level 3, will need to be assessed before they progress. The cost will depend upon the carer cohort, it is estimated the cost of this will be £351,964.

6.3 Recommendation 2: Increase pre - approval connected carer allowances by 25%

This recommendation is in relation to the temporary approval of a connected carer where an immediate placement is required. The assessment and approval of these arrangements are defined by Regulation 24 of the care planning, placement and review regulations 2010. They are referred to as Reg 24 foster carers. The recommendation outlines an increase in the allowances paid to carers who are in this temporary approval status but that this reduces back to the set allowance upon approval.

This recommendation was made to consider the additional costs associated with looking after a child or children in immediate circumstances.

Upon review of this recommendation it is noted the rationale behind this is understood by the service however this makes the management of payments more complicated and it is also the that this is in contradiction to the above recommendation where we are trying to equalise allowances and therefore this is not a recommendation that is accepted. All assessments of prospective carers consider financial stability and therefore there would always be an expectation that applicants can afford to look after children before they would be approved as carers.

Proposal;

Recommendation not accepted and not taken forward with the associated costs

Costs:

Not Applicable

6.4 Recommendation 3: Provide a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers

As part of the review the project lead researched across Greater Manchester authorities and also Independent Fostering Agencies (IFA'S) from the external market. The findings are that at the higher level payments Tameside is competitive for those experienced carers from an allowance perspective. At the lower levels we are not as comparative and feedback from carers is that it is not an attractive offer when compared to other organisations. All local authorities and IFA's in Greater Manchester recruit from the same pool of people in the community and therefore Tameside have to be part of a competitive market.

The summary of the findings is that current allowances to level 2 Tameside foster carers is in the middle of the scale of other LA allowances but to increase this payment of £30 per week per child move us into the top median and immediately makes the payment offer more attractive to anyone looking to be a foster carer.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

The increase in costs for existing carers and those carers who will move to skills payment 2 as a result of recommendation 1 is £178,329.

6.5 Recommendation 4: Increase Level 3 skill payments by 10% (£15 per week per child)

This recommendation is for the same reasons as above.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Cost:

The increase in costs for existing carers and those carers who will move to skills payment 3 as a result of recommendation 1 is £78,214.

6.6 Recommendation 5: Provide a start-up grant for all newly approved foster carers

This recommendation is to provide a supplement payment to assist all newly approved carers in starting up. This would be a payment of £150 for the carers of 0-10 year olds and £250 for those caring for 11- 17 year olds. It would be expected that this is not to cover all costs of setting up but is a supplement for equipment.

This is common practice across other local authorities and Independent Fostering Agencies and is currently a gap in Tameside.

The fostering service have provided monies for equipment but on a case by case basis. Foster carers who took part in the review did provide feedback that sometimes there was no consistency to decision making and so this recommendation really assists with having a clear position and offer.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

60 new carers (connected and mainstream) were approved in 2018/19 if they had children ages 11-17 placed with them the annual cost would be £10K

6.7 Recommendation 6: Introduce a referral fee to local approved foster carers who introduce new carers to Tameside

This recommendation is where existing approved Tameside foster carers refer a family member, friend, neighbor or work colleague to become a foster carer for Tameside. If the person they refer successfully becomes an approved foster carer following an assessment they would receive a one off payment.

This recommendation is described in the full report as a 'golden hello' however the service review of this recommendation concluded that this is more a referral fee and is in line with a lot of the IFA's, and indeed other organisations that generate business through this type of method. The review report recommends that this is a £500 amount split into 2 parts - £250 at the point of the applicant being approved at panel and £250 after 6 months of a successful first placement.

The service response to this is that splitting a payment becomes very difficult to manage and track and also whether a placement is successful or not isn't in the referrers control and therefore if it is a genuine offer to generate new business. The view of the service is that this should be a £300 one off payment at the point a referred applicant is approved following a full assessment, approval at the fostering panel and ratification of approval by Agency Decision Maker

Proposal

That the recommendation is accepted and implemented as part of the revised offer

Costs:

It is expected that Golden Hellos are only likely to happen on the implementation of the new foster care offer and will grow in line with the growth in new carers maximum cost expected is in 2024-25 being £3,600.

6.8 **Recommendation 7: Establish a gift voucher scheme for the immediate purchase of essential, urgently required child specific items when an unplanned, emergency placement has been made**

The report outlines that carers are sometimes placed in a position of caring for children in emergency situations. This can sometimes mean that children are moved without any notice and arrive at their placement with nothing. These occasions are usually when it is urgent and out of hours. This leaves the foster carer having to provide clothes, toys etc. but obviously will not receive their allowance for the child until the next payment date. The recommendation from the review is for us to establish a gift voucher scheme so we can provide this upon the placement of a child for items to be purchased.

The view of the service is that this becomes difficult to manage as we would need to decide on a voucher that might not suit all carers given the size and demographics of Tameside. As already noted in an above recommendation, foster carers are assessed financially and therefore there would be an expectation that they would be able to cover the costs of basics until the allowance payment was made. It is accepted that this might not be the case all of the time and where there is a larger sibling group being placed and therefore this payment should be consider but in cash rather than a gift voucher. This is for the service to manage.

The service is clear that there is a difference in unplanned and emergency placements. There should be an expectation that unplanned moves are still supported by social workers on making sure clothing etc. moves with the child.

Proposal;

Recommendation not accepted and not taken forward with the associated costs

Costs:

Not Applicable.

6.9 **Recommendation 8: Introduce a paid 5 day carer placement break for all organised LA planned placement changes over 3 months duration**

This recommendation has been made in response to feedback from foster carers where they have had placement breakdowns and then taken another placement as they have needed to continue their income from the allowances. This doesn't allow any time for reflection or recovery from what is described as a grief experienced by the carers. The recommendation is to implement a 5 day paid break for carers to allow this recovery time without the carer being without an allowance. This is detailed within the recommendation as for planned placement endings only.

The service have reviewed this and whilst the rationale is understood and noted, we are not in a position to implement this at the current time. We already have too many children in external placements and until we grow the internal resource then this is not going to allow us to deliver on the ultimate priority which is to have Tameside children with Tameside carers.

The service accepts that on a case by case basis this might be the absolute right thing to do for children and carers depending on the circumstances of the ending of the placement and we would always want to consider these however to make this part of the general offer will be at significant cost.

Proposal;

Recommendation not accepted and therefore not taken forward with the associated costs

Costs:

Not Applicable

6.10 **Recommendation 9: Review foster carer allowances and fees annually in consultation with foster carers**

This recommendation is very clear and speaks for itself however the view of the service is that the critical bit is not necessarily the consultation with foster carers but more that we are reviewing the allowances in line with rates of inflation.

This is proposed to be at budget setting times of the year and should be next be considered in Oct 2021

Proposal;

That the recommendation is noted but that the service proposal is accepted and implemented as part of the revised offer

Costs:

Any proposed increase in allowances and fees will be quantified and reported on annually.

6.11 **Recommendation 10: Clarify and notify all foster carers of allowances, fees and grant entitlements in a refreshed Foster Carer Handbook**

This recommendation is as a result of feedback from foster carers stating that they haven't always received clear information about fees and entitlements etc.

The service accepts this recommendation. There is no associated cost and this is in the gift of the service to communicate the revised offer once agreed.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

There is no direct additional costs as a result of this recommendation.

6.12 **Recommendation 11: Introduce a foster carer out of hours telephone advice service**

A key finding from the review of the offer has been that foster carers hold an equal importance to the support they receive to that of the allowances they are paid. Some carers give this more importance and it is often the difference between carers being recruited to an IFA rather than to Tameside.

Foster carers look after cared for children 24/7 and whilst there is a children's out of hour's emergency social work service, often foster carers are looking for advice and support rather than social work intervention. It also needs to be taken into consideration that the out of hour's service is set up to cover only emergency safeguarding matters for Tameside on a rota basis.

Foster carers also need people at the end of the phone who understand fostering and the responsibility this brings as it's a specialist area and requires specialist support.

The recommendation of an out of hours fostering support line is therefore wholeheartedly accepted by the service and we would want to implement this. Other authorities who operate this model see a positive impact on placement stability as the support is instant and responsive rather than placements breaking and then the service has to react. Independent Fostering Agencies offer this as standard in their support package. The costs associated are for the standby fees as this would be managed by existing staff within the service.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

The service would look for social workers to voluntarily go onto a call out rota to provide this support which is expected would cost £20,005 per annum.

6.13 Recommendation 12: Introduce new support role of foster carer coach

This recommendation is a build on the support model to foster carers by experienced foster carers and the notion also comes from a principle of using the knowledge and experience to help strengthen the quality of foster care in Tameside as key stakeholders.

The report and recommendation outlines an idea to have 12 foster carers recruited from level 3 & 4 foster carers to become coaches/mentors to other carers and for them to be remunerated for this at a cost of £1.3K each per year (total for the year £15.6K)

The service has carefully considered this recommendation and the supporting evidence and whilst the rationale is noted, this does create an exclusivity to foster carers and the principles for the service as, outlined in this report, is to value all carers and actually be inclusive to all. The proposals of the service is for level 4 carers to act as mentors to less experienced carers and this is a model much more widely used across local authorities. This would require us working with level four carers on a new ask for them but the positive feedback from carers is that they want to be a part of helping and for us to use their talents.

Proposal;

That the recommendation is noted but that the service proposal is accepted and implemented as part of the revised offer

Costs:

Not Applicable.

6.14 Recommendation 13: Formalise expectations & responsibilities of the current foster carer mentor and co - trainer role, with QA standards introduced

This recommendation is linked to recommendation 15 below – see comments and proposal

Proposal;

Recommendation not accepted and therefore not taken forward with the associated costs

Costs:

Not Applicable.

6.15 Recommendation 14: Establish a foster carer training and development pathway that provides universal, targeted and advanced practitioner training

In line with the support and training feedback from carers, supervising social workers and research into the offers other LA's and IFA's have in place it is critical that we have an established training offer to ensure that carers have the knowledge and skills to care for our children. It is important to build confidence and resilience in our carers in order to promote stability and good quality care for children.

6.16 The service has started to build this but this needs to be very clear in the revised offer to foster carers. The annual costs for training are in line with other authorities

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

Annual cost £20,600 per annum. Value for money needs to be achieved in the training delivery model, partnership models should be considered as part of this assessment.

6.17 Recommendation 15: Introduce the role of Fostering Development Co-ordinator

In order to deliver on the training package to foster carers it is usual for local authorities and IFA's to have a dedicated role within their organisations/services to co-ordinate this. We have reviewed the information in the report and the recommendation and the service view is we would like to expand on this role.

There is an apparent disconnect between our foster carers and the service and it is a priority for us to build relationships with carers and make them feel a part of something bigger and most importantly feel valued.

Therefore our proposal is for a Training and Engagement Officer to be a dedicated role within the service. The recommendation identifies an additional role within service at a cost, however we had already identified this as a need within service and would propose to use a vacant Social Worker post to convert this in a new role with an uplift in grade from social worker to practice manager. The role would have greater responsibilities than that of a social work post and therefore it's agreed that this post needs to be at the level of practice manager. We would need to complete job evaluation on a job description to ascertain the grade through the correct HR process.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

The services anticipates the grade of the post to be Grade I+, the service has existing budget of Grade H+, therefore the increase in budget required would be £13,360.

6.18 Recommendation 16: Introduce a Therapeutic Fostering Social Worker role

This recommendation again builds on the support offer to carers and the service accepts that this is a good offer to make to carers. However 2 therapeutic Social Workers have already been agreed as part of the 7 projects for Cared for Children sustainability and currently there are discussions with the Commissioner in the CCG about the whole offer the Cared for Children and that the 2 therapeutic SW's integrate into this model. The view of the service is that carers and supervising social workers should be able to access this service as the beneficiaries are the children that are being looked after in foster placements. Therefore the service is of the view that there are no additional costs as this isn't an additional post into the service.

Proposal:

That the recommendation is noted but that the service proposal is accepted and implemented as part of the revised offer

Costs:

There are no further financial implications

6.19 Recommendation 17: Introduce an 'Every Carer Counts' incentive/well-being package

This recommendation is based on valuing our foster carers and therefore supporting the retention priority. The proposal is for an estimated £250 annual cost per carer (less than £5 per week) to cover costs of gym/leisure memberships, annual social events; long service award costs amongst other rewards that could be developed as part of this package. This should be available to all approved carers

The service has considered this recommendation and accept this as a good addition to the offer. However at the current time and the challenges the COVID-19 pandemic has, its accepted that the use of the public funds in this way should be re-considered at a time the Council is looking to find efficiencies. This is a recommendation that the service may wish to consider in the future.

Proposal;

That the recommendation is not accepted at current time, but will be revisited during future reviews.

Costs:

Not applicable.

6.20 **Recommendation 18: Establish a Tameside Foster Carer Forum**

This recommendation is accepted by the service. Foster carers have to have a mechanism to share their views and integrate into the service that is responsible for them. The recommendation is that this is a formal arrangement with foster carer representatives and the fostering service management representatives to have a business meeting to ensure that the offer is being delivered and what the impact is for carers and ultimately children.

This is at no additional cost and is standard practice for a fostering service

The service proposes that the Training and Engagement Officer would lead on the co-ordination and management of these regular meetings

Proposal;

That the recommendation is noted but that the service proposal is accepted and implemented as part of the revised offer

Costs:

There are no financial implications arising as a result of this recommendation

6.21 **Recommendation 19: Establish a Tameside Foster Carer Association**

This recommendation is accepted by the service as a really positive way forward to again, promote the value, importance and inclusivity of our carers. This will give carers a sense of belonging to something much bigger and the rewards of organising social events to acknowledge and celebrate the work that they do. This will be an additional way for carers to network with other carers and therefore have more informal approaches to support.

This is minimal cost in the scheme of things and the service proposes this as part of the revised offer.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

A budget of £5,000 is requested with the expectation this will fund costs of facilitation of meetings and engagement.

There is an expectation that the Foster Carers Association actively explores sponsorship opportunities in the borough where big local providers are known to support community initiatives to contribute to the cost of the running and events.

6.22 **Recommendation 20: Introduce a 'How Did We Do' annual foster carer survey**

This is at no cost as is standard practice for fostering services as our carers are our stakeholders. This will also ensure that we are measuring impact of the implementation of the revised offer and therefore reviewing value for money and delivery.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

There is no direct financial implication as a result of this recommendation.

6.23 **Recommendation 21: Establish a Tameside Fostering Training and Development Steering Group (T&DSG)**

In the lifetime of the review of the offer, this was already acknowledged in service and had already been established. This is at no additional cost and is standard practice for a fostering service.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

There is no direct financial implication as a result of this recommendation.

6.24 **Recommendation 22: Provide an integrated approved foster carer and supervising social worker induction training programme**

In the lifetime of the review of the offer, this was already acknowledged in service and had already been established. This is at no additional cost and is standard practice for a fostering service.

Proposal;

That the recommendation is accepted and implemented as part of the revised offer

Costs:

There is no direct financial implication as a result of this recommendation.

6.25 **Recommendation 23: Introduce foster carer placement matching profiles and stretch targets into the annual review process**

This recommendation is outlining the need for all fostering households to have a pen picture that can be shared with children as part of the plans for them to move to the identified foster carers. This is to support introductions so that children have some information from the carers directly about where they are going to be living and what it is like before they move there. This is good practice and has been standard practice in a lot of fostering services for a number of years. The service fully accept the recommendation and are already working on this. There is no cost to this and this is about service improvement.

The annual review process is currently being reviewed in terms of process and decision making. This is for service improvement rather than part of the offer.

Proposal;

That the recommendation is accepted and for this to form part of the service improvement plan

Costs:

There is no direct financial implication as a result of this recommendation.

6.26 **Recommendation 24: Review Tameside Fostering Handbook and local fostering standards, policies and protocols**

This is accepted as required however the review of the offer needed to take place before any policies, standards and the handbook were refreshed.

The governance and decisions need to conclude on the offer before this recommendation can be actioned

Proposal;

That the recommendation is accepted and implemented as part of the agreed offer

Costs:

There is no direct financial implication as a result of this recommendation.

6.27 **Recommendation 25: Establish a set of supervising social worker professional practice standards that are specific to fostering**

In the lifetime of the review of the offer, this was already acknowledged in service and had already been completed. This is at no additional cost and is standard practice for a fostering service.

Proposal;

That the recommendation is accepted and is implemented as part of the revised offer

Costs:

There is no direct financial implication as a result of this recommendation.

6.28 **Recommendation 26: Establish annual supervising social workers stretch targets**

As a service we have recognised that there are improvements to be made in terms of compliance, quality of practice and development within the service. This is less about the offer to foster carers but of course if the quality of service offered is better then it is obvious that carers are going to reap the benefits of this.

We have implemented a Quality Assurance and Performance approach within the service and are of the view that this recommendation for service planning rather than the review of the offer to foster carers.

Proposal;

That the recommendation is accepted and for this to form part of the service improvement plan

Costs:

There is no direct financial implication as a result of this recommendation.

6.29 **Recommendation 27: Introduce a 'Commitment to Practice' Statement of intent**

This recommendation relates to the foster carer agreement that carers sign as part of the offer and the foster carer handbook. This is their contract with Tameside to say that they accept the expectations and standards and that we confirm the offer to them.

This will need to be completed when the offer is agreed and final details are known. The handbook will need to be updated and launched as part of the revised offer. The agreement can then

Proposal;

That the recommendation is accepted and implemented when the offer is agreed

Costs

There is no direct financial implication as a result of this recommendation.

7. FINANCIAL IMPLICATIONS

7.1 There are a number of financial implications arising from the decisions outlined within the body of this report all are brought together in the table below for clarity. The costs have been phased over anticipated years on implementation.

7.2 The estimated costs of the revised fostering offer is £686,072. The details of the recommended changes are outlined in section 6. There is a small residual budget set aside from the 7 strands sustainability projects to support changes in fostering of £33,700 and an existing budget of £8,000 for training which would reduce the ongoing fostering costs to

£644,372. These costs are based on current fostering numbers of 200 in terms of current in house fostering capacity.

No	Recommendation	£	Type of Cost	Year 1	Year 2
1	Equalise foster carer skills payments and standards between connected and recruited carers	£351,964	Direct Cost	£234,643	£351,964
3	Provide a financial uplift in level 2 skills payments of £30 per week per child will shift Tameside into the top half of GM median entry level skill payments to approved foster carers	£178,329	Direct Cost	£107,936	£178,329
4	Increase Level 3 skill payments by 10% (£15 per week per child)	£78,214	Direct Cost	£43,018	£78,214
5	Provide a start-up grant for all newly approved foster carers	£15,000	Direct Cost	£15,000	£15,000
6	Introduce a referral fee to local approved foster carers who introduce new carers to Tameside	£3,600	Overhead	£3,600	£3,600
11	Introduce a foster carer out of hours telephone advice service	£20,005	Overhead	£20,005	£20,005
14	Establish a foster carer training and development pathway that provides universal, targeted and advanced practitioner training	£20,600	Overhead	£20,600	£20,600
15	Introduce the role of Fostering Development Co coordinator	£13,360	Overhead	£13,360	£13,360
19	Establish a Tameside Foster Carer Association	£5,000	Overhead	£5,000	£5,000
	Total expected cost of new offer	£686,072		£463,161	£686,072
	Existing budget to support	(£41,700)		(£41,700)	(£41,700)
		£644,372		£421,461	£644,372
	Impact on the Special Guardianship payments of Point 1, 3 and 4	£475,800	Direct Cost		£475,800
	Total Continuing costs	£1,120,172		£421,461	£1,120,172

7.3 Of the fostering costs £623,507 (£581,807 less existing budgets) are direct costs that would go to the foster carers, an average annual increase of £2,242 per child (£2092 mitigated) and £62,565 of overhead (£225 per child), these functions would be providing a better offer of support and training for foster carers that is similar to external organisation's offers.

7.4 The increased offer will also have an impact on the Special Guardianship budget, there is likely to be additional ongoing costs for existing Special Guardianship carers where a connected carer has transferred over to Special Guardianship on a skills level 1 payment. If they can demonstrate they had passed the skills assessment before transferring to Special Guardianship. It is difficult to accurately state the amount this would cost as the Special Guardianship's skills level is not easily identifiable in Softbox (the Council's social care payment system) and would require an individual manual case review for each Special Guardianship carer. An estimate of costs has therefore been made on the maximum cost to the Council, which equates to £475,800, the actual amount is likely to be less than this due to the Council's non-detriment policy that protects Special Guardianship carers so that foster carers would not end in financially worse situations as the permanency of placement of the child occurs. Consideration will need to be given as to what assessment process is needed

to award costs legitimately and appropriately, it is very unlikely every carer would qualify for an increase.

- 7.5 The proposals are aimed at making fostering a more attractive offer within Tameside so that foster carers are recruited and retained and are effectively supported. The impact of the uplift in fostering allowance results in an initial increase in the total cost of providing in-house fostering of £623,507 direct costs (£581,807 after existing budget applied) based on current numbers. However, the costs of engaging with in-house foster carers is still significantly cheaper than other forms of care provision. The average cost for each type of placement is shown below, which demonstrates, that even with the increased cost per placement, the internal foster care provision is still the most cost effective option currently open to us.

Placement Type	Average Full Year Cost per child
Revised Internal Foster Care payments	18,554.11
Current Average cost of IFA	44,029.66
Current Average cost of Residential	237,728.00

- 7.6 Whilst there are complexities involved in moving individual children between care settings. The recruitment and retention of in house foster cares will reduce the need to place in the Independent Foster Care Agency or Residential settings. In order to cover the increased costs of in house fostering allowances a transfer of 27 children from the Independent Fostering Agencies in to in house fostering care would cover the increased costs represented in this proposal, or only 3 children from residential care into in house fostering.
- 7.7 A post implementation review is recommended in the report which is fully supported. The financial implications can be revisited at the time, as this offer beds in and the growth is confirmed. There are longer term impacts of the growth, which potentially includes the number of social workers that would be needed to support increasing numbers of foster carers. This should be looked alongside the rest of the service as this proposal is providing additional sufficiency in borough and reduce the external provision.
- 7.8 It is recommended that targets are established against which to assess the impact of these changes in the recruitment and retention of in house foster carers as it forms a key part of the Children's Services Directorate's plans in reducing the overall cost of care and numbers of children in care.

8. RECOMMENDATIONS

- 8.1 As at the front of the report.

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Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Alison Gwynne – Executive Member (Neighbourhoods, Community Safety and Environment)
Reporting Officer:	Ian Saxon, Director of Place Emma Varnam, Assistant Director of Operations & Neighbourhoods
Subject:	COMMUNITY SAFETY STRATEGY
Report Summary:	This report summarises the responses to the public consultation in respect of the draft Community Safety Strategy 2021 – 2024 and request approval that the strategy be adopted by the Community Safety Partnership.
Recommendations:	That Council is recommended to approve that the Community Safety Strategy be adopted by the Tameside Community Safety Partnership.
Corporate Plan:	Nurturing Communities to Live Longer and Healthier Lives
Policy Implications:	This policy if approved will be the new Community Safety Strategy of the Tameside Community Safety Partnership.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	The Council (within the Place Directorate) has the following confirmed 2021/22 funding allocations as per the table below to support the strategy. All of the current year funding is committed.

Grant / Funding Organisation	£'000
Community Safety (GMCA)	243.90
Voluntary & Community Sector (GMCA)	100.00
Hate Crime (GMCA)	10.00
Domestic Violence (DLUHC formerly MHCLG)	547.84
Total	901.74

It should be noted that funding allocations are currently only confirmed on an annual basis via the respective funding organisation.

Therefore the required investment to deliver this multi-year strategy will need to be considered on an annual basis alongside all contractual liabilities once grant funding allocations are confirmed.

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

As set out in the main body of the report, a 12-week consultation process has been undertaken and a number of comments have been received.

It is a requirement of a robust consultation process for all such comments to be 'conscientiously' taken into account.

The comments which arose from that consultation have already been incorporated within the amended strategy but it would still be advisable for the decision makers to carefully consider the

feedback from the consultation in order that they are fully aware of the context in which the suggestions and the amendments have been made.

Risk Management:

Pursuant to section 6 Crime and Disorder Act 1998 the CSP must produce and implement a Community Safety Strategy. Failure to do so could result in the Council acting unlawfully.

Background Information:

Appendix 1	consultation responses to this draft strategy
Appendix 2	response to the strategy on behalf of the Panel
Appendix 3	amended draft strategy
Appendix 4	Equality Impact Assessment

The background papers relating to this report can be inspected by contacting the Report Writer, Dave Smith, Partnership Manager by:



Telephone: 0161 342 3318



e-mail: dave.smith2@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Tameside Community Safety Partnership (CSP) is a statutory partnership established in accordance with Sections 5-7 of the Crime and Disorder Act 1998. The Partnership includes senior officers from Tameside Council, Greater Manchester Police (GMP), Greater Manchester Fire and Rescue Service (GMFRS), Public Health, Housing Associations, National Probation Service (NPS) and third sector partners.
- 1.2 The CSP is required to work together to protect their communities from crime and disorder, re-offending and substance misuse. The overall objective is to make Tameside a safe place to live, study, work and visit.
- 1.3 The duty includes producing a borough Community Safety Strategy which outlines out how the CSP will respond to local issues and promote the strategic objectives of the GM Deputy Mayor for policing & crime.
- 1.4 The Community Safety Strategy comprises of 5 key strategic priorities, which are:
- Building stronger communities
 - Preventing and reducing violent crime, knife crime & domestic abuse
 - Preventing and reducing crime & anti-social behaviour
 - Preventing and reducing the harm caused by drugs & alcohol
 - Protecting vulnerable people and those at risk of exploitation
- 1.5 As part of the process for adopting the strategy, permission was sought and given by the Executive Member of the Council for Community Safety to conduct a 12-week public consultation.
- 1.6 The public consultation commenced on 3 December 2020 and concluded on the 25 February 2021.
- 1.7 At the conclusion of the consultation, amendments were made to reflect the consultation responses.
- 1.8 In addition, a full Equality Impact Assessment has been completed in respect of the draft strategy.

2. CONSULTATION RESPONSES

- 2.1 The consultation responses to this draft strategy are attached at **Appendix 1**.
- 2.2 As part of the consultation process, on the 10 November 2020 the Head of Service for Community Safety gave a presentation regarding the draft strategy to the Councils Place and External Relations Scrutiny Panel. The response to the strategy on behalf of the Panel is attached at **Appendix 2**.
- 2.3 Furthermore as part of the consultation process, on the 19 November 2020 the Partnership Manager based within Community Safety gave a presentation regarding the draft strategy to the Councils Public Engagement Network (PEN) attendees.
- 2.4 The draft strategy was also presented to the Independent Advisory Group (IAG) in Tameside on the 14 January 2021.
- 2.5 Following receipt of the consultation, the following amendments were made to the strategy;
- i. Under *Priority 2 – Preventing and Reducing violent crime, knife crime and domestic abuse* – amendment to the wording of the existing paragraph; *‘Reduce domestic abuse and the harm caused and ensure appropriate services are available for those*

affected by it'.

- ii. Under *Priority 3 - Preventing and reducing crime & anti-social behaviour (ASB)* – where reference has been made to the 'Youth Offending Service', this has been corrected to 'Youth Justice Service'.
- iii. Under *Priority 3 - Preventing and reducing crime & anti-social behaviour (ASB)* – with relevance to (ii) above, it was agreed to remove the sentence "*When dealing with children and young people the Youth Justice Service will adopt a "child first, offender second" approach*".

2.6 The final version of the draft Community Safety Strategy was presented to the Community Safety Partnership on the 12 April 2021 and approved by all partners.

2.7 The amended draft strategy is attached at **Appendix 3**.

3. EQUALITY IMPACT ASSESSMENT

3.1 It is recognised that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics.

3.2 In order to ensure compliance with this legislation and due to the fact that the Community Safety Strategy covers all areas of Tameside and potentially impacts on all residents it was necessary to conduct a full Equality Impact Assessment in respect of the draft strategy.

3.3 The Equality Impact Assessment is attached at **Appendix 4**.

4. RECOMMENDATIONS

4.1 As stated on the report cover.

APPENDIX 1

Public Representation - 1
I think that when you do these surveys, it would be better if you pulled out some of the key points and then asked people what they thought. I think it is quite difficult for people to read through the full strategy and then just comment on that. At the end of the day, this strategy doesn't mean anything if people don't feel safe in their communities, don't feel safe using public transport, walking to their local shop. And many don't. What did the strategy look like previously? Was it effective? How will this strategy be measured?
Public Representation - 2
Yes, the parking on coniston drive stalybridge sk151ee, school crescent end it's is not safe for children on coniston drive end as there are parked cars all the way up coniston could we not install parking bays on the grass verge on coniston drive school crescent end out side number 7
Public Representation - 3
There is always a lot of talk a out these and promises made but I'd like to see more of the council and police going out into the communities to talk to them about their views in person. There are so many older and vulnerable who don't have access to this or any reassurance that their safety is even considered a priority. There are major issues happening daily in my area. I just get told to keep reporting them. Nothing else happens so whats the point? People are losing faith which is why nothing gets reported or they're scared or not sure on the best help to access. This is part of the reason I think officers need to go into the community to talk to people.
Public Representation - 4
I just wonder how it will all be implemented
Public Representation - 5
The only points, I want to make are that in the last 12 months I have seen a lot more drug dealing on the streets of Ashton and in full view. Along with more performance cars racing each other dangerously. Going round roundabouts the wrong way and on the wrong side of the road at ridiculous speeds on 20 to 30 mph zones with no regards to anyone's safety. These cars also race late at night. Midnight to early hours and there exhaust systems are extremely loud. We have lost control of our streets and this needs to stop. Thank you for listening.
Public Representation - 6
Residents simply don't feel safe in their homes. I don't think crime has risen dramatically but we have less police and PCSOs patrolling our streets now and there is no effective punishment for the culprits when they are found guilty. Social media means people are far more aware of crime related incidents and find out about them more quickly. The residents in Droylsden are extremely grateful, and even donating to, a group set up by local people to patrol Droylsden and Audenshaw every night. They are doing a brilliant job. I am fully support of GMP and know their staff do the best they can with the resources they have but there simply is not enough of them to go round. There is no way a police community patrol unit could dedicate resource to walk the streets of Droylsden every day and night. The local crime stopper group has proven to be effective and is doing a fantastic job but it concerns me this is a small step to communities having to fund their own policing. As for the strategy, keep the amount of red tape to a minimum. Focus on key priorities to ensure they get tackled properly. It seems like a lot of issues are being addressed but my concern is some will simply fall by the wayside if there is simply too much to do at once.
Public Representation - 7
Where can the draft strategy be located for reading?
Public Representation - 8
What is the Community Safety Strategy?
Public Representation - 9
I think we should get the public more involved on how we can improve local safe

Public Representation - 10
I think that it sounds a very comprehensive strategy and agree with the key focus being around building stronger communities and the understanding that with this in place, the other strategies will flow out of this. I think that an important decision will be on looking at strengthening communities across the board in Tameside - not just in the areas which are more clearly identifiable as 'troubled communities'. As we emerge from Covid, and also bearing in mind the strength of belief of some in 'alternative truths' surrounding the reality of Covid and vaccines etc and also those refusing to follow the restrictions, I believe that much needs to be done in enabling communities to pull together for the greater good rather than a focus on individual rights.
Public Representation - 11
There needs to be a stronger focus on intergenerational work to bring people together to reduce the polarisation of young and old. The stigma around teens needs to be tackled and positive outlets that showcase young people for the good they do, to show older, vulnerable people that the perceptions is often worse than the reality. Breaking down barriers across the ages is vital.
Public Representation - 12
Ensuring everybody has a safe place to speak.
Public Representation - 13
More PCSO's and more visibility. Target streetcorner drugdealers Target littering, cleaner streets will stay cleaner Stop frittering taxpayers money away on unnecessary projects, ie, the BT roundabout- what a complete waste. Also the planters that are blocking roads, look very nice when installed but who will maintain them? I could go on.
Public Representation - 14
I am particularly interested to know if there are plans to continue to install solar lights near Chadwick Dam to connect Darnton Rd with Mosley Rd. Am also concerned about the increase of the use of nitrous oxide and the extensive littering this causes particularly around local beauty spots. Wondering what, if anything, is being done to address these issues.
Public Representation - 15
The reason the population in Tameside is expanding is due to every single bit of land the size of a postage stamp being sold off for housing. This is causing gridlock in our towns, with no extra schools or Dr's surgeries being built to accommodate it. Tameside council are a joke who need competition from (and I dread to say it) the Tory party. Labour are totally complacent as they know they will get in locally for generations to come.
Public Representation - 16
The population is growing because every single bit of land in Tameside the size of a postage stamp is being sold off for housing. It's gridlock everywhere ! You cannot get a Dr's appointment, police to investigate crimes or enough school places for the number of children in the area. The towns have become run down and Tameside council are quick to blame the Tory government but like to waste money by building new offices for themselves and have too many councillors per ward. Being a labour led council they are totally complacent as they know they will always get in time and time again. Labour are a joke who have all their priorities wrong and are totally out of touch with the average working person. Hopefully the electorate will continue to punish their wokeness.



ASHTON-UNDER-LYNE AUDENSHAW DENTON DROYLSDEN DUKINFIELD HYDE LONGDENDALE MOSSLEY STALYBRIDGE

Councillor Allison Gwynne
Executive Member
Neighbourhood Services

Ian Saxon
Director
Operations and Neighbourhoods

Chair of the Place and External Relations Scrutiny Panel

Councillor Mike Glover

Tameside One
Market Place
Ashton-under-Lyne
OL6 6BH

Email: mike.glover@tameside.gov.uk
Phone: 0161 342 2199
Ask for: Paul Radcliffe
Date: 21 February 2021

Dear Councillor Gwynne,

Community Safety Strategy 2021 – 2024 consultation

I write on behalf of the Council's Place and External Relations Scrutiny Panel. At the meeting on 10 November 2020, the Scrutiny Panel received a comprehensive update on the creation of a Community Safety Strategy 2021 – 2024 for Tameside. Members showed a high level of awareness of the issues raised, and expressed a keen interest to remain suitably informed of key developments with a view to improving outcomes for local residents and businesses.

The Scrutiny Panel seeks to submit a formal response to the Community Safety Strategy 2021 – 2024 consultation. This letter therefore aims to provide a summary of collective discussion points and to express any issues and concerns raised by panel members – both at the meeting and in subsequent conversations. I would be extremely grateful if on receiving this letter you are able to take the appropriate action to ensure the collective response is suitably recorded and submitted. It is also hoped that the response can be referenced within future reports and may support wider governance requirements in terms of engagement and feedback used to inform future decision making in this area.

Community safety at a local level is driven by strong and effective partnerships between the council, police, residents and other organisations. These work together to inform, influence and strengthen local knowledge, decision-making and provision. Activity is routinely planned to address emerging issues, set priorities based on the local needs of the community, and incorporate the themes of the GM Police and Crime Plan – Standing Together. There is also an ongoing need to consider how the views and experiences of residents are captured and best used to improve outcomes.

I have listed some of the main points below, which are to be viewed as individual responses from members, under the collective of Tameside Council's Place and External Relations Scrutiny Panel.

- Members are supportive of the strategy and acknowledge the importance of the key priorities in the draft Tameside Community Safety Strategy 2021 - 2024, including:
 - Building stronger communities
 - Preventing and reducing violent crime, knife crime and domestic abuse.
 - Preventing and reducing crime and anti-social behaviour.
 - Preventing and reducing the harm caused by drugs and alcohol.
 - Protecting vulnerable people and those at risk of exploitation.

- Integration and engagement with both residents groups and other services within the council are essential to ensuring an effective and comprehensive approach to Community Safety. It is noted that the Community Safety Partnership works closely with Youth Services in Tameside to operate schemes such as Cyclops, the Youth Council and LGBT groups. Neighbourhood watch groups have been supported to take on expanded responsibilities in areas such as Community Speed Watch, and mechanisms have also been set up to react quickly to reports of anti-social behaviour during lockdown. Support to communities from the police, council and other partners for the further expansion of initiatives such as these will be essential to a successful community strategy for the whole borough and its diverse community.

- Members highlight the importance of a “cumulative impact” approach to govern how many off-licenses, pubs, takeaways and betting shops are allowed to operate within a particular area. Unlike traditional licensing approaches, where applications are usually only rejected if objections are logged, a cumulative impact assessment would take into account whether the number, type or density of licensed premises will adversely impact crime and disorder, public safety, public nuisance and the protection of children from harm. Such an approach – whether whole borough or in specific areas identified as hotspots – would be welcome.

- There are opportunities to combat anti-social behaviour by supporting community and youth centres, financially or otherwise, to work with young people. The Community Safety Partnership has helped to establish a charitable body called “Stronger Together Tameside” with the aim of getting local groups together to coordinate, share best practice and create joint bids for funding. The panel would like to have a future update on the progress of this initiative and its impact with a view to the sharing of good practice and learning.

- Reflecting on Bonfire Night this year and in previous years the panel are supportive of a community and neighbourhood based approach to ensure everyone remains safe, backed up with strong and proactive enforcement action.

- A major successes in recent years has been the significant reduction of rough sleeping within the borough, and it is commendable that this has been pretty much sustained through the period of the coronavirus pandemic. While it will be important to maintain the service post-pandemic, the key next stage should be an expansion into wider homelessness (not just rough sleeping) and a focus on upstream activity to support people earlier at the point they are at the risk of becoming homeless or having to sleep rough.

- The perpetrators of crime and anti-social behaviour do not operate to the administrative boundaries of local government or police forces. As such cross-borough collaboration is required to underpin an effective community safety strategy. The strategy for Tameside being part of a wider Greater Manchester approach is a positive, but that needs to be supported by local initiatives where appropriate. A strong example to build on is the work with Oldham Council on joint Public Space Protection Orders to prevent moorlands fires.
- Feedback from some constituents highlights concerns around the reporting of crime with regards to the likelihood of follow up action. There is a risk that this could be exacerbated following the recent report into Greater Manchester Police (GMP) by Her Majesty's Inspectorate of Constabulary (HMIC). While acknowledging that GMP has, like all public services, seen a reduction in resources a re-invigoration of neighbourhood policing is the key to rebuilding confidence. The panel will come back to these issues in the future work programme, providing constructive challenge as a critical friend, with the shared aim of building confidence and partnerships to reduce crime and keep our communities safe from harm.

There is a recognition that the coronavirus pandemic and social distancing requirements make traditional methods of consultation and engagement difficult, if not impossible in some cases. It is to be hoped that using virtual methods has allowed sufficient input from the public to the consultation, and that the discussions with Scrutiny and elected members has assisted in that process.

If further clarity is needed on any of the above points, please do not hesitate to contact me.

Yours sincerely,

Councillor Mike Glover

Chair – Place and External Relations Scrutiny Panel

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Tameside Community Safety Partnership

Community Safety Strategy 2021-2024

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Foreword

Tameside Council, Greater Manchester Police and other community safety partners are committed to ensuring that our communities feel safe, confident and supported. Tameside faces significant challenges and this Community Safety Strategy ensures that we are tackling the issues that have the most impact on our residents and visitors.

I am extremely proud of the hard work and dedication shown by all our community safety partners in improving community engagement and participation, working to reduce crime and anti-social behaviour and improving community safety across the borough.

This strategy addresses difficult issues including domestic violence, drugs and alcohol abuse, child sexual exploitation, modern slavery and much more.

Additionally, however, the strategy places high importance on building stronger communities across Tameside, encouraging residents and visitors to make a positive contribution to the borough, and bringing our diverse communities together so that no-one feels excluded and everyone feels safe and included.

The COVID-19 crisis had brought many difficult challenges, but it has also demonstrated how communities and authorities can work together in an extremely positive way to support the most vulnerable members of our communities. This strategy aims to build on the positive elements of the pandemic and ensure that Tameside emerges as a safer and happier borough.

Councillor Allison Gwynne

Executive Member

Neighbourhoods, Community Safety and Environment

Introduction

The Community Safety Strategy 2021-24 sets out the shared priorities of the Tameside Community Safety Partnership (CSP). The Crime and Disorder Act 1998 sets out statutory duties on the police and local authorities to work in collaboration with key partners and organisations to develop and implement strategies to tackle crime and disorder and create safer communities. These statutory partnerships are known as the Community Safety Partnership.

In Tameside, the Community Safety Partnership is made up of representation from the Tameside MBC (TMBC), Greater Manchester Police (GMP) Greater Manchester Fire and Rescue Service (GMFRS), Health, Probation and Youth Justice, voluntary and community sector organisations and housing providers. The CSP meets on a monthly basis and is jointly chaired by the Council and GMP. In order to identify priorities and develop strategies, the CSP will analyse a wide range of information collected by GMP and other organisations as well as consulting with key stakeholders and communities.

The Tameside Community Safety Partnership has one overriding objective – to make Tameside a safer place to live, study, work and visit.

The work of the Community Safety Partnership places emphasis on working with residents, partners and communities to improve safety across the borough.

The CSP also works alongside the Greater Manchester Combined Authority (GMCA). The Community Safety Strategy should also be considered alongside the Greater Manchester Deputy Mayor's Police and Crime Plan "Standing Together".

Tameside

The borough of Tameside is one of 10 Local Authorities within the area referred to as Greater Manchester. Tameside has a varied and diverse environment with a contrast between its largely urban western and central areas bordered by the city of Manchester, Oldham and Stockport and stretching out to the high moorlands of the Peak District to the east.

Tameside is named after the River Tame and spans the towns of Ashton-under-Lyne, Audenshaw, Denton, Droylsden, Dukinfield, Hyde, Mossley and Stalybridge plus Longdendale.



More people now live in Tameside than ever before with most predictions suggesting continued population increases over the next 10-20 years. As of 2011 the overall population was 219,324. Of those individuals, 18% were over the age of 64 and the rate of growth of our elderly population is also predicted to rise in line with national trends. One-person households now make up 30% of Tameside's population with 30% of residents having at least one dependent child under the age of 18.

Tameside has a number of schools and colleges rated as Good and Outstanding. The three largest employment sectors are retail, health & social care and manufacturing.

There is a strong sense of community spirit in Tameside, as evidenced by the public response to the current COVID-19 crisis. Other evidence of this is the wealth of voluntary groups working in Tameside.

Tameside has a number of tourist and leisure options, including Portland Basin, Daisy Nook Country Park, Werneth Low along with easy access to the Peaks. In 2019,

Tameside played host to a section of the Tour of Britain cycling road race. Tameside offers both urban and country living within easy distance of each other.



Some Other Key Facts

- The majority of the population are owner occupiers (64%) with 21% living in social housing and 13% renting privately.
- The majority of the population (90%) define their ethnic origin as being White British. 9.1% of our population from BAME communities.
- The majority of the population (92%) describe their health as 'fair to very good' with 8% in poor health. However, people in Tameside and Glossop generally have poorer health outcomes than people in England as a whole.
- There is deprivation within Tameside with the borough being the 45th most deprived borough in England.

COVID-19

This Community Safety Strategy has been developed during the COVID-19 pandemic. It is clear that the impact of COVID-19 will be with us for some time to come, despite positive early indications around the development of a vaccine and effective treatments.

The current pandemic is the most significant public health crisis that individuals, communities and countries have faced in living memory. Alongside the obvious health concerns, people will have worries that extend beyond that including the impact on our local and national economy, the impact on our children's education and impact on our society as we know it. COVID-19 will impact on Community Safety and our perception of how safe we feel within our communities.

The CSP is fully aware of those concerns and is committed to working as a partnership with individuals and communities to identify and address issues arising due to the COVID-19 crisis. We will work together as we transition out of lockdown and through the future months.

We are confident that this partnership approach will enable us to respond to the challenges posed by COVID-19 in the future. This will include supporting our Public Health partners to respond to any local spike in infections should this happen and support measures such as 'Track and Trace' and the roll out of testing capability.

As a partnership, we have responded positively to the crisis and supported our colleagues at the front line in Health & Social Care.

Alongside the work we have done to support people and communities, COVID-19 has also required the CSP to undertake new enforcement responsibilities around new laws and regulations designed to keep us safe during the crisis. Public co-operation has been key in our ability to maintain public safety. When needed, we will continue to take the necessary enforcement action to ensure public safety.

Priorities

The Community Safety Strategy sets out five priorities for the next three years;

- **Building stronger communities**
- **Preventing and reducing violent crime, knife crime & domestic abuse**
- **Preventing and reducing crime & anti-social behaviour**
- **Preventing and reducing the harm caused by drugs & alcohol**
- **Protecting vulnerable people and those at risk of exploitation**

Priority 1- Building Stronger Communities

The Community Safety Partnership will:

Introduce the role of an “Active Citizen” and roll out the initiative

The concept of “Active citizenship” calls of people within our communities to become actively involved in identifying and tackling problems within their own communities and contributing to a better quality of life.

Work with voluntary and third sector organisations to build communities

We will enable community groups to access grants, partnership working, promotion of community events and joint delivery of services and new initiatives. Current examples include Neighbourhood Watch, Community Speedwatch, community litter picks and the Tameside Youth Council. We will work with Stronger Together Tameside (STT), an umbrella group of agencies tackling homeless prevention and supporting homeless people.

Establish and support an Independent Advisory Group (IAG) within Tameside

We established an IAG in March 2020, comprising 21 members representing the diversity within our communities. This group supports the work of the CSP, meeting on a weekly basis providing community based advice and support.

Build on the opportunities that have arisen during COVID-19

There have been clear positives during this crisis especially around partnership working and community engagement and we will harness these opportunities. This will involve work with individuals, community groups, businesses and public bodies.

Implement targeted interventions for hate crime, including raising awareness of reporting, tackling causes of hate crime & prevention

We have established a Hate Crime Working Group and Hate Crime Action Plan and are fully committed to participation in Hate Crime Week which is held annually.

Develop and conduct a programme of consultation about community cohesion

We will address issues around community cohesion via the CSP operational and strategic groups. TMBC will work in partnership with other members of the CSP to develop a programme of consultation so that we can better understand issues around community cohesion and from this formulate plans to address those issues.

Implement targeted intervention to address hate crime

Where there are incidents and crime arising out of hatred and a lack of community cohesion and / or cultural understanding, we will implement robust and appropriate interventions to eliminate this crime and tackle offenders. In such cases, we will review actions to identify lessons learnt and best practice.

Priority 2- Preventing and reducing violent crime, knife crime & domestic abuse

The Community Safety Partnership will:

Work to prevent and reduce violent and knife crime, including serious and organised crime, repeat offending, youth offending and serious youth violence

This will be a collaborative approach using the full range of powers and resources available to the CSP.

Partners will engage with the local and regional Organised Crime Group (OCG) meeting structures (Operation Challenger). TMBC has fully committed to engaging with the GM Violence Reduction Unit (VRU).

Develop and implement effective initiatives to tackle knife crime in the area

We will deliver a range of bespoke initiatives taking a primary, secondary and tertiary prevention approach.

Work with partners to develop a Tameside violent crime reduction plan

We will work with partners from across different sectors taking a multi-agency approach to tackling and preventing serious violence at a local level.

Ensure access to early intervention for young people

This involves developing partnerships with statutory services and the third sector, aimed at preventing youth crime and addressing youth offending. We will support the Youth Justice PIED pilot scheme, focussing on prosecution, intervention, education and diversion, identifying those children most at risk and intervening early to support them. In addition the Tameside Youth Service will provide an effective and agile program of detached youth work aimed at children and young people who are at risk of falling into criminal behaviour.

Promote better school attendance in Tameside

We will work with partners to contribute to the attendance strategy, ensuring all Tameside children and young people are fully supported to access education. We recognise the evidential basis for a link between school exclusions and young people becoming involved in crime and at risk of criminal exploitation. We will also work with the Pupil Referral Units when appropriate.

Reduce domestic abuse and the harm caused and ensure appropriate services are available for those affected by it

The commissioned service provider is Bridges; a Tameside based domestic abuse service offering support to victims of abuse in the borough. There is a multi-agency approach to tackling domestic abuse in Tameside, aiming to keep victims and their families safe and hold perpetrators accountable for their behaviour.

In 2019, a Peer Review highlighted that there were key areas for the borough to improve on in relation to domestic abuse, as well as highlighting areas of good practice

and strength. As the new Domestic Abuse Strategy is developed, the following areas from the Peer Review will be included:

- Improving prevention of domestic abuse
- Improving support for victim/survivors recovering from domestic abuse
- Making perpetrators more accountable for their behaviour and actions
- Having a co-ordinated community response

In July 2020, a Strategic Domestic Abuse Manager was appointed, with the aim of assessing the full impact of domestic abuse across the system, resulting in a new Domestic Abuse Strategy. The CSP will contribute fully to the development and implementation of the strategy.

Priority 3 - Preventing and reducing crime & anti-social behaviour (ASB)

The Community Safety Partnership will:

Make use of the legislative framework to tackle crime and ASB

We will fully utilise powers contained within the Anti-social Behaviour, Crime & Policing Act 2014 to tackle behaviours which have a negative effect on communities and individuals. This will include providing mechanisms for people to report such behaviour and where appropriate bringing action against perpetrators.

Adopt a flexible range of approaches

We will use a range of approaches with offenders and those at risk of offending, including early intervention and support, prevention, diversion and enforcement. We will monitor the effectiveness of our interventions and continually seek to develop and improve on our practice.

Work with communities to tackle this issue

We will involve communities, individuals, businesses and schools using a range of schemes such as Neighbourhood Watch, Crimestoppers & Pubwatch. We will work with Tameside Youth Service to promote a robust preventative / educational programme that runs across the borough. Our approach will include education within our schools and looking to identify area based “Champions” within communities.

Identify and address new issues and “hotspots”

Our approach will be the early identification and implementation of actions to tackle new and emerging issues such as on-line based crime and harassment. We will use data produced by the Deputy Mayor’s Office to map and track trends. There are often certain areas which have a higher level of ASB and we will share information and use the measures available to all partners, including Registered Providers of housing to address any “hotspots” of ASB in particular locations. We will work with partners to reduce and prevent ASB which arises seasonally during school holidays and around Bonfire Night and Halloween celebrations.

Ensure support is available to victims of crime and ASB

There is a wealth of evidence available on the impact of crime and ASB on the quality of life of individuals and communities as a whole. We will ensure that we treat victims with respect and place them at the centre of our interventions. We will ensure that victims have access to support services including Victim Support, support from landlords and other third sector groups.

Priority 4- Preventing and reducing the harm caused by drugs & alcohol

The Community Safety Partnership will:

Collaborate with the Tameside Strategic Alcohol and Drugs Group

Activities will focus around four strategic priorities:

- To adopt a partnership approach which is rooted in collaboration and integration, and which is underpinned by strong leadership and governance
- To provide exceptional Drug and Alcohol services which maximise the opportunities for long term, and sustained recovery
- To effectively challenge local attitudes towards alcohol and to de-normalise harmful alcohol consuming behaviours
- To maximise the impact of enforcement, regulation and the wider policy framework

Use commissioning arrangements to ensure the provision of integrated specialist substance misuse (drugs and alcohol) treatment services that deliver long term outcomes and sustained recovery.

This service will work closely with partners across the systems in Tameside, including the CSP to reduce the harm caused by drugs and alcohol. The current contract for this service with Change, Grow, Live (CGL) has been extended from 10 years up to 2026.

Raise awareness and address the harm caused by alcohol

This will involve work with partners, including our Licensing teams to raise awareness of alcohol-related harm across the borough. We will use powers contained within the Licencing Act 2003 to deal with the cumulative impact of alcohol in areas where use is at levels that causes a high level of harm.

Identify approaches to early help and prevention

We will collaborate with colleagues across our public services and neighbourhoods to join up our approaches to prevention, early help and supporting those who are the most vulnerable including families, where possible using expertise and knowledge of those who have a lived experience. This will include work with Primary Care to address harm and emerging issues around misuse of, and addiction to, prescribed and over the counter medicines. We will also support the work of Tameside Youth Service, that use informal education methods to empower young people around decision making when exposed to the ready availability of drugs and alcohol.

Identify and implement innovative new programmes

This will include a range of initiatives such as programmes to reduce alcohol exposed pregnancies, prevention of blood borne viruses by improving screening, testing and vaccination.

Priority 5- Protecting vulnerable people and those at risk of exploitation

The Community Safety Partnership will:

Ensure vulnerable adults, children and young people are protected from child sexual exploitation and criminal exploitation

We will work closely with partners in Adult and Children's Social Care and develop partnerships with the Complex Safeguarding Team. Part of this work will include looking at the high level of school exclusions and poor attendance within Tameside schools and supporting the goal of ensuring that young people who are victims of, or at risk of exploitation will be provided with a co-ordinated trauma informed and evidence based service.

Protect older people within our communities from crime, scams and exploitation

The population of people over the age of 64 continues to rise in Tameside. Evidence shows as well as being susceptible to exploitation, older people are less likely to report. We will ensure the stigma of being victim to such exploitation is challenged and enable people to speak out and feel protected. We will work with partners to raise awareness around this issue and how to access help and support.

Work with partners to protect and safeguard vulnerable groups

This will include people who have mental health problems, learning disabilities, physical disability, are homeless and/ or from a BAME/ refugee community. This will include promotion of reporting mechanisms where there is evidence of under reporting from within some of these groups.

We will develop a Prevent action plan in order to work with partners to safeguard and support those people most at risk of radicalisation to stop them becoming terrorists or supporting terrorism.

Continue to develop effective rough sleeper services

There is a clear evidential link that people rough sleeping are at higher risk of exploitation and exposure to violence, trauma, crime, and substance misuse. The average age of death for a street homeless male is 44 years against 86 years in the wider population. In the last 18 months, we have brought our entrenched rough sleepers off the streets and created a safe community hub at the Town House located in Ashton-under-Lyne. We will continue to develop services and tackle the stigma around homelessness.

Protect people from the growth of crime and exploitation from using online platforms

The internet offers wonderful opportunities for people and communities in terms of accessing information, education, and social isolation. Social media has proved especially important during COVID-19. However, alongside this are emerging and new opportunities for people to be exploited and fall victim to crime. We will raise awareness of this and mitigate the impacts of this on individuals and communities.

Take appropriate enforcement action and ensure victims have access to support

We will use all powers and resources at our disposal including taking action through the Criminal Justice system where appropriate. We will make sure we adopt a victim centred approach and that support is available.

Delivery and Implementation

The delivery of this Strategy will be overseen by the Community Safety Partnership. Key performance measures will be identified that will be used to monitor the effectiveness of delivery and implement any corrective actions needed.

A Community Safety Action Plan will be produced that will outline in more detail the work streams that will ensure these priorities are delivered. This Action Plan will set out timescales, lines of accountability and resource information.

This Strategy covers a 3 year period up to 2024. However, new issues and threats will undoubtedly emerge over that period. The current COVID-19 crisis and our response provide a clear reminder of how external factors impact our work. It is therefore our intention to review this Strategy on an annual basis to ensure it is current and that we are able to respond effectively and collaboratively to current demands and issues.

Links to other strategies

This Strategy is linked to the following:

GMCA - Standing Together Plan for Greater Manchester	https://www.greatermanchester-ca.gov.uk/media/1268/police-and-crime-plan-standing-together.pdf
TMBC Corporate Plan	https://www.tameside.gov.uk/corporateplan
TMBC Domestic Abuse Strategy	https://www.tameside.gov.uk/domesticabuse/DomesticAbuseStrategy2016-19.pdf
TMBC Homeless Prevention and Rough Sleeper Strategy	https://www.tameside.gov.uk/TamesideMBC/media/policy/Preventing-Homelessness-Strategy-2018-2021-V7.pdf
North West Safeguarding Adults Policy	https://www.tameside.gov.uk/TamesideMBC/media/safeguardingadults/NorthWestSafeguardingAdultsPolicyV48Final.pdf
Tameside Safeguarding Children Partnership	https://www.tamesidesafeguardingchildren.org.uk
Tameside Adult Safeguarding Partnership Board	https://www.tameside.gov.uk/AdultServices/Tameside-Adults-Safeguarding-Partnership-Board
Tameside Licencing Policy	https://www.tameside.gov.uk/TamesideMBC/media/Licensing/Licensing-Policies-Appendix-1-FINAL.pdf
TMBC Prevent	https://www.tameside.gov.uk/extremism
TMBC Youth Justice	https://www.tameside.gov.uk/yjs
TMBC Early Help Strategy	https://www.tameside.gov.uk/TamesideMBC/media/earlyyears/Early-Help-Strategy-2020.pdf
TMBC SEND (Special Educational Needs and/or Disability) Strategy	https://www.tameside.gov.uk/TamesideMBC/media/policy/SEND-Strategy-SEPT2020.pdf
TMBC Parenting Strategy	https://www.tameside.gov.uk/TamesideMBC/media/earlyyears/Tameside-Parenting-Strategy.pdf
GM Serious Violence Action Plan	https://www.greatermanchester-ca.gov.uk/media/3106/gm_violence_reduction_plan_final_amends_final.pdf
GM Living with Covid Resilience Plan	https://www.greatermanchester-ca.gov.uk/coronavirus/?domain=tracking.vuelio.co.uk

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**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Subject / Title	Community Safety Strategy 2021 - 2024	
Team	Department	Directorate
Community Safety	Community Safety & Homelessness	Operations & Neighbourhoods
Start Date	Completion Date	
14/04/2021	30/07/2021	
Project Lead Officer	Dave Smith	
Contract / Commissioning Manager	John Gregory	
Assistant Director/ Director	Emma Varnam / Ian Saxon	
EIA Group (lead contact first)	Job title	Service
Dave Smith	Partnership Manager	Community Safety
Terry Finn	Community Cohesion Officer	Community Safety

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.

1a.	What is the project, proposal or service / contract change?	The adoption and implementation of Tameside's new Community Safety Strategy
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1b.	<p>What are the main aims of the project, proposal or service / contract change?</p>	<p>The Crime and Disorder Act 1998 sets out statutory duties on the police and local authorities to work in collaboration with key partners and organisations to develop and implement strategies to tackle crime and disorder and create safer communities.</p> <p>The Strategy sets out the following five key priorities for Tameside’s Community Safety Partnership (CSP);</p> <ul style="list-style-type: none"> • Building stronger communities • Preventing and reducing violent crime, knife crime & domestic abuse • Preventing and reducing crime & anti-social behaviour • Preventing and reducing the harm caused by drugs & alcohol • Protecting vulnerable people and those at risk of exploitation <p>The CSP also works alongside the Greater Manchester Combined Authority (GMCA). The Community Safety Strategy has also been considered alongside the Greater Manchester Deputy Mayor’s Police and Crime Plan “Standing Together” that sets out the following priorities;</p> <ul style="list-style-type: none"> • Strengthening Communities and Places • Reducing harm and Offending • Keeping People Safe
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<p>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. (Please note: Evidence sources for all data in this section can be found in Section 2e of this Equality Impact Assessment form)</p>				
Protected Characteristic	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Age		X		<p>The risk of being a victim of violent crime decreases with age. According to the latest Crime Survey for England and Wales findings from March 2021, 3.6% of all 16-24 year olds had been a victim of violent crime compared to 0.2% of 75+ year olds.</p> <ul style="list-style-type: none"> • A study of interpretations of anti-social behaviour (ASB) found a significant gap between the views of

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				<p>different age groups - with older people more likely than younger people to interpret public behaviour as anti-social, particularly when associated with young people.</p> <p>More than 80% of adults thought swearing in a public place was ASB compared with less than 43% of young people, and more than 60% of adults listed cycling or skateboarding on the street compared with less than 8% of young people.</p> <p>40% of adults saw young people hanging around as ASB compared with 9% of teenagers.</p>
Disability		X		<ul style="list-style-type: none"> • In the year ending March 2019, the Crime Survey for England and Wales found that almost 1 in 4 (23.1%) disabled adults aged 16 years and over experienced crime (including fraud and computer misuse), compared with 1 in 5 (20.7%) non-disabled adults. • Around 1 in 7 (14.1%) disabled adults aged 16 to 59 years experienced domestic abuse in the year ending March 2019, compared with 1 in 20 (5.4%) non-disabled adults. • In the year ending March 2019, disabled women were more than twice as likely to have experienced domestic abuse (17.3%) than non-disabled women (7.0%). • In the three years ending March 2018, 3.7% of disabled adults aged 16 to 59 years experienced any sexual assault (including attempts), compared with 1.9% of non-disabled adults.
Ethnicity		X		<ul style="list-style-type: none"> • 34% of Bangladeshi respondents reported that they had experienced all of the following since the start of COVID-19: a racially motivated attack, being treated unfairly because of their ethnicity, and an increase in racism/racial abuse. Other ethnic groups report experiencing all three as follows: 33% Black African, 29% Pakistani, 20% Chinese, 18% Black Caribbean, 11% Indian, 4% White British • In 2018, potential victims of modern slavery were reported to originate from 130 countries; this represents a 12% increase on the number of countries of origin of potential victims referred in 2017. The most common country of origin reported for adult potential victims was Albania (19%) and for those exploited as children was the UK (45%). The latter could be explained by the continuous increase in the recorded NRM referrals related to county lines. • Between April 2017 – May 2018 there were 429 crimes flagged as Hate Crimes in Tameside. Ashton Central was identified as a hate crime hotspot, with 3 of the 4 LSOAs with the highest numbers of hate crimes reported in this ward.
Sex		X		According to the Crime Survey for England and Wales

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				<p>(CSEW) year ending March 2020:</p> <ul style="list-style-type: none"> an estimated 7.3% of women (1.6 million) and 3.6% of men (757,000) experienced domestic abuse in the last year women aged 16 to 19 years were more likely to be victims of any domestic abuse in the last year than women aged 25 years and over <p>Of crimes recorded by the police:</p> <ul style="list-style-type: none"> in the year ending March 2020, the victim was female in 74% of domestic abuse-related crimes between the year ending March 2017 and the year ending March 2019, 77% of victims of domestic homicide were female compared with 13% of victims of non-domestic homicide Men were more likely to be victims of CSEW violent crime than women (2% of men compared with 1.3% of women). This was true for all types of violence, with the exception of domestic violence, where women were more likely to be victims (0.3% of women and 0.1% of men).
Religion or Belief		X		<ul style="list-style-type: none"> In 2018 to 2019, there were in total 103,379 hate crimes recorded by the police in England and Wales, an increase of 10% compared with 2017 to 2018 (94,121 offences); these increases have been mainly driven by improvements in crime recording by the police. In 2018 to 2019, the police recorded 8,566 hate crimes offences related to religion; these offences accounted for 8% of all hate crimes recorded by the police. Half (50%) of the religiously motivated hate crimes recorded by the police were for public order offences (for example, causing fear alarm or distress). According to the Crime Survey for England and Wales (CSEW), adults with an Asian ethnic group were found to be more likely to be victims of a religiously motivated hate crime than adults of White ethnic group (0.5% and less than 0.1% respectively, 2015 to 2016, to 2017 to 2018 CSEW).
Sexual Orientation		X		<p>Data collected from the GMCA Police and Community Safety survey found the below;</p> <ul style="list-style-type: none"> LGBT people feel less safe in their local area in comparison to heterosexual people 41% of LGB people reported they had been a victim of a crime and 53% reported experiencing antisocial behaviour or a disturbance in the last 12 months LGB people reported feeling less safe at their place of work in comparison to heterosexual people LGB people feel less safe outside of their local areas compared to heterosexual people and 10% reported feeling very unsafe

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			<ul style="list-style-type: none"> 40% of Gay and Lesbian people felt fairly confident that they could get help from Greater Manchester Police in an emergency with that going up to 44% amongst bisexual people and dropping to 25% amongst Trans. 22% of LGB people felt not at all confident and 15% of Trans people felt not at all confident <p>The LGBT Foundation helpline has seen a huge increase in calls about discrimination, compared to the three weeks prior, the period from 23rd March - 12th of April 2020 saw a 450% increase in calls about biphobia, 100% increase in calls about transphobia and 52% increase in calls about homophobia.</p>
Gender Reassignment		X	<ul style="list-style-type: none"> Figures from Greater Manchester Police show hate crime towards the Trans community has more than tripled in four years. <p>The statistics, obtained through a Freedom of Information request, cover the period between 2016 and 2020, and show the biggest rise in hate crime occurred between 2017 and 2018.</p> <p>In just 12 months the number of crimes across Greater Manchester jumped from 78 to 130.</p> <p>According to research by LGBT+ anti-violence charity Galop, in the past 12 months:</p> <ul style="list-style-type: none"> 4 in 5 respondents had experienced a form of transphobic hate crime. 1 in 4 had experienced transphobic physical assault or the threat of physical assault. Nearly 1 in 5 had experienced transphobic sexual assault or the threat of sexual assault. Near 7 in 10 said that their daily routine had been affected by transphobia, with more than 5 in 10 feeling less able to leave the house. Only 1 in 7 respondents reported their experience to the police. 7 in 10 felt that the police could not help them.
Pregnancy & Maternity		X	<ul style="list-style-type: none"> In the UK, it is estimated that 30% of domestic abuse starts during pregnancy, while 40–60% of women experiencing domestic abuse are abused during pregnancy Domestic abuse almost doubles the risk of preterm birth and low birth weight, with the risk further increased for women who experience two or more types of abuse during their pregnancy 5% of all maternal deaths between 2009 and 2013 had disclosed they were victims of domestic abuse 20% of women in Refuge's are pregnant or have recently given birth
Marriage & Civil Partners		X	<p>Adults who were separated or divorced were more likely to have experienced domestic abuse compared with those who were married or civil partnered, cohabiting,</p>

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hip				single or widowed.
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/ Relevance	Indirect Impact/ Relevance	Little / No Impact/ Relevance	Explanation
Mental Health		X		<ul style="list-style-type: none"> • People with severe mental illness are more likely to be the victims, rather than the perpetrators, of violent crime. • People with mental ill health are more dangerous to themselves than to others: 80-90% of people who die by suicide are experiencing mental distress. • Over a third of the public think people with a mental health issue are likely to be violent.
Carers		X		It is not anticipated that development of the Community Safety Strategy will have a direct impact on carers based on evidence available – however it is anticipated the introduction of the Strategy overall will have a positive benefit for all Tameside residents including carers.
Military Veterans		X		<ul style="list-style-type: none"> • Exposure to combat and traumatic events during service significantly increases the risk of violent offending • While the UK armed forces does not tolerate domestic violence, 3.6% report family violence and 7.8% report stranger violence immediately following return from deployment • Approximately 4% of the prison population in the UK are former members of the armed forces • Compared to those who have not served, ex-service personnel in the criminal justice system are more likely to present with anxiety disorders and hazardous drinking patterns, and less likely to present with schizophrenia and substance misuse
Breast Feeding			X	It is not anticipated that development of the Community Safety Strategy will have a direct impact on the characteristic of breast feeding based on evidence available – however it is anticipated the introduction of the Strategy overall will have a positive benefit for all Tameside residents.
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/ Relevance	Indirect Impact/ Relevance	Little / No Impact/ Relevance	Explanation
Low or no		X		Those on the lowest incomes experience 62% more personal crime – and 73% more violent crime. Notably,

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income groups				<p>the most damaging crimes are especially concentrated on the poor:</p> <ul style="list-style-type: none"> • Those with household incomes below £10,000 per annum suffer violence with injury at more than double the rate of those with household incomes above £50,000. • They suffer robbery and muggings at three times the rate. • They are more likely to be attacked by someone they know and far more likely to be attacked by a stranger. • Rape and attempted rape are almost three times as common. • Incidents of domestic violence are more than twice as common – and the chance of being a victim of domestic violence is almost six times as high. • Burglary and attempted burglaries were both more than twice as common. <p>The only significant exception to this pattern was in vehicle crime. A car being beyond the means of many households with incomes below £10,000, the poor are substantially less likely to suffer from this offence. A very similar pattern can be seen when looking at areas of greatest economic deprivation, rather than at the victim's income</p>
Homeless		X		<ul style="list-style-type: none"> • Two thirds of the homeless population experience severe and multiple disadvantage such as substance misuse or offending behaviour. <p>A survey on violence against homeless people from Crisis found that:</p> <ul style="list-style-type: none"> ○ More than 1 in 3 have been deliberately hit or kicked or experienced some other form of violence whilst homeless (35%) ○ More than 1 in 3 have had things thrown at them whilst homeless (34%) ○ Almost 1 in 10 have been urinated on whilst homeless (9%) ○ More than 1 in 20 have been the victim of a sexual assault whilst homeless (7%) ○ Almost half have been intimidated or threatened with violence whilst homeless (48%) ○ Almost 6 in 10 have had been verbally abused or harassed whilst homeless (59%)

“Low or no income groups” should be included as a key consideration when assessing the impact of your project, proposal, policy or service/contract change. 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.

1d.	Does the project, proposal or	Yes	No
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Equality Impact Assessment (EIA) Form**

	service / contract change require a full EIA?	X	
1e.	What are your reasons for the decision made at 1d?	<p>Given the nature of this strategy, which in essence is designed to improve the lives of all residents and visitors to the borough, it is anticipated that all persons, and therefore all protected characteristic groups will be indirectly impacted by community safety issues and this proposed strategy. It is hoped the indirect impact will be in a positive manner. As protected characteristic groups will be impacted, it is necessary to complete a full EIA.</p>	

If a full EIA is required please progress to Part 2.

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary
<p>The Community Safety Strategy 2021-24 sets out the shared priorities of the Tameside Community Safety Partnership (CSP). The Crime and Disorder Act 1998 sets out statutory duties on the police and local authorities to work in collaboration with key partners and organisations to develop and implement strategies to tackle crime and disorder and create safe communities. These statutory partnerships are known as the Community Safety Partnership.</p> <p>In Tameside, the Community Safety Partnership is made up of representation from the Tameside MBC (TMBC), Greater Manchester Police (GMP) Greater Manchester Fire and Rescue Service (GMFRS), Health, Probation and Youth Justice, voluntary and community sector organisations and housing providers. The CSP meets on a monthly basis and is jointly chaired by the Council and GMP. In order to identify priorities and develop strategies, the CSP will analyse a wide range of information collected by GMP and other organisations as well as consulting with key stakeholders and communities.</p> <p>The Tameside Community Safety Partnership has one overriding objective – to make Tameside a safe place to live, study, work and visit.</p> <p>The work of the Community Safety Partnership places emphasis on working with residents, partners and communities to improve safety across the borough. The CSP also works alongside the Greater Manchester Combined Authority (GMCA). The Community Safety Strategy should also be considered alongside the Greater Manchester Deputy Mayor’s Police and Crime Plan “Standing Together”.</p> <p>The Community Safety Strategy sets out five priorities for the next three years;</p> <ul style="list-style-type: none"> • Building stronger communities • Preventing and reducing violent crime, knife crime & domestic abuse • Preventing and reducing crime & anti-social behaviour • Preventing and reducing the harm caused by drugs & alcohol • Protecting vulnerable people and those at risk of exploitation <p>In striving to achieve these priorities, working collectively as a Community Safety Partnership it is believed that Tameside will be a safer borough for all.</p>

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2b. Issues to Consider

The Crime and Disorder Act 1998 sets out statutory duties on the police and local authorities to work in collaboration with key partners and organisations to develop and implement strategies to tackle crime and disorder and create safer communities

We have consulted with Tameside residents and people who work in and visit the borough. The consultation on the Community Safety Strategy received 60 replies, an achieved sample of 0.027% of Tameside's total population of 225,197.

Out of the 60 respondents:

21 identified themselves as White British, 1 as Asian/Asian British: Indian, 1 as Mixed ethnicity: White and Black Caribbean and 1 as "Any other ethnic group". The remainder chose not to submit a response. The demographics of those that responded are 87.5% White British, 4.17% as Asian/Asian British: Indian, 4.17% Mixed ethnicity: White and Black Caribbean and 4.17% Any other ethnic group.

16 identified themselves as female, 9 as male, 4 as "prefer not to say". The remainder chose not to submit a response. The demographics of those that responded are 55.2% female, 31% male and 13.8% "prefer not to say".

1 identified themselves as age 0-15, 25 as age 16-64, and 3 as age 65+. The remainder chose not to submit a response. The demographics of those that responded are 3.45% 0-15, 86.2% 16-64, and 10.34% 65+.

The public consultation process itself took place over a 12-week period commencing on 3 December 2020 and concluded on the 25 February 2021. For the duration of this time the ability to view the draft strategy and access the consultation to make comment was facilitated through the Council's 'Big Conversation' website (<https://www.tameside.gov.uk/LeadersBlog/February-2021/Join-In-Tameside-s-Big-Conversation>).

As part of that consultation process the Head of Service for Community Safety gave a presentation regarding the draft strategy to the Councils Place and External Relations Scrutiny Panel.

Furthermore the Partnership Manager based within Community Safety gave a presentation regarding the draft strategy to attendees of one of the Councils Public Engagement Network (PEN) events which included a Q&A session.

Similarly the presentation of the draft strategy was also presented to the Independent Advisory Group (IAG) in Tameside.

Whilst not specific to any protected characteristic group, the findings and feedback received from the engagement sessions undertaken and the consultation itself were that in the main people were happy to hear that partnership efforts are being made to make communities safer. The public want to be part of that, have engagement with authorities and have their concerns addressed. Policing of the streets is a common concern amongst the public.

Due to the Covid-19 pandemic and social distancing requirement much of the consultation and engagement events for the Community Strategy took place on social media and online. The

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social media metrics for the consultation period (covering the Tameside Council Twitter and Facebook accounts only) were as followed:

Twitter

42 Tweets
40,450 Impressions
430 Engagements
9 Retweets
8 Replies
5 Likes

Facebook

8 Posts
8,507 Lifetime Post Total Reach
8,780 Lifetime Post Total Impressions
46 Lifetime Engaged Users
2 Shares
3 Likes
4 Comments

Recent data taken from the Greater Manchester Combined Authority (GMCA) Police and Community Safety Survey has provided an indication of Tameside resident's perception of Community Safety. When asked;

Q. How safe do you feel when in your local area?

41% of people feel very safe, whilst 50% feel fairly safe. 7% of people feel fairly unsafe. (The Greater Manchester average is 49% feel fairly safe, with 40% of people feeling very safe).

Of the 91% of people who feel very/fairly safe in Tameside – 28% of people have no personal experience of problems. 26% say they the area is nice and quiet. 22% of people state they live in a friendly neighbourhood. 14% of people attributed to having lived in the area for a long time and knowing the area well as to why they feel safe. Reasons for feeling unsafe were being aware of anti-social behaviour and crime in the area at 7% and 4% respectively.

Q. How safe do you feel at your place of work?

53% of people feel very safe, whilst 36% feel fairly safe. 7% of people feel fairly unsafe. (The Greater Manchester average is 51% feel very safe, with 37% of people feeling fairly safe. 6% of people feel fairly unsafe).

Of the 89% of people who feel very safe/fairly safe in their place of work in Tameside – 32% of people feel their workplace is secure. 21% of people have had no personal experience of problems. Having security guards at the workplace and workplaces that are friendly at 15% and 11% respectively were other reason people feel safe in their place of work.

Q. How safe do you currently feel when out and about anywhere in Tameside, away from your local area? SLIDE 21

22% of people feel very safe, whilst 59% feel fairly safe. 14% of people feel fairly unsafe, whilst 3% of people feel very unsafe. (The Greater Manchester average is 20% feel very safe, with 58% of people feeling fairly safe. 15% of people feel fairly unsafe, whilst 4% feel very unsafe).

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Of the 81% of people who feel very safe/fairly safe when out and about in Tameside, away from your local area – 27% of people have had no personal experience of problems. 13% of people feel they know the area well. 8% of people feel it is a nice area with another 8% feeling that the community is friendly.

The Tameside Independent Advisory Group (IAG) has met weekly since March 2020. Primarily to discuss policing issues but also to highlight wider community safety issues identified by the CSP. This EIA and the Community Safety Strategy have both been discussed at the IAG. There are 30 members who are emailed the minutes each week with a “core” of 15 members who regularly attend the meetings. A number of invited speakers have attended the IAG to broaden their personal networks and to consult on important pieces of work – the development of the Community Safety Strategy being one of those pieces of work.

A series of Hate Crime presentations have been conducted by the Community Cohesion Officer. These will continue throughout 2021 and are in addition to any activities identified in the Hate Crime Awareness weeks in February and October. A Hate Crime Fund was set up in March 2021 by Community Safety. This encouraged groups to outline projects that raised awareness of Hate Crime. Eight bids were successful and received up to a maximum grant of £1000. It is intended to run this fund each year.

2c. Impact/Relevance

The overall objective of the Community Safety Strategy is to have a positive impact on the lives of Tameside residents.

The priorities detailed in the Community Safety Strategy is to build stronger communities. In order to achieve this, the partnership will seek inclusivity of all communities within the borough, understanding that in order to build stronger communities all must play their part and be able to have their voices heard.

2d. Mitigations *(Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)*

<i>Impact/Relevance 1 (seeking inclusivity for all communities within the borough)</i>	<i>The work of the CSP and the Independent Advisory Group will ensure that no communities within the borough will be excluded or negatively impacted by the implementation of this strategy.</i>
<i>Impact/Relevance 2 (Describe)</i>	
<i>Impact/Relevance 3 (Describe)</i>	
<i>Impact/Relevance 4 (Describe)</i>	

2e. Evidence Sources

Office for National Statistics, “The nature of violent crime: Appendix Tables”
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/thenatureofviolentcrimeappendixtables>
 University of Cambridge, “Generation Blame: How Age Affects Our Views of Anti-Social Behaviour” <https://www.cam.ac.uk/research/news/generation-blame-how-age-affects-our-views-of-anti-social-behaviour>

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Office for National Statistics, "Disability and Crime, UK: 2019"
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandcrimeuk/2019>

Runnymede Trust/ICM, "Over-Exposed and Under-Protected: The Devastating Impact of COVID-19 on Black and Minority Ethnic Communities in Great Britain"
<https://www.runnymedetrust.org/uploads/Runnymede%20Covid19%20Survey%20report%20v3.pdf>

HM Government, "2019 UK Annual Report on Modern Slavery"
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf

Office for National Statistics, "Domestic abuse victim characteristics, England and Wales, year ending March 2020"
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabusevictimcharacteristicsenglandandwales/yearendingmarch2020>

Office for National Statistics, "The nature of violent crime in England and Wales: Year ending March 2020"
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/thenatureofviolentcrimeinenglandandwales/yearendingmarch2020#groups-of-people-most-likely-to-be-victims-of-violent-crime>

Office for National Statistics "Religion and crime in England and Wales: February 2020"
<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/religion/articles/religionandcrimeinenglandandwales/february2020>

Greater Manchester Combined Authority, "The Impact of Covid-19 on LGBTQ+ People in Greater Manchester"
<https://www.gmcvo.org.uk/system/files/The%20Impact%20of%20Covid-19%20on%20LGBTQ%2B%20People%20Final%20Report%20February%202021.pdf>

Mancunian Matters, "Rise in hate crime towards the Trans community over the last few years"
<https://www.mancunianmatters.co.uk/news/15022021-rise-in-hate-crime-towards-the-trans-community-over-the-last-few-years/>

Galop, "Transphobic Hate Crime Report 20202"
<https://www.galop.org.uk/transphobic-hate-crime-report-2020/>

North West Centre for Professional Workforce Development, "Tackling Domestic Violence in a Pandemic"
<https://www.nwcpwd.nhs.uk/attachments/article/639/Amanda%20McDonough.pdf>

Civitas, "Poverty and Crime: Why a new war on criminals would help the poor most"
<https://www.civitas.org.uk/content/files/povertyandcrime.pdf>

MHFA England, "Mental Health Statistics", <https://mhfaengland.org/mhfa-centre/research-and-evaluation/mental-health-statistics/>

Crisis Homelessness Knowledge Hub, "Health and Wellbeing", <https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/health-and-wellbeing/>

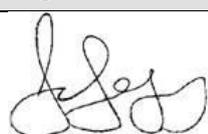
Tameside and Glossop Strategic Commission Big Conversation, "Community Safety Strategy Consultation 2021-24",
<https://www.tameside.gov.uk/tbc/communitysafetystrategyconsultation2021/24>

60 Socio-Economic Indicators, November 2020 Tameside Non-Suppressed without COVID data Crisis, "New research reveals the scale of violence against rough sleepers",
<https://www.crisis.org.uk/about-us/latest-news/new-research-reveals-the-scale-of-violence-against-rough-sleepers/>

2f. Monitoring progress

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Issue / Action	Lead officer	Timescale
Ensure that through the service delivery of the Community Safety Partnership impact upon protected groups is not adversely affected.	<i>D. Smith</i>	<i>Annually</i>

Signature of Contract / Commissioning Manager	Date
	07/10/2021
Signature of Assistant Director / Director	Date
	8/10/2021

Guidance below to be removed from the completed EIA template submitted to Executive Board, Executive Cabinet or Strategic Commissioning Board (SCB)

**Tameside & Glossop Strategic Commission
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 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.

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

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.

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	✓			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 Centres aren’t sex specific

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				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			✓	
NHS Tameside & Glossop Clinical Commissioning Group locally determined protected groups?				
Mental Health			✓	
Carers		✓		
Military Veterans			✓	
Breast Feeding	✓			Children's Centres provide services to pregnant women and new mothers
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)				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Lone Parents		✓		Children's Centre users may include lone parents
Disadvantaged families	✓			Children's Centres support the most disadvantaged families, with an aim to reduce

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

				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 / 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

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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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Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Leanne Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
Reporting Officer:	Tim Bowman – Director – Education Services
Subject:	DETERMINATION OF SCHOOL ADMISSION ARRANGEMENTS FOR SEPTEMBER 2023
Report Summary:	<p>The report sets out the proposed admission arrangements for Tameside community, and voluntary controlled schools for admission in September 2023. There has been no change to these from September 2022. There are proposed changes to the Published Admission Number at two community primary schools. The latest information on school place planning is presented which concludes that there are currently sufficient places to meet expected demand. The school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns. Consideration also needs to be given to predicted rising levels of surplus capacity in some areas of the borough and the need to consider reducing admission numbers in future years. There is consideration of a proposal to commence consultation on adding a resource base for children with additional needs at Corrie Primary and Nursery School.</p>
Recommendations:	<p>The Cabinet is recommended to approve:</p> <ul style="list-style-type: none">(i) the determination of admission arrangements for all Tameside community and voluntary controlled schools for 2023/24 without change from those that were determined for admission in 2022/23 as set out in Appendix 1 of the Report other than amendments to the Published Admission Number as set out in the report.(ii) commencing consultation on the school organisation proposal to establish a ten place resource base at Corrie Primary and Nursery School for children with cognition and learning and/ or communication and interaction and / or social, emotional and mental health needs.
Corporate Plan:	<p>The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and suitable places to meet anticipated demand in 2023/24.</p>
Policy Implications:	<p>The admission arrangements for 2023/24 academic year for all voluntary controlled and community schools are the same as for 2022/23 as determined on 27 January 2021.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>All schools places are funded from the ring-fenced Dedicated Schools Grant which must be fully allocated to all schools and Academies in the borough.</p> <p>Mainstream Schools and Academies are funded on a per pupil basis, schools with falling numbers of pupils on roll face financial</p>

pressures with small class sizes.

Specialist resource bases in mainstream school provide a good value for money proposal in terms of cost to the High Needs Block, a special school place costs £10,000 where a specialist resource base in a mainstream school costs £4,000.

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

The council has a statutory duty to provide sufficient school places to meet the needs of the residents of Tameside. Failure to meet this duty ultimately can result in intervention by The Secretary of State.

This duty requires the council to predict future demand for places as a result of demographic changes in Tameside but also taking into account other factors such as the demand for places arising from housing developments.

The project officers consider that the admission arrangements set out in the appended document meet the statutory duty whilst looking forward by way of the consultation process to address the delivery of places for children with cognition and learning and/ or communication and interaction and / or social, emotional and mental health needs. The outcome of that consultation will require careful consideration as part of the decision making processes going forward.

Risk Management:

Failure to determine admission arrangements and a coordinated admissions scheme by 15 March 2022 could result in the Secretary of State imposing admissions arrangements on the Council and lead to the displacement of children from community high schools.

Background Information:

Appendix 1	Admission Arrangements for Tameside Community and Voluntary Controlled Primary Schools - 2023/24 Academic Year
Appendix 2	Tameside School Place Planning Annual Report - January 2022
Appendix 3	Tameside Council Consultation on Establishing a Ten Place Resource Base at Corrie Primary and Nursery School (September 2022)

The background papers relating to this report can be inspected by contacting Catherine Moseley, Head of Access Services

 Telephone: 0161 342 3302

 e-mail: catherine.moseley@tameside.gov.uk

1. BACKGROUND

- 1.1 All admission authorities are required to consult on their coordinated admission scheme and on changes to admission arrangements. Where no changes are proposed to the coordinated admissions scheme or admission arrangements, there is no requirement to consult. Admission authorities must ensure that their determined admission arrangements comply with the mandatory requirements of the School Admissions Code 2021.
- 1.2 Admission authorities must consult once every seven years as a minimum.

2. ADMISSION ARRANGEMENTS IN COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

- 2.1 For entry to community or voluntary controlled primary, junior and secondary schools in September 2023, no changes were planned from the admission arrangements determined in July 2021 for September 2022 and therefore consultation on the full admission arrangements was not necessary. The last time that the admission arrangements were consulted upon was in autumn term 2019 for entry in September 2021.
- 2.2 Admission arrangements must be determined by 28 February and must be published by 15 March. Following determination of the admission arrangements objections to those arrangements must be made to the Schools Adjudicator by 15 May.
- 2.3 The proposed admission arrangements for entry in September 2023 for community or voluntary controlled primary, junior and secondary schools are set out in **Appendix 1**.
- 2.4 The Council consulted on changes to the Published Admission Number at two primary schools, those being Buckton Vale Primary School in Stalybridge and Holden Clough Primary School in Ashton. The consultation process followed a timetable determined by the Department for Education (DfE).

3. CONSULTATION ON ADMISSION NUMBERS FOR SEPTEMBER 2023

Buckton Vale Primary School

- 3.1 Buckton Vale Primary School requested a reduction in their Published Admission Number from 45 to 30. This was the subject of a variation request to the School Adjudicator in May 2021. The School Adjudicator approved the proposal to reduce the Published Admission Number at the school for September 2022 and the Council undertook to consult on a permanent change.

Holden Clough Primary School

- 3.2 Holden Clough Primary School requested a reduction in their Published Admission Number from 60 to 30. This followed a sustained period of falling rolls in the school. Holden Clough wished to take action to avoid a potential budget deficit in future years.
- 3.3 Holden Clough Primary School have a published admission number of 60 but have had significantly lower numbers over recent years, which have affected their future budget projections. Infant Class Size legislation means that Key Stage 1 classes must have one teacher for every 30 pupils. Holden Clough is now in the position of having a Published Admission Number of 60 but are attracting significantly less than their PAN into the school with little prospect of this increasing in the next few years due to falling birth rates in the area. In order to comply with Infant Class Size legislation, the school is required to have a teacher for every 30 Key Stage 1 pupils. Across KS1 currently, the school have 142 pupils across six classes necessitating at least six teachers with significantly less funding than 180 pupils would bring.

3.4 Following several meetings with the school, the Council was happy to support the school in consulting on reducing their Published Admission Number to 30.

Consultation

3.5 On 14 October 2021, the Local Authority circulated the proposed published admission numbers and admission arrangements for community and voluntary controlled schools for consultation. The closing date for the consultation was 25 November 2021.

3.6 The following organisations were consulted:

- The Headteacher and Governors of all Tameside maintained schools;
- Parents;
- Derbyshire Local Authority;
- Manchester Local Authority;
- Oldham Local Authority;
- Stockport Local Authority;
- Tameside Local Authority;
- Chester Diocese;
- Manchester Diocese;
- Salford Diocese;
- Shrewsbury Diocese; and
- Local MPs

3.7 A Public Notice was also published in the Tameside Reporter on 14 October 2021 in order to notify parents and other groups in the area of their rights to be consulted and the consultation was posted on the Tameside MBC website.

3.8 No responses were received to the consultation and it is recommended to amend the Published Admission Numbers at Buckton vale Primary School and Holden Clough Primary School as set out below:

School	Current Published Admission Number	Proposed Published Admission Number
Buckton Vale Primary School	45	30
Holden Clough Primary School	60	30

4. SCHOOL PLACE PLANNING

4.1 School place planning in the borough is reviewed on an annual basis and forms part of the annual report on admission arrangements that is reported to Executive Cabinet in February. **Appendix 2** sets out the latest information.

4.2 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in the area. These may be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils need to carry out school place planning and forecasting.

4.3 Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school eg single sex means that place planning happens at a level higher than wards or towns.

4.4 School place planning is a complex process, that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates as well as parental preference and planned housing development. With rapid shifts in economic

conditions for families and changing patterns of migration, planning for basic need for school places requires a proactive approach to best respond to both short and medium-term demand for places.

- 4.5 By being proactive and working in partnership with all our schools over a number of years, the Council has been able to meet the demand for places in spite of significant variations in pupil numbers.
- 4.6 Whilst there are currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns.

5 CONSULTATION ON STATUTORY SCHOOL ORGANISATION PROPOSALS

- 5.1 As outlined in the School Place Planning and in the SEND report, there is an urgent need to develop additional specialist places in the borough for pupils with an Education, Health and Care Plan. This proposal is to formally establish a 10 place resource base at Corrie Primary and Nursery School.
- 5.2 The resource base will be appropriate for children with cognition and learning and/ or communication and interaction and / or social, emotional and mental health needs.
- 5.3 The resource base opened at the school on a pilot basis in September 2021 and this consultation is to formally establish the resource base.
- 5.4 Statutory guidance has been published by the Department for Education with regard to School organisation regulations (<https://www.gov.uk/government/publications/school-organisation-maintained-schools>). Local authorities must have regard to the guidance when making a significant change to a school, known as a prescribed alteration.
- 5.5 The prescribed alteration in the case of Corrie Primary and Nursery School is to establish special educational needs provision at the school. This requires the local authority to consult on the proposal and the statutory process to make a prescribed alteration to a school has four stages as set out below:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be 4 school weeks	As set out in the 'Prescribed Alterations' Regulations
Stage 3	Decision	The Council should decide a proposal within two months otherwise it will fall to the School Adjudicator to decide	Any appeal to the adjudicator must be made within four weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

- 5.6 The prescribed alteration statutory proposal must include:
- school and Council details;
 - description of the alteration and evidence of demand;
 - objectives (including how the proposal would increase educational standards and parental choice);

- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments

5.7 It is proposed to commence the consultation on 27 January 2022 and it will run until 3 March 2022.

5.8 The proposed consultation document is attached as **Appendix 3**. This will be published on the Council's website; in a local newspaper and also sent to:

- The Headteacher and Governors of all Tameside maintained schools;
- Parents of children at Corrie Primary and Nursery School;
- Local elected members
- Local MP
- Tameside Parent Carer Forum through Our Kids Eyes

5.9 As set out in the timescale above, the Council will be required to make a decision in the proposal within two months of the end of the consultation period. Therefore, a key decision report will be brought to Executive Cabinet on 27 April 2022.

5.10 In line with the SEND Sufficiency Strategy 2021-2031 and the School Place Planning report, further school organisation proposals may be considered to ensure that the designation of special schools accurately reflects the needs of the pupils with Education, Health and Care Plans in the school. Further reports will be brought to Executive Cabinet as necessary.

6 RECOMMENDATIONS

6.1 As set out at the front of the report.

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ADMISSION ARRANGEMENTS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS 2023/24 ACADEMIC YEAR

1 INTRODUCTION

- 1.1 These arrangements apply to the admission of children to Tameside community and voluntary controlled primary schools in the normal admissions round for the academic year 2023/24. Tameside will operate an equal preference scheme. These arrangements do not apply to those being admitted for nursery provision including nursery provision delivered in a co-located children's centre;
- 1.2 Children in Tameside are eligible for a Reception place from the beginning of the school year in which they become 5 years old. However, they do not become of compulsory school until the start of the term after their fifth birthday. Parents may therefore request that their school place be deferred until later in the school year and if they do this the place will be held for the child. However, they cannot defer entry beyond the beginning of the term after the child's fifth birthday. Parents of summer born children can request that their child is placed outside their age range if they feel that their child will not be ready for school. Parents can also request that their child attend on a part time basis until the child reaches compulsory school age.
- 1.3 Parents of children who are admitted for nursery provision must apply for a place at the school if they want their child to transfer to the reception class; attendance at a nursery or co-located children's centre does not guarantee admission to the school.

2 APPLYING FOR A PLACE IN A TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOL SEPTEMBER 2023

- 2.1 If you are a Tameside resident you must make your application online to Tameside Local Authority, even if you wish your child to attend a school in another Local Authority area.
- 2.2 You should use your application to apply for any primary school, whether this is in Tameside or in another Local Authority area. Application details may also be obtained from the School Admissions Section at Tameside MBC. Starting Out will be available on Tameside's website. NB: Only one application may be submitted for each child.
- 2.3 The local authority may verify information you provide on your application, which could involve contacting other departments of the local authority. In instances where the information provided is different from that held by them, they may use the information on the application to investigate further. If false or misleading information is given, Tameside local authority has the right to withdraw the offer of a school place.
- 2.4 If you are not a Tameside resident you must make your application to the Local Authority where you live, even if you wish your child to attend a Tameside school. Applications must be returned in accordance with your own local authority's specific instructions and not to Tameside.

3 THE PROCESS

- 3.1 The application will invite parents to indicate a preference for up to 6 schools, and then to rank the schools in order of preference, parents will also be able to give reasons for each preference.
- 3.2 Your online application must be submitted by the closing date of **15 January 2023**, with any supporting information / evidence if appropriate.

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- 3.3 The council will follow the timetable set out in the coordinated admissions scheme. Late applications will be dealt with as late and ranked after all applications received by the deadline.
- 3.4 Changes to preferences, ranking order, or pupil details, will not be allowed after the closing date of **15 January 2023**, except in exceptional circumstances, for example, if the family has recently moved address. Evidence must be provided to support the request. An intention to change address cannot be considered by the local authority until the move has actually taken place and proof is available, or parents may provide a solicitor's letter confirming an exchange of contracts on a property, or a tenancy agreement and proof of disposal of current property. No changes can be considered even where there are exceptional circumstances, once information has been exchanged with other admission bodies because the allocations process has commenced. In the case of primary schools, this cut-off date is the **3 February 2023**.
- 3.5 Notification of offers of a single school place will be sent out to parents on **17 April 2023**. These notifications will also inform parents of their right of appeal, and who to contact, if an application has not been successful.
- 3.6 Parents will not receive multiple offers.

4 PUBLISHED ADMISSION NUMBERS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS

- 4.1 A list of all Tameside community and voluntary controlled primary schools, with their respective Published Admission Numbers, can be found here: <http://www.tameside.gov.uk/schools/admissions/2023>
- 4.2 Where applications for admission to any school exceed the number of places available, the following criteria will be applied, in the order set out below, to decide which children to admit.

5 CRITERIA FOR ALLOCATING PLACES TO OVERSUBSCRIBED SCHOOLS

- 5.1 Children with an Education Health and Care Plan where the school is named will be allocated places before the oversubscription criteria are applied. The criteria for over-subscription for community and voluntary controlled primary schools are:

- 1. Looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order**

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

2. Children and families with exceptional medical or social needs

Written evidence must be provided by a suitably qualified professional – e.g. a GP or consultant for medical needs, or a social worker for social needs – the information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child. A panel of officers from

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Tameside MBC will make a decision as to whether to admit a child under this criterion, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

3. Sibling

This will apply where there are brothers or sisters attending the school or the linked junior school as at the closing date for applications, who will still be attending at the time of admission, i.e. in the September when a pupil is admitted to Reception. Preference will be given to pupils living nearest to the school.

The sibling criterion includes; natural sisters/brothers; half sisters/brothers; step sisters/brothers; adopted sisters/brothers; sisters/brothers of fostered children; children of the parent/carer's partner, and in each case living at the same address. This allows for the admittance of children whose siblings will still be attending the preferred school.

4. All other applications on distance

Preference will be given to pupils living nearest to the school.

Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the local authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.

5.2 Where oversubscription occurs in applying either criteria 1, 2 or 3, priority will be given to those pupils living nearest the school, measured as a straight line (as above).

5.3 The address from which distance will be measured will be the permanent residential address, as at the closing date for applications, of the parent with whom the child is normally resident. Where a child lives with parents with shared responsibility, each for part of a week, the home address is the address from which the child travels to school for the majority of school days per week.

5.4 In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.

In the event of two or more applications with distances, which are exactly the same competing for a final place, e.g. blocks of flats, the place will be decided by drawing lots, the first name drawn will be offered the place.

5.5 An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'child arrangement order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

5.6 In cases where twins, triplets, or other multiple birth siblings are split when allocations take place, they will be allocated a place over the Published Admission Number and will remain excepted pupils for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

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6 SUMMER BORN CHILDREN

- 6.1 In May 2021, the government updated the non-statutory guidance to help admission authorities deal with parental requests for summer born children to be admitted out of their normal age group.
- 6.2 School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for children whose parents do not feel they are ready to begin school before they reach compulsory school age.
- 6.3 Where a parent requests their child is admitted out of their normal age group, the school admission authority is responsible for making the decision on which year group a child should be admitted to. They are required to make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- 6.4 There is no statutory barrier to children being admitted outside their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group.
- 6.5 A parent who chooses not to send their summer born child to school until they have reached compulsory school age may request that their child is admitted outside their normal age group - to reception rather than year 1.
- 6.6 Parents should submit reasons for requesting admission for their child outside of the normal age range together with their application. The online application provides space to do this and you should also submit views of medical professionals as necessary. A decision will be made taking account of parents' wishes, information about the child's academic, social and emotional development; and whether they have previously been educated outside their normal age group. Each request will be treated on an individual basis having regard to the views of an educational professional who will be involved in educating the child.
- 6.7 Each request and the evidence provided will be considered by a panel of officers from Tameside MBC who will make a decision on the parental request, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

7. ADMISSION OF CHILDREN OF UK SERVICE PERSONNEL

- 7.1 The council acknowledges that service families are subject to movement within the UK and from abroad. Although the council is not able to reserve places for blocks of pupils we will consider requests, if accompanied by an official MOD letter declaring a relocation date and a Unit postal address or quartering area address. For in year admissions places will be allocated, subject to a place being available in the relevant year group, prior to moving. If we are unable to allocate a place at that time, parents will be offered the right to appeal.

8 IN YEAR TRANSFERS

- 8.1 Parents wishing to apply for an in year transfer to a school in Tameside should apply using the online School Transfer Request Form. The School Transfer Request Form can be completed online from the Tameside Council website: www.tameside.gov.uk/admissions
- 8.2 Forms should be fully completed and submitted electronically with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.

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- 8.3 If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.
- 8.4 If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).
- 8.5 Parents will receive an offer of a school place through Tameside Council and this can take up to 15 school days.

9 IN YEAR FAIR ACCESS PROTOCOL

- 9.1 All local authorities have a Fair Access Protocol for in year transfers that ensures the speedy admission of pupils who may experience difficulty in being allocated a school place, for example, if they have been out of school for a long period of time. With specific short-term exceptions, all schools in Tameside are participants in the protocol, which may result in schools admitting pupils over their published admission number. Full details of the In Year Fair Access Protocol can be found on the Council's website <http://www.tameside.gov.uk/schools/primarytransfers>

10 WAITING LISTS

- 10.1 If any school is oversubscribed the Council will maintain a waiting list. The waiting list will operate until the end of the relevant school year. Parents, who have expressed the school as a preference and have not been offered a place at the school, or at a higher preference school, will automatically be placed on the waiting list. All pupils on the waiting list will be ranked according to the oversubscription criteria. When a place becomes available children who have been referred under the local authority's Fair Access protocol or who is the subject of a direction by the local authority to admit will be given precedence over any other children on the waiting list. Then any places will be offered to the highest ranked application received by the date the place becomes available. If new or late applications have a higher priority under the oversubscription criteria, they will be ranked higher than those who have been on the list for some time. If the circumstances of children on the waiting list change, (eg they move house) they should inform the Council immediately and provide appropriate supporting evidence.
- 10.2 A place from the waiting list will only be held for two school days. Tameside Council will use the information provided on the original application to contact parents, it is the responsibility of parents to change their details with the School Admissions Team if they move house or change their phone number. If no response is received from a parent who has been offered a place from the waiting list within the 2 school day limit, it will be offered to the next child on the ranked list and so on until the place is filled.
- 10.3 If a parent is offered a place from the waiting list and rejects it or does not respond to requests by email or answerphone message to contact the School Admissions Team, they will be removed from that waiting list.

11 APPEALS

- 11.1 Any parent who is refused admission to a preferred school has the right of appeal to an Independent Appeals Panel. For pupils with an Education Health and Care Plan, an appeal can be made to the SEN and Disability Tribunal (details are included in the plan).
- 11.2 Parents, who wish to appeal against the decision of the local authority to refuse admission to a preferred school, should do so in writing, setting out clearly why your child should go to that

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particular school. Information about appeals will be sent out with the allocation letter and can also be found on the School Admissions webpage <http://www.tameside.gov.uk/schools/admissions..>

- 11.3 The Appeals Panel will:
- be independent of the school and the LA;
 - give the appellant, who may be accompanied by a friend or be represented, the opportunity to make oral representation;
- 11.4 The Local Authority will:
- give the appellant at least ten school days notice of the time and place of the hearing;
- 11.5 The clerk will:
- send the appeal papers to the appellant at least seven working days before the hearing.
- 11.6 The appeal shall be decided by a simple majority of the votes cast, the chair of the panel having a casting vote.
- 11.7 The decision of the Appeals Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant. That decision shall be binding on all parties. Subject to the above conditions, all matters of procedure shall be determined by the local authority.

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ADMISSION ARRANGEMENTS FOR TAMESIDE COMMUNITY HIGH SCHOOLS 2023/24 ACADEMIC YEAR

1 INTRODUCTION

- 1.1 These arrangements apply to the admission of children to Tameside community high schools in the normal admissions round for the academic year 2023/24. Tameside will operate an equal preference scheme.

2 APPLYING FOR A PLACE IN A TAMESIDE COMMUNITY HIGH SCHOOL SEPTEMBER 2023

- 2.1 If you are a Tameside resident you must make your application to Tameside Local Authority, even if you wish your child to attend a school in another Local Authority area.
- 2.2 Tameside primary schools will forward details of children eligible to transfer to secondary school in September 2022 to the Local Authority Admissions Team, who will send out details of how to apply in September 2022. The pack will contain details of where to view Moving On and a letter explaining how to make your application. You should use your application to apply for any secondary school, whether this is in Tameside or in another Local Authority area. Application details may also be obtained from the Admissions Section at Tameside MBC. Moving On will be available on Tameside's website. NB: Only one application may be submitted for each child.
- 2.3 The local authority may verify information you provide on your application, which could involve contacting other departments of the local authority. In instances where the information provided is different from that held by them, they may use the information on this form to investigate further. If false or misleading information is given, Tameside local authority has the right to withdraw the offer of a school place.
- 2.4 If you are not a Tameside resident you must make your application to the Local Authority where you live, even if you wish your child to attend a Tameside school. Application forms must be returned in accordance with your own local authority's specific instructions and not to Tameside.

3 THE PROCESS

- 3.1 The application will invite all parents to indicate a preference for 6 schools, and to rank the schools in order of preference, giving reasons for each preference. In allocating places, Tameside will operate an equal preference scheme.
- 3.2 Your application must be submitted by the closing date of 31 October 2022, with any supporting information / evidence if appropriate.
- 3.3 The council will follow the timetable set out in the coordinated admissions scheme. Late applications will be dealt with as late and ranked after all applications submitted after the deadline.
- 3.4 Changes to preferences, ranking order or pupil details, will not be allowed after the closing date of 31 October 2022 except in exceptional circumstances, for example, if the family has recently moved address. Evidence must be provided to support the request. An intention to change address cannot be considered by the local authority until the move has actually taken place and proof is available, or parents may provide a solicitor's letter confirming an exchange of contracts on a property, or a tenancy agreement and proof of disposal of current property. No changes can be considered even where there are exceptional circumstances once information has been exchanged with the other admission bodies by the Council,

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because the allocations process has commenced. In the case of secondary schools this date is the 10 November 2022.

3.5 Notification of offers of a single school place will be sent out to parents on 1st March 2023. These notifications will also inform parents of their right of appeal, and who to contact, if an application has not been successful.

3.6 Parents will not receive multiple offers.

4 PUBLISHED ADMISSION NUMBERS FOR TAMESIDE COMMUNITY HIGH SCHOOLS

4.1 A list of all Tameside community high schools, with their respective Published Admission Numbers, can be found here: <http://www.tameside.gov.uk/schools/admissions/2023>

4.2 Where applications for admission to any school exceed the number of places available, the following criteria will be applied, in the order set out below, to decide which children to admit.

5 CRITERIA FOR ALLOCATING PLACES TO OVERSUBSCRIBED SCHOOLS

5.1 Children with an Education Health and Care Plans where the school is named in the plan will be allocated places before the oversubscription criteria are applied. The criteria for oversubscription for community secondary schools are:

- 1. Looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order**

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

2. Children and families with exceptional medical or social needs

Written evidence must be provided by a suitably qualified professional – e.g. a GP or consultant for medical needs, or a social worker for social needs – the information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child. A panel of officers from Tameside MBC will make a decision as to whether to admit a child under this criterion, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

3. Sibling:

This will apply where there are brothers or sisters attending the school as at the closing date for applications, who will still be attending at the time of admission, i.e. in the September when the pupil is admitted to Year 7. Preference will be given to pupils living nearest to the school.

The sibling criterion includes; natural sisters/brothers; half-sisters/brothers; step sisters/brothers; adopted sisters/brothers; sisters/brothers of fostered children; children of the

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parent/carer's partner, and in each case living at the same address. This allows for the admittance of children whose siblings will still be attending the preferred school. In cases where twins, triplets, other multiple birth siblings, or other siblings whose date of birth falls within the same academic year, are split when allocations take place, siblings will be offered a place at the same school which may not be a preference school named on the common application form.

4. Children attending the named partner primary school on the closing date for applications. Preference will be given to pupils living nearest to the school.

5. All other applications on distance

Preference will be given to pupils living nearest to the school.

- 5.2 Distance will also be used as a tiebreaker where oversubscription occurs within any of criteria 1 to 4. Preference will be given to pupils living nearest to the school.
- 5.3 Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the local authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.
- 5.4 The address from which distance will be measured will be the permanent residential address, as at the closing date for applications, of the parent with whom the child is normally resident. Where a child lives with parents with shared responsibility, each for part of a week, the home address is the address from which the child travels to school for the majority of school days per week.
- 5.5 In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.

In the event of two or more applications with distances, which are exactly the same competing for a final place, e.g. blocks of flats, the place will be decided by drawing lots, the first name drawn will be offered the place.

- 5.6 An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'child arrangement order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

6. ADMISSION OF CHILDREN OF UK SERVICE PERSONNEL

- 6.1 The council acknowledges that service families are subject to movement within the UK and from abroad. Although the council is not able to reserve places for blocks of pupils we will consider requests, if accompanied by an official MOD letter declaring a relocation date and a Unit postal address or quartering area address. For in year admissions places will be allocated, subject to a place being available in the relevant year group, prior to moving. If we are unable to allocate a place at that time, parents will be offered the right to appeal.

7 IN YEAR TRANSFERS

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- 7.1 Parents wishing to apply for an in year transfer to a school in Tameside should apply using the online School Transfer Request Form. The School Transfer Request Form can be completed online from the Tameside Council website: www.tameside.gov.uk/admissions
- 7.2 Forms should be fully completed and submitted electronically with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.
- 7.3 If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.
- 7.4 If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).
- 7.5 Parents will receive an offer of a school place through Tameside Council and this can take up to 15 school days.

8 IN YEAR FAIR ACCESS PROTOCOL

- 8.1 All local authorities have a Fair Access Protocol for in year transfers that ensures the speedy admission of pupils who may experience difficulty in being allocated a school place, for example, if they have been out of school for a long period of time. With specific short-term exceptions, all schools in Tameside are participants in the protocol, which may result in schools admitting pupils over their published admission number. Full details of the In Year Fair Access Protocol can be found on the Council's website <http://www.tameside.gov.uk/schools/primarytransfers>

9 WAITING LISTS

- 9.1 If any school is oversubscribed the Council will maintain a waiting list. The waiting list will operate until the end of the relevant school year. Parents, who have expressed the school as a preference and have not been offered a place at the school, or at a higher preference school, will automatically be placed on the waiting list. All pupils on the waiting list will be ranked according to the oversubscription criteria. When a place becomes available children, who have been referred under the local authority's Fair Access protocol or who is the subject of a direction by the local authority to admit will be given precedence over any other children on the waiting list. Then any places will be offered to the highest ranked application received by the date the place becomes available. If new or late applications have a higher priority under the oversubscription criteria, they will be ranked higher than those who have been on the list for some time. If the circumstances of children on the waiting list change, (e.g. they move house) they should inform the Council immediately and provide appropriate supporting evidence.
- 9.2 A place from the waiting list will only be held for two school days. Tameside Council will use the information provided on the original application to contact parents, it is the responsibility of parents to change their details with the School Admissions Team if they move house or change their phone number. If no response is received from a parent who has been offered a place from the waiting list within the 2 school day limit, it will be offered to the next child on the ranked list and so on until the place is filled.
- 9.3 If a parent is offered a place from the waiting list and rejects it or does not respond to requests by email or answerphone message to contact the School Admissions Team, they will be removed from that waiting list.

10 APPEALS

- 10.1 Any parent who is refused admission to a preferred school has the right of appeal to an Independent Appeals Panel. For pupils with an Education Health and Care plan, an appeal can be made to the SEN and Disability Tribunal (details are included in the plan).
- 10.2 Parents, who wish to appeal against the decision of the local authority to refuse admission to a preferred school, should do so in writing, setting out clearly why your child should go to that particular school. Information about appeals will be sent out with the allocation letter and can also be found on the School Admissions webpage <http://www.tameside.gov.uk/schools/admissions>.
- 10.3 The Appeals Panel will:
- be independent of the school and the LA;
 - give the appellant, who may be accompanied by a friend or be represented, the opportunity to make oral representation;
- 10.4 The Local Authority will:
- give the appellant at least ten school days notice of the time and place of the hearing;
- 10.5 The clerk will:
- send the appeal papers to the appellant at least seven working days before the hearing.
- 10.6 The appeal shall be decided by a simple majority of the votes cast, the chair of the panel having a casting vote.
- 10.7 The decision of the Appeals Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant. That decision shall be binding on all parties. Subject to the above conditions, all matters of procedure shall be determined by the local authority.

APPENDIX 1

ADMISSION ARRANGEMENTS FOR STALYHILL JUNIOR SCHOOL 2023/24 ACADEMIC YEAR

1 INTRODUCTION

- 1.1 These arrangements apply to the admission of children, currently attending an Infant School, to Stalyhill Junior School in the normal admissions round for the academic year 2023/24

2 PUBLISHED ADMISSION NUMBER FOR STALYHILL JUNIOR SCHOOL

- 2.1 The Published Admission Number for entry in September 2023 is 60.

3 APPLYING FOR A PLACE AT STALYHILL JUNIOR SCHOOL SEPTEMBER 2023

- 3.1 If your child attends Stalyhill Infant School, you will receive a letter in October 2022 from School Admissions advising you to apply online - using the online Application Form.

NB: Only one online application may be submitted for each child.

- 3.2 The Local Authority may verify information you provide on the form, which could involve contacting other departments of the Local Authority. In instances where the information provided is different from that held by them, they may use the information on this form to investigate further. If false or misleading information is given, Tameside Local Authority has the right to withdraw the offer of a school place.

4 THE PROCESS

- 4.1 The online application form will open from 1st November 2022 and will invite parents to indicate a preference for a place at Stalyhill Junior School, or at another Tameside primary school.

- 4.2 Forms must be submitted online by the closing date of 15 January 2023. Parents/carers are responsible for providing any supporting information / evidence if appropriate by the closing date.

- 4.3 Late applications will be dealt with as late and ranked after all applications received by the deadline.

- 4.4 Changes to pupil details, such as a change of address, cannot be considered after the closing date, 15 January 2023.

- 4.5 Decision letters in respect of places at Stalyhill Junior School will be sent out to parents on 17 April 2023. These letters will also inform parents of their right of appeal, and who to contact, if an application has not been successful.

- 4.6 If parents indicate that they wish their child to be considered for a place at another Tameside primary school for September 2023, they will need to complete an online application on Tameside's website www.tameside.gov.uk/admissions from June 2023.

5 CRITERIA FOR ALLOCATING PLACES IF THE SCHOOL IS OVERSUBSCRIBED

- 5.1 Where applications for admission to the school exceed the number of places available, the following criteria will be applied, in the order set out below, to decide which children to admit. Children with an Education Health and Care Plan where the school is named will be allocated places before the oversubscription criteria are applied. The criteria for over-subscription are:

1. **Looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside**

APPENDIX 1

of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

2 Children who attend Stalyhill Infant School as at the closing date for applications.

3 Children and families with exceptional medical or social needs

Written evidence must be provided by a suitably qualified professional – e.g. a GP or consultant for medical needs, or a social worker for social needs – the information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child. A panel of officers from Tameside MBC will make a decision as to whether to admit a child under this criterion, using the evidence provided. Parents/carers are responsible for providing all information in support of an application by the closing date, officers of the Council will not ask for additional information. All information provided will be treated in the strictest confidence.

4 Sibling:

This will apply where there are brothers or sisters attending the school at the time of application, who will still be attending at the time of admission, i.e. in the September when a pupil is admitted to Year 3. Preference will be given to pupils living nearest to the school.

The sibling criterion includes; natural sisters/brothers; half sisters/brothers; step sisters/brothers; adopted sisters/brothers; sisters/brothers of fostered children; children of the parent/carer's partner, and in each case living at the same address. This allows for the admittance of children whose siblings will still be attending the preferred school.

5 All other applications on distance

Preference will be given to pupils living nearest to the school.

Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the Local Authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.

5.2 Where oversubscription occurs in applying either criteria 1, 2, 3 or 4, priority will be given to those pupils living nearest the school, measured as a straight line (as above).

5.3 The address from which distance will be measured will be the permanent residential address, at the time of application, of the parent with whom the child is normally resident. Where a child lives with parents with shared responsibility, each for part of a week, the home address is the address from which the child travels to school for the majority of school days per week. If the number of days is exactly equal the home address will be that of the parent who receives the Child Benefit.

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- 5.4 In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.

In the event of two or more applications with distances, which are exactly the same competing for a final place, e.g. blocks of flats, the place will be decided by drawing lots, the first name drawn will be offered the place

- 5.5 An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'child arrangement order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
- 5.6 In cases where twins, triplets, or other multiple birth siblings are split when allocations take place, they will be allocated a place over the Published Admission Number and will remain excepted pupils for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

6 IN YEAR TRANSFERS

- 6.1 Parents wishing to apply for an in year transfer to a school in Tameside should apply using the online School Transfer Request Form. The School Transfer Request Form can be completed online from the Tameside Council website: www.tameside.gov.uk/admissions.
- 6.2 Forms should be fully completed and submitted electronically with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.
- 6.3 If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.
- 6.4 If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).
- 6.5 Parents will receive an offer of a school place through Tameside Council and this can take up to 15 school days.

7 IN YEAR FAIR ACCESS PROTOCOL

- 7.1 All local authorities have a Fair Access Protocol for in year transfers that ensures the speedy admission of pupils who may experience difficulty in being allocated a school place, for example, if they have been out of school for a long period of time. With specific short term exceptions, all schools in Tameside are participants in the protocol, which may result in schools admitting pupils over their published admission number. Full details of the In Year Fair Access Protocol can be found on the Council's website <http://www.tameside.gov.uk/schools/primarytransfers>

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school, will automatically be placed on the waiting list. All pupils on the waiting list will be ranked according to the oversubscription criteria. When a place becomes available children who have been referred under the local authority's Fair Access protocol or who is the subject of a direction by the local authority to admit will be given precedence over any other children on the waiting list. Then any places will be offered to the highest ranked application received by the date the place becomes available. If new or late applications have a higher priority under the oversubscription criteria, they will be ranked higher than those who have been on the list for some time. If the circumstances of children on the waiting list change (eg they move house) they should inform the Council immediately and provide appropriate supporting evidence.

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- 9.3 The Appeals Panel will:
- be independent of the school and the LA;
 - give the appellant, who may be accompanied by a friend or be represented, the opportunity to make oral representation;
- 9.4 The Local Authority will:
- give the appellant at least ten school days' notice of the time and place of the hearing;
- 9.5 The clerk will:
- send the appeal papers to the appellant at least seven working days before the hearing.
- 9.6 The appeal shall be decided by a simple majority of the votes cast, the chairman of the panel having a casting vote.
- 9.7 The decision of the Appeals Panel and the grounds on which it was made shall be communicated by the Clerk in writing to the appellant. That decision shall be binding on all parties. Subject to the above conditions, all matters of procedure shall be determined by the local authority.

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TAMESIDE SCHOOL PLACE PLANNING ANNUAL REPORT JANUARY 2022

1. FUTURE SCHOOL PLACES REQUIREMENTS IN TAMESIDE

Context

- 1.1 All local authorities have a statutory duty to ensure that there are sufficient school places to meet demand in the area. These may be school places available at provision maintained by the local authority, academies, or other non-maintained schools. In order to carry out this statutory duty, Councils need to carry out school place planning and forecasting.
- 1.2 Planning for fluctuations in demand for school places is an important function which needs to be carried out at a local level and will differ depending on the phase of learning, for example, pupils will travel further to secondary schools than primary schools. The compact geography of the borough and the mix of types of school eg single sex means that place planning happens at a level higher than wards or towns.
- 1.3 School place planning is a complex process, that takes account a range of factors including the number of births in the borough, in year movement and cohort survival rates as well as parental preference and planned housing development. With rapid shifts in economic conditions for families and changing patterns of migration, planning for basic need for school places requires a proactive approach to best respond to both short and medium-term demand for places.

Strategic Planning

- 1.4 Planning school places is a dynamic process. Tameside Council has taken the view that, in the current situation of fluctuating demand for places, our strategy needs to be refreshed on a regular basis to be responsive to fluid and contemporaneous data. In order to do this, the Council's Executive Cabinet receives recommendations on an annual basis through the annual determination of admission arrangements process. The annual report highlights current issues and potential solutions in advance of the annual consultation on admission arrangements that includes consultation on changes to published admission numbers

Factors affecting demand

- 1.5 The main factors affecting demand for school places are birth rates, in year movements within and without the borough, travel to learn patterns of pupils into schools in other local authorities, and equally pupils travelling to schools in Tameside from other boroughs, housing developments and availability of social housing and parental preference. Many of these are subject to quite short-term uncertainty and are difficult to plan for on a long-term basis.
- 1.6 In July 2021, the Department for Education published its latest national projections for the number of pupils in schools. The table below gives the headline figures for primary and secondary age children. Similar to the pattern in Tameside, the overall trend is down for primary age pupils but up for secondary age pupils.

	Actual population in 2020	Projection for 2026
Primary age children	4,647,225	4,345,952
Secondary age children	3,003,233	3,215,886
	Source	DfE national pupil projections 2021

Factors affecting supply

- 1.7 The main factors affecting the supply of school places are the availability of capital funding, land and premises. Expansion of existing schools is affected by the capacity of premises, the size of sites as well as wider considerations of their location. Establishing any new schools requires a longer lead in time through the competition framework. Equally, additional places can be introduced into the system through expansion proposals by governing bodies or

admission authorities that increase admission numbers into a school and the establishment of Free Schools that receive approval by central government.

Challenges affecting planning to meet demand

- 1.8 The main issues that can affect the Council's strategic plans are late applications and in-year admissions that complicate planning both at school and at local authority level. Previously well-understood trends are changing and are proving difficult to predict, including short term tenancies, mobile populations and other changes in the housing market. Patterns of parental preference are also difficult to predict.

Tameside track record

- 1.9 The Council has been proactive in tackling the issue of rising births over recent years. The Published Admission Number (PAN) has been increased at many primary and secondary schools and overall by almost 18% in primary and 14% in secondary schools as illustrated in the tables below.

Tameside primary school places – total places for reception entry												
09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
2734	2802	2907	2917	3085	3125	3165	3195	3175	3175	3160	3145	3140

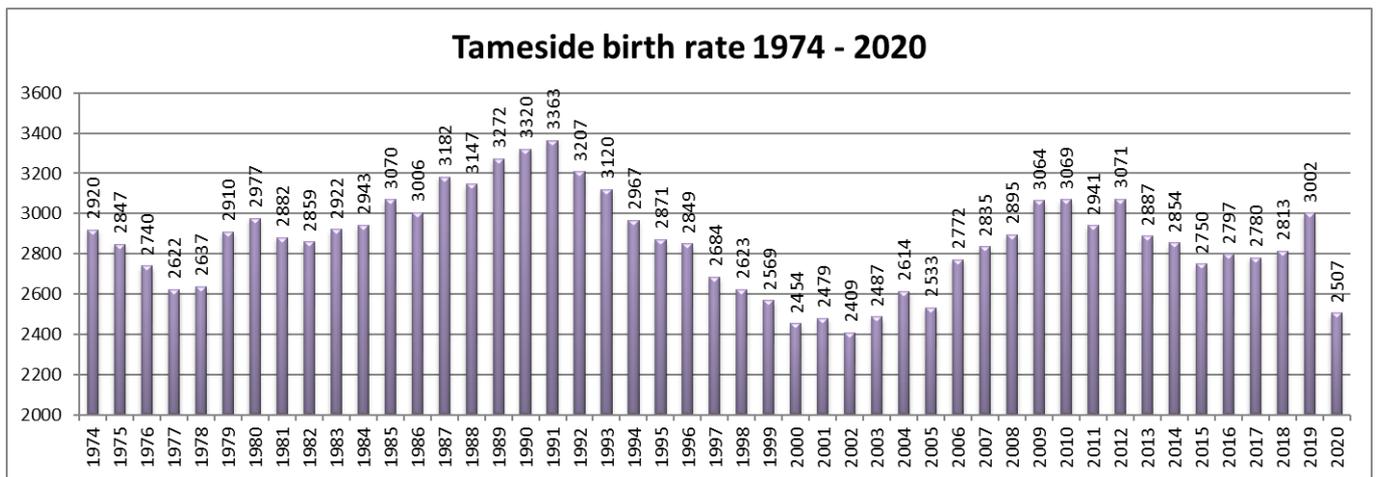
Tameside secondary school places - total places for Year 7 entry												
09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22
2826	2796	2826	2832	2837	2842	2806	2806	2818	3035	3080	3172	3239

- 1.10 By being proactive, the Council has been able to meet its statutory duty to provide sufficient school places. This has been done whilst also managing to maintain high levels of meeting parental preference and usually, at a higher level than the national average.

Preference allocations on national offer day	2017		2018		2019		2020		2021	
	SECONDARY SCHOOLS									
	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng	T'side	Eng
% 1st pref	82.2%	83.5%	84.6%	82.1%	83.9%	80.9%	85.6%	82.2%	85.4%	81.1%
% any pref	94.9%	96.1%	96.6%	95.5%	95.8%	94.9%	96.9%	95.6%	95.8%	95.5%
PRIMARY SCHOOLS										
% 1st pref	90.9%	90.0%	93.5%	91.0%	91.5%	90.6%	91.5%	90.2%	94.3%	91.8%
% any pref	97.5%	97.7%	98.6%	98.1%	97.8%	98.0%	97.9%	97.8%	98.5%	98.5%

2 Current demand

- 2.1 In common with many areas of the country, Tameside experienced a surge in births between 2002 and 2012. The birth rate rose from a low of 2,409 in 2002 to a high of 3,071 in 2010, a 27% increase. The birth rate fell by 9% from 2010 to 2018 with a blip increase in 2019 but fell significantly in 2020 to 2507 births.
- 2.2 As can be seen from the graph below, over the last 46 years, the birth rate in the borough has followed a distinct cycle which appears to repeat over a 25 year period. The peak of births in the borough was reached in 1991 when 3,363 babies were born. The most recent peak was in 2012 with 3,071 babies born. There followed a relatively stable seven year period. Birth rates form the basis for any school place planning model. Therefore, any new proposals to increase the number of school places need to be a mix of permanent and temporary as these will become surplus in years to come.



2.3 A number of factors are used to predict how many year 7 places will be needed in the borough and to some extent planning to meet secondary needs is easier as pupils are in primary schools already. These include birth rates, the number of pupils in primary schools, in year pupil movement and planned housing developments. These factors give a range within which demand for school places need to be assessed. For many years, the Council has used an average of Year 6 numbers plus 5% to give an indication of demand; however, this increased to 6% for several years but has now fallen back to 4%.

In year transfers

2.4 The School Admissions Team in the Council deal with approximately 3,000 transfer movements every year. Around 2,000 are primary school movements and 1,000 are secondary. This is in common with most areas of the country where house moves are the commonest reason for moving schools. The tables below shows pupil numbers in each year group from 2004 onwards. As can be seen the number of children in Tameside primary schools reached a peak in 2018/19 but is now decreasing. Similarly, the overall number of children in secondary schools is increasing steadily as the numbers feed through from primary schools.

January census numbers – primary schools								
	R	Y1	Y2	Y3	Y4	Y5	Y6	TOTAL
2004/05	2460	2562	2593	2618	2712	2712	2745	18402
2005/06	2397	2472	2550	2591	2615	2706	2718	18049
2006/07	2406	2396	2463	2553	2598	2611	2695	17722
2007/08	2453	2384	2429	2457	2535	2619	2617	17494
2008/09	2586	2463	2400	2427	2470	2536	2617	17499
2009/10	2549	2589	2499	2411	2404	2461	2531	17444
2010/11	2681	2549	2600	2453	2414	2397	2473	17567
2011/12	2760	2690	2574	2581	2467	2420	2369	17861
2012/13	2908	2770	2701	2544	2544	2430	2394	18291
2013/14	2926	2953	2773	2699	2567	2581	2465	18964
2014/15	3104	2929	2931	2761	2692	2597	2580	19594
2015/16	3002	3128	2929	2942	2790	2725	2606	20122
2016/17	3066	3029	3127	2936	2951	2789	2727	20625
2017/18	2998	3089	3009	3118	2917	2926	2779	20836
2018/19	2873	3012	3094	3027	3110	2923	2938	20977
2019/20	2878	2894	2993	3088	3024	3127	2918	20922
2020/21	2787	2874	2896	2982	3073	3008	3119	20739

2.5 The table below shows the percentage change in numbers due to in year transfers from one year to the next in Tameside. This shows that the numbers in each year group remain relatively stable as they progress through the year groups.

Change in numbers year to year – primary schools									
	R	Y1	Y2	Y3	Y4	Y5	Y6	Overall R to Y6	Overall % change
2004/05									
2005/06		12	-12	-2	-3	-6	6		
2006/07		-1	-9	3	7	-4	-11		
2007/08		-22	33	-6	-18	21	6		
2008/09		10	16	-2	13	1	-2		
2009/10		3	36	11	-23	-9	-5		
2010/11		0	11	-46	3	-7	12	13	0.53%
2011/12		9	25	-19	14	6	-28	-28	-1.18%
2012/13		10	11	-30	-37	-37	-26	-12	-0.50%
2013/14		45	3	-2	23	37	35	12	0.49%
2014/15		3	-22	-12	-7	30	-1	-6	-0.23%
2015/16		24	0	11	29	33	9	57	2.19%
2016/17		27	-1	7	9	-1	2	46	1.69%
2017/18		23	-20	-9	-19	-25	-10	19	0.68%
2018/19		14	5	18	-8	6	12	30	1.02%
2019/20		21	-19	-6	-3	17	-5	-8	-0.27%
2020/21		-4	2	-11	-15	-16	-8	15	0.48%

2.6 For secondary schools, the overall pupils numbers are as follows:

January census numbers – secondary schools							
	Y6	Y7	Y8	Y9	Y10	Y11	TOTAL
2004/05	2746	2991	3213	3213	3123	2996	15536
2005/06	2720	2918	2984	3202	3185	3061	15350
2006/07	2695	2858	2915	2983	3177	3159	15092
2007/08	2617	2874	2851	2895	2956	3150	14726
2008/09	2617	2712	2861	2851	2901	2942	14267
2009/10	2531	2714	2705	2829	2830	2876	13954
2010/11	2473	2582	2712	2713	2813	2819	13639
2011/12	2369	2519	2582	2710	2721	2809	13341
2012/13	2394	2438	2504	2581	2697	2683	12903
2013/14	2465	2538	2445	2528	2580	2686	12777
2014/15	2580	2538	2553	2431	2513	2551	12586
2015/16	2606	2677	2552	2548	2429	2475	12681
2016/17	2727	2694	2701	2549	2517	2411	12872
2017/18	2779	2791	2680	2674	2506	2496	13147
2018/19	2938	2870	2778	2648	2646	2474	13416
2019/20	2918	2957	2888	2747	2620	2640	13852
2020/21	3119	2960	2949	2889	2724	2604	14126

- 2.7 The table below shows the percentage change in numbers due to in year transfers from one year to the next in secondary schools in Tameside. This shows that the numbers in each year group decrease as they progress through the year groups.

Change in numbers year to year - secondary							
	Y7	Y8	Y9	Y10	Y11	Overall Year 7-11	Overall % change
2004/05							
2005/06	172	-7	-11	-28	-62		
2006/07	138	-3	-1	-25	-26		
2007/08	179	-7	-20	-27	-27		
2008/09	95	-13	0	6	-14	-49	-1.7%
2009/10	97	-7	-32	-21	-25	-42	-1.5%
2010/11	51	-2	8	-16	-11	-39	-1.4%
2011/12	46	0	-2	8	-4	-65	-2.3%
2012/13	69	-15	-1	-13	-38	-29	-1.1%
2013/14	144	7	24	-1	-11	-28	-1.0%
2014/15	73	15	-14	-15	-29	-31	-1.2%
2015/16	97	14	-5	-2	-38	-44	-1.8%
2016/17	88	24	-3	-31	-18	-27	-1.1%
2017/18	64	-14	-27	-43	-21	-42	-1.7%
2018/19	91	-13	-32	-28	-32	-64	-2.6%
2019/20	19	18	-31	-28	-6	-37	-1.4%
2020/21	42	-8	1	-23	-16	-90	-3.5%

- 2.8 The data in the tables shows that whilst there might be a large number of transfers in any given year, the overall change in pupil numbers is relatively small.

Cohort survival rate

- 2.9 When taken together, all of the above factors give a cohort survival rate. This is the ratio of the relationship of number of pupils from one point in time to another, for example, the birth rate number compared to the number of pupils allocated a place in Reception or the number of pupils in Year 6 in a Tameside school compared to the number of pupils allocated a place in Year 7.
- 2.10 In order to effectively plan for changes to school places in secondary schools, which starts two years in advance of entry into Year 7, a cohort survival rate based on year 4 numbers is also calculated. A five year rolling average of this ratio is the method used in Tameside to predict the number of places needed in any particular intake year.
- 2.11 Planning for primary school places is somewhat harder than secondary school place planning as the only constant source of data are the ward level birth rate information. A five year rolling average of birth rates to primary intake is calculated but unlike secondary schools where seven years of data are available from primary schools, only two years of data are available prior to planning commencing.

2.12 The cohort survival rate for Year 7 is shown in the table below:

YEAR 7 ACTUALS							
	2015	2016	2017	2018	2019	2020	2021
Total on time applications	2797	2821	2949	3008	3148	3173	3396
Tameside schools 1st preferences inc SEN	2618	2605	2739	2613	2948	2982	3396
Tameside resident out of borough 1st prefs	179	216	244	203	200	191	168
Out of borough 1st prefs for Tameside schools	334	374	327	340	304	318	309
Total allocated - Sept	2976	2953	3069	3125	3247	3260	3466
Total allocated for Tameside schools - Sept	2758	2761	2824	2906	3001	3004	3190
Total allocated to out of borough and independent	218	192	201	174	237	170	190
Primary school Year 6	2581	2606	2727	2779	2938	2918	3119
Cohort survival rate (Y6 - Y7)	106.9%	105.9%	103.6%	104.6%	102.1%	102.9%	102.3%
Primary school Year 4	2544	2567	2692	2790	2951	2917	3110
Cohort survival rate (Y4 - Y7)	108.4%	107.6%	104.9%	104.2%	101.7%	103.0%	102.6%
Birthrate	2,614	2,533	2772	2835	2895	3064	3069
Cohort survival rate (birth - Y7)	105.5%	109.0%	101.9%	102.5%	103.7%	98.0%	103.9%

2.13 The five-year rolling cohort survival rate for entry into secondary schools over the last six years can be seen to have declined to its present level of 103%. The decrease in the birth – Y7 cohort survival rate mirrors the in-year changes to primary numbers.

Five years rolling average to	2015	2016	2017	2018	2019	2020
Average cohort survival rate (Y6 - Y7)	105.8%	106.2%	105.3%	105.1%	104.6%	103.9%
Average cohort survival rate (Y4 - Y7)	105.7%	106.5%	106.0%	105.7%	105.4%	104.3%
Average cohort survival rate (birth - Y7)	104.5%	105.5%	104.9%	104.3%	104.5%	103.1%

2.14 Taking a five-year rolling average of the cohort survival rate from Year 6 to Year 7; from Year 4 to Year 7 and from birth to Year 7 is very similar and so current secondary school place predictions are based on 104% of Year 4 pupils. The additional 1% gives some surplus capacity for in year transfers. This may need to be revised given the downward trend for the last three years.

2.15 The five-year rolling cohort survival rate for entry into primary schools over the last ten years can be seen to have increased to its present level of 102%. This increase mirrors the decrease in the birth rate as more places are available for pupils not resident in Tameside.

Average Reception intake to birth rate	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Ashton	85%	83%	84%	85%	86%	87%	89%	87%	89%	89%
Audenshaw	151%	147%	153%	152%	150%	158%	157%	145%	143%	146%
Denton	116%	114%	114%	114%	110%	107%	107%	112%	111%	113%
Droylsden	108%	110%	112%	114%	112%	110%	108%	106%	111%	112%
Dukinfield	117%	116%	118%	117%	120%	123%	122%	127%	124%	121%
Hyde and Longdendale	87%	88%	87%	88%	89%	93%	93%	95%	93%	94%
Mossley	88%	87%	87%	86%	84%	84%	85%	84%	84%	86%
Stalybridge	92%	92%	93%	96%	99%	99%	100%	102%	101%	101%
Average	98%	97%	97%	97%	98%	100%	101%	102%	102%	102%

Housing development

- 2.16 Another core factor in planning school places, is the amount of new housing development being planned in the borough. Tameside's Core Strategy is the key compulsory Local Development document. Every Local Development document is built on the principles set out in the Core Strategy, regarding the development and use of land in Tameside's planning area. The Core Strategy is currently being reviewed and it is predicted that an additional 8,000 houses, will be built in the borough, over the next 15 years.
- 2.17 The Council undertakes a housing yield analysis on a regular basis. The analysis looks at ten new development sites and matches new housing development postcodes to new pupil data from the annual school census together with housing information from the Land Registry and Royal Mail to give intelligence on house move statistics and geographical distribution of the population movement into new development postcodes.
- 2.18 The ten development sites have been categorised based upon the type of housing present at each location, with pupil yield statistics generated for each category. The categorisation is as follows:
- Category A: Market housing, mostly semi-detached and terraced properties
 - Category B: Market housing, larger proportion of detached properties
 - Category C: Social housing
- 2.19 The estimation of the number of pupils resulting from new housing developments is a key element of the school place planning process for Tameside Council. Over the next ten years, housing growth is anticipated in each of Tameside's nineteen wards.
- 2.20 Planning for school places will also need to take account of significant areas of proposed new development including sites in Hyde South and Godley Green and work is underway to determine the level of need for additional school places in these areas.
- 2.21 Using all of the above, pupil yield is anticipated to be:
- **Category A: Market housing, mostly semi-detached and terraced properties**
The school census data suggests a primary pupil yield of 0.15–0.36 per new home and a secondary pupil yield of 0.07–0.12 per new home. An estimated 44% of moves to these developments originate from outside Tameside.
 - **Category B: Market housing, larger proportion of detached properties**

The primary pupil yield averages 0.33 per new home. The secondary pupil yield averages 0.12 per new home. An estimated 45% of moves to these developments originate from outside Tameside.

- **Category C: Social housing**

The school census data suggests a primary pupil yield of 0.41 – 0.60 per new home and a secondary pupil yield of 0.26 – 0.34 per new home. However, it is estimated that only 20% of moves to these new developments originate from outside Tameside.

2.22 As an overall model for calculating pupil yield and developer contributions, the Council uses a pupil yield per new home of 0.23 for primary aged pupils and 0.1 for secondary aged pupils. This is predicted to lead to the following number of additional pupils:

	Housing numbers	Primary places	Secondary places
2020/21	425	98	43
2021/22	415	95	42
2022/23	409	94	41
2023/24	406	93	41
2024/25	239	55	24
2025/26	330	76	33
2026/27	461	106	46
2027/28	720	166	72
2028/29	723	166	72
2029/30	668	154	67
2030/31	394	91	39
TOTAL	5190	1194	519
Source 2020 SHELAA			

2.23 Taking all the above into consideration, projected demand for places is shown in the tables below:

Primary school places

Primary school planning area		2020/21	2021/22	2022/23	2023/24	2024/25
357001 (Ashton, Droylsden, Mossley)						
Actual intake	Predicted intake	1058	1017	1092	1103	924
Places available		1170	1170	1170	1140	1140
357002 (Audenshaw/ Dukinfield / Stalybridge)						
Actual intake	Predicted intake	795	812	843	873	755
Places available		885	885	855	855	855
357003 (Denton / Hyde/ Longdendale)						
Actual intake	Predicted intake	964	982	959	1120	898
Places available		1090	1085	1085	1085	1085
Total						
Actual intake	Predicted intake	2817	2811	2894	3096	2577
Places available		3145	3140	3110	3080	3080

Secondary school places

SECONDARY SCHOOL PREDICTIONS 4% COHORT SURVIVAL 2022 - 2031 (JAN 21 PUPIL CENSUS)										
	Sep-22	Sep-23	Sep-24	Sep-25	Sep-26	Sep-27	Sep-28	Sep-29	Sep-30	Sep-31
Primary numbers	3024	3088	2993	2894	2878	2763	2806	2876	3072	2562
Predicted intake	3145	3212	3113	3010	2993	2874	2918	2991	3195	2664
Places available	3224	3239	3214	3184	3154	3154	3154	3154	3154	3155
Balance of places	79	27	101	174	161	280	236	163	-41	491

3 SUPPLY

Primary places supply

- 3.1 The Council plans primary places using three geographical planning areas. The planning areas are based on linked towns, specific geography and travel to learn patterns. The number of primary school places increased substantially through a mixture of permanent and temporary places to take account of increasing pupil numbers. However, as numbers coming into Reception have decreased over recent years, the number of places has reduced to avoid large levels of surplus capacity in some schools and to reduce the number of schools with mixed age classes.
- 3.2 As shown in 2.23 above, taking into account the demand for primary school places combined with a predicted declining birth rate there are sufficient school places for another 10 to 15 years. However, consideration also needs to be given to the increasing levels of surplus capacity in some areas of the borough and in particular to significant surplus predicted for 2024. The significant increase in births in 2019 that will come in to primary schools in 2023 makes reducing surplus capacity difficult as it will be needed for September 2023. Action needs to be taken to reduce admission numbers and therefore surplus capacity for September 2024.
- 3.3 As there is an increasing diversity of types of school in the borough, it is imperative that colleagues in Education begin to work with primary headteachers to identify opportunities to reduce Published Admission Numbers in the borough. Large amounts of surplus capacity will impact on the financial viability of schools and could lead to increased levels of deficit budgets for schools.
- 3.4 This will be kept under review annually through the report to Executive Cabinet.

Secondary places supply

- 3.5 The Council plans secondary school places in a single borough wide planning area. The demographics of the borough are complicated with 16 high schools of which:
- 12 out of 16 are voluntary aided or academies
 - 11 out of the 16 being on the outskirts of the borough leading to high levels of cross local authority area travel to learn patterns
 - three Roman Catholic high schools
 - two single sex boys schools
 - one single sex girls school
 - a free school
- 3.6 All of these factors mean that ensuring sufficient places for secondary schools is challenging.
- 3.7 Due to the rising numbers of pupils in primary schools, the focus of increasing places over the last few years has been on the secondary phase. Tameside has used a mixture of permanent and temporary places in primary schools to accommodate the increase in

population. Being proactive in discussions with secondary headteachers has resulted in an increased number of secondary places being available and has increased by 16% from its lowest point of 2796 in 2010 to 3239 in September 2021.

- 3.8 The peak of secondary school numbers was reached for September 2021. Whilst there is little surplus capacity in the current Year 7, no pupils was left without a place for September 2021 due to the concerted effort by colleagues and schools to increase Year 7 places.
- 3.9 The increased places that have been determined and /or agreed with our secondary schools means that supply is now able to meet demand. However, similarly to primary schools, there will also be a need to begin to look at removing the temporary surplus places that have been created in the next few years to avoid schools facing financial pressures with falling numbers coming into schools.
- 3.10 This will be kept under review annually through the report to Executive Cabinet.

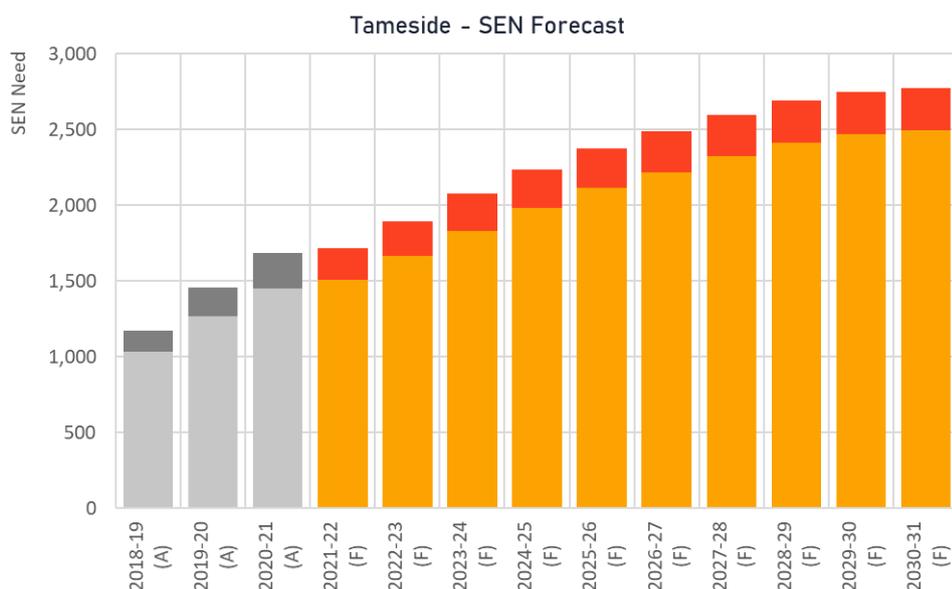
4 SPECIALIST PROVISION

Outline of expected future growth in EHCPs

- 4.1 Tameside currently maintains 1960 Education Health and Care Plans (EHCPs). The number of plans maintained has been rising steadily since 2017. The number of EHCPs in Tameside has more than doubled since 2017, when the Local Authority maintained 828 plans. Tameside is now more in line with our statistical neighbours, with EHCPs representing approximately 3.64% of the population.
- 4.2 The recent growth in EHCP's was appropriate and necessary. It has however, placed significant additional strain on specialist providers and resource bases across Tameside. The rapid rate of the growth in EHCPs in Tameside has been such that it was never going to be possible to plan and deliver provision sufficiency at the same rate. This has inevitably created pressure on placements for children with EHCPs, and particularly across the specialist sector, where all schools are currently oversubscribed. This is also true of our specialist resource bases.
- 4.3 Work to establish additional SEND capacity is underway, but recently acquired data demonstrates the ongoing imperative to create additional SEND provision in Tameside, in order to appropriately accommodate our most vulnerable learners in line with future growth.

SEND provision/ sufficiency planning

- 4.4 An over reliance on out of area provision, is undoubtedly a contributing to current budget pressure. It is therefore vital that we take a strategic approach to planning provision driven by need, and invest available capital funding towards the creation of more local places, where necessary and appropriate.
- 4.5 Changing an established pattern of provision is a long-term process rather than a rapid change, given the importance of continuity for children and young people. We are therefore taking a strategic approach, by focusing on key areas of anticipated growth across SEND, and ensuring that appropriate local provision is available for these learners. Parents are a key partner in this work who will continue to be consulted and engaged throughout.
- 4.6 In response to the challenge this growth poses, and in order to ensure that we have appropriate quality provision for Tameside children and young people with SEND, we are now developing a comprehensive SEND Sufficiency Strategy 2021-2031. This strategy builds on key pieces of work (such as the SEND Forward Plan 2019-22) undertaken over the past 3 years and is written with the benefit of newly acquired data and intelligence commissioned



4.10 Based on draft projections for EHCP places from Reception to Y14, we are anticipating unmitigated growth over the next 10 years:

- 1089 new EHCP places are projected over a 10-year period
- 2021-22 and 2022-23 are projected to be the largest 2 years of growth with 179 (21-22) and 181 (22-23) places projected. Growth figures then decrease year on year.
- EHCP places for pupils in years 12-14 are projected to more than double in 10 years
- Years 7-11 are projected to nearly double in 10 years across both specialist and mainstream sectors
- Years R-6 are projected to increase by 29% in 10 years

4.11 The figures given above are drawn from the Edge-analytics analysis. They are lower than we are seeing in real time. At this stage, it is unclear why the projections do not match the higher numbers we are seeing in real time, but it is possible that the currently elevated growth may be attributable to Covid factors.

4.12 The numbers contained in the data sets below, demonstrate that the main area of growth is in secondary school pupils, where the numbers are projected to increase by 82% over a 10-year period, and numbers in mainstream schools will more than double. This growth whilst significant, is not wholly unwelcome and will represent some necessary recalibration of EHCPs across the sectors.

4.13 Currently in Tameside, EHCPs within specialist settings represent 44% of the population, as opposed to 36% nationally. This statistic sets us apart from national, GM and statistical neighbours, where the majority of EHCP students are educated within mainstream settings. The historic under-assessment in Tameside has contributed to this uneven distribution across sectors, but the data going forward indicates that as EHCP % representation come into line with our statistical neighbours, so too will our distribution of EHCPs across sectors. This rapid growth will, undoubtedly, create inclusion challenges within the mainstream sector, and will need to be considered in any future SEND strategic planning.

4.14 Across the specialist sector, whilst not in line with mainstream, we also projecting 60% growth in years R-14, seeing actual numbers rise from 878 in 2021 to 1404 in 2031.

- 4.15 Growth amongst primary age children is predicted to be 29%, and growth between Y12-14 will increase by 127% (from 255 to 580).

Fastest growing areas of need

- 4.16 Between now and 2031, by far the fastest growing area of need will be across Social, Emotional and Mental Health (SEMH), where we anticipate growth of 138.9% (additional actual growth of 611) across all age ranges. In mainstream settings, EHCP numbers in SEMH will grow by 130% (additional actual growth 250) across all age ranges. In mainstream, between years R-6 we anticipate growth of 45% (actual 45) and between year 7-14 we are expecting 220% growth (actual additional growth of 205). In specialist settings, numbers in SEMH will grow by 130% (additional actual growth 306) across all age ranges. In years R-6 we anticipate growth of 75% (actual 54) and between year 7-14 we are expecting 156% growth (actual additional growth of 252).
- 4.17 This next fastest growing area of need is communication interaction (CI) difficulties (comprised of both autism and speech, language and communication difficulties), where we anticipate growth of 70.7 % (additional actual growth of 359) across all age ranges. In mainstream settings, EHCP numbers in CI will grow by 87.8% (additional actual growth 203) across all age ranges. In mainstream, between years R-6 we anticipate growth of 64.5% (actual 92) and between year 7-14 we are expecting 125% growth (actual additional growth of 111). In specialist settings, numbers in CI will grow by 54.6% (additional actual growth 146) across all age ranges. In years R-6 we anticipate growth of 37% (actual 44) and between years 7-14 we are expecting 68.9% growth (actual additional growth of 101).
- 4.18 The growth in EHCP numbers represents a significant financial risk to the Local Authority. Over reliance on out of area provision, is undoubtedly a contributing to current budget pressure. It is therefore vital that we take a strategic approach to planning provision driven by need, and invest available capital funding towards the creation of more local places, where necessary and appropriate. Having access to this new data puts us in a stronger position to plan. It is clear that current specialist provision in Tameside will be insufficient to meet this anticipated growth. We must, therefore, take initiative and act quickly to develop additional provision. The SEND Sufficiency contains a range of proposals, which suggests ways that we can meet these needs and mitigate the risk of expensive out of borough placement. Some of these suggestions can be found at the end of this report.
- 4.19 A more comprehensive overview of all sufficiency proposals can be found in the SEND Sufficiency Strategy 2021 - 2031.
- 4.20 Recommendations in the SEND Sufficiency Strategy include:
- An escalation of the resource base development programme. Currently we are aiming to add an additional 8 resource bases across both primary and secondary over the next two years, adding approximately 80 additional specialist places. In order to meet the anticipated demand, it may be deemed necessary to aim instead for an additional 12 resource bases over the next 3 years, with a plan to develop additional post 16 resource base provision, to accommodate up to 30 specialist learners (adding 150 specialist places).
 - Continue with the move to a new Hawthorns building creating a 220 place school (effectively an additional 50 specialist primary places for children with CI needs).
 - Consider options, which would retain the original Hawthorns building as an additional specialist setting for primary-aged learners.
 - Work with Thomas Ashton School to consider its role in supporting the increasing numbers of learners with SEMH difficulties.
 - Explore options for the development of a Specialist Free School.

- Working in partnership with schools, invest and develop support to mainstream settings to promote ongoing inclusion of their SEND students.

4.21 The recommendations will be subject to further governance reports.

5 CONCLUSION

- 5.1 School place planning is a complex process that requires almost constant review to ensure that the Council is able to meet its statutory duty to provide sufficient places.
- 5.2 By being proactive and working in partnership with all our schools over a number of years, the Council has been able to meet the demand for places in spite of significant variations in pupil numbers.
- 5.3 After the sustained period of growth, data indicates the need to consider reducing levels of surplus that are predicted to increase in primary and secondary schools over the next few years.
- 5.4 There is a need to engage in dialogue with primary school leaders to begin to consider options to reduce projected levels of surplus capacity. Whilst levels of surplus in secondary schools are not expected to increase for a number of years, dialogue will begin to ensure that temporary places added to cope with the increase in pupils over recent year are removed first.
- 5.5 Whilst there are currently sufficient places to meet expected demand, the school place planning process must continue to be dynamic particularly in view of significant housing development that is predicted within the borough and the impact that will have on demand and travel to learn patterns.

TAMESIDE COUNCIL
Consultation on establishing a ten place resource base at Corrie Primary and Nursery School (September 2022)

Context

This consultation relates to Tameside Council's proposal to make a prescribed alteration at Corrie Primary and Nursery School. Corrie is currently piloting a resource base for up to 10 pupils. Following a report to Tameside MBC Executive Cabinet on 23rd June 2021 (<https://tameside.moderngov.co.uk/documents/g5059/Public%20reports%20pack%2023rd-Jun-2021%2013.30%20Executive%20Cabinet.pdf?T=10>) approval was received to formalise the provision of 10 places at the school and for capital funding to support the school to provide the appropriate accommodation.

It is proposed that, with effect from 1 September 2022, this provision is formalised with the designated resource base to enable up to 10 pupils with cognition and learning and/ or communication and interaction and / or social, emotional and mental health needs to be supported. This consultation will be open for comments until 11.59pm on Thursday 3 March 2022.

Why do we want to add a resource base to the existing provision at Corrie Primary and Nursery School?

A Specialist Resource Base provides places for children with special educational needs and disabilities who have an Education, Health and Care Plan (EHCP) within a mainstream school. Children are taught in smaller groups with additional staff within the resource base, but also have access to mainstream classes and wider school life as their individual needs allow. The resource base at Corrie Primary and Nursery School, would be for children with cognition and learning and/ or communication and interaction and / or social, emotional and mental health needs and will offer up to 10 places for pupils aged 5 to 11.

This important new provision will both support Tameside Council to ensure that there are the necessary specialist places across the borough to meet need and demand, and also increase opportunities for younger children to gain early access to the specialist support and interventions they need.

The Executive Cabinet considered a report on 23 June 2021 which explained the need to increase the amount of resourced provision in the borough.

The SEND Forward Plan identifies the need to develop additional resourced provision across the borough to meet the needs of pupils identified as requiring enhanced provision but not a special school place.

Targeted provision is provision that is more specialist than mainstream schools, providing a higher level of support for children and young people with SEND, but not a special school. This may be shorter term provision to support a child into the most appropriate provision, or a longer term placement attached to a mainstream school. Tameside resource bases do not all provide a longer term option for placement, which means that children and young people may move straight from mainstream to special school when their needs could be met in a longer term targeted mainstream placement. This is a gap in the borough's provision.

The Forward Plan identifies that the Council will begin to commission new targeted mainstream provision model with a greater emphasis on highly supported resource based provision for a small number of children. This will:

- *Be related to the level and type of need in different neighbourhoods across the Borough.*
- *Be small group focused provision, for both boys and girls, attached to mainstream schools.*
- *Be provided for primary and secondary pupils.*
- *Include a higher level of specialist staffing to meet need, linked with social care and health*

provision where appropriate.

- *Prioritise the two greatest areas of need: Communication and Interaction (including autism) and SEMH, (however, consideration needs to be given to lower levels of need that are currently in Special Schools in order to free up places.).*

A number of schools came forward to be part of this exciting new provision and host resource bases and Corrie Primary and Nursery School was one of those schools. Corrie has dedicated space for the resource base and over the summer of 2021, internal and external works were carried out to make the space fit for purpose.

At Corrie Primary School, the school aims to provide a broad and stimulating learning experience which caters for the needs of all children through an exciting and balanced curriculum. The school know that it is important to provide all children with the necessary skills which will enable them to become lifelong learners. Corrie aims to create an ethos of high expectation, aspiration and team work. The school recognise that everyone learns best when they are valued and they strive to ensure that all children receive the care and guidance they need.

What are specialist facilities?

Specialist facilities are located within a mainstream school and provide specific support to a limited number of pupils with an education and health care plan (EHCP). Pupils within the resource base are on roll of the mainstream school and are in addition to the published admission number of the school. The Published Admission Number at Corrie Primary and Nursery School is currently 60.

The school receives additional funding to support pupils' needs. Placements are commissioned by Council according to clear criteria. Pupils in the resource base will have their special educational needs reviewed regularly in discussion with parents/carers and professionals to ensure that the facility remains the most appropriate placement to meet these needs.

What will be the impact of the changes to the resource base on other pupils in the school?

We expect the establishment of a resource base at Corrie Primary and Nursery School will have a positive impact on provision at the school. Specialist staff would work with pupils in the resource base and also work with teaching staff across the school to develop skills and expertise in responding to SEND needs and creating an inclusive environment.

Why we are consulting on the above proposal?

We have a responsibility to consult with the wider community on any prescribed alteration or significant change to the organisation and structure of the school. The Department for Education set out how the consultation should run and we will be following those guidelines.

How can you have your say?

You can have your say by;

Completing the online form via the link here;

Completing a paper copy requested from the school office; or

Alternatively you could email your response form to jacqueline.nurney@tameside.gov.uk

How long is the consultation period?

The consultation period will begin on 27 January 2022 and it will run until 11.59pm on 3 March 2022.

If you have any further questions regarding the process or proposal, please do not hesitate to contact jacqueline.nurney@tameside.gov.uk

Report to:	EXECUTIVE CABINET
Date:	26 January 2022
Executive Member:	Councillor Oliver Ryan – Executive Member (Finance and Economic Growth)
Reporting Officer:	Ian Saxon, Director of Place Gregg Stott, Assistant Director - Investment, Development and Housing, Place
Subject:	HYDE TOWN CENTRE HIGH STREET TASK FORCE UPDATE
Report Summary:	This report provides an update to members on the progress to date of the Hyde Town Centre High Street Taskforce programme following previous report to Executive Cabinet in 23 June 2021.
Recommendations:	That Executive Cabinet be recommended to: <ul style="list-style-type: none">(i) Approve the formation of a Hyde Town Centre Task Force Partnership;(ii) Note that the Director of Place will manage the formation and programme of works associated with the Hyde Town Centre Task Force Partnership(iii) On-going performance and reporting will be provided as required to keep Members appraised and for decision making.
Corporate Plan:	The proposals support the key aims of the Corporate Plan to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The proposed measures shall contribute to delivering corporate priorities – housing, economic growth and employment opportunities
Policy Implications:	<p>The proposals support the policy aims and delivery of the Council's Inclusive Growth Strategy (2021). In light of the recent impacts from the COVID-19 pandemic and the generally poorly performing town centres, the regeneration of Tameside's town centres is essential for a range of social and economic reasons in order to create sustainable communities and thriving and vibrant town centres. The recommendations of this report will assist with the delivery of this objective and will bring in new people, inward investment, businesses and jobs.</p> <p>The proposals support the adopted Carbon Reduction and Environment Strategy 2021-2026. The focal points of the Strategy are all very much relevant to town centres and include Greenspace & Biodiversity, Homes Workspaces & Council Buildings, Influencing Others, Reducing Consumption & Producing Sustainably and Travel & Transport. The recommendations of this report will assist with the delivery of these areas of focus and will ensure that town centre regeneration has sustainability at the forefront of any proposals related to new developments.</p>

**Financial Implications:
(Authorised by the statutory
Section 151 Officer & Chief
Finance Officer)**

The report provides an update to Members on the progress to date of the Hyde Town Centre High Street Taskforce programme following the previous report considered by the Executive Cabinet on 23 June 2021

The report references the following grant funding allocations that will support initiatives within Hyde and the surrounding area and which are subject to respective grant conditions, monitoring and reporting arrangements :

- Godley Green - Homes England funding of £ 10.0m (section 2.3 refers)
- One Public Estate funding of £ 0.100m (section 2.5 refers)
- GMCA Evergreen 3 funding of £ 0.225m (section 2.9 refers)

Members will be updated on the related outcomes delivered via the aforementioned investment allocations and the Hyde Town Centre Task Force partnership arrangement as appropriate.

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

This report provides Members with an update in relation to the progress made.

In particular Members will note that the report is requesting that a Partnership forum is established to continue the engagement process which will be a key component to the success of this project.

The proposal is to establish the Hyde Town Centre Task Force Partnership. This will not be a decision making body and will not be part of the council's formal governance and decision making mechanism for this project. It will however provide valuable local engagement which will be fed into a decision making via the Director of Place and detailed in future reports.

Risk Management:

Risks associated with the work are set out at Section 6

Background Information:

Appendix 1	14 June 2021 - 'Unlocking Your Place Potential' attendee list
Appendix 2	A post-visit report produced by the HSTF Expert, identifying Hyde's key strengths and challenges and recommendations

The background papers relating to this report can be inspected by contacting Damien Cutting, Economic Growth Lead



Telephone: 07989425566



e-mail: damien.cutting@tameside.gov.uk

1. INTRODUCTION

- 1.1 On 19 March 2021, the High Street Task Force (HSTF) was announced by government and will run until 2024. Administered by the Institute of Place, the HSTF provides support to local leaders in town centres and high streets in England. Funded by government, this support includes expert advice, training, and data delivered directly to local stakeholders in towns and cities, and a range of resources online that are available to all.
- 1.2 The HSTF brings together a range of expert organisations on reinventing and restructuring places to build long-term capacity for local transformation. The HSTF website hosts a wide range of training, learning, and data insights, including the 'COVID-19 Recovery Framework' to help places identify what they need to do now, as well as how to plan and build capacity for recovery. The HSTF supports local leaders in town centres and high streets in England. Funded by government, this support includes expert advice, training, and data delivered directly to local stakeholders in towns and cities, and a range of resources online that are available to all.
- 1.3 A report to Executive Cabinet in June 2021, identified that Hyde Town Centre had been identified as one of the 70 local authority areas that would be able to access government support through the HSTF programme. The report agreed that the Council would formally participate and engage in the programme and noted that a further report would be brought to Executive Cabinet outlining the findings of the diagnostic and focus for the action plan.
- 1.4 The first stage of support from HSTF included an initial diagnostic which was undertaken earlier in the year offered under the banner 'Unlocking Your Place Potential'. The appointed HSTF Expert undertook some initial analysis in order to identify the made barriers to regeneration.

2. HYDE TOWN CENTRE – THE WIDER STRATEGY

- 2.1 The HSTF programme is part of a wider strategy that the Council are now progressing in Hyde, including preparation of a town centre masterplan. There is an opportunity to deliver real change in the town centre, to regenerate Hyde and make it a thriving town centre with a high quality offer that meet the needs of the local population as well give people a reason to visit Hyde.
- 2.2 Hyde Triangle is identified as an area for growth within the Tameside Inclusive Growth Strategy and is one of the Greater Manchester Growth Locations. Hyde Triangle which includes Godley Green, Hattersley and Hyde Town Centre will ensure that these major drivers for change support the wider regeneration of the town centre.
- 2.3 Godley Green Garden Village is one of the largest and most innovative housing schemes in the country. In October 2019, Executive Cabinet approved the Council to enter into an agreement for £10 million of grant funding from Homes England to deliver up to 2,350 new homes. In December 2021 an outline planning application was validated for up to 2,150 new homes. In Hattersley a public private partnership is delivering new retail, housing, and quality public realm and skills programmes to tackle deprivation in the area.
- 2.4 As a consequence of this planned growth there will be an increased demand for retail, leisure and services supporting the regeneration of Hyde Town Centre, and acting as a catalyst for further growth and investment.
- 2.5 In 2019, Tameside was awarded £0.100m by One Public Estate (OPE) and the British Property Futures (BPF). The cornerstone of the OPE and the BPF Challenge is to take a fresh approach and develop novel solutions to problems to help overcome identified challenges in Hyde. As part of the OPE work the Council held a public consultation in in

March 2020.

- 2.6 In total, 353 responses were received. The consultation findings identified a number of broad themes, some of which included:
- Community spirit, friendly people and community organisations such as POP,
 - Cultural diversity,
 - Countryside, access to green space such as Werneth Low and Hyde Park
 - Historical (civic) assets and heritage,
 - Market hall,
 - A tired and dated offer,
 - Improved retail offer,
 - Lack of green space,
 - Lovely small shopping town, Friendly, Busy and active, Has potential, Good, Inexpensive
 - Lack of signage and messaging in local town centres,
 - Disjointed public realm.
- 2.7 These consultation findings have formed part of the evidence base for the HSTF report and will be used to underpin the initial stages of the town centre masterplan work which will commence in the New Year.
- 2.8 The Council is currently progressing work that will support the re-purposing of the former Library site on Union Street, with potential identified for a proposed scheme delivering an 88 unit 1 and 2 bed apartment complex with associated community facilities including a café/bistro that should be accessible to all and also provide day care provision. This will provide a southern gateway into to the town and will kick start other interventions and underpin further regeneration work. Further work is now being undertaken to secure a developer partner to progress delivery of the scheme.
- 2.9 The work at the Union Street site and preparation of a town centre masterplan for Hyde will be supported by the £0.225m of funding secured by the Council from Evergreen III Funding, as reported to Executive Cabinet on 29 September 2021. The masterplan for the town centre that will agree a shared vision, identify strategic sites for development, and work with the local community to further understand what improvements they would like to see in Hyde.

3. UNLOCKING YOUR PLACE POTENTIAL – HSTF REPORT AND FEEDBACK

- 3.1 On 14 June 2021, the appointed HSTF Expert for Hyde town centre carried out an 'Unlocking Your Place Potential' diagnostic. A virtual workshop was held with local ward members, local community representatives, Council staff and local businesses. An attendee list can be found in **Appendix 1**.
- 3.2 The purpose of the workshop was to diagnose the main barriers to transformation in Hyde town centre. A post-visit report (attached at **Appendix 2**) produced by the HSTF Expert, identified Hyde's key strengths and challenges and provided a prescription of recommendations with further support offered from the HSTF team that will enable the Council to accelerate this transformational process.
- 3.3 The diagnostic exercise identified a number of strengths for Hyde town centre which included good transport links, diversity & culture, strong community spirit, a local identity and rich heritage, to name just a few.
- 3.4 As a result of the diagnostic process, the HSTF Expert has identified 'collaborative working' as the main barrier to transformation in Hyde town centre. Stronger partnerships between the council, businesses and the wider community will build more capacity for making change

in the town. A more coordinated approach will ensure greater impact from any investment and interventions, whether they are initially led by the public, private or voluntary sector.

3.5 The HSTF Expert acknowledged that it was very clear from the workshops and discussions that took place, that there is a huge amount of enthusiasm and support for the town from the Council, the community and business leaders. More frequent and open communication is needed, and it was recommended that a restructuring of the governance systems to facilitate a team approach to transformation, with council, business and the community.

4. RECOMMENDATIONS FROM THE UNLOCKING YOUR PLACE POST VISIT REPORT

4.1 The HSTF report suggested the adoption of 4 recommendations:

- Share the UYPP report with everyone that attended the Unlocking Your Place Potential meeting.
- Form a Town Board/Partnership, a Task Force, or similar, of place leaders across council, business and the community to shape the strategy for the town, oversee key projects and coordinate plans and activity. The Town Board/partnership should be focussed on the needs of the town, rather than being council-led, business-led or community-led.
- The Town Board/Partnership should identify who will own or action the areas for improvement identified in the Fishbone Analysis (included in UYPP report) that need addressing.
- The structure of the groups could be around the 4Rs (explained in the UYPP report) – or the group just coordinates and ensures all the actions have a home and there is regular monitoring and reporting on progress.

4.2 The report also includes some additional recommendations which sit outside of the restructuring strategy including:

- A focus on how to activate the town to stop leakage of footfall. The HSTF can provide assistance with a workshop on place activation. This could be with an emphasis on events or on other ideas to increase footfall.
- The HSTF has developed online learning tools and workshops in relation to footfall and data analysis. The use of this data can provide robust baselines and measurable targets for improvement are essential and better use of Indices of Multiple Deprivation (IMD) and Office of National Statistics (ONS) business data can assist with this.

4.3 The implementation of these recommendations will provide the town centre with a robust partnership structure to progress the town centre masterplan and work to bring forward sites for development, working closely with the local community.

5. RISK MANAGEMENT

5.1 The main project risks associated with delivery of the recommendations in the UYPP report

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
Programme	Imbalance in membership representation of the Hyde Task Force Partnership		List of members to be reviewed to ensure fair representation from different groups of interest and stakeholders.	
Programme	Lack of resource capacity to undertake workstreams in line with expectations.		Interest expressed to date has identified a high level of participation.	

have been identified in the table below.

6. CONCLUSION

- 6.1 There is much evidence of a strong will and ambition by many stakeholders, groups and organisations to make Hyde a town centre to be proud of and to deliver on its potential as being a town centre for the future and a destination that people want to visit.
- 6.2 A joined up approach is required to deliver this change and the formation of a Hyde Town Centre Task Force will provide the platform to drive the work forward, to act as a critical friend in the preparation of the town centre masterplan and to ensure that the local community have a voice in how they would like to see Hyde in years to come.
- 6.3 It is proposed that the recommendations from the UYPP report be formally accepted and a Hyde Task Force or similar be established. This will include place leaders across Council, business and the community to shape the strategy for the town; formal Terms of Reference will be agreed.

7. RECOMMENDATIONS

- 7.1 As set out at the front of the report.

Interest in Hyde task group	
Name	Organisation/Business Name
MP Johnathon Reynolds	Member of Parliament
Cllr.Phil Chadwick	Tameside Council
Cllr.Jim Fitzpatrick	Tameside Council
Cllr.Philip Fitzpatrick	Tameside Council
Cllr. Joe Kitchen	Tameside Council
Cllr. Betty Affleck	Tameside Council
Cllr. Helen Boden	Tameside Council
Cllr. Peter Robinson	Tameside Council
Cllr. Jacqueline Owen	Tameside Council
Cllr. Jacqueline North	Tameside Council
Cllr. Janet Cooper	Tameside Council
Cllr. Ruth Welsh	Tameside Council
Cllr. Shibley Alam	Tameside Council
Damien cutting	Tameside Council
Anne Heath	Tameside Council
Cllr Oliver Ryan	Tameside Council
Matthew Kershaw	Tameside Council
Steven Kirkham	Tameside Council
Mike Reed	Tameside Council
John Hughes	Tameside Council
Sophie Stephenson	Clarendon Centre
Steven Hadfield	Tameside Council
Nick Sayers	Tameside Council
Gregg Stott	Tameside Council
Ian Saxon	Tameside Council
Patrick Nolan	Tameside Council
Andrea Wright	Tameside Council
Martin Walton	Roberts and Roberts
Jackie Francis	Hyde POP
Dave Stephenson	Rhino Group
Alison Lloyd Walsh	Tameside Council
Graham Holland	Tameside Council
Simon Pateman	Tameside Council
Julia Harrison	Town Team
Neil Openshaw	Town Team
Anthony Benedict	Exec Head Teacher - pupil referrals
Joan Ryan	Ex CEO of Groundwork T/side
Lindsay Johnson	Head of Asset Strategy
Yogesh Luhar	Strategic Capital Projects Manager CCG

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Unlocking Your Place Potential – Report and Feedback



HYDE, TAMESIDE

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About the visit and this report

The High Streets Task Force undertook an *Unlocking Your Place Potential* diagnostic on 14th June 2021. Sonia Cubrilo was the High Streets Task Force Expert who undertook the virtual workshop.

The attendees representing Hyde can be found in Appendix 1.

The purpose of the workshop was to diagnose the main barrier to your transformation. In other words, what problem, if not resolved now, will make it difficult for the town to change. To do this the Expert wanted to understand more about the challenges facing the town, your plans for transformation, meet key stakeholders, ask questions and tour the town.

As a result of the diagnostic process, the Expert has identified collaborative working as the main barrier to transformation in Hyde.

The rest of this report identifies the strengths of the town, the main barrier to transformation the Expert found, as well as clear recommendations the Local Authority and partners can action now to accelerate the transformation process. The report ends with a list of High Streets Task Force Products that the Expert has prescribed, which will help you and which you have kindly agreed to pilot.

On behalf of the High Streets Task Force, may I take this opportunity to thank attendees who gave up their time to attend the meeting, and who contributed to a frank and positive discussion. Thank you to Damien Cutting and Mike Reed for organising the session.

From reading the feedback from the visit, and this report, I can see you have a lot going for you in Hyde – and many strengths both in the town and in your people. The High Streets Task Force is here to help you build on those strengths, and I hope you find it useful.



Simon Quin

Executive Director High Streets Task Force

Hyde – Strengths

- ✓ Local people share a pride for Hyde Town Centre.
- ✓ Opportunities and plans to develop heritage offer and capitalise on buildings of architectural interest.
- ✓ Strong local identity and rich history.
- ✓ Good Public Transport links as town served by a railway station and a new bus station
- ✓ Car-parking
- ✓ Hyde Town Team (group of community volunteers)
- ✓ POP CIC Hyde (not for profit, grass roots live music/recording studios)
- ✓ Active Ward Councillors
- ✓ Diversity
- ✓ Good links to M60 and rest of Greater Manchester

Hyde is Tameside's market town serving the south of the Borough with a range of retail, medical, leisure and employment facilities. It has some attractive architectural buildings with interesting heritage, particularly the former town hall and the vacant library building. It has good and direct transport links particularly to the M60 motorway via the M67. This gives residents and local businesses access to major economic areas including Manchester City centre, Manchester Airport, Media city and Trafford Park as well as Ashton-under-Lyne and Tame Valley.

The Council undertook over £1million public realm and infrastructure improvements works in Hyde, which included the new market square and outdoor market, creating a high-quality focal point in the town's core retail area and freeing up the historic Market area and public sector building for development.

A vision badged as the 'Heart of Hyde', their plans are to focus on health and healthy living, with the creation of a flexible cultural and wellness hub, an 'incubation hub' to attract new businesses to the area and the acquisition and consolidation of under-utilised sites in the town centre to better serve the needs of the community.

In summary, the town has many strengths although it is facing many challenges.

4Rs Framework and our method

Although the town and its people have many strengths, we did identify a number of weaknesses. We have grouped these using the 4Rs framework – see below.

<p>Repositioning</p> <p>Identifying and making use of appropriate baseline data especially, footfall and health deprivation and disability. Some limited bus services that serve the town.</p>	<p>Reinventing</p> <p>Communicating effectively with the wider community and engaging them in the delivery of the vision for Hyde to help tackle the decline in footfall and the increase in vacant units.</p> <p>Providing a diverse offer and activating the town to encourage more residents to use the town and attract new visitors.</p>
<p>Rebranding</p> <p>Co-ordinating information/communication about Hyde and its plans more effectively.</p>	<p>Restructuring</p> <p>Strengthening partnership or collaborative working with Council, business and community stakeholders focusing on the town. Links are needed to engage a wider range of town stakeholders including business, community and voluntary sector groups and for them to be linked to the decision- making for the town Centre.</p>

Figure 1: 4Rs Framework

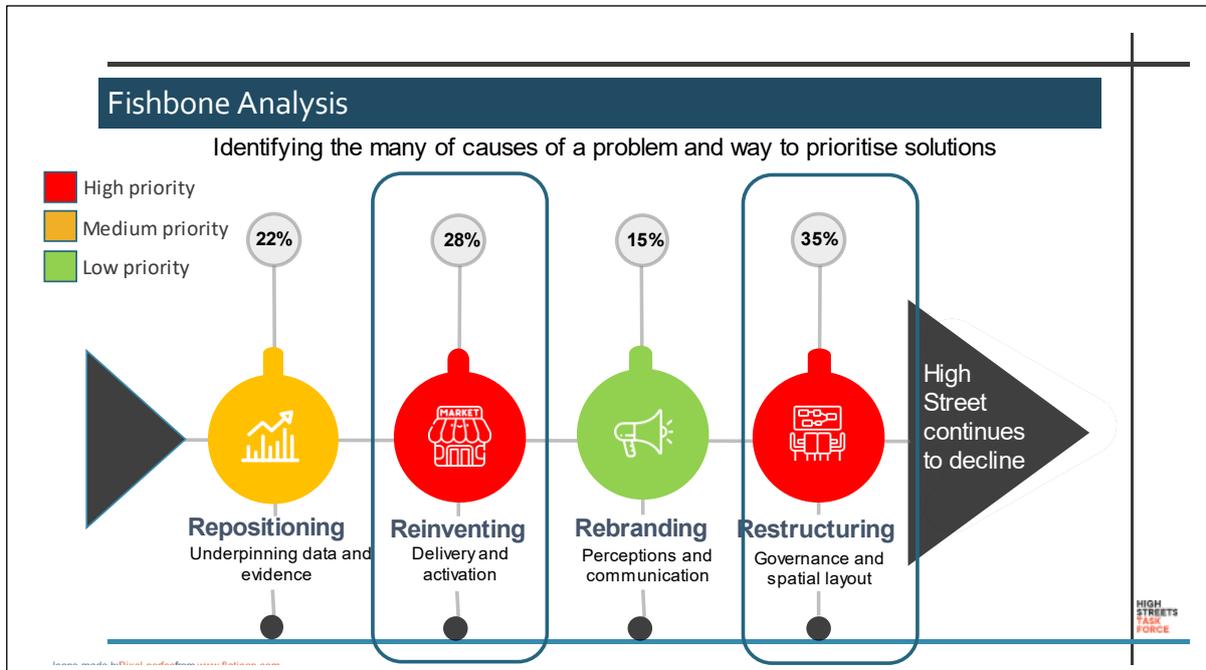
We used all the information we had to identify which of the descriptions above fitted the evidence we had collected. We collected this evidence from looking at your Expression of Interest to the Future High Streets Fund, our feedback to you (Transforming Your High Street Report), the Unlocking Your Place Potential visit, including our meeting, discussions and exercises. We also included the information we found out about Hyde from our desk research.

We then grouped each piece of evidence under the 4R headings of Repositioning, Reinventing, Rebranding, and Restructuring. You can see our working on the Fishbone Sheet included in this report.

By classifying every clue, we could see how these are grouped and where Hyde is facing major barriers. This then allows us to recommend suitable strategies to overcome these (see Figure 2). These strategies are *ways of working*, rather than ‘magic bullets’ relating to any particular intervention in your town. As mentioned at the start of the Unlocking Your Place Potential visit, you are the experts in Hyde.

You can see the major barriers to your transformation in the next section.

Fishbone Analysis



Diagnosis of main barrier to transformation

As a result of the diagnostic process, the Experts have identified collaborative working as the main barrier to transformation in Hyde.

We believe Hyde can improve its partnerships and communications with business leaders and the wider community. This will enable a better-quality and shared vision to be developed, which can inform future plans, as well as underpinning any future funding bids.

Stronger partnership between the council, businesses and the wider community will also build more capacity for making change in the town. A more coordinated approach will ensure greater impact from any investment and interventions, whether they are initially led by the public, private or voluntary sector.

It was very clear from our meeting that there is a huge amount of enthusiasm and support for the town from the council, the community and business leaders. More frequent and open communication is needed, and we recommend restructuring your governance systems to facilitate a team approach to transformation, with council, business and the community.

In addition, of the diagnostic process, the Expert also identified declining footfall and vacant units in the town Centre, presents challenges to Hyde’s transformation.

Footfall and vacant units are key indicators of a town centre’s vitality and viability; it tells us much about the nature of high streets, how they are used, and how they are changing. However, to ensure its relevance to its catchment area, such as people who work or live in your centre and meet local need, stakeholders need to understand how to reinvent Hyde and tackle these challenges. It also

needs to consider possible competitors and any footfall leakage to neighbouring towns and cities, such as Denton etc.

A focus on looking at how some of the vacant units can be repurposed and providing a more attractive offer/increasing the current under-supply of food and drink, convenience goods in the town Centre will help increase dwell time and footfall. Although a high vacancy rate can be seen as a symptom of decline, it does present an opportunity to change and adapt a centre by encouraging new and diverse activities to take up space often left by retailers.

However, in the short term, there needs to be an exploration of meanwhile uses and some quick wins for the town, that could include, providing more pop-up leisure attractions and a co-ordinated programme of events, which could form the basis of early discussion between the local authority and its partners in relation to how best to facilitate temporary uses.

In addition, we also believe Hyde can further improve its chances of securing additional funding/wider investment, to deliver its vision and any masterplan, by providing more appropriate and detailed baseline data. Access to footfall data is vital and it is important to use data more strategically to influence decision-making and have a better understanding of how the town centre is used. Investing in some footfall cameras may benefit the town, or Hyde might use the guidance provided by the HSTF on manual counting.

Data can also be drawn from various sources and should be linked to the key actions needed to transform Hyde and the HSTF can provide more guidance and help with this. All data gathered and baselines, should be linked to the vision and evidenced in action plans/decision making for the town.

Recommendations

To improve collaborative working, we are recommending a strategy of *restructuring* to refresh your approach to place leadership. We understand it is not always easy to change cultures, structures and behaviours to work in a more collaborative way, so we are giving you four recommendations that if you adopt, will lead to some quick improvements.

1. Share the EOI, our feedback (Transforming Your High Street report), and the final version of this report with everyone that attended the Unlocking Your Place Potential meeting.
2. Form a Town Board/Partnership, a Task Force, or similar, of place leaders across council, business and the community to shape the strategy for the town, oversee key projects and coordinate plans and activity. The Town Board should be focussed on the needs of the town, rather than being council-led, business-led or community-led. Find a structure to work together. The HSTF can prescribe you an expert in place governance to help you identify the best structure that will make your partnership stronger and more effective.
3. Your new structure should then identify who will own or action the areas for improvement identified in your Fishbone Analysis, that you feel need addressing. You may want to structure working groups around the 4Rs – or it may be that your new group just coordinates and ensures all the actions have a home and there is regular monitoring and reporting on progress.

A couple of additional recommendations which sit outside of the Restructuring strategy include:

4. A focus on how to activate the town is needed to stop leakage of footfall. This could be with an emphasis on events or on other ideas to increase footfall and the HSTF can help with providing a workshop on place activation.
5. Data collection and interpretation is vital to improving the focus on stated key issues. Partners must work together to draw some robust baselines and measurable targets for improvement. Better use of IMD and ONS business data can assist this. Again, the HSTF has developed online learning tools and workshops in relation to footfall and data analysis, which people from Hyde might access.

We hope these recommendations are useful. As we explained in the Unlocking Your Place Potential visit, you are the experts in Hyde, not us. Nevertheless, we have experience of working with many towns around the country that face similar challenges – so when we undertake a diagnostic visit, we are well trained in looking for strengths and weaknesses in the town's offer, as well as the structures and processes that manage and change the town.

High Streets Task Force Product Prescription

Based on our recommendations, we would like to offer you the following products. This has been decided after considering your key barriers to transformation and what we have concluded as the best way to help you achieve your transformation goals.

High Streets Task Force Products Prescribed:

- ✓ **Expert visit – Partnership Development**
- ✓ **Reinventing – Place Activation**
- ✓ **Repositioning – Use and Understanding Place Data**
- ✓ **Resource Library**
- ✓ **Best Practice, learning journeys and diagnostics**

Next steps:

If you would like to accept these products, please let us know by return email, along with a contact for the person/people who will be leading on each product so we can start to make arrangements for future support. More information about these products can be found on the HSTF website [here](#).

Appendix 1 – List of town attendees

Hyde Town Centre HSTF Stakeholder Attendees	
Name	Organisation
Sonia Cubrilo	HSTF Expert
Damien Cutting	Tameside Council
Matthew Kershaw	Tameside Council
Anne Heath	Tameside Council
Steven Kirkham	Tameside Council
Cllr Oliver Ryan	Tameside Council
Mike Reed	Tameside Council
John Hughes	Tameside Council
Simon Pateman	Tameside Council
Graham Holland	Tameside Council
Steven Hadfield	Tameside Council
Nick Sayers	Tameside Council
Gregg Stott	Tameside Council
Jayne Traverse	Tameside Council
Patrick Nolan	Tameside Council
Marie Holland	Tameside Council
Andrea Wright	Tameside Council
Alison Lloyd-Walsh	Tameside Council
Julia Harrinson	Chair of Hyde Town Team
Neil Openshaw	Hyde Town Team
Martin Walton	Roberts and Roberts
Jackie Francis	Hyde POP
Dave Stevenson	Rhino Marketing
Sophie Stephenson	Clarendon Centre
Cllr Jim Fitzpatrick	Local Member
Cllr Phillip Fitzpatrick	Local Member
Cllr Joe Kitchen	Local Member
Cllr Phil Chadwick	Local Member
Cllr Ruth Welsh	Local Member
Cllr Jaqueline Owen	Local Member
Cllr Shibley Alam	Local Member
Cllr Jaqueline North	Local Member
Cllr Betty Affleck	Local Member
Cllr Helen Bowden	Local Member
Cllr Peter Robinson	Local Member
Cllr Janet Cooper	Local Member

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