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Report of Chief Officer, Welfare & Benefits

Report to Assistant Chief Executive (Citizens & Communities)

Date: 23rd September 2014

Subject: Consultation exercise on proposed Local Council Tax Support scheme.

Are specific electoral Wards affected?	☐ Yes	⊠ No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	☐ Yes	⊠ No
Does the report contain confidential or exempt information?	☐ Yes	⊠ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

- 1. Executive Board gave delegated authority to Assistant Chief Executive (Citizens and Communities) to decide the detail of the draft local Council Tax Support scheme for public consultation. A draft scheme is proposed within this report that meets the requirement of the Executive Board to develop a scheme that helps people into work by providing high levels of support and setting high levels of challenge to claimants.
- 2. The main elements of the draft scheme see the level of support reduce to 70% for all non-protected groups and a requirement for jobseekers to work with the council after 6 months of claiming Council Tax Support in order to continue to receive Council Tax Support.
- 3. The report also sets out the rationale for exempting the decision from call-in. The main reasons being that the decision to consult on a draft scheme is an operational decision and that the final scheme is itself a decision of Full Council.

Recommendations

- 1. The Assistant Chief Executive (Citizens and Communities) is asked to approve a public consultation exercise on a proposed Council Tax Support scheme that would:
 - 1.1. Retain protections for all vulnerable groups previously protected from reductions in support;
 - 1.2. Increase the reduction in support for all other working age customers to 30%; and

1.3. Require jobseekers to participate with the council in developing a wider support package in order to continue claiming Council tax Support after 6 months.

1 Purpose of this report

- 1.1 The report seeks approval to carry out a public consultation exercise on a proposed council tax support scheme for 15/16. The report provides details of the proposed scheme and the timetable for carrying out the consultation.
- 1.2 The report also sets out why it is not appropriate for the decision to be available for call-in.

2 Background information

- 2.1 A report to Executive Board in July 2014 set out the issues arising from the current local Council Tax Support scheme and how these could worsen without a change in approach. The report set out options for schemes and Executive Board asked officers to develop and consult upon a potential new Council Tax Support scheme, which is based around high levels of support and high levels of challenge, with a focus on supporting people into work;
- 2.2 Executive Board also delegated authority to the Assistant Chief Executive (Citizens and Communities) to decide the detail of the scheme to be consulted upon.

3 Main issues

- 3.3 A draft scheme has been developed that aims to support more people into work and in doing so reduce demand for Council Tax Support. The scheme is based around the principle of 'high support/high challenge' and will see customers who have been claiming Council Tax Support for 6 months as a jobseeker, offered a wider package of support to help them find work. Jobseekers who work with the council to take up this wider package of support will continue to get Council Tax Support. Jobseekers who do not take up this wider package of support will stop receiving Council Tax Support. Details of the scheme are set out at appendix A.
- 3.4 The development of the scheme has taken account of the following factors
 - Whether we have the power to introduce this level of conditionality;
 - The scope of the jobseekers cohort that will fall with the conditionality requirements;
 - The extent and type of conditionality to be introduced and the role of the key organisations
 - The potential costs of the proposed scheme.
- 3.5 A recent judicial review raised doubts about the ability of the counsel to introduce conditions into its scheme that are not about the financial circumstances of the

customer. Counsel opinion was sought on this matter and this has confirmed that, in counsel's opinion, the proposed scheme falls within the requirements of the relevant sections of the Local Government Act.

- 3.6 We need to consider who would fall within the conditionality requirements. As the aim of the conditionality requirements are about increasing employability, the scope is limited to out of work claimants. Income Support recipients are, in the main, single parents with a child under 5 and there is no expectation that Council Tax Support (CTS) for this groups should be conditional. Similarly, claimants in the support groups for Employment and Support Allowance are protected under the Leeds scheme and would not be subject to conditionality requirements.
- 3.7 It is also considered inappropriate to include ESA (work related activity group) in the conditionality group at this stage. This is because:
 - We would need to get additional information to establish whether someone was in the work-related group or the support group;
 - There is much more movement between the work-related group and the support group because of the high success rate of appeals against decisions to place in the work-related group;
 - We'd be dependent on DWP decision-making with many cases remaining on the 'assessment' phase for long periods (people remain in the assessment phase while DWP decides whether they should be placed in the work-related group or the support group).
- 3.8 It is proposed therefore to limit the conditionality requirements to Jobseekers Allowance claimants at this stage. There are currently 9,380 JSA cases getting CTS. This volume of cases to be dealt with under the conditionality requirements is significant and needs to be carefully managed. Alongside this, there is a requirement for us to consider transitional protection when making major changes to the scheme. It is proposed therefore to operate a scheme as follows:
 - Implement a scheme which introduces conditionality after 6 months for Jobseekers Allowance based cases only;
 - Apply transitional protection for 1 year for JSA-based cases already getting CTS. A number of these cases will come off JSA in that 12 months period and this would allow us to build up the capacity to provide additional support for all 6month-plus JSA cases from April 2016 onwards.
 - Apply the new scheme conditionality requirements to all new JSA-based CTS claims from April 2015. Based on the assumption that we receive around 360 new JSA-based claims a month and that 50% move off JSA within 6 months, this would see 1080 JSA-based cases moving into the conditionality group at the rate of 180 a month from October 2015 (Appendix B);
- 3.9 Jobseekers would be supported with the level and type of support taking into account

- jobseekers individual needs,
- the support already in place with Jobcentre plus; and
- available resources.

Examples of support would be:

- Attending a Job shop for a 1:1 guidance appointment and completing appropriate tasks from an agreed plan eg: completing a CV; setting up an email account; having a mock interview; attending a sign-posted service etc.
- Attending scheduled appointments with an advisor for ongoing jobsearch support and receive guidance on further improving employability
- 3.10 The scheme is aimed at supporting people into work and reducing dependence on Council Tax Support. Scheme costs need to be based on the following assumptions
 - That all claimants in the conditionality group actively engage and remain entitled to Council Tax Support;
 - That transitional protection will apply in the first year of the scheme for existing claims;
 - That there is a Council Tax increase in 2015/16 and in future years;
 - That Conditional Support will be paid at the same rate as unconditional support; and
 - That no support at all is paid where claimants fail to engage. Options were considered around reducing the level of support where claimants did not engage. These were not taken forward on the grounds that it watered down the incentive to engage and further complicated the scheme.
- 3.11 Given these assumptions, it is proposed to increase the reduction from 26% to 30% in 2015/16 with the expectation that the reduction will remain stable at 30% in future years. Appendix C shows the cost comparisons of both a 26% scheme and a 30% scheme against the budget of £49.67m for next year, 2015/16. Appendix D shows the comparisons for year 2 (16/17) of the scheme and this shows that even with a 30% reduction scheme there would be an overspend of £507k on current caseload figures. However, if the scheme works as intended and helps 900 Jobseekers find work, the scheme will come in within budget and would not require a further reduction in the amount of support non-protected groups receive.
- 3.12 We are required to undertake a consultation on the proposed scheme. The consultation process requires
 - That we publish our proposed draft scheme;
 - That we consult with those likely to be affected;
 - That we provide sufficient information to make the consultation meaningful; and
 - That we allow sufficient time for an adequate consultation.
- 3.13 A 6-week public consultation exercise is intended and will run until mid-November in order to allow sufficient time to report back to Executive Board in December 2014 ahead of a full council decision in January 2015.

4.1 Consultation and engagement

- 4.1.1 A formal consultation exercise will be required in order change the current Council Tax Support scheme.
- 4.1.2 The draft scheme will also be considered by Scrutiny Board (Resources and council services) at their meeting on 29th September 2014 with the outcome to be reflected, along with the public consultation outcomes, in the final report to Executive Board in December 2014.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 A detailed impact analysis was carried out during preparations for 2013-14. A further analysis will be undertaken in the event that the preferred scheme for 15/16 is different to the current scheme.

4.3 Council Policies and City Priorities

4.3.1 The local Council Tax Support scheme plays a key element in tackling poverty and deprivation. The current scheme is not strong on engagement and personal support and a move towards a scheme of financial support within a package of advice and personal support would better complement the Citizens@Leeds approach approved by the Executive Board in November 2013 and December 2013.

4.4 Resources and Value for Money

- 4.4.1 The current scheme remains affordable only if early caseload reductions are maintained into next year. The alternatives for the current scheme are to increase funding for 15/16 by £1m, based on caseload at the end of March 2014, or change the scheme so that non-protected groups face a reduction of 31% in 15/16
- 4.4.2 The proposed scheme provides an alternative that is likely to be affordable both in the short and the long term and demands engagement from customers who are expected to work. The scheme, if successful, would help to reduce the numbers dependent on Council Tax Support and ultimately reduce future scheme costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Councils are required to confirm existing scheme or adopt a new local schemes by 31st January each year and in order to do so need to undertake meaningful consultation with major precepting authorities, the public and groups with an interest in the scheme design.
- 4.5.2 Although the recommendation to Executive Board stated that the decision about the draft scheme to be consulted upon would be subject to call-in, on reflection this was not necessary. The reasons for this are that the decision is an operational decision about a draft scheme, the draft scheme is in line with the scheme approved by Executive Board and the decision on the final scheme is a Full Council decision and is itself not subject to call-in. There is also now some urgency to start the consultation in order to allow for a meaningful consultation and meet the timescales for reporting back to Executive Board. This urgency has been created by the need

to seek counsel opinion about the scheme. A call-in period would raise significant doubts about the ability to conduct a valid consultation in the timescale.

4.6 Risk Management

4.6.1 The main risk attached to maintaining the current scheme is around affordability and the ongoing adequacy of the unconditional support provided. Changing the scheme to a scheme that provides greater work incentives and requires greater levels of engagement from customers is more likely to have positive outcomes and be affordable in the long-term. However, it does carry the risk that some households will face even greater hardship where there is not the level of engagement required.

5. Conclusions

- 5.1 The current approach to Council Tax Support schemes is providing reducing levels of support to households without providing significant incentives for people to move into work. The long-term approach to providing support needs to be based around helping people into work with elements of the scheme conditional on citizen engagement with initiatives that are designed to improve work prospects. Such schemes are dependent on a number of factors including the provision of wrap around support that incorporates financial help, advice and personal support and would also require integrated delivery models.
- 5.2 If successful the new approach to Council Tax Support schemes would ultimately reduce scheme costs to the council and allow additional funding to be made available to continue helping people to move into work.

Recommendations

- 1. The Assistant Chief Executive (Citizens and Communities) is asked to approve a public consultation exercise on a proposed Council Tax Support scheme that would:
 - Retain protections for all vulnerable groups previously protected from reductions in support;
 - Increase the reduction in support for all other working age customers to 30%;
 and
 - Require jobseekers to participate with the council in developing a wider support package in order to continue claiming Council tax Support after 6 months.

7.0 Background Documents

7.1 None

Outline of Changes

There will be no change for the protected groups.

The scheme will continue to protect:

- War Pensioners
- Disabled people in receipt of a an enhanced or severe disability premium
- Carers
- Lone Parents of children under 5

The reduction for those affected will increase from 26% to 30%.

This will provide support at 70% of what would have been paid under Council tax Benefit

Changes for Job Seekers Allowance (Income Based) cases

From 1 April 2015 Jobseeker's entitlement to Council tax Support (CTS) will be limited to 6 months at 70%.

Transitional Protection for existing Jobseekers

Jobseekers who are in receipt of for JSA(IB) and CTS at 31 March 2015 will be transitionally protected and continue to receive CTS at 70% during 2015/16.

- Transitional protection will continue whilst ever the Jobseeker continues to receive JSA(IB) and CTS.
- If there is a break in either the JSA(IB) or CTS award the transitional protection will end.
- If there is no break in the JSA(IB) and CTS award, transitional protection will end on 31 March 2016

Discretionary Conditional Support

As Jobseekers approach the end of the 6 month award or transitional protection period, they will be offered a package of support provided by Jobs and Skills to provide help to prepare for, and find work.

If the Jobseeker takes up the support package offer, discretionary CTS will continue to be paid at the "Conditional Support Rate" whilst ever they continue to receive Jobseekers Allowance and work with Jobs and skills to prepare for work. If the jobseeker ceases to engage with Jobs and Skills the conditional support will cease.

The conditional support rate in 2015-16 will be 70%, the same rate that non protected claimants will receive.

The basis for the financial assessment of need will be identical to the assessment for Council Tax Support.

Identifying affected Jobseekers

It is proposed that the changes will apply only to Jobseekers who receive Income Based Jobseekers Allowance, a means tested benefit paid by Jobcentre Plus to Jobseekers who are actively seeking work. The means test applied by Jobcentre Plus is sufficient to determine that Jobseekers are in financial need of Council Tax Support. The method of assessing need mirrors the assessment that is made in the Council Tax Support assessment.

The changes will not apply to Jobseekers receiving contribution based Jobseekers Allowance which is based on the National Insurance contributions made prior to unemployment, and is time-limited to 6 months, after which subject to means test requirements the Jobseeker will move on to Income Based Jobseeker Allowance. The changes will affect these jobseekers 6 months after they move onto Income Based Jobseekers Allowance

The changes will not apply to Jobseekers that fall into the vulnerable groups, their support will continue to be protected at 100%.

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Appendix B

	New Claims	Customers expected to "Sign off"	Cumulative new claims	Moving to Conditional Group	Cumulative conditional group claims	Cumulative net claims<6m
April	360	0	360	0	0	360
May	360	0	720	0	0	720
June	360	0	1,080	0	0	1,080
July	360	108	1,332	0	0	1,332
August	360	108	1,584	0	0	1,584
September	360	108	1,836	0	0	1,836
October	360	180	2,016	180	180	1,836
November	360	180	2,196	180	360	1,836
December	360	180	2,376	180	540	1,836
January	360	180	2,556	180	720	1,836
February	360	180	2,736	180	900	1,836
March	360	180	2,916	180	1,080	1,836
Total	4,320	1,404		1080		

Average = 315 Average = 1494

New Claims

Jobcentre Plus advise that they are receiving around 300 new claims each month to date in 14/15 compared to 371 in 13/14

Data on new claim statistics suggests an average of 360 new claims have been paid based on JSA each month to date in 14/15 Calculation is based on the assumption that we will receive 360 new claims each month

DWP State in the oakley response	Local JCP state:	Calculation based on
50% will sign off within 3 months	30% will sign off within 3 months	30% will sign off after 3 months
5		50% will sign off after 6
75% within 6 months	50% will sign off within 6 months	months
90% within a year		

Appendix C a) – costs based on the current 26% reduction in support

FEATURES

Existing protections continue

No change for Existing Jobseekers

No change for new Jobseekers for first 6 months

Conditional Support for new jobseekers after 6 months - All engage

						NO INCREASE		2% INCREASE	
Group	Cases	Current Expenditure £	Average Annual award £	Current % Award	Proposed % Award	Projected Expenditure £	Cost / Saving based on current spend £	Projected Expenditure £	Cost / Saving based on current spend £
Elderly	29,098	20,551,064	706	100	100	20,55,1064	0	20,962085	411,021
War Pensioners	33	25,305	767	100	100	25,305	0	25,811	506
Severe Disability	2,585	1,820,840	704	100	100	1,820,840	0	1,857,257	36,417
Enhanced Disability	7,011	5,402,381	771	100	100	5,402,381	0	5,510,429	108,048
Carer	1,744	1,420,875	815	100	100	1,420,875	0	1,449,292	28,417
Lone Parent Child Under 5	6,503	4,362,362	671	100	100	4,362,362	0	4,449,609	87,247
New Jobseekers	1,494	808,314	541	74	74	808,314	0	824,480	16,166
Conditional Jobseekers engaging	315	170,428	541	74	74	170,428	0	173,836	3,409
Conditional Jobseekers not engaging	0	0	541	74	0	0	0	0	0
Protected Jobseekers	7,574	4,097,837	541	74	74	4,097,837	0	4,179,794	81,957
ESA (IR)	6,839	3,783,753	553	74	74	3,783,753	0	3,859,428	75,675
IS	1,894	1,081,206	571	74	74	1,081,206	0	1,102,830	21,624
Working	9,156	3,974,045	434	74	74	3,974,045	0	4,053,526	79,481
Others	2,517	1,342,480	533	74	74	1,342,480	0	1,369,330	26,850
Total	76,763	48,840,888	636			48,840,888	0	49,817,706	976,818

Budget 49,670,000 49,670,000 49,670,000 Over / Underspend -829,112 147,706

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Appendix C b) – costs based on a 30% reduction in support 30% REDUCTION SCHEME

						NO INCREASE		2% INCREASE	
Group	Cases	Current Expenditure £	Average Annual award £	Current % Award	Proposed % Award	Projected Expenditure £	Cost / Saving based on current spend £	Projected Expenditure £	Cost / Saving based on current spend £
Elderly	29,098	20,551,063	706	100	100	20,551,063	0	20,962,084	411,021
War Pensioners	33	25,305	767	100	100	25,305	0	25,811	506
Severe Disability	2,585	1,820,840	704	100	100	1,820,840	0	1,857,257	36,417
Enhanced Disability	7,011	5,402,381	771	100	100	5,402,381	0	5,510,429	108,048
Carer	1,744	1,420,875	815	100	100	1,420,875	0	1,449,292	28,417
Lone Parent Child Under 5	6,503	4,362,362	671	100	100	4,362,362	0	4,449,609	87,247
New Jobseekers	1,494	808,314	541	74	70	764,621	-43,693	779,914	-28,400
Conditional Jobseekers engaging	315	170,428	541	74	70	161,215	-9,212	164,440	-5,988
Conditional Jobseekers not engaging	0	0	541	74	0	0	0	0	0
Protected Jobseekers	7,574	4,097,837	541	74	70	3,876,332	-221,505	3,953,859	-143,978
ESA (IR)	6,839	3,783,753	553	74	70	3,579,226	-204,527	3,650,810	-132,943
IS	1,894	1,081,206	571	74	70	1,022,763	-58,444	1,043,218	-37,988
Working	9,156	3,974,045	434	74	70	3,974,045	0	4,053,526	79,481
Others	2,517	1,342,480	533	74	70	1,269,914	-72,566	1,295,312	-47,168
Total	76,763	48,840,888	636			48,230,941	-609,947	49,195,559	354,672

Grant 49,670,000 49,670,000 49,670,000 Over / Underspend -829,112 -1,439,059 -474,441

Appendix D

YEAR 2 OF CONDITIONAL SCHEME (2016/2017) – 26% REDUCTION SCHEME FEATURES

No change for new Jobseekers for first 6 months Conditional Support for new jobseekers after 6 months - All engage Conditional Support for legacy jobseekers - All engage

2% INCREASES in 2015 and 2016

		Current Expenditure	Average award	Current %	Proposed	Projected Expenditure
Group	Cases	£	£	Award	% Award	£
Elderly	29,098	20,551,063	706	100	100	21,381,326
War Pensioners	33	25,304	766	100	100	26,327
Severe Disability	2,585	1,820,839	704	100	100	1,894,401
Enhanced Disability	7,011	5,402,381	770	100	100	5,620,637
Carer	1,744	1,420,874	814	100	100	1,478,277
Lone Parent Child Under 5	6,503	4,362,361	670	100	100	4,538,601
New Jobseekers	1,836	993,349	541	74	74	1,033,480
Conditional Jobseekers engaging	1,548	837,529	541	74	74	871,366
Conditional Jobseekers not engaging	0	0.00	541	74	0	0
Legacy Jobseekers engaging	5,999	3,245,698	541	74	74	3,376,825
Legacy Jobseekers not engaging	0	0	541	74	74	0
ESA (IR)	6,839	3,783,752	553	74	74	3,936,616
IS	1,894	1,081,206	570	74	74	1,124,886
Working	9,156	3,974,044	434	74	74	4,134,596
Others	2,517	1,342,480	533	74	74	1,396,716
Total	76,763	48,840,880	636			50,814,054

 Budget Provision
 49,670,00

 Over / Underspend
 -829,120

 49,670,00
 1,144,054

Appendix D b) based on 30% scheme

30% REDUCTION SCHEME

2% INCREASES in 2015 and 2016

			Average			
		Current	Annual			Projected
		Expenditure	award	Current %	Proposed	Expenditure
Group	Cases	£	£	Award	% Award	£
Elderly	29,098	20,551,063	706	100	100	21,381,326
War Pensioners	33	25,304	766	100	100	26,327
Severe Disability	2,585	1,820,839	704	100	100	1,894,401
Enhanced Disability	7,011	5,402,381	770	100	100	5,620,637
Carer	1,744	1,420,874	814	100	100	1,478,277
Lone Parent Child Under 5	6,503	4,362,361	670	100	100	4,538,601
New Jobseekers	1,836	993,349	541	74	70	977,616
Conditional Jobseekers engaging	1,548	837,529	541	74	70	824,265
Conditional Jobseekers not engaging	0	0.00	541	74	0	0
Legacy Jobseekers engaging	5,999	3,245,698	541	74	70	3,194,294
Legacy Jobseekers not engaging	0	0.00	541	74	0	0
ESA (IR)	6,839	3,783,752	553	74	70	3,723,826
IS	1,894	1,081,206	570	74	70	1,064,082
Working	9,156	3,974,044	434	74	70	4,134,596
Others	2,517	1,342,480	533	74	70	1,321,218
Total	76,763	48,840,880	636			50,179,466

 Budget Provision
 49,670,000

 Over / Underspend
 -829,120

 509,466