

Review of Birmingham's Council Tax Support Scheme 2018/19

Introduction

On the 1st April 2013, Council Tax Benefit was abolished and the Department for Communities and Local Government (DCLG) transferred responsibility for provision of Council Tax Support to local Councils. Councils now have a duty to design and administer local Council Tax Support schemes.

Funding for Council Tax Support schemes provided by the DCLG in 2013/14 were reduced nationally by 10%. Future funding will no longer alter to reflect increases or decreases in claimant numbers and loss of council tax income. Any changes in the amount of Council Tax Support discounts must be accounted for within the collection fund.

The Council Tax Support scheme (CTS) for Birmingham was adopted following a Motion proposed at Full Council on the 8th January 2013. The scheme took effect from 1st April 2013.

Consultation took place with the precepting authorities, following which, a draft scheme was then published and a full consultation process with stakeholders and members of the public took place between September and December 2012.

As a result of this consultation, amendments were made to the draft scheme resulting in additional groups receiving protection from a reduction in their Council Tax Support. A full Equality Impact Assessment was carried out as part of the design of the scheme and this was updated throughout the consultation process.

A formal review of the first year of the scheme was carried out as required under the Local Government Finance Act 2012 and a further Motion was presented to a meeting of Full Council in January 2014 recommending that the same scheme be adopted for year two and this motion was approved.

Further formal reviews have been carried out each subsequent year, and this is the review of the sixth year of the Scheme, which has considered whether any revisions to the current scheme are necessary for 2019/20 or whether there is a requirement to replace the current scheme with another.

This report considers how the scheme has worked, whether any anomalies have arisen and whether any apparent injustices have been caused. The Equality Impact Assessment has been revisited taking account of the sixth year of the operation of the Scheme.

Summary of the Current Council Tax Support Scheme

The principles of Birmingham's Council Tax Support scheme are:

- Customers of working age must contribute at least 20% of their council tax liability and receive up to a maximum of 80% Council Tax Support dependant on their income and family circumstances.
- Protection for pensioners is prescribed in law so that their maximum council tax support is based on 100% of their council tax liability subject to their income and circumstances.
- The Birmingham scheme also incorporates protection for vulnerable groups to have their council tax support assessed on 100% of their council tax liability, these are defined as follows:
 - Customer with child/children under 6
 - Other vulnerable groups including, disabled, Carers and customers in receipt of a relevant disability benefit including receipt of a war pension.

A Council Tax Discretionary Hardship fund is in place to assist those who are affected by the scheme and experience difficulties in paying. This Hardship fund is financed entirely by the Council.

Key Findings from the Operation of the Council Tax Support Scheme in 2018/19

The Council Tax Support Scheme for Birmingham which was launched on the 1st April 2013, provides a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council's finances.

The key principles of the scheme are set out above and this section provides some information in relation to how the scheme is operating during its sixth year.

Caseload Analysis

Prior to the introduction of the new council tax support scheme there were 136,400 customers in receipt of Council Tax Benefit. The split between pensionable age customers and working age customers was 51,403 and 84,997 respectively.

Statistics show that the total caseload has been decreasing since 2013, as follows

- 131,852 at August 2014 (Pensioner 47,185, Working Age 84,667)
- 129,039 at August 2015 (Pensioner 44,792, Working Age 84,246)
- 126,891 at August 2016 (Pensioner 42,999, Working Age 83,892)
- 124,910 at August 2017 (Pensioner 41,142, Working Age 83,768)
- 121,788 at August 2018 (Pensioner 39,292, Working Age 82,496)

The split between pensionable age customers and working age customers is currently 39,292 Pensioners and 82,496 Working Age respectively. The majority of the reduced caseload has been pension age, which has reduced by 17% over the last six years. (7,892 claims)

The national trend for Pension Credit claims shows that nearly two thirds of customers (64%) are from the female population. The Department of Work and Pensions report that claim for Pension Credit continue to fall, a 130,000 reduction in 2018 from the previous year (2017). As the eligible age for claiming Pension Credit is directly related to the age it can be claimed, and the pension age for women has been increasing each year. The Department of Works and Pensions also confirm that the number of customers for State Pension has shown a similar decrease of 130,000, which was largely driven by the decrease in the number of women reaching the State Pension age.

The working age caseload has this year shown a reduction of 3% (2171 claims). The Office of National Statistics report (issued August 2018), confirms that the Working Age client group has been decreasing over time. Nationally there has been a steady fall to just less than 6.6 million by August 2018 (date last reported), a 2% decrease on the previous year. The Birmingham case load although at 3% reduction, as detailed above, mirrors this trend.

From the table below, information as at August 2018 confirms that there are 121,788 customers in receipt of a discount within the Council Tax Support Scheme, of which 32% are pensionable age customers and 68% working age customers.

The Council Tax Support caseload continues to show a slight decrease year on year. For the period August 2018 there is a decrease of 4% in comparison to 2% at the same time in August 2017.

There are 82,496 claims in respect of working age customers. Reductions have been seen in the categories of working age Vulnerable customers with child/children under 6 (1,363 claims), Working Age other (380 claims) and Working Age employed (94 claims).

For the Pensioners category there has been an overall reduction of 1,850 (4.5%) claims seen in the last twelve months.

	Aug-16	Aug-17	Aug 17 % Change	Aug-18	Aug 18 % Change
House Vulnerable (Customer with Child/Children under 6)	18,528	17,457	-5.78%	16,094	-7.80%
Pensioner	42,999	41,142	-4.31%	39,292	-4.50%
Vulnerable Category	30,218	33,042	9.34%	33,607	1.70%
Working Age in Employment	11,813	12,466	5.52%	12,372	-0.80%
Working Age not in Employment	23,333	20,803	-10.84%	20,423	-1.80%
Total	126,891	124,910	-1.56%	121,788	-2.50%

August 2017 - August 2018 summary changes:

- There was a reduction of 7.8% in the number of Household Vulnerable (customers with child/children under the age of 6) in receipt of a council tax support.
- For Pensioners, there has been a 4.5% reduction in the number of claims in receipt of council support, compared to 4.3% in previous year.
- For the Vulnerable groups (including, disabled, Carers and customers in receipt of a relevant disability benefit including receipt of a war pension), there has been an increase of 1.7%, much lower than in the previous year where there was an increase was 9.3%.
- For the Working Age in Employment category, there was a 0.8% decrease, and this is in contrast to the previous year increase of 5.5%. Birmingham became Full Service for Universal Credit in February 2018 so any new claims will transfer to Universal Credit (administered by the DWP) unless they are in exempt/Hostel Type accommodation.
- For the category Working Age not in Employment, there was a decrease of 1.8% in comparison to 10.8%, at the same point the year before.

Further analysis of Working Age Not in Employment and Working Age Employed identified that this is where the highest number of claims are moving over to Universal Credit. At the end of August 2018, 5,835 claims had moved to Universal Credit.

Vulnerable customers accounted for 19% move to Universal Credit and 18% of Household Vulnerable moved to Universal Credit. No Pensioners moved to Universal Credit at this time.

For the period up to August 2018, a total of 2006 RBI (Right Benefit Initiative) cases will have made an impact on council tax support discounts in working age and pensioner categories, and we can see from the table below, how the average entitlement has changed over the last twelve months.

RBI focuses on earnings cases, which includes occupational/non-State Pension customers. However, despite this, the average CTS discount has increased across all award types.

	Average CTS Aug 17	Average CTS Aug 18	% Change
Household Vulnerable (Customer with Child/Children under 6)	£15.34	£16.12	5.1%
Pensioner	£16.00	£16.79	4.9%
Vulnerable	£16.95	£17.69	4.3%
Working Age in Employment	£9.88	£10.30	4.5%
Working Age not in Employment	£12.33	£12.88	4.4%

The reduction in pensioner claims appears to follow the Government's predicted forecasts that claims for pensioners are set to reduce as the national retirement age increases. The new State Pension (nSP) was introduced for people reaching State Pension Age from 6th April 2016, which included the abolition of Savings Credit for those who reach Pension Age after this time. The number of People in receipt of Pension Credit has been decreasing since 2009, the downward trend is partly due to equalisation of State Pension Age (which results in the Pension Credit qualifying age to increase), partly due to changes in the Savings element of Pension Credit, and partly due to the introduction of the new State Pension. (DWP National statistics published 14 Aug 2018)

The reduction cannot be attributed to the Birmingham scheme design as the scheme follows the prescribed regulations to protect pensioners at up to 100% of council tax liability and as such they are excluded from the 80% maximum discount for working age customers not in a protected category.

Of the 68% of working age customers, 41% fall in the protected/vulnerable category and 34% of claims are for working age non protected customers and as such can only claim up to a maximum of 80% of their Council Tax liability.

The Department for Work and Pensions National Statistics (source Quarterly Benefits Summary – Great Britain Statistics to February 2018, published 14th August 2018) indicate that there has been a national trend for increases in Personal Independent Payments and Carer's allowances. There are decreases in employment support allowances (ESA)/incapacity benefits and disability living allowance payments, the number of people on Incapacity Benefits is steadily decreasing due to these benefits being replaced by ESA. The number of ESA claimants will gradually decrease as Universal Credit rolls out and replaces Income Related ESA.

Discretionary Hardship Fund

Birmingham City Council established the Council Tax Support Discretionary Hardship Scheme from 01 April 2013. This is a limited fund that is awarded to claimants affected by the Council Tax Support scheme, particularly those not in a protected category and as such are now liable to pay the minimum of 20%, who are experiencing extreme financial difficulty.

- The fund was agreed at £250,000 in 2017/18, and the total awards made amounted to £159,277.
- The fund agreed for 2018/19 is £250,000 and take up as at August 2018 is £113,774.

The demand for this fund was reducing year on year, but this year, take up so far has amounted to 46% of the available fund, but continues to be set at the appropriate level to meet needs. Recommendation is not to reduce this fund any further.

As part of the commitment to ensure customers are not faced with further hardship, where a Council Tax Support discount has been given, rather than being referred to

the Enforcement Agencies, recovery of outstanding charges is being recovered by ongoing regular deductions from customers' benefits. This will stop further costs being added to current debts outstanding.

Review of the Equality Assessment

An Equality Assessment (EA) commenced in May 2012 as part of the development of the CTS scheme for Birmingham. The EA was refined throughout the development of the scheme taking account of feedback from the formal consultation exercise. The EA set out the following aims and objectives to ensure that the scheme has due regard to the Council's duties to its equalities and diversity responsibilities.

- To provide a localised Council Tax Support scheme for Birmingham
- To provide a scheme that helps the most vulnerable with financial assistance towards their council tax liability.
- A scheme that provides support for vulnerable people and pensioners but also provides an incentive to encourage people to obtain employment.

The EA has been revisited and the sixth year scheme review suggests that the Council Tax Support Scheme continues to meet our original objectives of protecting the most vulnerable. There have been no disproportionate or detrimental effects on any of the protected characteristic groups, the details of which are captured as part of the formal CTS EA review (attached to this report as Appendix 1).

Key Implications and Issues

This section provides some key implications and issues to be considered regarding any proposal to revise the current scheme.

Funding

Government funding to the Council for the Council Tax Support scheme is now part of the Settlement Funding Assessment.

As such any changes to the current scheme design will need to be modelled within the context of the budget setting process and considered alongside the City's spending plans and the proposed savings programme.

Welfare Reform

In July 2015 the Government delivered its spending plan budget which introduced further welfare reforms.

From April 2016 a number of key changes affected the administration and budget of Council Tax Support.

In response, a report was commissioned by Birmingham City Council undertaken by Policy in Practice. This examined the impacts of the Welfare Reforms on customers in Birmingham. It identified the cumulative impacts of the reforms to date, low income working – age households in Birmingham have seen their incomes fall by an average

of £9.73 per week due to deficit-reducing welfare reforms (under occupation charge, benefit cap, Local Housing Allowances cap). Comparison of Working Age Employed Council Tax support between August 2017 and August 2018 confirms that the average discount awarded has increased from £9.88 to £10.30, and Working Age other discounts have increased from £12.33 (August 2017) to £12.88 (August 2018).

The precise impact of the remaining reform will not be known until the changes are fully rolled out in Birmingham, although due February 2018, revisions/changes to the Universal Credit process has been amended, including Supported Housing and Hostels not now due to move over to Universal Credit.

The Benefit Cap changes impacted on customers, between November 2016 and March 2017. The cap was set at £26,000 per year for couples and £18,200 for single claimants. This cap was revised on the 7th November 2016 to £20,000 for couples and £13,400 for single claimants.

The number of Housing Benefit claims that were capped reduced from 2961 at the end of August 2017 to 2405 at the end of August 2018; however cuts in Housing Benefit will impact on the ability to pay Council Tax.

Social Sector Size Criteria

The number of claims affected by the Social Sector Size Criteria has reduced by 1% in comparison between August 2017 and August 2018:-

- At end of August 2017, 8,894 (7%) of all customers were affected by the 14% or 25% Social Sector Size Criteria restriction due to under occupancy.
- At end of August 2018, 7,327 (6%) of all customers were affected by the 14% or 25% Social Sector Size Criteria restriction due to under occupancy.

The Birmingham scheme allows the Council discretion on whether or not, to uprate all or some of the premiums and allowances, used in the calculation of Council Tax Support independently of national working age benefits. When setting the Budget the Accountants do look at historic trends to ensure that there are no significant impacts of increasing premiums and allowances. As the application of these upratings does not have any significant impact, Birmingham has done and will uprate all the social security premium/allowances as detailed in the Minister of State's written statement to Parliament in November, applicable from the following April.

Government Review

The Local Government Finance Act 2012 placed a requirement on the Government to conduct an independent review of all local Council Tax support schemes within three years of the Act taking effect.

This review was conducted by Eric Ollerenshaw OBE (Birmingham were involved in discussion groups a part of this review) and the report was published in March 2016. This report made a number of recommendations for the Government and Councils.

The headline findings of the report called for the Government to give councils a wider range of freedoms. Specifically, it suggested giving greater control over the Single Person Discount, and to remove protections for pensioners. This would “improve a council’s ability to both manage financial risk, and provide targeted support to local residents in need”. This would allow the Council to fundamentally redesign council tax discounts and present an opportunity to generate savings and distribute the impact of central government funding reductions more evenly.

In evidence to the Committee of Public Accounts the Department for Communities and Local Government it was reported that the review would examine “the effectiveness and efficiency of the scheme, its impact in terms of localism, and the relationship with Universal Credit.” However, since this report was published, the Department of Work and Pensions has confirmed that the roll out of Universal Credit will continue to be rolled out to Local Authorities on a phased basis, with an expectation to be fully operational by 2023. Birmingham had a Full Service by end of February 2018.

Consultation

The Local Government Finance Act 2012 specifies that before any change to or introduction of a new scheme, the billing authority must in the following order:

- Consult as part of the design stage with any major precepting authority which has power to issue a precept to it
- Publish a draft scheme in such manner as it thinks fit, and
- Consult such other persons it considers are likely to have an interest in the operation of the scheme

Birmingham City Council will also have to re-consult with the public and any relevant stakeholders on the redesign of its local Council Tax Support scheme. Consultation would ideally need to run for a 12 week period.

The Council have not made any changes to the Council Tax Discounts currently available, and have no plans to introduce any further changes in 2019/2020.

The Council Tax Support Scheme 2019/20

Schedule 4 of the Local Government Finance Act 2012 requires each Billing Authority to consider whether to revise the scheme or replace it with another scheme for each financial year. Any revision or replacement must be made no later than the 11th March (DWP response confirmed that Local authorities must have an agreed scheme in place by end of March) in the financial year preceding that for which revision or replacement is due to have effect. It is therefore necessary to give due consideration as to any revisions or replacement of the current scheme.

This report outlines some of the key findings from the Birmingham Council Tax Support scheme during its sixth year in operation. The scheme has continued to be effective in providing a system of financial support to those people in greatest need whilst also minimising the impact of the significant reduction in funding from central Government on the Council’s finances.

The Equality Assessment has been revisited and demonstrates that there have been no disproportionate or detrimental effects on any of the protected characteristic groups.

Funding for Council Tax Support forms part of the overall Settlement Funding Assessment (SFA) As Government funding for Council Tax Support will not be increased, any reduction in council tax income because of the Government's budget changes will need to be met by the Council.

There are a number of factors which have been outlined in the report which need to be considered as part of the decision for the future of the scheme most notably the impacts of planned welfare reform on the Council Tax Support budget.

The Council will consider the appropriate level of funding for the Council Tax Discretionary Hardship Fund to help those suffering undue hardship as part of the overall budget setting process. It is not however envisaged that the Council will alter the level of funding for 2019/20.

A more fundamental review of the scheme was considered during 2016/17, and the recommendation of Eric Ollerenshaw OBE was:-

“You will see that my report states that local government has effectively implemented the council tax support schemes, despite difficult circumstances. However, there remain some barriers which prevent schemes from fully meeting Government policy objectives. Many of these are within the control of Government, and I recommend that you correct them.

Government should also consider providing councils with a much wider range of freedoms, so that LCTS schemes can be truly local. Devolving at least part of the prescribed scheme for pensioners, and the single person discount, could significantly improve a council's ability to both manage financial risk and provide targeted support to local residents in need.”

In February 2018 the Government published its response to these recommendations. The overriding recommendation is because of the limitations on changes to Pensioners, any changes implemented will impact on the poorest citizens (working age), who are subject to all Government changes to Tax Credits, and the move to Universal Credit, Birmingham went Full Service starting November 2017 and full roll was completed February 2018.

Recommendations

Having carried out the internal review on Birmingham's current Council Tax Support scheme it is recommended that no changes are required for 2019/20 and that the current scheme should continue for the next financial year notwithstanding any prescribed changes set by Government and/or annual uprating.

- For Future Years the Council should explore future Council Tax Support scheme redesign, assess the impacts of roll out of Universal Credit and results of any Government's response to the recommendations made as part of the Council Tax Support scheme reviews.
- Where there is a recommendation subsequently made in future years, that there are no changes required to the scheme, for the proceeding year that Delegated Authority is granted to the appropriate Senior Officers to authorise the scheme within the Benefit Service.