



**CABINET
AGENDA**
for the meeting
on
25 January 2023 at
6.30 pm

To: Croydon Cabinet Members:

Executive Mayor Jason Perry
Councillor Jeet Bains
Councillor Jason Cummings
Councillor Maria Gatland
Deputy (Statutory) Executive Mayor, Councillor Lynne Hale
Councillor Yvette Hopley
Councillor Ola Kolade
Councillor Scott Roche
Councillor Andy Stranack

Invited participants: All other Members of the Council

A meeting of the **CABINET**, which you are hereby summoned to attend, will be held on **Wednesday, 25 January 2023 at 6.30 pm** in the **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

Katherine Kerswell
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Democratic Services
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www.croydon.gov.uk/meetings
17 January 2023

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<https://webcasting.croydon.gov.uk/croydon/meetings/13407>

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If you require any assistance, please contact Colin Sweeney as detailed above.

AGENDA – PART A

1. Apologies for Absence

To receive any apologies for absence from Members.

2. Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider **in advance of each meeting** whether they have a disclosable pecuniary interest (DPI), another registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer **in good time before the meeting**.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 2, to be recorded in the minutes.

3. Minutes of the Previous Meetings (Pages 11 - 34)

To approve as a correct record, the Part A minutes of the previous meetings as follows:

- a) 16 November 2022 (attached)

- b) 30 November 2022 (attached) and
- c) 7 December 2022 **(to follow)**.

4. Urgent Business (If any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Appointments

To note any executive functions appointments by the Executive Mayor.

6. Scrutiny Stages 1 and 2 (Pages 35 - 68)

Stage 1

The attached report lists recommendations that have been developed from the Scrutiny and Overview Committee and its Sub-Committees since the last Cabinet meeting, and are provided in Appendix A.

The constitution requires that an interim or full response is provided within two months of this Cabinet meeting.

Stage 2

This report invites the Cabinet to approve the full response reports arising from the Stage 1 reports presented to the Cabinet meeting held on 16 November 2022, including:

- Action plans for the implementation of agreed recommendations, or
- Reasons for partially accepting or rejecting the recommendations

and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

7. Period 7 Financial Performance Report (Pages 69 - 112)

Cabinet to consider the attached report, which provides the Council's forecast outturn as at Month 7 (October 2022) for the General Fund (GF), Housing Revenue Account (HRA) and the Capital Programme (CP). The report forms part of the Council's financial management process for publicly reporting financial performance monthly.

8. Review of Council Tax Support Scheme 2023-2024 (Pages 113 - 358)

The attached report seeks approval to make changes to Croydon's Council Tax Reduction (Support) Scheme (CTS), which will take effect from 1 April 2023.

9. HRA Rent-Setting 2023-2024 (Pages 359 - 396)

The attached report sets out for approval the Council's HRA rent setting arrangements for Council tenants from 1 April 2023 to 31 March 2024.

10. Investment In Resonance Property Fund - Real Lettings Property Fund 1 (Pages 397 - 428)

The attached report considers three key options, which have been modelled with the help of Local Partnerships including re-investment into a new fund, exiting the fund and paying down the Council debt and exiting the fund and directly purchasing properties to house homeless clients. This report examines the financial and non-financial risks and benefits, with equal weight, of each option to come to a considered decision.

11. People and Cultural Transformation Strategy 2022-26 (Pages 429 - 446)

The paper appended to the attached report sets out the Council's People Strategy for the next four years, seeking to improve culture, diversity and inclusion, and people management across the workforce, enabling better services to residents.

12. Local Implementation Plan Healthy Streets Funding 2022-23 to 2024-25 (Pages 447 - 472)

The attached report explains that:

- the Covid19 Pandemic resulted in erratic stop-start funding from Transport for London (TfL); and
- TfL has been looking to return London local authorities to a longer term 'Healthy Streets' investment funding programme, similar to the former LIP (Local Implementation Plan) Funding programme.

13. Whitgift Indemnity and Land Transfer Agreement (ILTA) Remedy (Pages 473 - 486)

The attached report sets out the basis of the remedy and works that are required under the ILTA by Croydon Limited Partnership (CLP) following the non-delivery of the redevelopment of the Whitgift Centre within the specified timeframe.

14. Local Government and Social Care Ombudsman Report - Finding of Fault with Maladministration and Injustice (Pages 487 - 496)

To consider the attached report by the Monitoring Officer under Section 5A of the Local Government and Housing Act 1989.

15. Executive Mayor's Business Plan 2022-2026 - Transitional Performance Report (Pages 497 - 512)

The attached report presents performance against the five outcomes (listed below), within the Executive Mayor's Business Plan 2022-26, which was approved at Cabinet in November 2022.

1. The Council balances its books, listens to residents and delivers good sustainable services.
2. Croydon is a place of opportunity for business, earning and learning.
3. Children and young people in Croydon have the chance to thrive, learn and fulfil their potential.
4. Croydon is a cleaner, safer and healthier place, a borough we're proud to call home.
5. People can lead healthier and independent lives for longer

16. Dedicated Schools Grant (DSG) Schools Funding 2023-2024 Formula Factors (Pages 513 - 532)

The attached report provides the basis for the final funding allocation across Croydon individual school budgets approved by Schools Forum on 7 November 2022.

It informs Cabinet about how the budget was set and seeks approval prior to updating the DfE Authority Proforma Tool (APT) which is a model used in setting the schools budget before submission to ESFA by the set January 2023 deadline.

17. Education Estates Strategy (Pages 533 - 632)

This report sets out the draft education estates strategy for the three-year period 2022-2025. The strategy aims to minimise Council borrowing to an absolute minimum whilst fulfilling the council's statutory duty for sufficiency of school places.

18. Education Standards 2022 (Pages 633 - 662)

The attached report summarises the education performance and outcomes of children and young people in Croydon schools for the academic year 2021/22, across all phases from Early Years Foundation Stage (EYFS) to Key Stage 5 (KS5).

19. Secure Children's Home for London and Pan-London Commissioning Vehicle (Pages 663 - 692)

The attached report seeks permission, in principle, for Croydon Council to join Pan-London Vehicle (PLV) (a non-profit company set up and

contributed to by London Local Authorities,, the remit of which will be pan-London commissioning arrangements that will improve the lives of London's children and young people) at the developmental stage, acknowledging limited liability to the Council for any debts incurred by the PLV to a maximum of £1 and to delegate a decision about the financial aspect to the interim Corporate Director for Children, Young People and Education.

There is also a Part B (exempt-not for publication) report, which contains the confidential legal advice and options appraisal referred to in Part A – provided by Anthony Collins solicitors on behalf of London Councils.

20. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B AGENDA

21. Part B Minutes of Meeting of 30 November 2022 (Pages 693 - 696)

To approve as a correct record, the Part B (exempt) minutes of the meeting held on 30 November 2022.

22. Investment in Resonance Property Fund - Real Lettings Property Fund 1 (Pages 697 - 712)

23. Whitgift Indemnity and Land Transfer Agreement Remedy (Pages 713 - 720)

24. Secure Children's Home for London and Pan-London Commissioning Vehicle (Pages 721 - 770)

MINUTES of the Meeting of the **CABINET** held on Wednesday, 16 November 2022 at 6.30pm in the Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

Present: Executive Mayor Jason Perry (Chair);

Councillors Jeet Bains (Cabinet Member for Planning and Regeneration), Jason Cummings (Cabinet Member for Finance), Maria Gatland (Cabinet Member for Children and Young People), Lynne Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes (Vice-Chair)), Yvette Hopley (Cabinet Member for Health and Adult Social Care), Ola Kolade (Cabinet Member for Community Safety), Scott Roche (Cabinet Member for Streets and Environment) and Andy Stranack (Cabinet Member for Communities and Culture).

Also Present: Councillors Mike Bonello, Richard Chatterjee, Chris Clark, Rowenna Davis, Nina Degrad, Brigitte Graham, Stuart King, Chrishni Reshekaron, Robert Ward and Callton Young OBE.

PART A

74/22 Apologies for Absence

There were no apologies for absence received from Members.

75/22 Disclosure of Interests

There were no declarations of interests received from Members.

77/22 Minutes of Previous Meetings

RESOLVED that the minutes of the Cabinet meeting held on Wednesday 12 October 2022 be agreed as an accurate record.

78/22 Any Urgent Business

There were no items of urgent business considered.

The Executive Mayor did, however, draw to the attention of Members that an additional meeting of the Cabinet would be held on 30 November 2022 to deal purely with financial matters to include:

- Period 6 Financial Performance Report
- Interim findings on the Opening the Books exercise
- Initial budget strategy and asset strategy
- Brick-by-Brick Companies Update

Scrutiny Stages 1 and 2

Cabinet considered two reports. The Stage 1 report detailed recommendations that had been developed from the Scrutiny and Overview Committee and its Sub-Committees since the last Cabinet meeting and these were provided in Appendix A to the report.

It was noted that the Council's Constitution required that an interim or full response be provided within two months of this Cabinet meeting.

The Stage 2 report invited the Cabinet to approve the full response reports arising from the Stage 1 reports presented to the Cabinet meeting held on 21 September 2022, which included action plans for the implementation of agreed recommendations, or reasons for partially accepting or rejecting the recommendations and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

At the invitation of the Executive Mayor, the Chair of the Council's Scrutiny and Overview Committee, Councillor Rowenna Davis, addressed Cabinet.

Councillor Davis said that, regarding the Council Tax Support Scheme, the Committee had recognised that by maintaining free legal advice, the Council had saved money and had also helped residents manage their debt.

She also said that the Committee had welcomed the Executive Mayor's decision to action the Opening the Books, which had laid bare the Council's finances over recent years.

Councillor Davis said that, regarding the proposed non-award of the Veolia Contract renewal, the Committee had shared concerns that Veolia had not improved. She asked the Executive Mayor to consider the establishment of cross-party working group to consider alternative options available to the Council and its residents.

Regarding Regina Road, Councillor Davis said that the recent death of a two-year old boy in Greater Manchester yesterday had raised concerns over the timescales to be applied to the project which, she said, was likely to be one of the biggest for the Council and looked forward to scrutinising the Council's Risk Register and to receive regular updates in respect of the project moving forward.

In conclusion, Councillor Davis said that the Committee had welcomed some of the proposals within the Executive Mayor's Business Plan, however, she did query the redirection of funding from lower priority services, what these were and what would the effect of these be.

In response, Councillor Cummings (Cabinet Member for Finance) said that the Budget timescales had been set to manage expectations and

while the Administration wanted the Scrutiny and Overview Committee on board early, it had not been normal to have that level of detail at this stage, which tended to come later but he gave an assurance that it would be made available as soon as it had been received.

Councillor Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes) said that the Council would ensure that it undertook its responsibilities as these related to Regina Road.

Having listened to the contributions and considered the detail in the reports, the Executive Mayor, in Cabinet **RESOLVED** that:

1. The recommendations in the Stage 1 report, arising from the meeting of the Scrutiny and Overview Committee held on 11 October (Appendix A) be received and a substantive response to the recommendations (a Scrutiny Stage 2 Report) be provided within two months at the Cabinet meeting on 25 January 2023; and
2. In respect of the Stage 2 report, the response and action plans attached to this report at Appendix 1, 2, 3, and 4 be approved and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

80/22

Executive Mayor's Business Plan 2022-26

Cabinet considered a report, which presented the Executive Mayor's Business Plan 2022-26 for adoption. It was reported that this would be the Council's core strategic document setting out its objectives and priorities for the next four years and that it reflected the Executive Mayor's manifesto pledges and priorities, as set out in a report to Cabinet in June 2022.

It was further reported that the report included actions to strengthen governance and management systems, achieve financial and operational sustainability and complete the transformation of the Council, as well as setting out five outcomes for the Council to achieve, as well as the priority aims, and high-level actions required to make them a reality.

It was noted that a detailed delivery plan and performance framework would be developed and presented at a future meeting of the Cabinet.

The Executive Mayor then invited each Cabinet Member to talk through their respective portfolios.

Councillor Jason Cummings (Cabinet Member for Finance) said that Croydon was as near as it could be to the worst position it could be in, financially and that the Council did not have the money for additional spending.

Councillor Ola Kolade (Cabinet Member for Community Safety) said that this was his top priority and he hoped that, moving forward, Croydon would be a safe place to live by tackling crime, youth violence, counter terrorism and violence against women and girls. To do this, he said, required a more targeted, joined-up approach and crackdown on antisocial behaviour.

Councillor Andy Stranack (Cabinet Member for Communities and Culture) spoke on securing partnerships with the Borough's voluntary sector and urged the transfer of underused Council assets to the voluntary sector.

Councillor Stranack said that advice and support areas of the Council's website should be upgraded and those interested should use the Borough of Culture to bring investment into the town, which, he said, had already attracted millions of pounds into the Borough.

Councillor Yvette Hopley (Cabinet Member for Health and Adult Social Care) was pleased to see Croydon as a cleaner, healthier place to live and asked that the Council ensure that finances were directed to those who needed it most.

Councillor Maria Gatland (Cabinet Member for Children and Young People) was pleased to see an emphasis on Children and Young People and how it wanted to celebrate their achievements and help to fulfil their ambitions. She said that Children and Young People services had faced a lot of difficulties during COVID and the Council was looking to developing effective education working relationships and how it could improve the services for youths in Croydon.

Councillor Lynne Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes) said that it was crucial for the Council to acknowledge how hard staff were working in its Housing Department. She said that tenants expected dry and safe homes and the Council would ensure that residents were at the heart of housing decisions and were treated with respect.

The Executive Mayor and Councillor Cummings responded to questions by the Leader of the Labour Group, Councillor Stuart King, in relation to tackling child poverty, inequalities and community funding.

Specifically, the Executive Mayor said that his priority was about getting Croydon back on track, dealing with near bankruptcy and RIPI Reports, all of which had occurred under the previous Administration. He said that the mismanagement of the Council's finances at that time would have an effect on generations for years to come.

Having considered the report and the contributions by Cabinet Members, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. **COUNCIL** be **RECOMMENDED** to adopt the Executive Mayor's Business Plan 2022-26.
2. It be noted that a detailed implementation plan and performance framework would be brought to a future meeting of Cabinet.
3. the arrangements to provide assurance of the implementation of the Plan, be noted.

81/22

Regina Road Estate, Norwood

The Executive Mayor advised that an amendment to the published recommendations would be made and recorded in the resolution.

Cabinet considered a report, which proposed action to begin the process of addressing the current and recurring unsatisfactory situation at the Regina Road estate where three ageing tower blocks required intervention to ensure modern social housing fit for the 21st Century. It was reported that the unsatisfactory situation had developed over recent years because of the failure to resolve key maintenance issues and to respond in a timely way to the conditions highlighted at Regina Road.

The report included a review of studies previously commissioned by the Council, a summary of the experiences of some other local authorities who had faced similar issues with their tower blocks and a review of research conducted by the Building Research Establishment on Large Panel Systems. It was noted that these had led to a conclusion that the Council must either commit to significant refurbishment works or demolish and rebuild the tower blocks at Regina Road.

The report also set out for approval the Council's draft statutory arrangement for consulting with tenants on housing management matters; the proposal for consultation on the options to refurbish or demolish and redevelop Regina Road estate under these arrangements and the proposal for consultation on draft Resident Offers for tenants and leaseholders/freeholders on the estate. It was further noted that the residents would be consulted on these proposals during December and January and the outcome reported back to the Executive Mayor and Cabinet in early 2023.

The Cabinet Member for Homes said that this had been the first step in tackling the situation at Regina Road and that the Council was committed to listening more carefully to what residents have to say.

The Executive mayor said that Recommendation ix could be more specific in terms of how much and where the money would come from for the current financial year pending a decision by Cabinet early in 2023, having listened to the residents during statutory consultation.

Therefore, in relation to Recommendation ix, he amended it to read 'Approve all necessary expenditure up to £300,000 in 2022/23, including architectural fees, surveys, option appraisals, and an Independent Tenant and Leaseholder Advisor, as detailed in paragraph 9.4, and funded by a virement from within the HRA.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. the proposed arrangements for consulting with secure tenants and introductory tenants on matters of housing management for the purposes of Sections 105 of the Housing Act 1985 and 137 of the Housing Act 1996, as set out in Appendix 1, be approved.
2. residents be consulted in accordance with Section 105 of the Housing Act 1985 and, to the extent relevant, under Section 137 of the Housing Act 1996 on the proposals to refurbish or demolish and redevelop those properties within the Regina Road estate, as defined on the plan attached as Appendix 2.
3. the comments arising from early engagement with tenants, leaseholders and freeholders in the Regina Road area at the resident engagement workshops held locally during October, as detailed in Appendix 3, be noted.
4. that resident (including tenants, leaseholders and freeholders) be consulted on the proposed contents of the Tenant and Leaseholder/Freeholder Offers at Appendices 4 and 5 for those properties within the Regina Road estate, as defined on the plan attached as Appendix 2.
5. The outcome of the consultations at recommendations 2 and 4 be reported back to the Executive Mayor and Cabinet in early 2023.
6. Subject to the outcome of the consultations, a report be brought back to the Executive Mayor and Cabinet on a ballot of residents for the purpose of GLA funding.
7. that no further tenancies, permanent or temporary, be granted at any of the properties within the Regina Road estate, as defined on the plan attached at Appendix 2, with the exception of properties numbers 89-123, 112,114, 116-126, and 128 Regina Road, and 1-4B and 5-8B Sunnybank - which could only be used for non-secure licensees when vacancies occurred because these properties did not suffer from the same conditions and issues as the tower blocks.
8. an Independent Tenant and Leaseholder Advisor, to provide independent support to tenants, leaseholders and freeholders throughout the consultation period and up to and including any ballot/s, be appointed.

9. all necessary expenditure up to £300,000 in 2022/23, including architectural fees, surveys, option appraisals, and an Independent Tenant and Leaseholder Advisor, as detailed in paragraph 9.4, and funded by a virement from within the HRA, be approved.

82/22

The Violence Reduction Network's Strategic Assessment 2022

Cabinet considered a report, which provided the yearly Strategic Assessment (SA), which was an analytical document where specific recommendations were made to ensure the priorities highlighted in the Community Safety Strategy were to be reached or amended where necessary in reducing crime and antisocial behaviour (ASB) in the Borough.

It was reported that, using the definition provided by the College of Policing, the SA was an analytical product which gave an overview of the current and long-term crime and ASB issues affecting or likely to affect the Borough and should be used to draw inferences and to make recommendations for prevention, intelligence, enforcement and reassurance priorities, and the future Community Safety Strategy.

The product was a statutory obligation of the Community Safety Partnership under the Crime and Disorder Act 1998, and the document covered the last five financial years (2017/18 to 2021/22) with a specific focus on the last financial year (2021/22).

The Cabinet Member for Community Safety expanded on the issue of violent crime, which Croydon was a victim of and added that, by Feb 2023, there would be a refresh of the Community Safety Strategy and that the Safer Croydon Partnership would be the Executive body.

The Strategic Assessment had identified the following nine recommendations:

- (i) To write a problem profile on Violence Against Women and Girls (VAWG) in the borough which will feed into the VAWG strategy. This is not only to cover both domestic and non-domestic violence and sexual offences but other specific offences which have seen notable increases including stalking, threats to kill and malicious communications.
- (ii) To evaluate and target "high volume high harm" micro-areas of violence using Risk Terrain Modelling so appropriate short, medium and long-term interventions can be implemented.
- (iii) To investigate further into the rise in victims travelling from outside of the borough and to work with the relevant authorities in those areas to protect potential victims who are travelling from there.

- (iv) To explore and utilise the “2 x 2” model to prioritise appropriate interventions for individuals involved in violence.
- (v) To further explore the concept of “victim-offenders” so that intensive long-term provision can be provided to significantly reduce all crime in the borough, not just violence.
- (vi) To further utilise alcohol and substance misuse service provision.
- (vii) To have a greater focus on public transport in the borough, especially around bus stops which have been identified as a high-risk factor for violence.
- (viii) To further investigate cruelty and neglect of children, which has seen a small but significant increase in the borough.
- (ix) With the increase in knife crime being specifically driven by knife-enabled robbery, this is to be a priority for the next 12 months.

Accordingly, the Executive Mayor, in Cabinet **RESOLVED** to support the findings and recommendations in the Strategic Assessment, and the agreement of a revised partnership plan by the Safer Croydon Partnership, which would implement the nine recommendations in the Strategic Assessment, as detailed above.

83/22

A Public Space Protection Order (PSPO) in Croydon Town Centre

Cabinet considered a report, which reported on the outcome of the consultation with members of the public and partners on implementing a PSPO in Croydon Town Centre, the process for making a PSPO, the proposed area which the PSPO would cover, and the activities which it was proposed the PSPO should restrict, and to seek approval for the making of a PSPO in Croydon Town Centre.

The Executive Mayor said the Council wanted to regenerate and restore pride in the town centre.

The Cabinet Member for Community Safety said that this reiterated the strong support the Council had from local businesses, residents, community groups and the Borough Commander and hoped to have the PSPO in place by the end of the year.

In response to a question by the Leader of the Opposition Group in respect of the way the Council and partners were planning to work together to solve the behavioural issues in the town, the Executive Mayor said that it was centred around supporting people and enforcement, where necessary and working around drugs and alcohol, mental health problems etc. He acknowledged it was not a one size, fits all but was being introduced to assist and support those who needed help and support. He was pleased that residents and businesses had backed this and hoped it would be in place by the end of the year.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. the outcome of the consultation on the proposed Town Centre Public Spaces Protection Order (PSPO), be noted.
2. the significant strong support for the proposal, with over 80% of respondents supporting the measure strongly, be noted.
3. the making of the Town Centre Public Spaces Protection Order for a term of three years and in accordance with the draft Order set out in Appendix G, be approved.
4. the process for the implementation of the Town Centre Public spaces Protection Order, be approved.

84/22

Croydon Safeguarding Children Partnership (CSCP) Annual Report 2021/22

Cabinet considered the annual report of the CSCP, which covered the financial year April 2021 to March 2022. The annual report was a public facing document, which would be published on the CSCP website.

At the invitation of the Executive Mayor, the Council's Corporate Director for Children, Young People and Education, Debbie Jones, introduced the report on behalf of the Local Authority (and as one of the CSCP Executive Partners).

Ms Jones said that Croydon had largest population of young people in London. She said that whilst she had been very privileged to have chaired the partnership, there was no room for complacency about safeguarding children and young people. She went on to say that following a review of the CSCP's effectiveness, it was found that arrangements in Croydon were "robust and secure".

The Cabinet Member for Children, Young People and Education said that it was a very good and very clear report that set out the improvements that had been done and she had been pleased to see a review into Croydon's own work had been commissioned.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. the Croydon Safeguarding Children Partnership (CSCP) Annual Report for 2021-22, be noted; and
2. the matter that the report provided robust evidence of the impact of the CSCP's activity to improve outcomes for children and families, also be noted.

Croydon Safeguarding Adult Board (CSAB) Annual Report 2021/22

Cabinet considered the public facing annual report of the CSAB Annual Report, which detailed the activity and effectiveness of the CSAB between 1 April 2021 to 31 March 2022 and ensured that the statutory partners (Council, Health and Police), residents and other agencies had been given the opportunity to provide objective feedback on the work and effectiveness of local arrangements for safeguarding adults.

The report covered the 2021/22 priorities and demonstrated what had been achieved and the work which needed to continue throughout 2022/23.

At the invitation of the Executive Mayor, Mr David Williams, Independent Chair to the CSAB, (who was appointed to this role on 5 September 2022 and had not been in post during the period which the report covered) introduced the report.

Mr Williams said that the production of the annual report was a statutory function of the Board and that he had overseen the bringing together of all the information. He thanked all partners and Chairs of sub-groups for their co-operation and confirmed that the Board had taken on board some of the scrutiny recommendations.

Mr Williams went on to say that more measurable data was one of the areas it was looking at and what it needed to be doing going forward.

Mr Williams said that feedback had suggested that the report was easily readable and that the work of partnership had been key. He was pleased to announce that the Vice-Chair had now joined the Board and that it was looking more and more at the feedback from scrutiny and how it developed its dashboard over the next year.

In response to a Member's question regarding concerns that the Council may not be reaching all residents concerned, the Cabinet Member for Adults and Social Care said that Croydon was one of the first boroughs to have a voice for the people group and was well ahead of other London boroughs insofar as what had been developed already.

The Executive Mayor, in Cabinet, **RESOLVED** that the content of the Annual Report for the Croydon Safeguarding Adult Board (CSAB), be noted.

Waste Collection and Street Cleaning Contract

Cabinet considered a report, which sought approval by the Executive Mayor, **not** to extend the current waste and street cleansing contract with Veolia, following a review of the proposed requirements by the contractor to support an extension.

It was reported that Croydon Council operated waste and recycling services for every household in the Borough through its contract with Veolia and that this included waste and recycling collections, footway winter maintenance, vehicle maintenance and street cleaning.

It was further reported that the contract had been procured by Croydon on behalf of the four partner boroughs in the South London Waste Partnership (SLWP) in April 2017 and the initial eight-year term was due to expire on 31 March 2025. The partnership boroughs had the option to extend the contract for another eight years or to consider another option for service delivery. Any extension had to be agreed by all parties.

The report presented the Council's approach to reshape the future of the waste collection and street cleansing services, which was the fulfilment of a key Manifesto commitment set out by the Executive Mayor.

The re-procurement was necessary due to legal risk regarding Veolia's proposed conditions for extending the existing contract. A new commissioning approach would also allow the Council to improve the waste collection and street cleansing arrangements and contract management, help the local environmental quality and reduce fly tipping whilst helping increase pride in Croydon.

The Executive Mayor said that when Veolia had met with him, they said it had been the first discussion with a London Borough of Croydon politician for over two years.

The Cabinet Member for Environment and Streets said that the Council had been working with Veolia since 2018 and, for clarity, the SLWP contract would remain in place until 2025 and that the service would be monitored closely.

He said there would be a further report to Cabinet in March 2023.

In response to a Member's question in relation to what people wanted from their new contract, the Executive Mayor said that the Council would be talking to residents and would review accordingly.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. the current waste collection and street cleansing contract with Veolia Environment Services be **not** extended following expiry of the initial term on 31st March 2025.
2. further work to consider the alternative options for the provision of waste collection and street cleansing services be undertaken and recommendations brought before Cabinet in line with the timetable set out at Section 6.7 of this report.

3. the powers held by the Mayor of London under the GLA Act to issue directions to London boroughs in relation to waste management procurement, be noted and that the project team would be encouraged to develop a close working relationship with the GLA Borough Liaison Team to ensure it was well-sighted on the steps being taken to ensure service continuity and continuing conformity with the London Environment Strategy.

87/22

South London Waste Plan Development Plan Document – Adoption

Cabinet considered a report, which represented the final stage in the progression of the preparation of the joint South London Waste Plan Development Plan Document to adoption. It would then form part of the Council's Planning Policy Framework to spatially manage waste and be used to determine related planning applications.

It was reported that the South London Waste Plan (SLW Plan) had been funded from a successful bid to the Department for Levelling Up, Housing and Communities, Planning Delivery Fund.

It was noted that this was the final stage of the joint production of the SLW Plan following two stages of consultation in October to December 2019 (Regulation 18 Issues and Options) and September to October 2020 (Regulation 19 Submission) and the Examination in Public in September 2021.

The Executive Mayor said that having a plan was a statutory requirement and that this final report culminated in all of the points.

The Cabinet Member for Planning and Regeneration said that this was a joint project amongst other London Boroughs, which would allow Croydon to generate waste up to 2037. He added that the Plan was required to be adopted at the meeting of the full Council to be held in December.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. this report on the progress made to date towards the development of a National Planning Policy Framework compliant development plan document, the South London Waste Plan 2022 to 2037 (Appendix 1) and that as a result a favourable Inspector's Report was expected shortly finding the SLW Plan to be sound, be noted.
2. the final Inspectors Report was delayed and still awaited, be noted.
3. **COUNCIL** be **RECOMMENDED** to adopt the South London Waste Plan 2022 to 2037, subject to the recommendations in the Inspector's Report as a Development Plan Document in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

Improving Procurement Decision-Making and Governance, and Contract Management Framework

The Executive Mayor announced that he would be considering both matters together.

Cabinet considered two reports, which (1) set out the recommendations and actions to be taken to simplify, accelerate and improve procurement decision making for contract spend; and (2) helped to deliver the Executive Mayor's pledge to improve effective contract management by ensuring it was robust contract management to ensure efficient, value for money services.

The Cabinet Member for Finance said it was good to have the Annual Procurement Plan available now as this would allow the Council to know in advance what was occurring over the year.

With regard to contract management, he said that the Council was now providing specific support and training to upskill those involved, which would result in savings and ensure that services were being delivered.

In response to a Member's question regarding time taken to achieve this, the Cabinet Member for Finance said there had been opportunities to challenge and change these under the previous administration and that these would develop over time. He added that there had been no delays caused by any bottleneck suggested by the question.

The Executive Mayor, in Cabinet **RESOLVED** that:

- a) In respect of the improving procurement decision-making and governance report:
 1. The introduction of an Annual Procurement Plan (APP) to the Executive Mayor in Cabinet that included proposed procurement and contract extension and the delegated decision makers for the forthcoming year, be approved. *(The updates and progress on the APP to be reported to the Executive Mayor in Cabinet on a quarterly basis.)*
 2. The first Annual Procurement Plan for the remainder of the financial year and for the period November 2022 to March 2023, as set out in Appendix 1, be approved.
 3. The delegated decisions in the APP to those Lead Members or Officers as stated in Appendix 1 that included the contract/procurement strategy and award decisions, the duration of the contract and contract value, be approved.
 4. The delegated decisions shall only be exercised following recommendations from the Contracts and Commissioning Board,

which required approval from both the Lead Cabinet Member and the Cabinet Member for Finance.

5. Minor changes be allowed to proceed whilst retaining the agreed delegated so long as none of the following thresholds for changes were exceeded:
 - i) Contract value exceeds that proposed in the APP/Quarterly Update Report, by the lesser of £500K or 25%, or the new aggregate value exceeds £1m and it becomes a key decision.
 - ii) Substantial / material changes to procurement from that defined in the APP/Quarterly Update Report e.g., material risks are identified.

(Should either of those thresholds be exceeded, the delegation cannot be exercised, and the decision shall be recommended to the Executive Mayor, unless a further delegation is approved. Where a delegated decision is a Key Decision to Officers, it must be made in consultation with the Lead Cabinet Member.)

6. A re-drafting of the Tender and Contract Regulations to reflect the proposed changes (and clarifications), to be reported to the Constitution Working Group with a view to seeking recommendations from the General Purposes Committee and/ or the Executive Mayor in Cabinet for onward recommendations to Full Council, be approved.

And

- b) In respect of the contract management framework report:
 1. The adoption of the Contract Management Framework as set out in the report and the associated appendices, be approved.
 2. The Contract Management Policy (Appendix 1) as an official policy of the Council, be approved.
 3. A re-drafting of the Tender and Contract Regulations to reflect the proposed changes (and clarifications), to be reported to the Constitution Working Group with a view to seeking recommendations from the General Purposes Committee and/ or the Executive Mayor in Cabinet for onward recommendations to Full Council, be approved.

90/22

Exclusion of the Press and Public

This was not required.

The meeting ended at 7:58pm.

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MINUTES of the **ADDITIONAL** Meeting of the **CABINET** held on Wednesday, 30 November 2022 at 6.30pm in the Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

Present: Executive Mayor Jason Perry (Chair);

Councillors Jeet Bains (Cabinet Member for Planning and Regeneration), Jason Cummings (Cabinet Member for Finance), Maria Gatland (Cabinet Member for Children and Young People), Lynne Hale (Deputy (Statutory) Executive Mayor and Cabinet Member for Homes (Vice-Chair)), Yvette Hopley (Cabinet Member for Health and Adult Social Care), Ola Kolade (Cabinet Member for Community Safety), Scott Roche (Cabinet Member for Streets and Environment) and Andy Stranack (Cabinet Member for Communities and Culture).

Also Present: Councillors Margaret Bird, Janet Campbell, Richard Chatterjee, Rowenna Davis, Danielle Denton, Nina Degrad, Samir Dwesar, Brigitte Graham, Patricia Hay-Justice, Christopher Herman, Stuart King, Enid Mollyneaux, Stella Nabukeera, Chishni Reshekaron and Robert Ward.

PART A

91/22 Order of Business

The Executive Mayor altered the order of business from that published in the agenda, as follows:

- After Item 3, Item 6 (Period 6 Financial Performance Report) will be considered.
- Then Item 7 (the Medium-Term Financial Strategy Update), and Item 4 (Corporate Asset Management Plan) will be considered together.

At this point, given the importance of the finance matters to be discussed, the Executive Mayor agreed to allocate twenty minutes for questions from councillors.

- Finally, Item 5 (Brick-by-Brick Companies Update) would be considered as he was aware that Cabinet may be required to move to private session (Part B) for this item.

92/22 Apologies for Absence

There were no apologies for absence received from Members. An apology for absence was received on behalf of Katherine Kerswell, Chief Executive.

93/22

Disclosure of Interests

There were no declarations of interests received from Members.

94/22

Any Urgent Business

There were no items of urgent business considered.

95/22

Financial Performance Report – Month 6 (September 2022)

Cabinet considered a report, which provided the Council's forecast outturn as at Month 6 (September 2022) for the General Fund (GF), Housing Revenue Account (HRA) and the Capital Programme (CP). The report formed part of the Council's financial management process for publicly reporting financial performance monthly.

The Executive Mayor, in Cabinet, **RESOLVED** that:

1. The General Fund forecasting to be balanced at Month 6, be noted (*Service directorates are indicating a £19.895m overspend. This is offset by £5.795m corporate underspend, £4m use of earmarked inflation reserves, £5m use of the general contingency budget and a £5.1m reduced contribution to General Fund Balances.*)
2. The reduction in the planned contribution to General Fund Reserves from £6.9m to £1.8m and the forecast General Fund Reserve of £29.3m, as at 31 March 2023, be noted.
3. That a further number of risks and compensating opportunities may materialise which would see the forecast change, be noted.
4. That the actions being taken through the Deficit Recovery plan (further details are in paragraph 2.16.), be noted.
5. That the non-delivery of the MTFS savings, as indicated within Table 5 and detailed in Appendix 3 to the report, be approved.
6. That the Housing Revenue Account (HRA) was projecting an end of year position of a £4.424m overspend, due to inflation, disrepair costs and void rents, be noted.
7. The Capital Programme spend to date for the General Fund of £14.019m (against a budget of £112.069m) with a projected forecast underspend of £14.793m for the end of the year, be noted.
8. The Housing Revenue Account Capital Programme spend to date of £0.580m (against a budget of £22.083m), with a projected forecast underspend of £2.385m for the end of the year, be noted.

9. The above figures, which were predicated on forecasts from Month 6 to the year end and therefore could be subject to change as forecasts were made based on the best available information at this time, be noted.
10. That the Council continuing to operate a Spend Control Panel to ensure that tight financial control and assurance oversight were maintained, be noted *(A new financial management culture is being implemented across the organisation through increased scrutiny, such as the monthly assurance meetings, improved communication, and budget manager training from CIPFA.)*

96/22
97/22

Medium-Term Financial Strategy 2023/24 to 2025/26 Update Corporate Asset Management Plan

The Executive Mayor announced that he would be considering both matters together.

Cabinet considered two reports, which (i) focussed on the Council's Budget, which was not financially sustainable and, as such, the Corporate Director of Resources and S151 Officer had taken the decision to issue a Section 114 Notice in relation to balancing the Council's budget from 2023/24 onwards; and (ii) recommended the adoption of a new Corporate Asset Management Plan and outline Property Strategy to provide clear guidance in the way that the Council's assets were managed within the Executive Mayor's priorities and Executive Mayor's Business Plan *(this would not only involve delivering the required services but also to maximise the delivery of revenue opportunities and capital receipts wherever possible.)*

- (i) With regard to the Medium-Term Financial Strategy 2023/24 to 2025/26 Update, the report went on to say that the "Opening the Books" programme, which had been initiated by the Executive Mayor, had revealed further historic legacy issues that had undermined the ability of the Council to not only balance its budget but also to become financially and operationally sustainable over the current agreed medium-term financial strategy. In particular, the level of non-asset backed debt the Council had to service meant its general revenue budget was unable to meet the needs of the people of Croydon.

It was reported that, in October 2020, the Council's external auditor, Grant Thornton, had issued the first of two reports in the public interest (RIPI) into Croydon Council, which stated that, for many years, the Council had failed to pay due regard to the seriousness of its financial position and the urgency with which action needed to have been taken.

In addition, in November 2020, the then Director of Finance, Risk and Assurance and S151 Officer had published the first of two

Section 114 notices. These notices made clear to all Members of Croydon Council, as well as staff and residents, that the Council faced an extremely serious financial situation in that financial year (2020/21). It was also made clear that the Council's expenditure was predicted to be significantly greater than its income resulting in a financial deficit being forecast, with insufficient reserves to fund this. The financial year ended with an overspend of £67m, thus confirming the conclusions of the external auditor in the RIPI of the seriousness of the Council's financial position.

- (ii) With regard to the Corporate Asset Management Plan, the report went on to say that the Council was currently financially unsustainable and needed to reduce its asset base considerably. It also recognised the need to reconfigure its services to drive efficiency in essential delivery areas. It was reported that the Plan would ensure that the right decisions were reached in relation to the Council deciding to sell, buy, rent or hold assets.

This Plan will deliver a more integrated approach to the use of the Council's assets from both service delivery and financial perspectives, by:

- provision of properties that will directly contribute to the delivery of essential services to our communities and other stakeholders;
- ensuring better fire, health and safety management
- securing good and sustainable income streams from non-operational and investment properties.
- helping plan and manage property utilisation in support of the Council's initiatives and service delivery;
- supporting the delivery of the Mayor and Council's corporate vision, aims and priorities;
- formalising systems, procedures and controls;
- a more robust understanding of the current condition of our key operational assets to enable a more effective budget and repairs programme moving forward.

The Strategy outlines the approach to enable revenue and capital benefits to be secured and the approach and governance around the disposal of property and a proposed list of asset disposals. The principles established within these documents will be used to identify and bring forward future proposals.

The Executive Mayor then invited and responded to questions from members present.

Accordingly, the Executive Mayor in Cabinet, **RESOLVED** that:

- (i) With regard to the Medium-Term Financial Strategy 2023/24 to 2025/26 Update:
 - 1. The interim outcomes of the Opening the Books exercise, including the financial adjustments which resulted from Croydon Affordable Homes/Croydon Affordable Tenures and other historic legacy errors (as set out in paragraph 3.5), be noted.
 - 2. A further allocation of £250k from the Council's contingency reserve for the Opening the Books project, be approved.
 - 3. A virement of £798k from the Council's contingency reserve to the Assistant Chief Executive's budget for the Corporate Programme Management Office, be approved.
 - 4. The negotiations with DLUHC in relation to the evidence needed to agree a further package of support in relation to both the legacy financial issues that had come to light, the level of indebtedness and for the future years 2023/24, 2024/25, 2025/26 and 2026/27, be noted.
 - 5. A period of public consultation and engagement on the proposals for returning the Council to financial and operational sustainability be agreed, and to include:
 - a. The savings options set out in Appendix B;
 - b. Transformation Programme in Appendix C;
 - c. The list of assets for disposal set out in Appendix E;
 - d. The closure of Whitehorse Day Centre; and
 - e. The closure of Cherry Orchard Garden Centre.

These proposals shall form part of the 2023/24 budget consultation process.

The outcome of the public consultation shall be reported back to Cabinet for a decision as part of the budget and council tax setting.

And:

- (ii) With regard to the Corporate Asset Management Plan:
 - 1. The Corporate Asset Management Plan attached at Appendix 1 to the report, be approved.
 - 2. The proposed Corporate Property and Disposal Strategy attached at Appendix 2 to the report, be approved.

3. The list of proposed asset disposals attached at Appendix 3 to the report, which would be subject to relevant decision-making in accordance with the Financial Regulations and any service provision decisions, including statutory consultation where required, be noted.

98/22

Brick-by-Brick (BBB) Croydon Limited: Update Report

Cabinet considered a report, which advised that progress had been made by Directors and Management at the Company since reviews had been carried out in 2021. It was reported that the Company had reached Practical Completion on all its development sites except Lion Green Road and Kindred House and BBB continued to make good progress with disposing of the developments in the open market and to the Council.

It was further reported that the Council held Option Agreements on six undeveloped sites, of which, the Council was considering exercising its buy back option for the Regina Road site and the others, subject to further due diligence of the sites for Council use. It was noted that BBB had also repaid to the Council £30.04m of the principal loans with a net balance of £142.5m outstanding as at end of October 2022.

Accordingly, the Executive Mayor, in Cabinet, **RESOLVED** that:

1. The progress on delivery of key developments by BBB Croydon Ltd. be noted.
2. The progress on BBB finances, as provided within Part B of the report, be noted *(this has been included as Part B to ensure management financial information remains commercially confidential.)*
3. The Corporate Director of Resources and Section 151 Officer, in consultation with the Monitoring Officer and the Cabinet Member of Finance, be authorised to enter into a Letter of Comfort to be provided to BBB Croydon Ltd, under the Council's shareholder function *(information has been included within the Part B report.)*
4. Having considered the PwC review, including recommendations, within the Part B report, to proceed with the option set out in Part B, be agreed.
5. Under delegated authority to the Corporate Director of Resources and Section 151 Officer, in accordance with paragraph 9 of the Financial Regulations, the approval to vary the Option Agreements on Regina Road, Malton House and Belgrave and Grosvenor Road, to include an option for the Council to purchase those sites instead of setting off against the loan agreement and to extend the buyback option period for Regina Road and Malton House, be noted *(the Council was currently working with BBB to varying the*

Option Agreements. This was further detailed within Section 2 of this report.)

6. The Corporate Director of Resources and Section 151 Officer, in consultation with the Monitoring Officer and the Cabinet Member for Finance, be authorised to exercise buy-back option(s) under the relevant option agreement(s) for the undeveloped sites earmarked by BBB for disposal, should these be required *(the value of any such buy backs shall either be paid to BBB or be set off against the Loan agreement, as varied within the option agreement(s)).*
7. The Corporate Director of Resources and Section 151 Officer, acting as lender, in consultation with the Monitoring Officer, be authorised to vary the loan agreement with BBB to permit set off values under recommendations 5 and 6 above if required.
8. The Corporate Director of Resources and Section 151 Officer, acting as shareholder, in consultation with the Monitoring Officer and Cabinet Member for Finance, be authorised to instruct BBB not to dispose of the undeveloped five sites on the open market if the Council decided to consider exercising its buy back option(s) in accordance with recommendation 6 above.
9. The Corporate Director of Resources and Section 151 Officer, in consultation with the Monitoring Officer, Executive Mayor and the Cabinet Member for Finance, be authorised to approve that BBB may dispose of developed properties in the open market at less than 95% of red book value (including where this was a key decision and above Corporate Director delegations within the Financial Regulations) on the request of BBB as in accordance with the Loan Facility Agreement.
10. The Corporate Director of Resources and Section 151 Officer, in consultation with Cabinet Member for Finance and Corporate Director of Housing and subject to any final due diligence, be authorised to decide whether to purchase 12 new properties at the Trellis Mews development as detailed in Section 6 of this report with a further recommendation within Part B.
11. The updated amendments to the Terms of Reference of the BBB Shareholder Mayor's Advisory Board (formerly Brick by Brick Shareholder Cabinet Advisory Board), as set out at Appendix C, to reflect changes to appointments and to confirm the governance model as set out in the November 2021 Cabinet report (attached as a background paper), including delegations as follows, be approved:
 - A) Delegate to the members of the BBB Shareholder Mayor's Advisory Board the authority to exercise limited shareholder functions on behalf of the Council when making recommendations

to BBB relating to risk in accordance with Section 5 of this report *(recognising, however, that Brick By Brick shall make its own independent decisions)*.

12. The process for the appointment and removal of directors from the Brick By Brick board of Directors, in accordance with Section 5 of this report, be approved and that the Corporate Director of Resources and S151 Officer, in consultation with the Executive Mayor, Cabinet Member for Finance and the Chief Executive, be authorised in respect of appointments and removals of Directors of the board of Brick by Brick Croydon Ltd, to exercise shareholder functions on behalf of the Council to approve such appointments and removals *(any such appointments or removals shall be notified as part of the next scheduled report to the Executive Mayor in Cabinet)*.

99/22

Exclusion of the Press and Public

This was not required.

PART B

100/22

Brick-by-Brick (BBB) Croydon Ltd: Update Report

The Executive Mayor, in Cabinet, **RESOLVED** that those recommendations 1 to 5, as detailed in the Part B report, be approved.

The meeting ended at 7:58pm

Agenda Item 6

REPORT TO:	CABINET 25 January 2023
SUBJECT:	STAGE 1: RECOMMENDATIONS ARISING FROM SCRUTINY
LEAD OFFICERS:	JANE WEST - EXECUTIVE DIRECTOR - RESOURCES ADRIAN MAY – INTERIM HEAD OF DEMOCRATIC SERVICES & SCRUTINY
LEAD MEMBER:	COUNCILLOR ROWENNA DAVIS CHAIR, SCRUTINY AND OVERVIEW COMMITTEE
CABINET MEMBER:	JASON PERRY, EXECUTIVE MAYOR OF CROYDON
WARDS:	ALL
FINANCIAL IMPACT <p>The Scrutiny recommendations to the Executive (Appendix A) may have financial implications. Following the recommendations being received at Cabinet, the Executive will identify and consider any financial implications as part of their response. If any recommendation is subsequently progressed for consideration and decision by the Executive Mayor in Cabinet, full financial, legal and equalities implications would be presented.</p>	
FORWARD PLAN KEY DECISION REFERENCE: Not a key decision	

The Executive Mayor has the power to make the decisions set out in the recommendations contained within this report:

RECOMMENDATIONS

The Executive Mayor in Cabinet is asked to:

1. Receive the recommendations arising from the meetings of the Children & Young People Sub-Committee held on 27 September 2022 (Appendices 1 & 2); Streets & Environment Sub-Committee held on 4 October 2022 (Appendices 3 & 4); Streets & Environment Sub-Committee held on 8 November 2022 (Appendices 5 & 6); Health and Social Care Sub-Committee held on 18 October 2022 (Appendix 7); and Scrutiny & Overview Committee on 6 December 2022 (Appendix 8).
2. To provide a substantive response to the recommendations (a Scrutiny Stage 2 Report) within two months (i.e. at the Cabinet meeting on 22nd March 2023).

2. STAGE 1: RECOMMENDATIONS ARISING FROM SCRUTINY

- 2.1 Recommendations that have been developed from the Scrutiny and Overview Committee and its Sub-Committees since the last Cabinet meeting are provided in the attached appendices. The constitution requires that an interim or full response is provided within 2 months of this Cabinet meeting.

3. CONCLUSIONS FROM COMMITTEE/SUB-COMMITTEE MEETINGS

- 3.1 In order to provide additional context for the Cabinet, a summary of the conclusions reached by the Scrutiny & Overview Committee or relevant Sub-Committee follows.

Children & Young People Sub-Committee – 27 September 2022

Item: Children's Centre Contract - Insourcing of the South Locality Children's Centre Delivery

- 3.2 The Sub-Committee were pleased to see that the Council had ensured Children's Centres were still available in the South Locality by insourcing the delivery of the Centres
- 3.3 The Sub-Committee were concerned about the limited opening hours of the Purley Oaks Centre and how effectively families who would usually rely on this service would be signposted to alternative resources.
- 3.4 The Sub-Committee were concerned about the £97K budget pressure from insourcing the South Locality but were reassured that this would be looked at holistically to avoid a reduction in service for the South of the borough. Members were of the view that they should receive an update on Children's Centres, once the Family Hub model had been fully implemented to see how this was performing.

Item: Early Help, Children's Social Care and Education Dashboard

- 3.5 The Sub-Committee were of the view that missing information from the Dashboard should be provided in the updated report for the next meeting with full commentary for any indicators with a RAG rating of red or amber.

Streets, Environment & Homes Sub-Committee - 4 October 2022

Item: Housing Needs Transformation Plan

- 3.6 The Sub-Committee were reassured by the action already taken and the pace of change in the Housing Needs service. Members agreed that the direction of travel was positive.

3.7 The Sub-Committee requested that more detailed versions of the Transformation Plan, that included mapping of the various work streams, were shared once they were available.

3.8 The Sub-Committee requested more granular detail on the identified workstreams and the plans for cultural change.

Item: Healthy Streets and Active Travel (including Healthy Neighbourhoods, School Streets, Vision Zero, Cycling and Walking Strategy)

3.9 The Sub-Committee thanked officers for the very useful briefing on monitoring and engagement for Healthy Neighbourhoods in advance of the meeting and asked that once information on how monitoring data would be used that this be shared with Members.

3.10 The Sub-Committee concluded that the Council's webpages on Active Transport and Healthy Streets should be brought together to allow this to be more coherent and easier to understand for residents.

3.11 The Sub-Committee concluded that there was a strong central government drive for local authorities to adopt Active Travel policies, but that this was not widely understood. The detail on how Active Travel England fit into this picture was also unclear.

Streets & Environment Sub-Committee – 8 November 2022

Item: Waste Contract Performance Paper

3.12 The Sub-Committee were concerned about the performance of the contract and were disappointed at the levels of improvement since the Service Improvement Notice had been served to Veolia in February 2022.

3.13 The Sub-Committee were positive about the 'Love Clean Streets' app, but were keen to see issues in passing photographic evidence on to Veolia's street crews resolved.

3.14 The Sub-Committee concluded that an information sheet on street grading should be produced to inform Members and residents on what each grade meant.

3.15 The Sub-Committee asked for a future update on repeat missed collections for estates and the actions being taken to resolve this.

3.16 The Sub-Committee were positive about the communications plan being produced by the SLWP, and asked to be sighted on this once it was completed.

- 3.17 The Sub-Committee were of the view that access issues for communal waste should be mapped and included in future reports.

Item: Cabinet Report - Waste Collection and Street Cleansing Contract

- 3.18 The Sub-Committee concluded that there needed to be a discussion on how this contract was scrutinised going forward, with the possibility that Scrutiny Chairs of other partner boroughs of the SLWP collaborated in scrutinising the current contract and any future contracts.
- 3.19 The Sub-Committee concluded that there might be similar contracts coming down the pipeline and that these should be received for Pre-Decision Scrutiny.
- 3.20 The Sub-Committee were of the view that a timeline and details on Member and resident engagement for the development of the Service Delivery Options be provided to Members alongside the SLWP triennial survey results.

Health and Social Care Sub-Committee – 18 October 2022

Item: Adult Social Care Budget & Reforms

- 3.21 The Sub-Committee was reassured that Adult Social Services were on track to deliver their budget.
- 3.22 The Sub-Committee were reassured that the Council had done everything it could to prepare for the 'Fair Cost of Care' but recognised that this was still a risk to all local authorities and sought to write to the Department of Health and Social Care (DHSC) to ask that this was urgently reviewed to ensure risks were mitigated to avoid destabilisation of the care market and local authority budget setting.
- 3.23 The Sub-Committee agreed it should be sighted on the newest the self-assessment based on the preparation for inspection tool developed by the ADASS, once completed.

Scrutiny & Overview Committee – 6 December 2022

Item: Borough of Culture

- 3.24 The Committee commended the team for the hard work that had gone into preparing the Borough of Culture programme and agreed that all involved had fantastic intentions and demonstrated a commitment to the widest possible engagement.

- 3.25 The Committee welcomed the approach from the organisers of the Borough of Culture to widen the definition of culture, beyond that defined by the Arts Council, to include areas such as faith based activity, food and comedy.
- 3.26 The Committee welcomed confirmation that options for utilising unused business space, such as empty shop units, for Borough of Culture events were being actively explored
- 3.27 The Committee welcomed confirmation that the Ignite Fund would be used to expand the reach of the Borough of Culture programme to under-represented parts of the borough and would encourage the Steering Group to continue targeting areas without representation in the Borough of Culture programme.

4. CONSULTATION

- 4.1 The recommendations were developed from the deliberations of either the Scrutiny & Overview Committee or one of its Sub-Committees.

5. PRE-DECISION SCRUTINY

- 5.1 The recommendations set out in the appendix to this report directly arise from Scrutiny.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 There are no financial implications arising directly from the content of this report. Please see Finance Impact Section above.

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that the recommendations are presented to Cabinet in accordance with the Constitution.
- 7.2 This requires that the Scrutiny report is received and registered at this Cabinet Meeting and that a substantive response is provided within 2 months (i.e. **Cabinet on 22nd March 2023** is the next available meeting).

Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

8. EQUALITIES IMPACT

- 8.1 There are no equalities implications arising directly from the content of this report, the report received recommendations from scrutiny, but no decision for recommendation.

9. HUMAN RESOURCES IMPACT

- 9.1 There are no human resource implications arising directly from the contents of this report

10. ENVIRONMENTAL IMPACT

- 10.1 There are no environmental implications arising directly from the contents of this report, the report received recommendations from scrutiny, but no decision for recommendation.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 There are no crime and disorder implications arising directly from the contents of this report, the report received recommendations from scrutiny, but no decision for recommendation.

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 There is a statutory requirement for Cabinet to receive the recommendations made by Scrutiny.

13. OPTIONS CONSIDERED AND REJECTED

- 13.1 None

14. DATA PROTECTION IMPLICATIONS

- 14.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

There are no Data Protection implications at this stage, but that the situation will be reviewed again at Stage 2 when Cabinet provide their response to the proposed recommendations.

- 14.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

No.

CONTACT OFFICER:

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Email: simon.trevaskis@croydon.gov.uk

APPENDICES:

Appendix 1 – Recommendations from Children & Young People Sub-Committee;
Item: Children's Centre Contract - Insourcing of the South Locality Children's Centre
Delivery, 27 September 2022

Appendix 2 – Recommendations from Children & Young People Sub-Committee;
Item: Early Help, Children's Social Care and Education Dashboard, 27 September
2022

Appendix 3 – Recommendations from Streets & Environment Sub-Committee, Item:
Housing Needs Transformation Plan, 4 October 2022

Appendix 4 – Recommendations from Streets & Environment Sub-Committee, Item:
Healthy Streets and Active Travel (including Healthy Neighbourhoods, School
Streets, Vision Zero, Cycling and Walking Strategy), 4 October 2022

Appendix 5 – Recommendations from Streets & Environment Sub-Committee, Item:
Waste Contract Performance Paper, 8 November 2022

Appendix 6 – Recommendations from Streets & Environment Sub-Committee, Item:
Cabinet Report - Waste Collection and Street Cleansing Contract, 8 November 2022

Appendix 7 – Recommendations from Health and Social Care Sub-Committee, Item:
Adult Social Care Budget & Reforms, 18 October 2022

Appendix 8 – Recommendations from Scrutiny & Overview Committee, Item:
Borough of Culture, 6 December 2022

BACKGROUND DOCUMENTS:

Meeting of the Children & Young People Sub-Committee on 27 September 2022
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=167&MId=3428&Ver=4>

Meeting of the Streets & Environment Sub-Committee on 4 October 2022
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=170&MId=3429&Ver=4>

Meeting of the Streets & Environment Sub-Committee on 8 November 2022
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=170&MId=3439&Ver=4>

Meeting of the Health and Social Care Sub-Committee on 18 October 2022
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=168&MId=3436&Ver=4>

Meeting of the Scrutiny & Overview Committee on 6 December 2022
<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=166&MId=2927&Ver=4>

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Appendix 1 - Children & Young People Sub-Committee; Item: Children's Centre Contract - Insourcing of the South Locality Children's Centre Delivery, 27 September 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	That the Sub-Committee be invited to visit the Children's Centres with the Cabinet Member in the North or Central areas, with a visit to a Children's Centre in the South once this has had a chance to bed in.	Councillor Maria Gatland	Shelley Davis

Appendix 2 - Children & Young People Sub-Committee; Item: Early Help, Children's Social Care and Education Dashboard, 27 September 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	That all future versions of the report provide commentary for any indicators with a RAG rating of red or amber.	Councillor Maria Gatland	Debbie Jones

Appendix 3 - Streets & Environment Sub-Committee, Item: Housing Needs Transformation Plan, 4 October 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	The Sub-Committee agreed that signposting of Housing Needs services should be improved on the Council website.	Councillor Lynne Hale	Susmita Sen
Recomm.2	The Sub-Committee recommended that the service should commence a proactive communications drive to all residents in Temporary Accommodation to encourage reporting of poor conditions, which ensured that residents were reassured that reporting issues would not result in them losing their homes.	Councillor Lynne Hale	Susmita Sen
Recomm.3	The Sub-Committee recommended that the Housing Needs service ensure that occupancy checks are conducted in line with best practice and trauma informed practice.	Councillor Lynne Hale	Susmita Sen
Recomm.4	The Sub-Committee noted the interdependency between the Housing Improvement Plan work on voids and the Housing Needs Transformation Plan and asked that the directorate look at how the work on void turnarounds affected plans to reduce the time that customers spent in Temporary Accommodation.	Councillor Lynne Hale	Susmita Sen

Appendix 4 - Streets & Environment Sub-Committee, Item: Healthy Streets and Active Travel (including Healthy Neighbourhoods, School Streets, Vision Zero, Cycling and Walking Strategy) Update, 4 October 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	The Sub-Committee recommended that key stakeholders were identified and engaged before the implementation of any new Healthy Neighbourhood schemes.	Councillor Scott Roche	Heather Cheesbrough/Steve Iles
Recomm.2	The Sub-Committee recommended that the Council look at developing a cohesive Active Travel policy that brought all these schemes together in a coherent and strategic way that provided a narrative that residents could easily understand.	Councillor Scott Roche	Heather Cheesbrough/Steve Iles
Recomm.3	The Sub-Committee recommended that there needed to be better communications with residents about the outcomes of Healthy Neighbourhood and School Street schemes that were in their localities.	Councillor Scott Roche	Heather Cheesbrough/Steve Iles
Recomm.4	The Sub-Committee recommended that the Council investigate developing a Kerbside Strategy to work in an integrated way alongside the Walking and Cycling Strategies.	Councillor Scott Roche	Heather Cheesbrough/Steve Iles
Recomm.5	The Sub-Committee recommended that the Council investigate attracting an e-bike hire scheme into the borough, possibly through Section 106 funding.	Councillor Scott Roche	Heather Cheesbrough/Steve Iles

Appendix 5 - Streets & Environment Sub-Committee, Item: Waste Contract Performance Paper, 8 November 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	The Sub-Committee were of the view that improvements to communications with residents needed to be a priority and should include updating the website and an explanation of street grading.	Councillor Scott Roche	Steve Iles
Recomm.2	The Sub-Committee recommended that communication with residents who had submitted reports on the 'Love Clean Streets' app needed to be improved to notify them on the resolution of the report.	Councillor Scott Roche	Steve Iles
Recomm.3	The Sub-Committee recommended that Veolia and the Council work with Friends and Residents groups to analyse and help to resolve issues with repeat missed collections. Members recommended that this is achieved through mapping areas of repeated missed bin collections, especially in relation to access issues, particularly with communal recycling bins.	Councillor Scott Roche	Steve Iles
Recomm.4	The Sub-Committee were of the view that the option to 'raise an enquiry' needed to be more prominent on the Council website when residents were trying to submit a missed collection report following 48 hours of the intended collection date, or when making a report was otherwise unavailable.	Councillor Scott Roche	Steve Iles
Recomm.5	The Sub-Committee requested that the Cabinet Member for Streets and Environment provided a full update on his data gathering and plans for reducing fly tipping in Croydon.	Councillor Scott Roche	Steve Iles

Recomm.6	The Sub-Committee asked that a street cleansing schedule is produced and published on the Council website in a similar way to waste collection schedules.	Councillor Scott Roche	Steve Iles
Recomm.7	The Sub-Committee recommended that the action plan that had resulted from the Service Improvement Notice was published to the Council website to increase transparency.	Councillor Scott Roche	Steve Iles

Appendix 6 - Streets & Environment Sub-Committee, Item: Cabinet Report - Waste Collection and Street Cleansing Contract, 8 November 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	The Sub-Committee recommended that a Cross-Party working group be established to input into the development of any new Service Delivery Options for Waste Collection and Street Cleansing.	Councillor Scott Roche	Steve Iles

Appendix 7 – Health and Social Care Sub-Committee, Item: Adult Social Care Budget & Reforms, 18 October 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	In order to provide effective scrutiny, it is essential that the relevant Committee/Sub-Committee is provided with the most up to date budget figures, even if these were only in draft. The Sub-Committee would ask for the Mayor's commitment to ensuring that this information is provided to scrutiny.	Councillor Yvette Hopley	Annette McPartland

Appendix 8 – Scrutiny & Overview Committee, Item: Borough of Culture, 6 December 2022

Recommendation Number	Recommendation	Political Lead	Officer Lead
Recomm.1	That an all-Member Briefing is provided in advance of the launch event to update Councillors on the Borough of Culture programme, explain how to encourage community involvement and detail the support available for individual artists wanting to participate.	Councillor Andy Stranack	Kristian Aspinall
Recomm.2	That the evaluation of the success of the Borough of Culture is tested by a group made up of Members and Officers.	Councillor Andy Stranack	Kristian Aspinall

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REPORT TO:	CABINET 25 January 2023
SUBJECT:	Scrutiny Stage 2 Responses to Recommendations arising from Scrutiny and Overview Committee on 7 September 2022 <ol style="list-style-type: none"> 1. Community Safety Partnership 2. Budget Monitoring – Month 4 11 October 2022 <ol style="list-style-type: none"> 3. Council Tax Recovery, Enforcement & Collection 4. Call-In: Temporary Workers Contract
LEAD OFFICER:	Stephen Lawrence-Orumwense (Monitoring Officer)/ Adrian May – Interim Head of Democratic Services Authors Responsible for Responses <ol style="list-style-type: none"> 1. Kristian Aspinall 2. Jane West 3. Catherine Black 4. Scott Funnell/Stephen Lawrence-Orumwense
CABINET MEMBER:	All
WARDS:	All
COUNCIL PRIORITIES 2020-2024 The Council's Constitution requires that Cabinet receives recommendations from the Council's scrutiny committees and responds to the recommendations within two months from receipt of these.	
FINANCIAL IMPACT The recommendations in the appendices to this report may have financial implications and as each recommendation accepted is developed, the financial implication will be explored and approved.	
FORWARD PLAN KEY DECISION REFERENCE NO: This is not a key decision.	

The Executive Mayor, in Cabinet, has the power to make the decisions set out in the recommendation below:

1. RECOMMENDATION

- 1.1 To approve the response and action plans attached to this report at Appendix 1, 2, 3 and 4 and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

2. EXECUTIVE SUMMARY

2.1 This report invites the Cabinet to approve the full response reports arising from the Stage 1 reports presented to the Cabinet meeting held on 16 November 2022, including:

- Action plans for the implementation of agreed recommendations, or
- Reasons for partially accepting or rejecting the recommendations

and that these be reported to the Scrutiny and Overview Committee or relevant Sub-Committees.

2.2 The Constitution requires that in accepting a recommendation, with or without amendment, from a Scrutiny and Overview Committee or Sub-Committee, the Cabinet shall agree an action plan for the implementation of the agreed recommendations and shall delegate responsibility to an identified officer to report back to the Scrutiny and Overview Committee or Sub-Committee, within a specified period, on progress in implementing the action plan.

3. SCRUTINY RECOMMENDATIONS

3.1 The Scrutiny recommendations are contained in the schedule in the appendices to this report.

3.2 The detailed responses, including reasons for rejected recommendations and action plans for the implementation of agreed recommendations are also contained in the appendix.

4. CONSULTATION

4.1 The recommendations have been developed from the deliberations of either the Scrutiny and Overview Committee or one of its Sub-Committees.

4.2 The recommendations in the appendix to this report may involve further consultation and as each recommendation is developed, these implications will be explored and approved.

5 PRE-DECISION SCRUTINY

5.1 The recommendations in the appendix to this report are the result of Pre-Decision Scrutiny.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

6.1 The recommendations in this report may have a financial implication. Those recommendations that have been initially accepted will need to be further assessed in terms of affordability, before progressing to possible decision and implementation.

7. LEGAL CONSIDERATIONS

- 7.1 The Constitution requires that Cabinet both receives recommendations from Scrutiny Committees and responds to the recommendations within two months of their receipt.

8. HUMAN RESOURCES IMPACT

- 8.1 The recommendations in the appendix to this report may have a human resources impact and as each recommendation is developed these implications will be explored and approved.

9. EQUALITIES IMPACT

- 9.1 The recommendations in the appendix to this report may have an equalities impact and as each recommendation is developed, these implications will be explored and approved.

10. ENVIRONMENTAL IMPACT

- 10.1 The recommendations in the appendix to this report may have an environmental impact and as each recommendation is developed, these implications will be explored and approved.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 The recommendations in the appendix to this report may have a Crime and Disorder reduction impact and as each recommendation is developed, these implications will be explored and approved.

12. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 12.1 These are contained in the appendix to this report.

13. OPTIONS CONSIDERED AND REJECTED

- 13.1 These are contained in the appendix to this report.

CONTACT OFFICER:

Adrian May, Interim Head of Democratic Services
T: 020 8726 6000 X 62529. Email: adrian.may@croydon.gov.uk

APPENDICES:

Appendix 1: Community Safety Partnership
Appendix 2: Budget Monitoring – Month 4
Appendix 3: Council Tax Recovery, Collection & Enforcement

Appendix 4: Call-In - Mayor in Cabinet Decision on Temporary Workers Staffing Contract

BACKGROUND DOCUMENTS:

Report to Scrutiny & Overview Committee on 7 September 2022

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=166&MId=2925&Ver=4>

Report to Scrutiny & Overview Committee on 11 October 2022

<https://democracy.croydon.gov.uk/ieListDocuments.aspx?CId=166&MId=3437&Ver=4>

Appendix 1 - Community Safety Partnership

Considered by Scrutiny & Overview Committee on 7 September 2022

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
1.	The Committee would recommend that the evaluation criteria for the Violence against Women and Girls Strategy should include space for victims' voices and exit questioning	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted	Kristian Aspinall, Director of culture & Community Safety	None	To be included in development of the Tackling VAWG delivery plan in Spring 2023	Tackling VAWG delivery plan to be timetabled onto scrutiny agenda before cabinet in Spring 2023
2.	The Committee urges the Council and the mayor to publicly recognise and celebrate frontline workers who works so hard to help with violence against women during the pandemic and beyond, particularly the independent domestic violence workers at the Family Justice Centre.	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted	Kristian Aspinall, Director of culture & Community Safety	None	Ongoing – communications plan for 2023 being developed on the work of the crime reduction partnership including the FJS	As action 1
3.	The Committee welcomed the extra attention given to 'high priority areas' that suffer the vast majority of crime harm and recommends the creation of bespoke community plans to be created for these areas that involve their own unique community partners.	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted	Kristian Aspinall, Director of culture & Community Safety	None	Spring 2023 – currently in early development on the three bespoke hotspot areas (Croydon Town Centre, New Addington, Thornton Heath)	At next annual Crime & disorder scrutiny
4.	The Committee recommends the police and the Council seek to partner with the voluntary sector on campaigns to de-normalise low	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted	Kristian Aspinall, Director of culture &	None	To be included in the development of the Tackling VAWG delivery plan for Spring 2023	As action 1

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
	level sexual harassment against women such as 'cat-calling'.			Community Safety			
5.	As it was heard that it would increase the powers available to the Council to tackle antisocial behaviour in the private rented accommodation, the Committee recommends the development of a Landlord Licensing Scheme for Croydon being treated as a priority.	Councillor Ola Kolade, Cabinet Member for Community Safety	Under review	Nick Hibberd, Corporate Director of Sustainable Communities	Under review	Under review	Under review
Page 56 6.	There was a recognition that at present there had been insufficient analysis to understand the links between the private rented sector and crime. As such the Committee would recommend that a workstream on this is created to ensure that an understanding is developed	Councillor Ola Kolade, Cabinet Member for Community Safety	Partially accepted – to be included in the next Strategic Assessment as a specific strand of work, which will be developed summer / Autumn 2023	Kristian Aspinall, Director of culture & Community Safety	None	Summer 2023	Annual crime and disorder scrutiny
7.	The Committee would recommend that an emphasis is placed upon community engagement in informing the review of the Community Safety Partnership, with engagement being as extensive as possible within available resources. This should include community, voluntary, faith and resident groups.	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted – the new Community Engagement Board will specifically include community, faith, resident, and voluntary groups who have previously not been involved in the partnership working.	Kristian Aspinall, Director of culture & Community Safety	None	Spring 2023	Annual crime and disorder scrutiny
8.	That officers are asked to investigate the potential for introducing a scheme to train Domestic Abuse Champions within local communities across	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted – to be explored as per recommendation in the new Tackling VAWG delivery plan	Kristian Aspinall, Director of culture &	Potential depending on scale & scope	Spring 2023	As per action 1

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
	the borough as an action in the forthcoming Violence Against Women and Girls Strategy.			Community Safety			
9.	The Committee was supportive of the proposed youth engagement work outlined at the meeting and would recommend that work aimed at preventing crime was well embedded in future strategies.	Councillor Ola Kolade, Cabinet Member for Community Safety	Accepted – prevention to be included as one of the four main strands of the Youth Safety Delivery Plan	Kristian Aspinall, Director of culture & Community Safety	Potential depending on scale and scope of Youth Safety Delivery Plan	Spring / Summer 2023	Youth Safety Delivery plan to be added to scrutiny forward plan when ready for cabinet in Summer 2023

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Appendix 2 – Budget Monitoring – Month 4

Considered by Scrutiny & Overview Committee on 7 September 2022

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
1.	The Committee would request that a meeting is arranged with the Improvement and Assurance Panel, as part of the Budget Scrutiny process, to allow the Panel to share its insight on the Council's budget.	Councillor Jason Cummings, Cabinet Member for Finance	Accept	Jane West, Corporate Director of Resources & S151	None	By invitation by the Committee	By invitation
2.	<p>The Committee requests that future Cabinet Budget Monitoring reports include: -</p> <ul style="list-style-type: none"> a. An explanation of potential changes to the Council's reserves b. The use of a dashboard in the Executive Summary to provide an easily digestible overview of the budget position. c. The estimated financial value when outline risks and other issues in the budget (see para 2.12 in Month 4 report for example). d. When income projections are included, actual income figures from previous years should be included for comparison. b) e) In light of being told it will possibly take 'two years' to get the Council's financial 	Councillor Jason Cummings, Cabinet Member for Finance	Accepted	Jane West, Corporate Director of Resources & S151	None	Fully implemented for 2023/24 Financial Performance Reports	June 2023

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
	reporting systems up to standard, the Committee feels it would be beneficial to monitor how this is progressing through the inclusion of milestone targets that can be tracked.						

Appendix 3 – Council Tax Recovery, Collection & Enforcement

Considered by Scrutiny & Overview Committee on 11 October 2022

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
1.	That the Administration provides a response to the submissions of the South West London Law Centre and the Croydon CAB made at the Scrutiny & Overview Committee meeting, addressing the issues raised in these submissions.	Councillor Jason Cummings, Cabinet Member for Finance	ACCEPTED	Jane West, Corporate Director of Resources & S151	No	Completed	12 Months
2.	That officers are asked to review the literacy of formal communication with residents to ensure they meet best practice in terms of accessibility.	Councillor Jason Cummings, Cabinet Member for Finance	ACCEPTED	Jane West, Corporate Director of Resources & S151	No	Partially Completed & Ongoing	12 Months
3.	That officers are asked to review and, subject to national requirements, amend the wording on the Taking Control of Good Notices, to ensure they reflect the Council's own approach to enforcement.	Councillor Jason Cummings, Cabinet Member for Finance	REJECTED (Wording is prescribed in law).	Jane West, Corporate Director of Resources & S151	No	NA	12 Months
4.	That the Cabinet Member for Finance writes jointly to all three Croydon MPs asking them to: - 1. Champion in Parliament changing the legislated wording of the 'Taking Control of Goods Notices' and 2. Champion in Parliament changing the legislation around enforcement, including	Councillor Jason Cummings, Cabinet Member for Finance	1) ACCEPTED (Revenues to draft a letter to Croydon MPS) 2) REJECTED (Payment arrangements can be agreed post summons)	Jane West, Corporate Director of Resources & S151	No	31 ST January 2023	12 Months

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
	the requirement preventing pay arrangements being reached following a summons being issued.						
5.	That when they are next reviewed, officers are asked to ensure that the key performance indicators for Council Tax service present both a quantitative and qualitative overview.	Councillor Jason Cummings, Cabinet Member for Finance	ACCEPTED (Reviewing KPI'S against the Mayor's Business Plan)	Jane West, Corporate Director of Resources & S151	If Collection rates are lower than anticipated this will have a financial implication	31 st March 2023	12 Months
6.	That officers are asked to review the Council's website to ensure that; a. residents' rights are clearly set out, including how to make a complaint, b. that advice and hardship services are signposted and b) the criteria for funds, such as the Hardship Fund, are clearly explained.	Councillor Jason Cummings, Cabinet Member for Finance	ACCEPTED	Jane West, Corporate Director of Resources & S151	NO	This is work in progress, working with Croydon's Digital Service, SWLLC & CAB	31 st March 2023
7.	As part of the wider improvement journey of the Council, consideration is given to the evidence that can be provided to reassure Members that there is improved collaboration across services to support residents with multiple needs.	Councillor Jason Cummings, Cabinet Member for Finance	ACCEPTED	Jane West, Corporate Director of Resources & S151	NO	Ongoing	12 Months

Appendix 4 - Call-In - Mayor in Cabinet Decision on Temporary Workers Staffing Contract

Considered by Scrutiny & Overview Committee on 11 October 2022

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
1.	<p>That the Monitoring Officer be asked to</p> <p>a. review the Council position on the disclosure of information to ensure that there is a presumption toward publication, unless doing so would present an obvious legal risk, and</p> <p>b) provide clear, practical guidance on what information should be provided in Part A & B reports to provide clarity for both report authors and Members.</p>	Councillor Jason Cummings, Cabinet Member for Finance	<p>This recommendation is accepted. The Monitoring Officer has undertaken the review. The issue raised is adequately dealt with in the Council's Constitution. The Access to Information Protocol provides:</p> <p>"4. Applying the principle of openness when writing reports</p> <p>4.1 Reports to Committees and the Cabinet will only be marked as exempt when this cannot reasonably be avoided in order to protect the interests of the Council and/or third parties in accordance with the statutory rules on exempt reports.</p> <p>4.2 When Officers are preparing a report that contains information about terms proposed in the course of negotiations for a contract they will separate the exempt from the non-exempt information so the latter can be freely circulated. Sometimes information in reports can be made anonymous without the effectiveness of the report being reduced. This is one way of ensuring that as many reports, and as much information, are made accessible as possible. This applies in all cases and not just where category 3 of Appendix 1 of Part 4B of the Access to Information Procedure Rules is relied on. There will still inevitably be a number of reports which are marked exempt.</p> <p>The Access to Information Procedure Rules further sets out information that should be exempt and contained in a Part B report. They include information (in accordance with Part 1 of</p>	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	December 2022	TBC

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
Page 64			<p>Schedule 12A of the Local Government Act 1972) relating to:</p> <ul style="list-style-type: none"> An individual (including information that reveals the identity of an individual). Financial and business affairs of people or companies (including the authority holding the information). Legal professional privilege. Information that reveals that an authority proposes to either give a notice imposing requirements on an individual, or to make an order under any enactment. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. <p>Information will only be exempt "if and so long" as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Qualifications The lists of information that will be considered exempt is subject to a number of qualifications, as well as the public interest requirement.</p> <p>Further guidance to be provided jointly with the Head of Strategic Procurement & Governance on information that should be contained in Part B report on procurement and contract related matters.</p>				
	<p>2. That the Monitoring Officer be asked to review the provision of legal guidance contained in reports to ensure: -</p> <p>a. The potential risks and their mitigations of a decision are clearly explained and avoid ambiguity, and</p>	Councillor Jason Cummings, Cabinet Member for Finance	<p>This recommendation is accepted. The Council's committee report writing guidance includes requirement for potential risk to be identified and explained including any mitigation. The grounds on which parts of a report is deemed confidential or exempt should also be explained.</p>	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	December 2022	TBC

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
	b) Where a confidential report is required, there needs to be a clear explanation of the grounds for this in the public part of the agenda.						
3.	That all Members are offered training on what information should be available in Parts A and B of a meeting and why.	Councillor Jason Cummings, Cabinet Member for Finance	This recommendation is accepted. The Statutory Scrutiny Officer to liaise with the Monitoring Officer to take this forward.	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	January 2022	TBC
4.	That any contracts awarded by the Council need to have a qualitative framework in place to ensure that an evaluation can be made on the success of the contract beyond the purely financial, and that staff from a variety of levels are included in this process	Councillor Jason Cummings, Cabinet Member for Finance	Accepted. This is already in place within the Councils Tender and Contracts regulations which can be found online here: https://www.croydon.gov.uk/sites/default/files/2022-06/Tenders-and-Contracts-Regulations_2022.pdf To note that these regulations are due to be updated	Scott Funnell, Head of Strategic Procurement & Governance	None	Complete	TBC
5.	That officers are asked to proactively track data on how many times individual staff contracts are re-extended to be able to better evaluate the service.	Councillor Jason Cummings, Cabinet Member for Finance	Accepted Adecco has confirmed they will produce at the start of the new contract, which will ensure that all extensions will be monitored, including repeat extensions for the same agency worker placement. Management information on extension will therefore be readily available. Adecco has agreed to meet with all directorate DMTs on a regular basis to receive feedback and to ensure a thorough evaluation of the service.	Dean Shoesmith, Chief People Officer			

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
6.	That officers are asked to engage with organisations including the Greater London Employment Forum when preparing the People Strategy.	Councillor Jason Cummings, Cabinet Member for Finance	Accepted The draft People Strategy is currently under development, and when completed it will be sent to London Council's for their professional overview and input to provide external perspective	Dean Shoesmith, Chief People Officer			
7.	That the Chair of Scrutiny is given the opportunity to input into the latest constitutional review, where appropriate.	Councillor Jason Cummings, Cabinet Member for Finance	This recommendation is accepted. The Chair of the General Purposes Committee (responsible for amendments to the Constitution) to be advised of this request. The opportunity to input may be more appropriate on proposed changes relating to the scrutiny function. The Statutory Scrutiny Officer to liaise with the Monitoring Officer to take this forward.	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	January 2023	TBC

Agenda Item 7

REPORT:	Cabinet 25th January 2023	
DATE OF DECISION	25th January 2023	
REPORT TITLE:	Period 7 Financial Performance Report	
CORPORATE DIRECTOR / DIRECTOR:	Jane West, Corporate Director of Resources (Section 151)	
LEAD OFFICER:	Jane West, Corporate Director of Resources (Section 151) jane.west@croydon.gov.uk 020 8726 6000 Ext 27320	
LEAD MEMBER:	Councillor Jason Cummings Cabinet Member for Finance	
AUTHORITY TO TAKE DECISION:		
KEY DECISION	[Yes] or [No]	NO
CONTAINS EXEMPT INFORMATION	[NO]	NO
WARDS AFFECTED:	ALL	
SUMMARY OF REPORT: This report provides the Council's forecast outturn as at Month 7 (October 2022) for the General Fund (GF), Housing Revenue Account (HRA) and the Capital Programme (CP). The report forms part of the Council's financial management process for publicly reporting financial performance monthly.		

FINANCIAL IMPACT

	Forecast Variance Month 7	Forecast Variance Month 6	Movement
	£m	£m	£m
General Fund over/(underspend)	0.0	0.0	(0)

The General Fund forecast at Month 7 continues to show a balanced budget. However, the £6.6m inflation provision that was being held at Month 6 has been mostly used-up funding the additional cost of the pay award for 2022/23. In addition, there is now no forecast contribution to reserves (£1.8m contribution at Month 6). There remains £0.9m in the corporate inflation contingency budget unallocated as a hedge against further pressures impacting budgets in the remainder of the year.

This report sets out further risks and opportunities. This indicates a net risk of **£5.9m** (risks **£10.3m** and opportunities of **£4.4m**).

	Forecast Variance Month 7	Forecast Variance Month 6	Movement
	£m	£m	£m
Housing Revenue Account over/(underspend)	4.6	4.4	0.2

The Housing Revenue Account is forecasting a **£4.6m** overspend against budget at the end of the year. The main pressures remain utility inflation, increases in legal disrepair costs and void rents.

	Revised Budget 2022/2023	Actual Spend as at 31/10/22	Forecast for year end 2022/2023	Forecast Variance for year end 2022/2023
	£m	£m	£m	£m
Total General Fund and HRA Capital Programme	118.851	26.122	102.541	(16.310)

The Capital Programme has spent **£26.122m** against a **£118.851m** budget at Month 7. The end of year position is forecast to be an underspend of **£16.310m**.

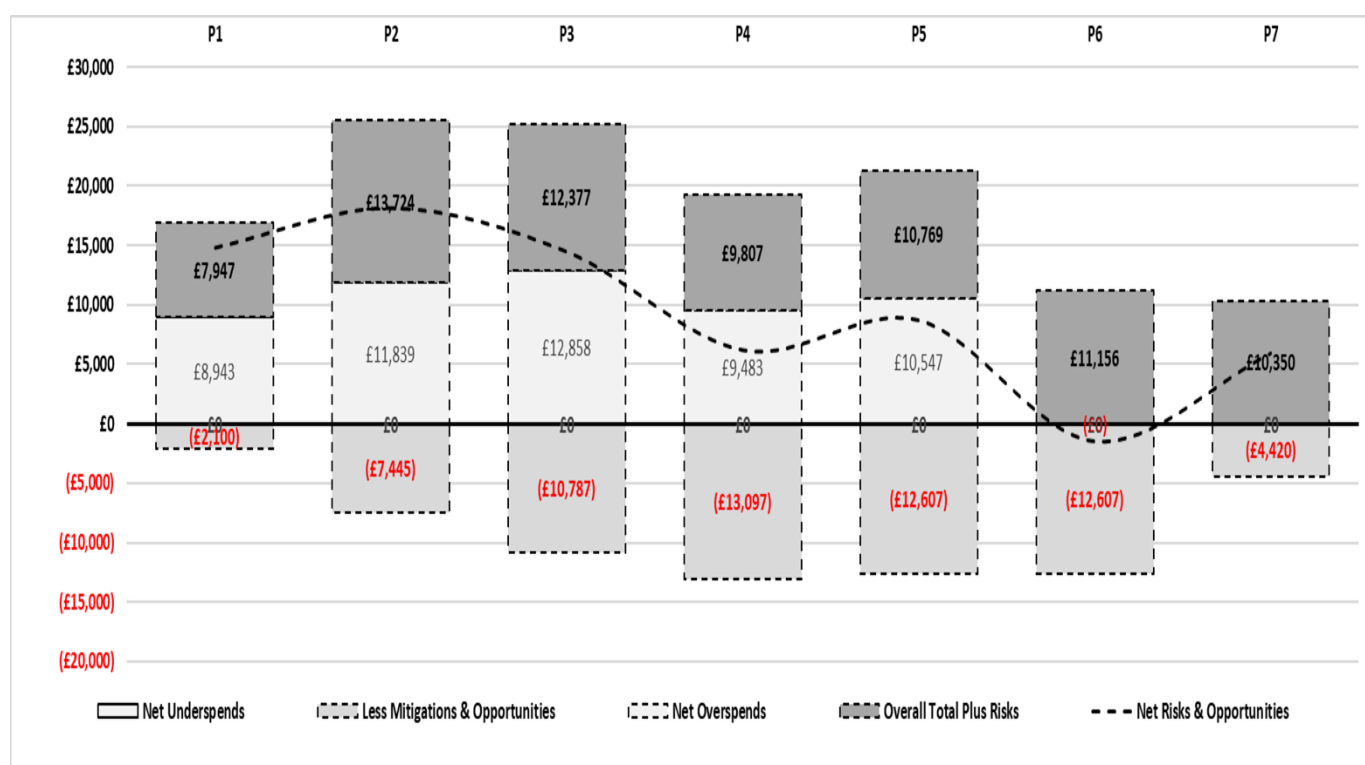
The Executive Mayor in Cabinet is recommended to:

- 1.1 Note the General Fund is forecast to be balanced at Month 7. Service directorates are indicating a £20.656m overspend. This is offset by £4.769m corporate underspend, £4m use of earmarked inflation reserves, £5m use of the general contingency budget and the budgeted £6.8m contribution to General Fund Balances being released.
- 1.2 Note the forecast elimination of the planned contribution to General Fund Reserves of £6.9m for 2022/23.
- 1.3 Note that a further number of risks and compensating opportunities may materialise which would see the forecast change.
- 1.4 Note the actions being taken through the Deficit Recovery plan. Further details are in paragraph 2.16.
- 1.5 To approve the non-delivery of the MTFS savings as indicated within Table 5 and detailed in Appendix 3.
- 1.6 Note the Housing Revenue Account (HRA) is projecting a £4.586m overspend, due to inflation, disrepair costs and void rents.
- 1.7 To approve the capital slippage related to expenditure and financing from 2021/22 of £20.261m as advised in section 6 (Table 6 and 7), and to approve the net reprofiling and additions of £37.505m resulting in a revised capital programme of £118.851m for 2022/23.
- 1.8 Note the Capital Programme spend to date for the General Fund of £16.084m (against a budget of £93.236m) with a projected forecast underspend of £12.165m for the end of the year.
- 1.9 Note the Housing Revenue Account Capital Programme spend to date of £9.318m (against a budget of £25.165m), with a projected forecast underspend of £4.145m for the end of the year.
- 1.10 Note, the above figures are predicated on forecasts from Month 7 to the year end and therefore could be subject to change as forecasts are made based on the best available information at this time.
- 1.11 Note, the Council continues to operate a Spend Control Panel to ensure that tight financial control and assurance oversight are maintained. A new financial management culture is being implemented across the organisation through increased scrutiny, such as the monthly assurance meetings, improved communication and budget manager training from CIPFA.

2. EXECUTIVE SUMMARY

- 2.1. The Financial Performance Report (FPR) is presented to each Cabinet meeting and provides a detailed breakdown of the Council's financial position and the in-year challenges it faces. It covers the General Fund, Housing Revenue Account and Capital Programme. The Financial Performance Report ensures there is transparency in the financial position, and enables scrutiny by the Executive Mayor, Cabinet, Scrutiny, and the public. It offers reassurance regarding the commitment by Chief Officers to more effective financial management and discipline.
- 2.2. The General Fund revenue forecast outturn for Month 7 continues to show a balanced position. There has been an increased pressure in departments which has been offset again reducing the planned contribution to reserves and the amount held back in contingency for future inflationary pressures.
- 2.3. There are a further set of risks and opportunities, which indicate a net risk of £5.9m (risks £10.3m and opportunities of £4.4m). The risks are not yet sufficiently developed to be included in the outturn forecast. Depending on how the risks and opportunities materialise, they may have a further negative impact on the projected outturn forecast. Should all the risks materialise, and none of the mitigations be effective, the Council is forecast to overspend by £10.350m. Key drivers of the projected overspend are non-delivery of savings agreed at Full Council in March 2022 and other new pressures previously not anticipated. However, if none of the risks materialise and all the opportunities are delivered, the Council will underspend by £4.420m. The risks and opportunities are detailed in Appendix 3-6 of the report and summarise in Table 5 by directorate.
- 2.4. The Financial Performance Report for Month 7 predates the issuing of the s114 notice on 22 November 2022 and any impact of the increased spend controls introduced will be reflected in future months' reports. It should be noted that the s114 notice was issued to address the 2023/24 financial forecast.
- 2.5. The chart below illustrates the trend in the monthly monitoring reports for this financial year and shows both the forecast as well as the quantum of risks and opportunities, together with the impact should all risks and opportunities fully materialise (dashed line).

Chart 1 – Monthly financial movements on Monthly Forecast, Risk & Opportunity



- 2.6. Work continues to bring the pressures down and find mitigations to ensure the Council stays within budget. The impact of the in-year position is also being considered as part of the planning for 2023/24.
- 2.7. The Housing Revenue Account is forecasting an overspend of £4.586m (an increase of £0.161m on the Month 6 forecast).
- 2.8. The Capital Programme for both the General Fund and Housing Revenue Account is reporting a total expenditure to date of £26.122m of which £16.804m is General Fund and £9.318m Housing Revenue Account. The overall capital spend is projected to be £102.541m against a revised budget of £118.851m. This will result in a £16.310m underspend to budget.
- 2.9. The 2022/23 General Fund budget includes the use of a £25m capitalisation direction. This follows the use of a £50m capitalisation direction in 2021/22. The capitalisation direction was approved (minded to) by the Department of Levelling Up, Housing and Communities (DLUHC) in March 2022 subject to regular positive reports from the Improvement and Assurance Panel and the Budget was approved at Full Council on 7th March 2022. It should be noted that capitalisation directions provide one-off support for a financial year and do not resolve the underlying financial pressures that require their use.
- 2.10. This report forms part of the reporting framework on the delivery of the Croydon Renewal Plan by ensuring the delivery of the Council's budget is reported monthly and transparently.

- 2.11. The format of this report will continue to evolve and expand as it will be important for the Council to be able to identify the additional pressures that the global economic crisis is causing in inflation and the impact on supplies and services the Council provides.
- 2.12. The Council continues to build on the improvements in financial management that were made over the past year, however there is a considerable amount yet to do, which is fully recognised within the organisation.
- 2.13. The Medium-Term Financial Strategy 2023/24 to 2025/26 Update report to Cabinet on 30 November 2022 set out the latest on the Council's financial position. The "Opening the Books" programme initiated by the Executive Mayor has revealed further historic legacy issues, referred to in previous Finance Performance Reports along with mistakes in the budget set for 2022/23, that have undermined the ability of the Council to become financially and operationally sustainable over the current agreed medium term financial strategy. The report set out in detail these issues, the reasons behind the issuing of a Section 114 Notice in relation to balancing the Council's budget from 2023/24 onwards, and the state of negotiations with DLUHC to agree a further package of support.
- 2.14. A monthly budget assurance process and independent challenge of expenditure by the Improvement and Assurance Panel takes place. This is in addition to Cabinet, and Scrutiny and Overview review. The monthly budget assurance process has been reviewed and strengthened based on the learning from last year. The aim of the officer assurance meetings is to provide the Corporate Director of Resources (Section 151 Officer) and the Chief Executive with an opportunity to scrutinise and challenge the forecast outturn, review risks and opportunities to mitigate, challenge the use of accruals and provisions, ensure savings are delivered and income targets are met. The meetings ensure the Council is doing all it can to reduce overspends and deliver a balanced budget.

Deficit Recovery Plan

- 2.15. Each Directorate has been asked to identify mitigations and in year cost reductions to ensure that the Council brings its expenditure within budget. Table 1 sets out the mitigations put in place. Where the proposals are confirmed, their impact is already included in the projected outturn for the year. Where there is further work required to confirm them, they are included in this report as opportunities.

Table 1 – Deficit Recovery Plan

	£m	
Delivery Plans in Forecast		
Duplication of interest costs budget in Resources	2.400	Included within Resources forecast.
Increased Court Costs Income	0.700	Included within Resources forecast.
Council Tax Support Scheme	1.100	Included within Resources forecast.
Reduction in loan non-repayment provision	1.400	The Council plans to release a £1.4m provision previously set aside to support potential risks to commercial loans. The loan is now likely to be repaid in full.
Election Account	0.241	Included within Assistant Chief Executive forecast
Forecast Total	5.840	
Delivery Plans as Opportunities		
Public Health	1,000	Cross directorate reallocations of budgets, detailed in opportunities.
Housing Benefits	0.850	Included within Resources opportunities
Staff changes	0.100	Included within Resources opportunities
Children's Services Legal Costs	0.285	Included within Children's opportunities
CIL substitution for General Fund expenditure	0.500	Included within SCRER's Opportunities
Delays in the capital programme	0.605	Reduced amount of £605k included within Corporate as opportunities
Opportunities Total	3.340	
Grand Total	9.180	

2.16. Work will continue to ensure the Deficit Recovery Plan supports the Council's financial position. The macroeconomic climate is causing further pressure on the Council particularly from a very tight labour market and significant inflationary pressures. Energy expenditure will increase considerably as the UK sees significant increases in wholesale costs. The Council is mindful of the Chancellor's announcement with regards to Energy Bill Relief Scheme which will help towards some of these costs. Further review will need to be done on this however, this proposal will allow the Council to apply for discounts on its energy bills, which will be provided by the energy supplier. The energy supplier will then be able to claim the funds from Government.

Reserves

- 2.17. When the 2022/23 budget was set £6.887m was set aside to add to General Fund Balances. The current financial position of the Council means that at Month 7 the full £6.887m is being released to balance the budget. The position is set out in Table 2 below:

Table 2 – General Fund Balances

General Fund Balances	Budget 2022/2	Forecast Outturn
	£m	£m
Balance at 1st April 2022	27.5	27.5
Planned Contributions to/(from) Reserves	6.9	0
Balance at 31st March 2023	34.4	27.5

Unresolved Issues

- 2.18. The Council's overall financial position is still subject to a number of unresolved issues. The latest position on these was set out in the 30 November 2022 Cabinet report titled 'Medium Term Financial Strategy 2023/24 to 2025/26 Update'. This report identified that the legacy adjustment required in relation to Croydon Affordable Homes/Croydon Affordable Tenues is likely to be a reduction to reserves of £9m. This is not yet fully resolved and a further adjustment, reducing reserves by a further £61m, may still be necessary. As well as this adjustment, further legacy adjustments have been identified for the 2019/20, 2020/21, 2021/22 and 2022/23 accounts arising from historic accounting errors. These total a reduction to reserves in those years of £74.6m. Many of the legacy issues identified also need to be adjusted in the Medium-Term Financial Strategy on an ongoing basis.

3. COST OF LIVING CONSIDERATIONS

- 3.1. This report focuses on the Council's budget forecast. It highlights that there are a number of inflationary pressures that the Council, like all local authorities, is managing. The inflation level is at the highest level for 40 years. This impact goes beyond the Council – cost of living is affecting all households and businesses.
- 3.2. These macro-economic factors are impacted by international events, and therefore well beyond the controls of Croydon Council. Despite the limitations, the Council is seeking to support households wherever possible.
- 3.3. A dedicated cost of living information hub has been established on the Council's website. This provides a single source of information, informing residents of the financial support available and signposting to further support, advice and guidance. This information is continually reviewed, updated and improved.
- 3.4. At a national level, household support has been announced in the form of a revised energy price guarantee, designed to limit the inflation on household

energy bills. Households with a domestic energy connection are eligible for a £400 discount this winter. Residents on means-tested benefits will receive a £650 cost of living payment from Government.

3.5. The Council provides a wide range of support for residents that may be struggling due to the cost of living pressures. These include:

- Discretionary support fund for residents in financial hardship
- Council Tax support – For residents on a low income or in receipt of benefits, Council Tax bills could be reduced by up to 100%
- Benefits calculator, to ensure residents receive all the support they are entitled to
- Energy advice, including heating and money saving options, through our Croydon Healthy Homes service
- Free holiday activity clubs with healthy meals for children
- Croydon Works to help residents into employment or get training to get them in to work

3.6. The cost of living information hub also signposts residents to a range of support provided by other organisations in Croydon, including:

- NHS Healthy start vouchers for families
- Free school meals
- Support from voluntary, community and faith sector organisations
- Support for businesses through the London Business Hub and the British Business Bank
- CroydonPlus credit union offers affordable ways to manage money, including savings accounts and loans

4. DETAILED FINANCIAL POSITION

4.1. The Month 7 financial forecast is driven by £14.713m described as the non-delivery of savings but is more a reflection of the issues around the accuracy of budgets, £5.182m of departmental pressures offset by a £5.795m corporate underspend, £4.000m use of earmarked reserves, £5.000m use of the general contingency budget and a budgeted £6.887m contribution to General Fund Reserves no longer going ahead.

4.2. The detailed forecast outturn per Directorate for the General Fund is shown below in Table 3.

Table 3 – Month 7 Forecast per Directorate

	Forecast Variance as at Current Month 7		Forecast Variance as at Prior Month 6	Change From Month 7To 6		Savings Non- Delivery as at Month 7	Other Pressures as at Month 7
	(£,000's)		(£,000's)	(£,000's)		(£,000's)	(£,000's)
Children, Young People and Education	(1386)		(1,265)	(120)		1,090	(2,476)
Adult Social Care and Health	(1,097)		(1,064)	(33)		5,314	(6,411)
Housing	3,517		3,589	(72)		1,761	1,756
Sustainable Communities Regen & Economic Recovery	14,663		14,894	(231)		5,743	8,920
Resources	5,200		4,714	487		172	5,028
Assistant Chief Executive	(241)		(974)	732		412	(653)
Departmental Total	20,656		19,895	762		14,492	6,164
Corporate Items & Funding	(20,656)		(19,895)	(762)		-	(20,656)
Total General Fund	(0)		0	(0)		14,492	(14,492)

- 4.3. Net overspends and underspends within the service budgets are presented as a forecast variance (as per Table 3) and are additionally classified as either non-delivery of agreed in year savings or other pressures which were not foreseen or quantifiable at the time of setting the budget.

Risks and Risk mitigations

- 4.4. The outturn forecast excludes further potential risks and risk mitigations which are summarised in Table 5 and detailed out in Appendix 5. Risks are split into MTFS savings risks and other risks. Savings risks relate to savings proposals that were approved at Full Council in March 2022. Other risks are risks that have arisen from other operational challenges but not related to the delivery of savings. Risk mitigations are proposals that the services have identified that would mitigate their risks and help bring spend back within budget.

MTFS Savings

- 4.5. Savings are at various stages of delivery, and it is important that the Council transparently reports progress. Savings which are not deliverable are included within the forecast as overspends. Table 4 provides a summary of progress per directorate on delivery of their savings targets. Both savings not delivered and those at risk of non-delivery are detailed in Appendix 3 and 4 of this report.

Table 4 – Progress on MTFS Savings

Division	Target Value £'000s	Balance Not Delivered (In Forecast) £'000s	On Track Value £'000s	Delivered Value £'000s	Current Month At Risk Value £'000s	Prior Month At Risk £'000s	Change from Prior Month At Risk £'000s
Children, Young People and Education	(9,564)	1,090	7,336	1,077	61	1,141	(1,080)
Adult Social Care and Health	(16,500)	5,314	1,851	8,364	971	519	452
Housing	(2,841)	1,761	682	0	398	0	398
Sustainable Communities Regen & Economic Recovery	(12,396)	5,743	2,969	967	2,718	2,718	0
Resources	(3,029)	172	2,857	0	0	0	0
Assistant Chief Executive	(9,543)	412	8,281	250	600	600	0
TOTAL FOR MTFS	(53,873)	14,492	23,976	10,658	4,748	4,978	(230)

4.6. The detail of each opportunity and risk both those that are quantifiable and non-quantifiable can be seen in detail in appendix 5 and 6 to this report. Table 5 below gives a summary of the risks and opportunities by department.

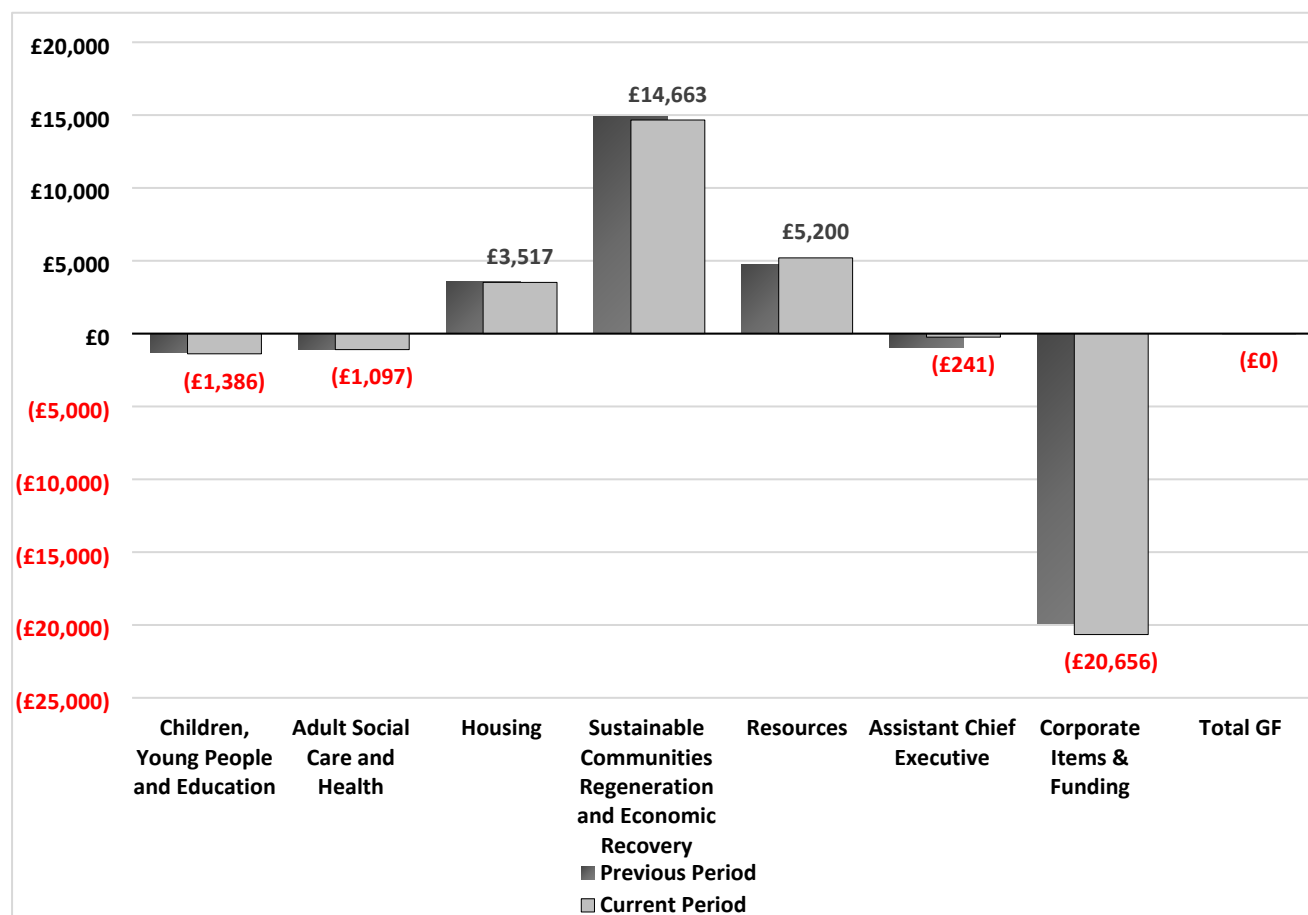
Table 5 – Summary of Risks and Opportunities

	MTFS Savings - At Risk	Other Quantifiable Risks	Quantifiable Opportunities	TOTAL
	£'000	£'000	£'000	£'000
Children, Young People and Education	61	2,698	(1,783)	976
Adult Social Care and Health	971	-	(380)	591
Housing	398	1,250	-	1,648
Sustainable Communities Regen & Economic Recovery	2,718	1,654	(1,292)	3,080
Resources	-	-	-	-
Assistant Chief Executive	600	-	(360)	240
Corporate Items & Funding	-	-	(605)	(605)
Total Month 7	4,748	5,602	(4,420)	5,930
Total Month 6	4,978	4,444	(12,607)	(3,186)
Variance	(230)	1,158	8,187	9,115

DIRECTORATE VARIANCES

4.7. The chart below shows the forecast by Directorate for both the current and previous month:

Chart 2: Forecast per Directorate as at Month 7



4.8 Children, Young People and Education (CYPE)

At Month 7 a **£1.386m underspend** has been forecast alongside £0.061m of MTFS savings at risk of non-delivery together with £2.698m of other risks against £1.783m of opportunities. This is a favourable movement from Month 6 of £0.410m.

The £1.386m underspend is the net position of a £0.300m incorrect public health income budget which will be offset with a net benefit of £1.686m through underspends in Quality, Commissioning and Performance Improvement of £0.808m, Children's Social Care of £0.920m and an overspend of £0.042m in non-DSG Education services.

The Directorate has also identified £2.698m of other risks which if realised could have a material impact on the CYPE forecast. These relate to cost pressures such as inflationary pressures above and beyond Council budgets and loss of income or contribution from the Council's partners.

However, the Directorate has identified potential opportunities of £1.783m from re-purposing grants and reducing legal costs substantially due to a reduction in age related assessment challenges.

4.9 Adult Social Care and Health (ASCH)

At Month 7 an **underspend of £1.097m** is forecast which is an improvement of £0.031m. This includes £10.215m savings achieved or on track, £0.971m savings are at risk of non-delivery and £5.314m savings are not deliverable. Quantified opportunities remain the same as period 6.

The forecast underspend of £1.097m is a net position, the key items being:

- £2.962m Underspend in staffing which, in return, is a barrier to achieving savings. This is an increased underspend of £0.785m. There is a national shortage of both social workers and occupational therapists, recruitment to many roles is proving challenging.
- £0.668m Underspend following the detailed of 21/22 accruals for planned care cost. It is usual that care is delivered at a lower level than planned for many reasons including delayed hospital discharge, temporarily staying with family etc. However, this year is slightly higher than normal which is believed to be Covid related.
- £5.295 Non delivery of savings which had previously been shown as at risk, £3.215 in 18-65 Disabilities, £1.195m in Over 65 Localities and a £0.380 incorrect Public Health income budget which will be corrected. This is being mitigated by managing demand for care and other underspends.
- £0.555m Overspend in care for 18–25-year-old Transitions clients which is a reduction of £0.073m from month 6.

Unquantified Risks present continued concerns as to impact upon the Directorate budget over the remainder of the financial year:

- Potential post COVID-19 latent demand working through the population resulting in additional care package placements and community equipment.
- Inflation, rising fuel costs will result in significant expenditure for ASC Providers – may result in claims for increased fees and/or financial instability with potential for ‘handing back’ contracts.
- Hospital discharge pressure as current system risk is running at winter activity levels due to COVID-19. To assist pressures in the health and care system, the Adult Social Care Discharge Fund has recently been announced which should mitigate the worst of these pressures.

- High vacancy rate is caused by significant challenges in recruitment across the Directorate. This means staff are focussed on statutory delivery, rather than transformation. This is a national issue.

Continued detailed analysis of demand and cost will take place each month to the end of the financial year to enable, where possible, an estimate of the value of these current Unquantified Risks as listed.

Finance continues to work closely with the service to improve reporting and monitoring for finance and performance data to give additional quality assurance.

4.10. Housing

At Month 7, Housing is forecasting a **£3.517m overspend** when compared to budget. This is largely a result of the ongoing pressure within the Emergency accommodation area (£2.6m overspend) and other pressures within the longer term leased temporary accommodation (£1.2m) against which there are small underspends to offset in some part these pressures within homelessness support.

The forecast is reflective of the rapidly worsening housing market within London within 2022 as private sector landlords are increasing rents or leaving the market; tenants are struggling with the cost-of- living crisis.

There has also been a concerted effort to hold homelessness accommodation costs down across London through partnerships with organisations like Capital Letters and via the agreed Pan-London temporary accommodation rates. The rates can no longer be contained through as demand outweighs available affordable supply. At a recent Pan London meeting, all boroughs confirmed that they are no longer paying the agreed Pan London rates to ensure they meet their demand challenges. A combination of all these factors has led to an increase in both the average cost of emergency and temporary accommodation that Croydon can secure to meet demand, as well as an increase in the use of nightly paid emergency accommodation to compensate for the loss of some longer-term leased accommodation because of landlords leaving the market.

Transformation projects are underway to review and change processes within the department with the aim of preventing homelessness to reduce the use of emergency accommodation, increasing tenant move-ons into settled housing solutions and becoming more commercial focused in negotiations with private landlords to improve our property supply. Whilst every effort is being made to reduce the overspend and improve the position moving into 2023/24 the pressures in the market will remain challenging.

4.11. Sustainable Communities, Regeneration & Economic Recovery (SCRER)

In Month 7, SCRER is forecasting a net **overspend of £14.663m**.

The main area of overspend relates to £13.6m shortfall in parking income, £0.839m relating to streetlighting energy costs and £0.5m SEN transport costs. This position has moved favourably from Month 6 by £0.231m.

There are also £1.654m other risks identified and £2.718m of MTFS savings at risk. However, the service has identified £1.292m of opportunities which will need to be worked through to confirm their achievability.

The service areas that are experiencing these overspends are within the Sustainable Communities division and particularly in the parking teams. Demand for parking services has not returned to pre-pandemic levels and this is affecting all areas of parking which includes, ANPR, pay and display and on-street parking. The division is also expecting delays in obtaining a license from government to run the Selective Licensing scheme which is further adding pressure of £1.580m.

The Council applied to renew its Landlord Licensing scheme in 2021/22 to the Department of Levelling Up, Housing and Communities (DLUHC). The Council budgeted for £1.5m of income that would be achievable from the scheme in this financial year. However, the scheme was rejected by the Secretary of State for DLUHC due to the lack of a Housing Strategy, one of the requirements for the scheme. The development of the Housing Strategy is being progressed but has not yet been completed due to the many other pressures on the Housing Service and the focus on the delivery of the Housing Improvement Plan. It also requires a review of the Council's policy for Landlord Licensing. It is expected that this will not be completed within the next 12 months and therefore for prudence the service is forecasting the non-delivery of the £1.5m income target.

Further pressures are experienced within Planning and Sustainable Regeneration Services particularly in relation to Building Control income and income from Planning.

4.12. Resources

At Month 7, there is a **£5.200m overspend** projected which is an adverse movement from Month 6 of £0.486m. This movement primarily relates to the re-basing of the income targets for Legal services recharges across the Council £0.633m and a review of the forecast for external legal fees down by £0.398m. This is offset by an increase in Insurance recharge to the HRA for premiums following a review of £0.681m.

The forecast overspend for the year is largely related to loss in housing benefit (HB) The predicted £7.685m overspend on HB is due to the difference between the value of HB expenditure and funding received from DWP on support exempt and temporary accommodation. A cross council working group is currently working to mitigate this over the next few years. This is offset by a net saving of £1.550m in Estates, Asset Management & Facilities. This relates to an historic budget for interest costs which is already covered within a corporate budget, offset by MTFS savings targets that are unachievable.

Currently there is a predicted overspend of £0.279m in Corporate Finance & Treasury. This relates to higher than budgeted spend on specialist finance work and agency costs pending a restructure of the department.

There are no additional savings at risk and no further risks are reported at this point. Unquantifiable opportunities of £0.950m have been identified to try and mitigate the HB subsidy loss in year and reduce staffing costs.

4.13. Assistant Chief Executive

At Month 7, a **£0.241m underspend** is being projected, which is an adverse movement of £0.732m from month 6. The bulk of this movement relates to the final results of a review of salaries funded from capital and transformation within Croydon Digital & Resident Access and a tightening of the capitalisation policy. This has led to an increase in salaries funded from the general fund £1.237m. This has been mitigated by a more favourable forecast for salaries in the Policy, Programme and Performance Team as officers continue to manage vacancy savings of £0.208m and approval for draw down of transformation fund, as additional project staff have been recruited to support the change programmes across the organisation £0.192m. Further planned staffing reviews and holding of vacancies have achieved savings of approximately £0.409m across the Directorate. A review of the Learning & Development budget has led to a saving of £0.100m.

Work is still being carried out to review fees and charges which were devolved to the service without consideration of demand. This will be concluded for P8. The council wide exercise that is taking place will enable the services within ACE to more accurately forecast income and until such time that this is completed, the pressure of £0.205m is factored within the forecast. The rationalisation of software applications project has identified £0.450m of mitigations, which have been included within the forecast. Whilst the remaining £0.300m cannot be met, this is being mitigated down by in year savings. This is not sustainable for 2023/24 onwards. A directive to stand down agency staff for two weeks over the Christmas period will go some way to mitigate the £0.600m saving for agency costs.

4.14. Corporate Budgets

At Month 7, the corporate position is projecting an **underspend of £20,656m**. The corporate budget holds funding and financing streams such as Council Tax, Business Rates income share and General Revenue Support Grant income. The corporate budget also allocates Council wide risk contingency, inflation growth budgets and budgets to fund corporate debt and interest charges.

The corporate projection is after the release of known inflationary pressures and the release of contingency for the impact of the pay award. It also includes a small contingency for further inflation pressures are likely to impact the Council's budget during the remainder of the year. The current uncommitted balance of the corporate inflation provision will be held as a hedge against further pressures. The corporate projection also reflects underspends against contingency budgets

and risk provisions. A provision of £1.400m has been released and relates to risks to a key commercial loan which is now expected to be fully paid back in full.

A one-off £4.0m of reserve drawdown will support the in-year inflationary pressures that the Council is facing. An opportunity has been identified due to the reversal of the 1.25% National insurance increase.

As set out in paragraph 2.17 the Month 7 forecast reflects that there will be no contribution to General Fund balances.

- 4.15. The report identifies savings at risk and mitigations for both the current and future years. Where risks are quantified currently, these are based on high level information and directorate experience of the service.

5. Housing Revenue Account (HRA)

- 5.1 At Month 7 HRA is forecasting a **£4.586m overspend** compared to budget. The pressure to budget is made up of an additional £1.8m on existing utilities costs as well as disrepair and legal compensation costs increases of £1.5m. Forecasts have also been included recognising the additional inflationary pressure on the repairs service and increased costs of managing the estates.
- 5.2 While there are some minor underspends that offsetting the increases costs further work to review all budgets and recharges across the HRA is being undertaken to mitigate the pressures.

Table 5 – Housing Revenue Month 7 forecast

SERVICES	Projected Variance Month 7	Variance For Month 6	Change From Previous Month	Explanation of Variations
	£'000	£'000	£'000	
Responsive Repairs and Safety	1,337	1,392	(54)	Legal Disrepairs compensation forecast has been increased by £752k. Responsive Repairs pressure of £700k has now being absorbed by capitalisation of other Responsive Repair costs. Other savings have been moved to balance the Responsive Repair re-procurement activity.
Asset Planning and Capital Delivery	(115)	(74)	(41)	There remain a number of staff vacancies within this service area. These vacancies have reduced from Month 5.
Allocations Lettings and Income Collection	1,366	1,248	117	The potential risk due to cost of living has now been factored into the forecast as pressure. The projected void losses are based on Month 6 performance. A programme is in place to address this. This pressure also includes garage rental voids

SERVICES	Projected Variance Month 7	Variance For Month 6	Change From Previous Month	Explanation of Variations
	£'000	£'000	£'000	
Allocations Lettings and Income Collection	(65)	(96)	31	Reduction in forecast for Safety Equipment
Tenancy and Resident Engagement	2,563	2,454	108	Reduction in forecast for Grounds Maintenance & Legal. The forecast overspend is made up of an additional £1.8m pressure on utilities. Additional grounds maintenance costs; legal fees and legacy water charges are also included in the pressure.
Directorate & Centralised costs	(500)	(501)	1	There are vacancies within the centralised budgets. There is also a review underway to ensure charges have been correctly posted to other service areas within the HRA
	4,586	4,424	161	

6. Capital Programme

- 6.1 The General Fund and Housing Revenue Account capital programmes have currently spent **£26.122m** to the end of Month 7. This is against a revised budget of **£118.851m** which is subject to approval as part of this report. The budget includes proposed slippage of £20.261m from 2021/22 for schemes that had not yet been completed and budget adjustments which have occurred due to a review and reprofiling of capital projects amounting to £37.505m. These adjustments are as a result of a Review of current schemes that are already in the programme that need to be reprofiled and new schemes.
- 6.2 Forecast spend for the year is **£102.541m** against the revised budget resulting in a forecast underspend of **£16.310m**.
- 6.3 Table 6 below summarises the capital spend to date by directorate with further details of individual schemes provided in Appendix 2. Table 7 gives details of how the capital programme is financed.

Table 6 – Capital Programme as at Month 7

General Fund Capital Programme	Approved Budget	Proposed Slippage Subject to Approval	Budget Adjustment	Revised 2022-23 Budget	Actual	Forecast as at M7	Variance
	2022/23	2022/23	2022/23	2022/23	2022/23	2022/23	2022/23
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Adult Social Care and Health	1,707	-	(1,587)	120	30	30	(90)
Housing	3,493	999	(100)	4,392	988	3,501	(891)
Assistant Chief Executive	14,028	2,659	(9,722)	6,965	2,165	6,965	(0)
Children, Young People and Education	15,964	4,730	(13,989)	6,705	2,739	7,052	347
Sustainable Communities Regen & Economic Recovery	37,861	9,576	(10,300)	37,137	9,048	27,799	(9,338)
Resources	11,834	2,142	(5,108)	8,868	1,834	6,675	(2,193)
Corporate	2,500	-	1,549	4,049	-	4,049	-
Capitalisation Direction	25,000	-	-	25,000	-	25,000	-
General Fund Total	112,387	20,106	(39,257)	93,236	16,804	81,071	(12,165)
HOUSING REVENUE ACCOUNT	23,708	155	1,752	25,615	9,318	21,470	(4,145)
LBC Capital Programme Total	136,095	20,261	(37,505)	118,851	26,122	102,541	(16,310)

Table 7 – Capital Programme Financing as at Month 7

	Approved Budget	Proposed Slippage Subject to Approval	Budget Adjustment	Revised 2022-23 Budget	Forecast as at M7	Variance
	2022/23	2022/23	2022/23	2022/23	2022/23	2022/23
	£'000	£'000	£'000	£'000	£'000	£'000
General Fund						
CIL	7,427	189	61	7,676	8,152	476
s106	2,965	548	(2,652)	861	2,396	1,535
Grants & Other Contributions	33,747	6,514	(11,084)	29,177	17,533	(11,644)
Capital Receipts	2,500	-	4,049	4,049	4,049	-
Reserves	70	-	(70)	-	-	-
Borrowing	65,678	12,855	(27,061)	51,472	48,941	(2,531)
Total General Fund Financing	112,387	20,106	(39,257)	93,236	81,071	(12,165)

	Approved Budget	Proposed Slippage Subject to Approval	Budget Adjustment	Revised 2022-23 Budget	Forecast as at M7	Variance
	2022/23	2022/23	2022/23	2022/23	2022/23	2022/23
	£'000	£'000	£'000	£'000	£'000	£'000
HRA						
Grant			1,200	1,200		(1,200)
MRR	14,059		(1,723)	12,336	12,336	-
Revenue				-		-
Reserves	9,649	155	98	9,902	9,134	(768)
Borrowing			2,177	2,177		(2,177)
Total HRA Financing	23,708	155	1,752	25,615	21,470	(4,145)
Total GF & HRA Financing	136,095	20,261	(39,138)	118,851	102,541	(16,310)

6.4 The Month 7 forecast financing indicates a reduction of £2.5m of borrowing required this financial year for the General Fund and a £2.2m reduction in the borrowing required for the Housing Revenue Account.

7 FINANCIAL AND RISK ASSESSMENT IMPLICATIONS

7.1 Finance comments have been provided throughout this report.

7.2 The Council continues to operate with internal spending controls to ensure that tight financial control and assurance oversight are maintained, and a new financial management culture is being implemented across the organisation through increased communication on financial issues and training for budget managers.

7.3 In-year savings are being sought across the Council to mitigate the projected overspend. Early actions are reported in the opportunities contained within this report. The impact of the in-year position is also being considered as part of the budget planning for 2023/24.

7.4 The Council currently has a General Fund Reserve of £27.50m which serves as a further cushion should not all the overspend be eliminated by the end of 2022/23. However, any use of these reserves would have to be reinstated in later financial years as it's a one-off support and not a permanent solution.

(Approved: Jane West – Corporate Director of Resources & S151 Officer)

8 LEGAL IMPLICATIONS

- 8.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Legal Services and Monitoring Officer that the Council is under a statutory duty to ensure that it maintains a balanced budget and to take any remedial action as required in year.
- 8.2 Section 28 of the Local Government Act 2003 provides that the Council is under a statutory duty to periodically conduct a budget monitoring exercise of its expenditure and income against the budget calculations during the financial year. If the monitoring establishes that the budgetary situation has deteriorated, the Council must take such remedial action as it considers necessary to deal with any projected overspends. This could include action to reduce spending, income generation or other measures to bring budget pressures under control for the rest of the year. The Council must act reasonably and in accordance with its statutory duties and responsibilities when taking the necessary action to reduce the overspend.
- 8.3 In addition, the Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's Chief Finance Officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for Cabinet to receive information about the revenue and capital budgets as set out in this report.
- 8.4 The monitoring of financial information is also a significant contributor to meeting the Council's Best Value legal duty and therefore this report also demonstrates compliance with that legal duty.

(Approved by: Sandra Herbert, Head of Litigation and Corporate Law and Deputy Monitoring Officer on behalf of the Director of Legal Services and Monitoring Officer)

9 HUMAN RESOURCES IMPLICATIONS

- 9.1 There are no immediate workforce implications as a result of the content of this report, albeit there is potential for a number of the proposals to have an impact on staffing. Any mitigation on budget implications that may have direct effect on staffing will be managed in accordance with relevant human resources policies and where necessary consultation with recognised trade unions.
- 9.2 The Council is aware that many staff may also be impacted by the increase in cost of living. Many staff are also Croydon residents and may seek support from the Council including via the cost of living hub on the intranet. The Council offers support through the Employee Assistant Programme (EAP) and staff may seek help via and be signposted to the EAP and other appropriate sources of assistance and advice on the Council's intranet.

Approved by Dean Shoesmith, Chief People Officer)

10 EQUALITIES IMPLICATIONS

- 10.1 The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 In setting the Council's budget for 2022/2023, all savings proposals must complete an Equality Impact Assessment. As Officers deliver against the approved budget, including the savings within it, they will continue to monitor for any unanticipated equality impacts. If any impacts arise, officers will offer mitigation to minimise any unintended impact.
- 10.3 The core priority of the Equality Strategy 2020-2024 is to tackle ingrained inequality and poverty and tackling the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice. The budget should take due regard to this objective in relation to each protected characteristic. The Borough's responsibility to asylum seekers, young people, disabled people and their families along with adults utilising social care provision is key to this regard. Though families and single parents are not classed as a protected characteristic under Equality Act 2010, the impact may still be considered locally.
- 10.4 The cost-of-living increase has impacted heavily on the most economically vulnerable in society. Energy increases have led to some vulnerable groups having to make a choice between heating and eating. The support provided to some families by the government will go some way to supporting residents and families in need. Despite proposed increases in fees and charges being below the rate of inflation they may still have a detrimental impact on residents from our most vulnerable groups. This could potentially have an adverse impact on poverty and inequality which may potentially impact on some characteristics more than others. Research identifies the impact on some Disabled groups, communities from the Global Majority, African, Asian, African Caribbean households and other communities, young people. Research also indicates that there is an intersectional impact on young people from racialised communities and both Disabled and pregnant women. Deprivation in borough is largely focused in the north and the east where most ethnic residents from the African, African Caribbean and Asian communities reside.
- 10.5 In setting this budget the Council has sought to mitigate the impact on all residents who may be economically affected at this time. Research states that the protected characteristics that are likely to be most impacted by fee rises and the cost-of-living increase are: young people, African, African Caribbean and Asian communities, Disabled people and some pregnant women. There is also

an intersectional aspect to the impact on equality, such as a higher impact on female dual heritage Disabled individuals and young people from Asian and African/African Caribbean communities have been more affected.

- 10.6 The Council have undertaken a wide range of initiatives to mitigate the effects for those in most need. Details of mitigation for residents is in paragraphs 3.5. Mitigation through support to residents delivered by other local organisations is detailed in paragraph 3.6. The measures include: a cost-of-living hub, a range of financial support and advice including discretionary support and additional support payments, Council tax support, energy advice and a benefit calculator. Residents are also signposted to support from community partners in the delivery of initiatives to support residents such as healthy Schools Clubs. These packages are available to all eligible residents irrespective of equality characteristics and are targeted at those residents who are in the most need.
- 10.7 The full impacts of Covid 19 and long Covid on the Adult Social Care Service are suggested to have an impact on potential spend. This will be exasperated throughout the winter months which see increases in both Covid 19 and flu.
- 10.8 The impact on poverty and inequality may be increased for those residents who were economically affected by Covid 19 and are currently in rent arrears, have debt to energy companies or elsewhere.

(Approved By: Denise McCausland, Equalities Programme Manager, Policy Programmes and Performance)

11 ENVIRONMENTAL IMPACTATIONS

- 11.1 There are no specific environmental impacts set out in this report

12 CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no specific crime and disorder impacts set out in this report

13 DATA PROTECTION IMPLICATIONS

- 13.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

- 13.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO, as the report contains no sensitive/personal data

Approved by Nish Popat – Interim Head of Corporate Finance

List of Appendices

- Appendix 1 – Service Budgets and Forecasts Month 6
- Appendix 2 – Capital Programme Month 6
- Appendix 3 – MTFS savings not delivered and at risk
- Appendix 4 – MTFS Savings At Risk
- Appendix 5 – Other quantifiable and unquantifiable risks
- Appendix 6 – Quantifiable and unquantifiable opportunities

Appendix 1 – Service Budgets and Forecasts Month 7

	Approved Budget	Current Actuals	Full-Yr Forecast	Projected Variance
	(£,000's)	(£,000's)	(£,000's)	(£,000's)
C1410E : ADULT SOCIAL CARE OPERATIONS	107,785	67,705	106,001	(1,784)
C1405E : TOTAL ADULT SOCIAL CARE AND HEALTH DIRECTORATE SUMMARY	1,171	703	1,551	380
C1420E : ADULT SOCIAL CARE POLICY AND IMPROVEMENT	14,734	5,589	15,041	307
TOTAL ADULTS	123,690	73,997	122,593	(1,097)
C1305E : RESIDENT ENGAGEMENT AND ALLOCATIONS	8,144	4,638	11,701	3,558
C1310E : ESTATES AND IMPROVEMENT	80	222	39	(41)
TOTAL HOUSING	8,224	4,860	11,740	3,517
C1110E : SUSTAINABLE COMMUNITIES REGEN & ECONOMIC RECOVERY DIRECTORATE SUMMARY	(266)	454	(938)	(672)
C1120E : SUSTAINABLE COMMUNITIES	22,406	24,471	36,455	14,049
C1130E : CULTURE AND COMMUNITY SAFETY DIVISION	4,522	3,471	4,298	(224)
C1140E : PLANNING AND SUSTAINABLE REGENERATION DIVISION	657	3,789	2,167	1,510
TOTAL SUSTAINABLE COMMUNITIES REGEN & ECONOMIC RECOVERY	27,319	32,184	41,982	14,663
C1605E : RESOURCES DIRECTORATE SUMMARY	(6,922)	273	2,002	8,924
C1610E : DIRECTOR OF FINANCE	9,074	96,815	(130)	(9,204)
C1620E : PENSIONS DIVISION	343	795	9,271	8,928
C1625E : MONITORING OFFICER	2,092	1,217	(6,912)	(9,004)
C1630E : INSURANCE, ANTI-FRAUD AND RISK	1,015	1,684	15,659	14,644
C1640E : LEGAL SERVICES DIVISION	(1,656)	107	292	1,948
C1650E : INTERNAL AUDIT SERVICE	597	729	1,069	472
C1690E : COMMERCIAL INVESTMENT AND CAPITAL DIVISION	11,688	5,087	179	(11,509)
TOTAL RESOURCES	16,231	106,708	21,431	5,200

	Approved Budget	Current Actuals	Full-Yr Forecast	Projected Variance
	(£,000's)	(£,000's)	(£,000's)	(£,000's)
C1205E : CHILDREN, YOUNG PEOPLE AND EDUCATION	583	288	583	-
C1210E : CHILDREN'S SOCIAL CARE	72,564	34,851	71,644	(920)
UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC) AND CARE LEAVERS	(4,630)	(1,428)	(4,630)	-
C1220E : EDUCATION DIVISION - exc DSG	7,073	25,097	7,115	42
C1230E : QUALITY, POLICY AND PERFORMANCE IMPROVEMENT	6,037	1,922	5,529	(508)
TOTAL CHILDRENS, FAMILIES AND EDUCATION	81,709	60,731	80,323	(1,386)
C1505E : ASSISTANT CHIEF EXECUTIVE DIRECTORATE SUMMARY	(93)	486	37	130
C1510E : CROYDON DIGITAL AND RESIDENT ACCESS	23,111	15,244	23,859	748
C1520E : CHIEF PEOPLE OFFICER DIVISION	3,198	2,067	2,920	(278)
C1530E : POLICY, PROGRAMMES AND PERFORMANCE	6,097	6,396	5,256	(841)
C1540E : PUBLIC HEALTH	-	(13,042)	(0)	(0)
C1550E : SERVICE QUALITY, IMPROVEMENT AND INCLUSION	-	(1,719)	0	0
TOTAL ASSISTANT CHIEF EXECUTIVE	32,313	9,432	32,072	(241)
TOTAL	289,486	287,912	310,142	20,656

Appendix 2 – Capital Programme Month 7

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 7	Approved Budget 2022-23	Proposed Slippage Subject to Approval	Budget Adjust- ment	Revised 2022-23 Budget Subject to Cabinet Approval	Actual to Date as at 31/10/22	2022/23 Forecasts as at Month 7	Varia nce for Year
Scheme Name							
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Disabled Facilities Grant	2,993	999	-	3,992	865	2,993	(999)
Empty Homes Grants	500	-	(100)	400	15	400	-
Unsuitable Housing Fund	-	-	-	-	108	108	108
HOUSING	3,493	999	(100)	4,392	988	3,501	(891)
Adults ICT	110	-	(110)	-	-	-	-
Adult Social Care Provision	-	-	-	-	30	30	30
Provider Services - Extra Care	500	-	(380)	120	-	-	(120)
Sheltered Housing	938	-	(938)	-	-	-	-
Capital investment in Garden Centre	159	-	(159)	-	-	-	-
ADULT SOCIAL CARE AND HEALTH	1,707	-	(1,587)	120	30	30	(90)
Bereavement Services	1,000	775	-	1,775	1,113	1,775	-
Bereavement Service Dumper Trucks	-	-	39	39	-	39	-
Finance and HR system	500	93	(593)	-	1	-	-
My Resources Interface Enhancement	-	-	75	75	-	75	-
ICT	8,955	-	(8,955)	-	589	-	-
Network Refresh	-	-	141	141	-	141	-
Tech Refresh (was in GF Cap 64)	-	-	610	610	-	610	-
Geographical Information Systems (was in GF Cap 64)	-	-	65	65	-	1,030	965
Laptop Refresh (was in GF Cap 64) NEW BID	-	-	222	222	-	222	-
Cloud and DR (was in GF GAP 64)	-	-	198	198	-	198	-
People ICT	3,000	1,661	(4,661)	-	462	-	-
Synergy Education System	-	-	1,030	1,030	-	65	(965)
NEC Housing System	-	-	2,680	2,680	-	2,680	-

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 7	Approved Budget 2022-23	Proposed Slippage Subject to Approval	Budget Adjust- ment	Revised 2022-23 Budget Subject to Cabinet Approval	Actual to Date as at 31/10/22	2022/23 Forecasts as at Month 7	Varia nce for Year
Scheme Name							
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Uniform ICT Upgrade	-	130	-	130	-	130	-
Members Enquiries	43	-	(43)	-	-	-	-
Core Contract Procurement	530	-	(530)	-	-	-	-
ASSISTANT CHIEF EXECUTIVE	14,028	2,659	(9,722)	6,965	2,165	6,965	-
Education – Fire Safety Works	902	26	(152)	776	-	928	152
Education - Fixed Term Expansions	3,243	44	(2,540)	747	49	550	(197)
Education - Major Maintenance	9,549	354	(6,195)	3,708	2,158	4,049	341
Education - Miscellaneous	-	134	232	366	158	139	(227)
Education - Permanent Expansion	44	275	-	319	22	319	-
Education - Secondary Estate	-	39	-	39	41	41	2
Education - SEN	2,226	3,858	(5,334)	750	311	1,026	276
CHILDREN, YOUNG PEOPLE AND EDUCATION	15,964	4,730	(13,989)	6,705	2,739	7,052	347
Allotments	200	-	-	200	177	200	-
Fairfield Halls-Council Fixtures & Fittings FFH	-	574	-	574	571	571	(3)
CALAT Transformation	390	-	(390)	-	-	-	-
Electric Vehicle Charging Points	500	-	(500)	-	-	-	-
Capitalised Feasibility Fund	330	-	(330)	-	-	-	-
Growth Zone	4,000	1,988	-	5,988	60	2,071	(3,917)
Grounds Maintenance Insourced Equipment	200	1,000	(200)	1,000	-	-	(1,000)
Highways	8,618	-	-	8,618	5,510	8,618	-
Highways - flood water management	435	460	-	895	354	895	-

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 7	Approved Budget 2022-23	Proposed Slippage Subject to Approval	Budget Adjust- ment	Revised 2022-23 Budget Subject to Cabinet Approval	Actual to Date as at 31/10/22	2022/23 Forecasts as at Month 7	Varia nce for Year
Scheme Name							
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Highways - bridges and highways structures	3,403	-	-	3,403	1,656	2,611	(792)
Highways - Tree works	56	-	-	56	8	56	-
Local Authority Tree Fund	-		96	96	-	-	(96)
Trees Sponsorship	-		46	46	-	-	(46)
Mitigate unauthorised access to parks and open spaces	73	-	(73)	-	-	-	-
Leisure Equipment Upgrade	70	576	(340)	306	276	306	-
Leisure centres equipment Contractual Agr	-		430	430	-	-	(430)
Leisure Centre - Tennis Crt	-		75	75	-	-	(75)
Libraries Investment - General	1,614	224	(1,614)	224	110	224	-
Library Self-Service Kiosks	-		200	200	-	-	(200)
Libraries investment – South Norwood library	412	-	(412)	-	-	-	-
Neighbourhood Support Safety Measures	-	-	-	-	-	-	-
Museum Archives	75	-	(75)	-	-	-	-
Parking	2,141	1,721	(1,131)	2,731	80	3,862	1,131
Removal of Pay & Display	-	-	366	366	-	-	(366)
Play Equipment	380	422	(652)	150	75	150	-
Safety - digital upgrade of CCTV	1,539	12	-	1,551	-	1,539	(12)
Section 106 Schemes	-	-	-	-	4	4	4
Signage	137	137	-	274	-	274	-
South Norwood Good Growth	1,032	176	(87)	1,121	(329)	925	(196)
Kenley Good Growth	425	445	(287)	583	298	583	-
Sustainability Programme	565	60	(75)	550	-	25	(525)

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 7	Approved Budget 2022-23	Proposed Slippage Subject to Approval	Budget Adjust- ment	Revised 2022-23 Budget Subject to Cabinet Approval	Actual to Date as at 31/10/22	2022/23 Forecasts as at Month 7	Varia nce for Year
Scheme Name							
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
TFL - LIP	9,266	223	(4,654)	4,835	191	4,835	-
Cycle Parking			226	226	-	-	(226)
EVCP			1,081	1,081	-	-	(1,081)
Car Club			-	-	-	-	-
Waste and Recycling Investment	1,000	1,558	(1,000)	1,558	-	-	(1,558)
Waste and Recycling - Don't Mess with Croydon	1,000	-	(1,000)	-	7	50	50
Schemes with completion date prior to 2020/21	-	-	-	-	-	-	-
SUSTAINABLE COMMUNITIES, REGEN & ECONOMIC RECOVERY	37,861	9,576	(10,300)	37,137	9,048	27,799	(9,338)
Asset Strategy - Stubbs Mead	700	250	(900)	50	-	50	-
Asset Strategy Programme	225	23	(208)	40	-	40	-
Asset Acquisition Fund	390	-	(340)	50	-	50	-
Clocktower Chillers	412	-	(382)	30	-	30	-
Corporate Property Maintenance Programme	2,500	1,212	(1,212)	2,500	559	2,360	(140)
Crossfield (relocation of CES)	-	-	-	-	-	-	-
Brick by Brick programme	6,203	(2,053)	-	4,150	-	2,097	(2,053)
Fairfield Halls - Council	1,000	2,448	(1,948)	1,500	1,275	1,500	-
Fieldway Cluster (Timebridge Community Centre)	-	248	-	248	-	248	-
Former New Addington Leisure Centre	-		300	300	-	300	-

CAPITAL BUDGETS, MONITORING AND FORECASTS - PERIOD 7	Approved Budget 2022-23	Proposed Slippage Subject to Approval	Budget Adjust- ment	Revised 2022-23 Budget Subject to Cabinet Approval	Actual to Date as at 31/10/22	2022/23 Forecasts as at Month 7	Varia nce for Year
Scheme Name							
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Croydon Healthy Homes	404	14	(418)	-	-	-	-
RESOURCES	11,834	2,142	(5,108)	8,868	1,834	6,675	(2,193)
Capitalisation Direction	25,000	-	-	25,000	-	25,000	-
Transformation Spend (Flexible Capital Receipts)	2,500	-	1,549	4,049	-	4,049	-
CORPORATE ITEMS & FUNDING	27,500	-	1,549	29,049	-	29,049	-
NET GENERAL FUND TOTAL	112,387	20,106	(39,257)	93,236	16,804	81,071	(12,165)
Asset management ICT database	-	155	-	155	87	155	-
Fire safety programme	-	-	-	-	512	512	512
Major Repairs and Improvements Programme	23,708	-	(1,625)	22,083	8,703	20,803	(1,280)
TRELIS MEWS	-		3,377	3,377	-	-	(3,377)
Affordable Housing BBB Properties part funded by GLA and HRA RTB 141	-	-	-	-	16	-	-
Special Transfer Payments	-	-	-	-	-	-	-
HOUSING REVENUE ACCOUNT	23,708	155	1,752	25,615	9,318	21,470	(4,145)
GROSS CAPITAL PROGRAMME	136,095	20,261	(37,505)	118,851	26,122	102,541	(16,310)

Appendix 3 – MTFS savings not delivered

MTFS Target Reference	MTFS Savings Description	Total Target	Savings Non-Delivery as at Month 7
		(£,000's)	(£,000's)
22/23 CYPE 09	Refocusing Public Health funding - New Youth & Wellbeing Offer	(300)	300
22/23 CYPE 07a	NHS Funding	(490)	490
22/23 CYPE 07b	NHS Funding	(300)	300
Children, Young People and Education Total			
22/23 ASCH 07	Refocusing Public Health funding - New Youth & Wellbeing Offer	(380)	380
21/22 ASCH 01	Baseline Savings - Disabilities Operational Budget	(4,371)	2,021
21/22 ASCH 02	Stretch Savings - Disabilities Operational Budget	(1,213)	1,213
21/22 ASCH 08	Baseline Savings - Older People Operational Budget	(3,195)	1,195
22/23 ASCH 02	Review of Older Adults Packages of Care	(505)	505
Adult Social Care and Health Total			
22/23 HOUS 01	Impact of maximising homelessness prevention	(578)	578
22/23 HOUS 02	Impact of increasing speed of homelessness decisions	(101)	101
22/23 HOUS 03	Increase use of LA Stock for EA/TA	(163)	163
22/23 HOUS 07	Ending EA/TA where the council has no duty	(193)	193
22/23 HOUS 10	Housing supply pipeline maximisation	(80)	80
22/23 HOUS 11	Contract Reviews	(250)	250
22/23 HOUS 13	Income Maximisation - Rent Collection	(240)	0
22/23 HOUS 14	Resident Engagement & Tenancy Services £100,000 saving in 22/23	(100)	100

MTFS Target Reference	MTFS Savings Description	Total Target	Savings Non-Delivery as at Month 7
		(£,000's)	(£,000's)
22/23 HOUS 04	Repurpose under-utilised sheltered housing stock	(158)	158
22/23 HOUS 09	Incentivising temporary accommodation leasing schemes	(138)	138
Housing Total			
21/22 SCRER 11	ANPR camera enforcement	(3,180)	2,040
21/22 SCRER 16	Revised Landlord Licensing scheme	(2,300)	2,300
22/23 SCRER 06	Review and reduction of the Neighbourhood Operations (NSO team)	(950)	450
22/23 SCRER 08	Introduction of a variable lighting policy	(417)	417
22/23 SCRER 15	Bus Re-Tender Contract Savings	(120)	40
22/23 SCRER 16	Private Sector Environmental Enforcement	(250)	125
22/23 SCRER 17	Parking charges increase	(650)	285
22/23 SCRER 18	Independent travel optimisation	(20)	20
22/23 SCRER 21	Increase in Pre-Planning Applications	(66)	66
Sustainable Communities Regen & Economic Recovery Total			
21/22 RES 03d	Fees And Charges	(28)	28
22/23 RES 20d	Increase in fees and charges	(142)	142
22/23 RES 20e	Increase in fees and charges	(2)	2
Resources Total			
Corporate Items & Funding Total			
21/22 ACE 05	Fees And Charges	(19)	19
22/23 ACE 12	Increase in fees and charges	(93)	93

MTFS Target Reference	MTFS Savings Description	Total Target	Savings Non-Delivery as at Month 7
		(£,000's)	(£,000's)
22/23 ACE 09	Rationalisation of software applications and contracts	(750)	300
Assistant Chief Executive Total			
Total Savings Not delivered			14,492

Appendix 4 – MTFS Savings at Risk

MTFS Savings Ref	MTFS Savings Description	Savings at risk as at Month 7	Savings at risk as at Month 6	Change From Prior Month 7 To Month 6
		(£,000's)	(£,000's)	(£,000's)
21/22 CYPE 05	Review Support for Young People where Appeal Rights Exhausted	61	61	0
21/22 CYPE 06	Improve Practice System Efficiency	0	290	(290)
22/23 CYPE 07a	NHS Funding	0	490	(490)
22/23 CYPE 07b	NHS Funding	0	300	(300)
Children, Young People and Education Total		61	1,141	(1,080)
21/22 ASCH 01	Baseline Savings - Disabilities Operational Budget	850	0	850
21/22 ASCH 05	Baseline Savings - Mental Health Operational Budget	0	83	(83)
21/22 ASCH 08	Baseline Savings - Older People Operational Budget	0	194	(194)
21/22 ASCH 04	Review of Contracts - OBC Commissioning, Working Age Adults Commissioning and Public Health commissioning	36	132	(96)
21/22 RES 06	HWA contract savings	35	110	(75)
22/23 ASCH 03	Review of Mental Health Packages of Care	50	0	50
Adult Social Care and Health Total		971	519	452
22/23 HOUS 12	Staffing Review	158	0	158
22/23 HOUS 13	Income Maximisation - Rent Collection	240	0	240
Housing Total		398	0	398
21/22 SCRER 14a	Fees And Charges	350	350	0
22/23 SCRER 06	Review and reduction of the Neighbourhood Operations (NSO team)	260	260	0

MTFS Savings Ref	MTFS Savings Description	Savings at risk as at Month 7	Savings at risk as at Month 6	Change From Prior Month 7 To Month 6
		(£,000's)	(£,000's)	(£,000's)
22/23 SCRER 12	Contract Savings - Pay and Display Machines	300	300	0
22/23 SCRER 16	Private Sector Environmental Enforcement	63	63	0
22/23 SCRER 19	New gym in Monks Hill Leisure Centre	90	90	0
22/23 SCRER 20	Non-capital and contract impact of Purley Leisure Centre closure	50	50	0
22/23 SCRER 28	Merger of Management Functions in Place	100	100	0
22/23 SCRER 17	Parking charges increase	365	365	0
21/22 SCRER 11	ANPR camera enforcement	1,140	1,140	0
Sustainable Communities Regen & Economic Recovery Total		2,718	2,718	0
22/23 ACE 18	Contract Savings - Managed Service Provider for Temporary Agency Resources £600K saving in 22/23	600	600	0
Assistant Chief Executive Total		600	600	0
Total Savings at Risk		4,748	4,978	(230)

Appendix 5 – Other quantifiable and unquantifiable risks

Quantified Risks	P7 £'000	P6 £'000	Details of Risk
Children, Young People and Education	2,698	1,198	CLA Cost of Living £1.500m There is an expectation that children in care providers will increase placement costs as cost of living rises
			Pension shortfall pressure £1.198m The increase in the pension contribution in 2020/21 from 16.1% to 26.2% has not been fully funded
Adult Social Care and Health	-	-	None
Housing	1,250	2,000	Emergency Accommodation (EA) Bad Debt Provision £0.250m The workings behind the forecast for the bad debt provision need reviewing as the model is suggesting increases in the forecast whilst collection rates have improved
			Emergency Accommodation Activity levels £1.000m Targeted changes to service operation have been made to reduce the number of people supported by the EA service. These changes are embedded at August 2022 but the financial ledger and other reporting do not reflect lower numbers in the service but instead suggest that numbers are increasing. Investigatory work is about to commence to better understand the activity drivers and the links to the financial results and ensure a more accurate forecast can be brought in future months.
			NSO (£125k) The service is dependent on the closure of the NSO Team and any delays in implementation of the proposal will have an impact on delivery of the saving.

Sustainable Communities Regen & Economic Recovery	1,654	646	<p>Planning Income (£325k) There is a £352k risk to planning income between now and the end of the year down to two reasons. A) Number of and income from major applications is down considerably from last year. 22/23 Period 5 £99k income as opposed to 21/22 Period 5 £300k income; 'B) Income at risk from planning applications exceeding the 8(minor)13 (major) week statutory timeframes which can result in reimbursement of fees if not met. This has started to increase and therefore there is a risk that more will be refunded and therefore increase the pressure on the service. It should be noted that the reason for increased expenditure on staff for Period 5 has been to try and mitigate this.</p> <p>Additional Income (7 additional CEOs) £0.077m Additional Income (7 additional CEOs) Parking Income at risk as we have had difficulties in attracting applicants to the vacant CEO roles</p> <p>Additional Income £0.192m Additional Income (10p per 30mins) and Ringo discount threshold lower to 100 CO2g/km</p> <p>Inflationary Pressure on Fairfield Halls £0.187m Inflationary Pressure on Fairfield Halls contribution requested by BH Live</p> <p>GLL Leisure Energy Costs £0.677m 'Pressure Re Contribution to GLL Leisure To Cover Energy Costs Inflation</p> <p>Capital Staff Recharges (£169k) As there is no TfL capital funding thus far this year, this is creating a risk of not being able to recharge staff time to capital at the level anticipated in the budget.</p>
Resources	-	-	None
Assistant Chief Executive	-	-	None
Total Quantified Risks	5,602	4,444	

Un-Quantified Risks	P7 £'000	P6 £'000	Details of Risk
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Children, Families and Education	-	-	None
Adults, Health and Social Care			Potential post Covid-19 pandemic latent demand working through the population resulting in additional care packages placements.
			Inflation , rising fuel and food costs significant expenditure for care providers - may result in claims for increased fees or face financial instability
			High vacancy rate is caused by significant challenges in recruitment across the Directorate. This means staff are focussed on statutory delivery, rather than transformation. This is a national issue.
			There is Hospital discharge pressure as the current system risk is running at winter levels due to Covid and backlog despite being summer. Work is being done on a deep dive, as the numbers of placements and equipment cost are rising.
Housing			New Housing Structure (temporary) There remains a temporary structure within Housing, including an Interim Director of Tenancy Services. A change programme is being developed and a bid for Transformation Funding to resource it has been submitted.
			Fire at Sycamore House The financial impact of the fire at Sycamore House, Thornton Heath is as yet unquantifiable.
			Risk To NSRWA Related Income Highways and Parking Although unknown at this stage there is a potential risk to New Roads and Street Works Act Income due to delays and disputes with Utility Companies. Further work is being undertaken to quantify these risks and where possible mitigate the effect.
Sustainable Communities Regen & Economic Recovery	-		
Resources	-		Legal Trading Model The legal trading services model is under review. Until this review is completed officers are flagging this area as a risk. Last year Legal Services were overspent by £306,000.
Assistant Chief Executive			Risk based upon the lack of available graves for sale until the cemetery extension opens

			Increased competition from neighbouring facilities, perceived increase in direct cremations, viewed as the cheaper option for families as inflation starts to take effect
Corporate Items & Funding	-	-	None
Total Un-Quantified Risks			

Un-Quantified Risks	P7 £'000	P6 £'000	Details of Risk
Children, Young People and Education			None
Adults, Health and Social Care			Potential post Covid-19 pandemic latent demand working through the population resulting in additional care packages placements.
			Inflation , rising fuel and food costs significant expenditure for care providers - may result in claims for increased fees or face financial instability
			High vacancy rate is caused by significant challenges in recruitment across the Directorate. This means staff are focussed on statutory delivery, rather than transformation. This is a national issue.
			There is Hospital discharge pressure as the current system risk is running at winter levels due to Covid and backlog despite being summer. Work is being done on a deep dive, as the numbers of placements and equipment cost are rising.
Housing			New Housing Structure (temporary) There remains a temporary structure within Housing, including an Interim Director of Tenancy Services. A change programme is being developed and a bid for Transformation Funding to resource it has been submitted.
			Fire at Sycamore House The financial impact of the fire at Sycamore House, Thornton Heath is as yet unquantifiable.
Sustainable Communities Regen & Economic Recovery			Risk To NSRWA Related Income Highways and Parking Although unknown at this stage there is a potential risk to New Roads and Street Works Act Income due to delays and disputes with Utility Companies. Further work is being undertaken to quantify these risks and where possible mitigate the effect.
Resources			Legal Trading Model The legal trading services model is under review. Until this review is completed officers are flagging this area as a risk. Last year Legal Services were overspent by £306,000.

Assistant Chief Executive			Risk based upon the lack of available graves for sale until the cemetery extension opens
			Increased competition from neighbouring facilities, perceived increase in direct cremations, viewed as the cheaper option for families as inflation starts to take effect
Corporate Items & Funding			None
Total Un-Quantified Risks			

Appendix 6 Quantifiable and unquantifiable opportunities

Quantified Opportunities	P7 £'000	P6 £'000	Details of Opportunities
Children, Young People and Education	(1,783)	(2,170)	Public Health (£0.300m) Ongoing Internal Review of Public Health Funding towards related expenses
			Children Service legal costs (£0.285m) Review on operations to mitigate legal costs arising from challenges from service users. The aim is to improve the operations and process to ensure all aspects of support is carefully provided
			Vacancies pending permanent recruitment (£1.198m) Ongoing delays in recruitment and onboarding of international social workers
Adult Social Care and Health	(380)	(380)	Public Health (£0.380m) Ongoing Internal Review of Public Health Funding towards related expenses
Housing	-	-	None
Sustainable Communities Regen & Economic Recovery	(1,292)	(730)	Community Infrastructure Levy Review (£0.300m) Further use of CIL monies to support revenue expenditure where the conditions met being reviewed.
			Streetlighting review (£0.230m) Current pilot is being evaluated.
			Highways Savings (0.140m) Additional In year Highways Revenue Savings
			Parking Income (£0.192m) Additional In year Parking Income
			Building Control Reserve - (£0.299m) Drawdown from Reserves
			HRA charges (£0.131m) HRA Reserve to Cover HRA Budgets Not Recharged Last Year and Expected not To be This Year

Quantified Opportunities	P7 £'000	P6 £'000	Details of Opportunities
Resources	-	(915)	
Assistant Chief Executive	(360)	(320)	Public Health (£0.320m) Ongoing Internal Review of Public Health Funding towards related expenses.
			Bereavement Capitalisation Bid (£0.040m) Bid request to be submitted to capitalise the cost of 2 dumper trucks included as a cost in the revenue forecast
Corporate Items & Funding	(605)	(8,092)	Reduced borrowing need (£0.605m) Potential saving as a result of a review of borrowing costs to fund the capital programme.
Total Quantified Opportunities	(4,420)	(12,607)	

Agenda Item 8

LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
DATE OF DECISION	25 January 2023	
REPORT TITLE:	Review of Council Tax Support Scheme – 2023/24	
CORPORATE DIRECTOR / DIRECTOR:	Jane West – Corporate Director of Resources and Section 151 Officer	
LEAD OFFICER:	Catherine Black – Head of Payments, Revenue and Benefits	
LEAD MEMBER:	Councillor Jason Cummings Cabinet Member for Finance	
KEY DECISION? [Insert Ref. Number if a Key Decision] <i>Guidance: A Key Decision reference number will be allocated upon submission of a forward plan entry to Democratic Services.</i>	No	
CONTAINS EXEMPT INFORMATION? <i>(* See guidance)</i>	NO	
WARDS AFFECTED:	All	These changes affect all wards but the impact is not significant in terms of overall numbers effected.

1 SUMMARY OF REPORT

- 1.1 The purpose of this report is to seek approval to make changes to Croydon's Council Tax Reduction (Support) Scheme (CTS) which will take effect from 1st April 2023.

- 1.2** The Executive Mayor in Cabinet received a report in October 2022 which outline the principles of the proposed changes to the CTS scheme which were agreed, and that statutory consultation on the suggested scheme with residents and preceptors should take place.
- 1.3** The consultation ran between 14th October 2021 and 1st December 2021, and having now considered those responses, recommendations are now being made for approval to make changes to the existing CTS scheme with effect from 1st April 2023 and refines the proposal considering the consultation responses.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet recommends to Council:

- 2.1** to agree changes to Croydon's Council Tax Support Scheme following review and due regard to the statutory consultation feedback. The new scheme will take effect from 1 April 2023
- 2.2** to agree to remove the minimum income floor for disabled working claimants, change the amount the income bands are to be increased to match the increase in Council Tax and to introduce non-dependant deductions for disabled not working claimants, excluding cases where the non-dependant is in receipt of carers allowance for the claimant.
- 2.3** to agree The Councils Council Tax Support Scheme is amended subject to the changes made following the consultation, from 1 April 2023
- 2.4** to agree that Cabinet annually review the CTS Scheme, the principles of the income banded scheme and the addition of a hardship fund in August 2023 and then annually.

3 REASONS FOR RECOMMENDATIONS

- 3.1** In accordance with the Local Government Finance Act 1992, as amended, the Council was required to agree a local Council Tax Support scheme for working age residents who were on no or low income. The scheme replaced the Council Tax Benefit scheme which was administered by Local Authorities on behalf of the Department for Work and Pension.
- 3.2** The local scheme originally introduced on 1st April 2013, was reviewed last year, and changed to an income banded scheme from 1st April 2022. The scheme should be reviewed each year to ensure that it is an effective local Council Tax Support scheme, which will provide continued support to Croydon's most vulnerable residents and residents who are most in need of support.

4 BACKGROUND AND DETAILS

- 4.1** CTS scheme was introduced by Central Government in April 2013 as a replacement for the Council Tax Benefit scheme, administered on behalf of the Department for Work and Pensions (DWP). As part of the introduction the Government:

- 4.1.1 Placed the duty to create a local scheme for Working Age claimants with local authorities
- 4.1.2 Reduced initial funding by the equivalent of 10% from the level paid through benefit subsidy to Local Authorities under the previous Council Tax Benefit scheme
- 4.1.3 Prescribed that person of Pension Age would be dealt with under the existing regulations set by Central Government and not the Local Authorities local scheme
- 4.2 Since that time, funding for the CTS scheme has been absorbed into other Central Government grants paid to Local Authorities and within the Business Rates Retention regime. It is now generally accepted that it is not possible to identify the amount of funding actually provided from Central Government sources for the CTS scheme but that in real terms funding to the council has continued to reduce since 2013
- 4.3 The current CTS scheme created by the Council is divided into two schemes, with pension age claimants receiving support under the rules prescribed by Central Government, and the scheme for working age claimants being determined solely by the local authority (subject to certain criteria).
- 4.4 Pensioners, subject to their income, can receive up to 100% support towards their Council Tax. The Council has no powers to change the level of support provided to pensioners and therefore any changes to the level of CTS can only be made to working age scheme.
- 4.5 The working age CTS scheme was changed significantly from April 2022 and moved to an income banded scheme. The complexities of the old scheme, which was based mainly on the old council tax benefit rules, were removed and a simpler scheme was introduced
- 4.6 The principles of the existing CTS scheme (as locally adopted) for working age claimants are as follows:
 - 4.6.1 Council Tax Support should be paid to those with minimal savings – residents who have Capital of more than £8,000 cannot claim (excluding Pensioners or disabled not working whose limit is £16,000)
 - 4.6.2 Council Tax Support should be property related – Residents can only receive Council Tax Support to a maximum of band D.
 - 4.6.3 Everyone should pay something - all residents will be asked to contribute something towards Council Tax unless they are in one of the protected groups i.e., pensioner or disabled not working.
 - 4.6.4 Everyone in the household should pay something – Other adults living in a household who are not the main taxpayer, or their partner will contribute to meeting the cost of Council Tax for the property
 - 4.6.5 Make Work pay – £50 income disregard for disabled working residents.
 - 4.6.6 Protecting the vulnerable – Residents who are working age residents who receive Disability Living Allowance, Personal Independence Payments or Employment and Support Allowance and not working receive 100% council tax support.

4.7 Details of the current scheme:

Resident Type	Pensioners	Disabled Not Working	Disabled Working	Income Band (All other residents)
Number of Residents in Scheme	7,917	7,378	757	10,465
Amount of Capital Before Nil Entitled	No Changes to this group of Residents	£16,000	£8,000	£8,000
Council Tax Band Cap		No Band Cap	Council Tax Band: D	
Incomes received by residents not counted for the purposes of an income band / Disregarded		100% of Child Care Costs 100% of Child Maintenance 100% of Universal Credit Housing Element 50% of Carer's Allowance 100% Personal independence payments/Disability living allowance 100% child benefit		
Earned Income not counted for the purposes of an income band / Disregard		N/A	£50 per week	Nil
Non-Dependant Deductions		No non-dep deductions	£5 per week non-working £10 up to £23,999 £30 for £24,000 over	
Self-Employed Min. Income Floor		£186.41 per week for Lone Parents £297.93 per week for singe claimants and couples		

Amount of capital before nil entitled: The amount of capital claimants can have before they are not entitled to claim CTS. This is set to £16,000 for claims where the claimant or partner are disabled and not working, and £8,000 for every other working age claim.

Council Tax Band Cap: For all working age claims, excluding those for disabled not working groups, the amount of council tax liability used to calculate the maximum CTS award is capped to a band D.

Incomes not counted for purposes of the income bands: These are a list of incomes that are fully ignored when calculating the income of claimants to work out how much CTS they should be awarded.

Earned income not counted for the purpose of the income bands: This is the amount of earnings we will ignore when calculating the income of claimants to work out how much CTS they should be awarded. For those classified as disabled working, we ignore the first £50 of earned income. For all other working age claims we include all of the earnings.

Non-dependant deductions: An amount deducted from the claimants CTS entitlement based on the income of any other adult living in the property, other than a partner. Deductions are taken for all working age claims other than those classed as disabled not working.

Self-employed minimum income floor: When a claimant has been self-employed for longer than a year and they declare lower than expected income, an assumed income is applied to CTS calculation for that self-employed resident.

4.8 The income bands used currently

	Percentage of Council Tax Liability covered by CTS		
Weekly income	Disabled non-working	Lone parents with a child under 5	All other claimants
£0 to 100.99	100%	80%	75%
£101 to 150.99	100%	70%	60%
£151 to 200.99	100%	60%	40%
£201 to 250.99	100%	50%	30%
£251 to 300.99	100%	40%	20%
£301 to 350.99	100%	30%	15%
£351 to 400.99	100%	20%	10%
£401+	100%	0%	0%

4.9 Since the introduction of the change to an income banded scheme in April 2022, there have been some elements of the scheme that have been highlighted as needing review to make the scheme fairer to some of the vulnerable groups of residents. i.e., removing the application of the minimum income floor to self-employed disabled working residents.

4.10 There is also a decision to be made regarding the level at which the income bands are increased each year. The unprecedented monthly increase in CPI means that the part of the scheme which links the increase in income bands to the level of CPI as of September needs to be reviewed.

4.11 Given the original intention that everyone in the household should contribute to the cost of Council tax there is an option to introduce non-dependant deduction to disabled not working households, excluding those non dependants who are in receipt of carers allowance.

4.12 The executive Mayor in Cabinet is asked to agree the following principles for the changes to the existing scheme: -

4.12.1 Remove the application of the minimum income floor to households where the claimant or partner are disabled

4.12.2 Change the rate at which the income bands are increased annually from the level of CPI (currently 9.4%) to the amount Council Tax is increased for that year – modelled for indicative purposes on 3%.

4.12.3 Introduce non-dependent deductions (NDD) to disabled not working households, except where the non-dependent is in receipt of Employment Support Allowance or Limited Capability to Work, or in receipt of carers allowance for the claimant or partner.

4.13 Removal of minimum income floor – This will positively affect households that have been classified as disabled working, and where the claimant or partner are self-employed and their income isn't disregarded already under permitted earnings. This change is proposed to acknowledge that where the person who is disabled is self-employed, or their partner, there may be reasons as to why they are unable to increase their hours or income, and as a result we should not use assumed income that may be unachievable in their circumstances.

4.13.1 An example of how this would effect a claim: Claimant is self-employed as a hairdresser and their income is £80 per week after expenses. If we applied the minimum income floor we would use assumed income of £297.93 per week. If they had no other income the level of CTS they would get in each circumstance is very different. They would be awarded 20% of their CTS if we used the assumed income figure, but 75% if we used the £80 actual income.

4.14 CPI change – This change will affect all claimants equally. The proposal is to increase the income bands used within the scheme by the same percentage that we increase Council Tax. This won't be a set percentage but rather the scheme will state that the income bands will increase by how much London Borough of Croydon increases council tax each year. We will then not need to consult on this each year. As per the Autumn Statement the Government confirmed Council Tax could increase by 5% without a referendum.

4.15 The current scheme states that the 50% band which is at £201.00 as of the 1st April 2022 will increase based on the Consumer Price Index as September of the preceding year. The bands must then continue to move at £50 intervals As of June 2022 CPI has risen by 9.4% in the last 12 months. The updated bands based on this increase would be as follows

	Percentage of Council Tax Liability covered by CTS		
Weekly income	Pensioners and disabled non-working	Lone parents with a child under 5	All other claimants
£0 to £119.99	100%	80%	75%
£120 to £169.99	100%	70%	60%
£170 to £219.99	100%	60%	40%
£220 to £269.99	100%	50%	30%
£270 to £319.99	100%	40%	20%
£320 to £369.99	100%	30%	15%
£370 to £419.99	100%	20%	10%
£420+	100%	0%	0%

4.16 The proposal is to change the scheme to increase the income bands by the percentage by which Council Tax is increased, this is currently 3%. If the scheme was changed in the income bands would be increased to the following amounts:

	Percentage of Council Tax Liability covered by CTS		
Weekly income	Pensioners and disabled non-working	Lone parents with a child under 5	All other claimants

£0 to £106.99	100%	80%	75%
£107 to £156.99	100%	70%	60%
£157 to £206.99	100%	60%	40%
£207 to £256.99	100%	50%	30%
£257 to £306.99	100%	40%	20%
£307 to £356.99	100%	30%	15%
£357 to £406.99	100%	20%	10%
£407+	100%	0%	0%

4.17 Based on the Autumn statement bandings increased by 5% would be:

	Percentage of Council Tax Liability covered by CTS		
Weekly income	Pensioners and disabled non- working	Lone parents with a child under 5	All other claimants
£0 to £110.99	100%	80%	75%
£111 to £160.99	100%	70%	60%
£161 to £210.99	100%	60%	40%
£211 to £260.99	100%	50%	30%
£261 to £310.99	100%	40%	20%
£311 to £360.99	100%	30%	15%

£361 to £410.99	100%	20%	10%
£411+	100%	0%	0%

4.18 Non-dependent deductions - One of the principles of the CTS scheme is that everyone in the household should pay towards council tax. Non-dependents are other adults that live in the property, excluding any partners. In all other groups within the scheme a deduction is taken from the level of CTS entitlement based on the non-dependents income. To implement the 'everyone in the household should pay' principle across all residents we are proposing to introduce non-dependent deductions to disabled not working claims. The rate of the weekly deductions are £5 if the non-dependent is not working, £10 if earning up to £23,999 and £30 if earning £24,000 or over.

4.19 An example of how the proposed change will affect entitlement for disabled not working claims is as follows, based on income of £260 per week, a Band C property with liability of £33.60 per week and a non-dependent in the property who is not working:

Disabled not working claims: For disabled not working claims no matter how much their weekly income is and what income band they fall in too they will get 100% of their council tax liability covered via CTS. So they will be awarded £33.60 per week. Under the proposed changes a deduction of £5 would be taken off this award for the other adult in the property, reducing the CTS award to £28.60

Disabled working claims: For disabled working claims the total income for the claimant and their partner is added up and using the income bands the percentage of CTS award can be calculated. There is a £50 disregard for disabled working claims, meaning we would use a weekly income of £210. A weekly income of £210 would mean they fall in to the 30% CTS award income band. 30% of their weekly council tax liability of £33.60 would be £10.08.

Income banded claims: For income banded claims there are no income disregards meaning we would use the full £260 as weekly income for the claim. Weekly income of £260 equates to an award of CTS of 20% based on the income bands. 20% of £33.60 would be an award of £6.72

	Current CTS entitlement	Entitlement after proposed changes
Disabled not working	£33.60	£28.60
Disabled working	£10.08	no change
Income band	£6.72	no change

4.20 Neighboring authorities Merton, Sutton and Bromley all take non-dependent deductions within their CTS schemes.

- 4.21** The proposed changes are still designed to protect the most vulnerable residents including disabled residents not able to work.
- 4.22** Any income disregarded (i.e., not counted) under the current scheme will continue to be disregarded under the new scheme, e.g., Disability benefits such as Disability Living Allowance and Personal Independence Payments. Any disregards on war pensions and war disablement pensions will continue.
- 4.23** A hardship scheme consisting of a total £650k was already agreed for 2023/24 as part of the move to an income banded scheme in 2022/23. This amount has been ring-fenced and does not affect the levels of savings proposed for 2023/24 based on the options above. The hardship scheme will continue to be administered by the Benefits team who are best placed to understand household circumstances and resident's ability to pay Council Tax

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1** Consideration has been given to changing the non-dependent deductions from set amounts to a percentage of council tax liability. In practice the way the processing system is set up means that it is unable to tie the deductions directly to the liability amount and having a set figure means we can update the amount once a year and all claims will be updated. Changing the deductions to a percentage of council tax would mean that a non-dependent in a band A property would be paying much less than a non-dependent in a band D property, even if they had the same level of income which would make the scheme complex and unfair. The deduction should be based on the income of the non-dependent and not the property situation.
- 5.2** Disabled not working claim if non-dependent deductions were introduced as a percentage of council tax liability (assumed a 20% deduction):

Band A property

Non-dependent income £15,000 – deduction set at 20% of weekly liability

Deduction would be 20% of £25.21 = £5.04

Band D property

Non-dependent income £15,000 – deduction set at 20% of weekly liability

Deduction would be 20% of £37.80 = £7.56

This methodology is therefore not recommended.

Instead we are proposing to add to the scheme that the level of the cash deduction is increased annually by the same percentage that the non-dependent deductions are increased for Housing Benefit. The increased figure would be updated in the system in one place and all the claims would be updated. All figures are reviewed annually and this will form part of that process.

- 5.3** The option of doing nothing is one that has been rejected as elements of the scheme such as the application of the minimum income floor need to be amended so that groups of residents are not adversely affected.

6 CONSULTATION

6.1 It is important that residents and other partner's views are taken into account and reflected in the final design of any changes to the CTS scheme. A full and comprehensive consultation allowed us to seek feedback and explore options and to further mitigate any negative impacts of the changes to the income banded CTS scheme.

6.2 The statutory consultation ran between 14th October 2022 and 1st December 2022. A full copy of the response to the consultation can be found in Appendix 1

6.3 Section 13A of the Local Government Act 1992 requires the Council as the billing authority to make a localised Council Tax Support scheme in accordance with section 1A of the Act. Each financial year the council must consider whether it wants to revise the scheme, leave as is or replace it. Consultation must occur on any option required to change the scheme prior to introduction, and is set out in Schedule 1A (3) of the Local Government Finance Act 1992:

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

6.4 When consulting the following guiding principles for a fair consultation must have been adhered to

- At a time when the proposal are at a formative stage;
- Include sufficient reasons to enable those consulted to give consideration and respond;
- Awareness of the factors which are of decisive relevance to the decision;
- Adequate time for consideration and response; and
- The result of the consultation should be conscientiously considered by the decision makers when the decision is made.

6.5 Consultation took place with the following:

- Major Precepting Authorities – a formal request has been made for comments on the proposed scheme. This was done through writing to the GLA. They have acknowledged the receipt of the notification to proceed to consultation, and to date we have received no further formal feedback on the proposed changes.
- Public – an open invitation has been given to all residents of Croydon to comment on the proposed new scheme, irrespective of whether they are in receipt of Council Tax Support or not. We have contacted CTS recipients both working age and pension age residents, and we have encouraged them to respond, although it should be noted that the scheme for pension age claimants is prescribed by Central Government. The Council can only change the working age Council Tax Support scheme; and
- An online survey was made available via the Council's website, and a new web page was developed, we also had a comprehensive communications plan to ensure as much feedback as possible.

The link to the webpages and consultation is [here](#)

6.6 The consultation has been publicised using our social media accounts as well as being publicised in community newsletters.

6.7 Residents in receipt of Council Tax Support were contacted to advise them about the proposed changes to the Council Tax Support scheme.

6.8 Other partners contacted to promote the consultation:

- Age UK Lead – Disability Croydon & Croydon Vision;
- o Citizens Advice Bureau (CAB);
- o MIND;
- o Purley Cross Community Information Centre;
- o Royal Association for Deaf (RAD) People; and
- o John Whitgift Foundation / Carers Information Service
- o Asian Resource Centre
- o South West London Law Centre
- o Money Advice Service

6.9 A partner's engagement session was held face to face in the Town Hall on Tuesday 8th November 2022, further details of the outcome of this meeting can be found further down this report in point 8.0.

6.10 Approval to commence consultation by officers was agreed by Cabinet in October 2022, to enable adequate consideration of proposals resulting from the consultation by December 2022, being the year prior to the scheme being implemented.

6.11 In addition to formal consultation, the Council will provide information on its website as to the proposed changes.

6.12 The Council will contact any Council Tax payers affected by these changes.

6.13 RESPONSES TO CONSULTATION

The consultation period resulted in 144 responses to the proposed changes. When Croydon Council consulted in 2021 on changing the scheme to an income banded scheme, 594 responses were received. It should be noted that the scale of the change being proposed during the previous consultation was much larger than the changes being proposed this time

6.14 Percentage of respondents currently in receipt of Council Tax Support

69% of respondents are currently in receipt of Council Tax Support, we can be confident that those who completed the survey will potentially be affected by any proposed changes. 31% of responders were not in receipt of Council Tax Support, which indicates a certain level of engagement from those who do not rely upon financial support to pay their Council Tax.

6.15 Removing the Minimum income floor for disabled self-employed residents.

When asked during the consultation if they agree or disagree with removing the minimum income floor for self-employed disabled claims 54% of people said they

strongly or somewhat agreed. 26% of people said they strongly or somewhat disagreed with removing the minimum income floor, and 19% said they neither agreed nor disagreed with the proposal.

6.16 Comments:

Comments supporting the proposal

- It would be more fair to disabled, self-employed residents who cannot increase their income
- It seems fair to base support on actual income rather than 'supposed' income. I don't think it will affect me as I'm not disabled and my benefit is based on me being on Universal Credit at present; but it's good to know you might help the most disadvantaged with realistic assessments.
- This will assist Disabled Self Employed resident's especially with the Cost of Living Crisis

Comments in opposition to the proposal

- Disabled people are more than capable of working more than 35 hours per week.
- It's unfair for the employed
- I prefer keeping the old system. The new proposals will create many issues

6.17 Proposal to change the rate the income bands are increased annually

When asked how strongly they agree or disagree with the proposal to change the income bands by the same rate as council tax, rather than by the level of consumer price index 42.5% of the respondents either strongly or somewhat agreed with the proposal. 36.9% either strongly or somewhat disagreed and 20.6% neither agreed, nor disagreed.

6.18 Comments:

Comments supporting the proposals

- This seems reasonable, given that the council needs to cut costs. But it would be fairer to increase it by the same percentage that council tax increases.
- Yes, I think this is reasonable. The world financial crisis is not the fault of the Council and even though your change may mean less benefit, I appreciate you have limited budgets too and it seems fair to make the benefit proportional to the actual council tax. It's hard to know at this point how it will affect me. It seems I'll get less benefit but it seems fair
- would make life easier

Comments in opposition to the proposal

- It is only normal to increase the council tax to match cpi
- Especially during the current climate, we need any support we can get, so by removing support only makes matters more stressful
- CPI is a better reflection of overall increase in life.

6.19 Proposal to introduce deductions for other adults in the household for disabled not working claims

When asked how strongly they agreed or disagree with the proposal to apply a deduction to the amount of CTS provided to households of disabled residents where there are other adults 40.9% strongly or somewhat agree with the proposal. 40.1% strongly or somewhat disagree with the proposal and 19% neither agree nor disagree.

6.20 It is worth noting that deductions have been taken in this scenario when council tax benefit was in payment prior to 2013, and in Council Tax Support from 2013 to 2021.

6.21 Comments:

Comments supporting the proposals

- *If adults are earning money they should all be responsible for the amount that is paid as a family*
- *We should all pay something. We get the service, at times not great*
- *any other household income should be taken into account*

Comments opposed to the proposals

- *What if the other adults don't work or can't work very unfair.*
- *Young people may choose to move out leaving the disabled person facing lack of support and financial pressure*

6.22 Demographic responses

6.23 Age

Out of the 144 respondents, 142 answered the questions regarding to the age of the respondent. 1.4% were between 18-25, 35.9% were between the ages of 26-45, 26.1% were between the ages of 46-55. 23.2% were aged 56-65, and 9.9% were aged 66 or over 3.5% preferred not to declare their age. As the changes to the scheme affect residents of working age, the proportion of responses reflects those who would be affected by any changes.

6.24 The largest group of respondents were aged between 26-45, the council tax support caseload indicates that 34% of those who claim are between the age of 26-46 and this the biggest group. This indicates that response to the consultation closely mirrors those who would be affected.

6.25 Gender

141 residents answered the question regarding gender, of which 63.8% confirmed they identified as being female, 26.2% identified as being male, 0.7% confirmed they identified as being non-binary, 9.2% preferred not to say what they identified their gender to be.

6.26 Data on gender identity is not routinely captured. A person's innate sense of their own gender, whether male, female or something else may or may not correspond to the sex assigned at birth.

6.27 Disability

140 respondents confirmed whether or not they considered themselves having a disability. 41.4% considered themselves having a disability, 44.3% answered no and 14.3% preferred not to say.

6.28 84 of the above went on to declare the disability that was identified.

- 8.3% were visually impaired;
- 7.1% declared a hearing impairment;
- 44% identified having a mobility disability;
- 7.1% declared a learning disability;
- 2.4% had communication difficulty;
- 22.6% had a hidden disability; and
- 32.1% preferred not to say
- 13.1% stated they identified as having another disability

6.29 Within the current caseload 31% of claimants are within a disabled scheme, this indicates that either the claimant or their partner are disabled. As 41.4% of respondents identified as having a disability the response to the consultation reflects those that may be effected by the changes

6.30 Formal Consultation Responses

Following engagement with our external partner's we received official responses, details of which can be seen below

6.31 Greater London Authority – GLA

To date we have received no formal response from the GLA to our consultation.

6.32 Partner engagement session

6.33 The session was attended by representatives from MIND, South West London Law Centre and The Carer's information service.

6.34 There were concerns raised regarding the introduction of non-dependant deductions for disabled non-working households as there was a concern that the non-dependant could be the carer for the disabled claimant or partner. And taking a deduction for them would be penalising them for having caring responsibilities. There is the option to exclude non dependant carers from the introduction of the non-dependant deductions.

6.35 It was asked what the rational was behind no non dependant deductions being taken on disabled not working claims from April 2022, when they had been taken prior to that. It is understood that the thinking behind the decision was to 100% protect disabled residents who were unable to work.

6.36 A further comment was regarding situations where the non-dependant is the person within the household who is disabled, and it is the claimant or partner who is self-employed. A suggestion was made that where it is the non-dependant that is disabled rather than the claimant or partner that the minimum income floor should also be removed. In this scenario the CTS scheme would be classified as a standard income banded claim, and not disabled and therefore it would not be possible to isolate these claims to consider not applying the minimum income floor.

6.37 OUTCOME FROM THE CONSULTATION

The consultation period ended at midnight on 1st December 2022. The outcome has shown that in all cases the majority of people agreed with the proposed changes, although in some cases more strongly than others

6.38 With respect to the proposed change to remove the minimum income floor over half of the respondents agreed with this proposal, mainly sighting that they felt it was the right thing to do in respect of disabled claimants.

6.39 The majority of respondents said they agreed with the proposal to increase the income bands by the same rate as council tax rather than by CPI with the main theme of those in agreement being that it is understandable for the CTS level to match that of the council tax increase.

6.40 Although the majority of respondents were in favour of introducing deductions for other adults in disabled not working claims, it was only by a margin of 0.8% with 19% of people advising they neither agreed nor disagreed with the proposal. The main theme in the comments from those who supported the change was that they felt it was right for everyone in the household to contribute

6.41 REVIEW OF CONSULTATION RESPONSES AND RECOMMENDED CHANGES TO PROPOSED CTS SCHEME

Following feedback from the consultation, there has been a change made to the changes being recommended. To exclude the introduction of non-dependant deductions where the non-dependant is in receipt of carers allowance for the claimant or partner.

7. CONTRIBUTION TO COUNCIL PRIORITIES

7.1 The recommended changes will contribute to the Council priorities detailed in the Executive Mayors business plan. It will help the council balance its books, specifically

supporting the priority of getting a grip on the finances and making the council financially sustainable.

- 7.2** By providing additional savings it will contribute to achieving a balanced budget and by changing the rate at which the income bands are increased it will make the scheme more sustainable in the future by managing the increased costs of CTS. .

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

- 8.1.1** The current CTS scheme costs £28.4m of which 80% or £22.72m is borne by the Council. The remaining 20% or £5.68m is attributed to the GLA.
- 8.1.2** Within the MFTS we need to deliver savings of £1.2m which will be reflected in the 2023/24 budget. The proposals included in the consultation safe guard the additional savings realised in 2022/23 of £1.2m. If the changes outlined in this report were not made to the scheme the £1.2 million would reduce by £425k, therefore putting savings at risk.
- 8.1.3** As we are asking some residents to pay more towards their Council Tax there is a risk that they may struggle to make the requested payments. To mitigate this risk, the Council will implement a hardship scheme to support those most in need or unable to pay their Council Tax. This will provide transitional support to bridge the gap for residents who have seen a reduction in their Council Tax Support entitlement as the result of the changes. In addition to this the Council have close working partnerships with welfare agencies e.g., Citizens Advice Bureau and Money and Pension Service to further support residents in need.

Comments approved by Lesley Shields, The Head of Finance for Assistant Chief Executive and Resources on behalf of the Corporate Director of Resources.

8.2 LEGAL IMPLICATIONS

- 8.2.1** The Head of Litigation and Corporate Law and Deputy Monitoring Officer comments on behalf of the Director of Legal Services and Monitoring Officer that the Council is required, under the Local Government Finance Act 1992 ('the 1992 Act'), for each financial year, to consider whether to revise or replace its CTS scheme. The Council's substantive review, detailed in this report, complies with this requirement.
- 8.2.2** The 1992 Act provides that a billing authority's Council Tax Reduction Scheme must include prescribed matters set out in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. Therefore, the Council is required, without any exercise of discretion, to amend the CTS Scheme, to reflect any changes made to those regulations.
- 8.2.3** Under the 1992 Act, a decision to revise a billing authority's scheme is required to be made by the authority, not its executive. This is outlined at paragraph 2.6 of the report.

9. When a billing authority decides to revise or replace its scheme it is required to comply with the preparation requirements set out in Schedule 1A of the 1992 Act. This includes consulting any major precepting authority, publishing the draft scheme and consulting upon it. In addition, paragraph 2 of Schedule 1A and the 2012 Regulations specify matters which must be included in schemes, and make detailed provision as to the calculation of income and capital etc.
10. The authority must make any revisions to its scheme no later than 11 March in the financial year preceding that for which the revised scheme is to have effect. If any revision to a scheme has the effect of removing or reducing a reduction to which any class of persons is entitled, the revision must include such transitional provision relating to that reduction or removal as the authority thinks fit.

Comments approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer.

10.1 EQUALITIES IMPLICATIONS

- 10.1.1** An equalities impact assessment has been completed based on the recommendations in this report and the outcome of the consultation.
- 10.1.2** The council needs to review its scheme whilst ensuring that groups more affected by the changes are provided with support.
- 10.1.3** The Council recognised that some people may be affected more than others. The groups listed below were identified by the Council to be affected by the proposed changes:
- Self-employed disabled residents
 - Disabled non-working households with a non-dependent resident
 - Residents aged between 26 -46 were more likely to be affected
 - Residents aged over 66 were not affected by the proposals
- 10.1.4** The Council have provided a hardship fund for those affected by the changes in order to ease the transition between the old scheme and the new scheme.

Comments approved by Denise McCausland, Equalities Manager.

OTHER IMPLICATIONS

10.2 No additional implications

11. APPENDICES

- 11.1** 1. *Full consultation results*
2. *Draft council tax support scheme document*
3. *EQIA*

12. BACKGROUND DOCUMENTS

12.1 None

13. URGENCY

13.1 To be presented at full council on 01 February 2023.

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Council tax support consultation

SURVEY RESPONSE REPORT

08 October 2021 - 01 December 2022

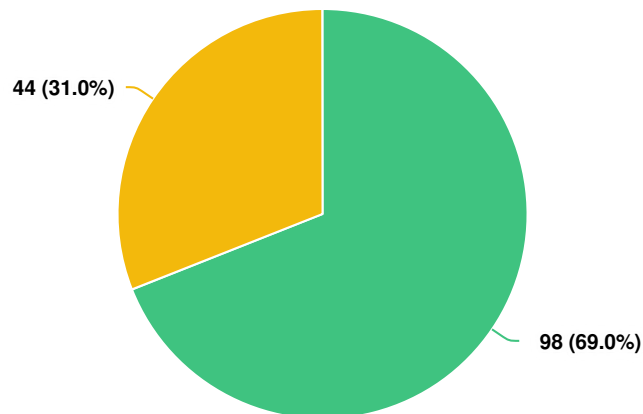
PROJECT NAME:

Have your say on proposed changes to our council tax support scheme



SURVEY QUESTIONS

Q1 Do you currently receive council tax support?



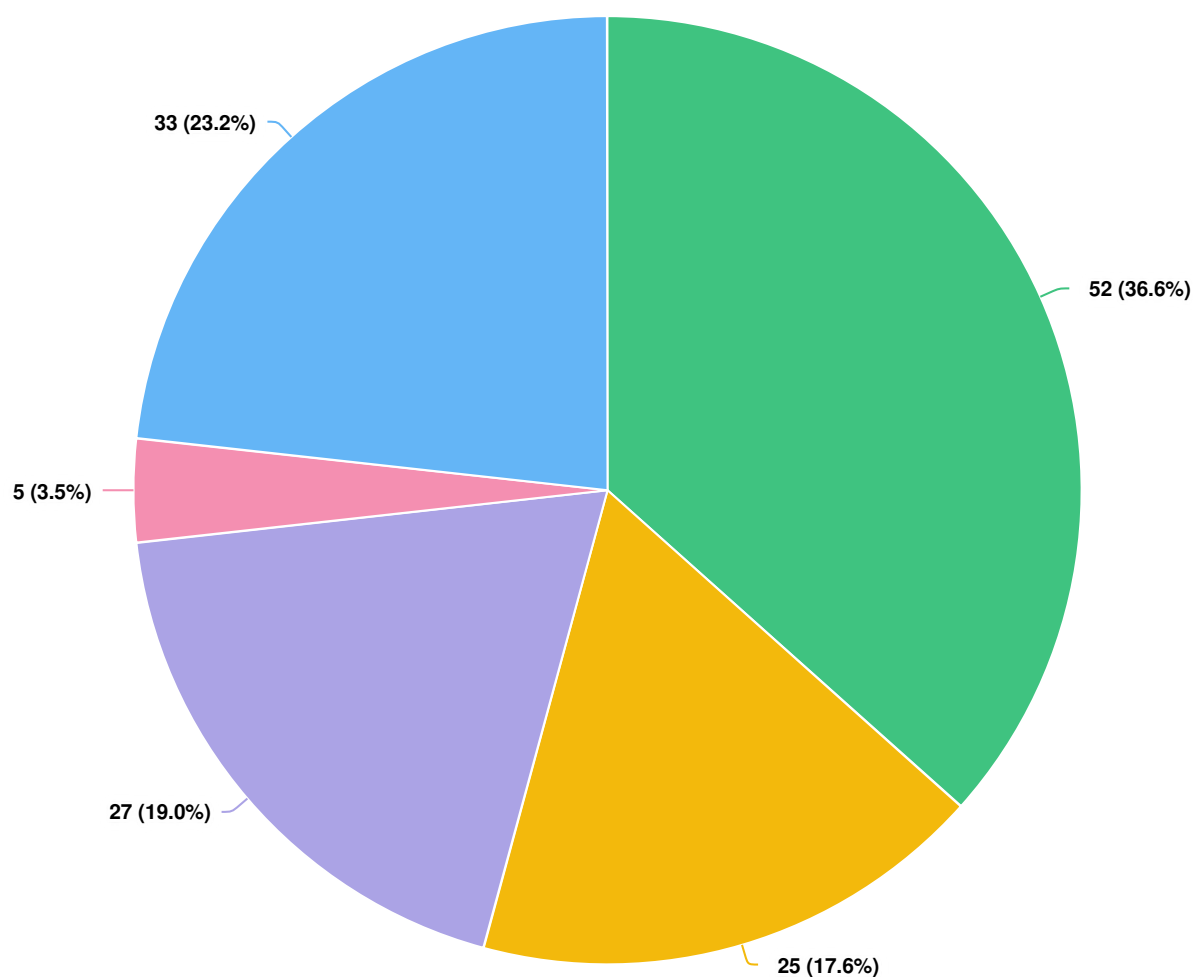
Question options

☒ Yes ☐ No

Optional question (142 response(s), 2 skipped)

Question type: Radio Button Question

Q2 How strongly do you agree or disagree with our proposal to remove the minimum income for disabled, self-employed residents?



Question options

Strongly agree Somewhat agree Neither agree nor disagree Somewhat disagree Strongly disagree

Optional question (142 response(s), 2 skipped)

Question type: Radio Button Question

Q3 Please explain your answer including any impact you feel this change may have on you:

Anonymous

10/14/2022 07:31 PM

nothing to add

Anonymous

10/14/2022 08:38 PM

It would be more fair to disabled, self employed residents who cannot increase their income

Anonymous

10/18/2022 01:18 PM

having to look after a disabled person is dependant on the level of disability. this should also include the aged and more support for those charity venues that aare supporting the disabled and aged.

Anonymous

10/19/2022 03:54 PM

n/a

Anonymous

10/20/2022 03:37 PM

Taxing low-income disabled families is not the way to go, perhaps the more wealthy should pay more,

Anonymous

10/21/2022 05:47 PM

This will assist Disabled Self Employed resident's especially with the Cost of Living Crisis

Anonymous

10/21/2022 06:31 PM

This seems to help those that need it most. It will have no effect on me.

Anonymous

10/21/2022 06:48 PM

As usual those who work and contribute receive zero help!!!!

Anonymous

10/21/2022 06:55 PM

Na

Anonymous

10/21/2022 08:34 PM

Benefits should not be classed as income when disabled or are disabled related for example PIP is classed as income

Anonymous

10/21/2022 09:04 PM

People want to live there life happily and peacefully

Anonymous

I work., but sometimes I can't for months so my income falls short.

10/21/2022 10:15 PM

Anonymous

I am retired so this does not affect me

10/22/2022 05:09 AM

Anonymous

I think this is good as so often the poorest find it hard to make ends meet.

10/22/2022 12:18 PM

Anonymous

What is best for those who need CTS should be the defining what's best for the finances.

10/23/2022 12:08 PM

Anonymous

Disabled people are more than capable of working more than 35 hours per week.

10/23/2022 10:54 PM

Anonymous

if someone is receiving any income this should be taken into consideration

10/24/2022 09:40 AM

Anonymous

My partner is self employed, we have a disabled son, we receive dla and because our tax credits went up due to receiving dla, we lost most of our council tax support and have to pay almost all our council tax, when in fact my partners earning are much lower than the income floor that stand now but due to dla it takes it over the threshold. So because my son is disabled we have to pay triple the amount of council tax than what we were before.

10/24/2022 03:49 PM

Anonymous

pensioners mainly have fixed income. When the Council Tax goes up, their pension is affected ie becoming poorer. Who do we complain.

10/26/2022 11:29 AM

Anonymous

As you state may disabled CTS recipients are unable to earn or increase their income

10/26/2022 04:04 PM

Anonymous

Ia self employed and on a low incomey patnet csnnpt work

10/30/2022 03:03 PM

Anonymous

Increase council tax bill

10/31/2022 10:01 AM

Anonymous

We should do all we can to protect disabled Residents.

10/31/2022 04:00 PM

Anonymous 11/01/2022 07:36 AM	There is little impact on those living in a single income household who would not fulfil this criteria.
Anonymous 11/01/2022 06:06 PM	I think if there is anyone receive DLA council tax should be reduced
Anonymous 11/01/2022 06:07 PM	I struggle as of now with my income I receive
Anonymous 11/01/2022 06:12 PM	Why are the disabled paying council tax and parents that are on a low wage...
Anonymous 11/01/2022 06:12 PM	I'm severely disabled person. It would badly affect on my household incomes.
Anonymous 11/01/2022 06:16 PM	It's very hard for someone who is disabled or self employed it's hard enough to survive now let alone have to pay more for council tax.
Anonymous 11/01/2022 06:18 PM	For the people who don't have someone in there household who is disabled but earn a different income monthly, this does not help out.
Anonymous 11/01/2022 06:19 PM	I don't really understand the question if I being honest.
Anonymous 11/01/2022 06:27 PM	It seems fair to base support on actual income rather than 'supposed' income. I don't think it will affect me as I'm not disabled and my benefit is based on me being on Universal Credit at present; but it's good to know you might help the most disadvantaged with realistic assessments.
Anonymous 11/01/2022 06:26 PM	Especially during the current climate, we need any support we can get, so by removing support only makes matters more stressful
Anonymous 11/01/2022 06:27 PM	Because I didn't see much of the difference on my part.
Anonymous 11/01/2022 06:35 PM	Not sure how or whether this will affect me.

Anonymous 11/01/2022 06:41 PM	I only work 15hours per week because my disabilities do not allow me to work/earn more
Anonymous 11/01/2022 06:42 PM	I am unemployed but am looking to apply for a part time job. How will this affect me?
Anonymous 11/01/2022 06:58 PM	Not sure I it will affect me but disabled people like me spend more money on energy bills
Anonymous 11/01/2022 06:57 PM	I prefer keeping the old system. The new proposals will create many issues
Anonymous 11/01/2022 07:12 PM	This seems discriminatory.
Anonymous 11/01/2022 07:40 PM	I feel
Anonymous 11/01/2022 07:50 PM	Right now people are struggling to put food on the table and having facing a lot of difficulties to live.
Anonymous 11/01/2022 07:52 PM	Disability makes it hard to increase working hours
Anonymous 11/01/2022 07:53 PM	I would like to receive more support
Anonymous 11/01/2022 08:01 PM	When I work extra hours I don't qualify for CTS and it affect my income
Anonymous 11/01/2022 08:01 PM	Some disabilities mean they can not do a lot of hours or sometimes unpredictable when can work .so impossible to hit a certain amount of wage.
Anonymous 11/01/2022 08:35 PM	It's unfair for the employed
Anonymous	I'm a single claimant

11/01/2022 09:28 PM

Anonymous

we will struggle a lot

11/01/2022 09:58 PM

Anonymous

Unable to feed myself

11/01/2022 10:00 PM

Anonymous

In the middle of a cost of living crisis we are now expected to also accept cuts to support for the most vulnerable. There is already enormous pressure on my family and the last thing we need is to have to pay more out because of cuts in the amount of support we receive. Its just wrong and badly timed.

11/01/2022 10:01 PM

Anonymous

This does not affect me. I'm a single mom with 2 children in school and a victim of domestic violence. My bill has actually gone up. I can't afford it. Its a choice between buying food (also high) paying energy bills to stay warm (also high) so that we could live everyday. There is no provision for someone like me in this proposed change. Its already hard on parents as we have to work around school hours which excludes us from work that will get us off this benefit. No provision made for that. After school clubs costs, breakfast clubs costs.... there is no consideration of the family and children on this.

11/02/2022 05:29 AM

Anonymous

it will place more stress and strain on my finances as i would be concerned if i earn over will i be able to afford to pay my bills in full

11/02/2022 09:24 AM

Anonymous

I think it's fair to provide support based on income and household expenses.

11/02/2022 09:46 AM

Anonymous

I am paying three times the amount of council tax then before seriously struggling I can not work due to my physical and mental health so any further information and support would be beneficial to my health as stress triggers more pain.

11/02/2022 12:21 PM

Anonymous

Hello I am a single mother, I have two children to raise. My husband is alcoholick and live family not help. I try divorce. I work part-time because children's go school. I don't have Family in here and eny help. I must pay for home 1306.25£ Gas and electricity 300,water etc..I got Universal C.For me life is not easy I try pay bills but I don't have inaf moneys. Children's need eat and normal life but I olweys tell now so is so sad. My council tax is BE. I so expensive for me. Now

11/02/2022 01:37 PM

I'm so worry how to pay every month's 300£ Is no possible olways I have chois I can pay but no give food for Children's. I trying do all good but is no easy. no chance to pay everything and deal with the rest of such a dear life as it is now. I think change house for no band E but because 2 children's I must take 2 bed flats etc.. but the prices of the apartments are so high that it would be the same. I am very afraid of not paying, but I have nothing to pay for so much expensiv bills. my request is for any help. Thank you and so Sorry Malgorzata Strzesak

Anonymous

11/02/2022 03:46 PM

It can be very difficult to earn £297.53 per week

Anonymous

11/02/2022 04:05 PM

it makes sense to use actual figures

Anonymous

11/02/2022 11:31 PM

Yes it will be fairer to remove the minimum wage as people with disabilities are more often than not on minimum wage and work less hours

Anonymous

11/03/2022 09:36 AM

The actual financial costs of managing and living with a Disability at this time are extremely difficult. The cost of living has increased exponentially. Removing the minimum income for disabled, self employed residents will just create further anger. Croydon Council seem to be hell bent on doing this anyway. This survey is just Bantha Fodder.

Anonymous

11/03/2022 02:32 PM

Single Disabled people like me need all the support we can get

Anonymous

11/03/2022 02:36 PM

I am not sure how it will work

Anonymous

11/03/2022 03:11 PM

would struggle

Anonymous

11/04/2022 08:15 PM

Because of this minimum income band we are struggling to pay our council tax as our weekly income is half then your minimum predictions

Anonymous

11/04/2022 10:47 PM

PRESENTLY ANY WAY TO BENEFIT COMMUNITY IS WELCOME.

Anonymous

11/04/2022 10:58 PM

You should not use an assumed income that may be unachievable in their circumstances.

Anonymous

11/05/2022 11:52 AM

Impact this then people on mid to low income. Unemployment should pay sometimes, because they get same Services like rest of us... people disability I can understand specially, some illness come on later on life.

Anonymous

11/05/2022 03:56 PM

Disable household cannot afford the council tax paying now how afford extra council tax ?????

Anonymous

11/07/2022 06:48 PM

Additional financial pressure on families

Anonymous

11/11/2022 12:06 AM

You shouldn't have to receive a minimum income to qualify

Anonymous

11/11/2022 06:53 AM

No money after paying out rent bill

Anonymous

11/11/2022 07:47 PM

If you are disabled you are vulnerable at which level of disability are you proposing- totally disagree. Self employment hopefully they won't swindle their books! Unclear msg the gov are sending just making life and COL worse due to their inability to govern their country- but are on a VERY high salary and don't obey their own rules during covid

Anonymous

11/11/2022 08:21 PM

Sometimes you can work others times you could be on long term sickness so your wage changes.

Anonymous

11/12/2022 02:45 AM

Based on accurate income gives an accurate account. I'm currently receiving a pension so the sums would be accurate to what I'm getting

Anonymous

11/12/2022 09:29 AM

I Don't understand it

Anonymous

11/14/2022 12:34 AM

I neither agree nor disagree it doesn't apply to me, my only concern is that unemployed people should not be paying council tax on a low income

Anonymous

11/14/2022 01:54 PM

This is an absolute insult when all services have been cut and now we don't even get our bins cleared regularly!!

Anonymous

11/15/2022 09:32 PM

Absolute unfair for disabled or self employed people.

Anonymous

11/18/2022 06:52 PM

I earn £ 266 per week and paying very high amount for council tax. Someone who earn for example £600 paying the same amount of money for the council tax. it is not fair.

Anonymous

11/19/2022 09:43 AM

People that cannot do more shouldn't loose out.

Anonymous

11/19/2022 10:34 AM

I do not know all the details so cannot make a comment, I was not aware that we may be able to get a rebate, I am not allowed / signed off work due to illness at present, my husband has a pension. So will be looking for more details.

Anonymous

11/20/2022 11:12 AM

Why would you cut support from people in the middle of a recession? Wrong policy at the wrong time.

Anonymous

11/20/2022 07:28 PM

This proposal does not affect me but it will have a detrimental effect on those who claim CTS.

Anonymous

11/21/2022 09:31 AM

This seems to be a fair system, it will not impact me.

Anonymous

11/22/2022 10:40 AM

I am disabled amd will not gef better. I xan not work and my partner is my carer. You will target disabled unfairly

Katie.Edland

11/23/2022 11:00 AM

This seems fair

Anonymous

11/25/2022 08:21 PM

If they can't work more hours it's unfair to assume that is their actual income when it could be less

Anonymous

i wonder if you have considered in your calculation methodology that

11/26/2022 07:07 AM

there are many older residents who refuse to ask the state for financial support, they may be on their own in a large home that they dont feel able to sell since the death of a loved one (memories are all that they have left) and cannot afford the high rate of council tax. what about them?

Anonymous

11/27/2022 04:37 PM

I am neither the main taxpayer nor have a disabled partner. Removal of minimum income has no impact on me as I am not working.

Anonymous

11/29/2022 08:28 AM

As someone who is Disabled and in receipt of Employment and Support Allowance (ESA), but self-employed, under Permitted Work Rules, I have been negatively impacted by the scheme introduced in April 2022. I cannot understand how an Equality Impact Assessment did not point out the impact on self-employed disabled people. I am left wondering how, if the proposed change is made, people will prove their income level. Will it be necessary to complete another form, provide tax returns or something else? Would this not add further bureaucracy? Would it not be simpler and fairer to say anyone in receipt of ESA is automatically assumed not to be earning and therefore provide full support as was the case under the pre-April 2022 scheme? If someone were disabled and not self-employed would ESA still be counted towards their income? The figure given seems incorrect, is the Minimum Income Floor not set at £332.50 with a £50.00 discount for those in receipt of certain benefits – including ESA – making a total assumed income of £282.50 not the figure given above?

Anonymous

11/29/2022 12:16 PM

the adults that can pay within the household okay could pay towards council tax, but those that are not able to, such disabled. Those on a very low income, can only pay what they can reasonable afford without leaving them without a household oncome to use.

Anonymous

11/29/2022 05:52 PM

I believe disabled people should not have to pay council tax at all

Anonymous

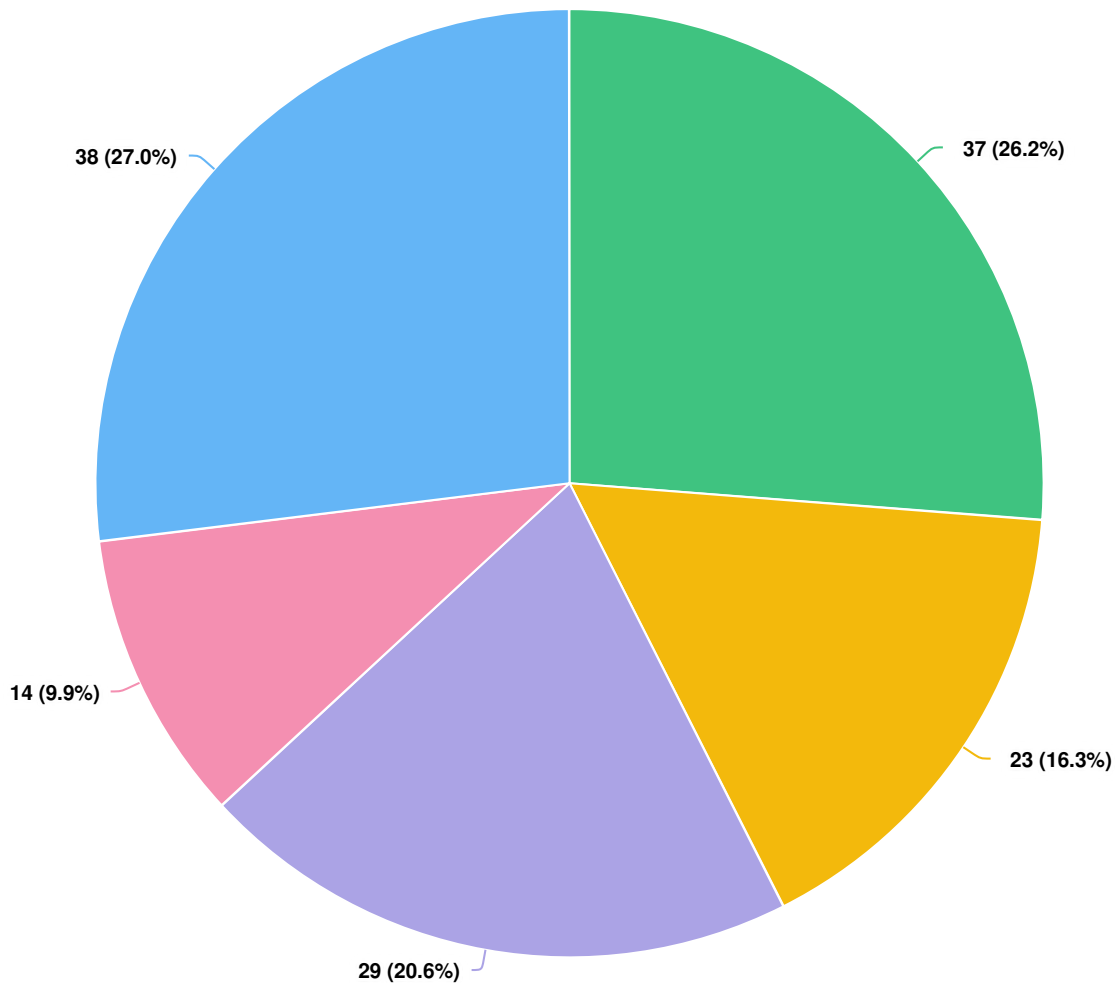
11/29/2022 10:32 PM

If it's a tiered support then I agree it should be wholly tiered. I would prefer that everyone gets a reasonable support regardless of income though, i.e. all eligible get the maximum

Optional question (93 response(s), 51 skipped)

Question type: Essay Question

Q4 How strongly do you agree or disagree with our proposal to change to the rate income bands are increased annually?



Question options

Strongly agree Somewhat agree Neither agree nor disagree Somewhat disagree Strongly disagree

Optional question (141 response(s), 3 skipped)

Question type: Radio Button Question

Q5 Please explain your answer including any impact you feel this change may have on you:

Anonymous

10/14/2022 07:31 PM

nothing to add

Anonymous

10/14/2022 08:38 PM

disagree because Ctax is already too high and putting the bands up by any amount will cause extra hardship

Anonymous

10/18/2022 01:18 PM

The general outgoings on a property with prices rising in all area, a suspension of raising the the cost on an annual basis should be stopped untill the general outlook for daily cost return to a more normal level.

Anonymous

10/19/2022 03:54 PM

n/a

Anonymous

10/20/2022 03:37 PM

9.1% pending and more significant fuel payments low-income families will be driven deeper into poverty

Anonymous

10/21/2022 05:47 PM

I am not to sure the effect this would have

Anonymous

10/21/2022 06:31 PM

This seems reasonable, given that the council needs to cut costs. But it would be fairer to increase it by the same percentage that council tax increases.

Anonymous

10/21/2022 06:48 PM

It is almost not worth it to work and be a contributor to the community as you are always left to fend for yourself. Council tax rates are extortionate in Croydon and who pays are always the same people

Anonymous

10/21/2022 06:55 PM

For someone like. Self who does not claim any benefits is struggling to pay for everything that has gone up.

Anonymous

10/21/2022 09:04 PM

The council Tax is already very high for example 2 bedroom house paying £1965.84 per year. It's very hard to pay that much amount.

Anonymous

10/22/2022 05:09 AM

It is only normal to increase the council tax to match cpi

Anonymous

10/23/2022 12:08 PM

It's not clear why you are considering this therefore shouldn't be considered.

Anonymous

10/23/2022 10:54 PM

This will probably mean more council tax increases. No thanks. If you need more money then TAX THE POLLUTING NOISY SPACE-CONSUMING CHILD-KILLING MOTORIST! THEY ARE ADDICTED TO THEIR CARS AND WILL PAY! That means more CPZs. Why is there STILL no parking controls in the areas surrounding Selhurst Park on match days?? Islington have done it for years with Arsenal games why not Croydon??

Anonymous

10/24/2022 09:40 AM

as expenses rise then bands should reflect overall costs

Anonymous

10/24/2022 03:49 PM

.

Anonymous

10/26/2022 11:29 AM

Whatever the increase, will help or not specially in present time is not sure

Anonymous

10/26/2022 04:04 PM

CTS recipients are more likely to be impacted by high inflation than anyone else, why penalise them? what other support could they receive?

Anonymous

10/31/2022 04:00 PM

We should do all we can to protect Residents on lower incomes

Anonymous

11/01/2022 07:36 AM

Council tax currently increases every year with no to limited impact on the services i.e. waste collection is not optimal, libraries close, etc.

Anonymous

11/01/2022 06:06 PM

I think this should be based on the income

Anonymous

11/01/2022 06:12 PM

Low it for all that it affects..

Anonymous

11/01/2022 06:12 PM

N/a

Anonymous 11/01/2022 06:16 PM	We are paying enough already. In line with other councils croydon is very high.
Anonymous 11/01/2022 06:18 PM	This will help stay in line with the inflation of everything going on at the moment.
Anonymous 11/01/2022 06:19 PM	I'm not really understanding this question either.
Anonymous 11/01/2022 06:27 PM	Yes, I think this is reasonable. The world financial crisis is not the fault of the Council and even though your change may mean less benefit, I appreciate you have limited budgets too and it seems fair to make the benefit proportional to the actual council tax. It's hard to know at this point how it will affect me. It seems I'll get less benefit but it seems fair.
Anonymous 11/01/2022 06:26 PM	Especially during the current climate, we need any support we can get, so by removing support only makes matters more stressful
Anonymous 11/01/2022 06:41 PM	I don't actually understand how this would potentially affect me!
Anonymous 11/01/2022 06:42 PM	Not sure how this affect me if I get a part time job
Anonymous 11/01/2022 06:51 PM	With my current council band, the council takes 10% of my income and I'm a single parent in a single income home with two children under 12. It is very difficult providing for my house hold .
Anonymous 11/01/2022 06:57 PM	I prefer keeping the old system. The new proposals will create many issues
Anonymous 11/01/2022 07:50 PM	You have to help your residents
Anonymous 11/01/2022 08:01 PM	I m already struggling with my band
Anonymous 11/01/2022 08:01 PM	I don't understand the proposal completely I'm hoping if this has to rise to its 3% not 9.4 . Can't afford every thing as it is.

Anonymous

11/01/2022 08:35 PM

Its unfair to orher residents

Anonymous

11/01/2022 09:28 PM

I do not understand what income bands are and why living in one area means you get charged differently from someone living 3 streets across.

Anonymous

11/01/2022 09:58 PM

as it is we are finding it hard to cope financially on daily bases

Anonymous

11/01/2022 10:00 PM

Am not working and not managing day to day life

Anonymous

11/01/2022 10:01 PM

In the middle of a cost of living crisis we are now expected to also accept cuts to support for the most vulnerable. There is already enormous pressure on my family and the last thing we need is to have to pay more out because of cuts in the amount of support we receive. Its just wrong and badly timed.

Anonymous

11/02/2022 05:29 AM

This is not worded in z simple way for me to understand. In layman's terms what does this mean to me? This is very stressful.

Anonymous

11/02/2022 09:46 AM

I think this might affect a lot of households. Considering the economy crisis currently.

Anonymous

11/02/2022 12:21 PM

Anymore increases on council tax you will see claimants in court and with people such as myself with mental health and other physical health problems deteriorating due to impact of financial difficulties.

Anonymous

11/02/2022 01:37 PM

If If something changed, I would be very grateful, it would make life easier for me and my children. It would be enough for us to eat and live without fear.

Anonymous

11/02/2022 03:46 PM

This is a sharp increase and many will struggle to afford the price rise

Anonymous

11/02/2022 04:05 PM

It does sound good in the current situation but as changes occur and things improve will it still be a good for us do not know how that may

affect later changes in the services that we currently get.

Anonymous

11/02/2022 11:31 PM

It just makes sense to increase the support in line with inflation

Anonymous

11/03/2022 02:32 PM

I don't understand how the bands are calculated

Anonymous

11/03/2022 02:36 PM

it hard enough to pay as it is

Anonymous

11/03/2022 03:11 PM

would make life easier

Anonymous

11/04/2022 08:15 PM

In one hand you are decreasing the minimum amount and on the other hand you are increasing the amount for other working people this is unfair to all. Please have the old council tax support system which was more beneficial then now. We are struggling with our budget and income we don't know how to survive

Anonymous

11/04/2022 10:47 PM

COST OF LIVING ALL RESOURCES TO REDUCE COST IS APPRECIATED

Anonymous

11/04/2022 10:58 PM

This should increase above 3%

Anonymous

11/05/2022 11:52 AM

Impact I work part-time have osteoarthritis, some day I Good other I bad..I have understanding employer allow me to come in to work later..but It come time I will be able to work.

Anonymous

11/05/2022 03:56 PM

Cannot afford any extra money for council tax as disable household where extra money come from on benefits???

Anonymous

11/07/2022 06:48 PM

Additional financial pressure on families, you may have to pay out more if and when families start to breakdown due to financial pressure

Anonymous

11/11/2022 12:06 AM

I don't understand

Anonymous

11/11/2022 06:53 AM

No money very low income

Anonymous

11/11/2022 07:47 PM

I'm not getting salary rise as a single mother full time job and survivor of domestic abuse with no benefits entitlement on £23k year - in London! And COL - I'm now suffering with anaemia severely due to COL and the stress Gov are causing us

Anonymous

11/12/2022 02:45 AM

Because I'm on a pension, I don't know how it would affect me

Anonymous

11/12/2022 09:29 AM

Don't get it

Anonymous

11/14/2022 12:34 AM

The bands should remain at one figure only what with the cost of living rising daily

Anonymous

11/14/2022 01:54 PM

As I said in my last answer, if the Council provided a semblance of any service in this God forsaken Borough then it probably would not be so bad. Since Veolia cannot even seem arsed enough now to collect residents' bins the whole thing is a total disgrace!!

Anonymous

11/18/2022 06:52 PM

I will pay less.

Anonymous

11/19/2022 09:43 AM

Cpi is a better reflection of overall increase in life.

Anonymous

11/19/2022 10:34 AM

The bigger the house surely more you should pay. But the services should be improved too.

Anonymous

11/20/2022 11:12 AM

Inflation is impacting household income massively through higher food and energy bills - this policy would deny that reality by removing eligibility for CTS from those whose incomes have not increased in real terms

Anonymous

11/21/2022 09:31 AM

This seems to be a fair system, it will not impact me

Anonymous

11/22/2022 10:40 AM

No comment

Katie.Edland

11/23/2022 11:00 AM

Seeing the financail situation of the council I don't see what else is possible

Anonymous

11/26/2022 07:07 AM

Through no fault of the residents the council members and senior employed heads of service working in the council have let Croydon down and we are facing the third bankruptcy what a disgrace. all this change is merely to raise more taxes from us the residents so the money can be yet again wasted... or make up for other's mistakes. Croydon took their eye off the ball and employed staff clearly unfit to do the job and are hiding behind the Nolan Principles which are not new as being suggested strongly now - too late and where are the legal consequences who is being held to account.

Anonymous

11/27/2022 04:37 PM

I am a disabled resident and receive council tax support. Therefore, the quantity that the council tax annually grew has an impact on me.

Anonymous

11/29/2022 08:28 AM

If the income bands only increase with Council Tax %3, inflation is at %10 and someone's income goes up at %9, so less than inflation but more than Council Tax they will be placed in the next income band up – at least – and will have their Council Tax Reduction decreased. Given that in real terms they will have less money, due to inflation, it seems deeply unfair to increase their Council Tax liability. I would therefore suggest that banding should be based either on the CPI or the Living Wage. This would seem to be a fairer basis on which to calculate increases in the banding.

Anonymous

11/29/2022 12:16 PM

those that can pay more, a household that can afford to pay more should.

Anonymous

11/29/2022 05:52 PM

Council tax increases should be kept to a minimum at all times

Anonymous

11/29/2022 10:32 PM

With all other costs going up, the thresholds should continue to rise in lone with CPI

Anonymous

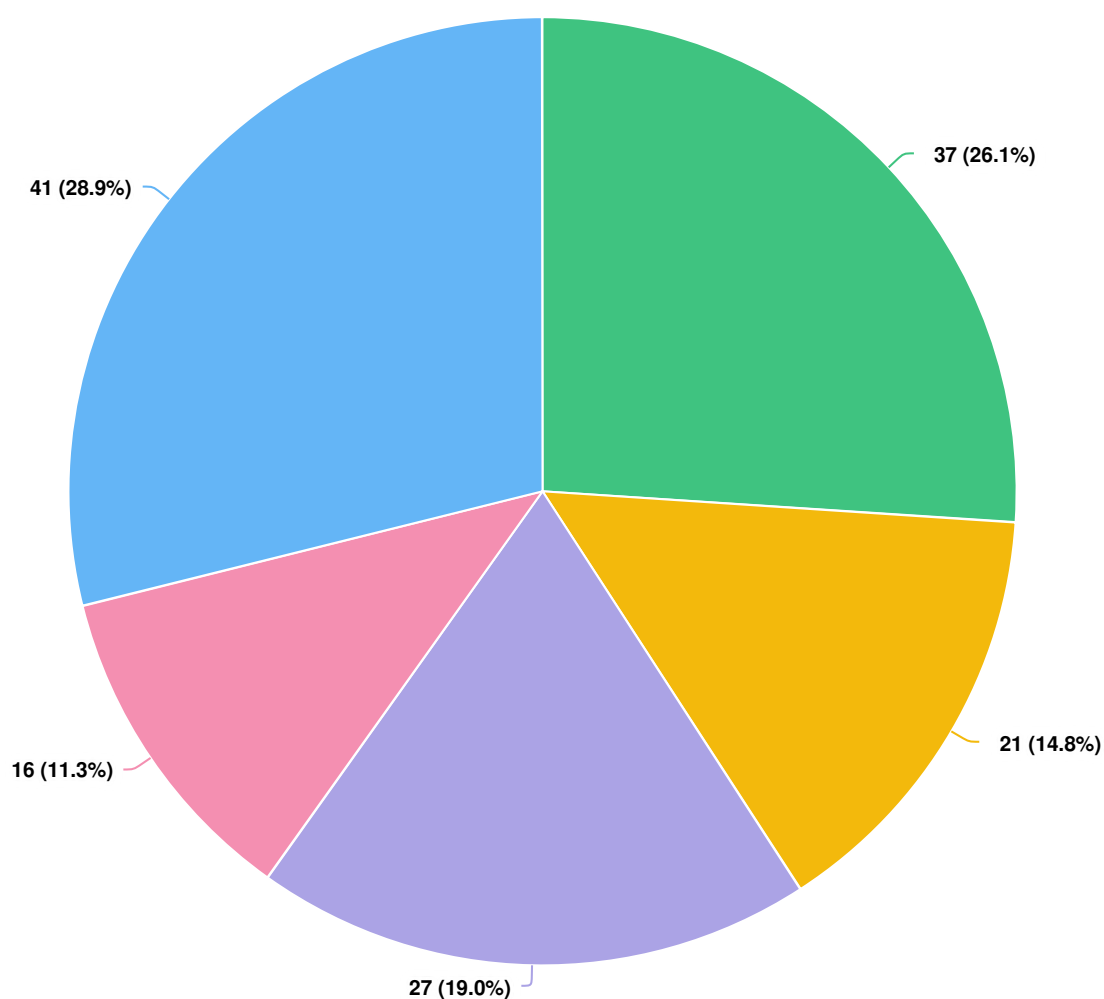
11/30/2022 05:04 PM

Already paying an extortionate amount for a rubbish service from the council. Until things have drastically improved, council tax should stay as it is

Optional question (76 response(s), 68 skipped)

Question type: Essay Question

Q6 How strongly do you agree or disagree with our proposal to apply a deduction to the amount of CTS provided to households of disabled residents where there are other adults in the house?



Question options

● Strongly agree ● Somewhat agree ● Neither agree nor disagree ● Somewhat disagree ● Strongly disagree

Optional question (142 response(s), 2 skipped)

Question type: Radio Button Question

Q7 Please explain your answer including any impact you feel this change may have on you:

Anonymous

10/14/2022 07:31 PM

nothing to add

Anonymous

10/14/2022 08:38 PM

You already take a deduction for non dependants along the financial lines that are laid out - 5 for non working etc does this mean that non working spouses will have to pay extra and students over the age of 18 who are still at school why make this change when the non dependant deduction is already in existence? this proposal will only impact familys who are not paying the non dependant deduction and they are most likely the most deprived

Anonymous

10/18/2022 01:18 PM

This totallly depends on the family income and is not easy to make a judgement without know the exact circumstances.

Anonymous

10/19/2022 03:54 PM

n/a

Anonymous

10/19/2022 08:42 PM

if adults are earning money they should all be responsible for the amount that is paid as a family

Anonymous

10/20/2022 03:37 PM

by having other adults in the house if on universal credit already has to pay for bedroom Tax.

Anonymous

10/21/2022 05:47 PM

I think this would also help if a couple

Anonymous

10/21/2022 06:31 PM

It seems reasonable to do this, but the calculation seems unfair. Surely if ther are two adults and one is disabled then the reduction should in support should be 50% and if there are three adults one of whom is disabled then the reduction should be 66% if you are going to apply the principles you are referring to. But then again this seems a bit harsh. So perhaps you should revisit your principles if you aren't fully applying them.

Anonymous

10/21/2022 06:48 PM

There's never a scheme that helps people who work and pay their bills, as if we are millionaires!!!!

Anonymous 10/21/2022 10:15 PM	If disabled my children shouldn't pay they don't live with me all the time.
Anonymous 10/22/2022 05:09 AM	This does not affect me as I have no other residents in my home
Anonymous 10/23/2022 12:08 PM	In the current economic situation reducing support is a clear indicator that the motive of these proposals is one not of care.
Anonymous 10/23/2022 10:54 PM	Good move to encourage people into work.
Anonymous 10/24/2022 09:40 AM	any other household income should be taken into account
Anonymous 10/24/2022 03:49 PM	.
Anonymous 10/26/2022 11:29 AM	Very much
Anonymous 10/26/2022 04:04 PM	As per my previous comments any reduction will impact those who need CTS most.
Anonymous 10/31/2022 04:00 PM	I disagree, as the Government has told us to protect disabled Residents.
Anonymous 11/01/2022 07:36 AM	I don't have a view. Once again, someone may be disabled in the household but they are likely to receive some form of support. Besides there is an assumption that this may impact on the spending for the household when that may not be the case.
Anonymous 11/01/2022 06:12 PM	Again why we paying council tax???
Anonymous 11/01/2022 06:12 PM	All disabled people need financial help
Anonymous 11/01/2022 06:12 PM	I think take home pay, and other bills should be considered

Anonymous

11/01/2022 06:16 PM

What if the other adults don't work or can't work very unfair.

Anonymous

11/01/2022 06:18 PM

Again there seems to be more help for the disabled who don't work or do anything than there is for the people who actually work and have to be doing more hours or having more than one job at a time.

Anonymous

11/01/2022 06:19 PM

This question I'm not understanding either.

Anonymous

11/01/2022 06:27 PM

This won't affect me personally as I'm a single occupier. But it seems fair that all adults in a household should contribute towards council tax, proportionally to their means. My only caution is that those means are properly and fairly assessed. The one thing that doesn't sound good is that the main taxpayer gets a £5 reduction in benefit even if the other adult is not working. This could be quite punitive as the non-working adult may not be in a position to contribute anything, struggling themselves to get by. I'd be against that' but certainly reasonable to apply a deduction when there are other working adults in the household.

Anonymous

11/01/2022 06:26 PM

Especially during the current climate, we need any support we can get, so by removing support only makes matters more stressful

Anonymous

11/01/2022 06:41 PM

This would probably not affect me - I have an adult working child living at my residence but I work myself part time

Anonymous

11/01/2022 06:42 PM

The deduction is very low and i would like to know if this is a fixed deduction. It should differ if your unemployed or in part time employment

Anonymous

11/01/2022 06:57 PM

I prefer keeping the old system. The new proposals will create many issues

Anonymous

11/01/2022 07:27 PM

For someone that is disabled, it is very hard to keep up with inflation in to add more hours when there isn't the chance to

Anonymous

Based on my own situation, I am a lone parent raising my grandchild

11/01/2022 07:40 PM

and my council tax payments have tripled

Anonymous

Correct

11/01/2022 07:50 PM

Anonymous

I need extra support with my CTS

11/01/2022 08:01 PM

Anonymous

I think if the non dependents are disabled not working or a full time 18- 23 uni/student then no i don't think it's easy for them to pay as we are all really struggling as it is . I think if non dependents are working then £5 if wages are low a week eg they are disabled or part time because of circumstances and £10 if wages are the 35 hours a week that you base it on . This will have a big impact on me as i have disabilities and don't work and have to care and be appointee for my autistic son and other disabilities who is 21 and can't work .can't interact with people etc my 18 year old daughter also has autism but with help is trying university but lives at home still because of her Autism with how expensive travelling to uni and every day costs and uni books she doesn't have much . We are a vulnerable household. I thought disabled not working are protected. Also if pip is something that has to count towards being disabled in council tax shouldn't care or mobility be just as important not just care component. Also not everyone that is disabled claims pip .

11/01/2022 08:01 PM

Anonymous

It's unfair to other residents

11/01/2022 08:35 PM

Anonymous

If a claimant is disabled and their partner is working (unless claimant is in need of full time carethat cannot be provided without cost to claimant) then they will be in receipt of more money and so should be entitled to less support

11/01/2022 09:28 PM

Anonymous

Fewer meals

11/01/2022 10:00 PM

Anonymous

In the middle of a cost of living crisis we are now expected to also accept cuts to support for the most vulnerable. There is already enormous pressure on my family and the last thing we need is to have to pay more out because of cuts in the amount of support we receive. Its just wrong and badly timed.

11/01/2022 10:01 PM

Anonymous

11/02/2022 05:29 AM

This does not affect me. I'm a single mom with 2 children in school and a victim of domestic violence. My bill has actually gone up. I can't afford it. Its a choice between buying food (also high) paying energy bills to stay warm (also high) so that we could live everyday. There is no provision for someone like me in this proposed change. Its already hard on parents as we have to work around school hours which excludes us from work that will get us off this benefit. No provision made for that. After school clubs costs, breakfast clubs costs.... there is no consideration of the family and children on this.

Anonymous

11/02/2022 09:46 AM

This might affect the disabled person.

Anonymous

11/02/2022 12:21 PM

People with disabilities should not have the burden on them to pay high council tax when they are on low income especially paying for carers and other services they require.

Anonymous

11/02/2022 01:37 PM

I'm single mom only my work and me and my children's life is in my arms. Is not easy work ,look for Children's help children's for good life . If I have more help then I can help for my children's for normal live is so important.

Anonymous

11/02/2022 03:46 PM

If it's only a small increase this could be manageable as long as it doesn't impact too harshly on the household

Anonymous

11/02/2022 04:05 PM

that seems a fair assessment

Anonymous

11/02/2022 11:31 PM

Not a great idea as the disabled adult may be the sole breadwinner and the unemployed adult may have a disability

Anonymous

11/03/2022 09:36 AM

Reducing such CTS support to households of disabled residents will cause further hardship. Disabled residents such as myself rely on receiving full CTS support. It enables me to experience a weekly health support intervention. Having other adults in the house does not equate to more money for me. Removing such support will ensure that things get worse for me.

Anonymous

11/03/2022 02:36 PM

because of cost

Anonymous

11/03/2022 03:11 PM

would struggle

Anonymous

11/04/2022 08:15 PM

I am a disabled person suffering different chronic health issues that's why not working at all of you will reduce to support just tell me where should we go

Anonymous

11/04/2022 10:47 PM

IN FAVOUR TO REDUCE MY OUT PAYMENTS

Anonymous

11/04/2022 10:58 PM

I think if there are others in the household that earn its fair

Anonymous

11/05/2022 11:52 AM

We should all pay something. We get the service, at times not great

Anonymous

11/05/2022 03:56 PM

Benefits will not provide extra money to pay for concil tax

Anonymous

11/07/2022 06:48 PM

Young people may choose to move out leaving the disabled person facing lack of support and financial pressure

Anonymous

11/11/2022 12:06 AM

My daughter is 18 and on a fairly low income, we are on UC and her income will count towards our household income when she turns 21 I think it should be the same for cts

Anonymous

11/11/2022 07:47 PM

See above - disabilities can vary from high to low - other carer may not be able to get out the door because of their adult young adult or whoever they live with who needs care! There is no way that this will work it's a broad spectrum

Anonymous

11/11/2022 08:21 PM

You can't rely on other's like your children to pay its not their home so they have no obligation, also they might only stay a few days and the rest with their partners.

Anonymous

11/12/2022 02:45 AM

Some adults would be full time students so how is this change affecting the household

Anonymous

11/12/2022 09:29 AM

Hit the rich not the poor

Anonymous

11/14/2022 12:34 AM

People struggle enough so that would be welcomed

Anonymous

11/14/2022 01:54 PM

Please see previous answers - I am tired of getting no services from this joke of a council.

Anonymous

11/18/2022 06:52 PM

i will pay less.

Anonymous

11/19/2022 09:43 AM

Trick question as you put 2 thing's to mask 1 question.

Anonymous

11/19/2022 10:34 AM

What happens when you have a person / carer providing support to the disabled person - also what happens when you have a house with two pensioners, getting on in life and you have a family member move is to provide help.

Anonymous

11/20/2022 11:12 AM

There is extra support for disabled residents for a reason - they encounter higher living costs due to their disability. The presence of other adults in the house is entirely immaterial to that fact.

Anonymous

11/21/2022 09:31 AM

working family members are not able to increase their hours due to caring responsibilities.

Anonymous

11/22/2022 10:40 AM

Disabled people struggke as it is. This will not work or help vunerable people.

Katie.Edland

11/23/2022 11:00 AM

Perhaps this could be reviewed on a case by case basis

Anonymous

11/26/2022 07:07 AM

as above whatever you are consulting on is merely to find a way to ball our for the neglect that has clearly gone on over the financial situation its a disgrace. Croydon Deserves Better

Anonymous

11/27/2022 04:37 PM

I am a disabled resident who has no partner. Therefore, neither deducting quantity of Council Tax Support nor impact on me.

Anonymous

11/29/2022 12:16 PM

most adults over eighteen pay council tax, so what difference are you talking about? a young person working for £4 per hour, can only pay what they can reasonable pay, not too leave them without money for everyday.

Anonymous

11/29/2022 05:52 PM

All disabled residents should pay no council tax

Anonymous

11/29/2022 10:32 PM

Sounds like your punishing people for having a support network

Optional question (74 response(s), 70 skipped)

Question type: Essay Question

Q8 If you have any other comments or ideas you'd like us to consider as part of this consultation, tell us below:

Anonymous

10/14/2022 08:38 PM

Croydon council should sort itself out - the previous serious mismanagement

Anonymous

10/18/2022 01:18 PM

We have a number of charitable organisations who still pay council tax. These properties should be exempt which would assist them with their outlay on a weekly basis.

Anonymous

10/19/2022 03:54 PM

Message to the government and politicians, "Just be opened and honest with the people and stop taking us for idiots, because we are done with this fooliness t

Anonymous

10/20/2022 03:37 PM

this is just another way of making poorer house holds pay more while government cuts pensions and U/C

Anonymous

10/21/2022 05:47 PM

I am disabled and unable to work so assume these changes wouldn't affect me

Anonymous

10/21/2022 06:31 PM

I assume that disabled single occupancy households that currently receive 100% reduction in Council Tax, will continue to do so.

Anonymous

Just cut this ridiculous council tax, it is a robbery!!!!

10/21/2022 06:48 PM

Anonymous

10/21/2022 09:46 PM

Doesn't benefit me as I live with an elderly parent and I work part time, less than 20 hours a week. There's Concessions for people like me, who are not entitled to any benefits.

Anonymous

10/21/2022 10:15 PM

I pay my council tax bill, I'm disabled but work my 2 grown children don't always stay with me they have partners so why should they pay.

Anonymous

10/22/2022 12:18 PM

I don't think anyone who has less than £12500.00 coming in should have to pay any council tax.

Anonymous

10/23/2022 12:08 PM

Serve your borough,

Anonymous

10/23/2022 10:54 PM

We need MORE LTNs, MORE Controlled Parking Zones, MORE cycle lanes. The traffic in Thornton Heath High St is awful at peak time. Get rid of the parking spaces there for new cycle lanes. Get rid of all these cars they do not belong here!

Anonymous

10/24/2022 09:40 AM

regular ad hoc checks should be made on claimants to reduce fraud

Anonymous

10/24/2022 03:49 PM

.

Anonymous

10/26/2022 11:29 AM

Pensioners fully retired (not working) must be considered for benefit

Anonymous

10/31/2022 04:00 PM

Please revert the CTS scheme to the old 2013/22 scheme, as Residents are on their knees, especially given the cost of living crisis.

Anonymous

11/01/2022 06:12 PM

I'm a working one parent mum I'm struggling a lot to pay nearly £300 pounds I work part-time and it's hard to ...

Anonymous

11/01/2022 06:12 PM

N/a

Anonymous

This is a welcome development, but take home pay, childcare bills

11/01/2022 06:12 PM

and other bills should be considered

Anonymous

11/01/2022 06:19 PM

I think if you explain these questions so the layman can understand would help.

Anonymous

11/01/2022 06:26 PM

As a neurodivergent resident, this wording and phrasing is very alienating for me and prefer it in layman's terms so it's clear and everyone understands

Anonymous

11/01/2022 06:28 PM

Council tax should be issued accordingly to the income of residents

Anonymous

11/01/2022 06:51 PM

I nor anyone in my home is disabled but we struggle since my monthly council tax payment was raised to £154

Anonymous

11/01/2022 07:12 PM

Where both persons are unemployed or unemployed and the other is retired they should have a much higher discounting system.

Anonymous

11/01/2022 07:40 PM

How can Croydon Council triple the amount that a non working person has to pay when everything else has gone up but our money hasn't!!

Anonymous

11/01/2022 07:50 PM

We as your residents, we need your support to live right now we pay a very high amount for council tax and other bills at the end of the month particularly with my family we struggling a lot every single month

Anonymous

11/01/2022 08:01 PM

I thought disabled not working are protected as they are vulnerable. Households like mine the non dependents are vulnerable with disabilities .

Anonymous

11/01/2022 08:26 PM

I understand the expenses, but if there is nothing to pay from, where to get the money. Renting a house costs us a lot. Now electricity and gas are costly. We are both retired, my husband is sick.

Anonymous

11/01/2022 08:35 PM

The council tax is really high I can't even imagine things should go back the way they used to be

Anonymous

11/01/2022 09:58 PM

With the rise in cost of living we will find it very hard

Anonymous

11/01/2022 10:00 PM

More support for the disabled

Anonymous

11/01/2022 10:01 PM

It will no fall upon my Teenage daughter to pay the gap between deductions and support. This is unfair and ill timed.

Anonymous

11/02/2022 05:29 AM

How have your changes catered to single DV mothers with children in school?

Anonymous

11/02/2022 09:46 AM

N/A

Anonymous

11/02/2022 01:37 PM

I'm begging you to consider my situation and for help. My and children life is very poor And I would like a strong mother for them every help helps us and through life I do not fear. Thank you so much

Anonymous

11/04/2022 08:15 PM

Please make our lives easier please help us by providing council tax support as in past we are not happy with the current or the future CTS programme.

Anonymous

11/04/2022 10:47 PM

MONEY COMING IN TO ASSIST DURING COST OF LIVING
WELCOMED

Anonymous

11/05/2022 11:52 AM

One comment, when it's snow all Roads regardless where you live they come do where we live. Once it snow I come out of house. Because I problems walking.

Anonymous

11/05/2022 03:56 PM

Why croydon council asking extra money from disable household when benefits make difficult to live on??????

Anonymous

11/07/2022 06:48 PM

People with disabilities struggle everyday to get the support from family members as is, find another way to get savings, turn off your lights, save on paper, get rid of some managers and lame staff. Stoo giving undeserving pay outs

Anonymous

11/11/2022 12:06 AM

Adults age should be 21 as it is for uc

Anonymous 11/11/2022 06:53 AM	I live on my own I'm Struggling I just about can pay my rent my wages are very low not much money to pay on my bills and food ey
Anonymous 11/11/2022 07:47 PM	Give the government and deduction in salary - a big one and then put their bills up so they can't survive either!
Anonymous 11/14/2022 01:54 PM	It is a disgrace that you are even having this consultation when you provide simply nothing in services to the Borough residents now!!
Anonymous 11/18/2022 06:52 PM	We gave lots of money and we got not much less for food.
Anonymous 11/19/2022 09:43 AM	you are faking the question as there is more than just the pay, the council also takes into the account peoples savings that is not mentioned.
Anonymous 11/19/2022 10:34 AM	What are you doing about the house of mutli occupancy can be up to five families. Plus house left empty
Anonymous 11/20/2022 11:12 AM	Cutting council tax support in the middle of a recession - and the deepest cost of living crisis on record (according to the OBR) would be cruel. It is the wrong policy at the wrong time.
Anonymous 11/22/2022 10:40 AM	Do not lower support for disabled people. The whole proposed changes are unethical.
Anonymous 11/25/2022 08:21 PM	In April the council tax changed to being only calculated on weekly income.It is extremely unfair, you are only looking at the weekly income & not how many dependants someone has & their outgoings. I am a single mum of 4 working part time, c.tax so high
Anonymous 11/26/2022 07:07 AM	I have many comments but as a member of staff as well as a rate payer since 1973 nce moving to Croydon in 1972
Anonymous 11/27/2022 04:37 PM	I can add to consultation no comments or ideas.
Anonymous	ESA is provided to disabled people because the welfare system

11/29/2022 08:28 AM

recognises that disabled people's income-related needs are higher than non-disabled people because of the additional costs associated with disability. It should be disregarded by the council.

Anonymous

11/29/2022 12:16 PM

yes please count me as a person to consult with, you should contact resident's that we can give feedback, plus

Anonymous

11/29/2022 05:52 PM

I disagree with any resident having to pay more council tax above the government guidelines just because the council have yet again declared bankruptcy !!! No disabled resident/s should have to pay council tax at all

Anonymous

11/29/2022 06:27 PM

Households where only one adult can work because the other is disabled should have the same council tax reduction as single adult households

Anonymous

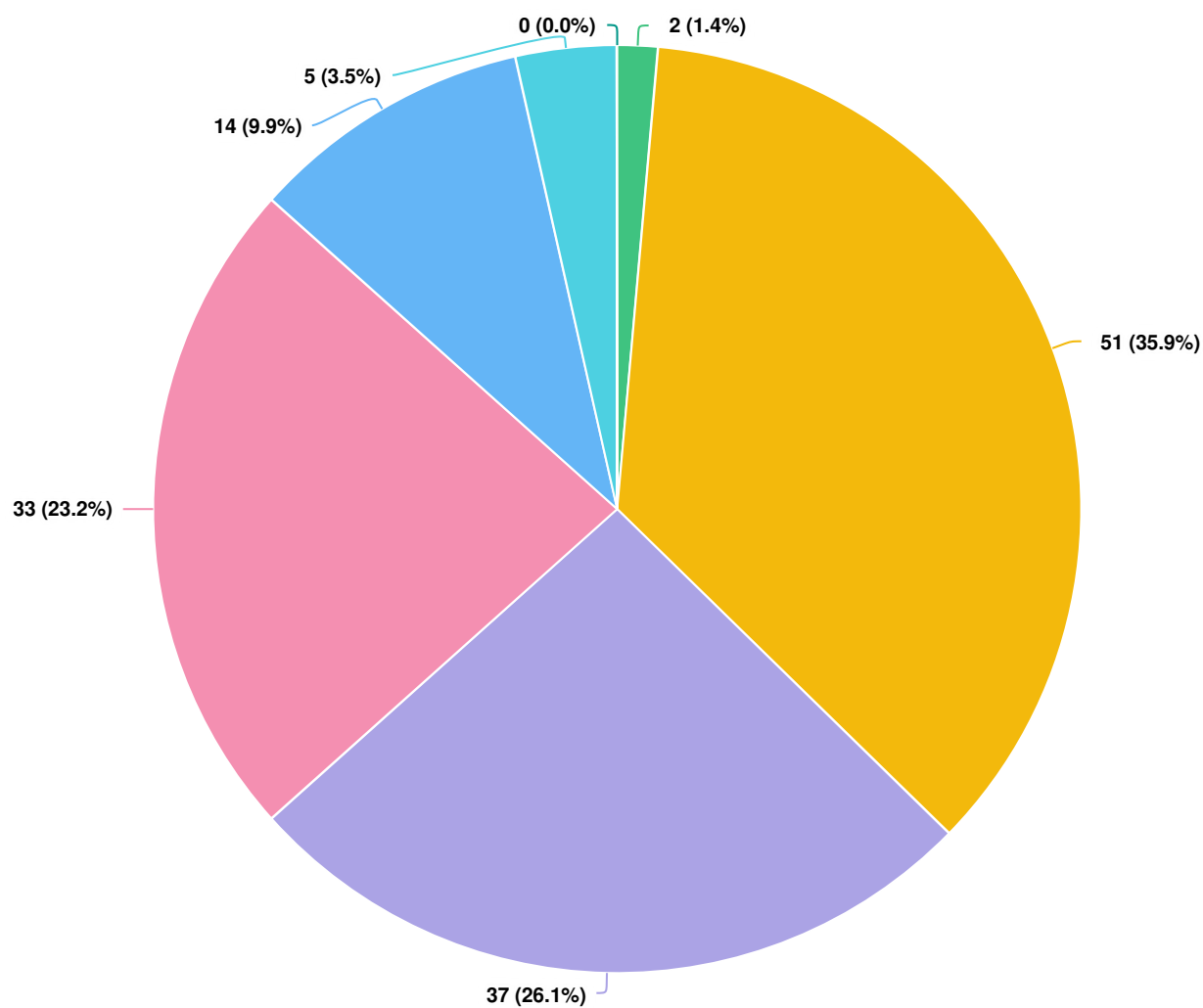
11/29/2022 10:32 PM

Stop trying to save money from those less able. Try and establish some businesses in the area again instead to generate income.

Optional question (57 response(s), 87 skipped)

Question type: Single Line Question

Q9 What age are you?

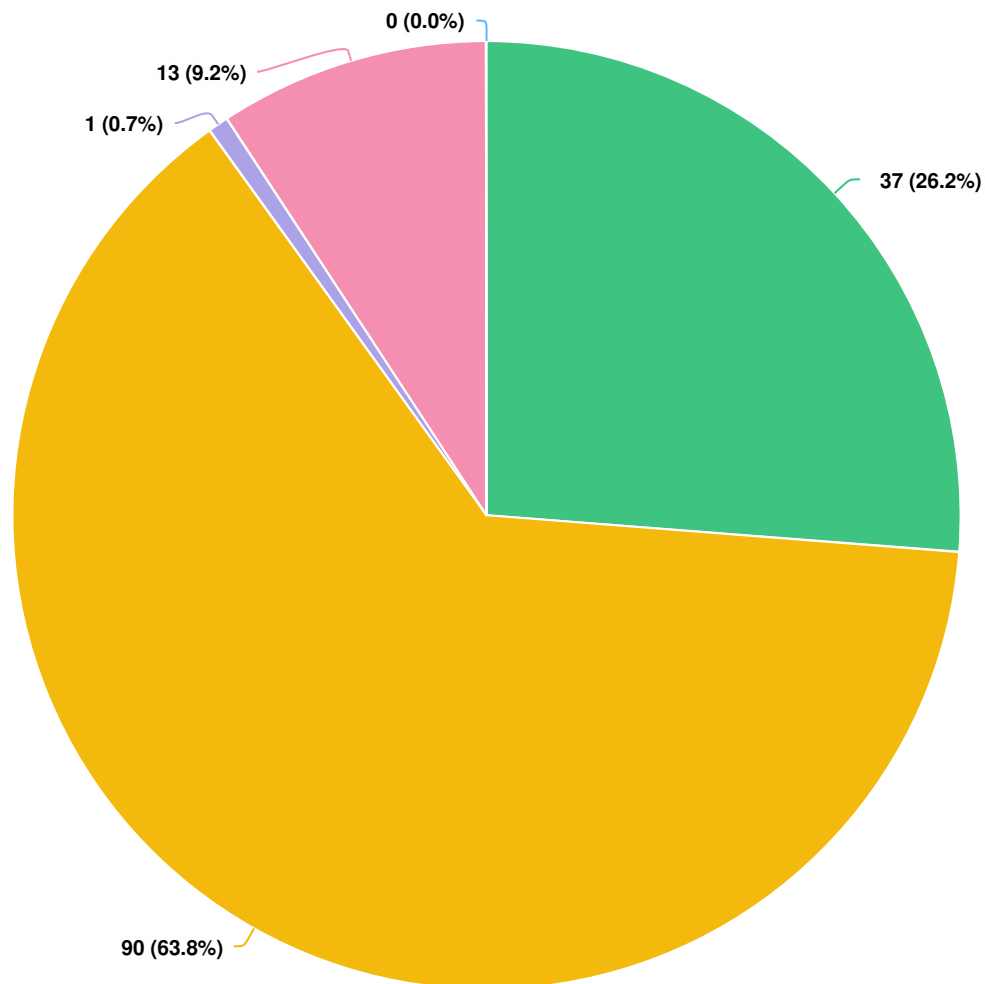


Question options

18-25 26-45 46-55 56-65 66+ Prefer not to say Under 18

Optional question (142 response(s), 2 skipped)
Question type: Radio Button Question

Q10 How would you describe your gender identity?

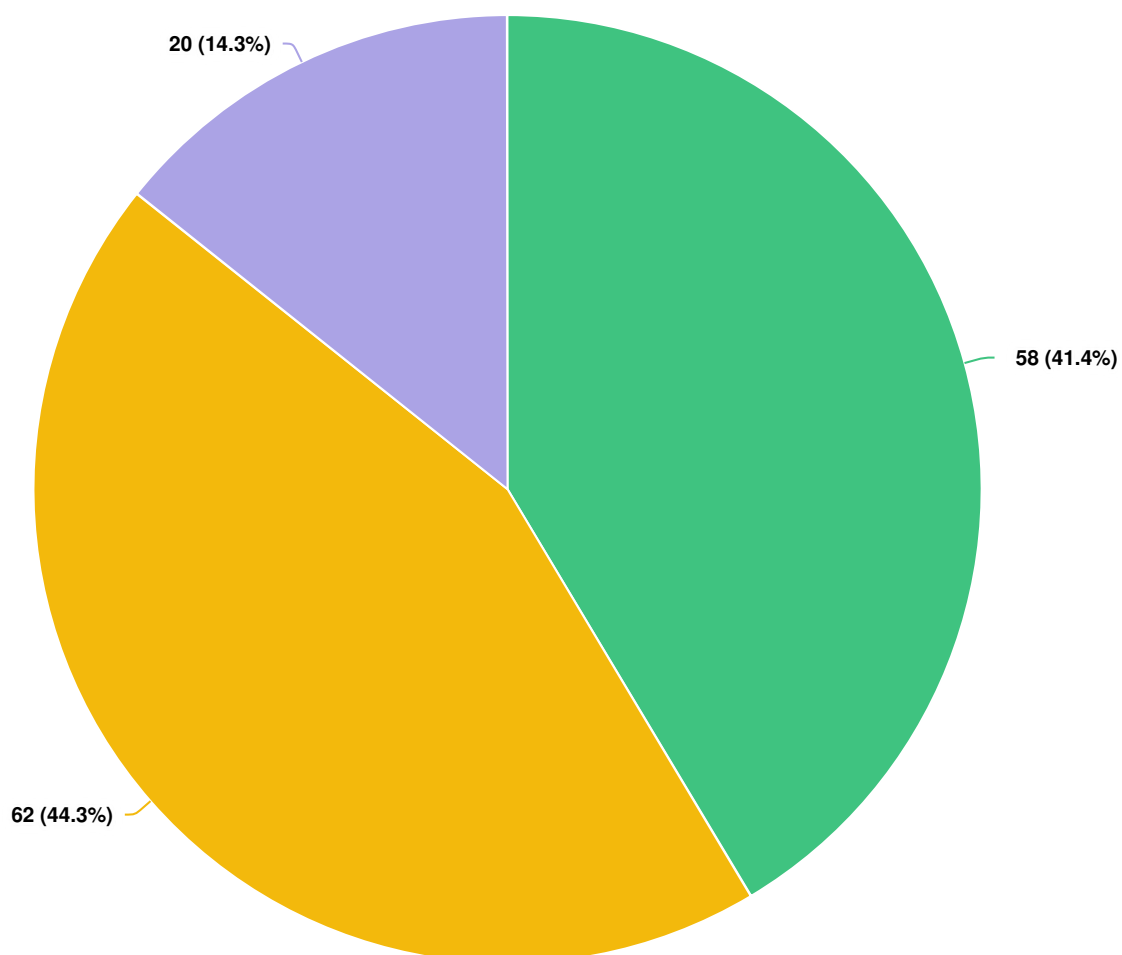


Question options

Male Female Non-Binary Prefer not to say Transgender

Optional question (141 response(s), 3 skipped)
Question type: Radio Button Question

Q11 Do you have any disabilities?

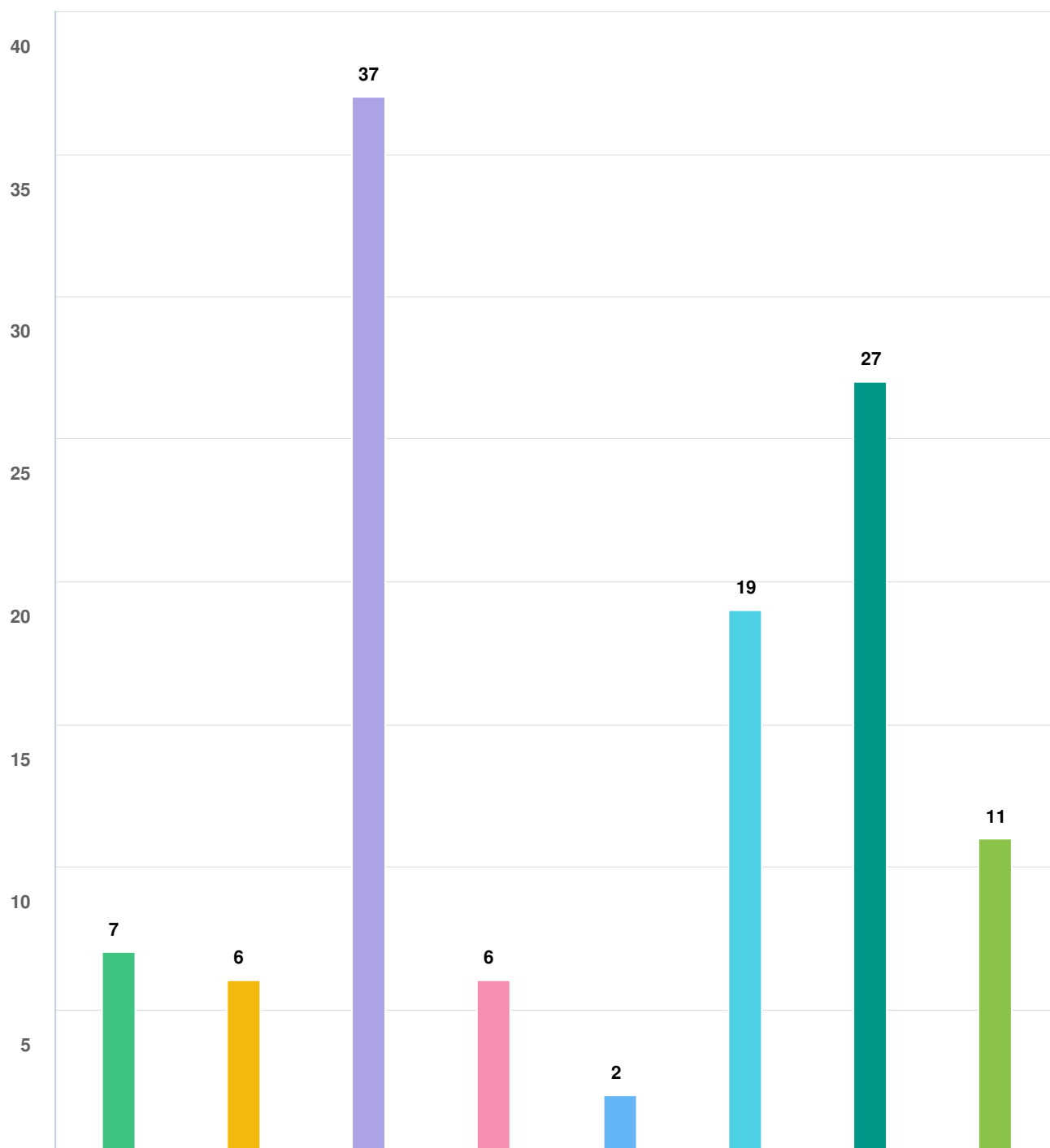


Question options

☒ Yes ☒ No ☒ Prefer not to say

Optional question (140 response(s), 4 skipped)
Question type: Radio Button Question

Q12 What type of disability(ies) do you have?

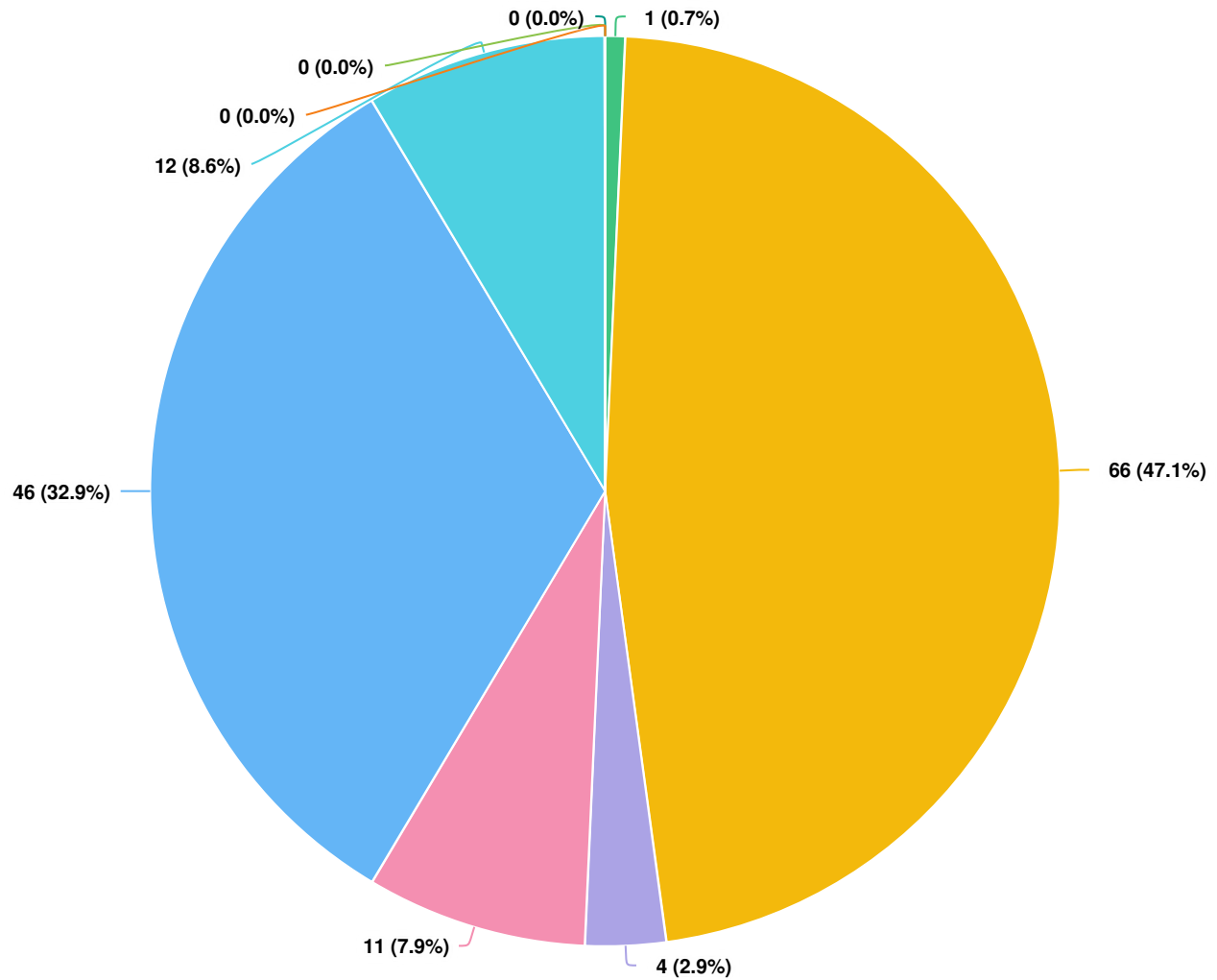


Question options

- Visually impaired
 ● Hearing impaired
 ● Mobility disability
 ● Learning disability
 ● Communication disability
- Hidden disability (e.g. autism, asthma etc)
 ● Prefer not to say
 ● Other (please specify)

Optional question (84 response(s), 60 skipped)
Question type: Checkbox Question

Q13 What is your religion?



Question options

● Buddhist
 ● Christian
 ● Hindu
 ● Muslim
 ● Prefer not to say
 ● Other (please specify)
 ● Sikh

● Baha'i
 ● Jewish

Optional question (140 response(s), 4 skipped)
Question type: Radio Button Question

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The Council Tax Reduction Scheme

(London Borough of Croydon April 2022)

The Council Tax Reduction Scheme

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The Council Tax Reduction Scheme

(Persons who are not Pensioners) (London Borough of Croydon) 2022

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- 1.3 Work Incentives
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- 3. Application of scheme: pensioners and persons who are not pensioners
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12. Persons treated as not being in Great Britain
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20. Effect of delivering information by means of electronic communication
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Part 19 - Extended Reductions

- 87. Extended reductions (qualifying income-related benefits)
- 88. Duration of extended reduction period: (qualifying income-related benefits)
- 89. Amount of extended reduction: (qualifying income-related benefits)
- 90. Extended reductions—movers: (qualifying income-related benefits)
- 91. Relationship between extended reduction and entitlement to reduction by virtue of being a person falling within the scope of paragraphs
- 92. Extended reductions (qualifying contributory benefits)

- 93. Duration of extended reduction period (qualifying contributory benefits)
- 94. Amount of extended reduction (qualifying contributory benefits)
- 95. Extended reductions (qualifying contributory benefits) - movers
- 96. Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of being a person entitled to a reduction under this scheme.

Part 20 - When entitlement begins and change of circumstances

- 97. Date on which entitlement begins
- 98. Date on which change of circumstances is to take effect
- 99. Time within which a claim for council tax reduction is to be made

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SCHEDULE 4 - Capital disregards

Preamble

1.0 Introduction

From 1 April 2013, council tax support in the form of council tax benefit (CTB) was abolished by Central Government. It was the duty of each billing authority in England to create a localised council tax support scheme, in the form of a council tax reduction scheme, by 31 January 2013, for that scheme to come into force when the CTB regime was abolished.

The enabling provisions are contained in section 10 of, and Schedule 4 to, the Local Government Finance Act 2012, which inserted section 13A and Schedule 1A respectively into the Local Government Finance Act 1992.

The provisions allow the Council, as the Billing Authority (the Authority) to use its discretion to design a scheme to support those not of pension age. The scheme is however required to contain certain prescribed provisions. The provisions which must be included in local council tax reductions schemes are set out in The Council Tax Reduction Schemes (Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885, as amended (the Prescribed Requirements Regulations).

1.1 Pensioners

Billing authorities must protect pensioners by providing the same level of support as operated under the CTB scheme. This has been provided by a prescribed local scheme for pensioners with national rules.

This means that the Authority has no discretion over the method, or level of support, provided to pensioners. Pensioners are protected from any further reductions in the current level of support by Parts 1 to 3 of, and Schedules 1 to 6, 7 and 8 to, the Prescribed Requirements Regulations, where they apply to Pensioners.

This document therefore concentrates on the local council tax support scheme for persons who are not pensioners; the scheme for pensioners is set out in The Council Tax Reduction Scheme (Pensioners) (London Borough of Croydon) 2013.

1.2 Persons who are not pensioners

The Authority was required by regulations to design a local council tax reduction scheme for people of working age, subject to certain prescribed requirements, by 31 January 2013. Each financial year since that date the Authority has been required to consider whether to revise or replace its scheme.

1.3 Work Incentives

The Authority's scheme is required to meet the basic requirements of encouraging and incentivising work. The Government does not prescribe by regulations how the Authority provides for work incentives in its scheme; it is for the Authority to decide how best to provide work incentives for its individual communities.

The Authority will introduce working disregards to incentivise work in their April 2022 Income Band Scheme. A £50 per week work disregard is awarded to disabled residents in work. For the purposes of this scheme the definition of vulnerability is described in the next section.

1.4. Vulnerability

The Government does not prescribe by regulation which class of person(s) is/are defined as vulnerable. Instead, it is for the Authority to decide, having regard to its duties under the Acts referred to below.

In making its scheme, the Authority has had due regard to the Equality Act 2010, public sector equality duties with regard to –

age, disability, gender reassignment, pregnancy and maternity, race, religion

- or belief, sex or sexual orientation, and
- Child Poverty Act 2010, the duty to mitigate effects of child poverty, and
- Disabled Persons (Services, Consultation and Representation) Act 1986, and
- Chronically Sick and Disabled Persons Act 1970, the duties relating to the welfare needs of disabled people, and
- Housing Act 1996, the duty to prevent homelessness, and
- Armed Forces Covenant, to recognise what our Armed Forces do for us, especially the injured and the bereaved

The following classes of person are deemed to be vulnerable for the purpose of Class A2 (see Regulation 35 of the Scheme) - applicant or any partner who is registered/certified as blind; an applicant who would under the preceding scheme have had an underlying entitlement to a -

- disability premium;
- enhanced disability premium;
- severe disability premium;
- component (employment and support allowance)
- enhanced disabled child premium;
- applicant or any partner who is awarded the universal credit capability for work element
- applicant or any partner who receives a permitted work earnings disregard;
- applicant or any partner who receives a War Disablement Pension; applicant who receives a War Widow's or War Widowers Pension
- applicant or any partner who is a care leaver within the scope of the provisions of the scheme

- applicant has been awarded a disabled band reduction on their council tax for the dwelling they are making a claim for support.

1.5 Financial Considerations

The financial risks associated with any council tax support system were transferred from central government to local government in 2013/14.

The government reduced the grant paid to the authority for council tax support by at least 10% of the sum paid for council tax benefit. This means the authority had at least a predicted £1.1 million (excluding GLA) less money available for council tax reduction in 2013/14 than it had for Council Tax Benefit (CTB) 2012/13.

The government also changed the way in which it pays the grant to the Authority for the amount of money paid out as council tax reduction. Instead of the Authority making a subsidy claim at the end of the financial year and being reimbursed almost pound for pound for money spent on CTTB entitlements. The government provides an up-front sum of money at the beginning of the financial year; a fixed grant that is not ring-fenced to local council tax reduction schemes.

The grant is a pre-set sum of money that is not adjusted at the end of the financial year to take account of any overspend or underspend due to increases or decreases in the number and amount of entitlements to a council tax reduction. The Authority is not prevented from using its own financial resource to add to the spend.

The Authority has also considered the financial implications to its precepting authorities, the Greater London Authority, the Metropolitan Police, the London Fire and Emergency Planning Authority and Transport for London.

2.0 Matters to be included

2.1 Interpretation

2.1.1 “scheme” means council tax reduction scheme.

2.1.2 In relation to the scheme “the authority” means the billing authority which made the scheme, that is London Borough of Croydon.

2.1.3 “1992 Act” means the Local Government Finance Act of 1992.

2.1.4 “2012 Act” means Local Government Finance Act 2012.

2.1.5 “Prescribed Requirements” means The Council Tax Reduction Schemes (Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885.

2.2 Matters to be included in the scheme.

2.2.1 A scheme must state the classes of person who are to be entitled to a reduction under the scheme.

2.2.2 The classes may be determined by reference to, in particular -

- a) the income of any person liable to pay council tax to the authority in respect of a dwelling;
- b) the capital of any such person;
- c) the income and capital of any other person who is a resident of the dwelling;
- d) the number of dependents of any person within paragraph (a) or (c);
- e) Whether the person has made an application for the reduction.

2.2.3 A scheme must set out the reduction to which persons in each class are to be entitled; and different reductions may be set out for different classes.

2.2.4 A reduction may be—

- a) a discount calculated as a percentage of the amount which would be payable apart from the scheme,
- b) a discount of an amount set out in the scheme or to be calculated in accordance with the scheme,
- c) expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it, or
- d) The whole amount of council tax (so that the amount payable is nil).

2.2.5 A scheme must state the procedure by which a person may apply for a reduction under the scheme or under Section 13A (1) (c) of the 1992 Act.

2.2.6 A scheme must state the procedure by which a person can make an appeal against any decision of the authority which affects -

- a) the person's entitlement to a reduction under the scheme, or
- b) the amount of any reduction to which the person is entitled.

2.2.7 A scheme must state -

- a) classes of person which must or must not be included in a scheme;
- b) reductions, including minimum or maximum reductions, which must be applicable to persons in stated classes;
- c) requirements which must be met by the procedure mentioned in 2.2.5

2.2.8 Subject to compliance with the Prescribed Requirements, a scheme may make provision that is equivalent to provisions made or capable of being made under -

- a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax benefit);
- b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as applying in relation to council tax benefit;
- c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;
- d) section 6 of that Act (regulations about council tax benefit administration),
- e) section 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit as it had effect on the day on which the Local Government Finance Act 2012 was passed and with such modifications as the authority thinks fit.

2.2.9 In exercising any function relating to its scheme, the authority must have regard to any guidance issued by the Secretary of State.

2.3 Revisions to and replacement of scheme

- 2.3.1 For each financial year, the authority must consider whether to revise its scheme or to replace it with another scheme.
- 2.3.2 The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 2.3.3 If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.

The Council Tax Reduction Scheme

(Persons who are not Pensioners) (London Borough of Croydon) 2022

Approved and Made by Council

31 January 2022

Coming into effect

1 April 2022

London Borough of Croydon makes the following Scheme in exercise of the functions conferred by section 13A (1) (a), (2), (3) of, and Schedule 1A to, the Local Government Finance Act 1992 and all other enabling powers, accordance with Parts 1 to 3 of, and Schedules 7 to 8 to, The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

Citation, commencement and application

- (1) This scheme may be cited as the Council Tax Reduction Scheme (Persons who are not Pensioners) (London Borough of Croydon) 2022 and comes into effect on 01 April 2022.
- (2) This scheme applies in relation to the billing authority in England known as London Borough of Croydon (the Authority).

Prescribed Statutory Requirements

The Authority sets out in Chapter 1, Parts 1 - 9, the Prescribed Requirements that must apply to all applicants for a council tax reduction in accordance with Parts 1 to 3 of, and Schedules 7 to 8 to, the Council Tax Reduction Schemes (Prescribed Requirements)

(England) Regulations 2012

Hamida Alli

Date 31 January

Leader of the Council

London Borough of Croydon

Chapter 1 - Prescribed Statutory Requirements

Part 1 - Introduction

1. Citation, amendment and application

- (1) This scheme may be cited as the Council Tax Reduction Scheme (Persons who are not Pensioners) (London Borough of Croydon) 2022 and comes into effect on 1st April 2022
- (2) This scheme applies in relation to the billing authority in England known as London Borough of Croydon and references in this scheme to “an authority” and “the authority” shall be to London Borough of Croydon unless the context otherwise requires.
- (3) This scheme applies to all persons who are not pensioners.
- (4) if this scheme omits or is inconsistent with any of the requirements relating to persons who are not pensioners contained in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (including any re-enactment or amendments thereof), the scheme shall be construed in such a way as to correct the omission or inconsistency.
- (5) Typographical or clerical errors in the scheme may be corrected subject to the approval of the officer with overall responsibility for council tax matters (currently interim Corporate Director of Resources).

Part 2 - Interpretation

- (1) In this scheme -

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

“the Administration Act” means the Social Security Administration 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;

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

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

“assessment period” means -

- (a) In relation to the earnings of an employed earner, in accordance with paragraph 47 for the purpose of calculating the weekly earnings of the applicant, or
- (b) in relation to the earnings of a self-employed earner, in accordance with paragraph 48 for the purpose of calculating the weekly earnings of the applicant; or
- (c) in relation to any other income, in accordance with paragraph 55 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means -

- (a) an attendance allowance under Part 3 of 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;

“the authority” means the London Borough of Croydon in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act; “basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseeker's Act 1995, the State Pension

Credit Act 2002 and the Welfare Reform Act 2007;

“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;

“care leaver” means a person who;-

- (a) has not attained the age of 25 years and was formerly provided with accommodation under section 20 of the Children Act 1989;
- (b) who has not attained the age of 25 years and has ceased to be subject to a supervision requirement by a children's hearing under section 70 of the

Children (Scotland) Act 1995 ("the 1995 Act") made in respect of him which had continued after he attained the age of 16 years, other than a case

where—

- (I) the ground of referral was based on the sole condition as to the need for compulsory measures of care specified in section 52(1)(i) of the 1995 Act (commission of offences by child); or
 - (II) he was required by virtue of the supervision requirement to reside with a parent or guardian of his within the meaning of the 1995 Act, or with a friend or relative of his or of his parent or guardian;
- (c) who has not attained the age of 25 years and has ceased to be a child in relation to whom the parental rights and responsibilities were transferred to a local authority under a parental responsibilities order made in accordance with section 86 of the 1995 Act or treated as so vested in accordance with paragraph 3 of Schedule 3 to that Act or has ceased to be a child in relation to whom a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 has been made, or treated as being made, either—
- (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age; or
- (d) who has not attained the age of 25 years and has ceased to be provided with accommodation by a local authority under section 25 of the 1995 Act where he has previously been provided with accommodation by the authority under that provision either—
- (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued to be in such accommodation after he attained that age; or
- (e) who is a person who has not attained the age of 25 years and has ceased to be subject to a compulsory supervision order within the meaning of section 83 of the Children's Hearings (Scotland) Act 2011 ("the 2011 Act") which had continued after that person attained the age of 16 years, other than a case.

where—

- (f) the section 67 ground (within the meaning of that Act) was based on the sole condition as to the need for compulsory measures of supervision specified in section 67(2)(j) (the child has committed an offence) of the 2011 Act; or

- (l) that person was required by virtue of the compulsory supervision order to reside with a parent or guardian of that person within the meaning of the 1995 Act, or with a friend or relative of that person or of that person's parent or guardian.

"the Caxton Foundation" means the charitable trust of that name established on 28th 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 a contributory 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 paragraph 4;

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

"designated office" means the office of an 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 51;

“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;

“the Employment, Skills and Enterprise Scheme” means a scheme under section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

“employment zone” means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform 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;

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

“extended reduction (qualifying income-related benefit)” means a reduction under this scheme for which a person is eligible under Part 19;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraphs 24, 88 and 93;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with Part 19;

“family” has the meaning given by paragraph 6;

“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;

“Housing costs element” has the meaning given by regulation 21 of the Universal Credit Regulations 2012;

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

“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 dependents of victims) of the terrorist attacks carried out in London on 7th July 2005;

“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;

“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 reduction” means the amount determined in accordance with paragraph 41;

“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 13 of Schedule 3 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 52 (calculation of net earnings of employed earners);

“net profit” means such profit as is calculated in accordance with paragraph 67 (calculation of net profit of self-employed earners);

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 90 and 95 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 paragraph 9;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

- a) meeting, or helping to meet an immediate short-term need—
 - (I) arising out of an exceptional event or exceptional circumstances, or
 - (II) that needs to be met to avoid a risk to the well-being of an individual, and
- b) enabling qualifying individuals to establish or maintain a settled home, and—
 - (I) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972; and
 - (II) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
 - a. in prison, hospital, an establishment providing residential care or other institution, or
 - b. homeless or otherwise living an unsettled way of life;

“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;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993

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

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

- a) here that person is a member of a couple, the other member of that couple;
- b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

“paternity leave” means a period of absence from work on ordinary 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 paragraph 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 paragraph 12;

“person who is not a pensioner” has the meaning given by paragraph 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 paragraph 5 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 person” means;

- (a) a person in respect of whom a Grenfell Tower support payment has been made, a 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 paragraph 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained 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 48 (non- dependant deductions);

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

“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 75 G 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 person’s scheme’s provisions;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery 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(c);

“student” has the meaning given by paragraph 73;

“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;

“the Windrush Compensation Scheme” means—

- (a) the scheme of that name(d) 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”(e) 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;”

“week” means a period of seven days beginning with a Monday;

“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 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

“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;

“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.

- 1) In this scheme, 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.
- 2) For the purpose of this scheme, 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 because of a reduction paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations 1996 or section 19 or 19A or regulations made under section 17A or 19B of the Jobseeker’s Act 1995 (circumstances in which a jobseeker’s allowance is not payable);
 - (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 for 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).
- (3) For the purposes of this scheme, 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 (disqualification); or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance; supplementary provisions)

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.

- (4) For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (5) In this scheme, 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).
- (6) In this scheme, references to a person in class A1 or A2 (as the case may be) is a reference to class A1 or A2 described in paragraphs 34 and 35.
- (7) References in this scheme 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. Application of scheme: pensioners and persons who are not pensioners

In this scheme a person is-

- (a) a "pensioner" if -
 - (i) he has attained the qualifying age for state pension credit; and
 - (ii) he is not, or, 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.

4. Meaning of "couple"

In this scheme "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

This paragraph 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.

For the purposes of paragraph 4 neither party to the marriage is to be taken to be a member of a couple.

6. Meaning of "family"

- 1) In this scheme "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
- (3) The references to a young person in sub-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 paragraph 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 sub-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 this scheme, 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 sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated, by virtue of sub-paragraph 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 in Scotland boarded out or placed with the applicant or his partner under a relevant enactment or in Wales, placed with the applicant or the applicant's partner by a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989; or
 - (b) placed, or in Scotland boarded out, with the applicant or his partner prior
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to sub- paragraph (4), sub-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) An authority must treat a child or young person to whom sub-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 paragraph " 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; and
- (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 this scheme, "non-dependant" means any person, except someone to whom sub-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 paragraph 8 (households);
 - (d) subject to sub-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 sub-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 paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, in work for which payment is made or which is done in expectation of payment.
- (2) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.
- (3) 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.
- (4) 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.
- (5) 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 3 - Prescribed classes of persons

11. Pensioners

Pensioners are a class of person prescribed for the purposes of paragraph 2(9) (b) of Schedule 1A to the 1992 Act and who are included in the authority's scheme under The Council Tax Reduction Scheme (Pensioners) (London Borough of Croydon) 2013.

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 sub-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 sub-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; or
 - (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(10) 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) 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(a) by virtue of—
 - a) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - b) 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
 - (c) 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.
- (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 limited 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(8)
- (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 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st 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) to remain under the Destitution Domestic Violence concession which came discretionary leave to enter or remain in the United Kingdom,
 - (II) leave 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; or
- (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 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 scheme -

“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(c); 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.

“family member” has the meaning given 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)

“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

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

13 Persons subject to immigration control

- (1) Subject to sub-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 3 (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe 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 sub-paragraph (1).
- (2) “Person subject to immigration control” has the same meaning as in section 15(9) of the Immigration and Asylum Act 1999.

Part 4 - Procedural Matters

14. Procedure by which a person may apply for a reduction under this authority’s scheme

- (1) Sub-paragraphs (2) to (11) apply to an application made under the authority’s scheme.
- (2) An application may be made,-
 - (a) in writing,

- (b) by means of an electronic communication in accordance with Part 5 , or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (3) An application which is made in writing must be made to the designated office of the authority on a properly completed form.
- (4) The form must be provided free of charge by the authority for the purpose.
- (5) 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 (5)(a) applies, request the applicant complete the defective application or, in the case to which sub-paragraph (5)(b) applies, supply the applicant with the approved form or request further information and
- (6) 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.
- (7) 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.
- (8) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- (9) 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.
- (10) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (11) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

15. Procedure by which a person may appeal against certain decisions of the authority

- (1) A person who is aggrieved by a decision of the authority which affects -
 - (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction 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.

16. Procedure for an application for a discretionary reduction under Section 13(1) (c) of the 1992 Act

- (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made -
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 5 of this scheme 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 a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

Part 5 - Electronic Communication

17. 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.

18. Conditions for the use of electronic communication

- (1) The authority may use an electronic communication in connection with applications for, and awards of, council tax reductions under this scheme.

- (2) A person other than that 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

Part 6 - Extended Reductions: Movers

24. Extended reductions: movers into an authority's area

Where —

- (a) an application is made to an authority ("the current authority") for a reduction 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 7 - Applications

25. 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 apply, 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, an 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 an 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 sub-paragraph (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 29(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.

26. 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 is made within one month of the date on which the claim for 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 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 for a reduction 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 applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under an authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;
 - (d) 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 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 an 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 Jobseeker's 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 14(10) (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, and 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) An 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 14(5)(a) (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 14(5)(b) (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,

the applicant supplies whatever information or evidence was requested under paragraph 14(5) 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 an 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 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 a reduction under an 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 a reduction under its 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 jobseekers allowance or an employment and support allowance.

27. Information and evidence

- (1) Subject to sub-paragraph (3), a person who makes an application for a reduction 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.

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 the reduction 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.
- (2) Sub-paragraph (2) does not apply -
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who -
 - (i) is a person treated as not being in Great Britain for the purposes ;
 - (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.
- (3) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction 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 the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction 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.
- (4) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to which sub -paragraph (7) applies;
- (5) Where an authority makes a request under sub-paragraph (4), it must -
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 29 (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 29, 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 must be notified.
- (6) 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;
 - (b) a payment which is disregarded under paragraph 29 of Schedule 3 (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 42(9).
- (7) Where an applicant or a person to whom a reduction 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.

28. 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 paragraph 14, the amendment may also be made by telephone.
- (3) Any application amended in accordance with sub-paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- (4) A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- (5) Where the application was made by telephone in accordance with paragraph 14, 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.

29. Duty to notify changes of circumstances

- (1) Subject to sub-paragraphs (3) and (6) 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 a reduction under an authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- (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, a reduction 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 paragraph 14 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 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 reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) or the purposes of sub-paragraph (3) (c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (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.

PART 8 - Decisions by the authority

30. Decision by the authority

The authority must make a decision on an application under this scheme within 14 days of paragraphs 25 and 26 being satisfied, or as soon as reasonably practicable thereafter.

31. Notification of decision

- (1) The authority must notify any person affected by a decision made by it under this scheme in writing -
 - (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 29;
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out examples of the circumstances, a change in which might affect entitlement to a reduction 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 an 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 (2) 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 (6).
- (8) This paragraph applies to -

the applicant;

- (a) 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 -

a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

- (i) 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
 - (ii) 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,
- (b) a person appointed by the authority under paragraph 25(3); (persons appointed to act for a person unable to act).

PART 9 - Award or payment of reduction

32. Payment where there is joint and several liability

- (1) Where—
 - (a) a person is entitled to a reduction under this 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 reduction is jointly and severally liable for the 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 reduction 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 reduction.
- (3) Where a person other than a person who is entitled to a reduction under an authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 25(3) or is treated as having been so appointed by virtue of paragraph 25(4), the amount of the reduction may be paid to that person.

Chapter 2 - Local Scheme Requirements

Part 10 - Classes of person entitled to a reduction under this scheme

33. Classes of person entitled to a reduction under this scheme

- (1) The classes of person described in paragraphs 34 and 35 may be entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's capital refer to the applicant's capital as determined in accordance with Parts 13 and 15 of this scheme.

34. Class A1: Persons who are entitled to a reduction

On any day Class A1 consists of any person -

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident; who, subject to paragraph 36 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (b) in respect of whom a maximum council tax reduction amount can be calculated;
- (c) who does not fall within a class of person not entitled to a reduction under this scheme; and
- (d) who has made an application, or is treated as having made an application, for a reduction under paragraph 25.

35. Class A2: Persons who are entitled to a reduction and are considered to require additional financial assistance

On any day Class A2 consists of any person -

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

- (a) who, subject to paragraph 36 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (b) in respect of whom a maximum council tax reduction amount can be calculated;
- (c) who does not fall within a class of person not entitled to a reduction under this scheme;

who has made an application, or is treated as having made an application, for a reduction under paragraph 25, and

is a person who falls within one or more of the following categories –

- (i) the applicant, or the applicant's partner, is registered / certified as blind;

- (ii) the applicant, or the applicant's partner, satisfies one or more of the conditions described in Schedule 1 (supplementary qualifying conditions for persons whom the authority considers require additional financial assistance)
- (iii) the applicant, or the applicant's partner, is in receipt of an award of universal credit that includes either the limited capability for work, or the limited capability for work related activity element;
- (iv) the applicant, or the applicant's partner receives a permitted work earnings disregard;
- (v) the applicant, or the applicant's partner, receives a War Disablement Pension;
- (vi) the applicant, or the applicant's partner is in receipt of an award of income related employment and support allowance that includes either the work related activity group, or the support group component.

36. Periods of absence from a dwelling

A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

- (1) 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 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) a period of absence not exceeding One calendar month 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; and
- (c) a period of absence 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.
- (2) This sub-paragraph applies to a person who -
 - (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside -
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
 - (b) is resident in a hospital or similar institution as a patient;
 - (c) 6 months absence is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - (d) is following, in the United Kingdom or elsewhere, a training course;
 - (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - (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) 6 months absence is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) 6 months absence 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.
- (3) 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(86) or the Prisons (Scotland) Act 1989(87).

- (4) 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.

- (5) In this paragraph -

“medically approved” means certified by a medical practitioner;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“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.

36A. Temporary absence from Great Britain.

- (1) Any person who is normally habitually resident in and who is temporarily absent from Great Britain shall be treated, for the duration of that absence, as if they were not habitually resident unless;
- (a) the person was entitled to a reduction by virtue of this scheme immediately before the beginning of the period of temporary absence; and
 - (b) either—
 - (i) the absence is not expected to exceed, and does not exceed, one month,
 - (ii) sub-paragraph (3) or (4) applies, or
 - (iii) sub-paragraph (6) of paragraph 12 applies.

- (2) The period of one month in sub-paragraph (1)(b) may be extended by up to a further month if the temporary absence is in connection with the death of —
- (a) the person's partner or a child or qualifying young person for whom the person was responsible; or
 - (b) a close relative of the person, or of their partner or of a child or qualifying young person for whom the person or their partner was responsible, and the authority considers that it would be unreasonable to expect the person to return to Great Britain within the first month.
- (3) This sub-paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and is solely in connection with —
- (a) the person undergoing —
 - (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner, or
 - (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the person had that illness or impairment before leaving Great Britain; or
 - (b) the person accompanying their partner or a child or qualifying young person for whom they are responsible for treatment or convalescence or care as mentioned in sub-paragraph (a).
- (4) This sub-paragraph applies where the absence is not expected to exceed, and does not exceed, 6 months and the person is —
- (a) a mariner; or
 - (b) a continental shelf worker who is in a designated area or a prescribed area.
- (5) 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 activity 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 other 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 registered medical practitioner;

“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;

“qualified practitioner” means a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

37. Classes of person excluded from this scheme

The classes of person described in paragraph 12, 13, 36, 38, 39 and 40 are not entitled to a reduction under this scheme.

38. Class of person excluded from this scheme: capital limit

- (1) the class of person described in this paragraph consists of any person whose capital exceeds £8,000.
- (2) Capital for the purpose of sub-paragraph (1) is to be calculated -
 - (a) for an applicant awarded Universal Credit in accordance with paragraph 46, and
 - (b) in all other cases in accordance with Part 15 of this scheme.

39. Class of person excluded from this scheme: students

The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies.

40. Class of person excluded from this scheme: deprivation of Tax Credits or relevant Social Security Benefit

- (1) The class of person described in this paragraph consists of any person who appears to the authority to meet the conditions in sub-paragraph (2).
- (2) The conditions referred to in sub-paragraph (1) are that: -
 - (a) the applicant, or any partner residing with him, would be entitled to a tax credit or a relevant social security benefit, as administered by Her Majesty's Revenue and Customs or the Department for Work and Pensions; and
 - (b) such person or persons have deliberately failed to claim the tax credits or benefits to which they would be entitled for the purpose of reducing their

income and with the intention of increasing their entitlement to a reduction under this scheme.

Part 11 - Maximum council tax reduction

41. Maximum council tax reduction under this scheme

- (1) Subject to sub-paragraphs (2) to (5), a person's maximum council tax reduction 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 -
 - (i) the condition that for the purposes of calculating A, the council tax shall not exceed the amount set by the authority for a dwelling in council tax band D, and
 - (ii) 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 42 (non-dependant housing costs contribution).
- (2) In calculating a person's maximum council tax reduction under this 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 a reduction under this 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 reduction in his case 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, 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(2) (entitlement of students to a reduction under this scheme) 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.

42. Non-dependant housing costs contribution

- (1) The non-dependant housing costs contribution in respect of a day referred to in paragraph 41 is -
 - (a) in respect of a non-dependant aged 18 or over who does not work, $\text{£}5.00 \times \frac{1}{7}$;

- (b) in respect of a non-dependant aged 18 or over whose gross income is equal to or less than £461.54 a week, £10.00 x1/7
 - (c) in respect of a non-dependant aged 18 or over whose gross income is equal to or greater than £461.55 a week, £30.00 x1/7
 - (d) In respect of a non-dependant who receives a state pension credit, £0.00.
- (2) Only one housing costs contribution is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) 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.
- (3) In applying the provisions of sub-paragraph (1) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of a polygamous marriage joint weekly gross income.
- (4) here 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 sub-paragraph (a) refers is a non-dependant of two or more of the liable persons,
- the housing costs contribution in respect of that non-dependant must be apportioned equally between those liable persons.
- (5) No housing costs contribution is to be made in respect of any non-dependant occupying an applicant's dwelling if the applicant or his partner is -
- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 1 (additional condition for the disability premium);
- (6) No housing costs contribution 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 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 36(6), 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.
- (7) No housing costs contribution is to be made in respect of a non-dependant 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.
- (8) In the application of paragraph (2) there is to be disregarded from the non-dependant's gross weekly income -
 - (a) any attendance allowance, disability living allowance, personal independence or an AFIP payment 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 or the Independent Living Fund (2006); which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings), would have been disregarded under paragraph 28 of Schedule 3 (income in kind); and
 - (c) any payment which, had his income fallen to be calculated under paragraph 54 (Calculation of income other than earnings), would have been disregarded under paragraph 41 of Schedule 3 (payments made under certain trusts and certain other payments).

PART 12 - Amount of reduction

43. Amount of reduction under this scheme

- (1) Where a person is entitled to a reduction under this scheme in respect of any day, the amount of reduction is determined by reference to their income (as calculated in accordance with the following provisions of the scheme) for the week in which that day falls.
- (2) For the purpose of this paragraph each week begins on a Monday.
- (3) The applicant's reduction shall be the appropriate percentage of their maximum reduction (as calculated in accordance with paragraph 41) as follows-
 - (a) For any persons who by virtue of paragraph 35 the authority considers require additional financial assistance where;
 - (i) neither the applicant nor their partner's income includes earnings from either employment or self-employment, or
 - (ii) the applicant and their partner's earnings are treated as being zero by virtue of paragraph 6 of schedule 2.
 - (iii) the reduction is 100% of the maximum permitted under this scheme.
 - (b) In all other cases the relevant percentage is shown by reference to the corresponding weekly income in columns 1 and 2 of the following Tables -

- (c) Working age applicant (who is not a lone parent with at least one child under the age of 5 years)

New scheme (£)	All other CTS recipients
0 to 100.99	75%
101.00 to 150.99	60%
151.00 to 200.99	40%
201.00 to 250.99	30%
251.00 to 300.99	20%
301.00 to 350.99	15%
351.00 to 400.99	10%
401+	0%

- (d) Working age applicant who is a lone parent with at least one child under the age of 5 years

Income bands (£)	Percentage discount awarded
0 to 100.99	80%
101.00 to 150.99	70%
151.00 to 200.99	60%
201.00 to 250.99	50%
251.00 to 300.99	40%
301.00 to 350.99	30%
351.00 to 400.99	20%
401+	0%

43A. Annual Increase

- (1) In accordance with the provisions of this paragraph, on 1 April 2023, and in each subsequent financial year, the income band values (as prescribed in paragraph 43(3) (b)) will increase by the percentage increase in Council Tax for the next financial year.

- (2) In any year where; there is no increase in council tax, the values prescribed by paragraph 43(3)(b) will not change by virtue of this paragraph.
- (3) The annual increase will change the lower and upper earnings limits of each reduction band, as prescribed in paragraph 43(3)(b), by the following conditions only;
 - (a) Subject to sub-paragraph (2), the lower income limit of the fifty percent income band will increase by the amount prescribed in sub-paragraph (1),
 - (b) The initial value subject to this paragraph is (the lower income limit of the fifty percent reduction band on 1 April 2022 £201.00.
 - (c) Any increase, to the value prescribed by sub-paragraph (3)(b), will be rounded up to the nearest whole pound(sterling).
 - (d) The lower income limit of the eighty percent reduction band is fixed at £0.00,
 - (e) The upper income limit of the eighty percent reduction band will be, the lower income limit of the seventy percent reduction band less £0.01,
 - (f) There is no upper income limit to the zero percent reduction band, and
 - (g) Exclusive only of the conditions prescribed by sub-paragraphs d, e and f, the difference between the lower and upper income limit of each reduction band is fixed at £49.99.
- (4) The reduction bands, set annually in accordance with this paragraph, will be published alongside any other revisions to the scheme by 31 March, preceding the tax year at which the changes come into force.

PART 13 - Income and capital - General

44. 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 and Part 14

- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- (3) Except where paragraph 46 (income and capital where there is an award of universal credit) applies, where an applicant or the partner of an applicant is married polygamous to two or more members of his household -

the applicant must be treated as possessing capital and income belonging to each such member; and

- (a) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

45. Circumstances in which income and capital of non-dependant is to be treated

As the applicant's

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.

- (1) Except where the applicant 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 is to be disregarded.
- (2) 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.

Part 14. Income and capital where there is an award of universal credit

46. Calculation of income and capital: persons who have an award of universal credit

- (1) In determining the income of an applicant -
 - (a) who has, or
 - (b) who (jointly with his partner) has, an award of universal credit, the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.
- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.
- (3) In making a determination under this provision the authority shall take no account of;
 - (a) any assumed yield from capital as prescribed by Regulation 72 of the Universal Credit Regulations 2013
 - (b) any deduction made by virtue of the Council Tax (Deductions from Income Support) Regulations 1993

- (c) the amount of any sanction determined under chapter 2 of the Universal Credit Regulations 2013 that reduces the applicant's award of universal credit
 - (d) the amount of any hardship payment made under chapter 3 of the Universal Credit Regulations 2013
 - (e) any deduction made in consequence of Schedules 5, 6 and 7 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.
 - (f) the amount of the housing costs elements determined by the Secretary of State for the purpose of making the award of universal credit. The apportioned amount of Universal Credit paid in respect of the housing element, health element, disabled child element and 50% of carers element.
- (4) The authority shall modify the amount of the income provided by the Secretary of State only in so far as necessary to take into account —
- (a) the amount of the award of universal credit payable as calculated in accordance with this paragraph, any childcare charges, in respect of dependent children of the applicant, taken into account under paragraph 57(1)(b) (Calculation of income on a weekly basis);
 - (b) the amount disregarded under this scheme in respect of—
 - (i) earnings as prescribed by paragraphs 4, 5 and 6 of Schedule 2
 - (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;
 - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8 (Households) to the extent that it is not taken into account in determining the net income of the person in receipt of universal credit;
 - (f) Paragraph 45 (circumstances in which the income and capital of a non-dependant is to be treated as the applicant's), if the authority determines that this paragraph applies in the applicant's case;
 - (g) any modification under section 134(8) of the Administration Act (modifications by resolution of an authority) which is applicable in the applicant's case.
 - (h) such further reduction (if any) as the authority thinks fit under section 13A (1) (c) of the 1992 Act (power of the billing authority to reduce the amount of council tax payable).

- (5) paragraphs 47 to 65 shall not apply to the amount of the income to be taken into account by the authority under sub-paragraph (1), but shall apply (so far as relevant) for the purpose of determining any modifications which fall to be made to that amount under sub-paragraph (4).
- (6) In determining the capital of an applicant-
 - (a) who has, or
 - (b) who (jointly with his partner) has, an award of universal credit, the authority must use the calculation or estimate of the amount of capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

Part 15 - Income - those not receiving Universal Credit

47. 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 application 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 application 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 but the length of the period must not in any case exceed 52 weeks.
- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraph 51 (earnings of employed earners) and 52 (calculation of net earnings of employed earners).

48 Average weekly earnings of self-employed earners

- (1) here the income of an applicant 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 53, 61, 62 and 65 (earnings, net profit, minimum income floor and deduction of tax and contributions).

49. 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 but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises the authority to disregard any such income other than that specified in Schedule 3 (Sums disregarded in the calculation of income other than earnings).
- (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 54 (calculation of income other than earnings).

50. Calculation of weekly income of employed earners

- (1) For the purposes of paragraph 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (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 48 (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.

51. Earnings of employed earners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person 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 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 or statutory adoption pay, 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's participation in a service user group.
- (3) Sub-paragraph (2) (a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1) (I).

52. Calculation of net earnings of employed earners

- (1) For the purposes of paragraph 47 (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 11 of Schedule 2 (sums disregarded in the calculation of earnings).

For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) 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 paragraph (5) 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 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 paragraph "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 estimated under paragraph 47(2)(b) (average weekly earnings of employed earners), his net earnings is 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 of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances 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 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.

53. Earnings of self-employed earners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person means the gross income of the employment.
- (2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 3 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.
- (3) This 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; or
 - (b) any payment in respect of any -
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - analogous to the Public Lending Scheme 1982,

- (ii) work made under any international public lending right scheme that is where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.
- (4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by -
 - (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 2 (sums disregarded in the calculation of earnings) as appropriate in the applicant's case.

54. Calculation of income other than earnings

- (1) For the purposes of paragraph 49 (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 55 (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 3.
- (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 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 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 paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where -
 - (a) relevant payment has been made to a person in an academic year; and
 - (b) that person abandons, or is dismissed from, this course of study before the payment to him of the final instalment of the relevant payment.
- (4) 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 (7) applies, is to be calculated by applying the formula —

$(A - (B \times C)) / D$ where -

- (a) 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 81(5) (costs of travel, books and equipment);
 - (b) 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) 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 81(2) (treatment of student loans) 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) D = the number of reduction weeks in the assessment period.
- (8) 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 (6) applies, is to be calculated by applying the formula in sub-paragraph (7) 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 81(5).

- (9) In this paragraph -

“academic year” and “student loan” have the same meanings as in Part 17 (students)

“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 either;

- (a) 1st January and ending on 31st March;
- (b) 1st April and ending on 30th June;
- (c) 1st July and ending on 31st August; or
- (d) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependents referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1) -

- (a) any payment to which paragraph 51(2) (Earnings of employed earners) (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 dependents (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

55. Capital treated as income

- (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Part 15 exceeds £8,000, be treated as income.

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) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

- (4) 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.

56. Notional income

- (1) An applicant who is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction 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) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - (d) any sum to which paragraph 50(2)(a) of Schedule 4 (capital disregard) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 4 refers;
 - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
 - (g) child tax credit;
 - (h) working tax credit, or
 - (i) 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.
- (3) Any payment of income, other than a payment of income specified in sub-paragraph (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 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 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) (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

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 sub-paragraphs (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 52(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 sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; 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 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 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’s participation in a service user group.

57. Calculation of income on a weekly basis

- (1) Subject to paragraph 60 (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;
 - (2) deducting from that sum any relevant child care charges to which paragraph 58 (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 are met, from those earnings plus whichever credit specified in sub-paragraph (2)(b) 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 sub-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 or universal credit.
- (3) The maximum deduction to which sub-paragraph (1)(b) above refers is to be -
 - (a) where the applicant's family includes child/ren of whom relevant child care charges are paid, 100% of the amount paid per week

58. Treatment of child care charges

- (1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and,
 - (a) is a lone parent;
 - (b) is a member of a couple both; 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 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, 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 sub-paragraph (10).
- (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 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 Regulations 2002, 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
 - (m) by a person who is not a relative of the child wholly or mainly in the child’s home.
- (9) In sub-paragraphs (6) and (8) (a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.
- (10) 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.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where -

- (a) the applicant would fall to be treated as person who formerly would have been entitled a disability premium by virtue of paragraph 2 of Schedule 1 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 would fall to be treated as person who formerly would have been entitled a disability premium by virtue of paragraph 2 of Schedule 1 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;
- (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 must be treated as one continuous period;
- (e) he 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) 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 SCBA;
 - (iv) disability living allowance under section 71 of the SSCBA;
 - (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), (vi) or (vii) above;
 - (ix) main phase employment and support allowance;

- (g) a pension or allowance to which sub-paragraph (vii) or (viii) of sub-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 article 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 under section 71 of that Act would be payable to that person 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;
 - (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 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
 - (k) paragraph (f), (g), (h) or (i) would apply to him if the legislative provisions referred to in those sub-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.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(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 sub-paragraph shall, 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.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(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, 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.
- (14) 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 the 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 would be payable but for 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, 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 is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014; or
 - (d) who ceased to be registered as blind 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.
- (15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("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, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.
- (16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave, shared parental 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 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 or statutory adoption pay ends, the date that entitlement to that award of the childcare element of the working tax credit ends, whichever occurs first.
- (17) In Sub-paragraphs (15) and (16)

- (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).

59. 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 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; 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.

60. Disregard of changes in tax and 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;
- (b) in the amount of any personal tax relief;
- (c) in the rates of social security 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 earnings exception 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.

61. Calculation of net profit of self-employed earners

- (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be -
 - (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 who is a pensioner 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 social security contributions payable under the SSCBA calculated in accordance with paragraph 68 (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;
 - (c) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less -
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 68 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant, any sum, where applicable, specified in paragraphs 1 to 11 of Schedule 2 (sums disregarded in the calculation of earnings).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less -
 - (a) subject to sub-paragraphs (5) to (8), 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) social security contributions payable under the SSCBA, calculated in accordance with paragraph 68 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of 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 (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), 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;
 - (f) any expenses incurred in providing business entertainment; and
 - (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for -
 - (a) the replacement in the course of business of equipment or machinery; or
 - (b) the repair of an existing business asset except to the extent that any sum is
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3) (a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt -
 - (a) a deduction must not be made under sub-paragraphs (3)(a) or (4) 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.
- (9) 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) social security contributions payable under the SSCBA, calculated in accordance with paragraph 68 (deduction of tax and Contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) 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.
- (11) 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 must 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.
- (12) 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 application.

62. Minimum Income Floor

- (1) Subject to sub-paragraph (7), where either the applicant or his partner are treated as being in gainful self-employment under Paragraph 64 and the total earned income of such applicant in respect of any week in the assessment period is less than the minimum income floor, the applicant is to be treated as having earned income equal to the minimum income floor, **except in cases where the applicant or their partner satisfies one or more of the conditions described under paragraph 35 (Class A2: Persons who are entitled to a reduction and are considered to require additional financial assistance)**
- (2) The minimum income floor is, subject to sub-paragraph (3), in the case of an applicant who is lone parent;
- (i) the amount the applicant would earn in a working week of 20 hours paid at the hourly rate prescribed by regulation 4(1)(a) of the National Minimum Wage Regulations 2015, less
 - (ii) An amount that the authority considers appropriate to take account of any income tax or national insurance contributions for which the applicant would have been liable in respect of the assessment period if they had earned income of that amount.

- (3) In all other cases the minimum income floor is equal to the prescribed minimum under sub-paragraph (4), but where the a applicant has a partner and, the amount of the couple's combined earned income would exceed the prescribed minimum—
 - (i) in a case where the couple's combined earned income (before the application of sub-paragraph (1) is equal to or exceeds the prescribed minimum, sub-paragraph (1) does not apply; and
 - (ii) In any other case, the minimum income floor is to be reduced so that the amount of the couple's combined earned income does not exceed the prescribed minimum.
- (4) The “prescribed minimum” is —
 - (a) the amount either the applicant or their partner would earn in a working week of 35 hours paid at the hourly rate prescribed by regulation 4(1)(a) of the National Minimum Wage Regulations 2015, less
 - (b) an amount that the authority considers appropriate to take account of any income tax or national insurance contributions for which the applicant, or in the case of couple the applicant and his partner, would have been liable in respect of the assessment period if they had the earned income prescribed Sub-paragraph (1) shall not apply where the applicant’s business is treated as being in a start-up period.

63 Start-up Period

- (1) For the purpose of paragraph 62 but subject to sub-paragraph (2) below, the “start-up period” for a business is the continuous period of 12 months following the date at which the authority determined that the applicant or his partner commenced gainful self-employment in a specific profession, trade or vocation.
- (2) A start-up period will not apply to any applicant who has previously benefited from a start-up period, whether in relation to the current award, or any previous award, of reduction, unless the preceding start-up period—
 - (a) began more than 5 years before the beginning of the applicant’s present self-employed activity; and
 - (b) applied in relation to a different profession, trade or vocation which the claimant has ceased to carry on.
- (3) The authority may terminate a start-up period at any time if the applicant is no longer in gainful self-employment, or is no longer taking reasonable active steps to increase their earnings from their employment to a sum in excess of the applicable minimum income floor under paragraph 62.
- (4) Where the applicant commenced the profession, trade or vocation as his primary self-employment before 1st April 2017 that activity shall not be treated as being in a start-up period.

64. Meaning of “gainful self-employment”

- (1) An applicant is in gainful self-employment for the purposes of paragraph 62 where the authority has determined that —
 - (a) the applicant or their partner 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; and,
 - (c) the trade, profession or vocation is organised, developed, and regular and carried on in expectation of profit.

65. Calculation of deduction of tax and contributions of self-employed earners

- (1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must 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 of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.
- (2) 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 reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security contributions under paragraph 61(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of -
 - (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) 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 earnings exception) 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, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

Part 16 Capital - those not receiving Universal Credit

66. 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 67 (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 4.
- (3) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

67. Income treated as capital

- (1) Any bounty derived from employment to which paragraph 9 of Schedule 2 (sums disregarded in the calculation of earnings) applies and 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 51(1) (d) (earnings of employed earners) is to be treated as capital.
- (4) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 4 (capital disregards), 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 Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (7) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

- (8) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (9) Any arrears of working tax credit or child tax credit must be treated as capital.

68. 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.

69. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom must 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 the sale, 10 per cent and the amount of any encumbrances secured on it.

70. 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 or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 71 (diminishing notional capital rule).
- (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
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 4; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which paragraph 50(2)(a) of Schedule 4 (capital disregards) applies which is administered in the way referred to in paragraph 50(1)(a); or
 - (f) any sum to which paragraph 51(a) of Schedule 4 refers; or

- (g) child tax credit; or
- (h) working tax credit,

any capital 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 him but only from the date on which it could be expected to be acquired were an application made.

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 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 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;
 - (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 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.
- (3) Sub-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, 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 a scheme prescribed in regulation of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (f) 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 (d) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (4) 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 66 (calculation of capital) be disregarded; and
 - (b) he must, subject to 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 part apply for the purposes of calculating that amount as if it were actual capital which he does possess.
- (5) 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.
- (6) Where an applicant is treated as possessing capital under any of subparagraphs (1), (2) or (3) the foregoing provisions of this part apply for the purposes of calculating its amount as if it were actual capital which he does possess.

71. Diminishing notional capital rule

- (1) Where an applicant is treated as possessing capital under paragraph 70(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 paragraph applies to a reduction week or part-week, where the applicant satisfies the conditions that -
 - (a) he is in receipt of a reduction in council tax under this scheme; and
 - (b) but for paragraph 70(1), he would have received a greater reduction in council tax 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 reduction in council tax 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 2006 (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)

Subject to sub-paragraph (7), for the purposes of sub-paragraph (1) (b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 70(1).

- (4) 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 benefit to which the applicant would have been entitled in the relevant week but for paragraph 70(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.

- (5) 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.
- (6) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case -
 - (a) sub-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.
- (7) 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 for a reduction in question under paragraph 70(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application for a reduction in council tax which resulted in the weekly amount being re- determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme,whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 70(1).
- (8) 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 re-determination and in such a case the higher amount must continue to have effect.

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 a reduction in council tax 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 70(1) -

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re- determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to sub-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 application or, if more than one further application has been made, the last such application was made.

72. Capital jointly held

Except where an applicant possesses capital which is disregarded under paragraph 70(7) (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 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.

Part 17 Students - General

73. 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, or 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 Secretary of State under section 14 of the Education Act 2002 or sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009 ; or

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 Secretary of State under section 14 of the Education Act 2002, or under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 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 Secretary of State under section 14 of the Education Act 2002, or under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 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 Secretary of State in the student's learning agreement signed on behalf of the establishment which is funded by the Secretary of State; 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 or any payment to which paragraph 16 of Schedule 3 or paragraph 55 of Schedule 4 applies;

“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;

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;

"postgraduate master's degree loan" means a loan which a student is eligible to receive under the Education (Postgraduate Master's Degree Loans) Regulations 2016;

"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 sub-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 sub-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 or 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 paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—
 - (a) where a person has failed examinations or has failed to successfully 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.

74. Treatment of students

This scheme has effect in relation to students subject to paragraph 39 (class of person excluded from this scheme: students) and the following provisions of this Part.

75. Students who are excluded from entitlement to a reduction under this scheme

- (1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7) —
 - (a) full-time students, and
 - (b) students who are persons treated as not being in Great Britain
 - (c) Sub-paragraph (1)(a) does not apply to a student — who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (d) who is treated by virtue of Schedule 1 as a disabled person who would previously have been entitled to either a disability or severe disability premium?
 - (e) who would be treated by paragraph 2 of schedule 1 as a disabled person who would previously have been entitled to a disability premium if it were not for a determination, that he is to be treated as capable of work, made in accordance with regulations made under section 171E of the SSCBA;
 - (f) 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;
 - (g) 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;
 - (h) 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;
 - (i) 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;
 - (j) who is—

- (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (k) 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;
- 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
- (iv) 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.
- (2) Sub-Paragraph (2) (i) (ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (3) For the purposes of sub-paragraph (2) , once sub-paragraph (2)(e) applies to a full- time 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.
- (4) 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.
- (5) A full-time student to whom sub-paragraph 2(i) 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.

- (6) Sub-paragraph (1)(b) 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 paragraph (8).
- (7) 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 first occurs.

Part 18 Student Income

76. Calculation of grant income

- (1) The amount of a student's grant income to be taken into account in assessing his income 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 dependent;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
 - (j) in Wales, of higher education bursary for category 3 and category 4 young person's made under section 110 or 112 of the Social Services and Well-being (Wales) Act 2014, in accordance with regulations made under section 116 of that Act.
- (2A) in sub-paragraph (2) "category 3 and category 4 young persons" have the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.
- (3) Where a student does not have a student loan or a postgraduate master's degree loan and is not treated as possessing a student loan or a postgraduate master's degree loan, there must be excluded from the student's grant income—
- (a) the sum of £390 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 dependents 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 dependents 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 dependents 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 dependents to which neither sub-paragraph (6) nor paragraph 80(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.
- (9) The sums disregarded in respect of travel costs and the cost of books and equipment under sub-paragraph (3) shall be updated by the authority in line with the sums set by the Secretary of State for such costs and shall take effect at the beginning of each financial year.

77. Calculation of covenant income where a contribution is assessed

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.

The amount of the contribution.

- (1) 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.
- (2) 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 80(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).

78. 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 76(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 76(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 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 76(2)(a) to (e); and
 - (b) The amount to be disregarded under paragraph (1) (c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2) (f) and (g) and (3).

79. Relationship with amounts to be disregarded under Schedule 3

No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 3 (disregard of certain charitable and voluntary payments).

80. 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 85 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 80(2) (calculation of grant income), necessary as a result of his attendance on the course must 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 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

81. Treatment of student loans and postgraduate master's degree loans

- (1) A student loan and a postgraduate master's degree 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" has 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;
- 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 £10 is to be disregarded.

A student is to be treated as possessing a student loan or a postgraduate master's degree loan in respect of an academic year where—

a student loan or a postgraduate master's degree loan has been made to him in respect of that year; or

- (a) he could acquire a student loan or a postgraduate master's degree loan in respect of that year by taking reasonable steps to do so.
- (3) Where a student is treated as possessing a student loan under 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.
- (4A) Where a student is treated as possessing a postgraduate master's degree loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 percent of the maximum postgraduate master's degree loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.
- (4) There must be deducted from the amount of income taken into account under sub-paragraph (4) —
- (a) the sum of £303 per academic year in respect of travel costs; and

- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- (5) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.
- (6) The sums disregarded in respect of travel costs and the cost of books and equipment under by sub-paragraph (5) shall be uprated by the authority in line with the sums set by the Secretary of State for such costs and shall take effect at the beginning of each financial year.

81B Treatment of special support loans

A special support loan within the meaning of regulation 68 of the Education (Student Support) Regulations 2011 is to be disregarded as income.

82. Treatment of payments from access funds

- (1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(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 40 of Schedule 3 (disregards in the calculation of income other than earnings) -
 - (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.

83. 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.

84. Further disregard of student's income

Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant, student loan or postgraduate master's degree loan, the amount taken into account must be disregarded in assessing that student's income.

85. 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.

86. 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 19 Extended Reductions

87. Extended reductions (qualifying income-related benefits)

- (1) An applicant who is entitled to a reduction under this scheme is 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 must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within the scope of paragraphs 34 and 35 —
 - (a) the applicant ceased to be entitled to a reduction 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.

88. Duration of extended reduction period (qualifying income-related benefits)

- (1) Where an applicant is entitled to an extended reduction, 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 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
- (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 to whom the extended reduction is payable has no liability for council tax, if that occurs first.

89. Amount of extended reduction (qualifying income-related benefits)

- (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of —
 - (a) the amount of the reduction under this scheme to which the applicant was entitled to by virtue of being a person falling within the scope of paragraphs 34 and 35, 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 reduction under this scheme to which the applicant would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35 for any reduction week during the extended reduction period, if paragraph 87, (extended reductions: qualifying income- related benefits) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, if paragraph 87 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 an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

90. Extended reductions—movers (qualifying income-related benefits)

- (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 reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not 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 second authority, the extended reduction may take the form of a payment from this authority to—
 - (a) the second authority; or
 - (b) the mover directly.

91. Relationship between extended reduction and entitlement to reduction by virtue of being a person falling within the scope of paragraphs 34 and 35

- (1) Where an applicant's entitlement to a reduction 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 87(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 98 and 99 do not apply to any extended reduction payable in accordance with paragraph 87(1)(a) or 90(2) (amount of extended reduction — movers)

92. Extended reductions (qualifying contributory benefits)

- (1) An applicant who is entitled to a reduction under this scheme by virtue of being a person falling within the scope of paragraphs 34 and 35, 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, those 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 a reduction under this scheme by virtue of being a person falling within the scope of paragraphs 34 and 35,

- (a) the applicant ceased to be entitled to a reduction 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 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).

93. Duration of extended reduction 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.

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.

- (a) The extended reduction period ends—
- (b) at the end of a period of four weeks; or
- (c) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

94. Amount of extended reduction (qualifying contributory benefits)

- (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

the amount of reduction under this scheme to which the applicant was entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;

- (a) the amount of reduction under this scheme to which the applicant would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, for any reduction week during the extended reduction period, if paragraph 93 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (b) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of being a person falling within the scope of paragraphs 34 and 35, if paragraph 93 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 an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

95. Extended reductions (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 reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction 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 a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
 - (a) the second authority; or
 - (b) the mover directly.

96. Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of being a person falling within the scope of paragraphs 34 and 35

- (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 87(1)(b), that reduction does not cease until the end of the extended reduction period.
- (2) Paragraphs 99 and 100 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 93(1) (a) or

Part 20 When entitlement begins and change of circumstances

97. Date on which entitlement begins

- (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction 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 a reduction 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 is so entitled from that reduction week.

98. Date on which change of circumstances is to take effect

- (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under this 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 section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.
- (5) Where the change of circumstances is an amendment to this scheme it shall take effect from the date on which the amendment to this scheme takes effect.
- (6) 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.
- (7) 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.
- (8) 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 (7) they take effect from the day to which the appropriate sub-paragraph from (3) to (7) above refers, or, where more than one day is concerned, from the earlier day.
- (9) 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.
- (10) Without prejudice to sub-paragraph (9), 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.

99. Time within which a claim for council tax reduction is to be made

- (1) Where the authority has determined the date at which an application is made by virtue of Paragraph 26; the applicant can request that their application is treated as made on any date up to one calendar month earlier.
- (2) The authority must treat that earlier date as the date on which the application is made, where-
 - (a) one or more of the circumstances specified in sub-paragraph (3) applied to the applicant at that earlier date; and
 - (b) As a result of that circumstance or those circumstances the applicant could not reasonably have been expected to make their application at the earlier date.
- (3) The circumstances referred to in sub-paragraph (2) are—
 - (a) the applicant and or partner has a disability;
 - (b) The applicant and or partner has supplied the authority with medical evidence that satisfies the authority that the applicant had an illness that prevented the applicant from making an application.

Part 21 Changes in the amount of reduction

100. Adjustments to the amount of reduction

Where, due to a change of circumstances or other correction, the amount of reduction that an applicant is entitled to is adjusted, the authority shall issue a revised Demand Notice and adjust payments in respect of the applicant's council tax liability in accordance with Council Tax (Administration and Enforcement) Regulations 1992d

100. 2 Prescribed requirements subsequent to a determination that an applicant is not entitled to a reduction.

If the authority determines by virtue of the requirements of this scheme that on any day an applicant is not entitled to a reduction, that applicant cannot be entitled to a reduction on any date subsequent to the first date at which he is not entitled without first making a new application in accordance with paragraph 25.

Part 22 Transitional Provisions

Transitional Provisions

A reduction in a person's council tax charge awarded by virtue of Section 13A 1(c) of the LGFA 1992 in respect of any day subsequent to 31 March 2017 shall be determined in accordance with the preceding provisions of this scheme.

- (1) Any such reduction awarded in respect of any day;
 - (a) falling between April 1 2013 and March 31 2022 shall be determined in accordance with the Council Tax Reduction Scheme (persons who are not pensioners) (London Borough of Croydon) 2013, or
 - (b) Falling between April 1 2013 and March 31 2022 shall be determined in accordance with the Council Tax Reduction Scheme (persons who are not pensioners) (London Borough of Croydon)

Schedule 1

Supplementary qualifying conditions for persons whom the authority considers require additional financial assistance

1. Paragraphs 2-8 set out the supplementary qualifying conditions for the purposes of paragraph 35(2) (f) (ii).

2. Disabled persons who would previously have qualified for a disability premium

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 3 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 3(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 3(1)(a) is satisfied by his partner.

2. Additional condition for disabled persons who would previously have qualified for a disability premium

- (1) Subject to sub-paragraph (2), the additional condition referred to in paragraph 2 is that either —
 - (a) the applicant or, as the case may be, his partner —
 - (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, and 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 and the applicant has since remained continuously entitled to

- (aa) council tax benefit in relation to the period prior to 1st April 2013 and,
 - (bb) a reduction under this scheme (in relation to the period commencing on 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 64(11)(i) (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 64(11)(i) (treatment of child care charges); or
 - (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or
 - (vi) 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; or
 - (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) 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 is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014.
- (b) the applicant—
- (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.

For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

- (2) For the purposes of sub-paragraph (1) (b), once the disability premium 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 is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1) (b).
- (3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to 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.
- (4) 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 are to be treated as one continuous period.
- (5) For the purposes of this sub-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.
- (6) 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 paragraph (3); and
 - (b) the reference to a period of 56 days in paragraph (5),

In each case is to be treated as a reference to a period of 104 weeks.

- (7) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

4. Disabled persons who would previously have qualified for a 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 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 payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (4), 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 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 payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (4), 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 in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.
- (3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 3(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.
- (4) 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 disability living allowance by virtue of the care component 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 at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 ; or
 - (b) a person who is blind or is treated as blind within the meaning of paragraph 3(1) (a) (v) and (2).
- (5) 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 or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - (b) as being entitled to and in receipt of a carer's allowance 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.
- (6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), 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.
- (7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

5. Disabled persons who would previously have qualified for the Enhanced disability premium

Subject to sub-paragraph (2), the condition is that —

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made 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 72(3) of the SSCBA in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family,
 who has not attained the qualifying age for state pension credit; or

- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—

- (i) the applicant; or
 - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

- (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).
- (3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—
 - (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of paragraph 58(11)(e) (treatment of child care charges) and has been for a period of more than 52 weeks; or
 - (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11) (e) and has been for a period of more than 52 weeks.

6. Persons who would previously have qualified for a 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 or treated as blind within the meaning of paragraph 3; 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.

7. Persons who are entitled to the support component of employment and support allowance

The condition is that the applicant is entitled to the support component by virtue of the Secretary of State having decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

SCHEDULE 2

Sums disregarded in the calculation of earnings

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

(i) the employment has been terminated because of retirement; and

(ii) on retirement he is entitled to a retirement pension under the Act, or a state pension under Part 1 of the Pensions Act 2014, or is not so entitled solely because of his failure to satisfy the contribution conditions or to have the minimum number of qualifying years,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

(i) any payment of the nature described in—

(aa) paragraph 51(1)(e) (retainer), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in—

(aa) paragraph 51(1)(g) or (i), (compensation etc. relating to employment); or

(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme—

(i) the employment has not been terminated, but

(ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(d) or (ii)(bb) of this Schedule or paragraph 51(1)(j) (statutory sick pay etc.);

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule;

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4. In the case where the applicant or their partner satisfies one or more of the conditions described under paragraph 35 (Class A2: Persons who are entitled to a reduction and are considered to require additional financial assistance) £50 but, notwithstanding paragraph 44 (calculation of income and capital: applicant's family and polygamous marriages), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £50

5. —

(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 9 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 7 does not apply;

(3) Notwithstanding paragraph 44 (calculation of income and capital: applicant's family and polygamous marriages), if sub-paragraph (1) applies to one member of a couple ("A") it does 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 £30 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; or

(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 (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).

6. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 3 had the applicant’s income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

7. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, his earnings.

8. Any earnings derived from employment, which are 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 those earnings.

9. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

10. Any earnings of a child or young person

SCHEDULE 3

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, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
 - 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 Active Scheme.
 - 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
 - 4) Any amount paid by way of tax on income which is to be taken into account under paragraph 54 (calculation of income other than earnings).
 - 5) Any payment in respect of any expenses incurred or to be incurred by an applicants 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 earning under paragraph 56(5)(notional income)
 - 6) Any payment in respect of expenses arising out of the applicant's participation in a service user group.
 - 7) In the case of employment or as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
 - 8) Any disability living allowance or personal independence payment, or an AFIP Any disability living allowance or personal independence payment, or an AFIP
- (8) Any concessionary payment made to compensate for the non-payment of—
- (a) any payment specified in paragraph 11 or 14;
 - (b) income support;

- (c) an income-based jobseeker's allowance;
 - (d) an income-related employment and support allowance.
- (9) 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.
- (10) Any attendance allowance.
- (11) Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16.

- (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 73 ZA 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 the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that act; or
 - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

In respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. 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.

- (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 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.

19.

- (1) Subject to sub-paragraph (2), any of the following payments—
- (a) a charitable payment;
 - (b) a payment (not falling within paragraph (a)) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (c) 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
 - (d) a payment (not falling within paragraphs (a) to (c)) 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) does 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.

20. Any of the following, namely—

- (a) a war widow's pension or war widower's pension; 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;
- (b) a guaranteed income payment;
- (c) 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;
- (d) 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;
- (e) 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.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.

- (1) Any income derived from capital to which the applicant is or is treated under paragraph 72 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 4.
- (2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 4 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 paragraph 2(1) (interpretation) 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”.

23. 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, sections 1 or 2 of the Education Act 1962 or 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.

24.

(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 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 must be equal to—

- (a) the weekly amount of the payments; or the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.

- 25.** Any payment made to the applicant by a child or young person or a non-dependant.
- (a) Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family— where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 26.** 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 which 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 percent of such payments;
 - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.
- 28.**
- (1) Any income in kind, except where article 60(11) (b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 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.
- 29.** 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.
- 30.**
- (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 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 an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1) (a) applies, made to the applicant pursuant to regulations under section 2(6) (b), 3 or 4 of the Adoption and Children Act 2002.
- 31.** 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).
- 32.** 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) the person concerned where the payment is for accommodation to meet that person's needs for care and support arranged pursuant to section 35 and 36 of the Social Services and Well-being (Wales) Act 2014.
 - (f) 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

- (g) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.
- 33.** 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).
- 34.**
- (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.
- 35.**
- (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) is only to 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, (1)(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).

- 36.** Any payment of income which by virtue of paragraph 67 (income treated as capital) is to be treated as capital.
- 37.** Any -
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the Social Fund); or
 - (b) occasional assistance.
- 38.** Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).
- 39.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 40.** 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 44(3) (calculation of income and capital: applicant's family and polygamous marriages) to be disregarded under paragraphs 76(2)(b) and 77(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 of this schedule shall in no case exceed £ 20 per week.
- 41.**
- (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation 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 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 and the London Bombings Relief Charitable Fund.
- 42.** Any housing benefit.
- 43.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 44.** 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.
- 45.** Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act or further reduction under section 13A of the 1992 Act (reduction of liability for council tax).
- 46.**
- (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (Travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007, (Travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).
- 47.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 48.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 49.**
- (1) Where the applicant is treated by virtue of paragraph 7 as responsible for a dependent child or young person, £15 of any payment of maintenance, other than

child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

- (2) For the purpose 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.
- (3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.

Any payment of child maintenance made or derived from a liable relative where the child or young person in receipt of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner

- (1) In sub-paragraph (1)—

"Child maintenance" means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991; (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

"liable relative" means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

- 51.** 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.

- 52.** Any guardian's allowance.

53.

- (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 dependent 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 dependent in respect of whom the increase is paid is not a member of the applicant's family.

- 54.** 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.
- 55.** 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.
- 56.** Mm
- (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).
- 57.** Any council tax benefit to which the applicant is entitled.
- 58.** 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).
- 59.**
- (1) Subject to sub-paragraph (2) , in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

- (2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

60.

- (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.

61. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker’s allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

62. 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.

63. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

64.

- (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.

65. 100 percent of any payment of child benefit.

66. Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 12(1) (g) or 65 of Schedule 4.

67. 50% of any carers allowance

- 68.** Any payment received under the energy rebate scheme.
- 69.** The apportioned amount of Universal Credit paid for housing element, health element, disabled child element and half of carers element.

SCHEDULE 4

Capital disregards

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 a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Scheme for Assisting Persons Obtain Employment) Regulations 2013 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 44 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling shall be disregarded under this paragraph.
5. 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.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family 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.

8. 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.

11.

- (1) 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 any such asset.
- (2) The assets of any business owned in whole or in part by the applicant where—
- (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 this scheme is made, or is treated as 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.

- (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.

- (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—
- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 3;
 - (b) an income-related benefit under Part 7 of the SSCBA;
 - (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) bereavement support payment under section 30 of the Pensions Act 2014, but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.
- (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—
 - (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
 - (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.
- (3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—
 - (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) Is the partner of the person who received the relevant sum, or was that person’s partner at the date of his death

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14.

Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 15.** 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.
- 16.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 17.** 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.
- 18.**
- (1) 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.
 - (2) But sub-paragraph (1)—
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) Does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
 - (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
 - (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 19.** The value of the right to receive any income under a life interest or from a life rent.
- 20.** The value of the right to receive any income which is disregarded under paragraph 9 of Schedule 2 or paragraph 29 of Schedule 3.
- 21.** The surrender value of any policy of life insurance.

- 22.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 23.** 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).

24.

- (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.

25.

Any -

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
 - (b) Occasional assistance.
- 26.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 27.** Any capital which by virtue of paragraph 55 or 81 (capital treated as income, treatment of student loans) is to be treated as income.
- 28.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29.

- (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, the Independent Living Fund (2006), the Scottish infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love

Manchester Emergency Fund, the Windrush Compensation Scheme, or the London Bombings Relief Charitable Fund,

- (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 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 is to be construed as including a reference to, 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, and the London Bombings Relief Charitable Fund.

30.

- (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his 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.
- (2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of 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.
32. 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.
33. 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.
34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
35. The value of the right to receive an occupational or personal pension.
36. The value of any funds held under a personal pension scheme.
37. 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.
38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
40. Any payment in consequence of a reduction of council tax under section 13A of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home, for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 3 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.

(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (Travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (Travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47. 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.

48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Home Workers' Scheme.

49. [Note: not used]

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50.

- (1) Any sum of capital to which sub-paragraph (2) applies and—
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from—
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51 Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. 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 52 weeks from the date on which that sum was acquired.

54.

- (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment 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.

55.

(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;

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;

(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 the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

(a) regulations made under section 518 of the Education Act 1996;

(b) regulations made under section 49 of the Education (Scotland) Act 1980; or

(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2) (c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56. 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, but only for the period of 52 weeks from the date of receipt of the payment.

- 57.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 58.** 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 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, £10,000.

59.

- (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to—
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies 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 applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—

- (aa) ceases receiving full-time education; or
- (bb) attains the age of 20,

whichever is the latest.

- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
 - (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies 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 applies 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 applies 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 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, 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 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 person's eligible for payments in accordance with its provisions;
- “Trust payment” means a payment under a relevant trust.
- 60.** 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.
- 61.**
- (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.
- 62.** 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).
- 63.** Any payment made to the applicant pursuant to regulations under section 2(6) (b), 3 or 4 of the Adoption and Children Act 2002.

- 64.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 65.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.

Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Resources
Title of proposed change	Council Tax Support review
Name of Officer carrying out Equality Analysis	Helen Helliwell

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

Briefly summarise the proposed change and why it is being considered/anticipated outcomes. What is meant to achieve and how is it seeking to achieve this? Please also state if it is an amendment to an existing arrangement or a new proposal.

Council tax support is a means tested benefit that residents are able to apply for to support them with council tax payments. There are currently 26,666 active claims for council tax support. There are currently 162,465 chargeable dwelling in Croydon, these are properties where there is a council tax liability.

As an authority we have a duty to review our council tax support scheme annually, as a result of this review we are proposing 3 potential changes to the application of the scheme. The changes are:

Remove the minimum income floor for self-employed disabled working claims. This will positively affect households that have been classified as disabled working, and where the claimant or partner are self-employed and their income isn't disregarded already under permitted earnings

Change the rate by which the income bandings are increased from Consumer Price Index (CPI) to the percentage by which council tax is increased.

This change will affect all claimants equally. The proposal is to increase the income bands used within the scheme by the same percentage that we increase Council Tax. This won't be a set percentage but rather the scheme will state that the income bands will increase by how much London Borough of Croydon increases council tax each year.

Introduce non-dependant deductions for disabled non-working claims. One of the principles of the CTS scheme is that everyone in the household should pay towards council tax. Non-dependents are other adults that live in the property, excluding any partners. In all other groups within the scheme a deduction is taken from the level of CTS entitlement based on the non-dependents income. To implement the 'everyone in the household should pay' principle across all residents we are proposing to introduce non-dependent deductions to disabled not working claims.

The aim of these changes are to make some elements of the scheme fairer and to re-align to the principles of the scheme after a major overhaul of the scheme in April 2022. There is also a need to review the cost of the scheme, especially in relation to the rate of the CPI which would have a major impact on the cost of council tax support to the council.

In seeking to reduce the cost of the scheme the result of two of the changes will mean a reduction in the level of support residents will receive.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

Table 1 – Positive/Negative impact

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
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Age	Neutral impact as pensioners are protected from all proposed changes.	All working age claimants would be effected by the changes to the rate by which the income bands will be increased.	<p>According to the 2021 census, The population in Croydon has grown to 390,719 from 363,400 in 2011. 67% of all residents are between the ages of 15 and 64 years old, and 14% are aged over 64.</p> <p>The age breakdown for the borough, according to the 2021 census is as follows:</p> <table><tr><td>Age</td><td>2021 Census Estimates in Croydon</td><td>2021 census age breakdown of total population</td></tr><tr><td>0-15</td><td>19.3%</td><td>17.4%</td></tr><tr><td>15-64</td><td>67%</td><td>64.2%</td></tr><tr><td>64+</td><td>13.6%</td><td>18.4%</td></tr></table> <p>The current caseload age breakdown is as follows:</p> <table><tr><td>Age</td><td>CTS caseload breakdown</td></tr><tr><td>0-15</td><td>0%</td></tr><tr><td>15-64</td><td>69.9%</td></tr><tr><td>64+</td><td>30.1%</td></tr></table>	Age	2021 Census Estimates in Croydon	2021 census age breakdown of total population	0-15	19.3%	17.4%	15-64	67%	64.2%	64+	13.6%	18.4%	Age	CTS caseload breakdown	0-15	0%	15-64	69.9%	64+	30.1%
Age	2021 Census Estimates in Croydon	2021 census age breakdown of total population																					
0-15	19.3%	17.4%																					
15-64	67%	64.2%																					
64+	13.6%	18.4%																					
Age	CTS caseload breakdown																						
0-15	0%																						
15-64	69.9%																						
64+	30.1%																						
Disability	Those who are disabled and self-employed will no	Where a claimant or partner are disabled and not working a deduction	Based on our current caseload 31% of all of our claims are identified as claims where either than claimant or partner as disabled.																				

	longer have an assumed income figure used. Previously an increased assumed income would have been used, meaning they would be getting a reduced entitlement,	will be introduced for any other adult living in the property For Disabled claims where the claimant or partner are working they will be impacted, along with all other working age claims by the proposal to change the rate by which the income bands are increased	<p>In 28% of these claims either the claimant or partner are disabled and neither are in work, and 3% of claims are classified as disabled working claims meaning either the claimant or partner are disabled and either are in work.</p> <p>As part of the consultation we asked respondents if they considered themselves to have a disability. 140 respondents confirmed whether or not they considered themselves having a disability, 41.4% considered themselves having a disability, 44.3% answered no and 14.3% preferred not to say.</p> <p>84 of the above went on to declare the disability that was identified.</p> <ul style="list-style-type: none"> • 8.3% were visually impaired; • 7.1% declared a hearing impairment; • 44% identified having a mobility disability; • 7.1% declared a learning disability; • 2.4% had communication difficulty; • 22.6% had a hidden disability; and • 32.1% preferred not to say <p>13.1% stated they identified as having another disability</p>
Sex	None identified	Of the 16,260 single claims by females, 11,795 are from working age claimants and of the 6,263 male claims 4,187 are working age. These claimants will be effected by the change to the amount the income bands will be increased.	16,260 of the claims made by single people are females, and 6,263 are from males, there are 30 cases where the sex of the claimant is unknown. In claims for couples 1,548 have a female as the claimant and 2,554 have a male. However who is the lead claimant is purely down to whose name is input on the claim form first.
Gender Reassignment	None identified	We are unable to identify of those who provided their gender identity whether	Data on gender reassignment is not routinely captured. A person's innate sense of their own gender, whether

		they are working age or of pension age, but any working age claimants in these groups will be effected by the changes to the percentage by which the income bands are due to be increased.			<p>male, female or something else may or may not correspond to the sex assigned at birth.</p> <p>We have recently moved to a new application form and will explore the option of adding additional questions that will enable us to gather this information.</p> <p>As part of the consultation process we asked respondents to describe their gender identity, 26.2% of people who answered that question identified as male, 63.8% female, 0.7% as non-binary, no one identified as transgender and 9.2% preferred not to say.</p>														
Marriage or Civil Partnership	If one member of a couple is disabled, and the other is self-employed then they will no longer have an assumed income figure applied to their claim. Previously an increased assumed income would have been used, meaning they would be getting a reduced entitlement,	Of the 22,559 single claims, 16,003 are from working age claimants, and 2,375 of the 4,107 of claims by couples are working age claims. These claimants will be effected by the changes to the percentage by which the income bands are due to be increased.			<p>4107 (15%) claims of the current case load are those made by couples, the remaining 22,559 (85%) are from single claimants.</p> <p>Whether or not the couples are married or in a civil partnership, or are unmarried partners does not affect the way the claims are calculated. We do not hold specific details regarding if a couple are married or not as we do not ask that specific question in our application form, rather if they have a partner.</p>														
Religion or belief	None identified	We are unable to identify of those who provided their religion whether they are working age or of pension age, but any working age claimants in these groups will be effected by the changes to the percentage by which the income bands are due to be increased			<p>As part of the consultation we asked people what their religion was:</p> <table><tr><td>Christian</td><td>47.1%</td></tr><tr><td>Prefer not to say</td><td>32.9%</td></tr><tr><td>Other</td><td>8.6%</td></tr><tr><td>Muslim</td><td>7.9%</td></tr><tr><td>Hindu</td><td>2.9%</td></tr><tr><td>Buddhist</td><td>0.7%</td></tr><tr><td></td><td></td></tr></table>	Christian	47.1%	Prefer not to say	32.9%	Other	8.6%	Muslim	7.9%	Hindu	2.9%	Buddhist	0.7%		
Christian	47.1%																		
Prefer not to say	32.9%																		
Other	8.6%																		
Muslim	7.9%																		
Hindu	2.9%																		
Buddhist	0.7%																		
Race	None identified		Number	% of caseload	Where the claimant has provided their race this has been recorded and the current caseload is broken down as follows:														

Asian or Asian British: Bangladeshi	129	0.7%
Asian or Asian British: Indian	234	1.3%
Asian or Asian British: Pakistani	412	2.2%
Asian or British : Any other Backgrnd	405	2.2%
Black-Black British:African	1815	9.9%
Black-Black British:Caribbean	2042	11.1%
Black-Black British:Other	400	2.2%
Chinese	35	0.2%
Mixed :Any other mixed background	229	1.2%
Mixed: White and Asian	216	1.2%
Mixed: White and Black Caribbean	442	2.4%
White: British	3491	19.0%
White: Any other White background	1021	5.6%
Not Known	7519	40.9%
Total working age caseload	18390	

	Number	% of caseload
Asian or Asian British: Bangladeshi	162	1%
Asian or Asian British: Indian	387	1%
Asian or Asian British: Pakistani	546	2%
Asian or British : Any other Backgrnd	571	2%
Black-Black British:African	2098	7%
Black-Black British:Caribbean	2426	8%
Black-Black British:Other	2433	8%
Chinese	55	0%
Mixed :Any other mixed background	252	1%
Mixed: White and Asian	235	1%
Mixed: White and Black Caribbean	460	2%
White: British	4755	17%
White: Any other White background	1203	4%
Not Known	13077	46%
Total	28660	

		This is the break down for working age claims – these claimants will be effected by the changes to the percentage by which the income bands are due to be increased.	
The Sexual Orientation	None identified	Of the 29 same sex couples claiming council tax support, 25 are working age claims. These claimants will be effected by the changes to the percentage by which the income bands are due to be increased	Within the current case load there are 4107 claims made by couples, of those 29 are from couples where each partner is of the same sex. We do not ask for details of claimants sexual orientation as part of the application process, so are unable to identify the breakdown for those who have made a single application form.
Pregnancy or Maternity	None identified	Of the 38 claims where the claimant or partner are in receipt of maternity pay all are of working age so will be effected by the changes to the percentage by which the income bands are due to be increased	We currently have 38 active claims where the claimant or partner are in receipt of maternity pay which is recorded on our system. We do not record if someone is pregnant at the time of application.
<p>Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.</p> <p>When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact</p>			

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:		
Additional information needed and or Consultation Findings	Information source	Date for completion
<p>We carried out public consultation regarding the changes.</p> <p>We received 144 responses, 69% of the respondents were in receipt of council tax support. In relation to the proposed changes the responses were:</p>	Full consultation report attached.	

	Strongly or somewhat agree	Neither agree or disagree	Strongly or somewhat disagree
Removal of the minimum income floor for disabled working claims	54%	19%	26%
Changing the percentage the income bands are increased.	42%	21%	40%
Introducing a non-dependant deduction for disabled not working claims	40.90%	19%	40.10%

Out of the 144 respondents, 142 answered the questions regarding to the age of the respondent. 1.4% were between 18-25, 35.9% were between the ages of 26-45, 26.1% were between the ages of 46-55. 23.2% were aged 56-65, and 9.9% were aged 66 or over 3.5% preferred not to declare their age

The largest group of respondents were aged between 26-45, the council tax support caseload indicates that 34% of those who claim are between the ages of 26-45.

141 residents answered the question regarding gender, of which 63.8% confirmed they identified as being female, 26.2% identified as being male, 0.7% confirmed they identified as being non-binary, 9.2% preferred not to say what they identified their gender to be.

140 respondents confirmed whether or not they considered themselves having a disability, 41.4% considered themselves having a disability, 44.3% answered no and 14.3% preferred not to say.

84 of the above went on to declare the disability that was identified.

- 8.3% were visually impaired;
- 7.1% declared a hearing impairment;
- 44% identified having a mobility disability;
- 7.1% declared a learning disability;
- 2.4% had communication difficulty;
- 22.6% had a hidden disability; and
- 32.1% preferred not to say
- 13.1% stated they identified as having another disability

31% of our claims are within a disabled scheme, and 41.4% of respondents to the consultation considered themselves to have a disability.

<p>In addition to the on line public consultation a face to face meeting was held with partners to seek their feedback.</p> <p>The session was attended by representatives from MIND, South West London Law Centre and The Carer's information service.</p> <p>There were concerns raised regarding the introduction of non-dependant deductions for disabled non-working households as there was a concern that the non-dependant could be the carer for the disabled claimant or partner. And taking a deduction for them would be penalising them for having caring responsibilities.</p> <p>The proposed changes to the scheme have been updated as a direct result of this feedback and we are suggesting that in this scenario no non dependant deductions are taken.</p>		

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Key

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Equality Analysis

Table 3 – Impact scores

Column 1	Column 2	Column 3	Column 4
PROTECTED GROUP	LIKELIHOOD OF IMPACT SCORE Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	SEVERITY OF IMPACT SCORE Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	EQUALITY IMPACT SCORE Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group. Equality impact score = likelihood of impact score x severity of impact score.
Age	3	2	6
Disability	3	2	6
Gender	3	2	6
Gender reassignment	3	2	6
Marriage / Civil Partnership	3	2	6
Race	3	2	6
Religion or belief	3	2	6
Sexual Orientation	3	2	6
Pregnancy or Maternity	3	2	6

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups ☐

Eliminating unlawful discrimination, harassment and victimisation ☐

Fostering good relations between people who belong to protected characteristic groups ☒

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	Introduction of non-dependent deductions for disabled not working claims	Excluding any non-dependents who are receiving careers allowance for the claimant or partner A hardship fund is available for those effected by the changes to		Full Cabinet in January 2023

Equality Analysis

		support with the reduction in support.		
Race	Changing the percentage by which the income bands are increased which will affect all working age claims	<p>A hardship fund is available for those effected by the changes to support with the reduction in benefit. It will help to provide transitional support to bridge the gap between residents old and new entitlement.</p> <p>The income bands used in the assessment for Council Tax Support will increase by the same rate as council tax increases to ensure that entitlement goes up by the same rate.</p>		
Sex (gender)	Changing the percentage by which the income bands are increased which will affect all working age claims			
Gender reassignment	Changing the percentage by which the income bands are increased which will affect all working age claims			
Sexual orientation	Changing the percentage by which the income bands are increased which will affect all working age claims			
Age	Changing the percentage by which the income bands are increased which will affect all working age claims			
Religion or belief	Changing the percentage by which the income bands are increased which will affect all working age claims			
Pregnancy or maternity	Changing the percentage by which the income bands are			

Equality Analysis

	increased which will affect all working age claims			
Marriage/civil partnership	Changing the percentage by which the income bands are increased which will affect all working age claims			

6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision.	
Adjust the proposed change	We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form A need to make amendments to the scheme was identified following consultation. Mitigation via a hardship fund has been made available to support those affected the most by the changes.	X
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.	

Equality Analysis

	Although some of the changes will directly effect a protected group – namely those with disabilities. Additional allowances have been made to ensure they are not adversely effected. Such as not applying the deduction where the non-dependant is getting carers allowance	
Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		Meeting title: Cabinet Date: 26 th January 2023

7. Sign-Off

Officers that must approve this decision	
Equalities Lead	Name: Denise McCausland Date: 10/1/23 Position: Equalities Programme Manager
Director	Name: Jane West Date: 13/01/2023 Position: Corporate Director of Resources (Section 151 Officer)

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REPORT TO:	25 January 2023
SUBJECT:	HRA Rent Setting 2023-24
LEAD OFFICER:	Susmita Sen, Corporate Director for Housing
CABINET MEMBER:	Councillor Lynne Hale, Deputy Mayor and Cabinet Member for Homes
WARDS:	All

SUMMARY OF REPORT:

This report sets out for approval the Council's HRA rent setting arrangements for council tenants from 1 April 2023 to 31 March 2024.

FINANCIAL IMPACT:

The proposals sit within the Housing Revenue Account (HRA) and therefore will have no direct financial impact on the Borough's General Fund.

Government direction of a cap of 7% rent and service charge increases for 2023-24 has an adverse impact on the HRA business plan due to lost revenue and therefore impacts on its ability to balance without making significant adjustments to the expenditure budgets.

The HRA Business Plan will be brought to cabinet in February 2023.

KEY DECISION REFERENCE NO.

RECOMMENDATIONS:

The Executive Mayor in Cabinet is recommended to:

- i. To approve the request to set the rent increase at the government directed level of 7% for the financial year 2023-24.
- ii. To approve the request to set the tenants service charges increase at the same level as the rents of 7% for the financial year 2023-24.
- iii. Note impact of capping at 7% which is lower than an existing policy has had an adverse impact on the HRA budget and its ability to balance without making significant adjustments to the expenditure budgets within the HRA.

- iv. Note there is further work required to set a balance budget for 2023-24 to accommodate the lost income. This will be taken to cabinet in February 2023 alongside the HRA Business Plan.
- v. Note further work will be required to ensure that tenants and leaseholder are advised of all options available to them to mitigate the financial insecurity which may be experienced as a result of the increase in rent and tenants service charges
- vi. Note the development of proposals to create a specific Housing Revenue Account (HRA) hardship fund aimed to assist tenants who are financially impacted by the 2023/24 rent increase

1. BACKGROUND

- 1.1 The existing rent policy of CPI + 1% would allow for an increase of 10.9%, or £5.3m, when compared to our original business plan. This would eliminate the effect of the known pressures for 23/24 to show a balanced position. However, given the significant cost of living increases of the past year this level of rise would also put significant strain on tenants.
- 1.2 In this context, on 31 August the Secretary of State issued a consultation on setting a cap or ceiling on rents with views sought on 3%, 5% and 7% as ceiling options. The council sought the views of tenants through the tenants and leaseholder panel on the impact of setting a cap. Their views were incorporated into the formal response to government. Tenants ask was to “have safe, affordable warm homes”, that “their communities are not adversely impacted, and the conditions of their properties are improved”.
- 1.3 In the autumn statement, it was announced that the new direction will set a ceiling of 7% from 1 April 2023 to 31 March 2024. This cap would act as an upper limit on the maximum amount by which the local authority can increase rents in that year.
- 1.4 Follow up engagement with residents through a specially convened Tenants panel meeting was carried out in December to share the proposals. In addition, a short an engagement survey was launched the feedback of which will be used to inform the support provided to tenants and to capture tenants priorities.
- 1.5 The paper recommends implementing the full 7% rent increase for the period 1 April 2023 to 31 March 2024, noting the adverse impact this loss of income (when compared to the current policy) has on the HRA.

- 1.6 The recommendation is to increase the tenants service charges in line with rents as has been the policy in prior years, noting that further work in being carried out on how we set and ensure tenants service charges are clear and transparent.
- 1.7 The paper sets out the impact on our tenants by way of average weekly increase and the profile of tenants who will be impacted by the rent increase.
- 1.8 The paper also recommends the setting up of a specific Housing Revenue Account hardship fund aimed to assist tenants who are financially impacted by the 2023/24 rent increase.

2. RENT CAPPING IMPACT ON HRA BUSINESS PLAN

- 2.1 As noted above, the existing rent policy of CPI + 1% would allow for an increase of 10.9%, or £5.3m, when compared to our original business plan. This would eliminate the effect of the known pressures for 23/24 to show a balanced position.
- 2.2 The recommendation is to implement the full 7% rent increase for 2023-24 to limit the impact of the lost income on the HRA. Modelling for the impact of the cap on the HRA is set out in Table 1.
- 2.3 The 7% cap is a loss to the HRA when compared to the current policy and results in lost income of £3.3m for one year, which together with other known pressures results in £8.6m HRA budget pressure for 2023-24. Over the 30 year business plan lifecycle equates to £148.7m deficit (NPV of 4% used)
- 2.4 No mechanism has yet been proposed to recoup the lost £3.3m revenue. At a NPV rate of 4% over the 30 year business plan life cycle this equates to lost income of £57.1m to the HRA.
- 2.5 Whilst the 7% rent increase will generate an increased income stream of £2.0m, it will result in an overall pressure within the HRA budget for 2023-24 of £3.3m, once the known expenditure pressures are included.

Table 1 Effect of capping rent policy for 1 year

1 Year changes	7% Cap - Comparison to Business Plan budget (4% increase) £'000	7% Cap - Comparison to Rent Policy (10.9% increase) £'000
Rental Income movement		
Increase/(decrease) year 1	1,986	(3,322)
Known pressures	(3,504)	(3,504)
Utilities	(1,800)	(1,800)
Total Pressures	(5,304)	(5,304)
Net Impact Year 1	(3,318)	(8,626)

- 2.6 Whilst known expenditure pressures have been reflected in Table 1 to model the impact on the HRA revenue budget, there are also not yet quantified programmes that will require funding. Some of which are set out below the impact of the lost £57.1m income (over the 30 years of the business plan) may impact the timing of the delivery of these:
- 2.6.1. The statutory pressures as a result of legislative changes and proposed changes on, fire safety works, building safety compliance and the damp and mould programme
 - 2.6.2. The Housing Transformation Programme which has set out a number of key recommendations will need to be factored into the budget setting for 2023-24 and onwards, with a 3- to 5-year programme of transformation, to be funded.
 - 2.6.3. The impact of the legislative changes and proposed changes including the requirement to meet net zero carbon neutral building standards. The current estimate is £40k per property.
 - 2.6.4. The funding of the works on our tall buildings, including the decisions on the future options for the Regina Road site.
 - 2.6.5. The results from the immediate 5% stock conditions surveys will be reviewed in addition to the rolling stock conditions surveys outcomes. The funding of the requirements from these surveys will be projected over a longer period which will therefore impact key milestones originally sought to be achieved.
 - 2.6.6. Full details of the capital program will be taken to cabinet in February as part of the HRA Business Plan and budget update and will reflect the impact of potentially increasing the backlog of stock investment which is required.

3. AVERAGE RENTS INCREASE

- 3.1 The rents increase is based on average rents model and excludes the service charges. Table 2 and Table 3 set out the impact of the 7% increase on current weekly rents and tenants service charges respectively.
- 3.2 Tables 2 and 3 also sets out the reduction in costs to tenants compared to if rents were allowed to increase by CPI+1%. This will benefit all households not only those who receive universal credit or housing benefit.

Table 2 – Average rents per week and month

Bedroom Size	Average rent 2022-23 £ p/w	7% Cap - Average rent 2023-24 £ p/w	Increase vs 2022/23 £p/w	10.9% Rent Policy – Average rent 2023-24 £p/w	Tenants Reduction in cost 2023-24 – 10.9% vs 7% £p/w	Tenants Reduction in cost 2023-24 £p/m
0 Bedsit	80.21	85.82	5.61	88.95	3.13	13.56
1	96.04	102.76	6.72	106.51	3.75	16.25
2	114.34	122.34	8.00	126.80	4.46	19.33
3	138.05	147.71	9.66	153.10	5.39	23.36
4	156.48	167.43	10.95	173.54	6.11	26.48
5	171.18	183.16	11.98	189.84	6.68	28.95
>5	191.68	205.10	13.42	212.57	7.47	32.37

Table 3 – Average tenants service charges per week and month

Dwelling type	Average 2022-23 £ p/w	7% Cap – Average service charge with increase 2022-23 £ p/w	Increase vs 2022/23 £p/w	10.9% Policy – Average service charge 2023-24 £p/w	Tenants saving 2023-24 – 10.9% vs 7% £p/w	Tenants saving 2023-24 £p/m
Flats	10.97	11.74	0.77	12.17	0.43	1.86
Estate Houses	2.25	2.41	0.16	2.50	0.09	0.40

4. SUPPORTING OUR TENANTS

- 4.1 We recognise these increases may cause concern for some of our residents and we have carried out a modelling exercise to have a look at those who could be potentially vulnerable. The modelling of the tenants is limited and focuses on those in receipt of Housing Benefit, as we can confidently predict that this benefit will be applied to rent and service charges. Table 4 sets out the benefits eligibility of Croydon tenants.
- 4.2 67.9% of the tenants are eligible for some form of Housing Benefit. The remaining 32.1% receive no benefits and these self-payers would potentially be at risk as a result of the increases set out in section 3.

Table 4 Our Tenants

Benefits Eligibility	No. of Tenants	Proportion of Total	Annual Rent and SC Roll	Housing Benefit	Potentially At Risk	Proportion of Annual Roll at Risk
Full Housing Benefit	2,572	19.6%	£15,761,966	£15,761,966	£0	0%
Partial Housing Benefit	2,220	16.9%	£14,689,347	£11,115,166	£3,574,181	24.3%
Universal Credit	4,116	31.4%	£26,948,095	£2,873	£26,945,222	99.9%
TOTAL ON BENEFITS	8,908	67.9%	£57,399,409	£26,880,006	£30,519,403	53.2%
No Benefit/Self-payers	4,220	32.1%	£27,711,470	£0	£27,711,470	100%
TOTAL	13,128	100%	£85,110,879	£26,880,006	£58,230,873	68.4%
PROPORTION OF ANNUAL ROLL				31.6%	68.4%	

- 4.3 For those in receipt of full Housing Benefit, i.e. 19.6% of tenants on the rent roll, we are assuming that they will not be affected by the rent increase. This cohort accounts for £15.8m of the current annual rent income.
- 4.4 For those in receipt of partial Housing Benefit, i.e. 16.9% of tenants on the rent roll, we are assuming that they will be less affected by a rent increase, but are subject to benefit caps. There is currently 24.3%, or £3.6m pa, of the rent debit for this cohort, which is not covered by Housing Benefit, which is therefore potentially at risk. This cohort accounts for £14.7m of the current annual rent income.
- 4.5 For those in receipt of Universal Credit, i.e. 31.4% of tenants on the rent roll, we don't have any further information as to the housing elements included within it. However this cohort will be very sensitive to rent increases since the Universal Credit has to be used for more aspects of support and not just housing. Considering that Universal Credits are paid directly to tenants, there will also be a higher than usual risk of bad debts, when considering the current economic outlook. This cohort accounts for £26.9m of the current annual rent income.
- 4.6 No benefit/Self-payers account for 32.1% of tenants, this equates to 4,220 tenants who are not currently receiving Universal Credit or Housing Benefit. This cohort accounts for £27.7m of annual rent income.

4.7 These tenants will be contacted prior to the increase taking effect and offered support. Our welfare officers will be able to identify what, if any, benefits these tenants may be able to claim and offer assistance with this. As well as providing support with budgeting and directing them to available grants and organisations which provide advice on saving energy. These tenants will be our priority, following which we will review the details of tenants who are already receiving housing benefit, to check that they are receiving other benefits, to which they may be entitled.

4.8 In addition we will establish a Housing Revenue Account specific discretionary fund to assist households that experience severe financial difficulties and whose circumstances have been adversely impacted as a result of the 2023/24 rent increase.

5. RESIDENT ENGAGEMENT

5.1 Engagement with our tenants began in October through Tenants and Leaseholder Panel (TLP) meeting, feedback from this meeting was included in the submission to government on the impact of setting a rent cap. Tenants flagged concerns surrounding:

- *The need for safe, affordable, warm homes*
- *Lack of investment in homes*
- *The impact of potential cuts on communities - the condition of properties has a big impact on the community & behaviours*
- *Impact on future redevelopments required & new homes required*
- *Impact of any significant rent increase would have on other sectors within health and adult social care E.G mental health*

5.2 Following on from the government directive on the rent cap a special sitting of TLP was held in December to outline the impact of the proposed 7% rent and tenants service charges increase. In addition, a short survey was launched from 21 December to 5 January to invite residents with concerns regarding the rent increase to respond directly with their contact details to the resident engagement team to find out about financial support that might be available.

5.3 The survey also requested residents feedback on their priorities and for comments on or suggestions where resources should be focused. The top 5 priorities from the survey are:

- 1) Keeping my block, estate, and neighbourhood clean and tidy
- 2) Improved repairs service
- 3) Internal works (windows, doors replacement)
- 4) Tackling anti-social behaviour
- 5) More CCTV (closed circuit television) and security

5.4 Some of the clear messages from the survey responses were:

“All services are important and needed so with the proposed rent increase all above should be improved without sacrificing another”

“The council needs to take much better care of their properties, they are all falling into disrepair”

6. CONCLUSION

- 6.1 The recommendation will be for cabinet to approve the request to set the rents increase at the government directed level of 7% and no lower.
- 6.2 The impact of capping at 7% which is lower than the existing policy has had an adverse impact on the HRA budget and its ability to balance without making significant adjustments to the expenditure budgets within the HRA.
- 6.3 Work is ongoing to ensure a balanced HRA budget is set for 2023-24, accommodating the lost income and other pressures.
- 6.4 The HRA business plan will be impacted by the lost income over the 30 year period of £57.1m and will require adjustments to plans in order to accommodate the changes.
- 6.5 Further work will be carried out to establish a HRA specific discretionary hardship fund to assist tenants.
- 6.6 Continue to work with our tenants impacted by the changes noting there is also potential mitigation for the impact of any increase through the discretionary housing payments and HRA discretionary funding for Council tenants in addition to the various types of energy support payments offered by the government, which tenants will be made aware of.
- 6.7 Applications for the Government’s Household Support Fund which provides discretionary support to tenants closed in September 2022. The Council anticipates the provision of further funding following an announcement from the Department of Work & Pensions and will advise tenants accordingly.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 7.1 The financial impacts to the HRA as a result of the lost income through setting the rent increase at the government directed level of 7%, rather than in line with the existing policy of CPI +1%, are set out in the paper above.
- 7.2 Further work will be required to set a balanced budget for the HRA for 2023-24 as a result of the lost revenue and other pressures referred to in the report.

- 7.3 The lost revenue over the 30 year business plan life cycle this equates to £57.1m to the HRA the impact of which will be reflected in the HRA business plan paper going to cabinet in February 2023.
- 7.4 Approved by Alan Layton, Interim Head of Service, on behalf of the Corporate Director of Resources and Section 151 Officer.

8. LEGAL CONSIDERATIONS

- 8.1 The Head of Litigation & Corporate Law comments on behalf of the Director of Legal Services and Monitoring Officer as follows:
- 8.2 Section 197 of the Housing and Regeneration Act 2008 gives the Secretary of State the power to direct the Regulator of Social Housing to set a standard on rent, and about the content of that standard. Once issued, a direction is binding on the Regulator. The Secretary of State is proposing to use this power to issue a new direction which will apply to all registered providers of social housing, including local authority registered providers. This direction will sit alongside the Direction on the Rent Standard 2019, so that the current CPI+1% limit on annual rent increases will be subject to a ceiling from 1 April 2023 to 31 March 2024. On 31 August the Secretary of State issued a consultation on a draft direction based on setting the ceiling at 5%, but sought views on 3%, 5% and 7% as ceiling options. In the Autumn Statement, it was announced that the new direction will set a ceiling of 7%, but the new direction has not yet been issued.
- 8.3 In relation to varying the terms of secure tenancy agreements in respect of rents and service charges, the Council must comply with the provisions of Sections 102 & 103 of the Housing Act 1985.
- 8.4 Approved by Sandra Herbert, Head of Litigation & Corporate Law, on behalf of the Director of Legal Services and Monitoring Officer.

9. HUMAN RESOURCES IMPACT

- 9.1 There are no direct Human Resources considerations arising from this report.
- 9.2 Approved by Dean Shoesmith, Chief People Officer, Assistant Chief Executive's Directorate

10. EQUALITIES IMPACT

- 10.1 The report identifies that the tenants most likely to be impacted from the proposals are from the following: between 30 – 50, female, from White communities or African and African Caribbean communities.
- 10.2 The housing directorate is seeking to improve the collection of data regarding protected characteristics and will utilise a new IT system to do so.
- 10.3 The Equalities analysis has been conducted and is available, it highlights those affected and identifies mitigation that has been put in place to support those affected by the changes.
- 10.4 The Equalities analysis notes the mitigation through the provision of a discretionary fund to support those affected by the proposed rent increase.
- 10.5 Approved by : Denise McCausland Equality Programme Manager

11. ENVIRONMENTAL IMPACT

- 11.1 There is no environmental impact from the increased rent proposed
- 11.2 Approved by Steve Iles MBE, Director of Sustainable Communities.

12. CRIME AND DISORDER REDUCTION IMPACT

- 12.1 The Housing Revenue Account funds crime prevention services for tenants in Croydon, ranging from anti-social behaviour to domestic violence support. These essential services directly support tenants across the Borough. We know from our data and the 2022 Strategic Crime Assessment that some of the highest crime areas of the borough include social housing, and that tenants face a greater risk of becoming a victim of crime than average in the borough.
- 12.2 The 7% cap, and the requirement to rebalance expenditure budgets as a result, may impact the provision of critical services for residents. The current HRA element of crime prevention and support services is being reviewed to ensure that appropriate charges are in place to support tenants. Any changes to expenditure will need to be assessed in the planned February 2023 cabinet report on the HRA budget.
- 12.3 Approved by Kristina Aspinall, Director of Culture & Community Safety

13. DATA PROTECTION IMPLICATIONS

- 13.1 The report contains no sensitive or personal data.
- 13.2 The recommendations will involve the processing of personal data or special category data. There will be the need to complete a Data Protection Impact Assessment for review by the Data Protection Officer in relation to the data to be collected.
- 13.3 Approved by Susmita Sen, Corporate Director of Housing.

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Equality Analysis Form

1. Introduction

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

In practice, the term '**proposed change**' broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria.

2. Proposed change

Directorate	Housing
Title of proposed change	HRA Rent Setting 2023-24
Name of Officer carrying out Equality Analysis	Orlagh Guarnori

2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

To ensure continued investment in the management, maintenance and development of council housing stock to ensure the needs of existing and potential tenants are met, and to provide enhanced support for families and communities experiencing hardship the proposal is to increase the HRA rents in line with the government directive by 7% for 2023/24

The rent increase is required to enable the Council to meet its requirements to continue to invest in the housing stock and to set a balanced budget for 2023/24 that reflects Croydon's HRA business plan and takes into account the Mayor's priorities. The report provides an overview of the impact on tenants of protected characteristic groups by increasing the rent level to 7%.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. Who benefits and how (and who, therefore doesn't and why?) Summarise any positive impacts or benefits, any negative impacts and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic.

Where an impact is unknown, state so. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Deciding whether the potential impact is positive or negative

Table 1 – Positive/Negative impact

For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.

Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence
Age	<p>The positive impacts listed below will impact more 30-50 y/o residents than any other age group</p> <p>People will benefit from the overall investment in council housing</p> <p>The cost rise to tenants is a relatively modest one and follows four years of rent reductions for tenants. The rise will</p>	<p>The negative impacts listed below will impact more 30-50 y/o residents than any other age group</p> <p>The increase will place an additional financial burden on tenants although an increase in benefits will cover the rent increase.</p>	<p>Council tenants can be broken down into the following age groups:</p> <p>20-29: 4%</p> <p>30-39: 14%</p> <p>40-49: 19%</p> <p>50-59: 25%</p> <p>60-69: 18%</p> <p>70-79: 11%</p> <p>80-89: 6%</p>

	enable the council to improve and provide range of services to tenants.	<p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears.</p>	<p>90-99: 1%</p> <p>30-59 y/o tenants constitute 44% of Council tenants (more than any other two age groups combined)</p>
Disability	<p>People will benefit from the overall investment in council housing.</p> <p>Eligible tenants will benefit from the provision of disabled adaptations (major and minor) to existing council housing resourced through the 7% increase to rent and service charges.</p> <p>Disability payments to parents of disabled children are not affected.</p>	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants identifying as having a disability specifically.</p>	<p>14.1% of Croydon residents identified as having a disability in 2011.</p> <p>The Council does not collect disability data on Council tenants. Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p> <p>The Council will do this through engagement with tenants to understand how the Council can support protected characteristic groups.</p>
Sex	The positive impact listed below will impact more residents identifying as female than those identifying as male.	The negative impact listed below will impact more residents identifying as female than those identifying as male.	<p>The gender of Council tenants is as follows:</p> <p>Female: 67%</p>

	<p>People will benefit from the overall investment in council housing.</p>	<p>The increase will place an additional financial burden on tenants although an increase in benefits will cover the rent increase.</p> <p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears.</p>	<p>Male: 33%</p>
Gender identity	<p>People will benefit from the overall investment in council housing.</p>	<p>The increase will place an additional financial burden on tenants although an increase in benefits will cover the rent increase.</p> <p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p>	<p>The Council does not collect data on the gender identity of Council tenants. Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p> <p>The Council will do this through engagement with tenants to understand how the Council can support protected characteristic groups.</p>

		Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears.	
Marriage or Civil Partnership	<p>People will benefit from the overall investment in council housing.</p> <p>There is not expected to be any particular negative impact on this specific group.</p>	<p>The increase will place an additional financial burden on tenants although an increase in benefits will cover the rent increase.</p> <p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears.</p>	<p>The Council does not collect data on the marriage or civil partnership status of tenants. Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p> <p>The Council will do this through engagement with tenants to understand how the Council can support protected characteristic groups.</p>
Religion or belief	<p>People will benefit from the overall investment in council housing.</p> <p>Developing and supporting staff to provide great customer service will ensure appropriate and sensitive services are delivered to the religious or belief requirements of tenants.</p>	<p>The increase will place an additional financial burden on tenants although an increase in benefits will cover the rent increase.</p> <p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay</p>	<p>The Council does not collect data on the religion or belief of Council tenants. Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p> <p>The Council will do this through engagement with tenants to understand</p>

		<p>the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears.</p>	<p>how the Council can support protected characteristic groups.</p>
Race	<p>The positive impacts listed below will impact more residents identifying as Black or White than those identifying as other ethnic groups.</p> <p>People will benefit from the overall investment in council housing.</p> <p>Communication about the increase in rents and charges will be made for whom English is not their first language.</p>	<p>The negative impacts listed below will impact more residents identifying as Black or White than those identifying as other ethnic groups.</p> <p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears</p>	<p>Council tenants can be broken down into the following ethnicity groups:</p> <p>Asian: 9% Black: 37% White: 47% Mixed: 4% Other: 3%</p>
Sexual Orientation	<p>People will benefit from the overall investment in council housing.</p>	<p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p>	<p>The Council does not collect data on the sexual orientation of tenants. Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p>

		Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears	The Council will do this through engagement with tenants to understand how the Council can support protected characteristic groups.
Pregnancy or Maternity	People will benefit from the overall investment in council housing and in particular better quality and additional family housing	<p>68% of our existing tenants are in receipt of financial help with housing costs i.e., Housing Benefit or Universal Credit and therefore will be less likely to be negatively impacted by the 7% increase.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources.</p> <p>Tenants unable to pay the increased rent and service charges may increase bad debt and debt arrears</p>	<p>The Council does not collect data on the pregnancy or maternity status of tenants.</p> <p>Data collection on protected characteristics of Council tenants will be improved from May 2023 due to the implementation of the NEC Housing system.</p> <p>The Council will proactively target the 32% of tenants not in receipt of Housing Benefit who the Council anticipates may be negatively impacted by the 7% increase to rent and service charges.</p> <p>The Council will do this through engagement with tenants to understand how the Council can support protected characteristic groups.</p>

Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.

When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics. **Please use table 4 to record actions that will be taken to remove or minimise any potential negative impact**

3.2 Additional information needed to determine impact of proposed change

Table 2 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table. Please use the table below to describe any consultation with stakeholders and summarise how it has influenced the proposed change. Please attach evidence or provide link to appropriate data or reports:

Additional information needed and or Consultation Findings	Information source	Date for completion

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Key

Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Table 3 – Impact scores

Column 1	Column 2	Column 3	Column 4
PROTECTED GROUP	<p>LIKELIHOOD OF IMPACT SCORE</p> <p>Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>SEVERITY OF IMPACT SCORE</p> <p>Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group.</p> <p>1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact</p>	<p>EQUALITY IMPACT SCORE</p> <p>Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group.</p> <p>Equality impact score = likelihood of impact score x severity of impact score.</p>
Age	3	2	6
Disability	2	2	4
Gender	3	2	6
Gender reassignment	2	2	4
Marriage / Civil Partnership	2	2	4
Race	3	2	6
Religion or belief	2	2	4
Sexual Orientation	2	2	4
Pregnancy or Maternity	2	2	4

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups	x	<input type="checkbox"/>
Eliminating unlawful discrimination, harassment and victimisation	x	<input type="checkbox"/>
Fostering good relations between people who belong to protected characteristic groups		<input type="checkbox"/>

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Important note: Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative impact identified in Table 1. Attach evidence or provide link to appropriate data, reports, etc:

Table 4 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.				
Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability	Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants identifying as having a disability specifically.	Negative impact on all tenants will be mitigated through the actions below: We will communicate with all tenants to explain any significant changes affecting them and what we are	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

	<p>However, the proposed change is not expected to have a negative impact.</p> <p>The Council will make sure that any negative impacts due to the information regarding the proposed change not being accessible is mitigated.</p>	<p>investing in.</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will increase engagement with engage tenants through existing</p>		
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		<p>groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p> <p>We will offer translation of communication into alternative languages.</p>		
Race	<p>The negative impacts listed below will impact more residents identifying as Black or White than those identifying as other ethnic groups.</p> <p>There is a risk that those for whom English is not their first language are not made fully aware of changes. The Council will make sure that any negative impacts due to the information regarding the proposed change not being accessible is mitigated.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing</p>	<p>We will offer translation of communication into alternative languages.</p> <p>The Council will consider barriers to accessing information regarding the 7% increase and the financial support available likely to be faced by tenants identifying as Black.</p> <p>Negative impact on all tenants will be mitigated through the actions below:</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to 	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

	resources. Existing resources may be more limited due to the cost-of-living crisis.	<p>meet their living costs;</p> <ul style="list-style-type: none"> • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Sex	More residents identifying as female will be negatively impacted than those identifying as male.	The Council will consider barriers to accessing information regarding the	Interim Director of Tenancy Services,	2023 – ongoing

	<p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<p>7% increase and the financial support available likely to be faced by tenants identifying as female.</p> <p>We will publish clear information on rent which helps tenants to manage their own finances.</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies 	Housing Resident Engagement & Allocations	
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		<p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Gender identity	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants based on their gender identity. However, the proposed change is not expected to have a negative impact.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<p>Negative impact on all tenants will be mitigated through the actions below: We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations 	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

		<p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Sexual orientation	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants based on their sexual orientation.</p> <p>However, the proposed change is not expected to have a negative impact.</p> <p>32% of our existing tenants are not in receipt of financial help with</p>	<p>Negative impact on all tenants will be mitigated through the actions below:</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p>	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

	<p>housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will offer translation of communication into alternative languages.</p> <p>We will increase engagement with engage tenants through existing groups and seek involvement of</p>		
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Equality Analysis

		<p>minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Age	<p>The negative impacts listed in Table 1 will impact more 30-50 y/o residents than any other age group</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies 	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

		<ul style="list-style-type: none"> Specific characteristics of tenants to better inform future policies <p>We will offer translation of communication into alternative languages.</p> <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Religion or belief	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants based on their religion or belief. However, the proposed change is not expected to have a negative impact.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may</p>	<p>Negative impact on all tenants will be mitigated through the actions below:</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; Take action to raise the awareness of accessing a range of welfare benefits; and 	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

	<p>be more limited due to the cost-of-living crisis.</p> <ul style="list-style-type: none"> • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will offer translation of communication into alternative languages.</p> <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
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Pregnancy or maternity	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants identified within this group.</p> <p>However, the proposed change is not expected to have a negative impact.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<p>Negative impact on all tenants will be mitigated through the actions below:</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will offer translation of</p>	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing
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Equality Analysis

		<p>communication into alternative languages.</p> <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p> <p>We will support tenants to access non means tested grants and support</p>		
Marriage/civil partnership	<p>Due to a lack of data, the Council cannot confirm that the 7% increase to rent and service charges will not negatively impact tenants based on marriage or civil partnership status.</p> <p>However, the proposed change is not expected to have a negative impact.</p> <p>32% of our existing tenants are not in receipt of financial help with housing costs and therefore, will need to pay the increased service charges and rent from their existing resources. Existing resources may be more limited due to the cost-of-living crisis.</p>	<p>Negative impact on all tenants will be mitigated through the actions below:</p> <p>We will publish clear information on rent which helps tenants to manage their own finances;</p> <ul style="list-style-type: none"> • Signpost tenants to a relevant benefit agency to help ensure they are maximising their income to meet their living costs; • Take action to raise the awareness of accessing a range of welfare benefits; and • Provide the opportunity to access direct support in checking they are in receipt of the welfare benefits they are entitled to claim. 	Interim Director of Tenancy Services, Housing Resident Engagement & Allocations	2023 – ongoing

		<ul style="list-style-type: none"> • Signpost tenants to debt management advice and organisations <p>We will gather data on:</p> <ul style="list-style-type: none"> • Debt specific for each of the types of tenants to better inform future policies • Specific characteristics of tenants to better inform future policies <p>We will offer translation of communication into alternative languages.</p> <p>We will increase engagement with engage tenants through existing groups and seek involvement of minority groups through these channels</p>		
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6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision	X

Equality Analysis

Adjust the proposed change	<p>We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form</p> <p>The Council's data indicates that the proposed change will have an impact on certain protected characteristic groups (age, gender, ethnicity). Mitigating actions are in place to reduce the likelihood of a negative impact on these groups. Plans are also in place to improve our protected characteristic groups to more accurately assess negative impacts on other groups. The analysis of the data has provided us with confidence that no intentional discrimination of the protected characteristics groups. The mitigation outlines above and our engagement intentions during the 2023 year will support the council to ensure that we continue to adhere to this.</p>	X
Continue the proposed change	<p>We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.</p>	
Stop or amend the proposed change	<p>Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.</p>	
Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet		<p>Meeting title:</p> <p>Date:</p>

7. Sign-Off

Equality Analysis

Officers that must approve this decision		
Equalities Lead	Name: Denise McCausland Position: Equalities Programme Manager	Date: 12 January 2023
Director	Name: Position:	Date:

REPORT TO:	Executive Mayor in Cabinet 25th January 2023
SUBJECT:	Investment in Resonance Property Fund – Real Lettings Property Fund 1
LEAD OFFICER:	Jane West – Corporate Director of Resources and Section 151 Officer Susmita Sen, Corporate Director of Housing
CABINET MEMBER:	Cllr Jason Cummings – Lead Member for Finance Cllr Lynne Hale – Lead Member for Homes
WARDS:	All

SUMMARY OF REPORT:

The Council's initial investment of £29.4m matures in February 2023 and this report considers the Council's options and recommends exiting the investment. The valuation of the investment, as at the end of September 2022, had increased to £36m, resulting in a potential capital gain of £6.6m.

In January 2013 Cabinet approved the Council's participation and investment in the Real Lettings Property Fund 1 (RLPF1) through entry into a Limited Partnership Agreement dated 21 February 2013 (LPA) with Resonance Real Lettings GP Limited (Resonance). The investment of £29.4m delivered settled accommodation for homeless families at lower than market rates, pursuant to the Council's statutory duty to prevent homelessness as the Council received nomination rights to a number of residential units which resulted in the Council placing homeless clients in those properties.

This report considers 3 key options which have been modelled with the help of Local Partnerships including re-investment into a new fund, exiting the fund and paying down the Council debt and exiting the fund and directly purchasing properties to house homeless clients. This report examines the financial and non-financial risks and benefits, with equal weight, of each option to come to a considered decision.

The recommendation is for withdrawal from the fund with an acceptance that a small rise may be seen in general fund temporary accommodation costs greatly offset by savings on debt costs.

All efforts will be made to avoid any adverse impacts on those households for whom the Council retains responsibility. Resonance will work with the Council to ensure existing tenancies remain in place and should any households be impacted Resonance will ensure that the Council is provided with sufficient notice to re-home those households.

FINANCIAL IMPACT:

The Council has received total annual dividends from its investment into Real Lettings Property Fund 1 (RPLF1) of £5.668m. The fund is due to mature in February 2023 and as at the end of December 2022 the value had increased to £36m giving the Council a capital gain of £6.6m. The Council has an interest of 51% in RPLF1 based on the value of Croydon's investment as inception.

The recommended option is to exit the investment and use the proceeds to reduce future borrowing needs as the Council seeks to reduce its debt balance. The financial outlook has significantly changed from the point of initial investment with Resonance and the cost savings realised through nomination rights (including a placement fee) with NHG are lower than the costs savings achieved from interest costs from refinancing existing treasury loans.

The Council will lose an annual investment dividend of c£0.900m but in return will not need to provide as much growth for interest costs as would have been the case if the £36m was not available. Interest cost reductions on £36m will be £1.69m at borrowing rates of 4.77%. The 2023/24 Budget provides for growth needed for the loss in dividend, but less growth is provided for the refinancing of debt than would otherwise have been the case.

The total number of clients in respect of which the Council retains a duty is c18. However, all such households impacted by exiting the fund will be provided with alternative accommodation. To mitigate the costs of Temporary Accommodation (TA) and better support these households Resonance have agreed to work with the Council to ensure an orderly exit, allowing the Council sufficient time to find cost effective and suitable accommodation. This will ensure no additional cost for the Council as the TA Housing Benefit income will be sufficient to cover rental costs.

KEY DECISION REFERENCE NO.:

RECOMMENDATIONS:

The Executive Mayor in Cabinet is recommended to:

1. Consider the options and approve proceeding with option 2: divestment and withdrawal from RLPF1, using the funds received to reduce the future debt refinancing needs, subsequently supporting lower interest costs.
2. Note that the value for money and financial case indicates that, over the 15 year period used as the basis of assessment the better return for the Council will be through re-investing (Option 1). However this does not meet the more immediate need for the Council to seek cash to avoid future borrowing costs. As detailed in paragraph 2.27 to 2.29 due to current and short-term challenging financial circumstances the Council will need to forgo the longer-term gain in return for immediate financial support and in order to deliver its core services.
3. Note that the final value of the investment returned will depend on the values achieved at the point of exit as it depends on house price achieved from the disposal of properties. The valuation as at end of September 2022 (when the last valuation was conducted by Resonance) indicated £36m return to the Council.
4. Approve that the Council agrees to a managed exit, as this will provide the Council with sufficient time to assess and identify suitable and cost-effective

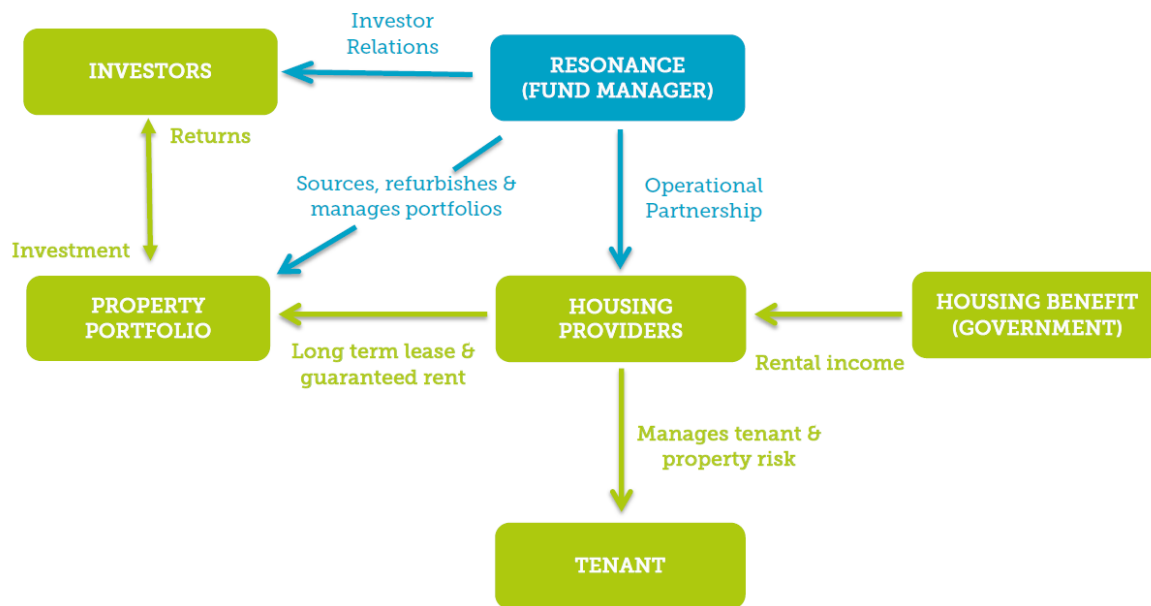
accommodation for Temporary Accommodation households who will be impacted from the exit.

5. Delegate to the Corporate Director of Resources and Section 151 Officer, in consultation with Cabinet Member of Finance and Monitoring Officer, authority to agree relevant documentation (including any special resolutions required under the LPA, and a Deed of Variation to the LPA (DoV)) required in order to effect Option2.
6. Note that exiting the investment, and agreeing such documentation, will be subject to appropriate legal and financial advice and due diligence.
7. Note that the Council will continue to be an investor in RPLF1 until all its investment balance has been paid.

1. BACKGROUND

- 1.1 Resonance has a twenty-year track record in social impact investment with a specialism in property. Resonance has a mission of connecting capital to charities and social enterprise and is also a social enterprise itself. It has a total of 7 funds across the UK, and it is a UK limited partnership. This offers investors the opportunity to invest in a diversified portfolio of residential property which with an aim of providing affordable homes.
- 1.2 The Council became an investment partner in 2014 and gained nomination rights to the properties through partnership with St Mungo's in 2021 the Resonance partnership switched from St Mungo's to Notting Hill Genesis (NHG) to provide the Housing Provider services. NHG is a housing association formed in April 2018 by the merger of Notting Hill Housing and Genesis Housing Association. NHG owns approximately 55,000 properties in London. The Council's investment accounts for 51.7% of the total fund value and the fund manages a total of 259 properties of mainly 1 and 2 bed properties.
- 1.3 The Council has a second investment in an alternative fund, RPLF2, where a total of £15m has been invested. This report focuses only on RPLF1 as RPLF2 is not due to mature for another 12 months.
- 1.4 Through the initial investment of £29,389,808 through RLPF1 acquired properties within the M25, placing homeless families through Assured Shorthold Tenancies issued by St Mungo's. This supported the Council in discharging its housing duty. The fund operated with the Housing Provider, Investors and Resonance (as the fund manager) under the structure set out in Chart 1 below.

Chart 1 – Resonance Fund Structure



- 1.5 In March 2021 the fund was extended for a period of 12 months and is now due to mature at the end of February 2023. The Council has a number of options which are explored in section 2 of this report. The total value of the fund for the Council has increased to £36m as at end of September 2022 and therefore will provide the Council with a £6.6m capital gain, a 22.4% return on the original investment.
- 1.6 The stated £36m is an indicative value as the withdrawal of funding will be dependent on the final value achieved when Resonance find an alternate investor for the fund or, alternatively sell assets with a value equal to the Council's share in the market. Property prices, since the investment was committed in 2014, have increased substantially and that is the key reason for the growth in the Council's investment value. However, the current housing market has begun to slow down due to increases in the base rate and general slowdown in the UK economy. The expectation is that property prices may fall in 2023.
- 1.7 In addition to the potential capital gain the Council has also received a total of £5.925m in dividends over the 10-year period which has contributed towards the Council's corporate investment income. As interest rates have been low across the period of investment to date this return has been sufficient to more than cover the debt costs incurred by borrowing to invest.
- 1.8 In addition to the dividend income and capital gain the Council has also had a supply of affordable housing and received nomination rights at the onset of the investment. The Council has 146 tenants within RPLF1 in respect of whom the Council has been able to discharge its duties. It has also benefited from avoiding ongoing costs for supporting rental payments for Temporary Accommodation needs. The tenants have received support from the Housing Provider and benefited from a good quality, affordable home. In return for the

services provided, the Housing Provider has charged the Council a fee of up to £4,500 per placement.

- 1.9 Once placed, tenants have remained with the Resonance properties for a period of 4-5 years. This is because Housing Provider has not been able to move tenants into a self-sustaining position and, therefore, the Council has only been able to benefit from use of the properties twice over the 10-year investment period. Nonetheless, without this provision, there would have been further pressure on the Council due to the need to address its statutory duties in relation to these tenants.
- 1.10 Overall, in assessing the original investment, the Council has made a profit on the investment and has discharged homelessness duty at a cost comparable to or lower than that of in-house, temporary accommodation schemes. The Council has also benefitted from a period of consistent house price inflation and will likely realise a gain on withdrawal from the fund accordingly.

2. FUND INVESTMENT – Options

- 2.1 As the fund matures at the end of February 2023 the Council has 2 key options to consider with regards to its monies within the fund. Resonance have indicated that the Council has the option to transfer its investment from RPLF1 into a Fund launched in December 2020 called National Homelessness Property Fund 2 (NHPF2).
- 2.2 NHPF2 is a similar fund to RPLF1 however the fund extends investment across England rather than focusing in London and the investment horizon is 15 years. As of October 2022, NHPF2 had only generated an investment interest of £65m with main investors being Local Government Pension Funds and no other Local Authority had invested in the new fund.
- 2.3 Resonance had suggested that re-investing the £36m, or part of the balance, was an option for the Council. This would mean the Council can continue to receive dividends and have nomination rights to Resonance properties.
- 2.4 An alternative option for the Council is to divest from the fund receive the funds back. This would mean the Council receives its investment plus any capital gains or losses and will be able to use the cash for alternative purposes such as paying down the existing debt.
- 2.5 The Council has analysed both options and has also considered a third option with regards to divesting from RPLF1. In order to ensure the outcome of each option is comparable, inputs into modelling the options have made using the same assumptions based on information and data available at the time. Table 1 below details the range of inputs and their values that have been used to model the options.

Table 1 – Key Inputs

Variable Description		Value	Comments
MRP period		40	Aligns to Council MRP policy
CPI for 1 st year		10%	
Inflation (CPI) Years 2-15		3%	Applied to years after 2023.24
CPI Date Base		01 Dec 2022	As published by Office National Statistics
LHA TA Growth		0% to 1%	0% for first 3 years but 1% after. In line with Autumn Statement Announcement.
Marginal cost of finance for LBC		4.77%	Based on PWLB at 28/12/2022
Real discount rate		3.50%	In line with Treasury's Green Book for Public Sector Investments
NHPF2 capital investment		£36.00m	
NHPF2 capital investment growth		0%	No growth in property value assumed as difficult to speculate future values.
Average stay in temporary accommodation		260 weeks	Based on data from St Mungo's & LBC Housing
NHPF2 LBC affordable portfolio		96	Total new properties
Net cost of council tenancies in rented stock		£7,000	Per household per year on average net of Housing Benefit

- 2.6 The Council carried out high level internal analysis but due to the complex nature of various inputs interacting with each other the Council then commissioned Local Partnerships to provide expert modelling services. The Council needs to make a decision by 25th January 2023 and given the reality of the time constraints that are apparent in this case, Local Partnerships proposal concentrates on the Economic and Financial Cases. Local Partnership Report and Analysis has been provided in Appendix 1 of this report.

Table 2 – Economic vs Financial Case

Case	Issues to capture and address
Economic	<ul style="list-style-type: none"> Long list of options – apply strategic and operational assessment criteria within option framework methodology
	<ul style="list-style-type: none"> Identify a short list of options and subject to cost benefit analysis
	<ul style="list-style-type: none"> Consider strategic and operational deliverability (commercial, financial and management) risks in relation to each option
	<ul style="list-style-type: none"> Identifies time value of money
Financial	<ul style="list-style-type: none"> Capital and revenue budget implications

- 2.7 A summary of the outcomes for each of the three Options under an Economic and Financial assessment has been provided in the table 3 below. The assessment is over a 15-year period and the outcome reflects the input assumptions identified in Table 1. Further explanation under each option is provided in sections 2.8 to 2.28.

Zero housing value growth over the 15 years
Value for Money

via increases in the Local Housing Allowance (LHA). The Council would also continue to have access to residential properties to place TA clients.

- 2.10 This would be an easy transaction to carry out as Resonance would do much of the bulk work and the Council will be required to enter into a new Limited Partnership and nomination agreements.

Financial Considerations

- 2.11 Table 3 shows that from an Economic assessment the net benefit to the Council from investing is £16.95m over a 15-year period. The Net Present Value (NPV) benefit is £3.71m. The analysis takes into account the net costs and benefits that the Council would incur as a result of reinvesting £36m.
- 2.12 Key costs include not having the cash to refinance the existing debt and thus the Council incurs higher interest costs assumed at 4.77%. Reinvestment comes with a cost of paying the Housing provider placement costs which are projected at £4,500 per placement. As the Council will receive access to additional 96 properties and placing households within these will incur costs along with a time lag as Resonance buys the additional properties as per Council's requirements. Under the Economic Case the costs exclude MRP charges as the economic case considers that to be repaid from capital receipt at the end of the investment period.
- 2.13 The benefits for the Council include additional Temporary Accommodation savings from discharging duty and continued receipt of dividend income. For prudence the increase in value of properties has not been considered particularly on the back of the current macroeconomic climate which has worsened with higher interest costs and signs that the economy is entering a recession.
- 2.14 The financial case factors in annual cash flows from a revenue perspective and identifies the total cash gain or loss over the 15-year investment horizon. The financial case indicates a net £32.02m loss over the investment timeframe compared to a loss of £48.83m for Option 2. Financial case analysis factors in MRP costs which would need to be provided for the investment particularly as there are risks to future value of the investment.

Non-Financial Considerations

- 2.15 Investing in Resonance is not simply about generating a financial return, but it also plays an important role in supporting the Council's duty to provide accommodation within the TA service. It, therefore, supports the Council by having a set of affordable properties where the Council can discharge its duty. The two objectives can be at conflict with each other where the Council as an investor may prefer the largest returns but the Housing service would prefer a better and targeted service. The latter being most costly.
- 2.16 However, the national policy matters and changes to legislation with regards to funding Housing Benefit will have a direct impact on the Council as lender.

The Autumn Statement announced that the LHA will be frozen which breaks the link with market rents, threatening the amount of dividend to be paid out.

- 2.17 Furthermore, the Council's current housing needs are different to those when the Council first invested in 2013. The Council has a need for 2-bed and 3 bed properties which are currently not readily available within the new fund. This therefore needs a lead time for the fund managers and the housing providers to identify Croydon's needs which in itself may pose a timing challenge and thus erode the total gains from investing from a Housing perspective.
- 2.18 The investment timeframe is for 15 years and with the current needs for cash to reduce future borrowing risks the Council would benefit from having the cash now and support cash flow to reduce future increases in interest costs. This would allow the Council to target its cash to current priorities particularly given the Council existing S114 position. This is further explored under Option 2.

Option 2 – Divest (Recommended)

- 2.19 The alternative scenario is that Croydon withdraws investment at this point and uses the funds to reduce overall borrowing costs to the Council. This would come at the cost of losing continued nomination rights with NHG and loss of dividends to the Council. However, the cash will be used to reduce future interest costs. Due to recent rises in the Bank of England base rate, the cost of borrowing for Council has increased substantially and Croydon has a need to refinance a large proportion of its debt. The refinancing of this debt is expected to be at a higher interest rate than currently paid and therefore future interest costs will rise. Having the cash from RPLF1 will ensure the Council refinances less and thus reduces future interest costs.
- 2.20 It is important to note that the cash returned from RPLF1 will be sent to the Council over an 18-month period. This is because the Limited Partnership Agreements allows the fund manager time to liquidate the fund. Additionally, continuing with the investment will leave Croydon with the same decision to make in 15 years' time regarding divesting of the fund and forcing a sale of the properties.
- 2.21 Under this option Croydon will have to pick up the financial burden of losing the Resonance nomination rights. In the worst-case scenario where property sales are forced, a percentage of tenants may revert to Croydon initially for homelessness support. However, assessment of the tenancies within the fund indicates that the impact will be marginal and c18 households will need to be re-housed and this is manageable within the Housing team.
- 2.22 Resonance have indicated that they will work with the Council in the event the Council decides to exit and have proposed a Managed Exit option. This is detailed in Confidential appendix 2. This will ensure that existing tenants within RPLF1 are not made homeless and that their tenancies remain until the tenants can move to an independent setting. The Council will also request a notice period if tenants are at risk of being made homeless so that it provides

the Housing team with sufficient time to re-assess and find alternative accommodation.

- 2.23 The Council will seek to request an 18-month ultimatum to receive all its cash and after the first 12 months will seek a unilateral undertaking from Resonance to ensure any balance not paid by the end of the 12 month of the 18 month period is done so within the remaining months.

Financial Considerations

- 2.24 The Economic case indicates a £17.3m negative impact which equates to a £0.720m NPV loss at today's prices. Option 2 includes extra costs of providing housing for tenants that would have been housed within the Resonance properties, but this is netted off against Housing Benefit that the Council would receive. The key driver is therefore the loss of access to properties to support the Council's Housing demand.
- 2.25 The calculation takes a prudent view that new demand will be housed within Emergency Accommodation (EA) which is the costliest. Due to complexities of modelling differing scenarios a base worst case assumption for use of EA has been factored in, which provides for comparability across the options. Furthermore, the loss of access to the Resonance properties will possibly result in more pressure on EA and therefore this further justifies the modelling the costs using EA properties. However, the Council will have other more cost-effective options that it can use to house new demand and therefore may generate a higher benefit than indicated within the model.
- 2.26 The financial case indicates a net £48.8m net cost over the 15 years which is worse than investing into NHPF2. This is largely driven by loss of access to properties to support TA demand.
- 2.27 Whilst the financial analysis indicates that Option 1 provides a better financial return in 15 years than Option 2, the Council is also going through a difficult financial position and through the MTFS has identified significant issues with legacy and future matters. The Council's large debt balance requires cash to support the refinancing need and avoid further interest costs, which takes money away from front line services.
- 2.28 A separate analysis has been done to identify the impact over a short term between Option 1 and Option 2 and table 4 below shows that over the short-term Option 1 results in a larger cost. Until March 2026 the Council would have incurred costs of £9.38m under Option 1 against £7.50m in Option 2.
- 2.29 It is important that this short term cost impact is factored into the consideration in light of the immediate financial challenges. Whilst Option 1 indicates a better outcome the Council cannot in the short term afford to lock away the £36m as there is the immediate need for cash funding. Divesting allows the Council to focus on its core service delivery and ensure resources are allocated towards that goal.

Table 4 – Short Terms Financial Impact

Option 1							
Re-invest							
		Total	01-Feb-23	01-Feb-24	01-Feb-25	01-Feb-26	
		£'000s	1	2	3	4	
Revenue							
	Housing benefit rebate on emergency accommodation	618	484	134	0	0	
	Expected annual fund return	1,546			765	780	
	Sub-total	2,163	484	134	765	780	
Expenditure							
	Finance cost – prevailing cost of debt to LBC	8,936	1,256	2,445	2,617	2,617	
	Placement costs	1,112	271	279	279	284	
	Cost of emergency accommodation	1,504	1,167	337	0	0	
	Sub-total	11,551	2,694	3,060	2,896	2,901	
	Net revenue impact	(9,388)	(2,210)	(2,926)	(2,131)	(2,121)	
Option 2							
Divest							
		Total	01-Feb-23	01-Feb-24	01-Feb-25	01-Feb-26	
		£'000s	1	2	3	4	
Revenue							
	Housing benefit rebate on placements	4,948	937	1,124	1,337	1,549	
	Sub-total	4,948	937	1,124	1,337	1,549	
Expenditure							
	Finance cost – prevailing cost of debt to LBC	120	120	(0)	0	0	
	Placement costs	15	15	0	0	0	
	Cost of emergency accommodation	12,317	2,060	2,822	3,389	4,046	
	Sub-total	12,452	2,194	2,822	3,389	4,046	
	Net revenue impact	(7,504)	(1,257)	(1,698)	(2,053)	(2,497)	

Non-Financial Considerations

- 2.30 Paragraphs 2.16 and 2.17 have already referred to implications to tenants as the Council loses nomination rights. However, Resonance have confirmed through managed exit option that the Fund will work with the Council to ensure no impact on tenants.
- 2.31 The managed exit route also gives the Housing team sufficient time to identify suitable property should Croydon be held responsible subject to current market conditions and supply. The RPLF1 properties are allocated across London and Croydon has placed household in various homes across London and in line with the homelessness legislation. As the tenancies for the RPLF1 properties are offered to end the homelessness duty, the duty fully ends after 2 years of the tenancy commencing. In the event that the tenant is asked to vacate the property, the households placed and residing in other Local Authority areas can seek further housing assistance from the Local Authority where they are residing or move independently.
- 2.32 Therefore, the risk of tenants needing Croydon support is expected to be less and with the managed exit option the Council will have sufficient time to ensure suitable and affordable accommodation is found for those households placed within Croydon and those placed in other Local Authority areas but have been residing in the area for less than 2 years.

- 2.33 The possibility also remains of choosing to re-invest with Resonance at a later time if there is a change in the financial outlook with regards to interest rates or the expected return on investment.

Option 3 – Divest and Purchase TA properties

- 2.34 Rather than use the proceeds from divesting to refinance the debt the proceeds can be used to purchase new settled accommodation for homeless households.
- 2.35 The Financial and Economic case indicates that that this option does not provide better returns than Option 1 and 2 and, therefore, is not being considered further.
- 2.36 Furthermore, the Council has experienced significant issues within the Housing service over the past couple of years and currently does not have the capacity to take on the management of a new supply of this type of temporary accommodation directly. A number of improvement initiatives are ongoing, and the Housing Directorate needs to ensure resources are allocated as per the strategic objective and that there is the right level of support to TA tenants.
- 2.37 Without these operational arrangements there are considerable risks to achieving the financial outcomes which would also have a material impact on tenants. There is a considerable lead in time to implement the operational changes and that also would need to be resourced.
- 2.38 The Council always has the option to buy more properties as settled accommodation for homeless households at a later date once it has conducted the necessary due diligence and operational planning.

Scenarios Analysis

- 2.39 As part of the review of various scenarios the Council worked with Local Partnerships to identify 14 possible scenarios. The complexity of the modelling and various potential eventualities made projecting the best outcome difficult as there are a number of unknown factors that could impact on the final outcome. Summary below details the range of scenarios and the possible value for money outcomes (Economic Case). Table 5 below provides a summary of the outcomes and the base case for the analysis presented within this report.
- 2.40 Most scenarios indicate that Option 1 would result in a better outcome for the Council. However, as explained in paragraphs 2.27 to 2.29 the Council has an immediate short term need for cash.

Table 5 – Outcome from various Scenarios

Option RAG rating - value for money		Option		
		1	2	3
1	Property Growth assumed at 5% pa	12,563	(720)	244
2	In-house placement costs to equal NHPF2 placement fee	12,563	(720)	(237)
3	NHPF2 target cash yield is 150bp higher	16,557	(720)	244
4	Average stay in temporary accommodation to be 24 weeks	(14,844)	(3,432)	(7,192)
5	Cost of nightly accommodation to be 100% higher	11,282	(42,936)	(25,749)
6	Duration of in-house acquisition 50% longer	12,563	(720)	1,096
7	Time between RLPF1 liquidation and start of in-house acquisition 50% longer	12,563	(720)	623
8	Capped LHA rebate indexation is 100% greater	12,563	(3)	1,086
9	Net cost of council tenants in long term rent is 25% higher	12,563	(720)	244
BASE	10 Zero housing value growth over the 15 years	3,707	(720)	(7,501)
11	All of above	(20,988)	(49,258)	(49,100)
12	All of the scenarios except 5	(19,707)	(2,713)	(16,715)
13	All of the scenarios except 4 and 5	7,701	(3)	(5,821)
14	All of the scenarios except 3,4,5 and 10	12,563	(3)	1,924

3. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 3.1 The substance of this decision is whether to continue to invest in residential property for a further 15 years through the vehicle offered by Resonance. Whilst interest rates have been consistently low over the past decade this has been a low-cost gamble that has paid off as house prices have risen consistently within the same time period. The financial outlook is now drastically changed as interest rates are rising significantly, house prices are predicted to fall, and LHA rents are not keeping pace with market rents.
- 3.2 Withdrawing money from the fund would allow Croydon to reduce overall borrowing (currently at £1.3billion) by c£36m and therefore reduce the costs of borrowing. These costs should be assessed at the current or likely future PWLB rate as a range of loans within the Council portfolio are due to mature and new borrowing needs to be taken on as a replacement. The PWLB rate is currently over 4.7% for a 15 year borrowing horizon which is considerably higher than current loan rates and will have an impact on total interest costs.
- 3.3 It is deemed prudent to assume zero capital appreciation across the life of this investment, although significant changes are possible across the 15 year investment term.
- 3.4 In the expected scenario for TA it is assumed that NHG stock and Croydon's own TA stock have a similar churn / move-on rate. It is also assumed that there will be little immediate effect from withdrawing from the fund as the existing properties will remain within NHPF2 with tenants in situ. Therefore, the effect will be a reduction in nominations by the expected 20 per annum.
- 3.5 Whilst the Council will be required to provide for growth for the loss of dividend income within the Corporate Budgets it is expected that this loss of income will be offset by significantly lower costs of borrowing. The dividend budget for RPLF1 currently at c£0.900m will need to be covered from growth but it is

expected that over a £1m in interest cost reductions can be achieved from c£36m in cash.

Approved by: Sarah Attwood – Head of Finance Housing

4. LEGAL CONSIDERATIONS

- 4.1 The Executive Mayor has the power to exercise executive functions pursuant to s9E of the Local Government Act 2000 and has the power to delegate those functions. The delegations in the Council's Tenders and Contracts Regulations have been superseded by: (i) the Executive Mayor's Scheme of Delegation introduced following adoption of the Mayoral Model; and (ii) the specific delegations in the annual procurement plan approved by the Executive Mayor in Cabinet on 16th November 2022.
- 4.2 The delegation of authority, recommended in this report, to the Corporate Director of Resources and Section 151 Officer (in consultation with Cabinet Member of Finance and Monitoring Officer) is consistent with those Schemes of Delegation and the Council's constitution.
- 4.3 By virtue of S115 (6) Local Government Finance Act 1988 (Act), where a report has been made under section 114(3) of the Act, during the prohibition period the Council may not enter into any new agreement which may involve the incurring of expenditure (at any time) by the authority unless the chief finance officer of the authority authorises it to do so. The chief finance officer may only give authority for the purposes of subsection (6) above if they consider that the agreement concerned is likely to:
- (a) prevent the situation that led them to make the report from getting worse;
 - (b) improve the situation, or
 - (c) prevent the situation from recurring.
- 4.4 For the reasons noted above (in particular, the need to reduce the interest costs to the Council whilst continuing to meet the Council's statutory duties in relation to homelessness) the recommendations set out in this report will improve the Council's financial position and/or prevent it from worsening. The Section 151 Officer may therefore approve entry into the arrangements which are required to effect Option 2, notwithstanding the currency of the prohibition period.
- 4.5 The LPA is the key document which sets out the legal relationship between Resonance and the Council in relation to the RPLF1 investment and the Council's nomination rights. In order to effect Option 2, a DoV must be negotiated and entered into between Resonance and the Council which reflects the commercially agreed heads of terms (HoTs).
- 4.6 Detailed legal and financial advice must be taken in relation to the HoTs, and the terms of the DoV in order to ensure that it reflects the HoTs. The LPA must also be reviewed in order to ensure that any legal, financial or commercial

implications for the Council, arising from its terms, have been accounted for in the DoV or otherwise resolved.

- 4.7 The DoV effecting Option 2 must be supported by a Special Resolution pursuant to the LPA. Detailed legal advice will be required in relation to the terms of that resolution prior to the Council consenting to it.
- 4.8 The Council has the power to enter into the arrangements required in order to effect Option 2 by virtue of:
- 4.8.1. pursuant to section 1 of the Localism Act 2011 under which local authorities have a “general power of competence” to do anything which an individual may do, subject to the restrictions set out in section 2 of the Localism Act 2011. No such restrictions apply to the subject matter of this report; and
 - 4.8.2. various powers and duties set out in applicable housing legislation, including Part VII of the Housing Act 1996 and the Homelessness Reduction Act 2017.
- 4.9 The Council has a duty to provide accommodation to homeless households in accordance with the provisions of Part VII of the Housing Act 1996 and, in discharging this duty, the Council must comply with the requirements of the Homelessness (Suitability of Accommodation) (England) Order 2003. Option 2 is consistent with these statutory requirements, and is also aligned with the Homelessness Strategy which the Council is have in place and review pursuant to the Homelessness Act 2002

Approved by: Sonia Likhari – Solicitor

5. HUMAN RESOURCES IMPACT

- 5.1 There are no immediate human resources impacts arising directly from the recommendations in this report. However, there will be impacts associated with the development and delivery of the Housing Improvement Plan. The Housing Improvement Plan constitutes a key part of the Croydon Renewal Plan, and it is inevitable that the Plan will have an impact on the Council’s workforce. The Council’s agreed human resources policies and procedures will be followed.

Approved by: Gillian Bevan, Head of HR Resources and Assistant Chief Executives Directorates on behalf of the Chief People Officer

6. EQUALITIES IMPACT

- 6.1 Regard for the Council’s public sector equality duty will be central to the comprehensive engagement plan undertaken to relaunch the Housing Improvement Plan. The creation of a revised Housing Improvement Plan will be accompanied by the development of equalities impact assessments for

each workstream which will be developed in conversation with the Equalities Manager. The project managers responsible for the delivery of actions within the workstreams will ensure the EQIAs produced accurately assess the potential impact on vulnerable groups, and groups that share protected characteristics.

- 6.2 The implementation of the Housing Improvement Plan must pay due regard to ensuring that all residents in the borough are able to understand the actions the Council takes in their name, the decisions it makes to spend resources on their behalf, and who is accountable for that action.

7. ENVIRONMENTAL IMPACT

- 7.1 There are no positive or impacts on the environment as a result of the recommendations in this report.

8. CRIME AND DISORDER REDUCTION IMPACT

- 8.1 There are no crime prevention and reduction implications as a result of the recommendations in this report.

9. DATA PROTECTION IMPLICATIONS

- 9.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

No, as the report contains no sensitive or personal data

CONTACT OFFICER: Nish Popat - Interim Head of Corporate Finance

APPENDICES TO THIS REPORT:

Appendix 1 – Local Partnerships Report – TBC
Confidential Appendix 2 – Resonance Staged Exit Proposal

This Appendix contains exempt information additional to Part A as it contains exempt information as defined in paragraph 3 of Schedule 12a to the Local Government Act 1972 (as amended): "Information relating to the financial or business affairs of any particular person (including the authority holding that information. In all the circumstances, the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

OPTION APPRAISAL – TEMPORARY ACCOMMODATION DELIVERY MODEL

London Borough of Croydon

13th January 2023



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BACKGROUND

In 2013, the Council invested £29.4m into a property fund focussed on the provision of temporary accommodation. It was capitalised with a sum of £56m with the additional finance invested by Big Society Capital and London and Quadrant. The fund, Real Letting Property Fund 1 (RLPF1), is managed by Resonance, which specialises in the management of social impact investment funds. RLPF1 was established as a closed fund with a term of ten years and is due to mature in February 2023.

The fund acquired properties across London with the Council having nomination rights over 146, both inside and outside of the borough. These properties are let on a long-term lease to a number of housing providers who take on responsibility for day-to-day housing management issues including lettings and rent collection.

The rentals paid by the housing providers to RLPF1 are set at 81% of the local housing allowance for the area in which they reside. The Council uses its nomination rights over the units to supplement its accommodation for those people and families needing temporary accommodation. This stock will be lost to the council once the fund matures as the assets will need to be liquidated to repay the Council and other investors their investment capital.

Resonance is currently working on building a replacement fund which will largely replicate RLPF1 but with a bigger accommodation portfolio and a national rather than London focussed geography. The fund is referred to as National Housing Property Fund 2 (NHPF2) and is targeting a capitalisation of £300m with accommodation units totalling more than 1,000.

The Council has been invited by Resonance to invest in NHPF2 which would, along with the hope of a financial return, enable LBC to have nomination rights on up to 242 units within their borough. Resonance has promised the Council that they will target the acquisition of the additional units in the borough should the Council invest as well as transfer the existing 146 units from RLPF1 into NHPF2.

However, the original £29.4m investment by the Council in 2013 is currently valued at £36m within RLPF1 and would, once repaid, represent a significant contribution to the Council's requirement to reduce its debt holdings of £1.6bn. This is an over-riding priority given the Council is currently operating under a Section 114 notice.

APPROACH

Due to the time constraints of our commission which saw us contracted on the 16th December and required to produce our analysis by the 23rd December, we have had to focus our work on the value for money and financial implications of the choices facing the council.

The choices being to:

Option 1: Continue with the delivery model platform offered by Resonance and recycle the capital maturing from RLPF1 into NHPF2, retaining nomination rights over the existing 146 properties and, over two years, gaining access to a further 96.

Option 2: End the relationship with Resonance once RLPF1 has matured and use the capital to reduce the council's debt holdings, losing access to 146 temporary accommodation units and a further 96.

Option 3: End the relationship with Resonance once RLPF1 has matured and use the entirety of the capital receipt to purchase as many accommodation units as possible to mitigate against the lost access to 242 properties per Option 1.

Our normal expectation would be that a decision of this nature would be based upon a HM Treasury Green Book standard business case. This would involve consideration of the strategic and operational policy context as well as the council's capacity and capability to deliver each of the possible options.

However, at this point in time, there does not appear to be the opportunity to undertake that work before a decision has to be made with regard to the Resonance funds.

Our work has been restricted to assessing the monetary flows associated with each option. We have taken the information supplied to us by the council and constructed an appraisal workbook featuring: i) discounted cash flow analysis, ii) revenue fund analysis, and iii) scenario testing functionality.

This has allowed us to assess the value for money and affordability implications of the options and test the risks and uncertainties linked to each.

RESULTS

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BASE CASE – VALUE FOR MONEY

When the monetised cost and benefit flows of each option are discounted back to an appraisal start date of 1st February 2023, Option 1 produces the most favourable outcome in value for money terms. Under Option 1, the receipt being guaranteed from RLPF1, if recycled into NHPF2, is £36m. Under Options 2 and 3, a receipt featuring a modest appreciation on the invested £29.4m is assumed, once assets are liquidated, with this being banked under Option 2 and used to finance the purchase of properties under Option 3. Those properties, under Option 3, are assumed to experience the same appreciation in value over the 15 year appraisal period as the properties held in NHPF2 under Option 1. A cost of interest is applied to reflect the opportunity cost of recycling the receipt into the new fund under Option 1 and the purchase of properties under Option 3. The housing benefit rebate reflects the income received for meeting the temporary housing needs of 242 households whether through owned or nightly rate accommodation.

Value for Money		Option					
		1	2	3	1	2	3
		Total (£'000s)			NPV (£'000s)		
Benefits							
	Expected annual fund return	11,232			6,390		
	Expected capital return at fund maturity	57,668			23,570		
	Receipt on maturity of RLPF1	36,000	31,483	31,483	31,007	27,117	27,117
	Housing benefit rebate on placements	618	24,329	28,464	527	14,459	16,880
	Expected value of properties at the end of the appraisal period			50,432			20,613
	Total	105,517	55,812	110,379	61,494	41,576	64,610
Costs							
	Capital investment	36,000		31,483	29,957		25,033
	Finance cost – interest on LBC debt	24,750	77	20,269	14,904	66	11,885
	Placement/dilapidations costs	4,640	15	849	2,787	13	493
	Cost of emergency accommodation	1,504	73,020	44,636	1,282	42,216	25,992
	Rental to housing providers						
	Housing management and maintenance costs			1,668			961
	Total	66,894	73,112	98,904	48,930	42,295	64,364
	Net benefit	38,623	(17,300)	11,475	12,565	(719)	245

The average length of stay for a household placed in dispersed accommodation by the Council is 5 years so this dictates the costs of tenancy churn under each option, labelled as 'Placement/dilapidations costs'. There is a placement fee payable to the fund, under Option 1, each time a new household is placed in a property while an allowance has been made for dilapidations for properties owned under Option 3. A provision has been made for management and maintenance costs under Option 3 for the stock that would be owned by the Council. Finally, the cost of emergency accommodation is a consequence of the fact that the options are all based on the provision of the same level of units as each other with the scale being dictated by what Option 1 delivers i.e. a portfolio of 242 units. It is assumed, under each option, that emergency accommodation, dependent upon the rate and level of acquisition, will be the default alternative if the stock levels are not at 242 units. Hence, under Option 1, a small and temporary cost is incurred as the portfolio expands from 146 units to 242 units while, at the other end of the spectrum, under Option 2, the entirety of the modelled need is met by emergency accommodation.

SCENARIOS AND SWITCH FACTORS

It is important to note that the base case value for money analysis is a product of a set of assumptions (see Appendix 1) which are all, by definition, uncertain. The table below shows how the value for money results differ if any of the key assumptions are changed and helps identify which assumptions are the most significant determinants of the preferred option. It is evident that Option 1 remains the preferred option in all but two scenarios. The first of these is where the assumed tenure length is reduced significantly to 24 weeks. The aggregate cost of placement fees under this option would increase by c. a multiple of 10 in direct proportion to the increased level of tenancy turnover which, at £5k per placement, introduces a significant additional cost into this option as well as, on the same basis, increasing the quantum of dilapidation costs under Options 3.

Option RAG rating - value for money

		1	2	3
1	Base - zero housing value growth over the 15 years	12,563	(720)	244
2	In-house placement costs to equal NHPF2 placement fee	12,563	(720)	(237)
3	NHPF2 target cash yield is 150bp higher	16,557	(720)	244
4	Average stay in temporary accommodation to be 24 weeks	(14,844)	(3,432)	(7,192)
5	Cost of nightly accommodation to be 100% higher	11,282	(42,936)	(25,749)
6	Duration of in-house acquisition 50% longer	12,563	(720)	1,096
7	Time between RLPF1 liquidation and start of in-house acquisition 50% longer	12,563	(720)	623
8	Capped LHA rebate indexation is 100% greater	12,563	(3)	1,086
9	Net cost of council tenants in long term rent is 25% higher	12,563	(720)	244
10	Zero housing value growth over the 15 years	3,707	(720)	(7,501)
11	All of above	(20,988)	(49,258)	(49,100)
12	All of the scenarios except 5	(19,707)	(2,713)	(16,715)
13	All of the scenarios except 4 and 5	7,701	(3)	(5,821)
14	All of the scenarios except 3,4,5 and 10	12,563	(3)	1,924

The base case assumes house price values change in accordance with Savills November '22 projections over the next five years and at 5% per annum for the subsequent ten years. If this is amended to reflect a net nil appreciation over the appraisal period, per Scenario 10, it adds, in net present value terms, a significant cost to Options 1 and 3.

A further significant uncertainty is the value of the council's current stake in RLPF1 and what it would realise if the fund was liquidated rather than its assets transferred into NHPF2. The aforementioned projections from Savills project a significant softening in price levels for the London residential market in the short term and we have applied their predicted level of deflation to determine a value for the RLPF1 receipt in the modelling of Option 2 and 3.

The other scenario where Option 1 is not the preferred scenario is Scenario 12 where the major additional cost factor on it is retained i.e. increased churn, while removing the major cost impact on Option 2 i.e. higher emergency accommodation costs. This leads to Option 2 becoming the most favoured option in value for money terms.

BASE CASE – AFFORDABILITY

There is marginal difference across two of the three options in terms of affordability over the appraisal period with Option 1 standing out as delivering a much lower cash pressure. For Option 2 and Option 3, the only income to the council is housing benefit rebate received for the costs of temporarily housing tenants in accommodation that the council has acquired either through purchase, PRS rental or on nightly rates in the emergency accommodation market. For the latter, the council can only recover the 1-bed rate irrespective of the size of accommodation acquired which explains why the income level is lower than for Option 3. For all three options, the rebate equates to 90% of the 2011 LHA rate which, as the table shows, is insufficient to cover the costs involved i.e. rent or, on purchased property, finance, management and maintenance costs.

Financial	Option		
	1	2	3
	Total (£'000s)		
Revenue			
Expected annual fund return	11,232		
Housing benefit rebate on placements	618	24,329	28,464
Total	11,850	24,329	28,464
Expenditure			
Finance cost – MRP and interest on LBC debt	37,722	117	30,892
Placement/dilapidation costs	4,640	15	849
Cost of emergency accommodation	1,504	73,020	44,636
Rental to housing providers			
Housing management and maintenance costs			1,668
Total	43,866	73,152	78,044
Net revenue impact	(32,016)	(48,823)	(49,580)

The General Fund impact of Option 1 is the extent to which the annual dividend return offsets the cost of borrowing on the capital invested in the fund and the placement fees that are incurred each time a tenant is placed in a fund property.

Given the short-term cash constraints of the Council, the adjacent table shows how the General Fund impact differs across five yearly intervals. Although Option 1 produces the lowest cost pressure over all, Option 2 appears to have lower net cost demands in the shorter term.

		Option		
		1	2	3
		Total (£'000s)		
5 yearly cash flow totals				
	1-5 years	(11,497)	(10,479)	(11,643)
	6-10 years	(10,400)	(17,108)	(17,673)
	11-15 years	(10,120)	(21,236)	(20,263)
	Total	(32,016)	(48,823)	(49,580)

BASE CASE – CAPITAL IMPACT

The table below shows the capital impact of each option. A receipt from exiting RPLF1 is banked under all options and re-committed on property purchases under Option 3 and investment in NHPF2 under Option 1. The values reflect an assumed zero appreciation in capital values over the 15 year appraisal period,

Financial	Option			Option		
	1	2	3	1	2	3
	Total (£'000s)			NPV (£'000s)		
Capital						
Capital receipt - RPLF1	36,000	31,483	31,483	31,007	27,117	27,117
Capital investment - NHPF2	(36,000)			(29,957)		
Expected capital return at fund maturity	57,668			23,570		
Cost of property purchases			(31,483)			(25,033)
Expected value of properties at the end of the appraisal period			50,432			20,613
Total	57,668	31,483	50,432	24,620	27,117	22,697

From a purely capital perspective, Options 2 delivers a better outcome in net present value terms. It is evident that taking the cash now, albeit at an assumed lower value of £31.5m compared to the £36m recycled within Option 1, produces a higher net present value overall due to the impact of the forecast deflationary pressure in the housing market in the near term.

IMPLICATIONS AND POINTS TO CONSIDER

If the council decides to withdraw from its association with Resonance on expiry of RPLF1, it will lose access to nomination rights over 146 properties. If, as it is understood, NHPF2 acquires those properties then the existing tenants will remain in-situ until permanent accommodation is found for them. This typically takes 5 years so at the end of that period it can be assumed it will have lost access to the entirety of this portfolio.

If it continues with its partnership with Resonance and re-invests its RPLF1 receipt into NHPF2 then it will retain access to these properties as well as a further 96 properties that Resonance has promised to acquire through NHPF2.

In addition to the permanent loss of 146 units, reliance will also need to be placed to a greater or lesser extent on the emergency accommodation market* to deal with the additional demand for placements that is created while the replacement portfolio is built up.

This has implications for those who would have had access to such accommodation under Option 1. Clearly, the council has to be mindful of the suitability of accommodation for households as well as the actual costs of securing that.

The modelling has made assumptions about values such as the nightly costs of emergency accommodation based upon the information made available and this analysis, per slide 7, has also tested the impact on the value for money outcome if those values are different. It is highly probable that this accommodation will become increasingly more expensive.

*Option 2 assumes permanent reliance on the emergency accommodation market.

It will be important for the council to assess its internal capacity and capability to acquire and manage properties as part of its strategy for replacing both the lost properties and the function that the Resonance model provides. It would be helpful if the council could negotiate an extension to the RLPF1

In its discussions with Resonance about the mechanism and timetable for liquidating RLPF1, it should explore the option of acquiring units that the fund owns within the Borough. It should also be mindful, in any approach to acquisition, of the price forecasts for the London area and the projected decline in value that is expected over the next few years.

CONCLUSIONS

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CONCLUSIONS AND LIMITATIONS

Overall, the value for money analysis points to the Council continuing its partnership with Resonance. This is primarily due to the ability to have access to a portfolio that contains significantly more units than represented by its investment share.

This conclusion is based on a set of assumptions provided by the Council and a set of assertions and promises made to the Council by Resonance.

Our analysis has helped identify that there are assumptions that have a material impact on the relative value for money of each option particularly the churn of tenants and the costs involved in tenant placements.

It should also be noted that key assumptions regarding the Resonance funds such as expected valuations and returns are likely to be somewhat out of date given they are based on projections produced in July 2022.

Finally, as we noted in the value for money analysis, the results are purely quantitative and need to be fused with considerations of qualitative factors too, not least the needs and circumstances of those requiring accommodation as well as the capability and capacity that exists within the council to deliver the options under consideration.

APPENDICES

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APPENDIX 1: KEY ASSUMPTIONS FOR BASE CASE

Appraisal start date	01-Feb-23																
Price base	01-Dec-22																
LBC WACC	4.77%																
Real discount rate	3.50%																
Appraisal period starting	01-Feb-23	01-Feb-24	01-Feb-25	01-Feb-26	01-Feb-27	01-Feb-28	01-Feb-29	01-Feb-30	01-Feb-31	01-Feb-32	01-Feb-33	01-Feb-34	01-Feb-35	01-Feb-36	01-Feb-37		
CPI	11.80%	3.00%	0.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Rental inflation (CPI+x%)	7.00%	4.00%	1.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
House price growth	-12.50%	-1.00%	2.00%	6.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
NHPF2 target cash yield	2.40% per annum							1 room	1 bed	2 bed	3 bed	4 bed					
NHPF2 Placement fee	5 £'000s							65.89	140.02	172.96	230.62	288.27					
In-house placement costs (dilapidations & letting administration)	2.5 £'000s							65.89	140.02	172.96	230.62	288.27					
Average stay in temporary accommodation	260 weeks							65.89	140.02	140.02	140.02	140.02					
Cost of nightly accommodation premium	0%							104.00	201.00	253.00	316.00	399.00					
Capped LHA rebate % increase	0%							45.00	45.00	45.00	45.00	45.00					
Net cost of council rented stock	7 £'000s per annum							0.00	273.00	328.00	424.00	0.00					
Total target units	242							0.00	1000.00	1000.00	1000.00	1000.00					
RLPF1 liquidation period	12 months							260.00	260.00	260.00	260.00	260.00					
RLPF1 fully liquidated	21-Feb-24							0	19	127	0	0					
								0	0	121	121	0					
								0	0	121	121	0					
								7.00	7.00	7.00	7.00	7.00					
								200.51	274.63	307.58	365.23	422.89					

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LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
	EXECUTIVE MAYOR DECISION	
DATE OF DECISION	25th January 2023	
REPORT TITLE:	People and Cultural Transformation Strategy 2022-2026	
CORPORATE DIRECTOR	Elaine Jackson, Assistant Chief Executive	
LEAD OFFICER:	Dean Shoesmith, Chief People Officer Email: dean.shoesmith@croydon.gov.uk	
LEAD MEMBER:	Cllr Jason Cummings, Cabinet Member for Finance	
AUTHORITY TO TAKE DECISION:		
KEY DECISION?	No	
CONTAINS EXEMPT INFORMATION? <i>(* See guidance)</i>	No	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

- 1.1 The paper appended to this cover report sets out the Council's People Strategy for the next four years, seeking to improve culture, diversity and inclusion, and people management across the workforce, enabling better services to residents.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendix, the Executive Mayor in Cabinet, is recommended: -

- 2.1 To agree the People Strategy 2026-2026 and its implementation, as set out in the appendix to this report.

3 REASONS FOR RECOMMENDATIONS

- 3.1** To enable the delivery of the Mayor's Business Plan 2022-2026, we are committed to providing good quality services by developing our workforce to ensure they are equipped with the right skills, knowledge, and behaviours to serve our residents, as well and as fully as possible. Through the approval and implementation of the People strategy we will develop a culture of putting our residents first, embodying the council's values.

4 BACKGROUND AND DETAILS

- 4.1** The Council had previously adopted a workforce strategy for 2018-2022 however, this needs to be replaced with strategic actions that meet current and future context, with particular emphasis on making the council a sustainable organisation and developing a workforce that listens and responds well to our residents. This is set out more fully in the People Strategy appended to this report.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1** For the council to make improvement across the workforce, the People Strategy is essential to delivery to ensure there is clear vision, strategic objectives and associated plans and actions for the next four years.

6 CONSULTATION

- 6.1** There has been consultation across directorate management and with Corporate management Team in the development of the initial seven strategic pillars, as well as in the development of the detailed strategy.
- 6.2** Once approved by Cabinet there will be further consultation with the trade unions and staff network groups regarding the implementation of the People Strategy.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1** The People Strategy 2022-2026 directly contributes to the Mayor's Business Plan and specifically, 'A transformed council listens to residents and delivers good services', through priority four to 'Develop a workforce which respects and delivers for our diverse communities'.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

- 8.1.1** There are no direct financial implications arising from the People strategy and all costs will be met from within existing budgets.

- 8.1.2 Comments approved by Nish Popat, Head of Corporate Finance on behalf of the Director of Finance. (14/12/2022)

8.2 LEGAL IMPLICATIONS

- 8.2.1 There are no direct legal implications arising from this report.
- 8.2.2 Insert at the end of the legal section: Comments approved by Mark Turnbull Corporate Solicitor on behalf of the Director of Legal Services and Monitoring Officer. (14/12/2022)

8.3 EQUALITIES IMPLICATIONS

- 8.3.1 As a public body, the Council is required to comply with the Public Sector Equality Duty [PSED], as set out in the Equality Act 2010. The PSED requires the Council to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Failure to meet these requirements may result in the Council being exposed to costly, time consuming and reputation-damaging legal challenges.
- 8.3.2 The People Strategy is entwined with the principles of equality and fairness and seeks cultural change in the workplace to embed these principles. Equality initiatives delivered by the people team include: diverse recruitment panels, development of an EDI Dashboard, positive action initiatives, the Guaranteed interview scheme and Tea Breaks. During November 2022, the Council were awarded a Bronze Trailblazer Award for their work delivering Tea Breaks and other equality initiatives.
- 8.3.3 The People team also have responsibility for the delivery of several initiatives in Croydon's Equality Pledge and George Floyd Race Matters Pledge, thus contributing to the vision of Croydon being a place where everyone feels valued and has a voice and is free from racism and all forms of discrimination.
- 8.3.4 The People Strategy and the associated seven pillars will all require an equality impact assessment to measure the impact of the associated actions on the workforce. In accordance with best practice equality impact assessments should be made before and after the implementation of each initiative.
- 8.3.5 Approved By: Denise McCausland Equalities Programme Manager 14/12/2022

9 APPENDICES

- 9.1 *Draft People Strategy 2022-2026*

BACKGROUND DOCUMENT

None

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London Borough of Croydon
People and Cultural
Transformation Strategy
2022 - 2026

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Overview

This four-year strategy aims to enable the delivery of the Mayor's Business Plan and the delivery of the strategic objective '*A transformed council listens to residents and delivers good services*', specifically priority four to 'Develop a workforce which respects and delivers for our diverse communities'. We recognise that developing the right culture is essential to delivering the necessary change that sustains transformation and workforce improvement and is something that is raised repeatedly by our staff and members in focus groups, networks, general discussions and in the Crossing the Threshold program.

As part of the Council's wider Transformation programme there are a number of projects that are being developed to improve services and move the Council to a financially sustainable organisation. As part of the success criteria of the overall Transformation programme the projects will include setting criteria to help towards improving the culture that in turn will help to attract and retain staff and drive up service improvement where necessary.



Background

The council has been undertaking considerable work to make workforce improvement under the leadership of the Chief Executive since the Report in the Public Interest 2020. The culture of the council up to that point had been one where there was a lack of inclusive leadership, an organisation working in silos and where senior management was detached from the workforce, with the collective employee voice not listened to sufficiently. Issues of institutional discrimination were also considered to be barriers to equality and inclusion and rigorous efforts have been made over the last two years to address these problems and as set out below: -

- Focus groups – led by CEO/Head of OD in September/October 2020
- Croydon Renewal Plan – engagement with all staff once the plan was submitted through an extensive series of workshops
- Speak up programme working with Old Vic – Guardians’ programme offering staff support and help via a signposting service
- Tea-talks (opportunity for staff to talk directly with CMT) with all Staff Networks and new Staff Networks now set up including under 35’s, mental health and carers’ network
- All-staff webinars led by the Chief Executive with an open questions and answers format
- Crossing the Threshold, culture change programme, to reframe the employment culture to focus on delivering good services for residents and improving employee engagement and productivity. We are committed to acting on what we heard from our staff in the first phase of Crossing the Threshold workshops including senior managers being more visible to staff, with less silo working and having a ‘one team, one council approach’ which is clear feedback from staff

- How important getting this right for staff will be to make Croydon a good place to work, attract talent and retain skills
- Improved governance including internal control boards
- Assurance and delivery to move the culture to one of accountability, openness and transparency, which will improve people management with less conduct issues



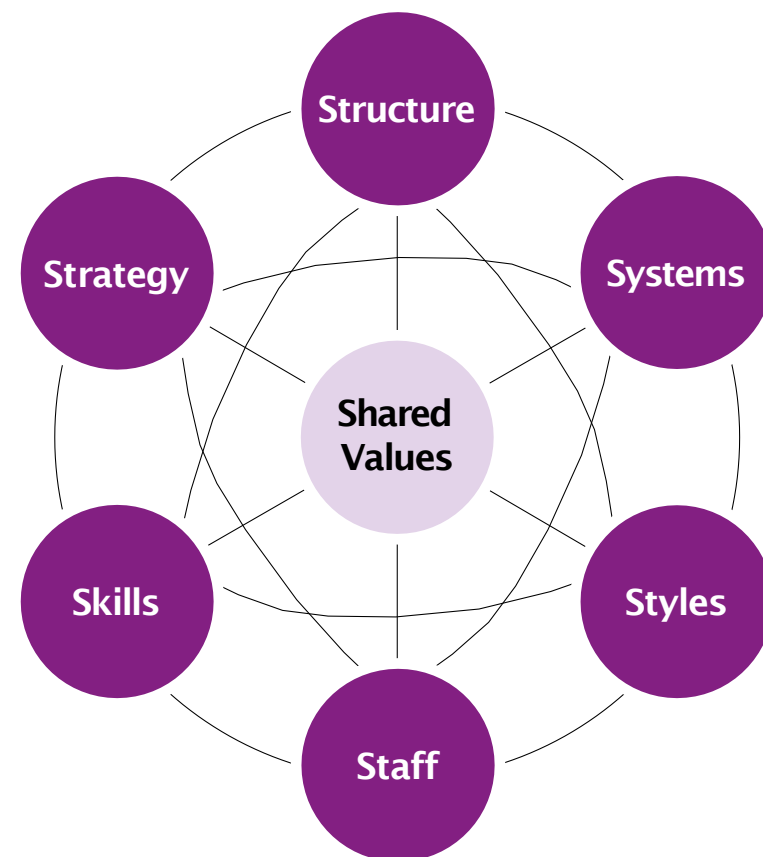
The Council has made significant changes as a result of the Corporate Restructure in 2021 (5 July 2021 Council meeting) giving focus to children’s services, adults and health, and housing. The restructure has been founded on strong people principles, with an emphasis of working as one council and how we have changed as a result of this.

Therefore, the Council has been laying foundations with design aims to ensure the Council can deliver more effectively on its business strategy, address the significant service quality improvements and workplace culture changes required by having focused and sufficient management capacity and ensuring a more consistent, corporate and effective internal control system. The organisational redesign also introduced new roles for senior and other staff to develop more cross-Council roles, role enrichment and development opportunities which this Strategy aims to build upon. Initiatives, such as the Council’s Crossing the Threshold programme, which has been initiated, and is on-going, aims for the Council to become much more transparent, open and honest, i.e. a one-Council organisation, as set out in organisational redesign report.

Integral to talent attraction and management, the chief executive commissioned a positive action-based marketing and recruitment campaign designed to attract a diverse field of applicants as possible, and this work is to be developed and sustained in pillar 2 of this strategy.

The design has referenced the thinking behind the McKinsey “Seven S” model to guide improved ways of working, i.e., the Council must be seen as a whole system and be able to be more than the sum of its parts.

In the implementation of this People Strategy it is essential it is clearly linked and inter-dependent with the Council’s Transformation programme.



Vision statement

To enable the delivery of the Mayor's Business Plan 2022 -2026, we are committed to providing good quality services by developing our workforce to ensure they are equipped with the right skills, knowledge, and behaviours to serve our residents well. We will develop a culture of putting our residents first, embodying the council's values, which are **One Team, Proud to Serve, Taking Responsibility, Valuing Diversity and Honest and Open**, where we attract a good calibre workforce for local people to live and work. We will develop a Croydon economy making us a desired destination and employer

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Through this strategy we aim to be an employer of choice, developing brand reputation for good service delivery, in tandem with a good employment experience, developing the skills of our people to serve our diverse residents efficiently, effectively, responsively, and courteously.

We aim to attract and retain diverse talent into the council, ensuring our workforce is as reflective as possible of the people of Croydon. This includes employing local people and ensuring our actions as an employer support local economic development and community sustainability.

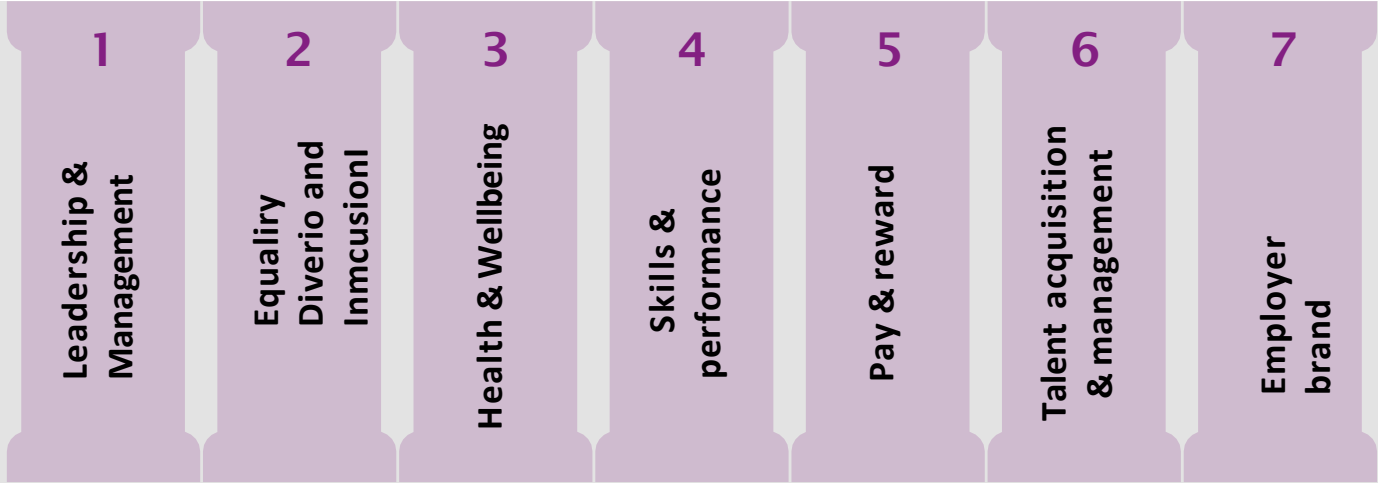
We will invest in the learning and development of our workforce, equipping them with appropriate skills and solutions examples such as how to deliver good customer care, change and transformation ability, leadership and management whilst working in a digitally led environment.



Strategic objectives 2022 - 2026

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Key Strategic Aims



People Strategy - 7 Pillars

The successful fruition of the objectives of the seven pillars creates the culture we aspire to.

Our values



Seven key strategic objectives have been developed to provide a framework that addresses the council’s workforce needs, enabling through organisational development the council to improve services to residents and setting in place a clear, measurable action plan for the next four years.

(Pillar 1) Strengthen our leadership and management capabilities.

Current position

Evidence from the staff survey December 2021 indicated that the council needs to develop and enhance our leadership and management capability.



Leaders are seen by staff as not sufficiently in touch with, and visible to, the workforce, needing to set clear direction listening to the collective employees' voice. This feedback is consistent with that from the first phase of Crossing the Threshold (the council's workforce engagement and culture change programme). From staff survey feedback (see 3.2.1 above) we know managers' capabilities to engage staff with change, and deal with employment-related issues requires strengthening, along with managers' abilities to respond to workforce issues of equality, diversity, and inclusion.

Future state

Good Leadership consists of , listening, decision making, coaching, collaboration and accountability and performance.

The council aims to develop an inclusive leadership culture, with effective workforce visibility and development of approaches that truly listen to employees' voice, which has commenced through the Crossing the Threshold programme. We will revitalise our values to demonstrate through our behaviours we are embodying those values across the whole workforce, and in serving our residents, which has been a clear message from staff through Crossing the Threshold engagement sessions. There is clear interdependence with other strategic objectives in this regard, especially objectives to:

- build an equality driven, diverse and inclusive workplace,
- prioritise the health, wellbeing and resilience of our staff and
- build our skills and capabilities and optimise our performance.

The action plan at appendix 1 sets out how and when the council will realise this strategic objective, together with measurement of the critical success factors.

(Pillar 2) Build an equality driven, diverse and inclusive workplace.

Current position

Regular analysis of the council's workforce data reveals that more work is required to ensure our staff are representative of the community we serve.

Several key areas for positive action emerge as themes from the analysis of our workforce data: -

- i. Age: the council's median age is 50, with 0.2% of staff under 20, and 2.6% in the age range 18-24. This reveals an ageing workforce profile, which will manifest in future years retention and skills gap issues as the current majority of the workforce is aged between 41-59 and these colleagues will pursue retirement plans over the next 5-15 years.
- ii. Ethnicity: whilst the council's overall ethnicity profile is broadly representative of the borough's demographic, at a senior level from G15 upwards there is a marked difference in the ethnicity profile with a much lower level of Black, Asian and Ethnic Minority senior managers.
- iii. Disability – whilst the council benchmarks favourably in terms of a representative disabled workforce and is in the upper quartile for London boroughs at 9.5%, this falls some way short of the borough demographic of 15%. Moreover, the lived experience of disabled staff in the workforce is another area for improvement to ensure better employee engagement.
- iv. Disclosure – the council benchmarks poorly with other London Boroughs for workforce disclosure of their protected characteristics.

The consequence of this is that without knowing the full profile of the workforce it is difficult to put in place measures that correctly align to support the equality and diversity of the workforce.

Future state

Building on work to date, a workforce EDI dashboard will be presented to the EDI internal control board to analyse the workforce profile and to highlight areas where positive action is needed to address under-representation. The EDI Board will also put in place measures to improve the employees' lived experience when coming from a protected characteristic group working for the council, completing co-creation work with the staff network groups.

The council will develop an inclusive and distributed leadership tool which aims to improve inclusion across the council, improving employees' lived experience. This initiative also enables Pillar one, strengthening the council's leadership capability.

The council aims to develop a workforce that is increasingly representative of the community we serve, as well as enabling an inclusive leadership of the workforce where employees feel they are listened to, respected, able to develop their talents, and recognised for the work they do.

Identify and embed new behaviours and ways of working aligned to Mayoral governance and a hybrid way of working.

(Pillar 3) Prioritise the health, wellbeing, and resilience of our staff, where staff can thrive and are engaged and motivated to deliver positive outcomes for our diverse communities.

Current position

Both hard and soft data indicates that stress-related conditions are increasing across the council, with stress being the most frequent reason for sickness absence. Sickness absence has seen a steady increase across the workforce throughout 2021/22 (over nine days per head per year) and work to address this is being put in place through monthly sickness panels held at Directorate Management Team level. Over the last two years the council has put extensive work into developing initiatives supporting workforce mental health and wellbeing including Mental Health champions, a workforce health and wellbeing group (led by HR and Public Health), Mental Health Tea Talks with CMT, mental health first aiders, a mental health staff network, the Guardians' programme, as a further source of information and support, together with the council's employee assistance programme.

A workforce health and wellbeing strategy has been developed by a cross-section of officers based on the five ways to wellbeing (connect, give, take notice, keep learning and be active) produced by the Mental Health Foundation.

Future state

Through the implementation of the workforce strategy and action plan we aim for our workforce to be happy, healthy, and supported by the best possible working environment. We are establishing a Workforce Board, led by the CEO, which will include an increased focus on managing sickness absence to ensure we are supporting staff and providing continuity of services to residents. The aim of the workforce health and wellbeing strategy is to create a safe, healthy and 'good work' environment which fosters a culture of positive wellbeing for all its employees.



We aspire to fulfil the Chartered Institute of Personnel and Development's best practice regarding workforce wellbeing, which is 'to gain real benefit wellbeing must be integrated throughout the organisation, embedded in its culture, its leadership and its people management (CIPD 2019)'

Implement initiatives to address workplace conflict, including a relaunched employee mediation scheme, seeking to resolve any conflict as close to the point of origin as possible and taking best practice from ACAS (Arbitration and Conciliation Advisory Service).

NB: Industry leads in effective employment relations

(Pillar 4) Build our skills and capabilities and optimise our performance.

Current position

The December 2021 staff survey highlights a number of workforce development areas, including the ability for staff to develop themselves and their careers. The survey data is also supported by feedback from the staff network groups and in particular the Race Equality Network where Black, Asian and minoritised staff report that they are overlooked for professional development and career progression. As Black, Asian, and minoritised staff make up 3Seven% (January 2023) of the workforce (note, where staff have shared their protected characteristic data) this represents a sizeable proportion of the workforce where there is a need to build skills and capabilities to serve our residents.



Future state

The council will invest in positive action development programmes for protected characteristic staff to ensure an equitable approach to address current and past organisational shortcomings.

We will develop clear career and skills development pathways to ensure a systemic and holistic approach to workforce development which will be aligned to business planning and the fulfilment of the Mayor's Business Plan to optimise performance for residents' benefit.

We aim to be known as an employer that invests in our workforce improving employees' wellbeing, capability, performance, and the council's reputation as an employer. We will redevelop our recruitment landing pages to provide an authentic brand image of the council as a good place to work with footage of diverse staff speaking about their experiences, including continuing professional development, to attract diverse and capable talent.

Develop and roll out a refreshed people performance management and appraisal system aiming to provide the best quality services possible to residents.

(Pillar 5) Acquire and retain talent, responding to skills gaps in the context of a more competitive recruitment market.

Current position

The council, in common with other employers in the hyper-competitive London labour market, experiences challenges with employing several skills scarce occupations across the workforce. This includes qualified social workers (both children's and adults), approval mental health practitioners, digital and ICT specialists, legal, finance, planners, and building control.

The consequence of skills scarcity includes the council needing to take alternative measures to fill statutory services and other business critical roles including the recruitment of agency workers. In financial year 2021/22 the council spent £16m on agency workers and aims to reduce the cost and number involved. Agency staff are respected members of our workforce and approx. 90% of agency staff are filling established posts

Future state

There is close alignment and interdependency with Pillars 4, 6 and 7. The council will aim to develop a more attractive employment value proposition (employment attraction package) to ensure we can recruit and retain good calibre people.

The council will build a pipeline of new talent by developing an apprenticeships strategy, developing clear career and skills pathways to address the underrepresentation of young people in the workforce,

addressing skills gaps in the workforce and improving economic development in the borough to avoid worklessness and generate economic activity. The council will commit to creating apprenticeships through clear organisational design, agreeing annual targets across all directorates to create 'new start' apprentices, as well as apprenticeship conversions which enable the council to develop current staff and draw upon the Government's levy. The council will target Croydon residents to ensure our local population benefit and the council provides community leadership to address worklessness and skills development for residents.

We will develop a range of different resourcing methods to seek to attract diverse and high-quality candidates to work for the council. As covered under Pillar 4 above, we aim to redevelop our recruitment landing pages to provide an authentic brand and compelling package to attract the best candidates possible. We will also implement a values-based approach to recruitment to ensure candidates are assessed on their behavioural values, as well as knowledge, skills, education and aptitude.

We will implement and evaluate different recruiting methods such as greater use of social media, direct sourcing (use of online platforms to make direct contact with potential candidates), candidate open days, and community outreach work, including schools and colleges to attract local people to work for the council (including apprenticeships), with the wider benefit of generating economic activity and development in the community, leveraging the council's position as a major employer in the borough.

In terms of retention there are key interdependencies with Pillar 4 and building workforce skills and capabilities. We will utilise our workforce exit data to pinpoint where we have issues of employee turnover and take targeted actions, including improving employee engagement.

(Pillar 6) Establish a market leading pay and reward package.

Current position

The council faces significant challenges in the local, regional, and national labour markets when seeking to recruit, with spiralling pay competitiveness a common feature.

The manifestation of labour market competitiveness, is the council - in skills scarce roles - needing to apply market supplements to be able to provide sufficiency of pay to attract candidates.

The current Greater London Provincial Council job evaluation scheme has been in place for over 30 years and can present difficulties in matching the labour market going rate and modern local government operating models when it comes to pay and grade determination.



The council has two different job evaluation schemes (GPLC and Hay depending on grade seniority), over 1,000 different job descriptions, and historic complexity regrading pay, grading, and determining job value.

All of the above indicates the need for a strategic pay review, including an equality pay audit. Additionally, we need to develop a simpler, transparent pay and reward system that is more flexible and adaptive to prevailing external labour market conditions, as well as being clear and easily understood across the internal workforce.

Future state

The council will conduct a strategic pay review which will seek to simplify and make transparent the approach to job value, pay and rewards. The review will aim to benchmark the council against the external labour market to ensure pay and reward is competitive, whilst also being affordable within the council's overall pay bill.

The council will align pay and grading systems and structures with skills paths and career progression to ensure a systematic approach to succession planning and talent development alongside pay and compensation, that supports effective recruitment and retention, as well as individual and organisational development.

The council will review options for simplification and modernisation of its job evaluation schemes, rationalising the mechanics of the job evaluation process and job descriptions, to unify the approach and provide improved transparency for all staff to understand how the scheme works and how job value is evaluated.

We will implement a total rewards statement to make clear Croydon's employment offer, to build our employer brand and to support effective recruitment and retention.

(Pillar 7) Develop an employer brand to attract employees who share the Council's values

Current position

Given the recent past of the council and its continuing financial difficulties, attraction and successful recruitment of candidates in several skills scarce occupations can be even more challenging, added to which we are seeking to respond to the hyper-competitive London labour market. As well as developing a four-year apprenticeships strategy (see 3.6.3 above) to attract younger people to work for the council an analysis of workforce data and pay gap reports show that there is an underrepresentation of young people (only 2 % of the workforce is under 24). In senior grades there is a shortfall of Black, Asian and minoritized staff (10% v 40% for the wider workforce).



Recruitment experts have dubbed 2022 the 'great resignation' which means staff are much more inclined to leave their employer given external pressures such as the cost-of-living crisis, 40-year high inflation rates, and the impact of the Covid-19 pandemic and successive lockdowns and associated economic turbulence. It is essential to put clear recruitment plans in place and ensure we have effective talent management that attracts new

skills into the council. We are also building social values embedded in the council's contracts to leverage our supplier relationships to help us to work

with the private sector for the wider prosperity and sustainability of the whole borough. For example, we are working with Adecco and Croydon Works to ensure wider economic development and improved life chances for the young people of our borough.

Our staff are effective ambassadors of working for the council however we know from staff survey results and staff exit survey data not all hold a positive view and experience of working for the council. We need to address employee engagement, and this is interdependent with, and covered in, pillars 1 to 6 above to ensure our staff act as our employment advocates.

Future state

Develop a values-based employer brand incorporating total pay and reward and external accreditations to demonstrate real progress with our employment offer and an authentic employer brand based on external assessment. Market the attraction of Croydon as a place to live and work, including

- fast and efficient transport infrastructure
- affordable housing (compared with central London), which is multi cultural and diverse,
- where there is true employee voice,
- where we have hybrid working and good office accommodation
- we aim to develop defined career paths

We have external accreditations that provide independent verification of Croydon as a good employer, including issues of overall people management as well as more specifically for equality, diversity, and inclusion.

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LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
DATE OF DECISION	25th JANUARY 2023	
REPORT TITLE:	LOCAL IMPLEMENTATION PLAN HEALTHY STREETS FUNDING: 2022/23 – 2024/25	
CORPORATE DIRECTOR / DIRECTOR:	NICK HIBBERD, CORPORATE DIRECTOR OF SUSTAINABLE COMMUNITIES, REGENERATION AND ECONOMIC RECOVERY HEATHER CHEESBROUGH, DIRECTOR OF PLANNING AND SUSTAINABLE REGENERATION STEVE ILES, DIRECTOR OF SUSTAINABLE COMMUNITIES	
LEAD OFFICER:	IAN PLOWRIGHT, HEAD OF STRATEGIC TRANSPORT CONTACT DETAILS Email:ian.plowright@croydon.gov.uk Telephone: 020 8726 6000	
LEAD MEMBER:	COUNCILLOR SCOTT ROCHE, CABINET MEMBER FOR STREETS AND ENVIRONMENT	
KEY DECISION? Ref. Number 7022EM.	Yes	REASON: Decision incurs expenditure of more than £1,000,000
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

1.1 The report explains that:

- the Covid19 Pandemic resulted in erratic stop-start funding from Transport for London (TfL); and
- TfL has been looking to return London local authorities to a longer term 'Healthy Streets' investment funding programme, similar to the former LIP (Local Implementation Plan) Funding programme.

In looking to reset the local authority funding programme, TfL has emphasised that local authority Delivery Plans must:

- deliver the 'Healthy Streets' objective; and

- be evidence based and data led

but can/should also respond to local priorities. The report describes the 'Strategic Data' set provided by TfL to underpin new LIP Healthy Street Delivery Plans. It recommends agreement of the Delivery Plan 2022/23 element, and agreement to a Delivery Plan for 2023/24 and 2024/25.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet is recommended:

2.1 to agree the Healthy Streets delivery programme for 2022/23 including:

- Healthy Neighbourhoods (£574,000)
- School Streets (£249,000)
- Road Safety (£125,000)
- Active Travel (£3,150,000)
- Bus Priority (£508,000)
- Transport Strategy (£30,000)
- Station Capacity Improvements (£90,000)
- Cycle Training (£56,000)
- Cycle Parking (£34,000)

set out at Appendix 1 of this report and forming the LIP Healthy Streets Delivery Plan for 2022/23 made up of TfL LIP/Healthy Streets Funding and other funding.

2.2 to agree the programme at appendix 2 as the basis of a draft LIP Healthy Streets Delivery Plan 2023/24-2024/25 made up of TfL LIP/Healthy Streets Funding and other funding.

2.3 to agree that the Corporate Director, Sustainable Communities, Regeneration and Economic Recovery (in consultation with the Mayor and the Cabinet Member for Streets and Environment) finalise and approve the LIP Healthy Streets Delivery Plan 2023/24-2024/25 for submission to TfL, in order to release 2023/24 LIP Healthy Streets Funding, making any necessary adjustments to the programme prior to and post submission, without incurring additional expenditure commitments for the Council.

2.4 to agree the expenditure in 2023/24 set out in this report and appendix 2, subject to funds having been confirmed and allocated by external funders and Council funding agreed by Budget Council.

3 REASONS FOR RECOMMENDATIONS

- 3.1** Recommendation 2.1 relates to funding provided to Croydon Council by TfL in stages during the current financial year. This funding was provided by TfL in response to the Spending Submission/Programme agreed by Cabinet in January 2022, Cabinet also agreeing to expenditure of TfL funding in 2022/23 on delivery of the Programme (Decision Ref: 4821CAB). Funding provided early in this financial year had to be committed to projects by tight/early deadlines set by TfL. The large part of the funding was announced at the end of September, with the requirement that the projects it is to help deliver, be reported to TfL by the end of October.
- 3.2** Recommendation 2.2 ensures Croydon Council adheres to TfL's 'Guidance on developing Borough Healthy Streets Delivery Plans 2023/24-24/25' and is consequently able to access the funding offered by TfL. Recommended Appendix 1 and 2 form the Local Implementation Plan (LIP) Delivery Plan for the period 2022/23-2024/25.
- 3.3** Council officers are engaged with TfL on the content and wording of the Delivery Plan/Programme. Recommendation 2.3 is to allow the Delivery Plan to be adjusted (if necessary) in the light of any further feedback from TfL. It is also to allow adjustment for other reasons. For example, the Delivery Plan/Programme includes/anticipates a significant amount of Levelling Up Funding (LUF). At the time of writing this report, a decision on the Council's LUF bid is still awaited.

4 BACKGROUND AND DETAILS

- 4.1** Each London local authority is required to produce a Local Implementation Plan (LIP) setting out how it will implement London's Transport Strategy within its area. Whilst the LIPs cover the lifetime of the Strategy, TfL requires each LIP to contain a Delivery Plan covering a three-year period. The Croydon LIP (approved by TfL on behalf of the Mayor of London in March 2019) included a Delivery Plan for the period 2019/20-2021/22.
- 4.2** TfL has traditionally chosen to support local authorities implement proposals in their Delivery Plans, by providing LIP Funding. However, the Covid19 Pandemic struck early in the period of the Delivery Plan. Lockdown brought TfL to the brink of bankruptcy due to the loss of income from fares and the congestion charge. TfL became reliant on financial support from central government. Therefore, TfL ceased providing LIP funding in May 2020. Instead, it provided funding for an initial few months with which to deliver the Covid19 Pandemic related Streetspace Plan, and central government's Active Travel priorities. Since then, there has been a series of very short-term funding allocations to local authorities, from the DfT, TfL or the DfT administered by TfL. There have been gaps within financial years when no funding was provided to London local authorities by either TfL or the DfT.

4.3 In July 2021, Croydon officers sought to remake a delivery programme in the light of both the broken funding regime and changed priorities of central government and TfL. A new programme was recommended to Cabinet, subject to funding being provided by TfL (Decision Ref: 3621CAB). In parallel, TfL was looking to return London local authorities to a longer term 'Healthy Streets' investment funding programme, to support implementation of measures in LIP Delivery Plans. In looking to reset the local authority transport investment funding programme, TfL has emphasised that new Delivery Plans must:

- deliver the 'Healthy Streets' objective; and
- be evidence based and data led.

but can/should also respond to local priorities. In anticipation of successfully negotiating a longer-term funding deal with central government for 2022/23 onwards, TfL issued Guidance (October 2021) to local authorities on developing LIP/Healthy Streets Delivery Plans for 2022/23-2024/25. Due to funding uncertainties and the challenges of planning in the Covid19 emerging recovery, TfL required only draft Delivery Plans be prepared, drafts based on past LIP Funding amounts.

4.4 At its January 2022 meeting, Cabinet agreed (Decision Ref: 4821CAB) a Spending Submission to TfL to form both:

- the funding request to TfL for 2022/23 LIP/Healthy Streets Funding; and
- the basis of the draft LIP/Healthy Streets Delivery Plan 2022/23 – 2024/25

However, no long-term funding settlement was agreed between TfL and central government, within the timeframe anticipated by TfL.

4.5 At the July meeting of Mayor in Cabinet, a report on Croydon's Levelling Up Fund bid was considered. The bid sought to bring external funding to deliver infrastructure investment that would help in the wider regeneration of Croydon's Town Centre (this supported the Executive Mayor's manifesto commitment to put the Town Centre development back on track, and to bring in much needed investment to provide a mixed use of jobs, homes, retail, education and culture.) The report highlighted the need to secure investment in the Town Centre, which would realise long-term held ambitions to create a vibrant town centre that matched the needs of Croydon residents and businesses. It was acknowledged that the Levelling Up Fund was a great opportunity to bring in funding for the Town Centre, and had a wealth of support behind it from the Borough's business community. The bid and report were prepared in the early part of this financial year, when there was no long-term financial settlement agreed between central government and TfL, and hence no LIP Funding to local authorities confirmed. The required match funding for the LUF bid was to be provided via Growth Zone funding, Developer S106 planning agreement financial contributions, and Council Capital borrowing etc. The transport elements (i.e. not the Fairfield frontage element) of the LUF bid / programme are incorporated into the recommended Delivery Plan at appendix 1 and 2.

4.6 Local authorities were required to submit confirm their programme for July-March 2022/23 to TfL by 28th October. Recommendation 2.1 of this report seeks the Mayor's agreement of that 2022/23 Programme, and with elements now in delivery or delivered. Recommendation 2.2 is to agree a programme for the following two years as the basis of a draft LIP Healthy Streets Delivery Plan 2023/24-2024/25.

- 4.7** TfL has provided a 'Strategic Data Set', to inform the making of the new LIP Healthy Streets Delivery Plans. It includes the:
- Casualty harm (road danger) and excess harm analysis
 - Strategic bus analysis (bus journey time and reliability)
 - Strategic neighbourhood analysis (identifying areas where Healthy Neighbourhoods should be considered)
 - Strategic walking analysis (identifying the top 10 per cent locations with the highest potential to grow walking within each borough, based on data about current walking and short car journeys that could be reasonably walked instead)
 - Strategic cycling analysis (identifying corridors with significant potential for cycling due the current trips by motorised means (mostly by car) made along them, that could be readily cycled if conditions were right)
- 4.8** TfL highlights a number of focus areas for Healthy Streets delivery through the new LIP Delivery Plans/Programmes, with a preference for schemes contributing to multiple objectives. Those focus areas (plus example measures indicated by TfL), are in Figure 1 below.:

Figure 1. TfL Recommended Focus Areas

<p>Enabling all Londoners to feel that active travel is a safe and accessible option through a range of Vision Zero and other interventions that deliver safer streets for cycling and walking</p> <p>Primary deliverables</p> <ul style="list-style-type: none"> • Tackling high risk locations for Vision Zero • New or upgraded cycle routes aligned to the Strategic Cycling Analysis • Connectivity enhancements e.g., permitting two-way cycling on one-way streets, cycle-contraflows crossings, local links and removal/upgrade of access controls. • Low Traffic Neighbourhoods (LTNs) and 'Bus and cycle only' streets • 20mph and compliance measures • New or upgraded pedestrian and/or cycle crossings including at signalised junctions where no current pedestrian crossing facilities exist. Upgrade of pedestrian refuges to zebra or parallel crossings. • Improving access to transport interchanges for active modes 	<p>Enhancing and expanding London's bus priority network to enable faster and more reliable buses, making them a compelling offer for Londoners</p> <p>Primary deliverables</p> <ul style="list-style-type: none"> • New bus lanes aligned to the priority locations for bus performance enhancement, as well as new bus gates and 'bus and cycle only' streets (with appropriate timings) • Increases in operational hours of existing bus lanes to operate 24/7 • Extensions to existing bus lanes • Transformational junction redesigns to prioritise buses and sustainable modes • Signal priority for buses (delivered with the TfL Network Performance team)
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<p>Alongside these primary measures, boroughs may deliver supporting measures such as:</p> <ul style="list-style-type: none"> • School streets and accompanying measures to promote active travel to school • Reallocation of parking and carriageway space to walking, cycling and public realm e.g., parklets • Pedestrian improvements such as footway widening • Enhancements to pedestrian accessibility • Upgrades and improvements to existing signed Cycleways as discussed with TfL Portfolio Sponsor, including enhancements to cycle route accessibility e.g., access barrier removal • Upgrading the experience and accessibility of the Walk London network 	<p>Alongside these bus priority deliverables to improve bus speeds, boroughs may deliver supporting measures such as:</p> <ul style="list-style-type: none"> • Bus stop accessibility enhancements • Improved conditions at and around stops focused on safety and security • Improvements to the accessibility and experience of walking routes to bus stops • Rationalised kerbside activity to limit interference with bus and cycle progression
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4.9 The 2022/23 and 2023/24 projects for each element are summarised below along with the proposed total funding. The breakdown of the total recommended funding amounts is detailed in appendices 1 and 2. Appendix 2 also indicates funding for 2024/25 (funding for that year still to be confirmed by TfL).

4.10 Experimental Healthy Neighbourhoods (£574,000 in 2022/23 and £685,000 2023/24))

4.10.1 Funding supporting the monitoring and engagement around the current Experimental Healthy Neighbourhoods:

- Holmesdale Road HN
- Albert Road HN
- Elmers Road HN
- Dalmally Road HN
- Kemerton Road HN
- Broad Green HN
- Sutherland Road HN

4.10.2 As well as the above, feasibility work will continue to identify other potential Healthy Neighbourhood schemes where community support and the potential benefits of schemes are clearly identified. Areas were work to assess both the level of community support and the potential benefits would be undertaken, include Sydenham Road and Dagnall Park and a large area just east of the Town Centre at Addiscombe West-East.

4.11 School Streets (£249,000 in 2022/23 and £225,000 in 2023/24)

4.11.1 This element of the programme supports the current implementation of Healthy School Streets including:

- The Crescent Primary School & Brit School
- G4 HSS21 Rockmount Primary
- G4 HSS14 Elmwood Schools (Infant & Junior)
- G3 HSS 3 South Norwood Primary School
- G3 HSS 4 St Cyprians Greek Orthodox Primary School
- G3 HSS 5 Howard Primary School
- G3 HSS 6 Oasis Shirley Park
- G3 HSS 7 Good Shepherd Catholic School
- G3 HSS 8 Kenley Primary School
- G4 HSS 9 Gonville Academy
- G3 HSS 10 Park Hill Junior & Infants School
- G4 HSS22 St. James the Great Primary
- G4 HSS18 Kensington Primary & Norbury High
- G4 HSS17 Harris Academy South Norwood, Beulah Hill Campus (as amended)
- G4 HSS20 Oasis Academy Byron (as amended)
- G4 HSS24 St. Peter's Primary
- G4 HSS19 Minster Schools
- G4 HSS15 Harris Academy Crystal Palace
- G4 HSS16 Harris Academy Invictus

4.11.2 As well as the implementation of the above during 2023/24 onwards, feasibility work will continue on other potential School Streets where community support and the potential benefits of schemes can be clearly identified.

4.12 Road Safety (£125,000 in 2022/23 and £295,000 in 2023/24)

4.12.1 Due to the late award of funding, it is not possible to implement Safety schemes in 2022/23. It is therefore proposed to use the funding for localised speed control measures, to design schemes and to consult on proposals ready for implementation in 2023/24, including:

- Selsdon - Pixton Way Safety Scheme
- Grasmere Road Safety Scheme
- Auckland Road / Cypress Road Zebra Crossing

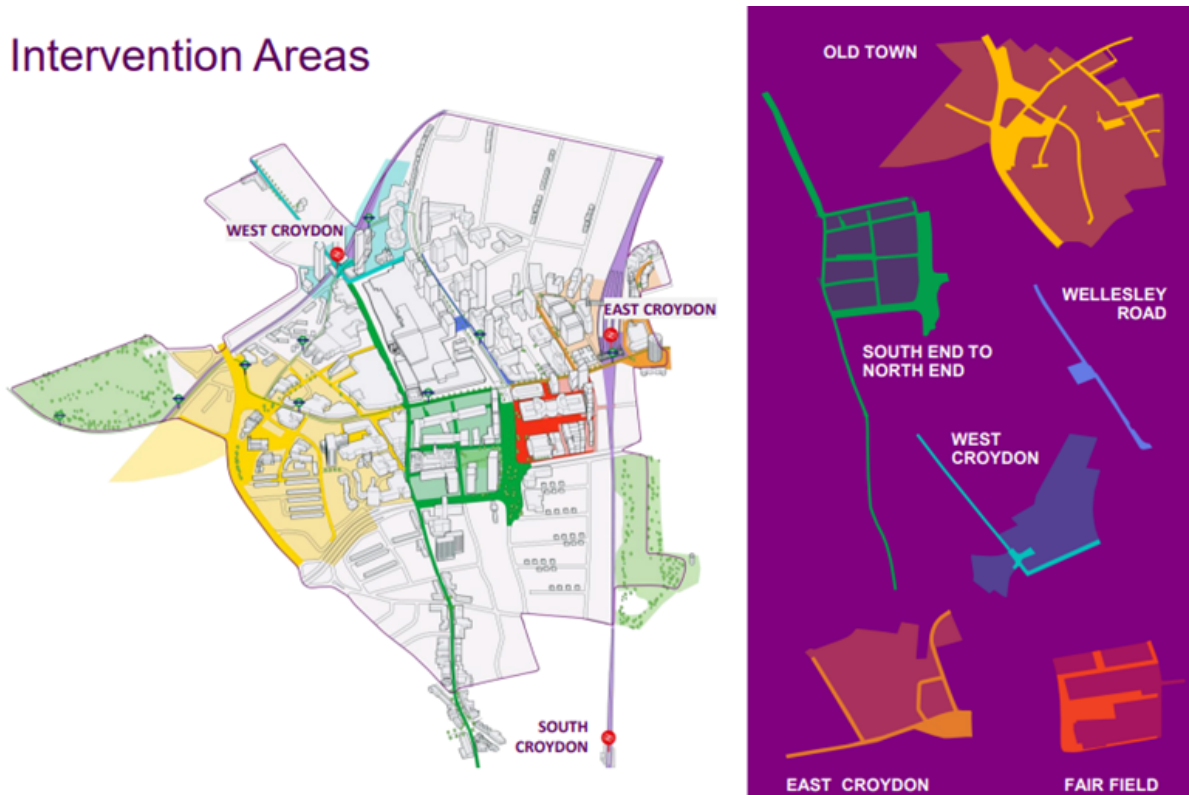
4.12.2 As well as the implementation of the above schemes from 2023/24 onwards, feasibility work will continue on further Safety schemes.

4.13 Active Travel including Levelling Up Fund Programme (£3,150,000 in 2022/23 and £5,435,000 in 2023/24)

4.13.1 The Delivery Plan includes active travel measures (pedestrian improvements and segregated cycle tracks) together with associated

public realm improvements. This is focussed on creating improved connectivity to and across a walkable (and cyclable) Town Centre. Approximately £40m of active travel benefits have been identified and are key to the business case for the application for Levelling Up Funding.

Figure 2. LUF Programme Intervention Areas



4.13.2 The implementation planned as part of the 2022/23 programme includes early parts of the Levelling Up proposals. They are very much a test for the Council's ability to implement active travel infrastructure to the required standards. Active Travel England will assess all applications for active travel funding (including the Levelling Up Fund), and award funding to schemes only if they meet the standards and principles set out in Local Transport Note 1/20. Active Travel England are also beginning to inspect and publish reports on highway authorities for their performance on active travel and identify particularly dangerous failings in their highways for cyclists and pedestrians, linking future transport investment to performance against these standards. In London TfL is fulfilling a similar role in addition to Active Travel England. Scheme implementation in 2022/23 includes:

- Improvements to the High Street, Dingwall Road and London Road;
- Completing implementation of the experimental active travel segregated cycle track and walking environment scheme on Brighton Road;
- Construction of the previously consented proposals for a cycle and walking route along Ampere Way.

4.13.3 These 2022/23 delivery projects are focussed on the Town Centre and the priority cycle corridors (identified by TfL) leading to it. Due to the late award of TfL funding, the Ampere Way scheme is brought forward as a priority scheme as it is ready for delivery (having Traffic Management Orders agreed and designs at the 'Issue for Construction' stage). The scheme will also implement a key link on the Croydon Town Centre – Mitcham corridor, helping to develop an alternative to cycling on the Mitcham Road and avoiding the Lombard Roundabout.

Table 1. LUF Projects at the Town Centre

Intervention Area	Scheme	2022/23	2023/24	2024/25
West Croydon	CRO051 LONDON RD TFL LIP GZ BLEN	£716,817	£1,080,789	£62,200
	CRO051 LONDON RD IFG280	£16,347	£0	£0
	CRO044 WEST CROYDON STATION CAPACITY ENHANCEMENTS IFG 311	£30,000	£10,000	£132,781
Old Town	CRO040 MITCHAM RD IFG281	£19,625	£100,000	£250,000
	CRO080 OLD TOWN MITCHAM RD TFL LN GZ	£162,476	£2,405,415	£3,609,815
	CRO061 OLD TOWN CYCLE CONTRAFLOWS	£52,000	£150,000	£150,000
	CRO061 OLD TOWN CYCLE CONTRAFLOWS -DRUMMOND RD S1 IFG180	£0	£59,876	£0
Wellesley Road	(Includes removal of the pedestrian subway and construction of a surface level pedestrian crossing on the Wellesley Road by Lansdowne Road) CRO061 WHITEHORSE ROAD TFL BUS PRIORITY IFG277	£247,535	£1,434,400	£1,109,315
East Croydon	CRO064 EAST CROYDON BUS PRIORITY REL1129B IFG298	£12,269	£77,005	£0
	CRO049 DINGWALL ROAD IFG291			
	CRO050 DINGWALL ROAD TfL DFT GZ	£85,514	£0	£0
	CRO043 EAST CROYDON STATION CAPACITY IMPROVEMENTS IFG 309	£298,723 £60,000	£0 £1,455,965	£0 £188,658
Fairfield	CRO053 FAIRFIELD IFG174	£12,696	£59,774	£150,000
	CRO057 COLLEGE ROAD IFG290	£30,000	£600,324	£250,000
South End to North End	CRO049 HIGH STREET DFT ATEF IFG287	£267,139	£0	£0

	CRO049 HIGH STREET -NORTH END IFG287	£51,401	£0	£0
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4.13.4 In line with the Council's Network Management Duty, successful delivery of schemes needs to take into account real-world feedback particularly around access for businesses. This means schemes should be retained and adjusted to make them work. TfL (overseen by the DfT) will also inspect new Active Travel infrastructure to ensure schemes meet these new standards and principles, and require funds to be returned for any which have not been completed as promised, or not started or finished within the agreed timeframe.

4.13.5 Feasibility work is continuing on further Active Travel schemes to be delivered from 2023/24 onwards as part of the continuing work on Levelling Up proposals for the Town Centre and along the priority cycle corridors. On the ground delivery of new schemes in 2023/24 will be largely confined to LUF related projects at the Town Centre. Beyond the Town Centre, the focus will largely be on monitoring and engagement at already implemented experimental schemes, and assessment and engagement associated with possible future schemes. Given the uncertainty regarding exact levels of external grant funding from the Levelling Up Fund and other sources, lower funding would necessitate adjustments to the programme to match spend with available funding.

4.14 Bus Priority (£508,000 in 2022/23 and £1,882,000 in 2023/24)

4.14.1 This programme incorporates schemes designed to improve bus journey time and reliability, such as installation/extension of bus lanes, parking restrictions to ensure a smoother flow for buses. These schemes start to help bring forward associated public realm improvements in the Town Centre which are key to the business case for the Levelling Up proposals, particularly along the Wellesley Road – Whitehorse Road corridor, including removal of the pedestrian subway and construction of a surface level pedestrian crossing on the Wellesley Road by Lansdowne Road.

4.14.2 Due to the recent stop start nature of TfL funding, it is not possible to progress schemes to implementation in 2022/23. Feasibility work is continuing on schemes intended for delivery from 2023/24 onwards (subject to funding from TfL and other sources).

4.15 Transport Strategy (£30,000 in 2022/23 £63,000 in 2023/24)

4.15.1 Strategic Transport Modelling is being conducted with TfL in 2022/23 to assess the impact of Purley Way and Croydon Town Centre growth on the highway and public transport networks. 2023/24 funding is proposed for a Parking Management and Control of On-street Parking Plan/Strategy.

4.16 Station Capacity Improvements (£90,000 in 2022/23 and £1,490,000 in 2023/24)

4.16.1 Feasibility work is underway around East and West Croydon Stations to identify interim measures needed to deal with current access and capacity constraints. Proposals identified will be delivered from 2023/24 onwards (subject to funding from TfL and other sources). Active Travel and public realm proposals in and around the Stations are also part of the continuing work on Levelling Up proposals for the Town Centre. As with other parts of the programme, given the uncertainty regarding exact levels of external grant funding from the levelling Up Fund and other sources, lower grant funding would necessitate adjustments to the programme to match spend with the available funding.

4.17 Cycle Training (£56,000 in 2022/23)

4.17.1 Cycle Training funding has been allocated by TfL in the current year to ensure that cycle training is available to adults and children. Each London borough has been allocated a base level of funding of £56,000 for this financial year.

4.18 Cycle Parking (£34,000 in 2022/23 and £36,000)

4.18.1 TfL intends to supplement 'Safe Corridors and Neighbourhoods' funding with 'Cycle Parking' funding, where cycle parking projects will be delivered in accordance with criteria set by TfL. The programme includes:

Cycle hangars – continued rollout of secure cycle parking hangars in residential areas, with a focus on housing estates and areas with high levels of deprivation that are close to an existing/planned cycle routes.

Railway station cycle parking – Kenley Station Cycle Hub in 2022/23

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1** A variety of options exist for the programme which match the activity within the programme to the available levels of funding for the programme. Options considered include the level of support from Council sources. Reductions in the available levels of this funding would have an impact on the ability to deliver on objectives of the Mayor's Business Plan, particularly the ability to attract inward investment. In order to attract grant funding, core funding is needed to develop the pipeline of projects so that they are feasible, costed and deliverable. Investment in the borough via the LIP programme also creates confidence for others to invest in Croydon.

6 CONSULTATION

- 6.1** The consultation draft LIP was published in December 2018. Consultation on the draft LIP included an online questionnaire to which there were just under one thousand responses. Summary findings were:
- 86% of respondents agreed that traffic levels are too high in Croydon.
 - 44% of respondents agreed that traffic speeds are too high, with 37% disagreeing, 19% were not sure.
 - Less than 5% agreed that the street environment encouraged them to cycle, whilst 77% disagreed, with over 52% disagreeing strongly.
 - Over 55% agreed that children should be able to play in residential streets, 26% disagreeing.
 - 74% stated that they are concerned about air quality.
 - 72% agreed that traffic levels need to be lower.
 - 64% stated they would use public transport more if it was convenient.
 - 61% would travel by car less if the alternatives were better.
 - 78% agreed that less vehicles would mean better air quality.
- 6.2** The proposals in the recommended Delivery Plan work with the grain of the findings of that consultation. However, that consultation was clearly some time ago. The projects within this report / within the recommended the Delivery Plan / Programme, will each be the subject of new consultation and / or other engagement.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1** As well as implementing proposal supporting the Croydon Local Implementation Plan, the recommended Delivery Plan / Programme supports achievement of objectives of the Croydon Opportunity Area Planning Framework, and Town Centre Masters Plans, especially the West Croydon and Old Town Masterplans. It supports Priorities of the Mayor's Business Plan including 'Support the regeneration of Croydon's town and district centres, seeking inward investment and grants' and 'Lead action to reduce carbon emissions in Croydon'.

8. IMPLICATIONS

- 8.1 FINANCIAL IMPLICATIONS**

- 8.1.1** The Delivery Plan recommended to the Mayor in Cabinet is in part an application to release funding from TfL (matched with other grant funding) to invest in the transport network in Croydon.
- 8.1.2** Spend will be subject to the advice of the Corporate Director of Resources and Spending Control Panel approvals. Allocations of Croydon Council funds are indicative until recommendations have been agreed by Budget Council this year. Uncertainty regarding exact levels of external grant funding in future years (eg Levelling Up Funding at the time of drafting this report), may necessitate adjustments to the programme to match spend with available funding.
- 8.1.3** Under normal circumstances TfL provides annual funding to support delivery of the LIP programme. This year (as in the previous two years) TfL has provided funding in a series of smaller short term packages. Following the September settlement from central government, London's local authorities have been informed (27 September) of more substantial core funding from TfL through the 'Neighbourhoods and Corridors' programme, allocated on a formula basis. TfL has also provided additional funding for further programmes including Bus Priority and Cycleways Network Development. Appendix 2 / the recommended Delivery Plan is the 'bid' into these additional discretionary funding streams. Where available, TfL has provided details of this additional funding into 2023/24 although the full programme of potential support from TfL remains uncertain and also dependent on the outcome of the 'bid'.
- 8.1.4** Funding has also been allocated to the programme from the Council's Growth Zone, Section 106 contributions, the Greater London Authority, the Friends of Croham Hurst, and from the Council's Capital Borrowing. Further substantial funding has been sought from the Government's Levelling Up Fund which is included in the forecast below. Given the uncertainty regarding exact levels of external grant funding in future years, lower funding will necessitate adjustments to the programme to match spend with available funding.
- 8.1.5** If agreed, the recommendations will permit (subject to advice of the Corporate Director of Resources) the spending of external funding provided to the Council with which to deliver elements of the Mayor of Croydon's business plan through the continued implementation of the LIP. This includes improving our public realm, supporting regeneration, securing inward investment, reducing carbon emissions.

8.1.6 Revenue and Capital consequences of report recommendation

	Current Year	Medium Term Financial Strategy – 3 year forecast		
	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Revenue Budget Available				
Expenditure (TfL)	£56,000			
Effect of decision from report				
Income (TfL)	£56,000			
Remaining Budget	£0			
Capital Budget	available	proposed	proposed	
Expenditure	£4,777,637	£10,112,119	£9,708,512	
Effect of decision from report				
Income (TfL)	£2,129,000	*£3,434,000	**£4,415,000	
Income (LUF)	£363,434	£4,271,569	£3,131,330	
Income (GLA)	£277,695			
Income (other)	£3,406			
Growth Zone	£900,000	£900,000	£900,000	
Capital (CAP39)	£160,000			
Borrowing				
Capital (CAP50)	£500,000	£500,000	£500,000	
Borrowing				
S106	£444,102	£1,006,550	£762,182	
Remaining Budget	£0	£0	£0	

* NB Thus far TfL has only indicated the provision of £1,355K formula based 'Safer Corridors and Neighbourhoods' funding plus £36K 'Cycle Parking' funding. The figure of £3.434M includes amounts of 'Bus Priority' and 'Cycleways Network Development' etc funding which the recommended Delivery Plan seeks TfL to allocate and release to Croydon

**NB 2024/25 is beyond the period of the current financial agreement between central government and TfL. Consequently, TfL has not indicated a funding figure for 2024/25. The figure of £4.415M is the total amount of funding the recommended Delivery Plan seeks TfL to allocate and release to Croydon

8.1.7 Comments approved by, Interim Head of Service, Finance on behalf of the Corporate Director of Resources. (Date 12/01/2023)

8.2 LEGAL IMPLICATIONS

8.2.1 The Mayor's Transport Strategy (MTS) provides the framework for the development of Local Implementation Plans (LIPs) by London boroughs; it also provides the basis for the assessment of grant applications. Under the Greater London Authority Act 1999 (GLA Act) Section 145, each London borough council must prepare a Local Implementation Plan (LIP) containing its proposals for implementing the MTS. Under the GLA Act, the Mayor is empowered, through TfL, to provide grants to London Boroughs to assist with the implementation of the Transport Strategy. TfL are charged with responsibility of ensuring that the key rationale for allocating grants is the delivery of the MTS.

8.2.2 The Climate Change Act 2008 requires the Secretary of State to ensure the net UK carbon account for 2050 is at least 100% lower than the 1990 baseline.

8.2.3 The Road Traffic Regulation Act 1984 (RTRA 1984) provides powers to regulate use of the highway. In exercising powers under the RTRA 1984, Section 122 (1) imposes a duty on the Council to exercise its functions under the Act so far as practicable to secure the "expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway". Decisions by the Courts show that this duty needs to be balanced in substance against the factors which may point in favour of imposing a restriction on that movement specified in Section 122(2). Broadly, these factors are, the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of any locality affected, including the importance of regulating and restricting heavy commercial vehicles, the national air quality strategy, the importance of facilitating public service vehicles, and the safety and convenience of people using or wanting to use such vehicles, and any other matters appearing to the authority to be relevant.

8.2.4 Section 9 of the RTRA 1984 enables the Council, as the relevant traffic authority for the area, to make experimental traffic orders which can continue in operation for a maximum of 18 months. Section 10 of the RTRA 1984 makes provision for experimental traffic orders to be modified if necessary. Section 6 of the RTRA enables the Council to make permanent orders.

8.2.5 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 prescribe the procedure to be followed in making these types of orders.

8.2.6 Each of the projects within the LIP Delivery Programme for July to March 2022/23, and within the LIP Delivery Plan 2023/24 – 2024/25, have been or will be the subject of separate reports, which will set out any relevant legal implications.

8.2.7 Comments approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Director of Legal Services and Monitoring Officer. (Date 12/01/2023)

8.3 EQUALITIES IMPLICATIONS

8.3.1 The Council, must in carrying out their functions, give due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 which are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.3.2 Each project within this report will be the subject of a further report / recommendation at project or programme level. The programmes within this report such as the Healthy Schools Streets and Healthy Neighbourhood programmes, will also be the subject of Equalities Analysis with the findings included within the reports. The reports will outline equality implications on protected characteristics including mitigation where applicable.

8.3.3 Comments approved by Denise McCausland, Equality Programme Manager. (Date 13/12/2022)

OTHER IMPLICATIONS

8.4 RISKS

8.4.1 Failure to follow TfL's guidance and agree a Delivery Plan, would most likely result in TfL not providing transport investment funding for the remainder of 2022/23 and for subsequent years. This could potentially impact on the Council's ability to secure inward investment from other sources.

8.4.2 There is a risk that the Delivery Plan/Programme is not approved by TfL, in which case there would be a delay in obtaining funding confirmation, as the programme is revised in the light of TfL feedback.

8.4.3 Due to delays in the latest 2022/23 funding allocations provided by TfL there is a risk that all of this year's TfL allocation cannot be spent by the end of the financial year. TfL are continuing discussions with Central Government to agree that the use of funding can be continued into 2023/24. In the meantime, we are working with the Highways supply chain to ensure that the work programme can meet the current financial deadlines.

8.4.4 If TfL fails to become financially sustainable following the end of the support from central government next year, there could be a resulting reduction or withdrawal of LIP Funding to the boroughs. This would require the scaling back of the planned programme for Croydon. The programme would then be adjusted, focusing on highest priority projects, and continuing to make use of the other available funding sources.

8.4.5 Comments approved by, Interim Head of Service, Finance on behalf of the Corporate Director of Resources. (Date 13/12/2022)

8.5 FUTURE SAVINGS/EFFICIENCIES IMPLICATIONS

8.5.1 The recommended Spending Submission programme is aimed at delivering safer and healthier streets in which people can choose to walk, cycle and use public transport. This is in large part to help all be more active as part of their daily travel routines, and in turn be healthier, ultimately accruing savings for the NHS and Council care services. Additionally, investment made now in limiting Climate Change, reduces the future investment required to mitigate and / or adapt to Climate Change.

8.5.2 Comments approved by, Interim Head of Service, Finance on behalf of the Corporate Director of Resources. (Date 13/12/2022)

8.6 HUMAN RESOURCES IMPLICATIONS

8.6.1 There are no immediate HR impact issues arising out of this report. If any should arise these will be managed under the Council's Corporate HR policies and procedures.

8.6.2 Approved by: Jennifer Sankar, Head of Housing Directorate & SCRER Directorate, for and on behalf of Dean Shoesmith, Chief People Officer (Date 05/12/2022)

8.7 ENVIRONMENTAL IMPLICATIONS

8.7.1 The Delivery Plan / Programme supports the Executive Mayor's Business Plan priority 'Lead action to reduce carbon emissions in Croydon', as well as supporting reducing emissions of locally important air pollutants from vehicles in Croydon.

8.8 HEALTH IMPLICATIONS

8.8.1 By seeking to help people choose to travel more actively (gaining exercise whilst traveling), and tackling road danger, the recommended programme supports the Executive Mayor's Business Plan outcomes of a safer and healthier place, and a borough where people can lead healthier and independent lives for longer.

9. APPENDICES

Appendix 1 – Recommended 2022/23 Programme
Appendix 2 – Recommended 2023/24-2024/25 Programme
Appendix 3A – Map of project locations (North)
Appendix 3B – Map of project locations (South)

10. BACKGROUND DOCUMENTS

'March 2022 Funding Allocation' Letter from TfL Head of Network Sponsorship to Croydon Chief Executive, 23 March 2022

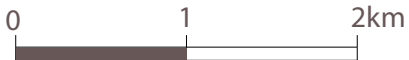
LIP Funding letter from TfL Head of Network Sponsorship to Croydon Chief Executive, 27 September 2022

'Guidance on developing Borough Healthy Streets Delivery Plans 2023/24-24/25', TfL, October 2022

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		TfL Funding 2022/23							Special Provision Capital Funding Grants 2022/23			Other Funding				Forecast Budget for the year
TfL Ref	Project	TfL New Budget 2022-23 Initial Funding (to be profiled by 24 June 2022 and spent by 1 March 2023)	TfL New Budget 2022-23 Capitalized Staff Costs Initial Funding (to be profiled by 24 June 2022 and spent by 1 March 2023)	TfL 2 week extension (TBC)	Cycleways Network Development 2022/23 allocation Periods 1-3	Safer Corridors and Neighbourhoods 2022/23 allocation Periods 4 - 13	Cycleways Network Development 2022/23 allocation Periods 4 - 13	Bus Priority 2022/23 allocation Periods 4 - 13	LUF (not yet received)	Other Funding (Friends of Croyham Hurst)	GLA Budget BLEN	GZ Budget 2022-23	S106 Proposed	Croydon CAP 50 Borrowing FY2022-23	Croydon CAP 39 Borrowing FY2022-22	
Healthy Neighbourhoods (In Progress)																
CRO001	ST2002 HOLMESDALE ROAD HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£33,000.00									£22,857.14	£72,857.14
CRO002	ST2004 ALBERT ROAD HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£33,000.00									£22,857.14	£72,857.14
CRO003	ST2005 ELMERS ROAD HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£13,000.00									£22,857.14	£52,857.14
CRO004	ST2006 DALMALLY HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£13,000.00									£22,857.14	£52,857.14
CRO005	ST2007 DAVIDSON KEMERTON HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£13,000.00									£22,857.14	£52,857.14
CRO006	ST2009 BROAD GREEN HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£33,000.00									£22,857.14	£72,857.14
CRO007	ST2010 SUTHERLAND ROAD HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£23,000.00									£22,857.16	£62,857.16
Healthy Neighbourhoods (Pipeline)																
CRO009	ST2008 SYDENHAM ROAD HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£20,000.00										£37,000.00
CRO010	ST2003 DAGNALL PARK HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£20,000.00										£37,000.00
CRO011	ST2012 ADDISCOMBE EAST / WEST HN TFL LIP	£10,000.00	£3,000.00	£4,000.00		£40,000.00										£40,000.00
CRO013	ST2016 HEALTHY NEIGHBOURHOOD FEASIBILITY					£20,000.00										£20,000.00
School Streets (In Progress)																
CRO016	ST2000 HSS 01 THE CRESCENT CRESCENT PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO017	ST2000 HSS 21 CHEVENING RD ROCKMOUNT PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO018	ST2000 HSS 14 LODGE RD ELMWOOD TFL LIP					£10,000.00										£10,000.00
CRO019	ST2000 HSS 03 GRESHAM RD SOUTH NORWOOD PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO022	ST2000 HSS 04 SPRINGFIELD RD ST CYPRIANS PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO023	ST2000 HSS 05 DERING PLACE HOWARD PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO025	ST2000 HSS 06 STROUD GREEN WAY OASIS SHIRLEY PARK TFL LIP					£10,000.00										£10,000.00
CRO027	ST2000 HSS 07 DUNLEY DRIVE GOOD SHEPHERD PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO028	ST2000 HSS 08 NEW BARN LANE KENLEY PRIMARY TFL LIP					£10,000.00										£10,000.00
CRO031	ST2000 HSS 09 GONVILLE ROAD GONVILLE ACADEMY TFL LIP					£9,000.00										£9,000.00
CRO032	ST2000 HSS 10 STANHOPPE ROAD PARK HILL INFANTS TFL LIP					£9,000.00										£9,000.00
CRO021	ST2000 HSS 22 WINDSOR RD ST JAMES THE GREAT TFL LIP					£9,000.00										£9,000.00
CRO024	ST2000 HSS 18 KENSINGTON AVENUE KENSINGTON PRIMARY TFL LIP					£9,000.00										£9,000.00
CRO026	ST2000 HSS 17 WESTWOOD AVENUE HARRIS ACADEMY TFL LIP					£9,000.00										£9,000.00
CRO029	ST2000 HSS 20 STONEYFIELD ROAD OASIS ACADEMY BYRON TFL LIP					£9,000.00										£9,000.00
CRO033	ST2000 HSS 24 NORMANTON ROAD ST PETER'S TFL LIP					£9,000.00										£9,000.00
CRO034	ST2000 HSS 19 WARRINGTON RD MINSTER INFANTS TFL LIP					£9,000.00										£9,000.00
CRO080	ST2000 HSS 15 SYLVAN ROAD HARRIS ACADEMY TFL LIP					£9,000.00										£9,000.00
CRO081	ST2000 HSS 16 LENNARD ROAD HARRIS INVICTUS TFL LIP					£9,000.00										£9,000.00
School Streets (Pipeline)																
CRO014	ST2000 HSN SCHOOL STREETS FEASIBILITY	£51,000.00	£18,000.00													£69,000.00
Road Safety (Pipeline)																
CRO035	ST5005 20MPH COMPLIANCE AND ACCIDENT REMEDIAL MEASURES TFL LIP					£50,000.00										£50,000.00
CRO036	ST5005 SELSDON - PIXTON WAY SAFETY SCHEME					£25,000.00										£25,000.00
CRO037	ST5005 GRASMERE ROAD SAFETY SCHEME					£25,000.00										£25,000.00
CRO038	ST5005 ALCKLAND ROAD / CYPRESS ROAD ZEBRA CROSSING					£25,000.00										£25,000.00
CRO039	ST5005 BEULAH HILL / CROWN DALE SAFETY SCHEME															£0.00
CRO082	ST5005 ROAD SAFETY FEASIBILITY															£0.00
Active Travel (In Progress)																
CRO048	ST1001 BRIGHTON ROAD TFL LIP GZ		£10,000.00		£50,000.00		£450,000.00					£150,000.00				£660,000.00
CRO048	ST1001 BRIGHTON ROAD TFL LIP GZ IFG280												£32,527.09			£32,527.09
CRO049	ST0010 HIGH STREET DFT A TEF IFG287											£222,139.35		£45,000.00		£267,139.35
CRO049	ST0010 HIGH STREET - NORTH END IFG287													£51,401.40		£51,401.40
CRO049	ST0016 DINGWALL ROAD IFG291													£85,513.78		£85,513.78
CRO050	ST0016 DINGWALL ROAD TFL DFT GZ											£198,723.73		£100,000.00		£298,723.73
CRO051	ST1002 LONDON ROAD TFL LIP GZ BLEN		£10,000.00						£72,558.76		£277,694.54	£206,563.24		£150,000.00		£716,816.54
CRO051	ST1002 LONDON ROAD IFG280													£16,347.12		£16,347.12
CRO040	ST0008 NCN232 AMPERE - WANDLE TRAM PATHS IFG282					£600,000.00								£19,002.95		£604,002.95
Active Travel (Pipeline)																
CRO040	Mitcham Road IFG281														£19,625.28	£19,625.28
CRO041	ST0002 CYCLING ROUTE ENHANCEMENTS AND SAFETY ALONG TRAM SYSTEM															£0.00
CRO042	ST0005 CROHAM HURST SIGNAGE										£3,406.34					£3,406.34
CRO052	ST0008 LLOYD PARK COOMBE ROAD WALKING AND CYCLING IMPROVEMENTS IFG305													£17,497.78	£20,000.00	£37,497.78
CRO053	ST0016 FAIRFIELD IFG1714													£2,696.05	£10,000.00	£12,696.05
CRO054	ST0016 LWR ADDISCOMBE RD IFG283															£0.00
CRO055	ST0016 ALTYRE RD / ADDISCOMBE RD IFG288															£0.00
CRO056	ST0016 CHERRY ORCHARD RD IFG289													£10,000.00		£10,000.00
CRO057	ST0016 COLLEGE ROAD IFG290													£30,000.00		£30,000.00
CRO058	ST0016 BEDFORD PARK POPLAR WALK IFG 278															£0.00
CRO080	ST1004 OLD TOWN MITCHAM ROAD TFL LN GZ		£10,000.00						£66,999.08			£65,476.71		£20,000.00		£162,475.79
CRO061	ST1004 OLD TOWN CONTRAFLOWS	£22,000.00												£30,000.00		£52,000.00
CRO061	ST1004 OLD TOWN CONTRAFLOWS - DRUMMOND RD S1 IFG180															£0.00
CRO083	ST0002 ACTIVE TRAVEL FEASIBILITY															£0.00
Bus Priority (Pipeline)																
CRO067	ST3008 KENT GATEWAY TFL BUS PRIORITY	£5,000.00	£3,000.00					£20,000.00								£28,000.00
CRO061	ST3003 WHITEHORSE ROAD TFL BUS PRIORITY IFG277	£5,000.00	£3,000.00					£20,000.00	£163,875.76			£5,659.24		£50,000.00		£247,535.00
CRO061	IFG277 WHITEHORSE RD. WINDMILL RD															£50,000.00
CRO062	ST3023 CENTRAL CROYDON BUS PRIORITY IFG304	£5,000.00	£3,000.00					£20,000.00								£28,000.00
CRO063	ST3061 DAVIDSON RD TFL BUS PRIORITY 1															£0.00
CRO064	ST3026 EAST CROYDON BUS PRIORITY BEL11298 IFG298	£5,000.00	£3,000.00											£4,268.55		£12,268.55
CRO065	ST3021 A23 BRIGHTON ROAD S BUS PRIORITY IFG302	£5,000.00	£3,000.00											£3,696.26		£11,696.26
CRO066	ST3022 BRIGHTON ROAD NORTH BUS PRIORITY	£5,000.00	£3,000.00									£21,437.73				£29,437.73
CRO068	BRISTOCK ROAD BUS CAGE REVIEW - BUS PRIORITY							£10,000.00								£10,000.00
CRO069	ST3042 SHROBLANDS TFL BUS PRIORITY							£10,000.00								£10,000.00
CRO070	ST3043 CHIPSTEAD VALLEY TFL BUS PRIORITY							£10,000.00								£10,000.00
CRO071	ST3028 A23 PURLEY WAY BUS PRIORITY IFG 310															£0.00
CRO072	ST3025 WICKHAM ROAD BUS PRIORITY IFG301													£19,697.50		£19,697.50
CRO073	ST3031 CHURCH ROAD AND SOUTH NORWOOD HILL BUS PRIORITY IFG307													£14,435.25		£14,435.25
CRO074	ST3035 CANE HILL AREA BUS PRIORITY IFG306													£17,766.42		£17,766.42
CRO075	ST3036 SANDERSTEAD BUS PRIORITY IFG300													£17,626.44		£17,626.44
CRO076	ST3041 ADDINGTON ROAD, SELSDON IFG303													£2,000.00		£2,000.00

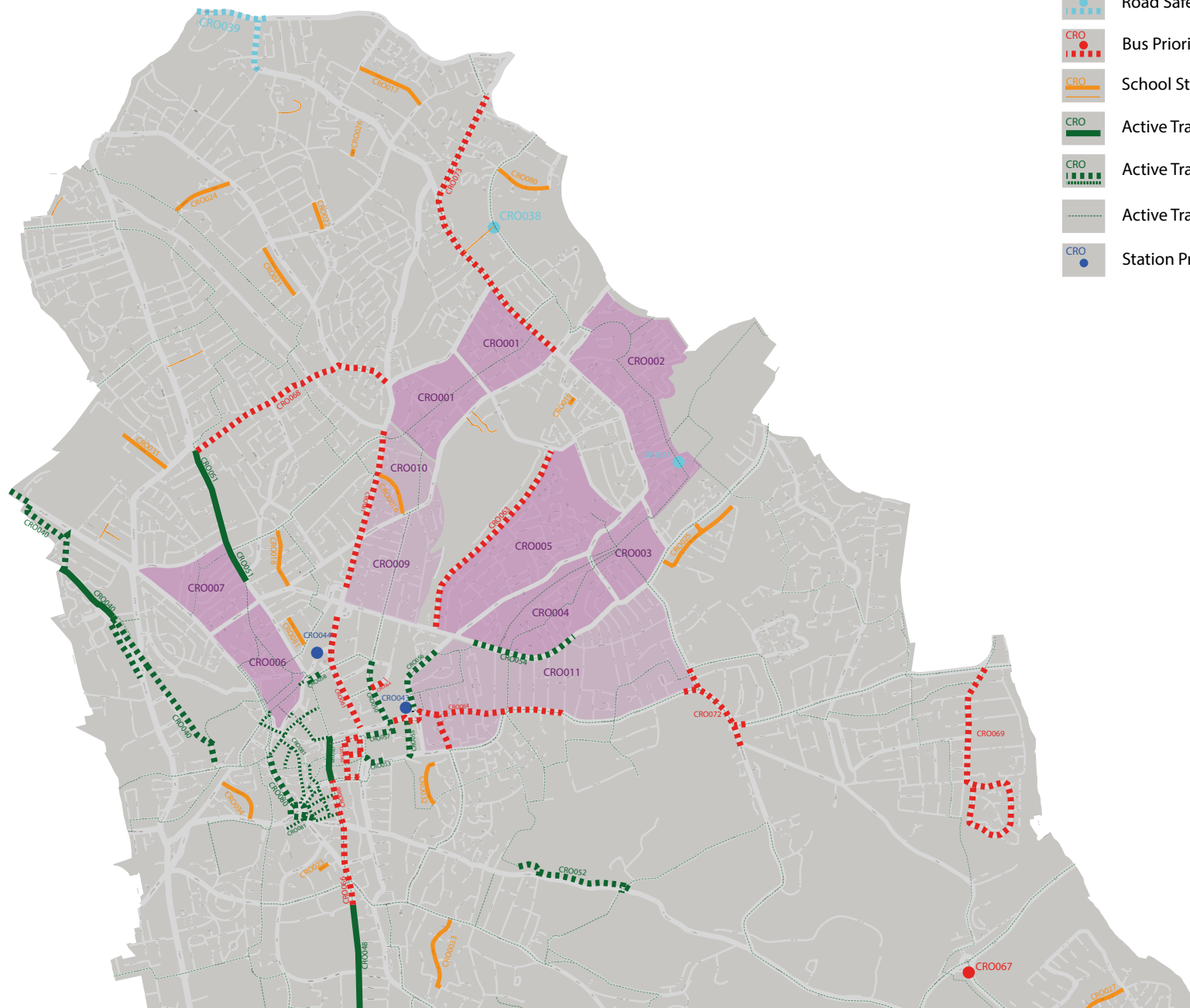
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					£0.00



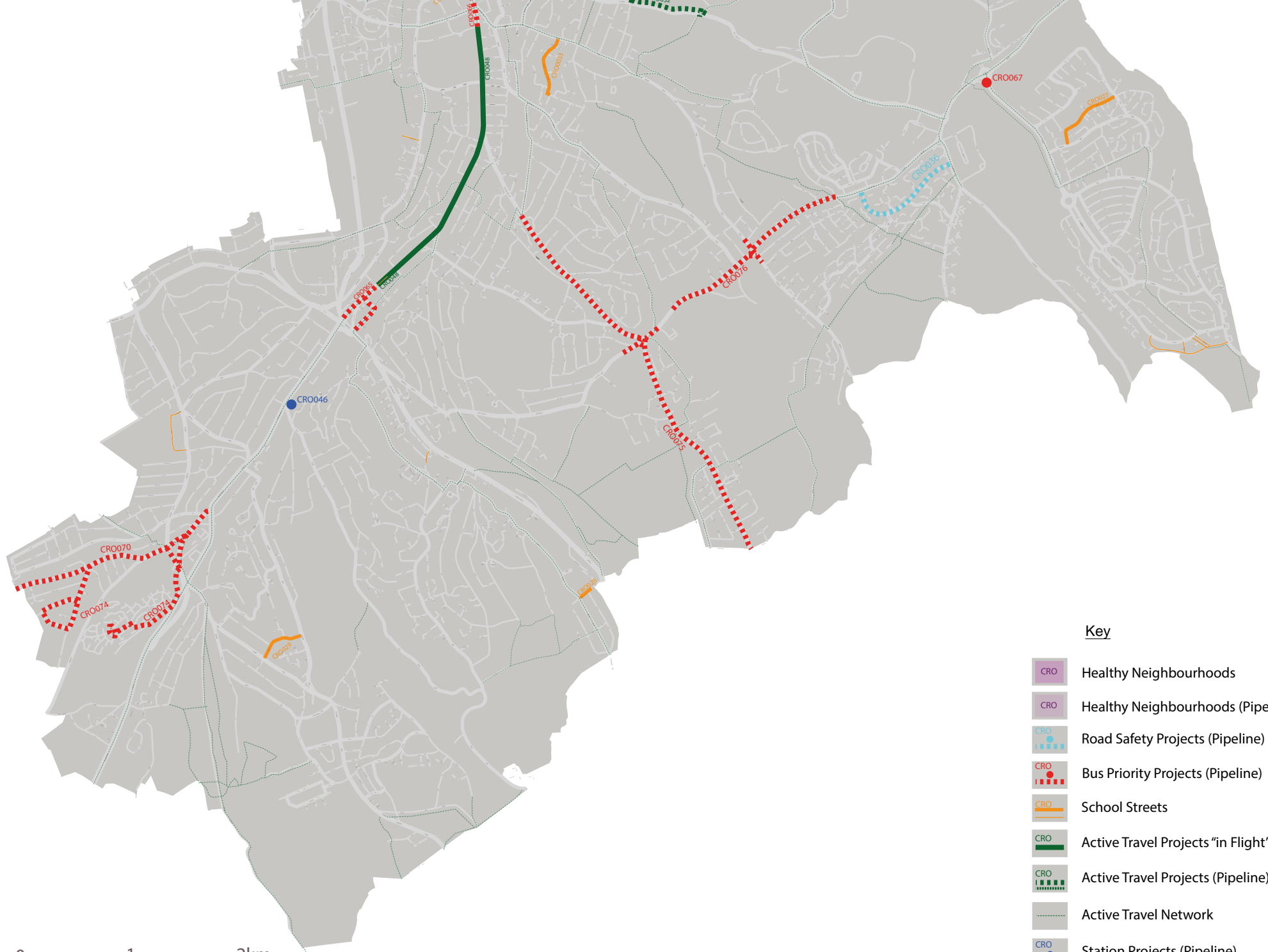
Key












- Healthy Neighbourhoods
- Healthy Neighbourhoods (Pipeline)
- Road Safety Projects (Pipeline)
- Bus Priority Projects (Pipeline)
- School Streets
- Active Travel Projects "in Flight"
- Active Travel Projects (Pipeline)
- Active Travel Network
- Station Projects (Pipeline)



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Key

-  Healthy Neighbourhoods
-  Healthy Neighbourhoods (Pipeline)
-  Road Safety Projects (Pipeline)
-  Bus Priority Projects (Pipeline)
-  School Streets
-  Active Travel Projects "in Flight"
-  Active Travel Projects (Pipeline)
-  Active Travel Network
-  Station Projects (Pipeline)

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REPORT TO:	CABINET January 25th 2023
SUBJECT:	Whitgift Indemnity and Land Transfer Agreement (ILTA) Remedy
LEAD OFFICER:	Nick Hibberd Corporate Director of Sustainable Communities, Regeneration and Economic Recovery Heather Cheesbrough, Director of Planning and Sustainable Regeneration
CABINET MEMBER:	Cllr Bains Cabinet Member for Planning and Regeneration
WARDS:	Fairfield & Addiscombe West (in part)

SUMMARY OF REPORT: The report sets out the basis of the remedy and works that are required under the ILTA by Croydon Limited Partnership (CLP), following the non-delivery of the redevelopment of the Whitgift Centre within the specified timeframe.

FINANCIAL IMPACT: If the Council serve a notice on CLP under the ILTA, CLP are required to carry out of “Improvements to North End to a cost of £4 million indexed” or pay this amount to the Council to be applied in carrying out such improvements. If the Council do not to serve the notice, CLP are released from this liability.

Approval to serve the notice is sought to protect the Council’s position on the remedy.

KEY DECISION REFERENCE NO.: **[insert]**

1. RECOMMENDATIONS

The Executive Mayor, in Cabinet, is recommended to:

1.1 Agree to the Council triggering the retail remedy under clause 11.1(c) of the Indemnity Land & Transfer Agreement (“ILTA”) by issuing a written notice to CLP as soon as possible, before the deadline of 21 February 2023, in order to seek improvements to North End to a cost of £4 million Indexed (from 5 February 2014) and a programme of asset management initiatives at the existing Whitgift Centre (the “Remedy Notice”).

1.2 Agree that the Corporate Director of Sustainable Communities, Regeneration and Economic Recovery be authorised to:

- a) Issue the written Remedy Notice referred to in recommendation 1.1 above;
- b) Finalise the details of the specification for the clause 11.1(c) North End works remedy to be agreed with CLP (in consultation with the Mayor and the Cabinet Member for Planning and Regeneration); and
- c) take all other necessary steps in relation to the Remedy Notice and the Council's obligations under the ILTA.

1. Reasons for Recommendations

- 1.1 The Notice period for serving the written notice on CLP to trigger the remedy under clause 11.1(c) of the Indemnity & Land Transfer Agreement (ILTA) will expire on the 21st February 2023. The notice must be served by the deadline otherwise CLP are released from this liability.

2. Background

- 2.1 A timeline is provided in Appendix 1 (Chronology 2013-2022).
- 2.2 The Indemnity & Land Transfer Agreement was entered into in April 2014, by the Council and CLP and related parties and has been updated by three supplemental agreements. The Agreement sets out the how the Council's Compulsory Purchase Order (CPO) powers would be used to facilitate the redevelopment of the Whitgift Centre and surrounding land by CLP. The Agreement includes provisions for the non-delivery of the redevelopment, with a remedy for the Council, which would consist of "Improvements to North End to a cost of £4m indexed" to be carried out by the developer and a programme of asset management initiatives at the Whitgift Centre
- 2.3 The Council and CLP have been in active dialogue throughout the entire period of the proposed redevelopment, with the Council seeking to encourage and bring forward the Whitgift redevelopment.
- 2.4 As part of this active dialogue, the Council had formal discussions with CLP as set out in the ILTA under clause 11.1(a). These discussions ran for the prescribed maximum period of 12 months to identify the best option as to how to proceed in the event of there having been no substantial start on site, five years after the confirmation date of the CPO (as defined in the ILTA). Following the expiry of this 12 month period, as there was no agreement between the Council and CLP on the best option to proceed and CLP had not given notice of its intention to dispose of its interests in the site, the ILTA provides the Council with the option to serve a written notice on CLP within a further period of 12 months, requiring CLP to carry out improvements to North End to a cost of £4m indexed and asset management initiatives at the Whitgift Centre.
- 2.5 The Council has limited levers to bring forward the redevelopment of the Whitgift site in terms of land ownership and funding and the ILTA was

informed by this context. However, the ILTA is still relevant and important, including in respect of the remedy provision.

- 2.6 Apart from the ILTA, the Council has the ability to shape and facilitate redevelopment and regeneration through its statutory functions as the local planning authority and as highway authority and its powers to acquire land, as well as its convening ability to bring partners together. The Council also delivers regenerative activity through initiatives such as The Growth Zone, the projects that flow from this and the submission of external bids such as through the Levelling Up Fund (LUF).
- 2.7 Details are provided in Part B of this report as it contains exempt information as defined in paragraph nos. 3 and 5 of Schedule 12A to the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In all the circumstances, the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

3. Activity over the past 12 months

- 3.1 CLP have put forward a business plan for the Whitgift redevelopment which includes research and analysis, the appointment of a team of masterplanners to produce a Strategic Planning Framework, the activation of the former Alders building, and the procurement of a range of new tenants and mixed uses, which would allow the curation of regenerative activities that is anticipated would drive footfall and help reset the Whitgift as a destination for activities other than retail. These new uses are precursors to more permanent uses, and, if there is proof of concept, these uses may take additional space or transition into more permanent accommodation.
- 3.2 CLP are proposing that masterplanning work will commence in 2023 with the outputs of a non-statutory strategic masterplanning framework, to underpin their future planning applications in line with emerging planning policy in the Review of the Local Plan. CLP envisages that a new planning application will emerge from this work for an initial phase of the redevelopment. Alongside this work will be engagement and consultation with businesses and the local community.
- 3.3 The Council has also been developing proposals for an Urban Room, this will be a hub for engagement around the regeneration of the town centre and provide a public facing focus for an exciting programme with partners that is being currently firmed up, which includes a partnership with the GLA for engaging with young people pan London in a competition around placemaking using Croydon town centre. The Urban Room is proposing to open Q2 2023.

- 3.4 The former Alders building has now been cleared, with works ongoing to make the building capable of occupation by the public. A programme of meanwhile uses and activities is being explored. The building, acquired through the CPO process, has now been transferred to CLP under the ILTA.
- 3.5 It should be noted that the regeneration of the town centre is much wider than the Whitgift redevelopment, although a revitalised retail and mixed-use core is a central component. The Council is continuing to deliver projects and activities through the Growth Zone and significant residential development is also underway, which has greatly boosted the town centre population. The Council is anticipating a decision by the Government on the LUF bid submitted last summer, which if successful, would provide funding for a range of public realm projects throughout the town centre. Within this context the remedy would provide funding and asset improvements for the Whitgift and its immediate surrounding area.

4. The ILTA Remedies

- 4.1 Clause 11 of the ILTA is entitled “Remedies – Retail Component”. In the event of failure to commence the retail element of the Whitgift redevelopment, this clause sets out a procedure for the parties to seek to agree a way forward, or failing that, for certain remedies to apply to mitigate the impact of failure to redevelop.
- 4.2 The 12 month clause 11 “discussion period” began on 23 February 2021 and ended on 22 February 2022. Under the clause, the Council is entitled to serve notice on CLP at any time before 21 February 2023 requiring CLP to:
- (i) Carry out improvements to North End to a cost £4 million indexed from 5 February 2014 or, at CLP’s election, to instead pay that sum to the Council to carry out those improvements (both parties to act reasonably in agreeing a specification for the works); and
 - (ii) carry out a programme of asset management initiatives at the existing Whitgift Centre with the objective of maintaining a vibrant and attractive destination and maximising footfall in so far as reasonably practicable “having regard to the state of the land and the physical context.
- 4.3 “North End” is defined by reference to a plan. Please see Appendix 2 to this report for the land edged red included within North End. The “improvements to North End” are not defined but, as noted above, a specification for the works is to be agreed between the Council and CLP, both acting reasonably.
- 4.4 If, as an alternative to undertaking the works itself, CLP elects to pay the sum of £4 million indexed to the Council then, under the terms of the ILTA, that sum is to be used by the Council solely to carry out the North End improvements.
- 4.5 The Council's aim has always been the redevelopment of the Whitgift Centre and surrounding land and the regeneration of the town centre. It would

therefore wish to direct the outputs and outcome of the remedy in the most beneficial way for the town centre, in current circumstances.

- 4.6 As a potential alternative to the North End improvement works, Council officers have therefore continued discussions with CLP since the expiry of the formal 12 month discussion period in February 2022 aimed at finding a mutually acceptable way forward which ensures that the immediate impact of the failure to redevelop is mitigated so far as possible, and that longer term proposals are brought forward.
- 4.7 Those discussions have focused on four broad themes or initiatives touched on in Section 3 above (and as further described in the Part B report) including:
- Measures to activate North End including the former Allders building and the Arcade
 - Environment improvements to North End and the Whitgift Mall and a CLP contribution towards a public consultation space – the Urban Room
 - Connectivity infrastructure – in particular a surface level crossing in Wellesley Road
 - A programme for CLP to bring forward a strategic masterplan for the town centre and subsequent planning applications in order to address the longer term health of the town centre
- 4.8 Although discussions have not reached a satisfactory conclusion, Council officers wish to continue to seek clarity from CLP on these initiatives including timescales and quantum of investment.
- 4.9 The Council also wishes to see the Whitgift asset management initiatives implemented as set out in 4.2 ii. An initial conversation has been held with CLP to explore the components of a schedule and timescales of potential works.

5. Alternative Options Considered

- 5.1 Not to serve the remedy notice –this is not recommended as CLP would be released from their liability.
- 5.2 Further options are set out in Part B.

6. CONSULTATION

- 6.1 The ILTA is a contract between the Council and CLP and is not subject to consultation. However, with the lapsing of the previous planning consents and the need for a new approach to the redevelopment of the Whitgift Centre and regeneration of the town centre, it is recognised that consultation would be beneficial in informing the new vision for the town centre. To facilitate this the Urban Room would be the focal point for a range of engagement activities with the public and partners. CLP are also proposing to undertake

public engagement as part of their Strategic Planning Framework activities in 2023. Pre-decision scrutiny is also proposed.

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

The effect of the decision

- 7.1 Under the ILTA CLP do not make a direct payment to the Council unless it elects to do so.

Future savings/efficiencies

- 7.2 Should the projects in the remedies be pursued, or the Council be in receipt of the ILTA remedy payment and pursue projects, these projects will be largely CLP funded. Therefore, this report does not increase the funding the Council has committed to the regeneration of the town centre.

Approved by: Darrell Jones Acting Head of Finance Sustainable Communities, Regeneration and Economic Recovery

8 LEGAL CONSIDERATIONS

- 8.1 The Head of Commercial & Property Law comments on behalf of the Director of Legal Services & Monitoring Officer that the Council has taken legal advice from external solicitors, Pinsent Masons LLP which is referred to further in the separate report in Part B.
- 8.2 The Executive Mayor has the power to exercise executive functions pursuant to s9E of the Local Government Act 2000 and has the power to delegate those functions. This report seeks relevant delegations to exercise executive functions.
- 8.3 The Council has the power to proceed with the recommendations in this report under the general power of competence (Localism Act 2011), which gives local authorities the power to do anything that individuals generally may do.
- 8.4 The Council has an existing contractual relationship with CLP under the ILTA, as explained in this report, and may seek to rely on relevant remedies pursuant to that agreement. This report recommends issuing a notice under clause 11.1(c) of the ILTA to seek to secure the retail remedy before the expiry of this remedy.

Approved by Kiri Bailey, Head of Commercial & Property Law on behalf of the Director of Legal Services & Monitoring Officer

9 HUMAN RESOURCES IMPACT

9.1 There are no Human Resource implications or impacts in this report. Some officer time within legal is recharged to CLP, with other officers absorbing time spent on the Whitgift redevelopment as business as usual. Officers also benefit from an external professional team recharged to CLP.

9.2 If any issues arise these will be managed under the Council's Policies and Procedures.

Approved by: Jennifer Sankar, Head of HR, Housing Directorate and Sustainable Communities, Regeneration and Economic Recovery Directorate, for and on behalf of Dean Shoesmith, Chief People Officer.

10 EQUALITIES IMPACT

10.1 There are no negative equalities impacts in this report, which focuses on options arising from the ILTA contractual arrangement between the Council and CLP. However, should the projects in the remedies be pursued, or the Council be in receipt of the ILTA remedy payment and pursue projects, each individual project will be, as necessary, subject to its own Equalities Assessment.

Approved by: Gavin Handford Director of Policy, Programmes & Performance

11 ENVIRONMENTAL IMPACT

11.1 There are no direct environmental impacts arising from this report, which focuses on options arising from the ILTA contractual arrangement between the Council and CLP. However, as necessary in accordance with environmental legislation, environmental impacts for the projects in the remedies, or should the Council be in receipt of the ILTA remedy payment and pursue projects, would be assessed and mitigated.

Approved by Heather Cheesbrough Director of Planning and Sustainable Regeneration

12 CRIME AND DISORDER REDUCTION IMPACT

12.1 There are no direct crime and disorder impacts arising from this report, which focuses on options arising from the ILTA contractual arrangement between the Council and CLP. However, should the projects in the remedies be pursued, or the Council be in receipt of the ILTA remedy payment and pursue projects, it is well understood that increasing the vitality and activation of the town centre will contribute to addressing the negative impact of crime and disorder.

Approved by Kristian Aspinall Director of Culture and Community Safety.

13 DATA PROTECTION IMPLICATIONS

13.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

Approved by the Director of Planning and Sustainable Regeneration

CONTACT OFFICER: *Heather Cheesbrough Director of Planning and Sustainable Regeneration Internal Tel No. 28313*

APPENDICES TO THIS REPORT:

Appendix 1 Chronology 2013-2022

Appendix 2 North End Plan

BACKGROUND DOCUMENTS – LOCAL GOVERNMENT ACT 1972

16th August 2021 Cabinet Report Post Covid Vision for the Town Centre

11th June 2018 Cabinet Report: Delivering the Whitgift Redevelopment –
Proposed revisions to the CPO Indemnity and Land Transfer Agreement &
Preconditions to Drawdown of Land

Cabinet Report 7 April 2014 – Agenda item 6 - Whitgift Centre and surrounding land
Proposed compulsory purchase order (including Equality Analysis Appendix F)

Cabinet Report 15 September 2014 - Agenda item 7 - Strategic Metropolitan Centre
– Update

PROPOSED REDEVELOPMENT OF THE WHIGIFT CENTRE AND SURROUNDING LAND

SUMMARY OF EVENTS 2013 – 2022

Main abbreviations and parties:

The CPO: The London Borough of Croydon (Whitgift Centre and Surrounding Land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014

CLP: Croydon Limited Partnership (current “ultimate parent companies” : Unibail-Rodamco-Westfield (**URW**) and Hammerson UK Properties plc)

WLP: Whitgift Limited Partnership – CLP’s “property owning arm” – holds a long leasehold interest in the Whitgift Centre, subject to a number of sub-leases

ILTA: CPO Indemnity and Land Transfer Agreement between the Council, CLP, WLP and the Sureties which provides for the assembly of land for the redevelopment of the Whitgift Centre and surrounding land and CLP to indemnify the Council. The ILTA has been supplemented as explained below. The sureties are currently: Westfield Corporation Limited and Hammerson UK Properties plc

SoS: Secretary of State

SUO: Stopping up Order

NoE: Notice of Entry

NTT: Notice to Treat

GVD: General Vesting Declaration

WF: Whitgift Foundation – the freehold owner of the majority of the CPO land, most of whose interests were excluded from the CPO

Date	Event
January 2013	The Mayor of London adopted the Croydon Opportunity Area Planning Framework (OAPF) as supplementary planning guidance, indicating that major development was needed to deliver successful regeneration of Croydon’s retail core. The OAPF was adopted by the Council as a supplementary planning document in April 2013.
5 February 2014	Outline planning permission and conservation area consent granted: refs 12/02542/P and 12/12543/CA for a mixed use retail-led scheme, providing for comprehensive redevelopment of the Whitgift Centre and surrounding land. Related s106 agreement entered into.
7 April 2014	Cabinet resolved to make a CPO to assemble the land needed to facilitate the comprehensive redevelopment of the Whitgift Centre and surrounding land and gave authority to enter into contractual arrangements with CLP and related parties in relation to the scheme. Delegated authority was given to specified officers to take all necessary steps to promote the CPO, acquire land and rights by agreement or under the CPO and to complete the contractual arrangements with CLP.

15 April 2014	The Council entered into the ILTA (see above). The CPO was made by the Council and submitted to the SoS.
18 April 2014	First publication of the making of the CPO.
10 November 2014	Judicial review claim brought by the Whitgift Trust in respect of the outline planning permission dismissed by the Court.
24 December 2014	Detailed planning permission granted for a small part of the site (Chapel Walk) 14/02824/P.
28 January 2015	Non-material amendment of outline planning permission 12/02542/P approved.
4 February 2015	Supplemental and novation agreement to ILTA entered into and a related "Access Management and Maintenance Agreement" re land in Dingwall Avenue proposed to be stopped up (proposed frontage to a new John Lewis store).
February – March 2015	Public Inquiry: CPO & SUO (SUO for part of Dingwall Avenue).
25 September 2015	First publication of notice of confirmation of CPO (but "Confirmation Date" in ILTA is specially defined as 23.02.16).
16 February 2016	Statutory challenge to confirmation of the CPO withdrawn by consent WLP completes purchase of long leasehold interests in the Whitgift car park and the Alders car park.
16 December 2016	Dingwall Avenue SUO published (but not implemented).
20 April 2018	Second outline planning permission for larger retail and housing scheme granted ref: 16/05418/OUT and s106 agreement completed.
8 June 2018	Takeover of Westfield Corporation Limited, one of the participants in CLP, by Unibail-Rodamco SE. Unibail-Rodamco-Westfield SE formed (URW).
11 June 2018	Cabinet considered a report regarding CLP's "reasonable prospects of delivery" of the scheme and the implications of the revised planning permission, authorised execution of GVD(s) and service of NTTs (subject to relevant notices being served by CLP under ILTA) and amendment of the ILTA re Second Planning Permission. Cabinet authorised officers to take all necessary steps to implement the CPO and in relation to the Council's obligations under the ILTA.
4 July 2018	Second Supplemental Agreement to ILTA in light of Second Planning Permission and amended timescales. Escrow Agreement entered into on the same date.
18 July 2018	Second Dingwall Avenue and Poplar Walk SUOs published (again not implemented).
17 August 2018	CLP served "Drawdown Notice" and "RFD Notice" under the ILTA requesting service of notices/ execution of GVDs to implement CPO in

	specified ways in respect of individual plots. The RFD Notice confirmed that the Third Party Interests and New Rights proposed by CLP were required for the purposes of the Development (as then envisaged).
17 August 2018	Third Supplemental Agreement to ILTA and “Standstill Agreement” with Marks & Spencer PLC entered into (in connection with CLP’s proposed agreement with M&S).
September 2018	CLP paid estimated CPO compensation into an Escrow Account. 3 GVDs were executed by the Council and Notices of GVDs and NTTs were served (+ NoEs in limited circumstances). The service exercise began on 5 September 2018 and the majority of NTTs were served on 6 September 2018. Service of notice of each of the GVDs was completed on 6, 10 and 12 September 2018.
February 2019	Most of the site vested in LBC pursuant to the 3 GVDs. <u>Exceptions</u> included interests held by: WF WLP M&S – where NTTs served Occupational tenants – mainly in the Whitgift Centre – where NTTs served Possession of the GVD land was taken on the GVD vesting dates: GVD1: 5 February 2019, GVD2: 1 February 2019 (referred to as “the L&G Land”) GVD3: 7 February 2019 – with the exception of the Optima interest in the former Alders Store (see further 16 July 2019 below)
14 February 2019	Evening Standard reports that “Westfield’s £1.4bn Croydon development is ‘under review due to Brexit and structural changes on the high street’”
16 July 2019	Possession of the former Alders Building taken pursuant to warrants issued to High Court Enforcement Officers. VP against Optima and concessionaires obtained. Some concessionaires relocated by CLP
12 February 2020	URW publishes 2019 Full Year results stating that Croydon has been removed from its development pipeline
June/July 2020	CLP “Vacant Possession Strategy” for the Whitgift site – CLP considering allowing occupational tenants to remain in situ beyond the life of the NTTs
23 February 2021	“Remedies – Retail Component” provisions in clause 11 of the ILTA came into effect – providing for a 12 month period of discussion about the best option going forward – or failing agreement allowing CLP to dispose of its interests or failing that for CLP to pay for or undertake improvements to North End (£4m indexed) and initiate a programme of asset management initiatives at the Whitgift Centre
20 April 2021	Second Planning Permission lapsed

21 May 2021	NoEs served in respect of 3 new rights plots to enable the separation of property formerly wholly owned by L&G (now part owned by its L&G's successor ReAssure Ltd)
16 August 2021	Cabinet considered a report on Post Covid Vision for the Town Centre
September 2021	Most NTTs lapsed and notice of expiry given
22 February 2022	12 month period for discussion between Council and CLP regarding best option as to how to proceed (under clause 11.1 (a) ILTA) ends without agreement having been reached or CLP having given notice that it intends to dispose of its interests.
Upcoming 21 February 2023	End date for service of notice by the Council requiring CLP to pay for or undertake improvements to North End (£4m indexed) and initiate a programme of asset management initiatives at the Whitgift Centre



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Croydon Council

REPORT TO:	CABINET January 2023
SUBJECT:	Local Government & Social Care Ombudsman Report Finding of Fault with Maladministration and Injustice and Report by the Monitoring Officer under section 5A of the Local Government and Housing Act 1989
LEAD OFFICER:	Annette McPartland, Corporate Director of Adult Services, Simon Robson, Director, Adults Services, and Stephen Lawrence-Orumwence Director of Legal Services and Monitoring Officer
CABINET MEMBER:	Councillor Yvette Hopley
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: The recommendations and actions from the Local Government & Social Care Ombudsman (LGSCO) will be carried out by the responsible service manager in the Adults Social Care Team.	
FINANCIAL IMPACT: £7,450 by way of compensation;	

1. RECOMMENDATIONS

The Executive Mayor in Cabinet is asked to:

- 1.1 Consider the public interest report dated 16 June 2022 and the recommendations made by the Local Government & Social Care Ombudsman (LGSCO) in relation to Croydon Council set out in Appendix 1;
- 1.2 Adopt the report as the Executive's formal response as required by section 5A of the Local Government and Housing Act 1989 for distribution to all members and the Monitoring Officer;
- 1.3 Adopt the report as the Council's formal response under section 31 of the Local Government Act 1974 to be communicated to the Ombudsman;

- | | |
|-----|---|
| 1.4 | Accept the findings and agree the recommendations set out in the public interest report; |
| 1.5 | Endorse the actions taken by the Council and note the steps, progress and timeline to implement the recommendations set out in section 7 of this report; and, |
| 1.6 | Note the chronology, that substantive concerns for the LGO were in the main for the period 2017 to 2020. |

2. EXECUTIVE SUMMARY

- 2.1 On 8th February 2022, the LGSCO wrote to the Chief Executive Katherine Kerswell to confirm that after consideration of a complaint they had received, they decided to issue their findings as a public interest report.
- 2.2 The LGSCO consider six criteria when deciding whether to issue a public interest report, these are:
- Recurrent faults (for example, the organisation keeps making similar mistakes)
 - Significant fault, injustice or remedy (by scale or the number of people affected)
 - Non-compliance with an Ombudsman's recommendation (it has not agreed or has not carried out their recommendations)
 - A high volume of complaints about on subject
 - A significant topical issue
 - Systemic problems and/or wider lessons (for example, problems with how the organisation does things that if not put right are likely to affect others, and this is an opportunity for others to learn).
- 2.3 In this case the reasons for issuing the report are:
- Significant Fault, Injustice or Remedy
 - Significant topical issue
 - Systemic problems and/or wider lessons
- 2.4 The LGSCO issued a joint report in respect of failings identified by the Council, South London and Maudsley NHS Foundation Trust (SLAM) and Croydon NHS Integrated Care Board (ICB).

3. BACKGROUND

- 3.1 The complainants who we refer to as Mr and Mrs X complained about faults by the Council, Trust and ICB relating to health and social care services for their daughter, Miss X. This includes:
- failing to refer Miss X for supported living accommodation and to place important documents on her files;
 - flawed planning and provision of aftercare under section 117 of the Mental Health Act 1983;

- failing to provide relevant information; and
- inadequate support for Mr and Mrs X as Miss X's carers.

3.2.1 The LGSCO report confirmed that the following failings by the Council had been identified:

- the Council failed to act on the Trust's referrals of April and May 2018;
- the Council and Trust collectively failed to provide accurate advice during 2018 and 2019
- the Council did not offer Mr X a carer's assessment in 2017 and this was fault;
- the Council has not kept adequate records of what happened after Mr and Mrs X requested carers' assessments in 2018
- the Council has not offered further carers' assessments in 2019 and 2020
- flawed planning and provision of aftercare under section 117 of the Mental Health Act 1983
- poor record keeping;
- failing to hold CPA reviews at least annually;
- failing to refer Miss X for supported living accommodation and to place important documents on her files;
- failure to provide relevant information and share important documents;
- inadequate action in response to a possible risk of harm to Mr and Mrs X; and
- inadequate support for Mr and Mrs X as Miss X's carers.

4 CHRONOLOGY OF THE COMPLAINT

The substantive concerns for the LGO were in the main for the period 2017 to 2020.

What follows is a brief chronology of the complaint. It does not contain the information reviewed during the investigation.

- 4.1 Miss X was taken into care aged five and had a series of placements until Mr and Mrs X adopted her as an older child. She is now a young adult. Just before her 18th birthday Ms X was transferred by the Trust from their Child and Adolescent Mental Health (CAMH) Service to an adult ward
- 4.2 Mr and Mrs X had made previous complaints to the Council and Ombudsman in respect of the support provided to them and to Miss X from 2017 through to 2019.
- 4.3 The Ombudsman notified the Council on 31 March 2021 that they were

investigating a further complaint. This complaint did not complete the Council's own complaint's process as Mr and Mrs X approached the Ombudsman directly, who accepted the complaint as a follow on to the previous complaint.

- 4.4 The Ombudsman wrote to Katherine Kerswell on 8 February 2022 to notify of their intention to publish a public report. The report was to be a joint report across the three organisations complained of.
- 4.5 The Ombudsman issued their final report on 16 June 2022.
- 4.6 Details of the full scope and investigation of the complaint can be found in the Ombudsman report in Appendix 1.

5 CONCLUSIONS

What follows is a summary of the Ombudsman conclusions from the Final Decision report:

- 5.1 Identified flawed planning and provision of aftercare under section 117 of the Mental Health Act 1983. As a result nobody knows what services Miss X should be getting as section 117 aftercare. This is despite Miss X being entitled to this for nearly five years and her parents raising concerns regularly
- 5.2 A failure to ensure Personal Health Budgets (PHBs) and information about them are available to people eligible for section 117 aftercare, despite this being a legal requirement since 2019
- 5.3 Poor record keeping
- 5.4 Failing to hold Care Programme Approach (CPA) reviews at least annually
- 5.5 Failure to refer Miss X for supported living accommodation and to place important documents on her files
- 5.6 Failure to provide relevant information and share important documents
- 5.7 Inadequate action in response to a possible risk of harm to Mr and Mrs X
- 5.8 Inadequate support for Mr and Mrs X as Miss X's carers.
- 5.9 Having identified fault, we must consider if there has been injustice in this case. We are satisfied that Miss X and her parents have suffered significant and prolonged frustration, distress, inconvenience and uncertainty because of the faults we have identified. It is concerning that, despite repeated efforts by Miss X's parents and the Ombudsmen's involvement, Miss X still does not appear to have an up to date care plan setting out in detail what her section 117 aftercare entitlement is.
- 5.10 Miss X is an extremely vulnerable young adult who has been exposed to significant trauma in her early and teenage years. We consider this intensifies the impact of these faults on her. We are deeply concerned that others who rely on the Council, Trust and ICB for section 117 aftercare and PHBs may have been

affected by similar problems. We therefore consider it in the public interest to issue this report.

6 RECOMMENDATIONS

To remedy the injustice caused, the Ombudsman has made the following Recommendations:

- 6.1 Offer meaningful apologies for the faults identified in this report and their impact on the complainants.
- 6.2 Pay the following symbolic sums to the complainants within a month of our decision:
 - £2,250 to Miss X in recognition of the avoidable distress, frustration, uncertainty, loss of legal entitlements, increased risk of harm, lost opportunities
 - £850 each to Mr and Mrs X in recognition of the injustice we have identified.
- 6.3 The Council and ICB will pay her £7,000 equally shared between the two organisations (£3,500 each), in recognition of the PIP she missed out on between June 2018 and May 2019.
- 6.4 Ensure Mr and Mrs X receive carers' assessments if they still want these.
- 6.5 Council, Trust and ICB will ensure Miss X has a CPA care plan that clearly sets out her section 117 aftercare and an explanation of how she can request a personal health budget.
- 6.6 Review its process for ensuring carers can have their needs assessed in accordance with the Care Act 2014 and associated guidance.
- 6.7 Ensure relevant staff properly understand the law and any joint processes relating to supported accommodation referrals, and can offer suitable advice.
- 6.8 Review the processes and record keeping around section 117 aftercare are in line with the relevant law and guidance, especially the Mental Health Act 1983 and associated Code of Practice, and the CPA Guidelines; and
- 6.9 Ensure everyone to whom the Council and ICB owe a section 117 aftercare duty has a care plan setting out their section 117 aftercare and when this will be reviewed.

7 ACTIONS TAKEN BY CROYDON COUNCIL

- 7.1 Local Authority has apologised to Mr and Mrs X and Miss X for the failings identified in this report
- 7.2 The Local Authority have made the compensatory payments recommended by the Ombudsman to Mr and Mrs X and Miss X

- 7.3 A Carers assessment has been offered to Mr and Mrs X.
- 7.4 A reassessment of Miss X's support needs and advice on personal health budget has taken place.
- 7.5 A review of the carers assessment process has been completed
- 7.6 A training masterclass workshop has been held with Adult Social Care staff with a focus on supported accommodation referrals and key contacts
- 7.7 The Head of Mental Health Services is working jointly with the ICB and Trust to conduct a full review of the processes and record keeping in relation to Section 117 aftercare.
- 7.8 Although, Miss X has a complex mental health presentation and risk profile, she has made significant progress in her health and wellbeing and is currently undertaking a course in Animal Studies in a higher education institution in the County of Hampshire.

8. LESSONS LEARNT, IMPROVEMENT AND PREVENTION

- 8.1 Croydon Adult Mental Health Service is an integrated service under a Section 75 Agreement with Health (South London and Maudsley NHS Foundation Trust). The service provides both Local Authority and NHS statutory functions and duties as set out in various legislations. The s75 Agreement has been in place since 2003 with a review carried out in 2015 following the commencement and implementation of the Care Act 2014.
- 8.2 The purpose of the review in 2015 was solely to make the existing s75 agreement Care Act Compliant. However, this review and its recommendations were neither adopted nor implemented. Prior to the LGSCO report, the Adult Mental Health Service has started the review of the s75 with the view to address some of these challenges.
- 8.3 Nonetheless, the concerns and/or faults identified in the case of Ms X appeared to engage a number of integrated duties and functions delivered by the Croydon Adult Mental Health Services as an integrated service and calls for a review of its operational model to better fulfill the integrated roles.
- 8.4 The LGSCO recommendations also identified areas of improvement in the joint working processes between different internal departments in Croydon Council e.g. Housing that provides access to a range of accommodation options; Contracted Voluntary Sector services that deliver statutory duties e.g. Carers Centre; and other Adult Social Care e.g. Disability, Transition and Older Adults who may have individuals eligible to S117 aftercare within their care and support.
- 8.5 The recommendations seek to address the gaps where individuals/residents who may be eligible for S117 aftercare but do not have an established framework outside various funding panels can expect a clear oversight and accountability (e.g. via a real-time and live updated S117 register); robust processes to ensure that such individuals have a S117 aftercare plan (from relevant Care Programme Approach process and intervention (CPA – a health based assessment and

review framework); to an alignment of the above to the Care Act processes and intervention; and provides a risk framework that addresses both the Local Authority and Health statutory responsibilities.

- 8.6 As a result of the above, there is ongoing work via a number of workstreams within Adult Mental Health Service focused on various areas e.g. a review of how the Health and Local Authority Information management systems can best serve to meet the needs of this cohort of residents; a review of various processes in place in identifying, assessing, reviewing and meeting the needs and addressing any potential risks to the S117 cohorts of residents; and finally, provide a platform that links into various multiagency funding panels across the Local Authority, Integrated Care Board (ICB) and the Integrated Adult Mental Health Service.
- 8.7 There are already quick gains and improvement actions in these areas which include a four borough social care leads meetings (Croydon, Lewisham, Lambeth and Southwark) which have worked with the Director of Social Care (SLAM) to update and ratify a S117 policy; revised and improved S117 assessment and review documentation; provide a S117 register from Health Systems that tracks individuals within the four boroughs who may be eligible for S117 aftercare; working to make changes to the Health Systems for better documentation and recording; provide a training platform for front line practitioners; and provide multiborough systems leadership to managing any barriers or challenges from the processes.
- 8.8 The above work also links into the concern identified by the LGSCO on the statutory duty of ICB to provide personal health budgets to individuals who are eligible to S117 aftercare. A place-based multisystem leadership team is working to deliver the processes and frameworks on Personal Health Budget (PHB). The first stage of this intervention led to the commissioning of MIND in Croydon to deliver a wraparound service under PHB to individuals eligible for S117 aftercare at the point of discharge from hospital for up to 12 weeks of personal support. There are further actions to ensuring that information around PHBs are accessible to Croydon residents in the community; that relevant trainings are delivered to frontline practitioners; and that the PHB offer from ICB link closely with the Local Authority Personal Budget through various funding panels across system partners.
- 8.9 The LGSCO investigation and recommendations serve as a reminder to the importance of regular training and workshops to front line practitioners on the Health and Local Authority statutory functions and duties to improve practice. As a result of the above, an Adult Masterclass Workshop Sessions have been introduced with participants from various departments within the Local Authority to share ideas, identify concerns, provide relevant updates and processes and further remind practitioners and managers of their roles and responsibilities in the identified areas.
- 8.10 As already highlighted in this report, the LGSCO recommendation around carers and carers' interventions, assessments and offers has led to a review of the carers' provision via the Carers Centre and the recommendations will contribute to the re-commissioning of the carers' provision and services contracts, which is ongoing.

9. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

9.1 The financial recommendations made by the LGSCO were:

£7,450 in respect of compensation.

In addition to the financial costs, the LGSCO's recommendations, have a reputational impact on the Council's Adult's Services.

9.2 Section 8 - Lessons Learnt, Improvement and Prevention will help mitigate future financial risks of this type.

Approved by: Matthew Davis, Interim Director of Finance

10. LEGAL CONSIDERATIONS

- 10.1 Under the Local Government Act 1974 (the Act), the LGSCO has the power to investigate the complaint and to issue a report where there has been maladministration causing injustice; a failure in a service that it was the Council's function to provide; and a total failure to provide such service. The LGSCO has the power to make recommendations to the Council on how to improve its services and to put things right for the complainant. However, these recommendations are not mandatory and the Council does not have to accept or follow them.
- 10.2 Within 2 weeks of receiving the LGSCO's report, the Council is required to give public notice by advertisements in newspapers stating that copies of the report will be available to inspect by the public at the Council's offices for a period of three weeks (s.30 of the Government Act 1974).
- 10.3 The Act provides that the report shall be laid before the "authority" for consideration. In the case of a local authority operating executive arrangements, "the authority" includes the executive which under current governance arrangements means the Directly Elected Mayor and Cabinet (s.25 (4) and (4ZA) Local Government Act 1974).
- 10.4 Where a finding of 'maladministration' is made the Council's Monitoring Officer is obliged to prepare a report for the Executive following the LGSCO findings and to consult with the Head of Paid Service and Chief Finance Officer for this purpose. This report must also be sent to each member of the Council and the Executive must meet within 21 days thereafter. The implementation of the proposal or decision must be suspended until after the report has been considered by the Executive (s.5A Local Government and Housing Act 1989). The Executive is required to consider this Monitoring Officer report on the findings of and response to the LGSCO's report.
- 10.5 Where the Executive considers a LGSCO's report and it is considered that a payment should be made or other benefit given to a person who has suffered injustice, such expenditure may be incurred as appears appropriate (s.31(3) Local Government Act 1974)
- 10.6 Within 3 months of receiving the LGSCO's report or such longer period as may be agreed in writing with the LGSCO, the Council must notify the LGSCO of the action which the Council have taken or propose to take (s.31(2) Local Government Act 1974). If the LGSCO is not satisfied with the action which the Council has taken or propose to take, the LGSCO shall make a further report.

The LGSCO can also require the Council to make a public statement in any two editions of a newspaper circulating the area within a fortnight (s.31(2A) and (2D) Local Government Act 1974).

- 10.7 An Ombudsman's report should not normally name or identify any person (s.30 Local Government Act 1974). Therefore, the complainant should be referred to as 'Mr X' and officers are not identified.

Approved by: Mark Turnbull, Corporate Solicitor

11. HUMAN RESOURCES IMPACT

- 11.1 The recommendations in this report do not have any direct human resources implications. Following the completion of recommendations, the learning from the case will be fed back to practitioners and managers through existing learning and development activities within the department.

Approved by: Debbie Calliste, Head of HR for Adult Social Care & Health, on behalf of the Chief People Officer

12. EQUALITIES IMPACT

- 12.1 The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to :

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 12.2 Due consideration should be given to residents who may need to be treated even more favourably under the Equality Act 2010. These include disabled residents, parents/carers of disabled people and others who do not have English as a first language. This action does not constitute discrimination under Equality Act 2010.

Approved by: Denise McCausland Equality Programme Manager

13. ENVIRONMENTAL IMPACT

- 13.1 There are no environmental impacts arising from this report

Approved by:

14. CRIME AND DISORDER REDUCTION IMPACT

- 14.1 I can confirm there are no community safety / crime and disorder comments needed for this report.

Approved by: Kristian Aspinall, Director of Culture and Community Safety

15. DATA PROTECTION IMPLICATIONS

15.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

15.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

To comply with data protection requirements all personal details have been removed from the published report.

16. Corporate Management Team

16.1 The above report was presented to the Corporate Management Team on the 06th December 2022 with the following comments;

- a. Strengthen the report in respect of the current wellbeing of the person concerned – See 7.8 as amended
- b. Assurance regarding the transition of children and young people known to Children and Adolescent Mental Health Services (CAMHS) to Adult Mental Health Services.

Approved by:

CONTACT OFFICER:

Simon Robson, Director of Adult's Social Care

APPENDICES TO THIS REPORT:

Appendix 1 – Full LGSCO Report



Final report for
publication).pdf

BACKGROUND DOCUMENTS: None

LONDON BOROUGH OF CROYDON

REPORT:	CABINET 25 January 2023 EXECUTIVE MAYOR DECISION
DATE OF DECISION	25 January 2023
REPORT TITLE:	Mayor's Business Plan 2022-2026 TRANSITIONAL PERFORMANCE REPORT
CORPORATE DIRECTOR / DIRECTOR:	Elaine Jackson, Assistant Chief Executive
LEAD OFFICER:	Gavin Handford, Director of Policy, Programmes & Performance Caroline Bruce, Head of Business Intelligence & Performance
LEAD MEMBER:	JASON PERRY, EXECUTIVE MAYOR OF CROYDON
KEY DECISION?	No
CONTAINS EXEMPT INFORMATION?	No
WARDS AFFECTED:	ALL

1 SUMMARY OF REPORT

- 1.1 This report presents performance against the five outcomes (listed below), within the Mayor's Business Plan 2022-26 which was approved at Cabinet in November 2022.
 1. The council balances its books, listens to residents and delivers good sustainable services.
 2. Croydon is a place of opportunity for business, earning and learning.
 3. Children and young people in Croydon have the chance to thrive, learn and fulfil their potential.
 4. Croydon is a cleaner, safer and healthier place, a borough we're proud to call home.
 5. People can lead healthier and independent lives for longer
- 1.2 The Mayors Business plan is the Council's core strategic document setting out its objectives and priorities for the next four years. It reflects the Executive Mayor's manifesto pledges and priorities, as set out in a report to Cabinet in June 2022.
- 1.3 In September 2022 a final performance report tracking progress against the corporate priorities set prior to the election of the Executive Mayor on 5 May 2022 was presented to Cabinet.
- 1.4 We are currently developing a set of performance measures that will monitor delivery of the Mayors Business Plan 2022-26 which is borough wide and will include both Council and Place measures. Council measures will detail those measures which the Council is the lead in terms of delivery. Place will relate to measures where our partners, such as

the Police and NHS are the lead, but where the council has an important role to play in promoting partnership working.

- 1.5 In the interest of openness and transparency, this report provides an update on council measures previously reported against the Council's Corporate Priorities, which have temporarily been aligned with the outcomes within the Mayor's Business Plan, until a new set has been developed as detailed in point 1.4 of this report.
- 1.6 A detailed delivery plan together with a full set of Council and Place performance measures will be developed and presented at a future meeting of the Cabinet.
- 1.7 The transitional performance report in Appendix A, provides timely and accurate performance data on the Council's progress in delivering the outcomes within the Mayor's Business Plan as at 30 November 2022.

2 RECOMMENDATIONS

For the reasons set out in the report and Appendix A, the Executive Mayor in Cabinet, is recommended to:

- 2.1 Note the transitional performance report (Appendix A) with latest data available on 30 November 2022 (unless otherwise stated) regarding overall council performance.
- 2.2 Note that this is a transitional performance report using existing measures previously used as part of the Corporate and Departmental priority performance reporting, which have, for the purpose of this report, been aligned to the five objectives within the Mayors Plan 2022-26.
- 2.3 Note that work is currently under way to create a full set of both Council and Place measures to fully reflect the ambitions within the Mayors Business Plan which will replace this transitional reporting going forward once this work has been completed and adopted.
- 2.4 The complete set of measures and targets as detailed in point 1.4 of this report will be brought to a future meeting of Cabinet for sign off.

3 REASONS FOR RECOMMENDATIONS

- 3.1 It is essential that the Council takes steps to ensure that a robust performance management plan and framework are in place, alongside the work of the Programme Management Office, Finance and Risk. Delivery against the actions in the CRIP and sustainable improvements in services are unlikely to happen without it.

4 BACKGROUND AND DETAILS

- 4.1 Cabinet and Council agreed in September 2020 to the creation of the Croydon Renewal Plan (CRP). A further CRP update report was presented to Cabinet on 12 December 2020. The last report reviewing progress on the corporate and departmental priorities which were agreed between January and April 2022, was presented to Cabinet in September 2022.
- 4.2 the process for agreeing these priorities allowed for Organisational priorities to flow through all levels within the council, becoming more granular and delivery focused.

- 4.3 Officers reviewed the internal governance framework of the council and as part of new internal control boards being introduced, the Performance Internal Control Board (ICB) met for the first time in July 2022. The Board is chaired by the Corporate Director for Children, Young People & Education, and the Vice Chair is the Director for Policy, Programmes & Performance.
- 4.4 The purpose of the Performance ICB is to provide oversight and challenge and also to seek assurance on the delivery of key performance indicators, particularly those escalated as failing to meet target.
- 4.5 The Performance ICB will operate on a principle of appropriate subsidiarity and accountability for challenging performance, recognising the principle accountability in directorates and then appropriate escalation with improvement plans to the Performance ICB and then onwards to the Corporate Management Team if no improvement in performance is made.
- 4.6 It is important to note that accountability of performance to deliver the outputs remains with the relevant Directorate(s).
- 4.7 The Mayors Business Plan was approved at Cabinet in November 2022. Future Corporate Performance Reports will reflect progress against the Mayor's Business Plan on both a Council and Place level as this is a plan for Croydon the Borough.

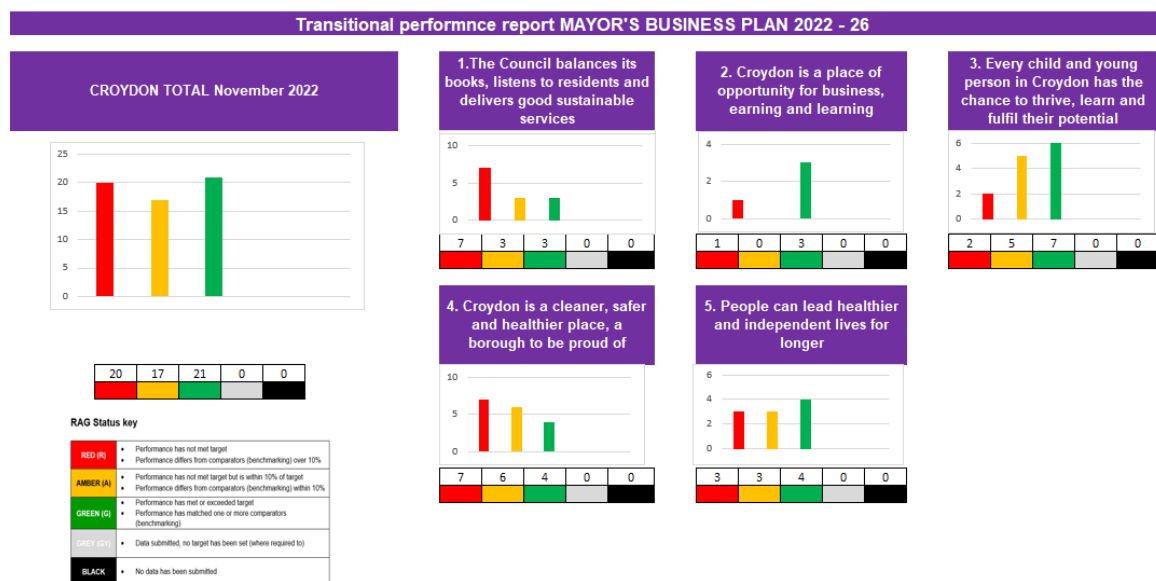
5 MAYOR'S BUSINESS PLAN 2022-2026

- 5.1 The Mayor's Business Plan sets out the Executive Mayor's vision for Croydon. This Plan consists of five outcomes to be achieved by the Council over the next four years, with priority aims to deliver those outcomes, along with the high level actions required. The Plan is at Appendix 1.
- 5.2 the financial challenges revealed by the two Section 114 Notices and the two Reports in the Public Interest have reduced the resources available to the Council, which means that it will be forced to do less in future. However, it will strive to improve the responsiveness and where possible the quality of the services it does provide. The Executive Mayor's mission is to transform the Council's way of working – balancing the budget, changing how services are run, securing maximum value for money, instilling strong governance and listening to residents' concerns. The Council will work closely with partners from the business, statutory, and voluntary sectors to bring more resources to the borough and to support and empower local communities so that together we can transform the Council and deliver services for the borough.

6 CORPORATE PERFORMANCE REPORT (Appendix A)

- 6.1 This report reviews performance of the actions currently aligned to delivery of the five objectives detailed within the Mayors Business Plan. This, and historical performance reports monitoring the progress against the Croydon Renewal Plan, and Corporate Priorities, presented to Cabinet can be viewed at <https://www.croydon.gov.uk/council-and-elections/freedom-information-and-corporate-performance/corporate-performance>
- 6.2 **Performance Indicators (PI's)** - Regular review and monitoring against the agreed performance measures and the impact performance will have against finance, risk and programme deliverables.
- 6.3 There are currently 70 PI's within the framework. The performance report in appendix A, gives an overview of performance on 30 November 2022 (unless otherwise stated).

- 6.4 Service commentary (where supplied) as to the actions in place to address under performance is provided to add context when reviewing. The measures are listed under the relevant outcomes of the Mayors Business Plan.
- 6.5 PI's which are at, or above target, will receive a green status, those within 10% of target an amber status and those which are operating below target a red status. Where a measure has no target as it has not yet been set, the RAG status will be shown as grey. Where a measure has either no data or target at the moment, the RAG status will be shown as black.
- 6.6 The below graphs, give an overview of performance (by RAG) across the council and by outcomes. Of the 58 PI's where a RAG is applicable, 25 (43%) are performing at, or above, target (Green), 13 (22%) are not at target but within the tolerance applied (Amber) and 20 (35%) are not performing to target by in excess of the tolerance (Red).



9 CONTRIBUTION TO COUNCIL PRIORITIES

- 9.1 This is a transitional performance report which monitor progress made against the five outcomes within the Mayors Business Plan 2022-26

10 IMPLICATIONS

10.1 FINANCIAL IMPLICATIONS

- 10.1.1 There are no direct financial implications arising from this report. There will be financial implications associated with the delivery of the projects and actions within the Croydon Renewal and Improvement Plan which have been factored into the Medium-Term Financial Strategy. The delivery of these projects and actions, and the resulting savings is essential. It is therefore critical that effective monitoring and reporting is in place.

Approved by: Nish Popat, Head of Corporate Finance.

10.2 LEGAL IMPLICATIONS

- 10.2.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that section 3(1) of the Local Government Act 1999 requires the council as a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Monitoring of performance information and acting on the findings are an important way in which that obligation can be supported.

- 10.2.2 For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—

(a) representatives of persons liable to pay any tax, precept, or levy to or in respect of the authority,

(b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,

(c) representatives of persons who use or are likely to use services provided by the authority, and

(d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.

- 10.2.3 In deciding how to fulfil the duty arising under section 3 (1), who to consult under section 3 (2), or the form, content, and timing of consultations under that subsection, an authority must have regard to any guidance issued by the Secretary of State. The most recent version of this guidance was published in March 2015: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418505/Revised_Best_Value_Statutory_Guidance_final.pdf

- 10.2.4 Any legal implications arising in relation to individual actions will need to be dealt with as projects and decisions come forward for approval.

Approved by: Mark Turnbull, Interim Corporate Solicitor for and on behalf of the Director of Legal Services and Monitoring Officer.

10.3 EQUALITIES IMPLICATIONS

10.3.1 In April 2011 the Equality Act (2010) introduced the public sector duty which extends the protected characteristics covered by the public sector equality duty to include age, sexual orientation, pregnancy and maternity, and religion or belief.

10.3.2 Section 149 Equality Act 2010 requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

10.3.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that decision makers must be able to evidence that they have taken into account any impact of the proposals under consideration on people who share the protected characteristics before decisions are taken. Equalities impact assessments will be a key part of our governance framework for the Improvement Board, with direct input from the Council's Equality & inclusion Manager.

10.3.4 The Equality Strategy 2020 – 2024 is the key performance tool for our equality deliverables. Departmental Service objectives and individual objectives are inclusive of equalities deliverables included in the Equality strategy. Organisational priorities are also inclusive of equality targets in respect of the organisation and the community.

Approved by: Gavin Handford, Director of Policy, Programmes & Performance.

10.4 HUMAN RESOURCES IMPACT

10.4.1 Key to delivery of the Mayor's Business Plan will be to retain and invest in a skilled workforce, who are enabled and engaged through a positive organisational culture. The council's People Strategy is being developed to be aligned to the Mayor's Business Plan and supports building workforce skills and capacity for the future. It will be essential to create a golden thread, where all staff can see how their work links to the work of their team, their division, their directorate, the council's service plans, and the Mayor's Business Plan

10.4.2 Any planned service changes through informed review, will be subject to the council's organisational change procedure and formal consultation with staff and trade unions.

Approved by: Dean Shoesmith, Chief People Officer

10.5 DATA PROTECTION IMPLICATIONS - WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

10.5.1 No - The Director of Policy, Partnership comments that there are no data protection implications arising from the contents of this report

Approved by: Gavin Handford, Director of Policy & Partnership.

11 APPENDICES

- 11.1 Appendix A: – Performance Report – Latest available data as of 31 October 2022 (unless otherwise stated)

12 BACKGROUND DOCUMENTS

- 12.1 Mayor's Business Plan 2022-26

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APPENDIX A

Transitional performance report - MAYOR'S BUSINESS PLAN 2022-26													
CROYDON www.croydon.gov.uk													
COMMENTS ON CURRENT PERFORMANCE													
1. The Council Balances its books, listens to residents and delivers good sustainable services													
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	LATEST DATA				PREVIOUS DATA		BENCHMARKING		
					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
RE 09	Overspend against net budget requirement	Smaller is better	Monthly	Apr-Oct 2022	£0 (No overspend)	0	↔	Green	Apr-Sept 2022	0		No comparable data available	The Council's month 7 financial position continues on from month 6 to show a projection of spend within budget for the year.
RE 08	% of in year savings successfully delivered	Bigger is better	Monthly	Apr-Oct 2022	100%	64.0%	↔	Red	Apr-Sept 2022	64.0%		No comparable data available	The forecast delivery of savings remain at the same level as month 6. A number of savings are assessed as undeliverable and reflected in the financial forecast for this year and where necessary the Council's medium term financial plan.
RE 02	Council Tax Collection rate	Bigger is better	Monthly	YTD to November 22	72.44% (Full year target is 97.25%)	71.07%	↑	Amber	YTD to October 22	62.38%			The in-year collection target of 97.25% was a pre Covid target which was previously achieved. In year collection has fallen by approx. 2% each year since the Covid pandemic. Collection continues to be impacted by the after effects of covid and the current cost of living/energy crisis - collection has improved compared to the same period last year. In November 2021 70.65% of the net collectable debit had been collected compared to 71.07% this year, an improvement of 0.48%. Collection has been increased due to paying £150 energy rates to approx. 35k Council Tax accounts.
RE 03	Non-Domestic Rates (Business Rates) Collection rate	Bigger is better	Monthly	YTD to November 22	73.92% (Full year target is 99.25%)	75.68%	↑	Green	YTD to October 22	67.85%			Collection for business rates is currently 1.76% above in year target and 11.61% up on last years collection.
RE 07	Sundry debt collection	Bigger is better	Monthly	YTD to November 22	98%	93.72%	↓	Amber	YTD to October 22	94.18%			Sundry Debt collection fluctuates and we have seen a slight drop in overall collection in month. There are 3 high value invoices with a value of £3.23m which remain outstanding. These account for 2.28% of collection which remains unpaid, this has been escalated for payment. Actions to improve performance include: Short term objective is single view of Council Debt (i.e. establishing the baseline/ trends I and understanding the challenges / issues). Timeline is 28th Nov for first draft. Medium Term – Bridging short / long term objectives while recognising challenges of IT systems, resourcing, disperse debt management. Improving Management Information. Long term objective is improving debt management. Illustratively, 4 delivery buckets – prevention, fairness, efficiency and effectiveness.
ACE 03	% of residents that ended the call before we spoke to them	Smaller is better	Monthly	Nov-22	16%	16%	↑	Green	Oct-22	18%			Last years % for Nov was 25% so a significant improvement and we spoke to 9% more residents this year
ACE 04	Average contact centre wait time (Minutes)	Smaller is better	Monthly	Nov-22	02:00	03:49	↑	Red	Oct-22	05:03			An improvement on Oct 22 now we have additional staff and compared to last year at 07 min 51 seconds another significant improvement
ACE 13	Number of employees leaving the council with more than 2 years service.	Smaller is better	Quarterly	Q2 22/23	n/a	82	↑	N/A	Q1 22/23	87			
ACE 14	Number of employees leaving the council with less than 2 years service.	Smaller is better	Quarterly	Q2 22/23	n/a	20	↑	N/A	Q1 22/23	27			
ACE 15	Sickness - number of sick days per FTE	Smaller is better	Monthly	Dec 21 - Nov 22 Rolling Year	5.6	8.70	↓	Red	Nov21 - Oct 22 Rolling Year	8.50	Rolling Year to Mar 21	7.7 (approximate)	
ACE 01	FOI responded to on time	Bigger is better	Monthly	Oct-22	90%	57%	↓	Red	Sep-22	64%		No comparable data available	Includes currently open cases within timescales. Data taken from live database, previous data has been updated retrospectively
ACE 02	SARs responded to on time	Bigger is better	Monthly	Oct-22	90%	86%	↑	Amber	Sep-22	81%		No comparable data available	Includes currently open cases within timescales. Data taken from live database, previous data has been updated retrospectively
ACE 05	Complaints responded to on time	Bigger is better	Monthly	Oct-22	75%	64%	↑	Red	Sep-22	60%			We have set the target at 75% which reflects our current performance across complaints, Member and MP enquiries. We need to go back to basics and start hitting a minimum level of 75% before we seek to change the target to an aspirational 90% completion rate. The past 4 annual reports have shown that the previous target of 90% has not yet been reached. The past number of years have seen a number of different challenges.
ACE 06	Member Enquiries responded to on time	Bigger is better	Quarterly	Q2 21/22	75%	55%	↓	Red	Q1 21/22	65%			

Transitional performance report - MAYOR'S BUSINESS PLAN 2022-26													
<div> <div> <div>Red</div> <div>Amber</div> <div>Green</div> <div>Data but no target</div> <div>No data</div> </div> <div> <div>↑ Getting better</div> <div>↓ Getting worse</div> <div>↔ Same</div> </div> </div> <div> <div>Latest Update:</div> <div>OCTOBER 2022</div> </div>				LATEST DATA					PREVIOUS DATA		BENCHMARKING		<div> <div>CROYDON</div> <div>www.croydon.gov.uk</div> </div> <div>COMMENTS ON CURRENT PERFORMANCE</div> <div> <p>contributing to the increase in complaint and enquiry numbers, as well as a decline in Service Level Agreement (SLA) achievement. These challenges have included, but are not limited to, the financial position of the Council, the impact of Covid 19, the roll out of the new waste and garden waste contracts, the HGV driver shortage and significant reduction in staff resource. Work such as weekly organisational reporting, increased service engagement, a new complaints handling system, additional resources to some services and management awareness have taken place to try and improve on the SLA and backlog we currently face, but this made only a temporary difference. We do not anticipate that the SLA will improve significantly in the immediate future with the continued challenges the organisation faces.</p> </div>
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
ACE 07	MP enquiries responded to on time	Bigger is better	Quarterly	Q2 21/22	75%	52%	↑		Q1 21/22	51%			

2. Croydon is a place of opportunity for business, earning and learning

CYPE 23	Proportion of 16 and 17 year olds who were not in education, employment or training (NEET)	Smaller is better	Annual	Average of Dec 20, Jan 21 and Feb 21	2.8%	1.8%	↑		Average of Dec 19, Jan 20, Feb 20	2.3%	Average of Dec 20, Jan 21 and Feb 21	1.8%	<p>Croydon has the largest 16-17 cohort in London; at any point in time, the population fluctuates around the 9,500 mark and is commonly around 500 or so larger than 2nd largest borough (often either Enfield or Newham). In comparison to other local authorities, Croydon's team resource to support young people who are not in education, employment or training (NEET) is comparatively small.</p> <p>We are required to report monthly to the DfE on both the number of young people who are NEET and Not Known as a summative figure as well as per each category. In order to have a factual understanding of the cohort, neither the NEET nor Not Known figures should be considered in isolation. More often than not, if the destination of a Not Known young person is confirmed, they are in more cases than not, NEET. The two figures are interdependent. This is demonstrated in the figures in CYPE 23 & CYPE 24; whilst our NEET stat is smaller than target, this invariably means that there are more young people whose destinations we have not been able to confirm, hence higher Not Known figures.</p> <p>Whilst the team does heavily focus on tracking work from Oct – March, the resource vs size of cohort is sparse. So that NEET caseworkers (who work directly with young people to support them [back] into education, employment or training) are not taken away from their core activity, we have historically hired an agency staff member over our busy period, to concentrate on tracking young people who are classified as Not Known. This allows for quick identification and referral to a caseworker. We were unable to do this during Dec 20 – Feb 21, due to lack of financial resource / permission to hire. Whilst caseworkers could help with tracking at times, it was imperative not to take them away at length from the core work. Whilst Croydon's Not Known position is above target, it must be noted that the figure is considerably lower than the more typical historical stats in excess of 10%, which did previously attract ministerial attention.</p>
<div>Page 504</div> <div>CYPE 24</div>	Proportion of 16 and 17 year olds not known if in education, employment or training (NEET)	Smaller is better	Annual	Average of Dec 20, Jan 21 and Feb 21	2.7%	3.6%	↓		Average of Dec 19, Jan 20, Feb 20	2.9%	Average of Dec 20, Jan 21 and Feb 21	2.2%	
SCRER 07	Major Planning applications determined in time over a rolling 2 year period	Bigger is better	Monthly	November 20 - October 22	60%	80%	↑		October 20 - September 22	79%	24 months to end of March 2022	90.4%	

Transitional performance report - MAYOR'S BUSINESS PLAN 2022-26													
<div> <div> <div>Red</div> <div>Amber</div> <div>Green</div> <div>Data but no target</div> <div>No data</div> </div> <div> <div>↑ Getting better</div> <div>↓ Getting worse</div> <div>↔ Same</div> </div> </div> <div> <div>Latest Update:</div> <div>OCTOBER 2022</div> </div>													
REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	LATEST DATA				PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
SCRER 08	Non- Major Planning applications determined in time over a rolling 2 year period	Bigger is better	Monthly	November 20 - October 22	70%	73%	↑		October 20 - September 22	72%	24 months to end of March 2022	87.20%	The Development Management team has over the past 2 years has experienced staffing shortages, which has been compounded by the nationwide shortage of qualified planning officers. During the pandemic this resulted in a significant backlog of applications and for a considerable period of time officers have been carrying double caseloads. This has caused a delay in the determination of applications and as a result determination rates for applications reduced. This not only has implications for performance but also has implications as some applicants have invoked the Planning Guarantee. We have undertaken temporary and permanent recruitment and put in place measures to reduce the backlog. As a result the overall number of applications on hand is reducing. Performance is steadily improving with the performance increasing from 72% – 73% in October. The Planning Advisory Service undertook a Development Management Review and a Peer Challenge in the Summer of 2022. Their findings have now been received and the Team are in the process of reviewing and starting to formulate a Improvement/Delivery Plan for Development Management.
SCRER 15	Affordable homes completed (measured as a % of total build)	Bigger is better	Annual	2021/22	35.0%	Data will be available end of Q4 2022/23		N/A	2020/21	364 (18%)			The 364 net affordable housing completions for 20/21 only captures affordable housing units secured through Section 106 Agreements at the grant of planning consent. Therefore, the figure is exclusive of developments / units post the planning process that are acquired by Registered Providers and delivered as affordable housing. In accordance with national policy the Council only secure affordable housing from schemes of 10 units or more.
SCRER 16	% of vacancies in primary shopping area within the Croydon Metropolitan Centre	Smaller is better	Quarterly		10%	Data will be available end of Q4 2022/23		N/A					Monitoring will be available by end of Q4 22/23

3. Every child and young person in Croydon has the chance to thrive, learn and fulfil their potential

CYPE 13	Percentage of schools rated 'good' or 'outstanding'	Bigger is better	3 times per year	Dec-21	87%	87%	↓		Aug-21	89%	Dec-21	93%	<p>Like the previous year, the 2020/21 academic year was affected by the COVID-19 pandemic. Schools were open to all pupils in the Autumn term, however during the Spring term schools were only open to key worker and vulnerable children from January for the first half term, before all pupils returned during the second half term. During this period online tuition was provided for pupils. Schools were then open to all pupils during the Summer term.</p> <p>As with 2019/20, while suspensions and permanent exclusions were possible throughout the academic year, these restrictions will have had an impact on the numbers presented and caution should be taken when comparing across years.</p> <p>Our target has been revised/increased to the London average as a 'stretch' target as we have exceeded the national average. In 2021/22, the percentage of pupils achieving a good level of development in Croydon was 67.4% which is above the national average (65.2%) but slightly below London (67.8%) and our statistical neighbours (68.0%).</p> <p>Due to the COVID-19 pandemic, the KS2 external assessments had not taken place in 2019-20 or in 2020-21. The assessments in 2021-22 were set at the same standard as 2018-19 and previous years in order to measure the effects of the pandemic on pupil achievement. The drop of 7%, as a result of the effects of the COVID-19 pandemic was in line with that of other local authorities and national figures.</p> <p>In 2021/22 The average Progress 8 score in Croydon was -0.02, slightly better than the national average of -0.03. The Progress 8 score ranged from 0.8 to -0.89 across Croydon schools, this has undoubtedly been affected by the uneven impact of Covid-19.</p> <p>In 2021/22 the average attainment 8 score in Croydon was 47.4. This is the 2nd lowest compared to our statistical neighbours, and slightly below the national average.</p> <p>In 2021/22, the percentage of pupils achieving grades 9-5 in English and Maths in Croydon was 48.7%. This is the 3rd lowest compared to our statistical neighbours, and slightly below the national average. 67.7% of pupils gained at least a grade 4 in English and Maths in Croydon. There are wide variances in both measures across Croydon schools.</p>
CYPE 16	Permanent exclusions from schools as a percentage of the school population	Smaller is better	Annual	2020/21 Academic Year	0.06	0.03	↑		2019/20 Academic Year	0.05	2020/21 Academic Year	0.03	
CYPE 18	EYFS (Early Years Foundation Stage) - Percentage of children achieving a good level of development	Bigger is better	Annual	2021/22 Academic Year	67.8%	67.4%	N/A		Not available - break in series		2018/19 Academic Year	74.1%	
CYPE 19	KS2 - Percentage of pupils achieving expected standard at KS2 in Reading, Writing and Mathematics	Bigger is better	Annual	2021/22 Academic Year	65%	60%	↓		2018/19 Academic Year	67%	2021/22 Academic Year	65%	
CYPE 20	KS4 - Average Progress 8 score per pupil	Bigger is better	Annual	2021/22 Academic Year	-0.03	-0.02	↓		2018/19 Academic Year	0.07	2021/22 Academic Year	0.23	
CYPE 21	KS4 - Average Attainment 8 score per pupil	Bigger is better	Annual	2021/22 Academic Year	48.8	47.4	↑		2018/19 Academic Year	45.5	2021/22 Academic Year	52.6	
CYPE 22	KS4 - Percentage of pupils achieving grades 9-5 in English and Maths	Bigger is better	Annual	2021/22 Academic Year	49.8%	48.7%	↑		2018/19 Academic Year	40.5%	2021/22 Academic Year	57.3%	
CYPE 28	Number of Education Health & Care Plans issued (excluding exceptions)	N/A	Monthly	Rolling Year to Nov 22	N/A	592	N/A	N/A	Rolling Year to Oct 22	575	2021	5464	

Red

Amber

Green

Data but no target

No data

↑ Getting better

↓ Getting worse

↔ Same

Latest Update:

OCTOBER 2022

Transitional performance report - MAYOR'S BUSINESS PLAN 2022-26

CROYDON

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REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	LATEST DATA				PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
CYPE 29	Percentage of Education Health & Care Plans issued within 20 weeks (excluding exceptions)	Bigger is better	Monthly	Rolling Year Av. to Nov 22	62%	34%	↑		Rolling Year Av. to Oct 22	31%	2021	64%	<p>We have now taken action and allocated the EHCPs across the whole team. We have internally reorganised the service so that we are working as one with no age divide. This has brought more officer resource to addressing the issue and is having a positive impact as can be seen by the significant rise in number of plans addressed and reported to DfE. We anticipate continued performance improvement and stabilisation of service delivery with all backlogs cleared by December – by which point the service will have been reorganised into all age locality based teams with a dedicated assessment service at the centre. Since July 2022 performance has improved each month and in November there were 54 EHCPs issued, of which 83% were on time.</p> <p>Transformation work is re-designing systems and processes to make best use of the MASH Multi-Agency Safeguarding Hub element of our initial response to referrals. Re-referred families are reviewed each month to identify areas for improvement, it is evident that the turnover in our Family Assessment Service over the past year has contributed to current re-referral rates impacting on improvement. Embedding a stable workforce is therefore key and our current consultation on the new service design is a fundamental step to achieve that stability. It is likely to be the end of the reporting year before sustained improvement is delivered.</p> <p>The proportion of assessments taking longer than 45 days to complete has been impacted by locum staff leaving at short notice and sickness absence in our permanent staff. Permanent international recruitment has delivered new staff who are gradually increasing their caseload with support to adjust to the statutory framework in the UK. Managers continue to review all delayed assessments to ensure that services are in place where families require them prior to an assessment concluding and this continues to be an area of focus for improvement.</p> <p>Threshold for all Local Authorities regarding UASC was raised to 0.1% of Child Population on 24th August which is 98 children minimum. Consequently our target has been adjusted to reflect this change. With Lunar House situated in Croydon the council will always have an expectation of supporting the initial assessment of these asylum seeking and separated children liaising with other LA's regarding their transfer through the National Transfer Scheme.</p> <p>See above commentary for CYPE 09</p>
CYPE 01	Percentage of re-referrals within 12 months of the previous referral	Smaller is better	Monthly	Financial year to Nov 22	20%	24%	↔		Financial year to Oct 22	24%	2020/21	19%	
CYPE 02	Percentage of C&F assessments completed within 45 working days	Bigger is better	Monthly	Financial year to Nov 22	85%	79%	↔		Financial year to Oct 22	79%	2020/21	89%	
CYPE 07	Number of local CLA	Smaller is better	Monthly	Nov-22	450	444	↑		Oct-22	445	2020/21	8,340	
CYPE 08	Rate of local CLA per 10,000 under 18 years population	Smaller is better	Monthly	Nov-22	47.7	47.1	↑		Oct-22	47.2	2020/21	40.8	
CYPE 09	Number of Unaccompanied Asylum Seeking Children (UASC) CLA	Smaller is better	Monthly	Nov-22	98	95	↓		Oct-22	93	2020/21	1330	
CYPE 10	Percentage of the under 18 years population who are UASC	Smaller is better	Monthly	Nov-22	0.10%	0.10%	↓		Oct-22	0.10%	2020/21	0.060%	

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4. Croydon is a cleaner, safer and healthier place, a borough to be proud of

SCRER 03	Number of fly tips	Smaller is better	Monthly	Oct-22	N/A	1916	↓	N/A	Sep-22	1882		No comparable data available	<p>There has been a slight increase of the number of reported flytips within the borough since the last period.</p> <p>Despite a slight increase of the number of reported flytips within the borough since the last period, flytips removed within the one working day remains high at 98.75% which is a slight reduction in performance of 0.4%.</p> <p>Data being verified by SLWP however there has been a national trend of a fall in recycling rates, this is expected to increase with the cost of living crisis. In Q3 and Q4 collections were significantly impacted by crew shortage. BIP implementations resulted in communal commingled recycled collections being collected with residual refuse. Q1 Apr - Jun Q1 is reported in Sept. Q2 (JUL - SEP) will be reported in Dec 2022</p> <p>The overall % of household waste collected on time remains high at 99.79%, this is a slight reduction in performance of 0.19% from the previous period.</p> <p>The council and the Police are fully aware of these issues in hotspot locations and they are being treated as a priority. Area based meetings have been set up to coordinate services in the area to offer engagement opportunities and take enforcement action.</p>
SCRER 04	% of reported fly tips removed within one working day	Bigger is better	Monthly	Oct-22	95%	98.75%	↓		Sep-22	99.15%		No comparable data available	
SCRER 01	% of household waste sent for reuse recycling and composting	Bigger is better	Quarterly	Q1 2022/23	50%	40.94% Previous 4 qtr. average is 40%	↑		Q4 21/22	33.68%	Q4 2019/20	32.9%	
SCRER 02	% of household waste collected on time	Bigger is better	Monthly	Oct-22	100%	99.79%	↓		Sep-22	99.98%		No comparable data available	
SCRER 09	Violence with injury offences rate per 1,000 population	Smaller is better	Monthly	12 months rolling to August 22	8.85	9.59	↓		12 months rolling to July 22	9.55	12 months rolling to August 22	8.85	

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					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
CYPE 12	Juvenile first time entrants to the criminal justice system per 100,000 of 10-17 year olds	Smaller is better	Monthly	Financial year to Nov 22	262	197	↑		Financial year to Oct 22	200	2021	184	Historically having a large youth population and a borough land size being second largest in London has meant Croydon's throughput of first time entrants to the criminal justice system has been higher than the London average. The Youth Offending team has assisted in the implementation of Community Resolutions (an alternative to arrest for small cannabis amount which was a leading offence type) since October 2021 and have already begun to see a significant number of young people being diverted away from the system. This together with a decline in first time entrants following the lifting of COVID restriction means we could see the Croydon rate be in line the London average for the first time by December 2022.
SCRER 10	Hate crime offences (includes Homophobic, transphobic, religious, race and disability hate crimes) rate per 1,000 population	NA	Monthly	12 months rolling to August 22	N/A	2.68		N/A	12 months rolling to July 22	2.70	12 months rolling to August 22	3.04	
PH 01	% of the eligible population offered an NHS Health Check who received one (% uptake)	Bigger is better	Quarterly	Q2 22/23	32%	885%	↑		Q1 22/23	40%	Q2 22/23	42%	Croydon has a targeted approach to NHS Health checks provision that focuses on those most at risk of poor health outcomes rather than the entire eligible population. The focus is on improving uptake of health checks by those who have been offered rather than increasing the population invited. We have been working with our new invitation provider to use behavioural insights to improve the invitation letter and to implement a recall process. There is a caveat with Q2 22/23 data (currently reported as 885% on Fingertips) as the proportion is over 100% and could change in the next quarter as there could be a correction notice. Currently invitations are on hold until the Data Protection Impact assessment is in place.
PH 10	% of children receiving 6-8 week review by health visitor	Bigger is better	Quarterly	Q4 21/22	62.0%	53.4%	↓		Q3 21/22	58.5%	Q4 21/22	70.4%	
PH 11	% of children who received a 2 - 2.5 year review	Bigger is better	Quarterly	Q4 21/22	50.3%	25.7%	↓		Q3 21/22	35.2%	Q4 21/22	63.4%	History of poor performance with a lot due to staffing issues. Significant involvement of Public Health, including the Director of Public Health and Commissioners. Monthly monitoring and improvement plan in place. This has been reviewed by Children's Overview and Scrutiny.
PH 13	% of children aged 10-11 years (children in year 6) classified as obese or overweight	Smaller is better	Annual	2021/22	40.5%	41.9%	↓		2019/20	39.5%	2021/22	40.5%	
PH 14	% of children aged 4-5 years (children in reception) classified as obese or overweight	Smaller is better	Annual	2021/22	21.9%	22.0%	↑		2019/20	21.8%	2021/22	21.9%	Owing to the suspension of the National Childhood Measurement Programme during the pandemic there is no updated information for 2020/21. The Healthy Schools programme includes a focus on healthy food in schools. Public Health are working with the NHS to develop a Tier 3/4 healthy weight service. The Food and Healthy Weight Partnership has a range of actions across the wider determinants of health, and two grants have been received which will be utilised for a healthy catering commitment and to strengthen the healthy weight partnership.
PH 09	% of residents reporting good life satisfaction (% of survey respondents scoring 7 or higher)	Bigger is better	Annual	2021/22	81.0%	78.4%	↓		2020/21	81.3%	2021/22	78.4%	
HOU 1	Number of Homeless Applications Made	N/A	Monthly	Oct-22	N/A	175		N/A	Sep-22	188		No comparable data available	Benchmarking data from DLUHC based on 2020-21 shows Croydon was in the bottom quartile for performance in preventing homelessness at 27.7% compared to the London average of 43.7%. At present the structure of the Homelessness and Assessments service does not support early intervention to prevent or relieve homelessness. This is being addressed through the restructure of the service which will be implemented in 2023/24 and for the rest of this financial year, performance is not expected to improve
HOU 2	Number of homelessness cases prevented	Bigger is better	Monthly	Oct-22	35	14	↓		Sep-22	18		No comparable data available	
HOU 31	% of stock that is categorised as a Decent home	Bigger is better	Annual	2020/21	100%	99.9%	↑				2020/21	90.0%	The government target is that all properties should meet the Decent Homes Standard, however due to the cyclical nature of stock condition reporting and completion of work, there will generally be a number of properties which fail at the time of reporting but are rectified within the next financial year (excluding longer term works such as extensions or large refurbishment works).
HOU 4	Total households in Temporary accommodation	Smaller is better	Monthly	Oct-22	2,400	2289	↓		Sep-22	2,282		No comparable data available	

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					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
HOU 7	Number of temporary accommodation households that are in shared accommodation >6 weeks	Smaller is better	Monthly	Oct-22	5	30	↓		Sep-22	17		No comparable data available	<p>The Project Team continue to support the families out of shared B&B. There has been a big increase this month as resources was diverted to address the Sycamore House fire incident. In addition, as the overall use of emergency accommodation continues to increase, reducing this figure will continue to be a challenge. Progress continues to be discussed at monthly meetings with DLUHC.</p>
HOU 11	% who are very or fairly satisfied with the way Croydon Council deals with repairs and maintenance	Bigger is better	Quarterly	Q4 2021/22	60.32%	59.00%	↑		Q3 2021/22	55.00%	Q3 2020/21	60.32%	
HOU 36	Average Void Re-let times taken (Days)	Smaller is better	Monthly	Oct-22	40	117.5	↓		Sep-22	106.7	2020/21	68.5	<p>The average void relet times will continue to increase until March 2023. With the resolution of process and contractor issues, the large number of backlog voids are now being repaired for let will have longer void periods and will increase figures. Decisions on voids that were awaiting evaluation for repair or disposal have been made and these are now being repaired for let. An improvement project is underway with the 41 of the 62 (was 31/62 last report) actions in Phase 1 being completed and overall progress standing at 82% completion rate (was 62%). Phase 2 of 46 actions (a review against good practice and further improvements) will commence in January 2023 (was 36 actions). Strategic and Operational Group are in place with the involvement of Resident Scrutiny members and more detailed reporting is made internally and to the resident groups Housing Improvement Board and Performance Management Group. Improvements, changes in process management and the increasing of contractor availability is speeding the turnaround of void times (voids in Sept/Oct are being let on average in 39 days) however, these will be masked in the performance data presented.</p>

5 People can lead healthier and independent lives for longer

REF.	INDICATOR	Bigger or Smaller is better	Frequency	Timeframe	LATEST DATA				PREVIOUS DATA		BENCHMARKING		COMMENTS ON CURRENT PERFORMANCE
					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
ASCH 08	Total number of clients (18-64) in Long Term Care	NA	Monthly	Nov-22		1983	↑	N/A	Oct-22	1980	FY 21-22	1072	<p>London Average is 1072, England Average is 645. The reduction of clients in both categories, is aligned to our priorities to reach the London (18-64) and England (65+) averages by April 2024. This is being achieved through triage at the 'front door', increased consideration of reablement potential, daily management challenge sessions; and good social care practice aligned to the community led support principles. Whilst the overall numbers appear high, when compared to National and London benchmarks, the rates per 100,000 for both younger and older adults remain below both National and London averages.</p>
ASCH 09	Rate of clients (per 100,000) (18-64) in Long Term Care	NA	Monthly	Nov-22	805	827	↑		Oct-22	826	FY 21-22	805	
ASCH 10	Total number of clients (65+) in Long Term Care	NA	Monthly	Nov-22		2337	↑	N/A	Oct-22	2320	FY 21-22	London Average 1121	<p>London Average 1121 is England Average is 733. The reduction of clients in both categories, is aligned to our priorities to reach the London (18-64) and England (65+) averages by April 2024. This is being achieved through triage at the 'front door', increased consideration of reablement potential, daily management challenge sessions; and good social care practice aligned to the community led support principles.</p>
ASCH 11	Rate of clients (per 100,000) (65+) in Long Term Care	NA	Monthly	Nov-22	3459	4324	↑		Oct-22	4292	FY 21-22	England 3459	<p>London Average is 4914, England Average is 3459. Target aligned to England Average on advice of the LGA. There has been a significant increase in the number of clients entering Long Term Care over the last few months driven by hospital discharges.</p>
ASCH 17	Total number of people receiving home care (18-64)	NA	Monthly	Nov-22	564	557	↓		Oct-22	560		N/A	<p>18-64 Despite an increase of 21 clients compared to September, the number of clients receiving Home Care remains below target.</p>
ASCH 18	Total number of people receiving home care (65+)	NA	Monthly	Nov-22	1199	1129	↓		Oct-22	1181		N/A	<p>65+ A reduction in the number of clients has kept the number of clients receiving Home Care under target. Services performing well against anticipated demographic growth of 3% for 2022/23.</p>
ASCH 19	Number of People in Residential & Nursing Care (18-64)	NA	Monthly	Nov-22		403	↓	N/A	Oct-22	409		205	<p>London Average is 205 clients and 130 clients per 100,000</p>

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					22/23 Target	Croydon position	Change from previous	RAG	Timeframe	Croydon position	Timeframe	London position	
ASCH 19a	Rate of people per 100,000 in Residential and Nursing Care (18-64)	Smaller is better	Monthly	Nov-22	130	168	↓		Oct-22	171		London 130	130 clients per 100,000. 18-64: a 9.8% decrease, aligned compared to April 22, although the rate per 100,000 continues to be below London Average
ASCH 20	Number of People in Residential & Nursing Care (65+)	NA	Monthly	Nov-22		779	↓	N/A	Oct-22	793		558.9	London Average is 558.9 clients and 1482 clients per 100,000
ASCH 20a	Rate of people per 100,000 in Residential and Nursing Care (65+)	Smaller is better	Monthly	Nov-22	1314	1467	↓		Oct-22	1493		England 1314	London Average is 558.9 clients and 1482 clients per 100,000. 65+; discharge from hospital of people severely deconditioned through Covid is one issue, there are interdependent issues linked to intermediate care bed and therapy availability. System partners are currently developing a transformation programme to respond to the issues. A new gatekeeping process is in place regarding scrutiny of proposed placements to residential care. Despite increases in numbers the rate per 100,000 remains in line with London Average.
ASCH 07	% of safeguarding intervention leading to reduction / removal of risk (closed episodes)	Bigger is better	Monthly	Nov-22	95%	90%	↔		Oct-22	90%			People who have capacity and are a part of a safeguarding process can make decisions which do not always alleviate the risk – this can be particular issues in respect to Mental Health (MH) enquires but not always exclusive to MH. Sometimes cases are finished and followed up through another route – so risk may not have been evaluated. There are situations where risk cannot be fully removed -for example people placed in a care home which is in provider concerns. The size of the cohort is quite small - often less than 50 and therefore one case without risk reduction has quite a large impact on the overall percentage.
ASCH 03	% of people who approach the council for help with adult care and that is resolved at the point of initial contact.	Bigger is better	Monthly	Nov-22	75%	87%	↑		Oct-22	86%			Our managing demand programme is using the nationally recognised, John Bolton report, Institute of Personal Care - six steps to managing demand. On this indicator 75% is the suggested metric. To be below this would be cause for concern. That the current position is significantly higher, suggests our 'front door' is able to support and signpost proportionately, without need for assessment.
ASCH 06	Overall satisfaction of carers with social services from Carers Survey	Bigger is better	Every 2 years	Nov-22	32%	20.7%			FY19-20	20.70%			20.7% of carers report they are very or extremely satisfied with the service they are receiving. This compares with a London Average of 31.8%. Whilst this is down on the previous survey in 19-20 this decline is in line with other London Boroughs as the percentage of carers who did not receive a service during the pandemic increased. 35.1% of respondents said they were, extremely, very or quite satisfied with the services they receive. Target set at London Average. One third of respondents stated that they did not receive a carers service last year.
ASCH 12	% of long term clients for 12+ months who have had a review	Bigger is better	Monthly	Nov-22	55%	62.33%	↑		Oct-22	56.51%			This measure as reported includes all long term clients who have had a review. However, the more stringent SALT measure only counts reviews that took place within the last 12 months. Performance against these measures is low as a result of key vacancies and the significant national challenge in the recruitment of social workers. A growth bid is currently included for consideration at Cabinet to fund additional organisational support to undertake the backlog of reviews.

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REPORT:	CABINET	
DATE OF DECISION	25th January 2023	
REPORT TITLE:	Dedicated Schools Grant (DSG) School Funding 2023/24 Formula Factors	
CORPORATE DIRECTOR / DIRECTOR:	Debbie Jones, Interim Corporate Director of Children, Young People & Education	
LEAD OFFICER:	Shelley Davies Director, Education	
LEAD MEMBER:	Cllr Gatland – Cabinet Member for Children, Young People & Learning	
AUTHORITY TO TAKE DECISION:	Cabinet as required in line with the DSG grant conditions. Ref. ESFA Operational Guide published on the 13th of October 2022	
KEY DECISION? [Insert Ref. Number if a Key Decision]	Yes	REF. NO: 8122EM This is a statutory requirement under the DfE governance process in setting and allocating the annual Schools Block funding allocation of £301.8m for 2023/24
CONTAINS EXEMPT INFORMATION?	NO	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT:

- 1.1 Dedicated School Grant (DSG) is a ring-fenced grant of which the Schools Block element is used to fund individual school's budgets in Croydon maintained schools and academies.
- 1.2 This report provides the basis for the final funding allocation across Croydon individual school budgets approved by Schools Forum on the 7th of November 2022. This paper is to inform cabinet about how the budget was set and to seek cabinet approval prior to updating the DfE Authority Proforma Tool (APT) which is a model used in setting the schools budget before submission to ESFA by the set January 2023 deadline.
- 1.3 The Local Authority is responsible in setting the £301.8m annual school's budget for Croydon. There are currently 109 schools with a total population of 50,330 pupils accordingly to the most recent DfE statistical data. The 109 schools comprise of 86 Primary schools and 22 secondary schools. There is only one all-through school making a total of 109 schools.

2 RECOMMENDATIONS

- 2.1 The Executive Mayor in Cabinet is recommended to approve the provisional funding formula for Croydon schools for the financial year 2023/24 for both maintained schools and academies in line with the recommendations voted for by School Forum.
- 2.2 The Executive Mayor in cabinet is asked to also note the DfE optional factors values reported in table 3 in section 6.1 and paragraphs 6.4 to 6.14 (summarised in table 3) which forms the bases underlying the draft budget for 2023/24
- 2.3 The Executive Mayor in cabinet is finally asked to note the three new underlisted requirements for setting the 2023/24 school's budget. These are:
 - (a) Local authorities will only be allowed to use National funding formula (NFF) factors in their local formulae.
 - (b) Local authorities must use all NFF factors – except for the locally determined premises factors which remain optional, and the fringe factor which is compulsory for the 5 local authorities on the fringe.
 - (c) Local authorities must also move their local formula factor values to at least 10% closer to the NFF, except where local factor is already mirroring the NFF

3 REASONS FOR THE RECOMMENDATIONS

- 3.1 The DSG governance arrangements referred to in section 37.3 of the 2023/24 ESFA operational guide published on the 13th of October 2022 clearly states that the local authority needs to seek political approval of the formula factors by mid-January 2023, prior to the submission of the authority pro-forma tool, which specifies Croydon's schools funding formulae.
- 3.2 Schools Forum has already discussed and considered all the optional factor values and its implications and thereafter voted for the options which best support the needs of our school community. Their recommendations are all in line with the DfE strategic approach of further aligning schools' budget close to the DfE National Funding Formula.

4. BACKGROUND AND DETAILS

- 4.1 Local Authorities receive annual notification of funding as well as funding methodology from the Department for Education (DfE) as part of the School's Annual Budget Setting process. This information is provided via the DfE through information sharing portal as well as published in the DfE Annual Schools Block Operational Guide. The guide provides useful updates from the DfE regarding the National Funding Formula for the following year and how local authorities are expected to calculate their individual schools' budgets
- 4.2 This report outlines the factors agreed at Schools Forum on the 7th of November 2022, which were proposed for setting of the school's budgets for 2023/24 through the Authority Proforma Tool (APT). These factors were consulted on through the Schools Block meeting and were voted on and approved at the meeting on 7th of November 2022.
- 4.3 The next stage is to seek political approval of the formula factors listed in table 3. This paper highlights the voting results by the members of the school's forum regarding the chosen optional value assigned to each of the compulsory and optional factors.

5. DEDICATED SCHOOLS GRANT ALLOCATION

5.1 New funding regulations – 2023/24

5.1.1 The (DfE) has taken another major step this year towards the National Funding Formula implementation by requesting additional changes to how the 2023/24 schools' budget should be set. The (3) important requirements are as follows:

- (c) local authorities will only be allowed to use NFF factors in their local formulae. This means that the looked after children (LAC) factor will no longer be an allowable factor.
- (d) local authorities must use all NFF factors – except for the locally determined premises factors which remain optional, and the fringe factor which is compulsory for the 5 local authorities on the fringe. This means that local authorities will have to use all 3 deprivation factors (FSM, FSM6 and IDACI), as well as LPA, EAL, mobility, sparsity, and the lump sum.
- (c) local authorities must also move their local formula factor values to at least 10% closer to the NFF, except where local factor is already mirroring the NFF. The 10% movement is calculated such that local authorities bring their local formula factor much closer to the NFF. The deviation is ascertained by comparing to the difference between the local factor value and the NFF value in 2022 to 2023. These criteria do not apply to locally determined factors – notably the premises factors.

5.1.2 Local authorities are therefore expected to set the funding allocations for schools through a formula in line with the new directive above. This paper sets out the new compulsory and optional factors expected to be used in line with the new DfE directive. Schools' forum therefore decided to select one of the three options (a minimum rate based on 10% deviation, the national rate, or the maximum cap of 2.5% above the national rate) presented in this paper.

5.2 The school's block DSG is a ring-fenced grant, but local authorities can transfer up to 0.5% of their school's block funding into another block, with the approval of their school's forum. The Local Authority would likely consider a request from Schools forum to transfer between 0.3% to 0.5% from school's block to the High Need blocks next year to support the locality funding.

5.3 The NFF provisional allocation for 2023/24 is below in Table 2. The funding is an indicative allocation and subject to change following pupil numbers adjustments after the October census. Final allocations have in prior years been issued in late December. The movement shows an indicative increase of £13.8m from the 2022/23 final allocation.

Table 2 Schools Block provisional allocation 2023/24

	Total 2022/23 final allocation	Provisional funding in 2023/24	Movement
Schools block allocation	£285,631,819	£299,439,818*	£13,807,999

ESFA 19/07/2022 Published data*

6 FORMULA FACTORS

6.1 The formula factors expected to be used this year are summarised here in Table 3.

Table 3 - Formula factors used in Croydon 2023-24

Para No.	Formula factor	Approval type -2023/24
6.2	Minimum per pupil funding	To note (compulsory factor and rate) (Need to add a row for split site)
6.3	Age weighted pupil unit (Basic Entitlement)	To note (compulsory factor and local rate)
6.4	Deprivation - IDACI	To note (compulsory factor) NFF and Local rate used last year.
6.5	Deprivation – FSM & FSM6	To note (compulsory factor and NFF rate adopted)
6.6	Low prior attainment	To agree (compulsory factor and NFF rate adopted)
6.7	English as an additional language	To agree (compulsory factor and NFF are adopted)
6.8	Looked after children	(This must be removed by DfE rule)
6.9	Lump Sum	To agree (compulsory and local factor used last year)
6.10	Mobility	To agree (compulsory)
6.11	Private Finance Initiative – base rate increase	To agree (optional but needs Schools Forum consideration on Amount and RPIX measure of inflation)
6.12	Minimum Funding Guarantee	To agree (compulsory) and part of the DfE Model
6.13	Growth Funding	Criteria for growth and no change expected on agreed rate for 2024/25
6.14	Split Site	Optional Factor – Same criteria and approved rate as agreed last year
6.15	Sparsity and London Fringe	Sparsity is compulsory but none of Croydon schools falls within the eligibility criteria on <u>distance</u> and <u>pupil numbers</u> , therefore this factor not applicable. Croydon is also not considered as “London Fringe” Local Authority

6.2 Minimum per pupil level funding

Minimum per pupil funding level is set by the NFF to ensure that each pupil attracts a basic level of funding thus ensure that if no other factor is relevant that there is a minimum level each pupil at each school phase should be funded for.

Table 4**Rates for Minimum per pupil level funding**

School phase	2023/24 NFF Minimum rate per pupil	2023/24 NFF Mid-rate per pupil	2023/24 NFF Maximum rate pupil (2.5 % above NFF)
Primary school	To be updated	To be updated	To be updated
Secondary school	To be updated	To be updated	To be updated

6.2.1 Schools Forum to note once completed

6.3 Age weighted pupil unit (AWPU)

The funding formulae will calculate our rate of AWPU **after** all the other factors amounts have been allocated. The AWPU rates applied last year as well as the new funding limits set by the DfE after completion of the model with agreed factors is as shown below.

Table 5 AWPU rates with DfE Recommendations

Factor	22-23 NFF including ACA	22-23 APT	Difference between 22-23 APT and 22-23 NFF	23-24 APT minimum	23-24 NFF including ACA*	23-24 APT maximum
A	B	C	D	E	F	G
Primary basic entitlement	£3,487.55	£3,783.18	£295.63	£3,592.18	£3,684.29	£3,950.36
KS3 basic entitlement	£4,917.48	£4,826.68	-£90.80	£5,064.40	£5,194.26	£5,324.12
KS4 basic entitlement	£5,541.92	£5,135.23	-£406.69	£5,488.24	£5,854.26	£6,000.62

* Area Cost Adjustment - The Area Cost Adjustment (ACA) is a tool used to measure this variation in costs for local authorities in England

6.3.1 School's Forum to note the final AWPU once determined after the LA receives the final allocation from the DfE and after all other factors have been distributed.

6.4 Deprivation - IDACI

This is a compulsory factor and is made up of 3 elements; free school meals (FSM), free school meals 6 (FSM6) and the income deprivation affecting children index (IDACI). Schools Forum can choose to use free school meals (FSM and FSM6) and/or IDACI.

DfE have set revised IDACI banding rate amounts. The intention is for this factor to be moved to a 'hard formula' to introduce nationally consistent factor values. See Appendix A for definition of FSM6 relates to and the IDACI movements. Total value for IDACI last year was £10.271m.

Table 6 IDACI rates Primary Schools

School phase	Primary schools			
	2022/23 IDACI rate per primary pupil used in Croydon	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate pupil
IDACI Band F	£212	£225.82	£249.67	£255.91
IDACI Band E	£262	£276.31	£303.95	£311.55
IDACI Band D	£402	£429.64	£477.63	£489.57
IDACI Band C	£443	£470.94	£521.05	£534.08
IDACI Band B	£486	£512.93	£553.62	£567.46
IDACI Band A	£717	£709.12	£727.31	£748.16

Table 6B IDACI rates Secondary Schools

School phase	Secondary schools			
	2022/23 IDACI rate per secondary pupil used in Croydon	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate pupil
IDACI Band F	£302	£323.23	363.65	372.74
IDACI Band E	£411	£438.29	483.06	495.14
IDACI Band D	£554	£591.09	673.03	689.85
IDACI Band C	£613	£655.66	738.16	756.61
IDACI Band B	£685	£725.95	792.44	812.25
IDACI Band A	£1,015	£984.30	1,009.54	1,054.68

6.4.1 Use IDACI as a method of calculating deprivation by:

- (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
- (b) Moving to the average national NFF rate. **Recommended for Band B to Band F. Voted**
- (c) Moving to the maximum rate above NFF. **Recommended for Band A only. Voted**

6.5 Deprivation free school meals (FSM) and (FSM6)

Schools receive funding for all FSM eligible pupils through this factor. In 2022/23 Croydon followed the NFF rates and distributed £19.095m through this factor. The rates per school phase varies for each of the two elements (FSM rates and FSM6).

Table 7 FSM rates

School phase	2022/23 rate per pupil - FSM	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate pupil
Primary school	£470	£485.48	£521.05	£534.08
Secondary school	£470	£485.48	£521.05	£534.08

Table 7B FSM6 rates

School phase	2022/23 rate per pupil - FSM6	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate pupil
Primary school	£590.00	£720.64	£765.30	£784.43
Secondary school	£865.00	£1,052.62	£1,118.10	£1,146.05

- 6.5.1 (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
(b) Moving to the average national NFF rate. **Option B voted for FSM and FSM6**
 (d) Moving to the maximum rate above NFF

6.6 Low prior attainment

This is now a compulsory factor which Croydon will use again this year. It is a rate per pupil per school phase and is set locally. In the 2022/23 allocation Croydon distributed £16.4m through this factor. The APT tool automatically provides the number of pupils who are eligible (based off the prior year census data). See Appendix A for definition of Low Prior Attainment and the pupils in this category

The DfE uses a weighting system to identify the number of pupils qualified. For the financial year 2023 to 2024, the weightings are:

pupils in year 7 in October 2022: [will be calculated in autumn 2022]
 pupils in years 8 to 10 in October 2022: 65%
 pupils in year 11 in October 2022: 64%

The weightings will operate in the same way as in 2022: the number of pupils identified as having LPA in the data will be multiplied by the relevant weighting to determine the number of pupils eligible for the factor for funding purposes.

LPA funding has been allocated to all pupils identified as not reaching the expected standard at the previous phase, regardless of their year group. It does not only apply to those pupils in their first year of schooling.

Table 8 Low Prior Attainment rates

School phase	2022/23 NFF rate per pupil	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate per pupil
Primary school	£1,130.00	£1,168.26	£1,253.79	£1,285.13
Secondary school	£1,710.00	£1,770.25	£1,899.68	£1,947.17

6.6.1 The Low Prior Attainment agreed rate should:

- (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
- (b) Moving to the average national NFF rate. Option B voted by Forum for LPA.
- (c) Move above the average national NFF rate

6.7 English as additional language (EAL)

This is an optional factor but has been used in the Croydon local formula. This rate per pupil per phase had been set locally. In the 2022/23 allocation Croydon distributed £4.829m through this factor.

Table 9 EAL rates

School phase	2022/23 midpoint rate per pupil	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate per pupil
Primary school	£565.00	£586.84	£629.61	£645.35
Secondary school	£1,530.00	£1,583.05	£1,698.85	£1,741.33

6.7.1 The English as an additional language factor rate should:

- (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
- (b) Moving to the average national NFF rate. Option B voted by Forum for EAL
- (c) Move above the average national NFF rate

6.8 Looked after children

This rate per pupil per school phase is set locally using the 2022/23 local rate Croydon distributed £167k through this factor. This factor is no more expected to be applied from 2023/24.

Table 10 Looked after Children rate

School phase	2022/23 proposed rate per pupil	Number of pupils
Primary school	£500	145
Secondary school	£500	192

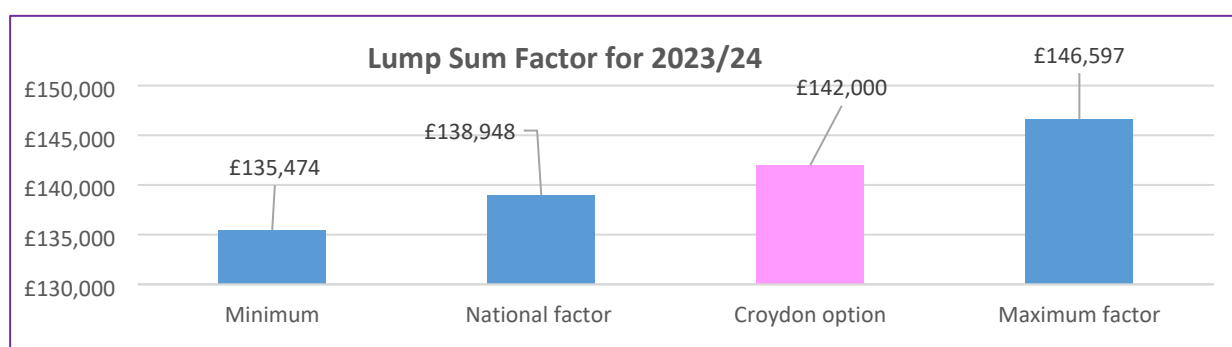
- 6.8.1 The Schools Block should decide how the service is expected to be funded. Either de-delegated/allocated to the funding to Virtual Schools team directly
Recommended - School block working Group requested de-delegation to support the service using the rates per pupil shown in table 10 and ensure the right DfE funding regulations followed. Agreed £210k.

6.9 Lump Sum

Each school receives a lump sum. In 2021/22 and 2022/23, the local lump sum per school was £140,000 and resulted in a distribution of £15.300m and £15.260m respectively. The published NFF rate is £138,947 for Primary schools and Secondary schools.

Table 11 Lump sum rates

School phase	2021/22 Local rate per school	2023/24 NFF Minimum rate per pupil	2023/24 NFF Mid rate per pupil	2023/24 NFF Maximum rate pupil
Secondary school	£140,000	£135,474	£138,948	£146,597
Primary school	£140,000	£135,474	£138,948	£146,597



- 6.9.1 The lump sum factor should:

- (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
- (b) Moving to the average national NFF.
- (c) Move above the average national NFF rate
- (d) Steering Group recommended £142,000. Option "D" voted by Forum**

6.10 Mobility

The mobility factor allocates funding to schools with a high proportion of pupils who first join on a non-standard date. Mobility funding was previously allocated on the basis of historic

spend. However, for 2020/21, the DfE developed a new methodology that enables calculation of allocations of this funding on a formulaic basis. Rather than relying on a single census, the methodology involved tracking individual pupils using their unique pupil ID through censuses from the past 3 years. If the first census when the pupil was in the school was a spring or summer census, they are considered a mobile pupil.

To be eligible for mobility funding, the proportion of mobile pupils a school has must be above the threshold of 6%. A per pupil amount will then be allocated to all mobile pupils above that threshold. See Appendix A for definition of Mobility and the schools and school phases impacted. The total amount paid last year on this factor was £441.7k.

Table 12 Mobility rates

School phase	2022/23 Local rate (@NFF	2023/24 NFF Minimum rate per pupil	2023/24 NFF rate per pupil	2023/24 NFF Maximum rate per pupil
Primary school	£925	£955.81	£1,025.83	1051.47
Secondary school	£1,330	£1,375.65	£1,476.32	1513.23

6.10.1 The Mobility factor should:

- (a) Moving to the minimum national average rate set by in the NFF rate per pupil* or
- (b) Moving to the average national NFF rate Option “B” voted by Forum.
- (c) Move above the average national NFF rate

6.11 Private Finance Initiative

Croydon has one PFI school and therefore uses this factor. The purpose of the factor is to fund the additional costs to a school of being in a PFI contract. The agreed amount paid last year was £547k.

6.11.1 The PFI factor should:

- a) Inflationary increase to be applied to last year’s rate.
- b) Stay the same as last year’s rate.
- c) Reduce last year’s rate by £100k to £447,000. Option “C” voted by Forum.

6.12 Minimum funding guarantee (MFG)

MFG protects schools’ budgets from large changes in funding based on factor changes. It protects on £/per pupil basis but does not protect against a fall in pupil numbers.

Local authorities have the freedom to set the MFG in their local formulae between +0.0% and +0.5% per pupil. All of Croydon schools have reached and exceeded these increases using the NFF rates. Proposed to keep the limit of +0.5% in 2023/24.

Table 13 MFG rates

Year	MFG	Using NFF rate for all factors
2016/17	£11,425,730	
2017/18	£3,861,329	
2018/19	£2,362,522	
2019/20	£1,143,179	
2020/21	£670,987	
2021/22	£87,337	
2022/23	TBA	£101,196

6.12.1 Schools Forum were asked to note the set MFG

6.13 Growth funding

The criteria for growth funding for schools was reviewed and approved by Schools Forum on 5th October 2020. The rates for various parts of the growth fund will be applied to the schools that meet the growth criteria and have been confirmed by the Schools Admissions Team.

Table 14 Growth rates

Year	Growth
2017/18	£3,002,894
2018/19	£3,365,680
2019/20	£2,279,811
2020/21	£1,708,617
2021/22	£1,914,299
2022/23	£1,369,581
2023/24	To be confirmed

6.13.1 Schools Forum are requested to note the above and agree that this sum be allocated to schools that meet the growth criteria.

6.14 Split site factor

An updated criteria was approved last year with a value of £50k per split site.

(Schools block working Group recommended keeping last year's criteria and agreed by Forum).

6.15 Sparsity factor

This is now a compulsory factor from 2023/24. This factor distributes funding to schools that are remote, measured by sparsity distances, and are small, based on average year group size. To calculate a school's sparsity distance, we take all the pupils for whom it is the nearest compatible school and find the average shortest road distance from these pupils' home postcodes to their second nearest compatible schools. None of Croydon falls reaches the DfE threshold hence not applicable.

7. **CONSULTATION**

7.1 Croydon Schools Forum has a statutory consultative and advisory role in respect of school funding and consultation took place at the meeting of 17th October 2022 and 7th November 2022. Schools Forum reviewed the modelling within each of the proposed options recommended for each of the above factors. The formula proposals have been

communicated to schools via the schools Forum papers. The responsibility for approving the funding formula now rests with the LA as required by the DfE Governance arrangements.

8. FINANCIAL IMPLICATIONS

8.1 Whilst acknowledging the financial position of the Council in respect of the General Fund, the approval of the recommendations in this paper has no direct bearing on the council finances.

8.2 All the £301.8m Schools Block grant will be paid to the schools and it's a ring-fenced Dedicated School Grant used for the purposes of providing education to pupils in the London borough of Croydon in accordance with *The School and Early Years Finance (England) Regulations* and DfE guidance.

Approved by: Jane West Corporate Director (Finance, Investment and Risk) Section 151 Officer.

9. LEGAL CONSIDERATIONS

9.1 The Head of Litigation and Corporate Law comments on behalf of the Council's Director of Legal Services and Monitoring Officer

9.2 Dedicated Schools Grant (DSG) is paid to the Council by the Secretary of State under Section 14 of the Education Act 2002, and Section 16 of the Act provides that financial assistance under Section 14 may be given on such terms as the Secretary or State considers appropriate. Under Section 45 of the School Standards and Framework Act 1998 (SSFA), every maintained school must have, for each funding period, a budget share which is allocated to it by the authority which maintains it. Under Section 47 of the SSFA, a maintained school's budget share for a funding period is such amount as the local authority may determine, in accordance with regulations, to allocate to the school out of the authority's individual schools budget for that period, (which budget includes DSG paid to the authority under Section 14 of the Education Act 2002). Regulations have been made annually under Section 47 of the SSFA, entitled *The School and Early Years Finance (England) Regulations*, but there are currently no regulations for the funding period starting on 1 April 2023.

9.3 However, the Council must have regard to the Education and Skills Funding Agency Guidance "Schools Operational Guide: 2023-2024" updated on 13 October 2022. In particular, Section 7 of the Guidance provides as follows

"Local authorities must engage in open and transparent consultation with all maintained schools and academies in their area, as well as with their schools forums, about any proposed changes to their local funding formulae, including the principles adopted and any movement of funds between blocks.

Any consultation should include a demonstration of the effect of modelling such changes on individual maintained schools and academies.

Local authorities also need to set out how their proposals meet the requirements to move the local formulae towards the NFF.

Local authorities should communicate proposed formula changes to all bodies affected by the changes.

The local authority is responsible for making the final decisions on their formula; each local authority's process should ensure that there is sufficient time to gain political approval before the APT deadline in January 2023.

Political approval means approval in line with the local authority's local scheme of delegation, so this may be decisions made by the council cabinet, cabinet member or full council. The school's forum does not decide on the formula".

- 9.4 The decisions recommended in this report are in respect of executive functions, and therefore approval is sought in accordance with the Executive Mayor's scheme of delegation.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Council's Director of Legal Services and Monitoring Officer

10. HUMAN RESOURCES IMPACT

- 10.1 There are no direct Human Resources considerations arising from this report. If there are subsequent proposals that affect the workforce as a result of the budget limit set, consultation and planning must be in line with the relevant HR policies and procedures and HR advice must be sought from the assigned provider.

Approved by: Deborah Calliste, Head of HR CYPE, on behalf of the Chief People Officer.

11. EQUALITIES IMPACT

- 11.1 The funding allocations and formulae are set nationally and are therefore already subject to an equality assessment. The Council is also committed to the government's vision - an education system that works for everyone. No matter where they live, whatever their background, ability or need, children should have access to an excellent education that unlocks talent and creates opportunity. We want all children to reach their full potential and to succeed in adult life.
- 11.2 In setting the Education Budget 2023/24 the Council has taken into account the need to ensure targeted funding is available for work on raising the attainment of disadvantaged pupils who are likely to share a "protected characteristic" (as defined in the Equality Act 2010) and close the gap between them and their peers.
- 11.3 The Council will ensure that the system for distributing funding is fair in order to support the life chances of our most vulnerable children and young people; a fairer funding system will help provide all schools and all areas with the resources needed to provide an excellent education for all pupils irrespective of their background, ability, need, or where in the country they live.
- 11.4 This will help the Council meet its equality objective "to improve attainment levels for white working class and Black Caribbean heritages, those in receipt of Free School Meals and Looked after Children.

Approved by: Caroline Bruce Head of Business Intelligence & Performance

12. ENVIRONMENTAL IMPACT

- 12.1 There are no direct implications contained in this report.

13. CRIME AND DISORDER REDUCTION IMPACT

- 13.1 There are no direct implications contained in this report.

14. OPTIONS CONSIDERED AND REJECTED

14.1 Given the provisional allocations there is no requirement for additional action at this time.

15. DATA PROTECTION IMPLICATIONS

15.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING
OF 'PERSONAL DATA'?**

NO

CONTACT OFFICER: Charles Quaye (Interim) Head of Finance – Education (Children, Young
People and Learning

Appendix A

FSM6 - Pupils who are identified as FSM6 eligible (pupils who have been entitled to FSM at any time in the last 6 years) as taken from the previous January census.

IDACI - The IDACI element of the deprivation factor is based on the IDACI dataset for 2019, which is published by the Ministry for Housing, Communities and Local Government (MHCLG). IDACI is a relative measure of socio-economic deprivation—an IDACI score is calculated for an LSOA (an area with typically about 1,500 residents) based on the characteristics of households in that area. The IDACI score of a given area does not mean that every child living in that area has particular deprivation characteristics—it is a measure of the likelihood that a child is in a household experiencing relative socio-economic deprivation. LSOAs are ranked by score, from the most deprived LSOA, with the highest score, to the least deprived LSOA.

The IDACI measure uses 7 bands (A to G where A is the most deprived) and different values can be attached to each of the 6 bands A to F. Different unit values can also be used for primary and secondary schools in each band.

Low Prior Attainment - The LPA factor acts as a proxy indicator for low level, high incidence, special educational needs and is measured as such for primary and secondary pupils:

1. primary pupils identified as not achieving the expected level of development in the early years foundation stage profile (EYFSP).
2. secondary pupils not reaching the expected standard in KS2 at either reading, writing or maths—an individual weighting is applied to each year group from years 7 to 10 when calculating secondary LPA to reflect the higher levels of low attainment under the new testing regime

Mobility - This factor pertains to pupils who first appeared in either the January or May census return at their current school (the one they are on roll with in the October census) in 2017 or later. This is for pupils in reception only, those first appearing at their current school in the May census are classed as mobile.

With this factor, there is a 6% threshold and funding is allocated based on the proportion above the threshold (for example, a school with 8% of pupils classed as mobile will attract pupil mobility funding for 2% of pupils).

How PFI is calculated in the NFF - Premises funding will continue to be allocated at local authority level on the basis of actual spend in the 2020-21 APT, with the PFI factor increasing in line with the RPIX measure of inflation (1.56%) to reflect PFI contracts.

Appendix B

Key changes to the schools NFF in 2023 to 2024 are:

- increasing the 2022/23 NFF factor values (on top of the amounts we have added for the schools supplementary grant) by:
 - 4.3% to free school meals at any time in the last 6 years (FSM6) and income deprivation affecting children index (IDACI)
 - 2.4% to the basic entitlement, low prior attainment (LPA), FSM, English as an additional language (EAL), mobility, and sparsity factors, and the lump sum.
 - 0.5% to the floor and the minimum per pupil levels (MPPL)

- 0% on the premises factors, except for Private Finance Initiative (PFI) which has increased by Retail Prices Index excluding mortgage interest payments (RPIX) which is 11.2% for the year to April 2022

Compulsory

- Basic entitlement
- FSM
- FSM6
- IDACI
- Minimum level of per-pupil funding for primary and secondary schools
- Prior attainment and EAL
- Pupil mobility and Sparsity
- Lump sum
- London fringe – compulsory for the eligible authorities

Optional

- Split sites
- Rates
- Private finance initiative (PFI) contracts
- Exceptional circumstances (with ESFA agreement)

Appendix C

Extract from DfE Table for Croydon

Factor	22-23 NFF including ACA	22-23 APT	23-24 NFF including ACA	23-24 APT minimum	23-24 APT maximum
Primary basic entitlement	£3,487.55	£3,783.18	£3,684.29	£3,592.18	£3,950.36
KS3 basic entitlement	£4,917.48	£4,826.68	£5,194.26	£5,064.40	£5,324.12
KS4 basic entitlement	£5,541.92	£5,135.23	£5,854.26	£5,488.24	£6,000.62
Primary IDACI A	£693.82	£717.00	£727.31	£709.12	£748.16
Secondary IDACI A	£964.85	£1,015.00	£1,009.54	£984.30	£1,054.68
Primary lump sum	£131,501.33	£140,000.00	£138,947.84	£135,474.14	£146,596.64
Secondary lump sum	£131,501.33	£140,000.00	£138,947.84	£135,474.14	£146,596.64

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 - 0.5% to the floor and the minimum per pupil levels (MPPL)
 - 0% on the premises factors, except for Private Finance Initiative (PFI) which has increased by Retail Prices Index excluding mortgage interest payments (RPIX) which is 11.2% for the year to April 2022

Compulsory

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Primary IDACI A	£693.82	£717.00	£727.31	£709.12	£748.16
Secondary IDACI A	£964.85	£1,015.00	£1,009.54	£984.30	£1,054.68
Primary lump sum	£131,501.33	£140,000.00	£138,947.84	£135,474.14	£146,596.64
Secondary lump sum	£131,501.33	£140,000.00	£138,947.84	£135,474.14	£146,596.64

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REPORT TO:	
SUBJECT:	Education Estates Strategy
LEAD OFFICER:	Debbie Jones - Interim Corporate Director Children, Young People and Education Shelley Davies – Director, Education Denise Bushay – Head of Service, School Place Planning, Admissions and Early Years
CABINET MEMBER:	Cllr Gatland - Children, Young People and Learning
WARDS:	All
MAYOR’S BUSINESS PLAN 2022-26 The five core outcomes of the Mayor’s Business Plan 2022-26 are: <ol style="list-style-type: none"> 1. The council balances its books, listens to residents and delivers good, sustainable services. 2. Croydon is a place of opportunity for business, earning and learning. 3. Children and young people in Croydon have the chance to thrive, learn and fulfil their potential. 4. Croydon is a cleaner, safer and healthier place, a borough we’re proud to call home. 5. People can lead healthier and independent lives for longer. 	
SUMMARY OF REPORT This report sets out the draft education estates strategy for the three-year period 2022-2025. The strategy aims to minimise council borrowing to an absolute minimum whilst fulfilling the council’s statutory duty for sufficiency of school places. The proposals outlined in this report will ensure that the Council is compliant with its school place planning duties (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure provision for children with SEN; and respond to parental preference. This report focuses on 3 of Croydon’s main statutory responsibilities as an education authority: <ul style="list-style-type: none"> • School Admissions – determination of admission arrangements for all Croydon community schools for admission in 2024/25, and Pan London co-ordination arrangements. • School Place Planning – ensuring a sufficient supply of school places and childcare to enable the Council to fulfil its statutory duties. • School Maintenance – ensuring that school buildings meet minimum standards. 	
FINANCIAL IMPACT The overall cost of the Education Capital Programme is estimated at £11,834,000 over the period 2023/24 and £15,767,000 over the period 2024/25 as set out in Appendix 3.	

1. DRAFT RECOMMENDATIONS

The Executive Mayor in Cabinet is recommended to

School Admissions:

- 1.1 agree to the proposed community schools' Admission Arrangements for the 2024/25 academic year (Appendix 1).
- 1.2 approve the continued adoption of the proposed Pan London scheme for co-ordination of admissions to Reception and Junior schools – Appendix 1a; and adoption of the proposed Pan London scheme for co-ordination of admissions to secondary schools (Appendix 1b).

School Place Planning

- 1.3 Approve the Capital Programme Budget summary (Appendix 3).
- 1.4 School Maintenance and Compliance
Approve the proposed Schools' Maintenance Plan (Appendix 4) for 2023/24 with an overall budget cost of £4,580,016; and £3,191,514 for 2024/25.
- 1.6 Delegate authority to the Interim Corporate Director – Children, Young People and Education to vary the proposed Schools' Maintenance Plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works. The Corporate Director, Children, Young People and Education shall report back to the Executive Mayor in Cabinet in respect of any exercise of such authority.

The Executive Mayor in Cabinet is asked to note the following:

School Place Planning

- 1.7 Comparison between the available school places vs 2022 School Capacity (SCAP) Pupil Projections – Appendix 2 (primary) and Appendix 2a secondary).
- 1.8 Managing Surplus School Places
The local authority is working in partnership with partners to discuss and agree a collective strategy to manage the high level of surplus school places in some primary schools.
- 1.9 The proposed reduction of All Saints Primary School, Published Admission Number from 60 to 30, with effect from September 2024.

Academy Conversion

1.9 The change of status to an academy for the following schools:

- Orchard Way Primary School from 1 April 2022
- The Minster Junior School from 1 April 2022
- The Minster Infant and Nursery School from 1 September 2022
- Coloma Convent Girls' School from 1 November 2022

1.10 Early Years

- *Croydon Childcare Sufficiency Assessment 2022* (Appendix 5) which measures the demand for, and supply of childcare across the borough.

1.11 Special Educational Needs and Disability (SEND)

Provision sufficiency for children and young people with complex SEND remains a challenge. We continue to develop provision in line with the planned expansion and are addressing the areas of need in addition to this. The use of robust data to inform medium to long term planning to meet demand is now much more accurate.

1.12 Alternative Provision / Pupil Referral Unit (PRU)

- We have received from the DfE the Academy Order for the proposed conversion to an academy of Saffron Valley Collegiate (SVC) Pupil Referral Unit. The intended date of conversion is the 1st April 2023.
- Additional demand for Alternative Provision places is met by commissioning suitable places via our Approved Alternative Provision Provider List.

2. EXECUTIVE SUMMARY

This report outlines:

- the Council's Education Estates Strategy for three stages of education: Early Years, Primary and Secondary, including Special Educational Needs and Disability, and Pupil Referral Unit. It covers:
 - School Place Planning; School Admissions; and
 - Schools' Maintenance and Compliance.

2.1 Key Points

2.1.1 We are not proposing any changes to the previously agreed admission arrangements for community schools.

2.1.2 There is sufficiency of school places to meet demand at early years, primary and secondary education phases.

2.1.3 There has been a decline in birth rate resulting in a high level of unfilled places in some schools. Borough-wide and planning area meetings have been held with primary schools to begin collaborative discussions about potential short, medium, and long-term options to manage surplus places.

2.2 School Admissions

2.2.1 Co-ordinated Admissions

Admission authorities, including local authorities, are responsible for admissions and must act in accordance with the School Admission Code, and the School Admission Appeals Code. All admission authorities must determine (i.e., formally agree) admission arrangements every year, by 28 February. The Council is also responsible for having in place a scheme for coordinating admission arrangements. There are no proposed changes to the admission arrangements that have been previously determined in January 2022 that require consultation.

2.2.1a All Saints Primary School is consulting on a proposal to reduce its Published Admission Number from 60 to 30, The Minster Junior School from 120 to 90, Oasis Shirley Park 120 to 90 with effect from September 2024.

2.2.2 In-Year Admission

Croydon School Admissions manage the in-year admissions for the majority of primary schools in Croydon either because they are a community school or on behalf of the governing body of an academy, Voluntary Aided, Foundation or Free school.

2.3 School Place Planning

2.3.1 In accordance with the Education and Inspections Act 2006 (“EIA”) the Council has a statutory duty to “secure that sufficient schools for providing— (a) primary education, and (b) secondary education are available for their area” as well as to “secure diversity and increase opportunities for parental choice when planning the provision of school places” in the borough. The Council also has statutory duty to manage a potential surplus of school places.

2.3.2 Sufficiency of school places

There is sufficiency of school places at both primary and secondary levels across the borough. Therefore, there are no planned projects to create additional school places. The duty to ensure sufficient school provision also requires local authorities to manage surplus school places.

2.3.3 Managing surplus school places

Due mainly to a drop-in birth rate, several primary schools across the borough are experiencing falling rolls. The council is working collaboratively with these schools to discuss and agree options for managing the high level of surplus places., including reduction of published admission number. A few schools are proposing to reduce their published admission number.

2.3.4 School Maintenance and Compliance

The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works. It has a duty to ensure that appropriate arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The Schools’ Maintenance Plan (Appendix 4) contains the planned repairs and maintenance

programme for 2023/24 and proposed outline plan for 2024/25.

2.3.5 Special Educational Needs and Disability

The sufficiency of provision for SEND is under review as demand continues to grow for a range of SEND. This illustrates the number of young children already with EHCPs in the Croydon system. In addition to this we have approximately 170 currently being considered for assessment and placement, 23 of which have a diagnosis of Down Syndrome. This data is crucial to our placement planning and forecasting. In addition, we continue to have pressure in placing children and young people with complex MLD/SLD and Dyslexia. To this end discussion is underway regarding establishing additional Education Learning Provision (ELPs) within mainstream settings and a planned expansion of Addington Valley Academy and St. Nicholas special schools for September 2023.

2.3.6 Early Years

Local Authorities are required to report annually to elected council members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents. Croydon's Childcare Sufficiency Assessment 2022 report indicates that there are sufficient early years and childcare places for families. The Sufficiency Assessment report is attached as Appendix 5.

2.3.7 Croydon Childcare Sufficiency Assessment 2022

The Childcare Sufficiency Assessment (Appendix 5) outlines how the council plans to secure enough childcare places as far as is reasonably practicable, for parents who are working, studying, or training for employment. The Childcare Sufficiency Assessment meets the local authority's statutory duty under sections 6 and 7 of the Childcare Act 2006.

2.3.8 Alternative Provision / Pupil Referral Unit (PRU)

The Council has a duty to make arrangements for the provision of suitable education at school or otherwise for each child of school age who for reasons of illness, exclusion or otherwise would not receive it unless such arrangements were made. This duty is fulfilled via availability of pupil places at Saffron Valley Collegiate (PRU) plus additional places commissioned from our Approved Alternative Provision Provider List as described in 4.43 to address needs that cannot be met by the PRU.

3. DETAIL

3.1 School Admissions

- 3.1.1 Croydon is the Admission Authority for Community schools and is therefore responsible for determining the Admission Arrangements for these schools. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years. Croydon is not proposing any changes to the previously agreed admission arrangements.

- 3.1.2 Admission authorities must determine admission arrangements for entry in September 2024 by 28 February 2023. The proposed Admission Arrangements for Community schools include the criteria by which school places are allocated when a school receives more applications than places. The council is not proposing any significant changes to the previously agreed admission arrangements.
- 3.1.3 The Council is also responsible for having in place a scheme for coordinating admission arrangements. Croydon has participated in a Pan London arrangement for the Co-ordinated Admissions rounds for both primary and secondary applications for several years.
- 3.1.4 The Council is required by statute and regulations to approve its admissions policies for the schools it is responsible for the 2024/25 academic year (including Published Admissions Numbers – PANs). Accordingly, the Executive Mayor in Cabinet is requested to determine the proposed Admission Arrangements for Croydon's community schools for the 2024/25 academic year (Appendix 1) and approve the adoption of the proposed Pan London co-ordination arrangements (Appendix 1a & Appendix1b).
- 3.1.5 The governing bodies of voluntary aided, foundation schools and academies are their own admission authorities and therefore responsible for determining their own admission arrangements. All Saints Primary School is proposing to reduce its Published Admission Number from 60 to 30, The Minster Junior School from 120 to 90, Oasis Shirley Park Primary School 120 to 90 with effect from September 2024.
- 3.1.6 In-year admissions
An in-year admission is when parents/carers apply to a school outside the normal admissions round and at a time when their child should already be attending school. In-year admissions generally arise when a parent/carer wants their child to transfer between schools or when a child moves into the area.
- 3.1.7 Local authorities must, on request, provide information to prospective parents about the places still available in all schools within their area. To enable them to do this, the admission authorities for all schools in the area must provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent/carer in seeking a school place.
- 3.1.8 The council is not required to co-ordinate in-year applications for schools for which they are not the admission authority. However, Croydon School Admissions manage the in-year admissions for the majority of primary schools in Croydon either because they are a community school or on behalf of the governing body of an academy, Voluntary Aided, Foundation or Free school.

4. School Place Planning

- 4.1 Under section 14 of the Education Act 1996, every local authority (LA) has a statutory duty to provide sufficient school places for all pupils in its area. This includes the planning and reviewing of school places, securing diversity and

increasing opportunities for parental choice to ensure the needs of the community are met, as well as managing surplus places.

4.1.2 Pupil Projections for SCAP 2022

Like most London Boroughs, Croydon commissions the Greater London Authority (GLA) School Roll Projection (SRP) service to forecast future demand for school places. The GLA methodology generally has provided a more accurate and credible set of pupil projection numbers to support better pupil places planning for Croydon. The projections are also used to complete the council's annual statutory School Capacity (SCAP) return to the Department for Education.

4.1.3 The projections are designed to give a strategic-level indication of where additional demand may arise in future. It is not intended that the projections be considered as definitive evidence that additional provision is required in a particular planning area. We apply local knowledge to ensure that local factors are taken into account to enhance the robustness of the projected figures.

4.1.4 Currently, there are more places than pupils at both primary and secondary levels, but the balance between the two varies across the borough, within educational planning areas and particularly school-by-school.

4.1.5 Shortages of places at popular schools can exist alongside surplus places at others. And over the next three years, the expected growth in pupil numbers varies widely: in some places, numbers are expected to increase due to pupil yield from planned housing developments; in others, particularly in the primary phase, they are expected to decrease due to fall in birth rates.

4.1.6 Pupil projection indicates sufficiency of mainstream school places for both primary and secondary schools for the next 3 years. There is the potential for some schools across the borough, both primary and secondary, to have higher levels of unfilled places. Appendices 2 (primary) and 2a (secondary) contain a table that shows a comparison between the Available School Places vs 2022 School Capacity (SCAP) Projections Pupil Projections.

4.2 Changes in demand

Across London, local authorities are trying to manage a high level of unfilled places which in part is due to a drop-in birth rate. Between 2012-13 and 2018-19, the number of live births across London decreased by 10%. The number of births in an area will have a direct effect on the number of children on roll four years later. Anecdotal evidence in relation to the potential effect of the COVID-19 pandemic on future birth rates suggests that the pandemic may lead to an acceleration in the decline of the birth rate in the UK.

4.3 Surplus Places

Since 2013, there has been a fall in birth rate nationally and locally which has resulted in a drop in demand for school places, and a high level of surplus school places in some schools across the borough. This can have a negative impact on school's finance as schools are funded on a per pupil basis and unfilled places mean that schools will get less funding which could affect the quality of education as schools might have to reduce staff and resource.

- 4.3.1 To allow for unexpected in-year growth in demand and parental choice and provide some leeway in case the projections underestimate the actual level of demand, the Council aim to allow between 5% and 10% surplus places across the borough, with the higher percentage in areas of planned housing developments.

4.4 Managing Surplus School Places

There is a high level of surplus primary school places, however, some planning areas and schools are more affected than others. A high level of surplus places can lead to financial and organisational inefficiency for schools. This could affect the quality of education as schools might have to reduce staff, resource, and overheads.

- 4.4.1 The council is working with affected schools with an aim to help stabilise each school's intake and enable school leaders to plan and deliver school provision effectively and meet local demand. The council has met with groups of primary schools in their planning areas to discuss options for managing surplus school places through collaborative working, for example, the sharing of resources, and expertise whilst delivering a high standard of education to pupils. A School Organisation Advisory Board will be set up to help in agreeing the criteria that will be used for identifying the schools that require intervention to address the surplus capacity.
- 4.4.2 The council has undertaken an assessment of the level of surplus places in individual schools and has developed a plan for reducing primary school places. So far, three schools have proposed or are consulting on reducing their Published Admission Number and we expect more schools to follow. The council is also exploring alternative uses of the spare capacity with primary schools, such as re-purposing empty classrooms for SEND provision.
- 4.4.3 Primary Schools: Croydon has six educational planning areas – North West, East, Central, South East, South, South West - for the primary phase pupil of place planning; each with its own distinct demographic profile and migration patterns. A significant number of schools in the North West and East planning area have experienced the biggest fall in demand resulting in the highest number of surplus places. The South East has the highest percentage of surplus places but only has six schools. To date, 1320 places have been removed, across primary year groups (Reception – Year 6). Most of these unfilled places, were in the North West and East planning areas.
- 4.4.4 For the 2022/23 academic year - the percentage of first preference offers is up by one and a half per cent this year to 86.5%. The percentage of parents/carers receiving one of their top three preference schools is 96.5% (this remains the same as last year). There also has been a decrease of 2.39% in the number of primary applications received on-time with 4365 pupils applying for primary school places, compared to 4472 in 2021.
- 4.4.5 The demand for places in Croydon's primary phase is not restricted to the rising 5's, nor does the on-time admissions round adequately provide an accurate picture of the number of places that will be required during the following education year. 'In year' applications create an all-year pressure to find additional places, and since families who make these applications

characteristically have young families with primary aged children, there is a continued pressure across the whole primary estate.

- 4.4.6 Secondary Schools: There are two secondary educational phase planning areas, North and South, which reflect home to school journeys tend to travel further to school independently due to good transport links.
- 4.4.7 Borough-wide, the percentage of surplus school places at secondary level is 10%. This is concentrated in the North of the borough, which has 13% surplus places in year 7. Pupil projections suggest that there is a small number of surplus places in the South planning area, currently 5%, and additional places may be needed if demand increases above the predicted level.
- 4.4.8 For the 2022/23 academic year, 65% of secondary school applicants received their first preference school and 87.5% one of their first three preference schools.

4.5 School Maintenance

4.5.1 Local Authorities have responsibility to maintain school buildings so that they are safe, warm and weather tight and provide a suitable learning environment, including dealing with emergencies promptly and effectively and managing and procuring maintenance works efficiently and ensuring the council meets its full statutory compliance obligations. The Council is responsible for the larger condition and maintenance works in maintained schools and regularly undertakes reviews of legislation changes and ensures it meets its obligations. We will be reviewing our school's energy performance certificates and looking at which schools have the worst performance.

- 4.5.1 As part of the schools planned maintenance programme (which includes electrical, mechanical and general build works) a certain reduction in CO2 emissions is achieved as a result of replacing electrical/mechanical equipment which is at the end of its lifetime with new efficient equipment. During last year's programme, the Council took the initiative of completing feasibility studies and heat decarbonisation plans at four schools in the borough to explore suitable low carbon heating systems such as Ground source heat pumps, Air source heat pumps, the installation of photovoltaic panels and improving the fabric of the schools' buildings. A number of suitable options have been proposed as part of the feasibility studies; however, the challenge continues to be that adopting such measures requires additional funding and forward planning and at this time there is no additional funding available from the DfE to carry forward any plans, we are however continuing to improve on the efficiency of heating and insulation to our schools' estates and we will be looking at further ways of improving their efficiency whilst undergoing major maintenance.

- 4.5.2 There are a number of funding schemes that are available to fund heat decarbonisation and energy efficiency measures (provided that the criteria are met); last year we were successful in obtaining funding from the Public Sector Decarbonisation Scheme to aid with the installation of LED lighting in 3 schools. The next steps would be to carry out further feasibility studies, following the review of the school's condition surveys which were completed in 2021, to establish in which schools' where energy efficiency measures can be adopted (which meet the criteria of the public sector decarbonisation funding schemes) to enable the Council to apply for further funding to supplement the planned maintenance programme's budget to deliver such measures.
- 4.5.3 The condition of some of the education estate has improved due to investment in the refurbishment of the building fabric and maintenance / replacement of electrical and mechanical equipment. However, as school buildings age, they present age related issues and the cost of maintaining them is increasing steadily. In addition, some of the buildings are nearing the end of their lives and structural issues are beginning to emerge.
- 4.5.4 The 2023/24 annual maintenance capital budget (Appendix 4) stands at £4,200,000 which is sufficient to only undertake the highest ranked projects; those categorised as the worst defects designated D1 in the condition survey report. The council retains a percentage of its annual maintenance capital budget to address unexpected and urgent reactive works in schools, we are also reviewing risk on compliance within our school's estate and will be looking to ensure that the council meets its statutory compliance with any changes to legislation.
- 4.5.5 The School's Maintenance plan (Appendix 4) has been developed using information from condition surveys commissioned by the Council. These surveys are comprehensive and identify costed items across each school rated from A (good condition) to D (poor condition) as well as assessing the urgency of each (on a scale of 1 to 4, with 1 being the most urgent). School Condition surveys have been undertaken in 2021, they will continue to be reviewed and validated to inform the 4 next year's school maintenance programmes.

4.6 Asbestos Management in Community Schools

4.6.1 Where asbestos is present, the council will take the following steps to manage the asbestos in our schools ensuring they have the following:

- a) Management survey of asbestos-containing materials (ACMs)
- b) Assess the risks associated with ACMs.
- c) A plan for managing asbestos.
- d) Ensure staff and visitors know the risks and precautions they need to take.
- e) Keep the management of asbestos under continuous review

4.7 Statutory compliance Inspections and works

4.7.1 Both the Council and maintained schools are required to ensure school buildings are meeting the statutory standards by regularly undertaking statutory tests and maintenance which includes Legionella Risk Assessments, Gas Safety Checks, Fire Alarm tests, NICEIC 5 Year Periodic Inspections, NICEIC Emergency Lighting, Energy Performance Certification, Fire Risk Assessments and Asbestos Management and compliance related work. The Council ensures that the policies, and the condition of the school estate are compliant with appropriate legislation by requesting and checking the relevant certification and where necessary ensure that works are carried out.

4.8 Fire Safety

4.8.1 Cabinet approved an additional £3m from 2018/19 through to 2019/20, which was extended to 2020/21 to undertake fire safety remedial works at schools for which it is the responsible body. This works programme will now conclude in 2023/24 due to various challenges that have arisen in delivering the works on-site. The works are progressing across the estate with progress made in 2022/23. The remaining works are currently being reviewed against other planned/agreed works in 2023/24 to ensure the works are coordinated and minimise disruption to teaching and learning

4.9 Special Educational Needs and Disability (SEND)

4.9.1 We now have robust SEND data, which is enabling improved analysis, forecasting and planning. Table A below outlines children in early years with Education and Health Care Plan (EHCP), broken down by Need:

	NCY -2	NCY -1	NCY 0 (Reception)	Total
Speech,Lang or Comm Diff	0	2	84	86
Autistic Spectrum Disorder	1	0	33	34
Medical Problems	3	5	10	18
Moderate Learning Difficulty	0	0	8	8
Soc, Em and Ment Health	0	0	4	4
Hearing Impairment	0	1	2	3
Other Difficulty/Disability	0	0	3	3
Blank	0	0	3	3
Vision Impairment	0	0	1	1
Multi-Sensory Impairment	0	0	1	1
Total	4	8	149	161

Table 1

- 4.9.1 Following a review of the SEND estate, a programme of maintenance and remedial activities has been undertaken. However, there remains a significant challenge relating to space and suitability of accommodation in particular at St. Giles. The growth in the complexity of the pupils attending – and their medical needs - has impacted upon the site. Continuing issues with the accommodation are impacting upon and restricting use.

4.10 Early Years

Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of working parents/carers in their area. The Council's duties around inclusion birth to five are detailed in the Children and Families Act 2014, (section 2 Childcare Act 2016).

4.11 Croydon Childcare Sufficiency Assessment 2022

4.10.1 For the purposes of this assessment the supply of formal childcare includes Ofsted registered private day nurseries, pre-schools, schools with nursery provision, childminders out of school clubs and holiday clubs. There are diverse and sufficient early years provision across the borough. In total, there are 575 childcare providers in our local authority, offering 10,165 childcare places.

4.11.1 In Croydon there are an estimated 13 childcare places per 100 children based on 80,871 children aged 0 to 14 years. Ofsted's national figures as of August 2022 state that the proportion of Croydon childcare providers on the Early Years Register judged to be good or outstanding was 92%.

4.12 Alternative Provision / Pupil Referral Unit (PRU)

4.11.1 Under Section 19 of the Education Act 1996 the Local Authority has a statutory duty to make arrangements for the provision of suitable full-time education to those pupils who are unable to attend a mainstream school due to illness, exclusion or otherwise.

4.12.1 In this context, Alternative Provision in Croydon is provided by separate specialist providers for each of the Primary and Secondary settings, a Medical Tuition Service and the London Borough of Croydon supplement this with provision commissioned from the independent sector (on our Approved Provider List) as required. The number of commissioned places from the Independent Sector varies according to need which the flexibility of our contractual arrangements allows for. All of this place funded provision is good or outstanding.

The number of places available is as follows, but excludes additional 'ad-hoc' commissioned places from our Approved Alternative Provider List to meet additional demand/needs:

- Medical: 90 places for tuition services (1-2-1 and small groups)
- Primary: 48 places
- Secondary: 150 places, of which 48 places are for KS3 pupils who have or are at risk of being excluded and 102 places for KS4 pupils who have or are at risk of being excluded
- Emotionally based school refusers: 40 places.

4.12.2 We utilise the Approved Alternative Provider List to commission specialist provision for new KS4 (year 11) arrivals into the borough who have English as an Additional Language (EAL) needs.

4.12.3 Saffron Valley Collegiate Pupil Referral Unit has applied to the DfE to convert to an academy in April 2023.

5. CONSULTATION

- 5.1 Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period
- 5.2 All Saints Primary school, The Minster Junior school and Oasis Shirley Park Primary school consulted partners on the proposed reduction of the school's published admission number. These schools are their own admission authority and as such, responsible for undertaking their own consultation and is the decision-maker.

6 PRE-DECISION SCRUTINY

- 6.1 This report will go to a Scrutiny meeting.

7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 7.1 The table below details the Education Capital Programme for the current and future years and the associated funding sources. There is currently no financial risk envisaged so far. None of the funding sources is from borrowing therefore no impact on the council general fund. The service had always followed the grant conditions and efficient resource utilization on the capital budget.
- 7.2 The capital budget allocation in 2022/23 and future years demonstrates the local Authority strategy to also invest in Special Education Needs capital projects which will ensure a good strategic fit with the five years overall Dedicated Schools Grant (DSG) Deficit Recovery Plan.
- 7.3 The effect of the decision
The use of the free school's route to provide new school places within the borough in the future will result in a reduction in the requirements for future capital funding from the council as this will be funded by central government.
- 7.4 Risks
Due to the nature of this programme, there is a risk that projects may overspend, and regular monitoring of all projects and the programme will be undertaken and reported to this Cabinet as part of the quarterly financial monitoring reports.

Table 2. Capital Budget from 2022/23 to 2024/25

Medium Term Financial Strategy – 3year forecast					
Capital Schemes / Funding Source	Current Budget 2022/23	Net Movement Including Slippage	Revised 2022/23 Budget	Budget 2023/24	Budget 2024/25
	£'000	£'000	£'000	£'000	£'000
Capital Budgets					
Permanent Expansions	44	275	319	-	-
Fixed Term Expansion /Bulge	703	44	747	2,540	2,993
SEN Provision	750	1103	1853	4,792	4,287
Major Maintenance	3,708	354	4062	4,200	4,200
Fire Safety Works	750	26	776	152	-
Miscellaneous		134	134		
Secondary Estate		39	39		
Effect of decision from report (Total)	5955	1975	7930	11,684	11,480
Funding Sources					
School Condition Allocation	4,458	380	4,838	4,352	4,200
Special Provision	423	524	947	4,521	4,287
Basic Need Funding	381	858	1239	2,540	2,993
Borrowing	-			-	-
CIL	693	213	906	271	-
Total Funding	5955	1975	7930	11,684	11,480

7.5 Capital Budget

Table 2 below represents the overall capital budget over the next three years. Detailed can be found in Appendix 3 appended to this report. As shown below, most of the capital budget is allocated to major maintenance work and Special Education Needs provision. The slippage is subject to final approval at the 25th January Cabinet.

7.6 The table above details the current Education Capital Programme for 2022/23 and the future two financial years and the associated funding sources. The spend in the 2023/24 and 2024/25 may increase dependent on the outcome of the following:

- a) The completion of an in-depth review of legionella and compliance related works across all our community schools. This will determine the required level

- of funding over the coming years to ensure that our schools are compliant and safe.
- b) The completion of a review regarding CDM management of the capital programme and risk analysis on reducing overall risk to the council regarding H&S management legislation on site and implementation of its recommendations.
 - c) The addition of an asset manager to the delivery team and their review of the compliance work we undertake and statutory documentation we hold on to our schools and implementation of recommendations to ensure we reduce the risk to the council.
 - d) The Creation of an RAAC register for all our community schools' estates where the material is identified and the creation of cyclical yearly structural survey plan on schools affected.
 - e) Additional works as needed to increase the SEND provision places, we offer in mainstream schools
- 7.7 A detailed breakdown of the projects can be found in Appendix 4 – School Maintenance Plan – appended to this report.
- 7.8 Future savings/efficiencies
If additional free school providers are interested in opening schools in Croydon, the cost to the Council could be reduced further in the future years. Also, the Council's borrowing requirement may also be reduced if any further funding is allocated by the Department for Education. The fall in birth rate and associated demand for school places would however result in reduced demand and this would be monitored closely to make future savings.
- 7.9 The provision of more school places within the borough for children with special education needs and disability (SEND) will result in a reduction in the need for young people to travel outside of the borough, which will result in financial savings to the SEND budget.

Approved by: Nish Popat – Interim Head of Corporate Finance

8. LEGAL CONSIDERATIONS

- 8.1 Section 13 of the Education Act 1996 places a duty on local authorities to secure (so far as their powers enable them to do so) that efficient primary, secondary and further education are available to meet the needs of the population of their area. Section 13A requires local authorities to ensure that their relevant education and training functions are exercised (so far as they are capable of being so exercised) with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential for children and young people in their area. Section 14 requires local authorities to secure sufficient schools for primary and secondary education for their area, and sufficient is defined by reference to number, character and equipment to provide appropriate education based on age, ability and aptitude, including practical instruction and training appropriate to their needs. These duties are overarching duties and apply regardless of whether schools are maintained by the local authority or independent of local authority support.

- 8.2 As the admission authority for community and voluntary controlled schools, the Council is required under The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) Regulations 2012 and the Admissions Code 2021 to determine the admissions arrangements by 28 February 2023.

Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Director of Legal Services & Monitoring Officer

9. HUMAN RESOURCES IMPACT

- 9.1 There are no direct HR implications arising from this report. Any resultant future increases or changes in staffing will be handled by schools' governing bodies in accordance with the appropriate school/council policy and procedures.
- 9.2 Approved by: Dean Shoesmith, Chief People Officer

10. EQUALITIES IMPACT

- 10.1 An equality analysis has been undertaken as part of the January 2023 report to help us to understand whether people with protected characteristics, as defined by the Equality Act 2010, will be disproportionately affected by the proposed changes and recommendations in the Education Estates Strategy report.
- 10.2 There are no proposed changes in this report that will prevent the Council from meeting its statutory duty to provide sufficient school places for protected and non-protected groups. Croydon schools provide diverse educational provision in terms of type/category, size and educational sponsors. These include special schools, enhanced learning provisions at mainstream schools; and Academies /Free Schools. Pupils are allocated a school place based on the admissions criteria which aims to promote fair access to schools and are compliant with the School Admissions Code.
- 10.3 The proposed strategy supports the Croydon Equalities Pledge, enabling Croydon to become more inclusive, fairer, and safer for our residents, workers and visitors:
- positively promote the equality of opportunity for individuals of all characteristics namely: disability, gender, race, age, sexual orientation, religion and belief, marriage and civil partnership and gender identity, by recognising significant celebrations and awareness days and ensuring that workplace practices do not discriminate against any groups.
- 10.4 The proposed strategy supports the Council's general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.
- 10.5 The equality analysis indicates that the proposed changes and recommendations will not negatively impact on any groups that share protected characteristics and that no major change is required as the strategy meets the

general and specific equality duties as required by the Equality Act. An Equality Analysis Impact is attached at Appendix 6. Furthermore, there is a written commitment in the Equality Analysis to continue to keep the strategy under review and make changes as appropriate should the need arise.

10.6 Approved by: Gavin Handford, Director of Policy, Programme & performance

11. ENVIRONMENT AND CLIMATE CHANGE IMPACT

11.1 Through the delivery of the Education Capital Programme of works the Council will strive to deliver energy efficient solutions through design and construction methodologies with the intention to reduce energy use and associated carbon emissions in our schools.

11.2 The Council will work with schools to monitor the energy performance post works so that this can be captured in lessons learnt for future projects

12. CRIME AND DISORDER REDUCTION IMPACT

12.1 Children being in school will help prevent criminal and anti-social behavior or being victim of such behavior and reduce the number of children and young people in the criminal justice system.

13. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 13.1 The recommendations of this report are set out to ensure that the Council is compliant with its statutory duties as an education authority:
- School Place Planning (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure sufficient primary and secondary education, including SEN to meet the needs of the population of its area
 - School Admissions (School Admission Code 2014) to determine the Admission Arrangements for its community schools annually
 - School Maintenance - school buildings meet the minimum standard and premises are maintained so that they provide a suitable learning environment.

14. OPTIONS CONSIDERED AND REJECTED

14.1 In relation to mainstream schools, there are no plans to deliver any new/additional school places. Should there be an increase in demand for new schools, this will be delivered through the free school route which is funded by central government.

15. DATA PROTECTION IMPLICATIONS

15.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

No

(If no, please complete the sign off)

15.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

No

This report does not include any personal data.

The Director of Education comments that this report is an overview of education estates and does not contain any personal data.

Approved by Shelley Davies, Director of Education

CONTACT OFFICER:

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SoftPhone 0208 726 6000 ext. 24210

Kathy Roberts – Interim Head of 0-25 SEN Service, 0208 604 7263

APPENDICES TO THIS REPORT

Appendix 1 – Community Schools Admission Arrangements

Appendix 1a – Pan London Co-ordination – Reception and Junior

Appendix 1b – Pan London Co-ordination – Secondary

Appendix 2 – Available Primary School Places vs SCAP 2022 Pupil Projections

Appendix 2a - Available Secondary School Places vs SCAP 2022 Pupil Projections

Appendix 3 – Capital Programme Budget Summary

Appendix 4 - Schools Maintenance Plan

Appendix 5 – Early Years Childcare Sufficiency Assessment report

Appendix 6 – Equality Impact Assessment

BACKGROUND PAPERS

None

DRAFT - Community Schools Admission Arrangements 2024/25

The criteria outlined below apply only to Croydon community schools.

Should any community school convert to academy status prior to September 2024, the admissions arrangements will apply as published below unless stated otherwise in their funding agreement.

Where the number of applications for a community school is higher than the published admission number, the following criteria will be applied in the order set out below to decide the allocation of places:

Children with an Education, Health & Care Plan (EHCP) that names a school will be admitted to the school before the admissions criteria are applied to all other applicants. (See note 7)

1. **Looked-after children and previously looked-after children** (see Note 1).

2. **Linked schools**

Children who are on the roll of their linked infant school at the time of application. (see Note 2).

3. **Siblings:**

Children with a brother or sister who will be in attendance at the school or the linked infant/junior school at the time of enrolment of the new pupil (see Note 3).

4. **Exceptional medical need:**

Pupils with a serious medical need for attending a particular school. (See Note 4)

Supporting professional evidence must provide specific reasons why a particular school is the only school that can meet your child's needs and the detriment that would be caused if your child had to attend another school. Your application must be supported by a GP or consultant.

For primary age children, their need to attend a particular school because of a parent's serious and continuing medical condition may also be relevant.

Supporting evidence should be set out on the online medical form. Please refer to the guidance which is available online at:

<https://www.croydon.gov.uk/education/schools-new/school-admissions/applications-due-to-a-medical-need>

Both the completed medical

form and the supporting evidence from the GP or consultant must be submitted with the application (see Note 4).

By submitting your evidence to the local authority you consent to this information being shared with the local authority's medical advisor.

5. Distance:

Priority will be given to pupils living nearest to the school as measured in a straight line (see Notes 5 and 6).

Tiebreaker

In the event that the number of applications for places exceeds the number of places available, after application of the admissions criteria, distance will be used to decide between applications. Where distance is the same for two or more applications the authority will use random allocation.

Note 1: Looked-after children are defined as 'children in public care at the date on which the application is made'. 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, immediately after being looked-after. This includes children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted.

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.

If an application is made under the 'looked-after' criterion, it must be supported by:

- a letter from the relevant local authority children's services department and/or relevant documents or
- evidence which demonstrates that a child was in state care outside of England and left that care as a result of being adopted.

Note 2: This criterion does not include siblings on the roll of the infant school's nursery class, if it has one.

A list of all infant and junior schools is provided in the table below. The shaded schools are their own admission authority, therefore, please refer to the individual school's admissions policy.

Linked Infant School	Linked Junior School
Beulah Infant	Beulah Junior
Elmwood Infant	Elmwood Junior

The Minster Nursery and Infant	The Minster Junior
Park Hill Infant	Park Hill Junior
St Joseph's Catholic Infant and Nursery	St Joseph's Catholic Junior
St Mary's Catholic Infant	St Mary's RC Junior
Whitehorse Manor Infant and Nursery	Whitehorse Manor Junior
Winterbourne Infant	Winterbourne Junior Girls
Winterbourne Infant	Winterbourne Junior Boys

Note 3: A sibling is defined as a brother or sister, half-brother or sister, step brother or sister, foster-brother or sister or adopted brother or sister whose main residence is the same address as the child for whom the school place application is being made.

Children with siblings allocated a place in the Reception or Year 3 class at a linked junior school to start in September will be eligible for priority under the sibling criterion from 1 August each year when this local authority opens waiting lists for the new academic year.

In the case of in-year admissions, eligibility for sibling priority will apply at the time of an offer.

This criterion does not include siblings on the roll of the school's nursery class, if it has one.

Note 4: All schools have experience in dealing with children with a range of medical needs and all schools are required to make reasonable adjustments in order to do this.

In a very few exceptional cases however, there may be reasons why a child needs to attend a specific school and this could be due to the child's medical need or the medical condition of the parent or the main carer with responsibility for the child. Providing evidence does not guarantee that a child will be given priority at a particular school and in each case a decision will be made based on the merits of the case and whether the evidence demonstrates that a placement should be made at one particular school above any other.

If you feel there are exceptional reasons for your child to be considered for a priority placement at a particular school, you must indicate this in the section provided in your application and complete the online medical form. More information on the medical application process is available online at:

<https://www.croydon.gov.uk/education/schools-new/school-admissions/applications-due-to-a-medical-need>

All requests for priority consideration on medical grounds must be supported in writing by a doctor or consultant and this must make clear which school you are making a

special case for, the reason why it is necessary for your child to attend this school in particular and the difficulties it will cause for your child to attend another school.

It is for you to decide how to support your case and what documents to provide but these must be submitted, together with the completed medical form and supporting statement by the GP/consultant, by the closing date of **15 January 2024**. The admissions team is not responsible for chasing you to submit medical evidence or for contacting professionals for information about your case. Any decision will be based on documents you submit by the closing date.

The local authority, using guidance received from Croydon's admissions panel (this is comprised of professionals from health and education), will decide whether an application for a school is to be prioritised on medical grounds, in light of the medical evidence submitted by the parent for their child to attend a particular school. Claims for priority of admission on medical grounds submitted after a decision on the original application has been made will only be considered if the documents submitted were not readily available at the time of application or if they relate to a new medical condition. Any submission made after the initial application must be supported by details of how the circumstances have changed since the original application and by further professional evidence.

Applicants who submit supporting information on medical grounds will not be advised whether their application is likely to be successful prior to the offer of places on 16 April 2024. If evidence is received after the closing date of 15 January 2024, it will not be taken into account until after places have been offered on 16 April 2024.

Note 5: 'Home' is defined as the address where the child normally resides Monday to Friday as their only or principal residence.

Addresses involving child-minding (professional or relatives) are excluded. There have been occasions when parents/carers have tried to use false addresses to obtain a place at a school. To prevent this happening, Croydon Council undertakes checks using an address verification tool called Datatank. If after these checks have taken place we cannot be satisfied that the address is the parent and child's normal place of residence, the parent/carer will be asked to provide further proof of their home address. In this instance two forms of address verification will be required: a solicitor's letter confirming completion of contract or a tenancy agreement along with a recent utility bill in the applicant's name.

If the parent/carer is found to have used a false address or deliberately provided misleading information to obtain a school place, the offer will be withdrawn.

Should there be doubts about the address to be used, parents/carers may be asked to provide evidence concerning the child's normal place of residence. This could include a court order stating where the child should live during the course of the week. The local authority would expect that the parent/carer with whom the child is normally resident receives the child benefit for the child. If the residence is split equally between both parents, the home address may be determined to be the address where

the child is registered with the doctor. This may be used to determine the normal place of residence for the purpose of measuring the home to school distance.

If parents/carers have more than one property they may be required to provide proof of the normal place of residence for the child.

The processing of applications outside England for admission to school within the normal admissions rounds (excluding Crown servants)

Applications with an address outside England can only be accepted for processing when this local authority is satisfied that there is **evidence of a link to an address in its area** and that **the child will be resident at that address on or before the date of admission** (i.e.start of September). Such evidence must include:

- Booked travel tickets and
- End of lease/notice to tenants in Croydon property or
- Start of employment contract in the Croydon area or
- End of employment contract abroad

The address outside England will apply until such time as there is evidence of a child's return to the linked address. In the event that a family does not return to the linked address provided by the start of September, this local authority will withdraw the application submitted and any offer made.

Note 6: The distance will be measured in a straight line from the child's home address to the designated entrance(s) of the school using a computerised measuring system (GIS) and geographical reference points as provided by the National Land and Property Gazetteer (NLPG). Those living closer to the school will receive higher priority.

If a child lives in a shared property such as flats, the geographical references will determine the start point within the property boundaries to be used for distance calculation purposes.

Distance measurements can be obtained using various internet sources however these do not replicate the system used by Croydon Council. Additionally, the distance measurement which can be obtained from the Croydon website using the 'Find It' link on the home page will not always be identical to that of the measurement obtained using the Croydon school admissions measuring tool (known as GIS) as the 'Find It' link is set up to measure to a range of council facilities and is not set up to measure for school admission purposes. It also does not give measurements to three decimal points.

Note 7: Education, Health and Care Plan

An Education, Health and Care plan (EHCP) is an integrated support plan for children and young people with complex special needs and disabilities. The plan gives a detailed description of the range of difficulties a child is facing and the level and type of provision required to help the child make progress and achieve positive outcomes.

Child minding arrangements:

Child-minding cannot be taken into account when allocating places at oversubscribed community schools.

Children attending a nursery class attached to an infant or primary school

Parents of children attending the nursery class at an infant or primary school must apply for a reception class place in the usual way. These children are not guaranteed a reception place at the school where they are attending the nursery class.

All applications are considered strictly in accordance with a school's admission criteria. Unless otherwise stated, children on the roll of a school's nursery class are not given priority admission into a reception class.

Twins/triplets or other multiple births for admission into an infant class

If you are applying for twins, or children from a multiple birth, and there is only one place available at the school, legislation allows us to admit them all i.e. all siblings from a multiple birth.

Waiting lists

If you are offered a place at a school through the in-year admissions process and you have also expressed a higher preference for another school or other schools, you will not be placed on the waiting list for your higher preference school/schools. You may request for your child to be added to the waiting list by completing a new in-year application form using the online parent portal on the website.

In-year waiting lists are maintained for one academic year and applicants who have been unsuccessful for their preferred school(s) and who wish to remain on the waiting list are required to re-apply the following academic year.

Waiting lists for community schools for applicants who applied as part of the main admissions rounds are held for the first term of the reception year and thereafter, applicants are required to complete the local authority's in-year online application form if they wish to remain on the waiting list.

Admission of children below compulsory school age deferred entry to school

Parents can defer the date their child is admitted to the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the application was made. Parents can also take up a part-time place until later in the school year but not beyond the point at which they reach compulsory school age.

A child reaches compulsory school age the term after their fifth birthday. Therefore, if you are offered a reception class place at a school, you can opt to defer your child's start date, but they MUST start full time school following their fifth birthday by the dates given below:

- Children born on or between 1 September and the end of December must start full time school by the beginning of the spring term in January
- Children born from 1 January to the end of March must start full time school on 1 April
- Children born from 1 April to the end of August must start school at the beginning of the autumn term in September.

The local authority's expectation is that a child born between 1 April and 31 August should start the reception class at the beginning of the summer term at the latest. However, parents may choose that their child does not start school until the September (beginning of the autumn term) following their fifth birthday. Parents must note the place cannot be held open beyond the summer term, this will mean that as their child will be a year one pupil when they join, parents will need to apply for a year one school place, using the in-year application form.

Admission of children outside their normal age group

Parents may request that their child is exceptionally admitted outside their normal age group. The admission authority will decide whether or not the individual child's circumstances make this appropriate on educational grounds.

It is the expectation of Croydon Council that a child is educated alongside his/her age equivalent peers, in almost all cases. We would strongly advise that all children enter into their normal year group. The responsibility for addressing individual educational needs lies with the school through an appropriately differentiated and enriched curriculum.

Parents must submit their request for their child to be educated outside their normal year group by completing the local authority online form at:

<https://www.croydon.gov.uk/education/schools-new/school-admissions/admission-outside-of-normal-year-group/admission-outside-normal-year-group-request>

Parents should include evidence from a relevant professional detailing their child's needs and circumstances which make education outside the normal age group necessary. This could include:

- Evidence from a health or social care professional who is involved in the care or treatment of the child e.g. speech and language therapist, social worker, paediatrician.
- The view of any nursery or other early years setting the child attends and any records of the child's development.

- The progress the child has made in an early years setting, including the rate of progress.
- Whether the child's premature birth has caused health problems or developmental delays that mean the child would benefit from a delayed school start.

Decisions are made on the basis of the circumstances of each case and in the best interest of the child. This will require the admission authority to take account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. It will also involve taking account of the potential impact on the child of being admitted to year one without first having completed the reception year. The admission authority will consider:

- Parents' views.
- Information relating to the child's academic, social and emotional development, where relevant medical history and the views of a medical professional.
- Any previous history of a child being educated outside of their normal age group.
- If a child was born prematurely, the age group the child would have fallen if the child had been born on time.
- Views of the head teacher of the school(s) concerned.

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

DRAFT

**Template LA Schemes for Co-ordination of Admissions to
Reception/Junior in Maintained Schools and Academies in 2024/25**

Contents

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PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Template LA Schemes for Co-ordination of Admissions to Reception/Junior in 2024/25

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it).
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme.
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme.
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order.
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place.
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible.
“the Home LA”	the LA in which the applicant/parent/carer is resident.
“the LIAAG Address Verification Register	the document containing the address verification policy of each participating LA.
“the Local Admission System	the IT module for administering admissions in

(LAS)”	each LA and for determining the highest offer both within and between participating Las.
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council.
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed.
“the Mandatory Elements”	those elements of the Template Scheme to which authorities must subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register.
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2.
“the Prescribed Day”	the day on which parents/carers outcome are notified of their outcome. 16 April in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA.
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3.
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.
“the Qualifying Scheme”	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to

maintained primary and secondary schools
and academies.

PAN- LONDON CO-ORDINATED ADMISSIONS SYSTEM

Template LA Scheme for Co-ordination of Admissions to Reception/Junior in 2024/25

All the numbered sections contained in this scheme are mandatory except those marked with an which are highly desirable.*

Applications

1. Applications from residents of Croydon LA will be made on this LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by this LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
2. Croydon LA will take all reasonable steps to ensure that every parent/carer who is resident in this LA and has a child in a nursery class within a maintained school or academy - in this LA or any other maintaining LA - is informed about how they can access Croydon LA's composite prospectus and apply online. Croydon LA also uses schools, early years' providers, social media to advertise the closing date for applications. Additionally, this LA offers parents support and assistance with their online application at schools and its offices. Parents/carers who do not live in Croydon LA will have access to Croydon LA's composite prospectus on the Council's website. It will advise parents/carers to contact their home LA for further information on the application process.
3. The admission authorities within Croydon LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within this LA, Croydon LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2021.
4. Where supplementary information forms are used by admission authorities in Croydon LA, they will be available on this LA's website, on the school's website, or a paper copy of the supplementary information form can be requested directly from the school. Such forms will advise parents that they must also complete their home LA's Common Application Form. Croydon LA's composite prospectus and website will indicate which schools in this LA require supplementary forms to be completed and where they can be obtained.

5. Where a school in Croydon LA receives a supplementary information form, this LA will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
6. *Applicants will be able to express a preference for up to six maintained primary schools or academies within and/or outside the Home LA.
7. The order of preference given on the Common Application Form will not be revealed to a school within the area of this LA to comply with paragraph 1.9 of the School Admissions Code 2021. However, where a parent resident in this LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
8. Croydon LA undertakes to carry out the address verification process set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against Croydon LA's maintained nursery and primary school data and the further investigation of any discrepancy. Where Croydon LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **9 February 2024**.
9. Croydon LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **2 February 2024**.
10. Croydon LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of this LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **2 February 2024**.

Processing

11. Applicants resident within Croydon LA must submit their online Common Application Form to this LA by **15 January 2024**.
12. *Supplementary Information Forms for schools in Croydon LA must be returned directly to the relevant school by the date specified by the school.* Under the requirements of the scheme, parents/carers will not have to complete a supplementary information form where this is not

strictly required for the governing body to apply their admission criteria or where this is not a requirement in a school's admission arrangements.

13. *Schools that require a supplementary information form will check that a supplementary information form has been completed for each child. Schools will contact parents/carers who have not completed a supplementary information form. Schools will also check that parents/carers who have completed a supplementary information form have completed the LA's Common Application Form. If a parent has not completed a Common application Form, schools will share this information with Croydon LA.*
14. *Admission authority schools will start seeing details of their applications on **19 January 2024**.*
15. *Any changes to the preferences or the order of preference on a Common Application Form made after **15 January 2024** will not normally be considered until after the initial round of allocation – that is after 16 April 2024, unless there is a change of circumstances.*
16. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of Croydon LA's scheme, will be up-loaded to the PLR by **2 February 2024**. Supplementary information provided with the Common Application Form will be sent to maintaining LAs by the same date.
17. *Alternative arrangements will be made by Croydon LA to forward applications and supporting information securely to non-participating LAs.*
18. Croydon LA shall, in consultation with the admission authorities within this LA's area and within the framework of the Pan-London timetable in Schedule 3B, determine its own timetable for the processing of preference data and the application of published oversubscription criteria.
19. **Croydon LA will accept late applications only if they are late for a good reason, deciding each case on its own merits. **The latest date that an application that is late for good reason can be accepted for a resident of this LA is 8 February 2024.***
20. Where such applications contain preferences for schools in other LAs, Croydon LA will forward the details to maintaining LAs via the PLR as they are received. Croydon LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.
21. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **9 February 2024**.

22. *Where an applicant moves from one participating home LA to Croydon LA after submitting an on-time application under the terms of the former home LA's scheme, Croydon LA will accept the application as on-time up until **8 February 2024**, on the basis that an on-time application already exists within the Pan-London system.
23. Croydon LA will participate in the application data checking exercise scheduled between **12 and 16 February 2024** in the Pan-London timetable in Schedule 3B.
24. All preferences for schools within Croydon LA will be considered by the relevant admission authorities without reference to rank order in accordance with paragraph 1.9 of the School Admissions Code 2021. When the admission authorities within Croydon LA have provided a list of applicants in criteria order to this LA, Croydon LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
25. *Own Admission authority schools must provide Croydon LA with the electronic list of their applicants in criteria order by **01 March 2024**.*
26. Croydon LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in this LA's area before uploading data to the PLR.
27. Croydon LA will upload the highest potential offer available to an applicant for a maintained school or academy in this LA to the PLR by **14 March 2024**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
28. The LAS of this LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **22 March 2024** if this is sooner.
29. Croydon LA will not make any additional offers between the end of the iterative process and **16 April 2024** which may impact on an offer being made by another participating LA.
30. Notwithstanding paragraph 29, if an error is identified within the allocation of places at a maintained school or academy in this LA, Croydon LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Croydon LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to

resolve a multiple offer, or if the impact is too far reaching, Croydon LA will accept that the applicant(s) affected might receive a multiple offer.

31. Croydon LA will participate in the offer data checking exercise scheduled between **25 March and 10 April 2024** in the Pan-London timetable in Schedule 3B.
32. Croydon LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **10 April 2024**. (33 London LAs & Surrey LA only).

Offers

33. Croydon LA will ensure that, if there are places available, each resident applicant who cannot be offered a place at one of the preferences expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.12 of the School Admissions Code 2021. *This will usually be the nearest school to the child's home address which has a place available, after the allocation of places has been completed.*
34. This LA's notification of the outcome will include the information set out in Schedule 2.
35. Croydon LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
36. Croydon LA's notification information will include the information set out in Schedule 2.
37. Croydon LA will, on **16 April 2024**, publish online the outcome of resident applications. Resident applicants who applied online will be able to view the result of their application online as well as accept or decline their offer. *Croydon LA will not send out outcome letters in the post.*
38. *Resident applicants who are not successful in their application will be offered the right to appeal.*

Late applications

39. **Croydon LA will accept late applications as 'on-time' only if they are late for a good reason, deciding each case on its own merits. Examples of what will be considered as 'good reason' include when a single parent has been ill for some time, or has been dealing with the death of a close relative; a family who has just moved into the area or is returning from*

abroad (proof of ownership or tenancy of a property within Croydon LA will be required in these cases). Other circumstances will be considered and each case decided on its own merits and it is expected that all requests of this nature will be supported with evidence.

40. *The latest date that an application, that is late for good reason, can be accepted for a resident of Croydon LA will be **8 February 2024**. The date for an out-borough resident is fixed by the relevant home LA and is likely to be different for authorities outside the PAN London scheme.*
41. *Applications which are late for no good reason and those that are received after 8 February 2024 but before 16 April 2024 will not be considered in the initial allocation round but will be allocated a place after all on-time preferences have been processed. If the application is from a resident of Croydon LA and they cannot be offered a place at one of their preferences, they will be considered for a place at other maintained schools or academies in this LA that have vacancies, in accordance with the school's admission criteria. If the application is from a resident of another LA, their application will only be considered for the schools to which they have applied.*

Post Offer Process

42. Croydon LA will request that resident applicants accept or decline the offer of a place by **30 April 2024**, or within two weeks of the date of any subsequent offer.
43. *If resident applicants do not respond by this date, Croydon LA or the school, where it is its own admission authority, will make every reasonable effort to contact the applicant to find out whether or not they wish to accept the place. Where the applicant fails to respond and the admission authority can demonstrate that every reasonable effort has been made to contact the applicant, the offer of a place will be withdrawn.*
44. Where an applicant resident in Croydon LA accepts or declines a place in a school maintained by another LA by **30 April 2024**, Croydon LA will forward the information to the maintaining LA by **8 May 2024**. Where such information is received from applicants after **1 May 2024**, Croydon LA will pass it to the maintaining LA as it is received.
45. Where a place becomes available in an oversubscribed maintained school or academy in Croydon LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
46. When acting as a maintaining LA, Croydon LA will place an applicant resident in the area of another LA on a waiting list for any higher

preference school. Where this is not done automatically, it will be done immediately following a request from the home LA.

47. Where a waiting list is maintained by an admission authority of a maintained school or academy in this LA's area, the admission authority will inform this LA of a potential offer, in order that the offer may be made by the home LA.
48. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school or Academy in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
49. When acting as a maintaining LA, Croydon LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
50. When acting as a home LA, Croydon LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered. ***As a result, any offer held by the applicant resident at a lower preference school will automatically be withdrawn as a higher preference has been offered. Resident applicants who no longer wish to remain on the waiting list for a higher preference school must notify Croydon LA as soon as they receive their initial offer.***
51. ***When acting as a home LA, Croydon will offer a place at a Croydon maintained school or Academy to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered. The lower preference school offered will automatically be withdrawn as a higher preference school has been offered. Resident applicants who no longer wish to remain on the waiting list for a higher preference school must notify Croydon LA as soon as they receive their initial offer.***
52. When acting as a home LA, when Croydon LA is informed by a maintaining LA of an offer which can be made to an applicant resident in this LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
53. When acting as a home LA, when Croydon LA has agreed to a change of preferences or preference order, it will inform any maintaining LA affected by the change. In such cases, paragraphs 51 and 52 shall apply to the revised order of preferences.

54. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
55. When acting as a maintaining LA, Croydon LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
56. When acting as a home LA, Croydon will accept applications for additional preferences after National Offer Day before the start of the new term.
57. Croydon LA, when acting as a home LA, will allow applicants to express up to three additional preferences before the start of the new term.
58. When acting as a home LA, Croydon LA will endeavour to fill any vacancies that become available after National Offer Day within four weeks from National Offer Day.
59. This LA's admission authorities will maintain a waiting list for at least one term until 31 December 2024. This LA will accept waiting lists requests from other LAs' residents through the maintaining LA.
60. *Croydon LA will maintain waiting lists for each school in its area with the exception of Voluntary Aided Schools who will maintain their own waiting lists. Croydon LA will notify applicants on the waiting list if a place becomes available. Any lower preference school previously offered will be automatically withdrawn if an offer is made at a higher preference school.*
61. *Resident Applicants who receive an offer at their first preference school will only be placed onto a waiting list for a lower preference school in exceptional circumstances which would need to be supported with relevant evidence. In accordance with the Pan London agreement and to ensure that Croydon meets its duty to continue to coordinate admissions beyond National Offer Day and comply with the parents' highest possible preference, Croydon will ensure that waiting lists do not contain lower ranked preferences except where it has received a parent's request for a child to be placed on the waiting list for a lower preference school in exceptional circumstances.*
62. *Resident applicants who receive an offer at their first preference school will be able to apply for lower preference schools at the start of the new term through the in-year admission process.*
63. *Resident applicants who are unsuccessful in receiving an offer at one of their preferred schools will be given the opportunity to make late applications to schools they did not originally apply for.*

64. *Applications received after 16 April 2024 will be added to the waiting lists for the schools in this LA. Waiting lists will be ordered in accordance with each school's admission criteria.*
65. *Admission authorities for each school within Croydon LA will share details of their waiting lists with this LA.*
66. *When a vacancy occurs at a school within this LA, the first child on the waiting list will be considered for the place. Croydon LA will liaise with the admission authority for the school and advise the parent/carer or home LA of the offer.*
67. *Where the first child is a resident of this LA, Croydon LA will issue notification of the outcome to the parent, provided that the school is ranked higher on the Common Application Form than any other school already offered.*
68. *When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.*
69. *When acting as a maintaining LA, Croydon will not inform an applicant resident in another LA that a place can be offered.*
70. *Own Admission Authority schools within Croydon LA will not inform any applicant that a place can be offered.*
71. *Waiting lists for schools in Croydon LA will be held for the first term of the Reception Year only, until **31 December 2024**. Applicants wishing to remain on a school's waiting list after this date must apply using the LA or school's In- Year Application Form in accordance with each admission authority's arrangements. This is to ensure that this LA has the most up to date information for an applicant, including a correct proof of address as at the time of the new application.*
72. *Waiting lists will be maintained and places allocated as they become available, in accordance with each admission authority's published admission and oversubscription criteria, and without regard to the date the application was received or when a child's name was added to the waiting list.*

Applications for places in Reception after 31 December 2024 and applications to year groups other than to the Reception class.

73. *Applications for places in Reception after 31 December 2024 and to year groups other than the normal year of entry to primary school will be treated as in-year admissions.*

74. *Applications will be made and considered in line with the schools' admission arrangements. Please refer to Croydon's website and in-year guidance for more information.*
75. *Once an offer is made applicants will only be added to a waiting list if the parent/carer requests this by completing a new in-year application form.*

**PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME
SCHEDULE 1**

**Minimum Content of Common Application Form for Admissions to
Reception/Junior in 2024/25**

Child's details:

Surname

Forename(s)

Middle name(s)

Date of Birth

Gender

Home address

Name of current school

Address of current school (if outside home LA)

Parent's details:

Title

Surname

Forename

Address (if different to child's address)

Telephone Number (Home, Daytime, Mobile)

Email address

Relationship to child

Preference details (x 6 recommended):

Name of school

Address of school

Preference ranking

Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)

Does the child have an Education, Health and Care Plan Y/N*

Is the child a 'Child Looked After (CLA)'? Y/N

Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order or 'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling

Forename of sibling

DOB of sibling

Gender of sibling

Name of school sibling attends

Other:

Signature of parent or guardian

Date of signature

* Where a LA decides not to request this information on the CAF, it must guarantee that no details of a child with an Education, Health and Care Plan will be sent via the PLR.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Reception/Junior in 2024/25

From: Home LA

Date: **16 April 2024**
(prim)

Dear Parent,

Application for a Primary/Junior School

I am writing to let you know the outcome of your application for a primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let me know what alternative arrangements you are making for your child's education.

You must contact this office if you wish to apply for any other school, either in this borough or elsewhere.

*Please return the reply slip to me by **30 April 2024(prim)**. If you have any questions about this letter, please contact me on _____*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME SCHEDULE 3B

Timetable for Admissions to Reception/Junior in 2024/2025

Mon 15 Jan 2024	Statutory deadline for receipt of applications
Fri 2 Feb 2024	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)
Thurs 8 Feb 2024	Deadline for receipt of late applications considered as 'on-time' to Home LA
Fri 9 Feb 2024	Deadline for the upload of late applications to the PLR.
Mon 12 – Fri 16 Feb 2024	Checking of application data
Thur 14 Mar 2024	Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).
Fri 22 Mar 2024	Final ALT file to PLR
Mon 25 Mar- Wed 10 Apr 2024	Checking of offer data
Wed 10 Apr 2024	Deadline for on-line ALT file to portal
Tues 16 April 2024	Outcomes published online.
Tues 30 April 2024	Deadline for receipt of acceptances
Wed 8 May 2024	Deadline for transfer of acceptances to maintaining LAs

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PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

DRAFT

**Template LA Scheme for Co-ordination of Admissions to Year
7/Year 10 in Maintained Schools and Academies in 2024/25**

Contents

Page 2: Definitions used in this document

Page 5: Template scheme for co-ordination of admissions to Year 7 in September 2024

Page 12: Content of Common Application Form -Year 7 Scheme (Schedule 1)

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Page 16: Timetable for Year 7 Scheme (Schedule 3A)

PAN-LONDON CO-ORDINATED ADMISSION SYSTEM

Template LA Scheme for Co-ordination of Admissions to Year 7/Year 10 in 2024/25

Definitions used in the template schemes

“the Application Year”	the academic year in which the parent makes an application (i.e. in relation to the academic year of entry, the academic year preceding it)
“the Board”	the Pan-London Admissions Executive Board, which is responsible for the Scheme
“the Business User Guide (BUG)”	the document issued annually to participating LAs setting out the operational procedures of the Scheme
“the Common Application Form”	this is the form that each authority must have under the Regulations for parents to use to express their preferences, set out in rank order
“the Equal Preference System”	the model whereby all preferences listed by parents on the Common Application Form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil is eligible to be offered a place at more than one school within an LA, or across more than one participating LA, the rankings are used to determine the single offer by selecting the school ranked highest of those which can offer a place
“the Highly Recommended Elements”	the elements of the Template Scheme that are not mandatory but to which subscription is strongly recommended in order to maximise co-ordination and thereby simplify the application process as far as possible
“the Home LA”	the LA in which the applicant/parent/carer is resident
“the LIAAG Address Verification Register	the document containing the address verification policy of each participating LA
“the Local Admission System	the IT module for administering admissions in

(LAS)”	each LA and for determining the highest offer both within and between participating LAs
“the London E-Admissions Portal”	the common online application system used by the 33 London LAs and Surrey County Council
“the Maintaining LA”	the LA which maintains a school, or within whose area an academy is situated, for which a preference has been expressed
“the Mandatory Elements”	those elements of the Template Scheme to which authorities must subscribe in order to be considered as ‘Participating Authorities’ and to benefit from use of the Pan-London Register
“the Notification Letter”	the agreed form of letter sent to applicants on the Prescribed Day which communicates any determination granting or refusing admission to a primary or secondary school, which is attached as Schedule 2
“the Prescribed Day”	the day on which parents/carers are notified of their outcome. 1 March (secondary) in the year following the relevant determination year except that, in any year in which that day is not a working day, the prescribed day shall be the next working day.
“the Pan-London Register (PLR)”	the database which will sort and transmit application and outcome data between the LAS of each participating LA
“the Pan-London Timetable”	the framework for processing of application and outcome data, which is attached as Schedule 3A
“the Participating LA”	any LA that has indicated in the Memorandum of Agreement that they are willing to incorporate, at a minimum, the mandatory elements of the Template LA Scheme presented here.
“the Qualifying Scheme”	the scheme which each LA is required to formulate in accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating

arrangements for the admission of children to maintained secondary schools and academies.

PAN LONDON CO-ORDINATED ADMISSIONS SYSTEM

Template Scheme for Co-ordination of Admissions to Year 7/Year 10 in 2024/25

All the numbered sections contained in this scheme are mandatory, except those marked with an which are highly desirable.*

Applications

1. Croydon LA will advise home LAs of their resident pupils on the roll of this LA's maintained primary schools and academies who are eligible to transfer to secondary school in the forthcoming academic year.
2. Applications from residents of Croydon LA will be made on this LA's Common Application Form, which will be available and able to be submitted on-line. This will include all the fields and information specified in Schedule 1 to this Template LA Scheme. These will be supplemented by any additional fields and information which are deemed necessary by Croydon LA to enable the admission authorities in the LA area to apply their published oversubscription criteria.
3. Croydon LA will take all reasonable steps to ensure that every parent/carers who is resident in this LA and has a child in their last year of primary education within a maintained school or academy, either in Croydon LA or any other maintaining LA, is informed how they can access Croydon's composite prospectus and apply online. Parents/carers who do not live in Croydon LA will have access to this LA's composite prospectus which will advise parents/carers to contact their home LA for further details on the application process.
4. The admission authorities within Croydon LA will not use supplementary information forms except where the information available through the Common Application Form is insufficient for consideration of the application against the published oversubscription criteria. Where supplementary information forms are used by the admissions authorities within Croydon LA, the LA will seek to ensure that these only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2021.
5. Where supplementary information forms are used by admission authorities in Croydon LA, they will either be available on the school's website, on the LA's website or a paper copy of the supplementary information form can be requested from the school directly. Such forms will advise parents that they must also complete their home LA's Common Application Form. Croydon LA's composite prospectus will indicate which schools in this LA require

supplementary information forms to be completed and where they can be obtained.

6. Where an admission authority in this LA receives a supplementary information form, Croydon LA will not consider it to be a valid application unless the parent/carers has also listed the school on their home LA's Common Application Form, in accordance with paragraph 2.3 of the School Admissions Code 2021.
7. *Applicants will be able to express a preference for six maintained secondary schools or Academies within and/or outside the Home LA.
8. *Croydon LA will advise applicants that they will receive no more than one offer of a school place on 1 March 2024. Applicants will also be advised that a place will be offered at the highest preference school for which they are eligible for a place. If the parent nominates a school outside of a PAN-London LA, Croydon LA will pass relevant details on to that authority and will make every reasonable effort to resolve any multiple offers with them.*
9. The order of preference given on the Common Application Form will not be revealed to a school within the area of this LA. This is to comply with paragraph 1.9 of the School Admissions Code 2021 which states that admission authorities must not give extra priority to children whose parents rank preferred schools in particular order, including 'first preference first' arrangements. However, where a parent resident in Croydon LA expresses a preference for schools in the area of another LA, the order of preference for that LA's schools will be revealed to that LA in order that it can determine the highest ranked preference in cases where an applicant is eligible for a place at more than one school in that LA's area.
10. Croydon LA undertakes to carry out the address verification process as set out in its entry in the LIAAG Address Protocol. This will in all cases include validation of resident applicants against this LA's primary school data and the further investigation of any discrepancy using Council Tax and Electoral Register records. Where Croydon LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **14 December 2023**.
11. Croydon LA will confirm the status of any resident child for whom it receives a Common Application Form stating s/he is currently or previously a 'Child Looked After' and will provide any additional evidence on receipt of a reasonable request by the maintaining LA in respect of a preference for a school in its area by **14 November 2023**.

12. Croydon LA will advise a maintaining LA of the reason for any application which is made in respect of a child resident in the area of this LA to be admitted outside of their correct age cohort, and will forward any supporting documentation to the maintaining LA by **14 November 2023**.

Processing

13. Applicants resident within Croydon LA must return the Common Application Form, which will be available and able to be submitted online, to this LA by **31 October 2023**.
14. Application data relating to all preferences for schools in the area of a participating LA, which have been expressed within the terms of this LA's scheme, will be up-loaded to the PLR by **14 November 2023**. Supporting documentation provided with the Common Application Form will be sent to maintaining LAs by the same date.
15. Croydon LA shall, in consultation with the admission authorities within its area and within the framework of the Pan-London timetable in Schedule 3A, determine and state its own timetable for the processing of preference data and the application of published oversubscription criteria.
16. *Supplementary information forms must be returned directly to the relevant school by the date specified by the school.* Under the requirements of the scheme, parents/carers will not have to complete a supplementary information form where this is not strictly required for the governing body to apply their admission criteria or where this is not a requirement in a school's admission arrangements.
17. *Admission authorities will start seeing details of their applications on the Schools Access Module (SAM) from **3 November 2023**. Schools that require a supplementary form will check that a supplementary form has been completed for each child and will contact parents/carers who have not completed a supplementary information form. Schools will also check that parents/carers who have completed a supplementary information form have completed the LA's Common Application Form. If a parent has not completed a Common Application Form, schools will share this information with Croydon LA.*
18. *Croydon LA will accept late applications only if they are late for a good reason, deciding each case on its own merits. *The latest date that an application that is late for good reason can be accepted for a resident of this LA is **12 December 2023**.*
19. Where such applications contain preferences for schools in other LAs, Croydon LA will forward the details to maintaining LAs via the PLR as they are received. This LA will accept late applications which are considered to be on time within the terms of the home LA's scheme.

20. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **14 December 2023**.
21. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **12 December 2023**, on the basis that an on-time application already exists within the Pan-London system.
22. *Applications which are late for no good reason and applications received after **12 December 2023** but before **1 March 2024** will be considered after all on-time applications have been processed.*
23. Croydon LA will participate in the application data checking exercise scheduled between **15 December 2023 and 2 January 2024** in the Pan-London timetable in Schedule 3A.
24. All preferences for schools within Croydon LA will be considered by the relevant admission authorities without reference to rank order to comply with paragraphs 1.9 of the School Admissions Code 2021. When the admission authorities within Croydon LA have provided a list of applicants in criteria order to this LA, this LA shall, for each applicant to its schools for whom more than one potential offer is available, use the highest ranked preference to decide which single potential offer to make. This is the 'Equal Preference System'.
25. *Schools must provide Croydon LA with an electronic list of their applicants ranked in criteria order by **15 January 2024**.*
26. Croydon LA will carry out all reasonable checks to ensure that pupil rankings are correctly held in its LAS for all maintained schools and academies in this LA before uploading data to the PLR.
27. Croydon LA will upload the highest potential offer available to an applicant for a maintained school or academy in this LA to the PLR by **31 January 2024**. The PLR will transmit the highest potential offer specified by the Maintaining LA to the Home LA.
28. The LAS of this LA will eliminate, as a Home LA, all but the highest ranked offer where an applicant has more than one potential offer across Maintaining LAs submitting information within deadline to the PLR. This will involve exchanges of preference outcomes between the LAS and the PLR (in accordance with the iterative timetable published in the Business User Guide) which will continue until notification that a steady state has been achieved, or until **12 February 2024**. Where a management decision is made that additional iterations are necessary, these will continue no later than **14 February 2024**.

29. Croydon LA will not make an additional offer between the end of the iterative process and **1 March 2024** which may impact on an offer being made by another participating LA.
30. Notwithstanding paragraph 29, if an error is identified within the allocation of places at a maintained school or academy in this LA, Croydon LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Croydon LA will liaise with that LA to attempt to resolve the correct offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, this LA will accept that the applicant(s) affected might receive a multiple offer.
31. Croydon LA will participate in the offer data checking exercise scheduled between **15 and 23 February 2024** in the Pan-London timetable in Schedule 3A.
32. Croydon LA will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **26 February 2024**. (33 London LAs & Surrey LA only).

Offers

33. Croydon LA will ensure that, if there are places available, each resident applicant who cannot be offered a place at one of the preferences expressed on the Common Application Form, receives the offer of an alternative school place in accordance with paragraph 2.11 of the School Admissions Code 2021. This will usually be the nearest school to the child's home address which has a place available, after the allocation of places has been completed.
34. Croydon LA will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
35. This LA's online notification will include the information set out in Schedule 2.
36. *On **1 March 2024**, all resident applicants who applied online will be able to view their outcome online as well as accept or decline their offer. Croydon LA will not send outcome letters in the post.*
37. *All maintained primary schools and academies in this LA will be able to view destination data of their resident applicants on the SAM portal by the end of the summer term 2024.

Post Offer

38. Croydon LA will request that resident applicants accept or decline the offer of a place by **15 March 2024**, or within two weeks of the date of any subsequent offer.
39. Where an applicant resident in this LA accepts or declines a place in a school within the area of another LA by **15 March 2024**, Croydon LA will forward the information to the maintaining LA by **22 March 2024**. Where such information is received from applicants after **15 March 2024**, this LA will pass it to the maintaining LA as it is received.
40. Where a place becomes available in an oversubscribed maintained school or academy in this LA's area, it will be offered from a waiting list ordered in accordance with paragraph 2.15 of the School Admissions Code 2021.
41. Where a waiting list is maintained by an admission authority of a maintained school or academy in this LA's area, the admission authority will inform Croydon LA of a potential offer, in order that the home LA can offer the place.
42. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of an offer for a maintained school or Academy in this LA's area which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
43. When acting as a maintaining LA, this LA and the admission authorities within it, will not inform an applicant resident in another LA that a place can be offered.
44. When acting as a home LA, Croydon LA will offer a place at a maintained school or Academy in the area of another LA to an applicant resident in its area, provided that the school is ranked higher on the Common Application Form than any school already offered.
45. When acting as a home LA, when Croydon LA is informed by a maintaining LA of an offer which can be made to an applicant resident in this LA's area which is ranked lower on the Common Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.
46. When acting as a home LA, when Croydon LA has agreed to a change of preference order for good reason, it will inform any maintaining LA affected by the change. In such cases, paragraphs 44 and 45 shall apply to the revised order of preferences.

47. When acting as a maintaining LA, Croydon LA will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
48. When acting as a maintaining LA, Croydon LA will accept a change of preferences or preference order (including reinstated or additional preferences) from home LAs for maintained schools and academies in its area.
49. When acting as a maintaining LA, Croydon LA will accept new applications (including additional preferences) from home LAs for maintained schools and academies in its area.
50. This LA, when acting as a home LA, will allow applicants to express additional preferences before the start of the school term, after National Offer Day. The number of additional preferences will be unrestricted.
51. Croydon LA, when acting as a home LA, will aim to start filling any vacancies which become available after 1 March 2024 within four weeks of National Offer Day. Secondary schools will be asked to rank all applicants on their waiting list, including late applications received after 31 October 2023, in accordance with their oversubscription criteria. Secondary schools will then advise Croydon LA of the offers to be made.
52. *Resident applicants who receive an offer at their first preference school will only be placed onto a waiting list for a lower preference school in exceptional circumstances which would need to be supported with relevant evidence. In accordance with the Pan London agreement and to ensure that Croydon meets its duty to continue to coordinate admissions beyond National Offer Day and comply with the parents' highest possible preference, Croydon will ensure that waiting lists do not contain lower ranked preferences except where it has received a parent's request for a child to be placed on the waiting list for a lower preference school following a change of circumstances.*

Waiting lists

Waiting lists will be maintained by Croydon secondary schools for at least one term until **31 December 2024** and places will be filled in accordance with each school's admission criteria. After this date, parents/carers will need to apply through the in-year application process if they wish their child to remain on a school's waiting list. Parents/carers must also refer to each school's admission policy for more information regarding the management of waiting lists.

Parents/carers' enquiries regarding waiting list positions or appeal procedures must be made directly to the schools.

The PAN London Coordinated Admission Scheme ends on **31 August 2024**. Applications for Year 7 received after this date will be treated as in-year applications. Please refer to Croydon Council's website and the in-year admissions guidance for more information.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME SCHEDULE 1

Minimum Content of Common Application Form for Admissions to Year 7/Year 10 in 2024/25

Child's details:

Surname
Forename(s)
Middle name(s)
Date of Birth
Gender
Home address
Name of current school
Address of current school (if outside home LA)

Parent's details:

Title
Surname
Forename
Address (if different to child's address)
Telephone Number (Home, Daytime, Mobile)
Email address
Relationship to child

Preference details (x 6 recommended):

Name of school
Address of school
Preference ranking
Local authority in which the school is based

Additional information:

Reasons for Preferences (including any medical or social reasons)
Does the child have an Education, Health and Care Plan Y/N*

Is the child a 'Child Looked After (CLA)'? Y/N

Is the child formerly CLA but now adopted or subject of a 'Child Arrangements Order or 'Special Guardianship Order'? Y/N

If yes, name of responsible local authority

Surname of sibling

Forename of sibling

DOB of sibling

Gender of sibling

Name of school sibling attends

Other:

Signature of parent or guardian

Date of signature

*Where an LA decides not to request this information on the CAF, it must guarantee that no details of a child with an Education, Health and Care Plan will be sent via the PLR.

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME

SCHEDULE 2

Template Outcome Letter for Admissions to Year 7/Year 10 in 2024/2025

From: Home LA

Date: **1 March 2024**
(sec)

Dear Parent,

Application for a Secondary School

I am writing to let you know the outcome of your application for a secondary/primary school. Your child has been offered a place at X School. The school will write to you with further details.

I am sorry that it was not possible for your child to be offered a place at any of the schools which you listed as a higher preference on your application form. For each of these schools there were more applications than places, and other applicants has a higher priority than your child under the school's published admission criteria.

Your child's name has been automatically added on the waiting list for any higher preference school you have been unsuccessful.

Offers which could have been made for any schools which you placed lower in your preference list, were automatically withdrawn under the co-ordinated admission arrangements, as a higher preference has been offered.

If you would like more information about the reason that your child was not offered a place at any higher preference school, you should contact the admission authority that is responsible for admissions to the school within the next few days. Details of the different admission authorities for schools in the borough of X are attached to this letter. If the school is outside the borough of X, the admission authority will either be the borough in which the school is situated, or the school itself.

You have the right of appeal under the School Standards & Framework Act 1998 against the refusal of a place at any of the schools for which you have applied. If you wish to appeal, you must contact the admission authority for the school within the next few days to obtain the procedure and the date by which an appeal must be received by them.

Please would you confirm that you wish to accept the place at X School by completing the reply slip below. If you do not wish to accept the place, you will need to let me know what alternative arrangements you are making for your child's education.

*Please return the reply slip to me by **15 March 2024(sec)**. If you have any questions about this letter, please contact me on _____.*

Yours sincerely

(First preference offer letters should include the paragraphs in italics only)

PAN-LONDON CO-ORDINATED ADMISSIONS SCHEME SCHEDULE 3A

Timetable for Admissions to Year 7/Year 10 in 2024/25

Tues 31 Oct 2023	Statutory deadline for receipt of applications
Tues 14 Nov 2023	Deadline for the transfer of application information by the Home LA to the PLR (ADT file)
Tues 12 Dec 2023	Deadline for receipt of late applications considered as 'on-time' to Home LA
Thurs 14 Dec 2023	Deadline for the upload of late applications considered as 'on-time' to the PLR
Fri 15 Dec 2023 – Tues 2 Jan 2024	Checking of application data
Wed 31 Jan 2024	Deadline for the transfer of potential offer information from Maintaining LAs to the PLR (ALT file)
Mon 12 Feb 2024	Final ALT file to PLR
Thurs 15 – Fri 23 Feb 2024	Checking of offer data
Mon 26 Feb 2024	Deadline for on-line ALT file to portal
Fri 1 Mar 2024	Outcomes published online.
Fri 15 Mar 2024	Deadline for return of acceptances
Fri 22 Mar 2024	Deadline for transfer of acceptances to maintaining LAs

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Appendix 2 – Available Primary School Places vs SCAP 2022 Pupil Projections

Planning Area	Academic Year	Available Places (Year R)	Forecast (Year R)	Surplus / Deficit	Forms of Entry	% Surplus / Deficit
Borough Wide	2022-23	5130	4441	689	23	13
	2023-24	5160	4457	703	23	14
	2024-25	5160	4373	787	26	15
	2025-26	5160	4289	871	29	17
	2026-27	5160	4146	1014	34	20
North West	2022-23	1380	1138	242	8	18
	2023-24	1380	1140	240	8	17
	2024-25	1380	1151	229	8	17
	2025-26	1380	1125	255	9	18
	2026-27	1380	1081	299	10	22
East	2022-23	1410	1158	252	8	18
	2023-24	1410	1121	289	10	20
	2024-25	1410	1140	270	9	19
	2025-26	1410	1100	310	10	22
	2026-27	1410	1058	352	12	25
Central	2022-23	660	616	44	1	7
	2023-24	690	628	62	2	9
	2024-25	690	635	55	2	8
	2025-26	690	615	75	3	11
	2026-27	690	592	98	3	14
South	2022-23	630	603	27	1	4
	2023-24	630	571	59	2	9
	2024-25	630	543	87	3	14
	2025-26	630	560	70	2	11
	2026-27	630	543	87	3	14
South East	2022-23	360	274	86	3	24
	2023-24	360	264	96	3	27
	2024-25	360	250	110	4	31
	2025-26	360	244	116	4	32
	2026-27	360	242	118	4	33
South West	2022-23	690	652	38	1	6
	2023-24	690	637	53	2	8
	2024-25	690	654	36	1	5
	2025-26	690	645	45	2	7
	2026-27	690	630	60	2	9

Appendix 2a - Available Secondary School Places vs SCAP 2022 Pupil Projections

Planning Area	Academic Year	Available Places (Year 7)	Forecast (Year 7)	Surplus / Deficit	Forms of Entry	% Surplus / Deficit
Borough Wide	2022-23	4228	3831	397	13	9
	2023-24	4228	3811	417	14	10
	2024-25	4228	3694	534	18	13
	2025-26	4228	3654	574	19	14
	2026-27	4228	3686	542	18	13
	2027-28	4228	3668	560	19	13
	2028-29	4228	3652	576	19	14
North	2022-23	2654	2267	387	13	15
	2023-24	2654	2253	401	13	15
	2024-25	2654	2205	449	15	17
	2025-26	2654	2151	503	17	17
	2026-27	2654	2157	497	17	19
	2027-28	2654	2153	501	17	19
	2028-29	2654	2140	514	17	19
South	2022-23	1574	1564	10	0	1
	2023-24	1574	1558	16	1	1
	2024-25	1574	1489	85	3	5
	2025-26	1574	1503	71	2	5
	2026-27	1574	1529	45	2	3
	2027-28	1574	1515	59	2	4
	2028-29	1574	1512	62	2	4

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Appendix 3 - Capital Programme Budget Summary January 2023					
Planning	Project Description	2022-2023	2023-2024 (Estimate)	2024-2025 (Estimate)	Total (Estimate)
	Permanent Expansions				
South West	1FE Smitham Primary School	19,000			19,000
Central	Harris Purley Way (pka Fiveways)	25,000			25,000
	Total	44,000	0	0	44,000
	Fixed Term Expansions / Bulges				
South West	Smitham Primary School (Bulge)	9,000			9,000
South	Gresham Bulge & Caretakers House	518,990			518,990
Various	Contingency provision (Basic Need Allocation) - not yet allocated	175,010	2,540,000	2,993,000	5,708,010
	Total	703,000	2,540,000	2,993,000	6,236,000
	SEN				
TBC	Pathways programme Post 16 SEN Permanent Provision		2,000,000	1,000,000	3,000,000
TBC	Post 16 SEN Temp provision sept 23 for 35 pupils subject to options appraisal	142,503	750,000		892,503
South East	Redgate's large playground expansion phase 3		285,000		285,000
North East	Priory Art Room and staffroom extension (requires feasibility estimated)		60,000		60,000
North East	Priory safeguarding and suitability works	34,015	100,000		134,015
South East	SEN secondary expansion 30 pupils Sept 2023/2024 & 2024/2025(Estimated)		200,000	200,000	400,000
North East	Selhurst Nursery sensory room and small enclosed garden		25,000		25,000
North East	Crossfield's Nursery sensory room and small enclosed garden		25,000		25,000
South	St Giles 5 extra Places by 2023/2024		20,000		20,000
Various	ELP – MLD – 25 additional places needed by 2023/2024		125,000		125,000
Various sites	HI ELP 12 additional places required in the borough satellite site TBC		65,000		65,000
North West	Norbury Manor acoustic improvements		25,000		25,000
South	Coulson College Temporary Post 16 SEN pathways provision (estimated)	64,789	71,705	60,840	197,334
South East	Red Gates 1 classroom Modular Building Expansion 2018	27,532	27,648	27,648	82,828
South East	Redgate's 1 classroom Modular building expansion 2019	34,161	22,464	22,464	79,089
South	St Giles 2 Classroom Modular Expansion	37,000	29,099	29,099	95,198
South East	Addington Valley Academy (For ESFA)	210,000			210,000
South	St Nicholas (112 place SEN primary expansion)	200,000	200,000		400,000
Various	High Needs Capital Funding Allocation - not yet allocated		761,084	2,946,949	3,708,033
	Total	750,000	4,792,000	4,287,000	9,829,000
	Major Maintenance				
Various	Major Maintenance Programme (slippage shown in appendix 4 & 4a)	3,708,000	3,930,016	3,191,514	10,829,530
Various	Contingency provision (SCA) - not yet allocated		269,984	1,008,486	1,278,470
	Total	£3,708,000	£4,200,000	£4,200,000	£12,108,000
	Table 5 - Fire Safety Works slipped 22/23 & 23/24 (See breakdown appendix 4 & 4a)				
Various	Fire Safety programme slipped from 2022 (slippage shown in appendix 4a)	£750,000	£152,000		£902,000
	Total	750,000	152,000	0	902,000
	Miscellaneous Education Schemes				
Central	Crossfield's nursery Rubber crumb and replacement and play area improvements (Estimated)		25,000		25,000
North West	Winterbourne Jnr Girls new Dining Hall (Estimated)		125,000		125,000
South	Kenley Primary School Modular Replacement	£366,000			£366,000
	Total	366,000	150,000	0	516,000
	Totals	6,321,000	11,834,000	15,767,000	39,464,000

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Appendix 4 - Education Capital Maintenance plan 2023-2025

SCHOOL	WORKS DESCRIPTION	Budget 2023/2024 (estimated)	Budget 2024/2025 (estimated)	COMMENTS:
GENERAL BUILDING WORKS PROGRAMME				
Beulah	Front playground resurfacing	£22,000		2023/2024
Norbury Manor	Survey extension and remedial work	£50,000		2023/2024
Redgate's SEN	Survey extension and remedial work	£125,000		2023/2024
Parkhill infants	Structural survey and remedial work	£50,000		2023/2024
Winterbourne Nursery	Window replacement survey	£2,000	£150,000	To be phased over next 2 years
Bensham Manor	Windows replacement Survey	£3,500	£85,000	Works to be scheduled for 24/25
Elmwood Infants	Windows replacement Survey	£2,000	£55,000	Works to be scheduled for 24/25
Greenvale primary	Windows replacement main building Survey	£6,500		Works to be scheduled for 24/25
Gresham Primary	Main Block remaining windows to be surveyed, plus external decorations to render dining block and external stair wall	£5,000		Works to be scheduled for 24/25
Purley Oaks Primary	Windows replacement Survey	£2,500		Works to be scheduled for 24/25
Selsdon Primary & Nursery	Windows replacement Survey and main block, canteen block, C & B	£2,500		Works to be scheduled for 24/25
Smitham Primary school	Windows replacement Survey	£3,500	£450,000	To be completed in a tranche of works over 2-3 years
Winterbourne Girls	Window survey/replacement HT office, Dep HT office, Class 62 1st floor, 1st and 2nd floor landing	£45,000		To be scheduled asap
Norbury Manor	Roof survey	£2,500		Works to be scheduled for 24/25
Bensham Manor	Full roof and full school structural survey and remedial works to main façade	£125,000		2023/2024
Priory	Structural survey and review of damp proofing options to main building and Gym (chemical injection type)	£60,000		Works to be scheduled for 24/25
Forestdale Primary	Main building brickwork and flat roof survey	£2,500	£12,000	Works to be scheduled for 24/25
Ridgeway Primary	Roof and external wall survey, rainwater goods replacement rooflight replacement works for 24/25	£30,000	£120,000	Works to be scheduled for 24/25
Selsdon Primary and Nursery	Roof survey possible felt replacement and rainwater goods works 24/25 structural brickwork survey	£2,500	£135,000	Works to be scheduled for 24/25
The Hayes Primary	Roof and rainwater goods survey and external wall (door and window surrounds) survey and works	£3,000	£25,000	Works to be scheduled for 24/25
Tungstall Nursery	Main building roof and external wall survey and possible replacement of rainwater goods, timber fascia flat roof replacement and insulation	£3,000	£140,000	Works to be scheduled for 24/25
Winterbourne Infants and Nursery	Roof and external wall Survey including outbuildings and works to include replacement rainwater goods school/Jensen building and nursery building	£55,000	£300,000	Phased works over 1/2 years starting with rainwater goods
Beulah Junior	External brickwork Survey and repairs and possible rainwater goods replacement	£22,000	£40,000	
Purley Oaks Primary	Roof and external wall survey and works roofline goods (flat roofs) for replacement 23/24	£45,000		Work planned 2023/2024
Redgate's external Cladding	Full survey to determine construction and material type and possible replacement work plus external brickwork structural survey	£2,500		Survey to be completed 2023
Redgate's	Roof repairs and replacement works	£350,000	£500,000	To be completed in a multi phased programme of works TBC (Authorised)
Tungstall Nursery	External walls structural survey external render repairs	£10,000		Wall survey and works to be completed 2023/2024
Elmwood Infants	External walls survey and repairs, replacement guttering and additional drainage outlets to roof	£26,000		Additional drainage needed 2023/2024 roof gullies and downpipes replacement to follow
Smitham Primary	External structural survey and works to be scheduled for 2024	£2,500		2024/2025
Parkhill Infants	Structural survey 2022 possible remedial structural works	£25,000		TBC
Gresham Primary	Ramp to hall fire escape requires repair	£4,000		2023/2024
Priory	Timber façade and window finishes to all outbuildings require exterior painting solar reflective external robust finishing	£25,000		2024/2025
Priory	Window and window sill repairs survey, including all rooflights	£45,000		2023/2024
Allow contingency + 12% due to market conditions		£138,300	£241,440	
SUBTOTAL GENERAL BUILD		£1,298,300	£2,253,440	
HEALTH AND SAFETY WORKS PROGRAMME				
Asbestos - AMP/Re-inspections	Annual re-inspection survey/required remedial works in schools	£50,000		2023/2024
All Schools	Undertake Surveys for Legionella compliance work for completion 2024-2026 surveys 2k + work element to commence programme	£125,000	£250,000	2024/2026
CDM & H&S	Consultant work to review update, manage and ensure compliance on all maintenance projects @12% maintenance budget	£222,936	£303,408	2023/2024
Review of Client/landlord Compliance responsibilities	Internal review of process and due diligence, with training on fire safety and update training on H&S legislation and site inspection work	£15,000		2023/2024
Norbury Manor	Fire safety works to move dry riser Position of dry riser outlet within Gilbert Scott Academy grounds nearer to block 4 modular as identified on the 2020 condition report	£15,000		2023/2024
Rainwater goods clearance PPM checks on al schools	Check that schools are completing regular rainwater goods maintenance and leaf clearance, which should ensure we get less water ingress from blocked gutters and downpipes	£26,000		2023/2024
Redgate's	Tarmac pedestrian path beside the roadway to be extended	£5,000		2023/2024
St Giles	Additional path from new modular needed for wheelchair fire escape to rear of school to create a larger/easier accessible fire assembly point	£15,000		2023/2024
Ridgeway primary	Replacement of timber decking	£10,000		2023/2024
Selsdon Primary and Nursery	Timber decking	£30,000		2023/2024
Winterbourne Nursery & Primary	Reinstatement and repairs to paths	£22,000		2023/2024
RAAC register	RAAC surveys in identified schools and creation of a schools RAAC register and set up of an annual survey programme for inspection of at risk properties	£25,000		2023/2024
Allow for contingency - 12%		£80,400	£66,409	
SUBTOTAL HEALTH & SAFETY		£641,336	£619,817	
MECHANICAL WORKS PROGRAMME				
Redgate's	5 calorifiers (hot water storage vessels) and 8 wall mounted point of use water heaters replacement works replace with two larger storage vessels and a circulating HWS supply system allow for full survey and tender process		£25,000	For possible planned work 2024/25

The Hayes	Replace H/W cylinder & install booster pump to Cleaners Cupboard??	£25,000		
Thornton heath	Boiler and pumps, underfloor heating and controls main building replacement plus ventilation extraction survey and possible works	£89,000		
Greenvale pipework rad replacements (slipped)	Uplift required to cover full R&D survey to include for asbestos risks identified	£300,000		
Allow for Survey/Design for Projects - 12%		£16,680	£3,000	
SUBTOTAL MECHANICAL		£430,680	£28,000	
ELECTRICAL WORKS PROGRAMME				
Winterbourne infants & Nursery	Emergency lighting survey and works Jensen and Nursery buildings	£5,000		Works planned 2023/24
Forestdale	Emergency Lighting survey and works	£11,000		Works planned 2023/24
Allow for Survey/Design for Projects - 12%		£1,920		
SUBTOTAL ELECTRICAL		£17,920	£0	
REACTIVE WORKS PROGRAMME				
Various	Reactive works to all schools when needed 10% of maintenance budget	£185,780	£290,257	
Allow for Survey/Design for Projects - 12%				
SUBTOTAL REACTIVE		£185,780	£290,257	
OTHER - Slippage 2022-2023				
H&S and Compliance Works	Slippage from 2022-23 programme including retention fees	£150,000		See Appendix 4a slippage document
Slippage Electrical Works	Slippage from 2022-23 programme including retention fees	£367,000		See Appendix 4a slippage document
Slippage Mechanical Works	Slippage from 2022-23 programme including retention fees	£690,000		See Appendix 4a slippage document
Slippage General Build Works	Slippage from 2022-23 programme including retention fees	£799,000		See Appendix 4a slippage document
SUBTOTAL SLIPPAGE		£2,006,000	£0	
Major Maintenance Total Budget		£4,580,016	£3,191,514	
Fire Safety Works				
Fire Safety Works	Various projects slippage from 2022-23 programme	£152,000		See Appendix 4a slippage document
Fire Safety Works		£152,000		

Croydon's Childcare Sufficiency Assessment 2022

CONTENTS

1. Summary

2 Demand for childcare

3 Supply of childcare

4 Funded early education

5 Prices

6 Quality of childcare in our area

7 Parents and providers views of sufficiency in our local area

1. Summary

Croydon Council is required by law to 'report annually to elected council members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents'. We have prepared this report in order to meet this duty.

Having sufficient childcare means that families are able to find childcare that meets their child's learning needs and enables parents to make a real choice about work and training. This applies to all children from birth to age 14, and to children with disabilities. Sufficiency is assessed for different groups, rather than for all children in the local authority.

In this report, we have made an assessment of sufficiency using data about the need for childcare and the amount of childcare available, and feedback from local parents about how easy or difficult it has been for them to find suitable childcare. We use information about childcare sufficiency to plan our work supporting the local childcare economy.

This report was compiled using data from the Office for National Statistics; Ofsted; the Croydon Observatory; and the Early Years Sufficiency Team. Parent/carer views and views from childcare providers were gathered using surveys on the Council's 'Get Involved' online platform.

At this point in time, we believe we have sufficient childcare available across the borough. However, the recent pandemic and on-going national economic situation is impacting on settings. Many settings are finding it difficult to recruit qualified staff and rising costs (minimum wage, fuel charges, rates etc.) mean that settings are re-evaluating their viability.

Early education is not statutory and, while there is a wealth of research about the benefits of early education, ultimately it is still a parental choice. The rising cost of childcare and availability of hours to suit parents/carers needs ultimately determine whether places are taken up in early years settings. The gap between the hourly government funding rate and what settings *need* in order to continue to offer childcare is widening. The shortfall is then passed on to parents/carers.

A large number of respondents to the parent/carer survey stated that they did not use Croydon's Family Information Service (FIS) which is available as an online service only. We will look at how we can ensure that this service better meets the needs of parents/carers.

There is a growing number of young children being identified as having additional Special Educational Needs and Disabilities (SEND) in Croydon. The Early Years SEND team work to support settings to meet children's needs and ensure that they make good progress.

The Council's Early Learning Team continue to work to support settings in offering high quality early education and childcare to all of Croydon's very young children. Croydon is also developing the Family Hub model with foci on early health and education for under 5s.

2 Demand for childcare

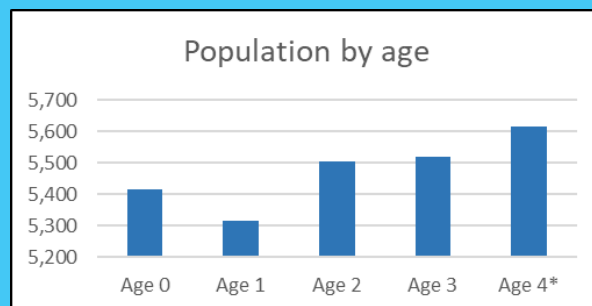
2.1 Population of early years children

In total, there are 25,200 children under the age of five living in Croydon¹. These children may require early years childcare.

Table 1. Numbers by age²

Age	Number of children
Age 0	5,416
Age 1	5,318
Age 2	5,503
Age 3	5,518
Age 4*	5,617

* Some four-year-olds will have started reception



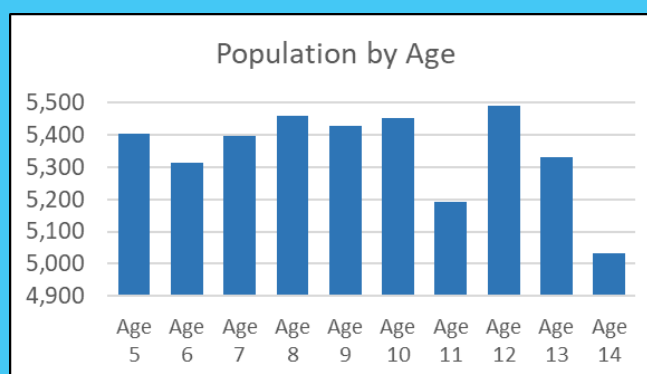
Graph 1.

2.2 Population of school age children

In total there are 37,644 children aged 5-11, and 15,855 children aged 12-14 living in our local authority. These children may require childcare before and after school, and/or during the school holidays.

Table 2. Numbers by age

Age	Number of children
Age 5	5,402
Age 6	5,315
Age 7	5,395
Age 8	5,459
Age 9	5,427
Age 10	5,453
Age 11	5,193
Age 12	5,491
Age 13	5,331
Age 14	5,033



Graph 2.

2.3 Number of children with special educational needs and disabilities

Children with special education needs and disabilities (SEND) are entitled to support with childcare up to the age of 18 (age 14 for children who do not have a special need or disability). The number of children/young people with an Education, Health and Care (EHC) Plan in our local authority is: 3,993*

Age	Number of children
Birth to school age	11*
Primary school (reception to year 6)	1411
Secondary school (year 7 to 13)	1882
Post secondary school (ages 18-25)	689

Table 3. *as at October 2022.

¹ Census 2021 first results England and Wales

² ONS, Mid Year Population Estimates, 2020, Released June 2021.

- 2.4 Children's needs change over time and are identified at different ages. Among the youngest children, SEND may only be identified when they start in a setting or school, and it can take some time from needs being identified to an EHC plan being issued. Currently there are 120 children being assessed for an EHCP in the 0-4 age group.
- 2.5 The portage team support pre-school children with complex needs both at home and in settings. Currently 46 children with highly complex needs are being supported in the home and 35 are being supported in settings. This is an increase from last year (2021-22) when 17 children with complex needs were supported in settings).
- 2.6 The Early Years SEND Team also support children with Medical Needs Care Plans (MNCP). These children have complex medical needs (i.e. more than one health need). There are currently 27 children with MNCPs in settings with a further 15 becoming entitled to the Nursery Education Grant funding during the academic year 2022-23.
- 2.7 Many children have SEND but do not have an EHC plan. Pre-school settings apply to the LA for Special Educational Needs Inclusion Funding (SENIF) to support children with additional needs. Last year (2021-22), settings received SENIF for 178 children. 124 children have now moved into schools and 54 are still in their settings. 45 children were considered at the October SENIF panel, in 2021-22, the figure for the October panel was 9. This indicates a huge rise in the number of children with SEND in our pre-school settings from the previous year.

3 Supply of childcare

3.1 Number of early years providers and places

There are a number of different types of Early Education and Childcare providers, each offering a variety of options for families:

Table 4

	Provision	Description of offer	Ofsted
PVI's	Day Nursery	Generally open all year round; usual core hours 8am – 6pm; registered with Ofsted to take children from 3 months – 5 years; can be a stand-alone setting or part of a chain of nurseries; often privately run with a single proprietor	Must join the Early Years register if caring for children aged from birth to 31 August after their fifth birthday.
	Pre-school	Usually operate in line with school hours so open term time only, 9am – 3.30pm; often run from church/community halls; often “pack-away” (need to clear rooms on a daily or weekly basis to allow for other uses); Often committee run	Need to meet all the safeguarding and welfare and the learning and development requirements of the Statutory requirements for the early years foundation stage.
	Independent	Operate as part of an independent school; term-time only; hours based on the school day	Not required to register on early years register unless taking children under 2 years
	Childminder	Most commonly a lone practitioner working from own home; all year round provision; usually core hours 8am-6pm;	Must join the Early Years register if caring for children

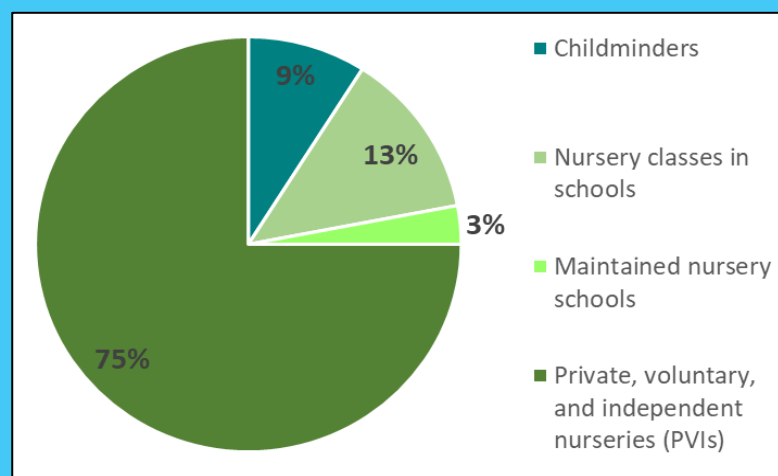
		able to work with assistants; several now affiliated to a Childminding Agency	aged from birth to 31 August after their fifth birthday. Need to meet all the safeguarding and welfare and the learning and development requirements of the Statutory requirements for the early years foundation stage.
School	Maintained Nursery School	Stand-alone nursery school with head teacher and at least one Qualified Teacher Status staff member; qualified school SENDCo (Special Educational Needs Co-ordinator); term-time only; usual hours 9am-3.30pm	Not required to register on early years register unless taking children under 2 years
	Nursery Class	Operate as part of a school or academy, led by school headteacher/principal; term-time only; usual hours 9am-3.30pm	
	Nanny/Au pair	Also known as 'home childcarers'; look after children of any age in the child's own home. Can look after children from 2 different families at the home of one of the families.	Only need to register on the voluntary part of the Childcare Register if want parents to be able to get help with childcare costs.

In total, there are 576 early years childcare providers in our local authority, offering a **maximum of 10,165 full time equivalent³** early years childcare places:

Table 5. The data in this table was correct in November 2022

Type of provision	Number of providers	Number of registered places
Childminders*	360	900
Nursery classes in schools	43	1297
Maintained nursery schools	5	281
Private, voluntary, and independent nurseries (PVI's)	168	7,687

*Childminders usually have 2 or 3 early years aged children. For the purpose of this table, an average of 2.5 children has been assumed.



Graph 3.

³ Full time places record children who attend for as many hours as a setting is open on a daily basis. In many cases two children may attend part time, taking up a full time equivalent place.

3.2 For private, voluntary and independent nurseries and childminders, the number of registered places represents the maximum number of children who can be on the premises at any given time. In practice, many providers choose to operate below their number of registered places.

3.3 Early years vacancies

In Croydon we ask providers to report vacancies to us so we can help promote them. Not all choose to do this and therefore we do not have current data on the number of vacancies each setting type has. In general, vacancy rates are higher in the autumn, after older children have moved to school. As stated above, many providers do not operate at capacity numbers to ensure a lower adult:child ratio.

3.4 Early years atypical hours

Childcare is most commonly delivered during the typical working day – between 8am and 6pm on weekdays. Some parents require childcare outside these times in order to fit with their work or other responsibilities.

63 childcare providers in Croydon offer atypical hours on weekdays, with the majority of these settings operating from 7.30/7.45am and/or until 6.30pm. All these settings are day nurseries. There are no known settings operating at weekends. It is unknown how many childminders offer childcare outside of the typical hours or at weekends.

3.5 Number of school age providers and places

In total, there are 58 providers of childcare for primary school age children during term time, and 23 providers of childcare for primary school age children during the holidays.

Type of provision	Number of providers	Number of registered places
Breakfast club – primary school	57	2,681
After-school club – primary school	58	2,940
Holiday club	23	1406
Childminders	360	900

Table 6 . *Childminders usually have 2 or 3 early years aged children. For the purpose of this table, an average of 2.5 children has been assumed.

3.6 Other Ofsted registered provision for school aged children include tuition centres and drama clubs. In Croydon there are 21 settings in this category, with capacity for 683 places for after school provision.

4 Funded early education

4.1 Introduction to funded early education

- ❖ All children aged 3⁴ and 4 are entitled to 15 funded hours per week over 38 weeks (570 hours) until they start reception class in a maintained school or academy. This is known as the ‘universal offer’. Parents can access these 570 hours over more weeks, with less hours per week, depending on each setting’s offer. This is known as a ‘stretched offer’.

⁴ From the term after a child’s 3rd birthday

- ❖ Children aged 3 and 4, where both parents are working, or from lone parent families where that parent is working, are entitled to an additional 15 funded hours per week (1140 hours) until they start reception class in school
- ❖ Some children aged 2 are entitled to 15 hours per week, over 38 weeks per academic year. The criteria for these funded hours is:
 - Families are in receipt of certain benefits (including low income families in receipt of in-work benefits)
 - Child is looked after by a local authority
 - Child has an education, health and care (EHC) plan
 - Child gets Disability Living Allowance
 - Child has left care under an adoption order, special guardianship order or a child arrangements order
 - Some families who have 'no recourse to public funds' linked to an economic criteria

4.2 Nationally, about 40% of 2 year olds are entitled to this offer, but the proportion varies by area.

4.3 Parents do not have to use all the hours of their funded entitlement. They may also choose to split them between providers.

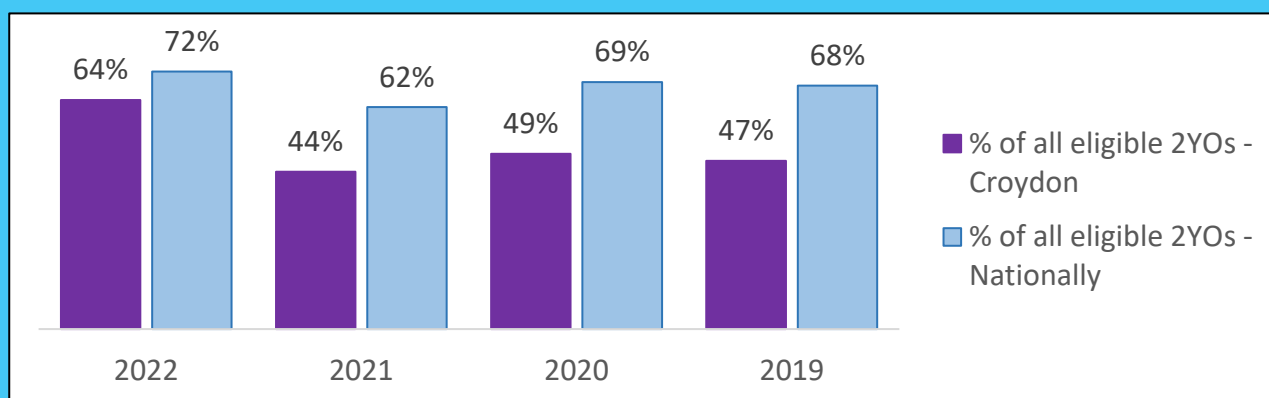
4.4 **Take up of funded early education - 2 year olds (2YOs)**

In Croydon, the number of eligible 2 year olds who take up a funded place decreased dramatically in 2019 and remained low during the pandemic years 2020 and 2021. It is worth noting that the 2022 numbers were recorded from July and do, therefore, not include children who became eligible in September 2022 or those who took up their funded places since July. The uptake of 2YO funded places is shown in the table below:

Year	No of 2YOs eligible for funding - Croydon	No. of funded 2YOs - Croydon	% of all eligible 2YOs - Croydon	% of all eligible 2YOs - Nationally	% of all eligible 2YOs - London
2022*	1410	903	64%	72%	72%
2021	1825	803	44%	62%	50%
2020	2069	1014	49%	69%	59%
2019	2172	1021	47%	68%	56%

Table 7. *Numbers as of July 2022

[https:// explore-education-statistics.service.gov.uk/find-statistics/education-provision-children-under-5](https://explore-education-statistics.service.gov.uk/find-statistics/education-provision-children-under-5)

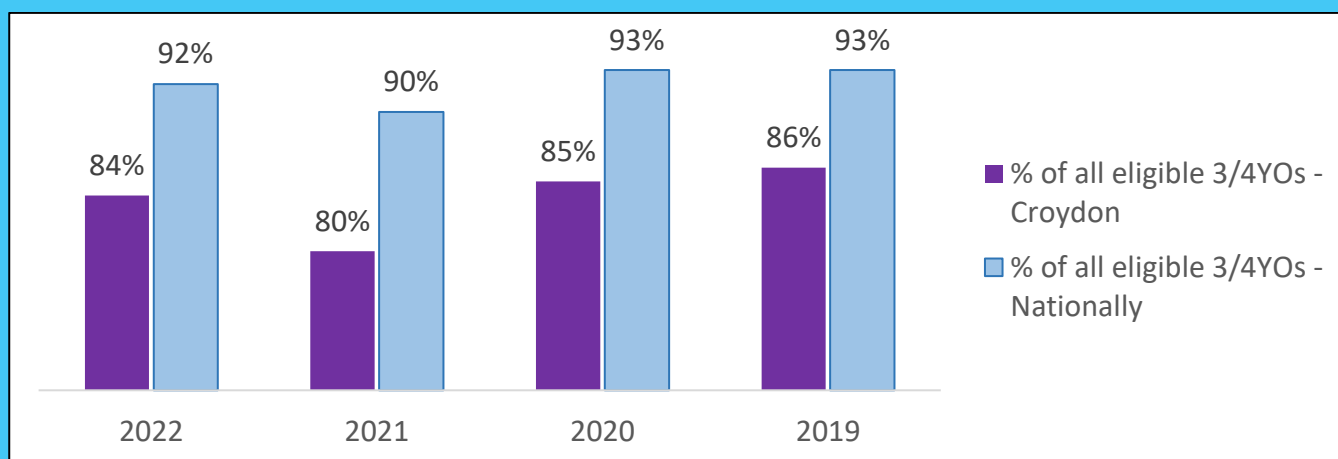


Graph 4.

Take up of funded early education - 3 and 4 year olds – universal offer (15 hours p.w)

Year	No. of funded 3/4YOs - Croydon	% of all eligible 3/4YOs - Croydon	% of all eligible 3/4YOs - Nationally
2022	8,915	84%	92%
2021	8,935	80%	90%
2020	9,624	85%	93%
2019	9,507	86%	93%

Table 8. This data is based on Department for Education data released June 2022



Graph 5. Take up of 3/4 year old funding by year.

4.5 3 and 4-year-old funded entitlement applications (extended hours, 30 hours p.w)

Parents who think they are entitled to a 30 hour extended hours place apply for this online through the Government's Childcare Support website. The same website is used to apply for tax free childcare and parents can apply for either or both. If a parent is eligible, the system creates a code which they can use with their chosen childcare provider. If they are ineligible, they will still be entitled to the universal 15 hours of early education and childcare.

Year	Number of Children Accessing Extended Hours Funding - Croydon
2022	2,092
2021	2,115
2020	2,248
2019	1,986

Table 9. This data is based on Department for Education data released June 2022

4.6 Providers offering funded early education places

Providers are paid directly by government for delivering funded early education. They are not required to offer funded places to parents, but of course parents may choose to use a different provider if they do not. Some providers offer a restricted number of funded places.

5 Prices

5.1 Prices of early years childcare

The Government funding is paid at an hourly rate. Currently the rates in Croydon are: £6.03 per hour for funded 2 year olds and £5.09 per hour for funded 3 and 4 year olds (both the universal 15 hours and the extended hours are paid at this rate). For early years childcare outside the funded entitlements, most settings offer a range of options for families. Prices below are average hourly rates, as reported to us by settings. There may be variations to prices based on the number of hours a family uses, with reductions for longer hours, or discounts for sibling groups. There may be additional payments for additional services, e.g. lunch and other meals which are not included in these prices.

Generally the charges vary by age group in line with statutory adult:child ratios which are 1:3 for 0-2 year olds; 1:4 for 2-3 year olds and 1:8 for 3-4 year olds (1:13 when a qualified teacher or EY teacher is present).

Setting type	Average Hourly Rate 0-2 year olds	Average Hourly Rate 2-3 year olds	Average Hourly Rate 3-4 year olds
Day Nurseries	£6.83	£6.59	£6.42
	high £9.50 - £5.40 low	high £9.50 - £4.60 low	high £9.50 - £4.00 low
Term Time Pre-schools	N/A	£5.99	£5.78
		high £9.00 - £4.00 low	high £9.00 - £4.00 low
Nursery Schools and classes	N/A	£5.87	£5.87
		high £10.00 - £3.50 low	high £10.00 - £3.50 low
Childminders	Average £6.25		

Table 10.

5.2 Prices of school age childcare

For school age children, families can access childcare through breakfast clubs (these are usually run by schools); after-school clubs (again, usually run by schools); childminders and holiday clubs (often using schools as venue by run by independent businesses). The average cost per hour for each of these services is detailed below:

Type of setting	Price per hour
-----------------	----------------

Breakfast club	£4.40
After-school club	£4.65
School age childminder	£6.25
Holiday club	£3.60

Table 11.

- 5.3 In addition, a small number of tuition centres offer places for children after school and at the weekends/during holidays. These include academic tuition centres and arts centres. The average cost of these is £19 per hour.

6 Quality of childcare in our area

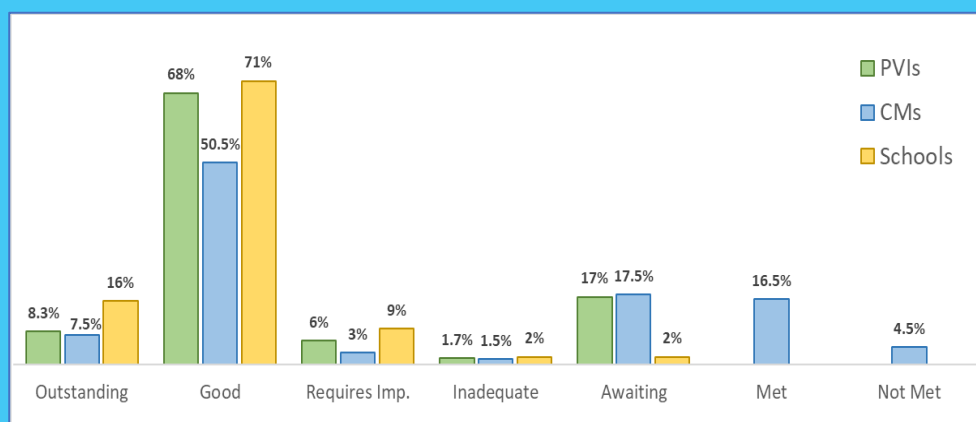
6.1 Ofsted inspection grades

All childcare providers must register with and be inspected by Ofsted, who give them an overall grade for the quality of their provision. Childminders and private and voluntary providers are on the Early Years Register, and schools and standalone maintained nursery schools are on the Schools' register. The grades for both registers are equivalent. Schools with nurseries have an overall inspection grade for the whole school and most also have a separate early years grade.

- 6.2 Both schools and early years providers have four possible Ofsted grades: 'outstanding', 'good', 'requires improvement', and 'inadequate'.⁵ Some providers are still awaiting their first full inspection.

- 6.3 To receive funding from the Local Authority, settings cannot be graded as 'inadequate'; to receive funding for 2 year old places, settings must be judged 'good' or 'outstanding'. Settings are able to offer funded places for 2, 3 and 4 year olds whilst they are awaiting their first Ofsted grading.

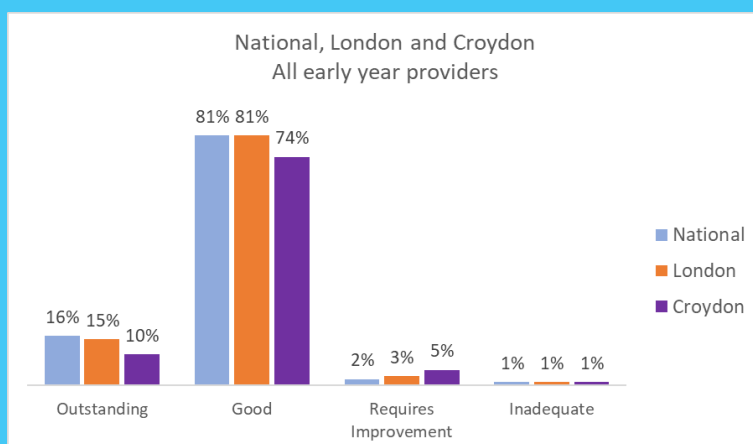
- 6.4 When providers do not have any children on site at the time of their first inspection, they are given an Ofsted grade of 'met' or 'not met'. This shows whether they are meeting the requirements for Ofsted registration, and usually happens when new providers are being set up. The graph below shows the percent of Ofsted gradings for Croydon settings.



Of the 406 settings which have received an Ofsted grading, 92% are 'Good' or 'Outstanding' and 8% are 'Requires Improvement' or 'Inadequate'.

Graph 6. Data correct as of August 2022

⁵ For more information see <https://reports.ofsted.gov.uk/about-our-inspection-reports>



Croydon has less early years settings judged to be 'good' or 'outstanding' in comparison to national and London figures.

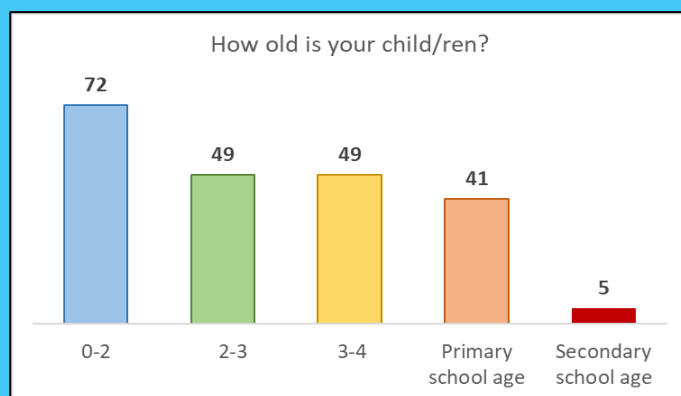
Graph 7.

7 Parents/carers and providers views of sufficiency in our local area (Copy of full responses available on request)

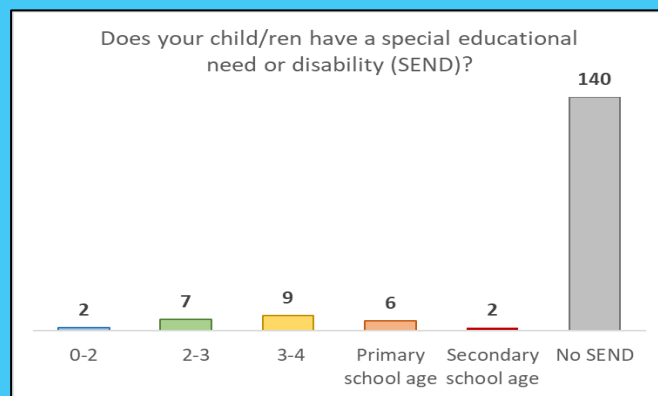
7.1 Parent/carers survey

Parents/carers were canvassed for their opinions on several childcare issues during July, August, and September 2022. A total of 161 people contributed to the survey which was carried out online via the www.getinvolved.croydon.gov.uk website.

Respondents had children across the age ranges. The majority of children did not have a special educational need or disability (SEND)



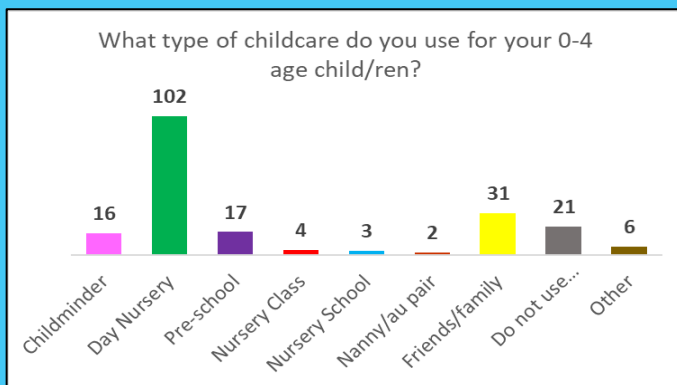
Graph 8.



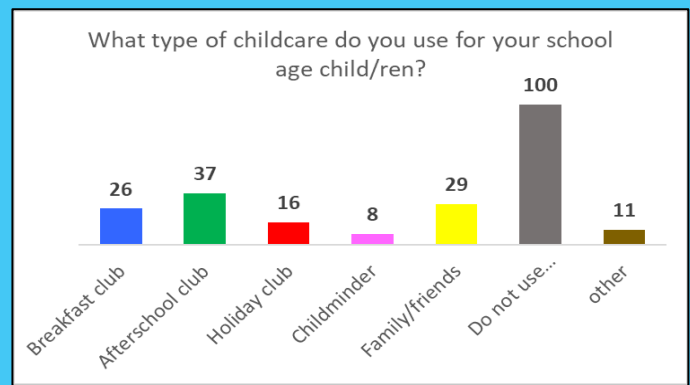
Graph 9.

7.2 Respondents were asked what type of childcare, if any, they used. The majority use all-year-round, childcare in day nurseries (102) for their 0-4 year olds. 31 use friends and family; 7 use schools; 41 use other types of provision; and 21 do not use any childcare for this age group.

For school age children, 26 respondents use breakfast clubs and 37 use afterschool clubs. Many (100) do not use childcare for this age group.

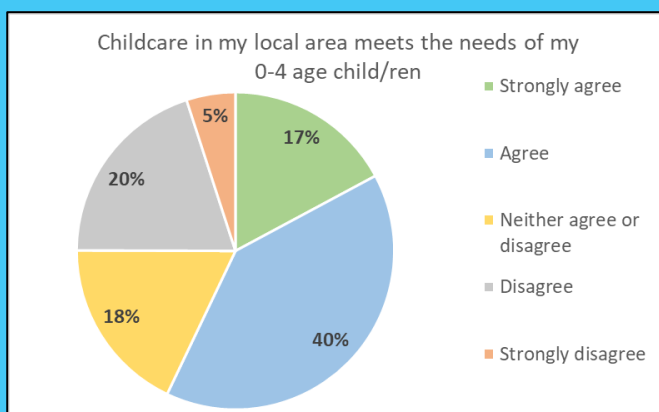


Graph 10.

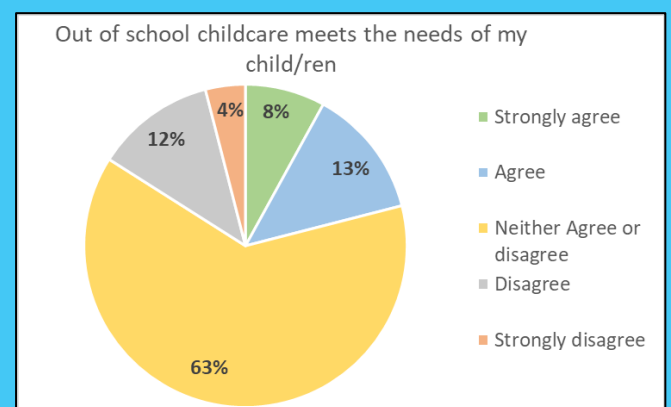


Graph 11.

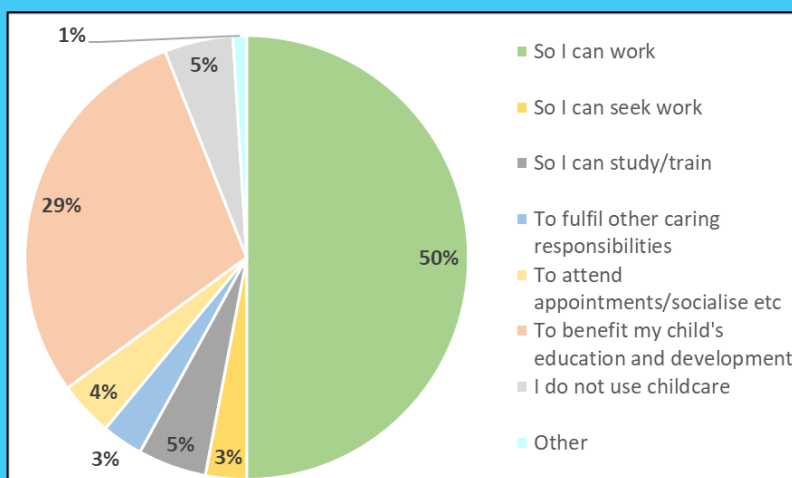
7.3 Respondents were asked whether they felt that the childcare in their local area met their needs and the needs of their children. 57% felt that, for the 0-4 age group, childcare did meet their needs and 25% felt it did not. For children in the primary school age group, 63% said that it neither met or did not met their needs, reflecting the high number of respondents who indicated that they do not use childcare for this age group.



Graph 12.



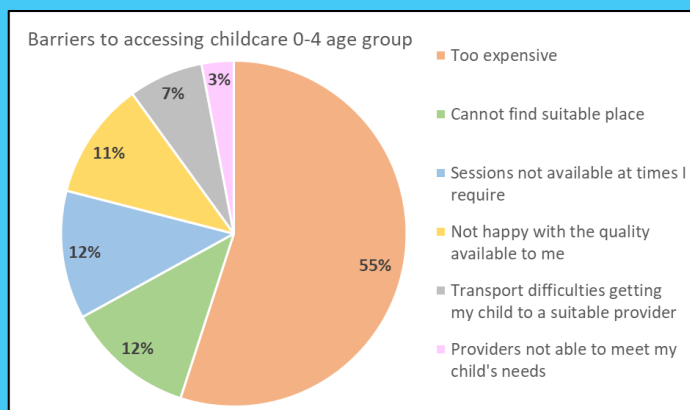
Graph 13.



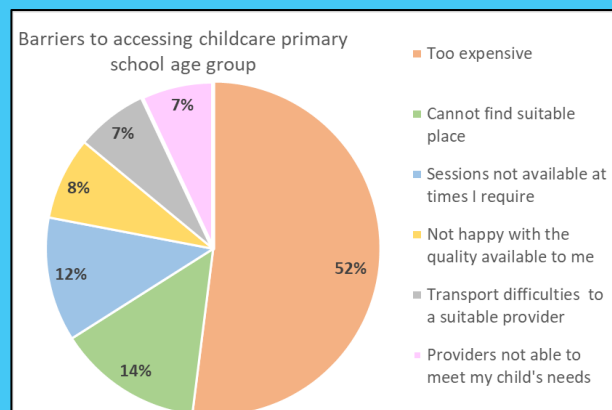
Graph 14.

Respondents gave a number of reasons why they used childcare, with many citing more than one reason. The reason most respondents gave was to enable them to work (50%) and/or to benefit their child's education and development (29%).

- 7.4 When asked about the barriers to using childcare, respondent cited cost as the main barrier in both the 0-4 and primary school age groups. A similar percent of respondents stated that finding a suitable place and suitable sessions was a barrier for both those with children in the 0-4 age and primary school age groups.

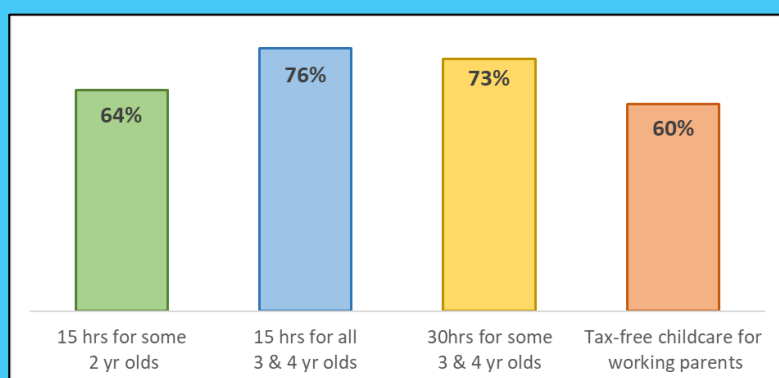


Graph 15.

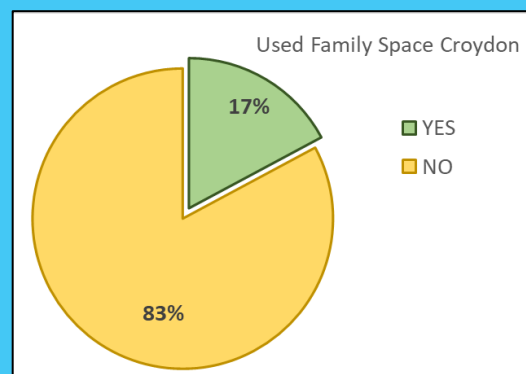


Graph 16.

- 7.5 All respondents were asked whether they were aware of the various funding and support with childcare costs and also whether they had used the Council's FIS platform, Family Space Croydon, when looking for childcare.



Graph 17.



Graph 18.

- 7.6 Between 30 and 40% of respondents were unaware of the available funding and tax options. Only 17% had used the Family Space Croydon platform to seek childcare.

- 7.7 Respondents to the parent/carer survey were asked to expand on the question "Childcare in my local area meets the needs of my 0-4 year old child/children". Below are the comments recorded. Whilst the main issue appears to be the high cost of childcare, there were also comments regarding the perceived lack of childcare for children with additional needs/Special Educational Needs or Disabilities (SEND).

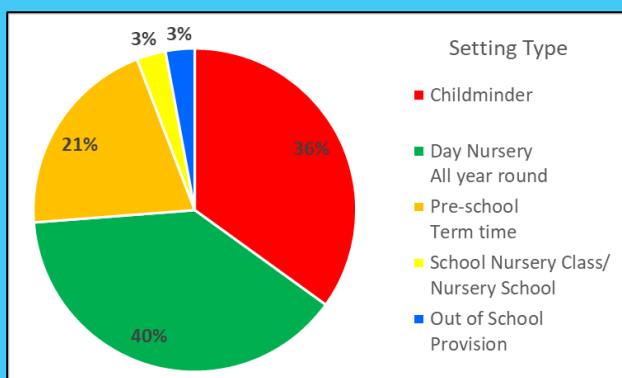
- 7.8 Similarly, respondents were asked to expand on the question "Out of school childcare meets the needs of my child/children". Comments reflect the same issues as the previous question, namely cost and availability for children with SEND.

- 7.9 Finally, parents/carers were asked whether they had any further comments regarding childcare in Croydon. Several respondents recognised that the issue of cost is a national issue, directly related to the current situation with the funding allocated to LAs.

(Copy of full responses available on request)

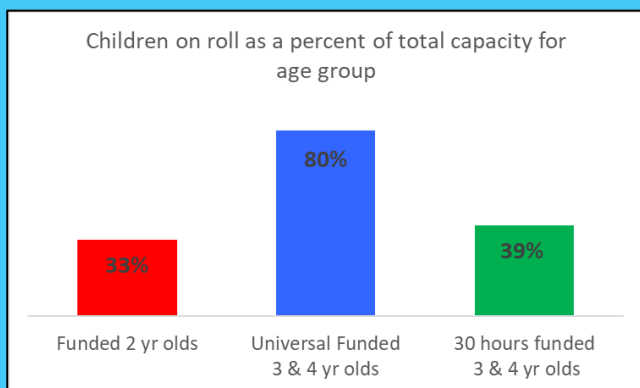
7.10 Provider survey

There were 66 individual responses to the Provider Survey, which was also carried out online via the www.getinvolved.croydon.gov.uk website. The majority of responses were from childminders or representatives of day nurseries:



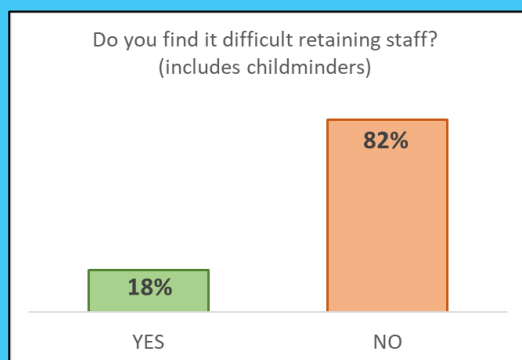
Graph 17.

- 7.11 It was hoped that the provider survey would give us an indication of how settings had been affected by Covid in terms of their child numbers and the take up of funded and non-funded places. Unfortunately, the sample size is too small to draw any meaningful conclusions, although it would appear that many settings are operating below capacity:

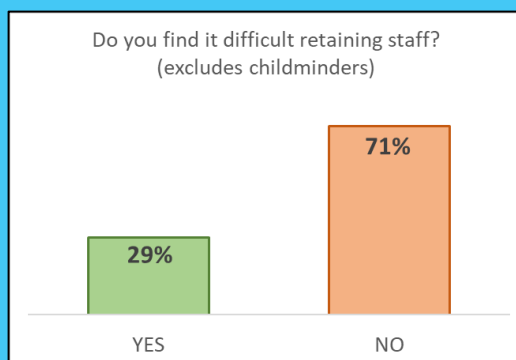


Graph 18.

- 7.12 Many pre-school settings are reporting difficulty in recruiting and retaining staff, so we asked questions in the survey to ascertain the extent of the issue facing the sector. The survey results are surprising, with the majority stating that they have no issues with recruitment or retention. However, childminders tend to be lone workers and removing them from these questions gives a different result.



Graph 18.



Graph 19.

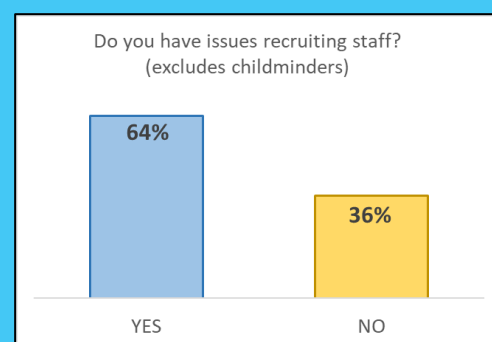
It would appear that staff retention is an issue for many group settings.

7.12 We asked respondents to comment further on retention of staff. Many cited support and well-being as reasons why they do not have any retention issues. Salaries are the main reason respondents felt they were having difficulties in retaining staff.

Excluding childminders from the data on the question of recruitment, it is clear that for group settings this is a concerning issue.



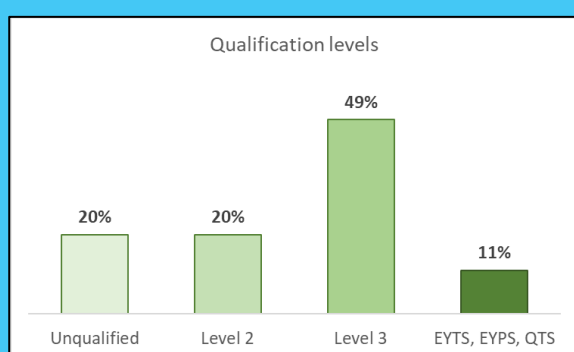
Graph 20.



Graph 21.

7.13 Providers were asked to expand on their answer as to whether they were having any issues recruiting new staff. As with retention, the main concern is with the amount which settings can afford to pay staff however, many respondents cited lack of suitable qualifications of candidates. Candidates simply not turning up to interviews was cited on more than one occasion.

7.14 Providers were asked about the qualifications of staff in their settings. The Statutory framework for the early years foundation stage sets out the staff:child ratios for all pre-school settings (including childminders but excluding schools) as *“In settings on the early years register, the manager must hold an approved level 3 qualification or above and at least half of all other staff must hold at least an approved level 2 qualification”*.



Graph 22.

Schools and settings which have a staff member with teachers with QTS (Qualified Teacher Status); EYPS (Early Years Professional Status); EYTS (Early Years Teacher Status; or another approved level 6 qualification require a staff:children ratio of 1:1. In classes and pre-school settings (including day nurseries) without QTS; EYPS; EYTS or a Level 6 qualification, the ratio is 1:8 for children aged 3 and over; 1:4 for children aged 2-3 and 1:3 for children under 2.

1. Introduction

Appendix 6

1.1 Purpose of Equality Analysis

The council has an important role in creating a fair society through the services we provide, the people we employ and the money we spend. Equality is integral to everything the council does. We are committed to making Croydon a stronger, fairer borough where no community or individual is held back.

Undertaking an Equality Analysis helps to determine whether a proposed change will have a positive, negative, or no impact on groups that share a protected characteristic. Conclusions drawn from Equality Analyses helps us to better understand the needs of all our communities, enable us to target services and budgets more effectively and also helps us to comply with the Equality Act 2010.

An equality analysis must be completed as early as possible during the planning stages of any proposed change to ensure information gained from the process is incorporated in any decisions made.

Page 619 In practice, the term ‘proposed change’ broadly covers the following:-

- Policies, strategies and plans;
- Projects and programmes;
- Commissioning (including re-commissioning and de-commissioning);
- Service review;
- Budget allocation/analysis;
- Staff restructures (including outsourcing);
- Business transformation programmes;
- Organisational change programmes;
- Processes (for example thresholds, eligibility, entitlements, and access criteria).

2. Proposed change

Directorate	Children, Young People and Education
Title of proposed change	Education Estates Strategy / School Admission Arrangements

Name of Officer carrying out Equality Analysis	Denise Bushay
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2.1 Purpose of proposed change (see 1.1 above for examples of proposed changes)

<p>Briefly summarise the proposed change and why it is being considered. Please also state if it is an amendment to an existing arrangement or a new proposal.</p> <p>The proposed Education Estates Strategy will ensure that the Council is compliant with its statutory requirements relating to school place sufficiency duties across three stages of education: early years, primary, and secondary and in relation to special school provision. The Strategy includes:</p> <p>School Place Planning - Early Years; Alternative Provision / Pupil Referral Unit (PRU); Special Educational Needs and Disability (SEND);</p> <p>School Admissions - proposed Admission Arrangements for Croydon's community schools for the 2024/25 academic year and adoption of the proposed Pan London co-ordination arrangements;</p> <p>School Maintenance and Compliance - proposed Schools' Maintenance Plan for 2022/23 including asbestos management; and fire safety works in Croydon community schools.</p> <p>All of the proposed changes are amendments to existing arrangements.</p> <p>School Place Planning</p> <p>In accordance with the Education and Inspections Act 2006, the Council has a statutory duty to “secure that sufficient schools for providing— (a) primary education, and (b) [secondary] education are available for their area” as well as to “secure diversity and increase opportunities for parental choice when planning the provision of school places” in the borough. The strategy aims to ensure that there are sufficient and suitable school places available for all of Croydon's children; admission arrangements and policies are fair and lawful; the education estate is maintained to a good standard and comply with our duties under equalities and health and safety legislation and compliance with statutory safety legislation and mandatory fire safety requirements.</p> <p><u>Early Years</u></p> <p>Local authorities are required by legislation - Childcare Act 2006 and Children and Families Act 2014 - to secure early education places for three and four year olds, as well as disadvantaged two year olds Early Years, until the child reaches compulsory school age. Croydon has a wide range of provision offering funded places ranging from day nursery, preschool; schools with nursery places and funded childminders. Cabinet has been asked to note the information contained in the Education Estates Strategy report. There are no proposed changes.</p> <p><u>Alternative Provision / Pupil Referral Unit (PRU)</u></p> <p>Under Section 19 of the Education Act 1996 Local Authorities have a statutory duty to arrange suitable education for permanently excluded pupils, and for pupils who – because of illness or other reasons – would not receive suitable education without such provision. Education outside of school, when it is arranged by Local Authorities or schools is called alternative provision. There are no immediate proposed changes. .</p> <p><u>Special Educational Needs and Disability (SEND)</u></p> <p>Nationally and in Croydon, about 97% of children are educated in the state-funded school system without the need for help or support beyond that which a mainstream school can provide. Of these children between 11-12% need some additional support at some stage to address a learning need for varying periods of time. The Council as an education authority has specific duties in relation to provision of education for children with special educational needs (SEN). The main duties include: to identify whether a child for whom they are responsible has SEN; and to assess a child who in their opinion has SEN. If</p>
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the assessment shows that it is necessary, to make an EHC Plan: determining the child's needs and the educational provision required and to ensure the specific provision set out in the Plan is provided. The proposed strategy / changes, include change of provider of Rainbow nursery from September 20120 with a related consultation on the extension of the age range for St Giles School. This change will contribute to improved care, and early years educational outcomes and life chances for all children with Special Educational Needs and/or Disabilities. Consultation will be undertaken on a proposal to extend the age range of St Giles Special School to provide specialist education for children with learning difficulties from 3 - 4 years old, to enable Croydon's offer of early education to be provided effectively for all children.

The Council is undertaking feasibility studies and suitability/quality survey of a number of special schools (Red Gates; Priory and St Giles Schools) to inform options for the development of the Education Estate, specifically to ensure equality of opportunity to access good or outstanding special education provision in the Borough for children and young people with a wide range of special educational needs and disabilities.

School Admissions

In line with the Schools Admission Code, 2014, Admission Authorities, including Local Authorities are responsible for ensuring that admission arrangements are compliant with the School Admissions Code. This includes consulting on proposed changes to admission arrangements annually and at least every 7 years where there have been no changes.

Managing surplus places

Falling rolls is a pressing issue for most primary schools across the borough. Currently, there are more places than necessary for pupils at primary schools. The local authority is working in partnership with local school leaders, including Voluntary Aided and Multi Academy Trusts to discuss and agree a collective strategy to manage the high level of surplus school places. This includes reduction of published admission number (PAN). All Saints Primary School has undertaken consultation on a proposal to reduce its PAN from 60 to 30, with effect from September 2024. The Governing Body is the responsible body for consulting on proposal to reduce its PAN and also setting and applying its school's admission arrangements.

School Maintenance

The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works. It has a duty to ensure that appropriate arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The programme of works / maintenance plan will ensure that schools are properly maintained and remain open and supports educational performance and the health & safety of pupils, staff and school community.

3. Impact of the proposed change

Important Note: It is necessary to determine how each of the protected groups could be impacted by the proposed change. If there is insufficient information or evidence to reach a decision you will need to gather appropriate quantitative and qualitative information from a range of sources e.g. Croydon Observatory a useful source of information such as Borough Strategies and Plans, Borough and Ward Profiles, Joint Strategic Health Needs Assessments <http://www.croydonobservatory.org/> Other sources include performance monitoring reports, complaints, survey data, audit reports, inspection reports, national research and feedback gained through engagement with service users, voluntary and community organisations and contractors.

3.1 Additional information needed to determine impact of proposed change

Table 1 – Additional information needed to determine impact of proposed change

If you need to undertake further research and data gathering to help determine the likely impact of the proposed change, outline the information needed in this table.		
Additional information needed	Information source	Date for completion
Croydon has a diverse range of educational provision, as outlined below:		

For guidance and support with consultation and engagement visit <https://intranet.croydon.gov.uk/working-croydon/communications/consultation-and-engagement/starting-engagement-or-consultation>

3.2 Deciding whether the potential impact is positive or negative

Table 2 – Positive/Negative impact

<p>For each protected characteristic group show whether the impact of the proposed change on service users and/or staff is positive or negative by briefly outlining the nature of the impact in the appropriate column. . If it is decided that analysis is not relevant to some groups, this should be recorded and explained. In all circumstances you should list the source of the evidence used to make this judgement where possible.</p> <p>The primary aim of the Education Estates Strategy is to ensure that as an education authority the Council fulfils its statutory duties relating to school place planning, school admission and school maintenance. Local authorities are required to meet their statutory duty by providing a school place for every child that requires one, regardless of race, ethnicity, gender or disability and the other protected characteristics. Admission arrangements for all Croydon community schools must be determined annually. All schools are required by law to have oversubscription criteria for admissions, which are used to determine the offer of places if a school receives more applications than there are places available. The criteria must be clear, fair and objective in line with the School Admission Code, Equality Act and other relevant legislations, promoting equality and inclusiveness for residents.</p> <p>One of the key aims of the Education Estates Strategy is to improve diversity and choice of schools, the right amount of and different types of schools to improve parental choice. This will help to ensure that all pupils have equitable access to school and ensure that the Council’s duty to provide sufficient school places for pupils of statutory school age is fulfilled.</p> <p>The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works ensuring that school buildings meet minimum standards.</p>			
Protected characteristic group(s)	Positive impact	Negative impact	Source of evidence

Age	<p>In line with the School Admissions Code, school places are allocated using the agreed/published admissions criteria. The proposed changes relate to children and young people of statutory school age. Admissions to schools are a function that operates within a statutory framework. Croydon is the admission authority for community schools and there are arrangements and criteria for the admission of pupils to nursery, primary and secondary mainstream schools.</p>		<p>School admissions code - GOV.UK</p> <p>https://www.croydonobservatory.org/borough-profile/</p> <p>Croydon Population Estimates by age bands</p> <table><tr><td>Age (years)</td><td>Numbers</td></tr><tr><td>0-4 years</td><td>27,372</td></tr><tr><td>5-10 years</td><td>32,451</td></tr><tr><td>11-17 years</td><td>35,486</td></tr></table> <p>https://www.croydonobservatory.org/ons-census-2021-croydon-highlights-from-each-data-release/</p> <p>Croydon has 23.1% of its residents aged 0-17 years (90,241)</p> <p>Population estimates - Office for National Statistics</p>	Age (years)	Numbers	0-4 years	27,372	5-10 years	32,451	11-17 years	35,486							
Age (years)	Numbers																	
0-4 years	27,372																	
5-10 years	32,451																	
11-17 years	35,486																	
Disability	<p>Children and young people with special educational needs and/or disability are given priority in the admissions criteria or attend special schools. All schools are required to admit a child if their Education and Health Care Plan names the school.</p> <p><u>Equality & Diversity Monitoring</u></p> <p>As part of the consultation process on any proposed, respondents will be asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help to identify any special requirements; promote equality; and improve choice and diversity.</p>		<p>https://www.croydonobservatory.org/borough-profile/</p> <p>https://www.croydonobservatory.org/ons-census-2021-croydon-highlights-from-each-data-release/</p> <p><u>Disability - Croydon Observatory</u></p> <table><tr><td>Disability category</td><td>Numbers</td><td>Percentage</td></tr><tr><td>Day-to-day activities limited a lot</td><td>24,380</td><td>6.7%</td></tr><tr><td>Day-to-day activities limited a little</td><td>28,733</td><td>7.9%</td></tr><tr><td>Day-to-day activities not limited</td><td>310,265</td><td>85.4%</td></tr><tr><td>Total of all categories.</td><td>363,378</td><td>100.0%</td></tr></table> <p>Source : ONS, Census 2011, Table QS303UK.</p>	Disability category	Numbers	Percentage	Day-to-day activities limited a lot	24,380	6.7%	Day-to-day activities limited a little	28,733	7.9%	Day-to-day activities not limited	310,265	85.4%	Total of all categories.	363,378	100.0%
Disability category	Numbers	Percentage																
Day-to-day activities limited a lot	24,380	6.7%																
Day-to-day activities limited a little	28,733	7.9%																
Day-to-day activities not limited	310,265	85.4%																
Total of all categories.	363,378	100.0%																

Commented [DF1]: The EQIA needs to be data driven in order to assess impact. Can you please provide relevant data and evidence the source from which you gained it. This will need to be evidenced throughout this section for all of the protected characteristics.

Commented [DF2]: You may find this data on the Croydon Observatory or <https://fingertips.phe.org.uk/> etc.

Gender	As above, children allocated school place in line with Admissions Code. The proposed changes are not gender specific. The admission arrangements do not contain criteria that impact differently on people with a particular gender.		https://www.croydonobservatory.org/borough-profile/ https://www.croydonobservatory.org/ons-census-2021-croydon-highlights-from-each-data-release/ Croydon is made up of 52% females and 48% males. <i>Source : ONS, Mid Year Estimates 2019, released June 2020.</i> https://www.croydonobservatory.org/8-gender/ Population estimates - Office for National Statistics
Gender Reassignment Identity			https://www.croydonobservatory.org/borough-profile/ No relevant data available on this for Croydon
Marriage or Civil Partnership			This is not applicable as this is for children of statutory school age.
Religion or belief	The admission arrangements for voluntary aided school could contain a denominational criterion within the policy, to enable priority for children whose parents are active members of the C of E and who request admission to a church school on denominational grounds. However, all applications, including those with no faith basis for applying, are considered applying the published arrangements.		https://www.croydonobservatory.org/borough-profile/ https://www.croydonobservatory.org/ons-census-2021-croydon-highlights-from-each-data-release/ Population estimates - Office for National Statistics

	The admission criteria is based on determined admission arrangements compliant with the relevant legislation and is unlikely to discriminate unlawfully.		
Race	The Admission Criteria, based on the Admissions Code, are used to allocate school places and do not include ethnicity or race as criteria. There are no proposed changes that will have any negative impact on pupils from different ethnic groups		https://www.croydonobservatory.org/borough-profile/ https://www.croydonobservatory.org/ons-census-2021-croydon-highlights-from-each-data-release/ Population estimates - Office for National Statistics
Sexual Orientation			This is not relevant for children of statutory school age.
Pregnancy or Maternity			This is not relevant for children of statutory school age.
<p>Important note: You must act to eliminate any potential negative impact which, if it occurred would breach the Equality Act 2010. In some situations this could mean abandoning your proposed change as you may not be able to take action to mitigate all negative impacts.</p> <p>When you act to reduce any negative impact or maximise any positive impact, you must ensure that this does not create a negative impact on service users and/or staff belonging to groups that share protected characteristics.</p>			

3.3 Impact scores

Example

If we are going to reduce parking provision in a particular location, officers will need to assess the equality impact as follows;

- 1. Determine the Likelihood of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the likelihood of impact score is 2 (likely to impact)
- 2. Determine the Severity of impact. You can do this by using the key in table 5 as a guide, for the purpose of this example, the Severity of impact score is also 2 (likely to impact)
- 3. Calculate the equality impact score using table 4 below and the formula **Likelihood x Severity** and record it in table 5, for the purpose of this example - **Likelihood (2) x Severity (2) = 4**

Table 4 – Equality Impact Score

Severity of Impact	3	3	6	9
	2	2	4	6
	1	1	2	3
		1	2	3
	Likelihood of Impact			

Key	
Risk Index	Risk Magnitude
6 – 9	High
3 – 5	Medium
1 – 3	Low

Equality Analysis

Table 5 – Impact scores

Column 1	Column 2	Column 3	Column 4
PROTECTED GROUP	LIKELIHOOD OF IMPACT SCORE	SEVERITY OF IMPACT SCORE	EQUALITY IMPACT SCORE
	Use the key below to score the likelihood of the proposed change impacting each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Use the key below to score the severity of impact of the proposed change on each of the protected groups, by inserting either 1, 2, or 3 against each protected group. 1 = Unlikely to impact 2 = Likely to impact 3 = Certain to impact	Calculate the equality impact score for each protected group by multiplying scores in column 2 by scores in column 3. Enter the results below against each protected group. Equality impact score = likelihood of impact score x severity of impact score.
Age	2	2	4
Disability	2	2	4
Gender	3	3	9
Gender reassignment Identity	2	2	4
Marriage / Civil Partnership	1	1	1
Race	3	2	6
Religion or belief	2	2	4
Sexual Orientation	2	2	4
Pregnancy or Maternity	1	1	1

Equality Analysis

4. Statutory duties

4.1 Public Sector Duties

Tick the relevant box(es) to indicate whether the proposed change will adversely impact the Council's ability to meet any of the Public Sector Duties in the Equality Act 2010 set out below.

Advancing equality of opportunity between people who belong to protected groups ☐

Eliminating unlawful discrimination, harassment and victimisation ☐

Fostering good relations between people who belong to protected characteristic groups ☐

Important note: If the proposed change adversely impacts the Council's ability to meet any of the Public Sector Duties set out above, mitigating actions must be outlined in the Action Plan in section 5 below.

5. Action Plan to mitigate negative impacts of proposed change

Table 5 – Action Plan to mitigate negative impacts

Complete this table to show any negative impacts identified for service users and/or staff from protected groups, and planned actions mitigate them.

Protected characteristic	Negative impact	Mitigating action(s)	Action owner	Date for completion
Disability				
Race				
Sex (gender)				
Gender reassignment				
Sexual orientation				
Age				
Religion or belief				
Pregnancy or maternity				
Marriage/civil partnership				

Equality Analysis

6. Decision on the proposed change

Based on the information outlined in this Equality Analysis enter X in column 3 (Conclusion) alongside the relevant statement to show your conclusion.		
Decision	Definition	Conclusion - Mark 'X' below
No major change	Our analysis demonstrates that the policy is robust. The evidence shows no potential for discrimination and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitoring and review. If you reach this conclusion, state your reasons and briefly outline the evidence used to support your decision. The Education Estates Strategy is designed to be inclusive. The EQIA process did not identify any direct or indirect discrimination through the Education Estates Strategy and identified some groups where opportunities for children and young people with protected characteristics might be advanced. The School Admissions Code sets out what schools and the local authority must do to comply with the law. The Strategy is also in line with the Public Sector duty to consider or think about how their policies or decisions affect people who are protected under the Equality Act.	X
Adjust the proposed change	We will take steps to lessen the impact of the proposed change should it adversely impact the Council's ability to meet any of the Public Sector Duties set out under section 4 above, remove barriers or better promote equality. We are going to take action to ensure these opportunities are realised. If you reach this conclusion, you must outline the actions you will take in Action Plan in section 5 of the Equality Analysis form	
Continue the proposed change	We will adopt or continue with the change, despite potential for adverse impact or opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the change. However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned. If you reach this conclusion, you should clearly set out the justifications for doing this and it must be in line with the duty to have due regard and how you reached this decision.	
Stop or amend the proposed change	Our change would have adverse effects on one or more protected groups that are not justified and cannot be mitigated. Our proposed change must be stopped or amended.	

Commented [DF3]: Can you please provide a sentence here on how you came to this decision.

Equality Analysis

Will this decision be considered at a scheduled meeting? e.g. Contracts and Commissioning Board (CCB) / Cabinet	Meeting title: Cabinet Date: 25 th January 2023
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7. Sign-Off

Officers that must approve this decision	
Equality lead	Name: Position: Date:
Director	Name: Gavin Handford Date: 02/12/22 Position: Director of Policy, Programme & performance

LONDON BOROUGH OF CROYDON

REPORT:	CABINET: 25th JANUARY 2023	
DATE OF DECISION	NO DECISION	
REPORT TITLE:	EDUCATION STANDARDS 2022	
CORPORATE DIRECTOR / DIRECTOR:	Debbie Jones – Interim Executive Director of Children Young People & Education Shelley Davies - Director of Education	
LEAD OFFICER:	Julie Ralphs, Head of Education Services Julie.ralphs@croydon.gov.uk X 24196	
LEAD MEMBER:	Councillor Maria Gatland, Cabinet Member for Children Young People & Education	
KEY DECISION?	No	N/A
CONTAINS EXEMPT INFORMATION?	No	Public
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

CONTEXT

- 1.1 This report summarises the education performance and outcomes of children and young people in Croydon schools for the academic year 2021/22, across all phases from Early Years Foundation Stage (EYFS) to Key Stage 5 (KS5).
- 1.2 The academic year 2021/22 saw a return to primary national curriculum assessments, and end of year 11 and 13 examinations (including GCSE & A levels) following two years of teacher/centre assessed grades. The DfE did not publish performance data for 2019/20 or 2020/21, nor were schools obliged to share their outcomes with us.
- 1.3 The DfE has announced that it will:
 - return to publishing primary assessment data in performance tables with effect from the 2022/23 academic year;

- publish data pertaining to the 2021/22 academic year between October 2022 and Spring 2023, and therefore some data is either not available or provisional at the time of writing including data relating to specific cohorts of pupils.

- 1.4 This means that there is extremely limited published data for either 2019/20 or 2020/21, so in most cases comparison is made to 2018/19 (the last year available). This is not a completely fair comparison as pupils have experienced two years of disrupted education caused by the Covid-19 pandemic and some adaptations to assessment and exams have been applied in 2021/22

HEADLINE PERFORMANCE SUMMARY

- 1.5 87% of Croydon schools are graded good or better by Ofsted, which is in line with the national average, but below the London average.
- 1.6 The proportion (67.4%) of children at early years foundation stage achieving a Good Level of Development (GLD) is well above the national average, but slightly below the London average.
- 1.7 In 2022, we saw the return to formal assessment and examinations at Key Stages (KS) 1, 2, 4 & 5, following 2 years of adaptations in 2020 and 2021.
- 1.8 Our KS1 pupils achieved better than both the London and national averages in reaching expected standards in reading, writing and maths.
- 1.9 At KS2, 60% of Croydon's pupils achieved the expected standard in reading writing and maths which is better than the national average but low amongst our statistical neighbours.
- 1.10 Provisional KS4 data shows a trend of improving results, however overall performance remains below national and regional averages although there are indications that we are slowly reducing the gap.
- 1.11 Croydon has a broad KS5 offer, but with a surplus of available places. Our monthly Not in Education, Employment and Training (NEET) rates consistently place us in quintile 3 nationally, but the number of NEET referrals is increasing.
- 1.12 Persistent absent rates have increased compared to 2020/21 but remain below the national average.
- 1.13 There were 27 permanent exclusions in 2021/22, all at secondary phase. This is the same volume as 2020/21 and a reduction on previous years.
- 1.14 There is a focus on improving the quality and monitoring of Personal Education Plans (PEP) for our Children Looked After (CLA). School attendance rates by our CLA cohort are better than overall cohort attendance rates.

- 1.15 The timeliness of assessment and issuing of Education Health & Care Plans (EHCP) within the 20-week period has risen to 77% as of November 2022, 17% better than the 2021 national average.
- 1.16 Performance data can be found in Appendix 1: Education Dashboard (Oct 2022)
- 1.17 Our closest statistical neighbour authorities are: Birmingham, Brent, Ealing, Enfield, Greenwich, Haringey, Lambeth, Lewisham, Merton and Waltham Forest

2 RECOMMENDATIONS

For the reasons set out in the report [and its appendices], the Executive Mayor in Cabinet is recommended to:

- 2.1 Note this report, and commend the continued actions being taken by all partners to secure improvement in pupil educational outcomes
- 2.2 Note that pupil attainment/school outcome data has not yet been fully published for the 2021/22 academic year
- 2.3 Note our activities, planned and underway, to improve pupil and school outcomes as set out within this report

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that Cabinet have oversight of the outcomes for children and young people within the borough and future activity within this area to secure improvements

4 BACKGROUND AND DETAILS

4.1 OFSTED INSPECTION OUTCOMES

Ofsted Inspection arrangements

- 4.1.1 The current OFSTED Inspection Framework (2019, updated September 2022) for schools, applies to all maintained schools, academies, further education and skills provisions, and registered early years settings in England.
- 4.1.1 Inspections were paused in March 2020 and graded inspections were resumed in the autumn 2021 term. Schools are normally inspected as per the following (although there are 5 to 6 term extensions arising from the pandemic pause):
 - i. New schools, including academies, are inspected within 3 years of opening.
 - ii. Outstanding schools are no longer exempt from inspection.
 - iii. Most good and outstanding graded schools are inspected every 4 years to confirm they remain good/outstanding (no graded judgements). If they are found to have improved or standards may be declining, they may get a full inspection with graded judgements within 1-2 years. Some good and outstanding schools will receive a graded judgement due to risk assessment or for quality assurance purposes.

- iv. Requires Improvement and Inadequate schools are inspected within 30 months.
- v. Where any school, irrespective of its current OFSTED grade, is deemed to have serious concerns (for example safeguarding) they may be inspected immediately.

4.1.2 We currently have several schools who are due or over-due an inspection in accordance with the above criteria.

4.1.3 There is a nationally reported trend of a low proportion of outstanding schools retaining their outstanding status upon inspection against the current Inspection Framework.

Croydon's current OFSTED grading summary

4.1.4 At the time of writing 87.2% of Croydon primary and secondary schools that have been inspected are judged to be good or better by Ofsted. This includes both LA maintained and academy schools. This is in line with the national average of 87.1% but below the London average of 93% and statistical neighbour average of 92%.

Table 1: Current overall Ofsted ratings for schools as at 31 August 2022

OFSTED judgement	Outstanding	Good	Requires Improvement	Inadequate	Not yet inspected
Croydon: Number of Schools	26	79	11	4	5
Croydon: % of schools	22%	66%	9%	3%	N/A
London: % of schools	28%	66%	4%	1%	N/A
England: % of schools	18%	70%	9%	3%	N/A

Action being taken to improve Ofsted judgements:

- 4.1.5 Categorisation of schools is undertaken annually (and reviewed if circumstances change) using a combination of risk factors. An appropriate level of support (Universal, Universal+ or Targeted) is offered to improve pupil attainment and Ofsted outcomes. Refer to Appendix 2 for a summary of our current support offer.
- 4.1.6 The School Forum has approved Dedicated Schools Grant (DSG) funding of £227,442 a year for 2023/24 and 2024/25 to maintain the current levels of support for all schools (as per Appendix 2) plus provide additional CPD for school staff covering specialist forums and training. This is in response to the Department of Education's withdrawal of the School Improvement and Monitoring Grant to LAs from 2023/24 and in recognition of the valuable resource and expertise provided to local schools. This also provides a stability of LA service delivery for the next two years covering the period to 31st March 2025.
- 4.1.7 Continuing Professional Development has been provided to our primary schools to prepare them for the Deep Dive into reading and mathematics, and in the wider

curriculum for history, geography in 2021-22 and science in Autumn 2022. More subjects will be addressed this year.

- 4.1.8 Ofsted update training is provided at least annually for school leaders and separately for governors. Additional specialist consultancy and training is available as part of the Council's traded offer to schools.

4.2 EARLY YEARS/EARLY YEARS FOUNDATION STAGE (EYFS) OUTCOMES

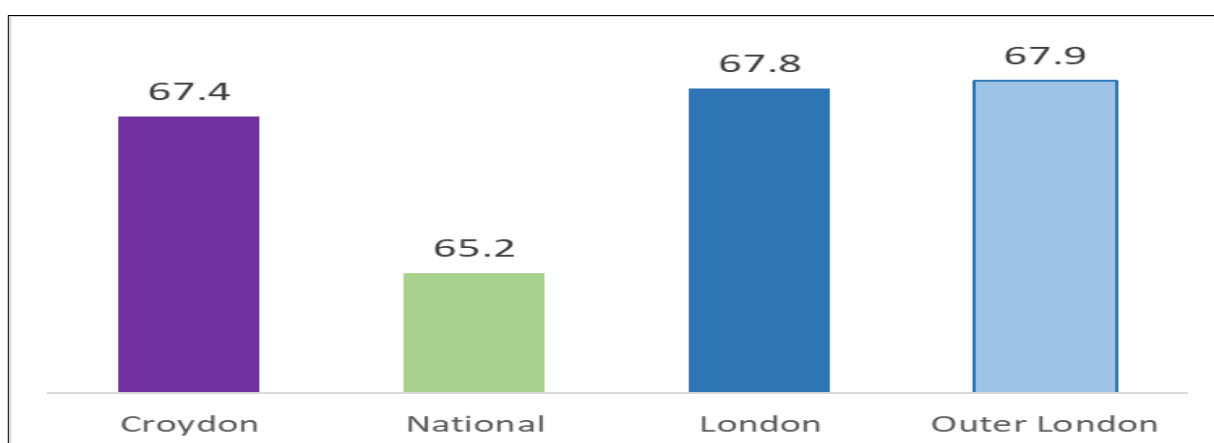
EYFS arrangements

- 4.2.1 The EYFS Statutory Framework covers all settings and practitioners who work with children from birth to the end of the reception year in school (0-5yrs). There are three statutory assessments for children in the EYFS:
- 4.2.2 All children who attend an early years setting (including a childminder) must be assessed between their 2nd and 3rd birthdays. This is known as the Two-Year-Old Check and assesses whether children are making appropriate progress in the areas of communication & language development; personal, social & emotional development; and physical development.
- 4.2.3 All children in maintained schools and academies must take the Reception Baseline Assessment (RBA) within 6 weeks of starting in a reception class. This assessment is used solely to measure a school's effectiveness as the results are held for 7 years and then compared to the cohort's Year 6 SATs results.
- 4.2.4 At the end of the reception year, all children will be assessed against 17 Early Learning Goals (ELG) which cover the 7 areas of learning and development in the EYFS. This assessment is known as the Early Years Foundation Stage Profile (EYFSP). The purpose of the EYFSP is to support a successful transition to Key Stage 1 and to inform parents about their child's development.
- 4.2.5 Children are assessed as "Emerging" or "Expected" against the criteria in each ELG. Children who are assessed as "Expected" in the areas of communication & language; personal, social & emotional; physical; literacy; and mathematics are deemed to have a Good Level of Development (GLD).
- 4.2.6 In 2021-22 a new EYFS Statutory Framework was introduced with new ELGs and it is therefore difficult to compare results with previous, pre-pandemic, years. In previous years, a judgement of "Exceeding" (worth 3 points) could be given – this has been withdrawn and children are now assessed as "Emerging" (1 point) or "Expected" (2 points). The maximum points a child can get is now 34 (previously 51).

Croydon's latest EYFS outcomes

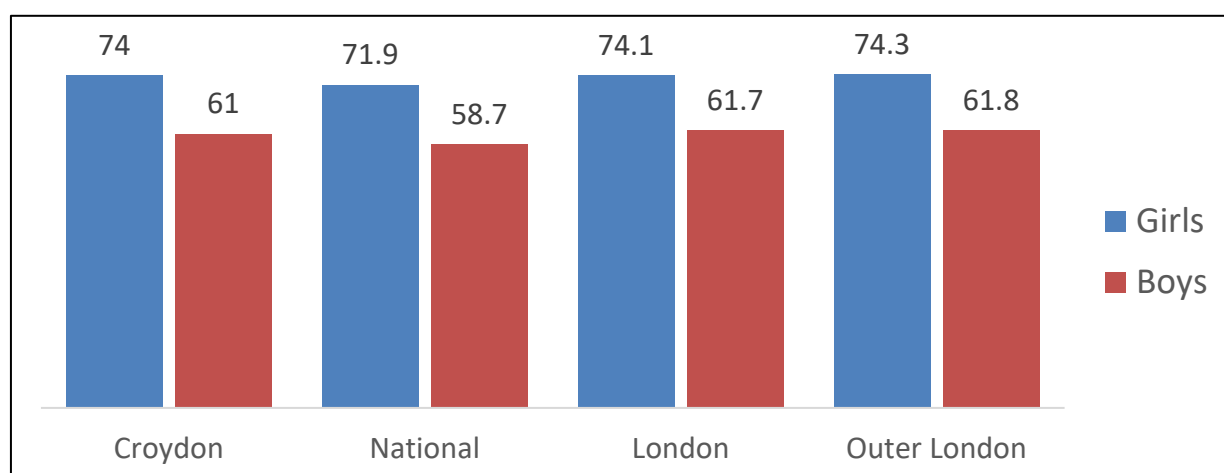
- 4.2.7 67.4% of children in Croydon attained a GLD in 2021-2022, which is better than national but below London and statistical neighbour averages. Whilst much lower than previous pre-pandemic years, this does reflect both the considerable effects of the pandemic on our youngest children, together with the introduction of new ELGs. In addition LAs no longer have a statutory duty to moderate EYFSP judgements which may have affected the scores. Of the regions, Outer London had the highest percentage of children with a good level of development.

Table 2: % of children attaining GLD 2022 – Overall



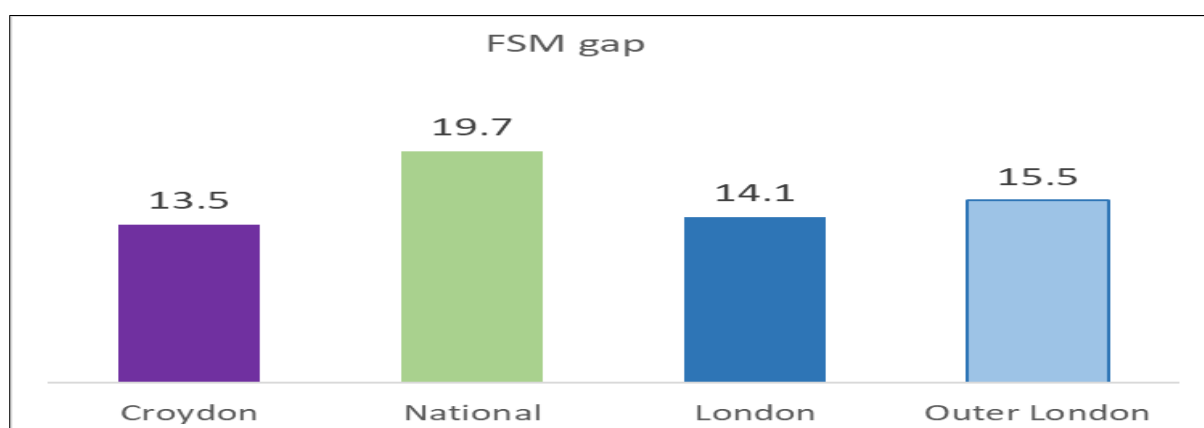
4.2.8 There is a GLD gender gap in Croydon, 61% achievement of this measure by boys compared to 74% for girls. This is in line with all children nationally:

Table 3: % of children achieving a GLD 2022 - by gender



4.2.9 In Croydon, 56.7% children entitled to Free School Meals (FSM) achieved a GLD compared to 70.2% of their peers who did not claim FSM. This 'gap' of 13.5% is the narrowest of all the comparable regions:

Table 4: Children achieving GLD 2022 – FSM gap



Action being taken to improve EYFS outcomes

- 4.2.9 We continue to support early years practitioners to develop their skills in all areas of the EYFS curriculum, with an emphasis on communication & language; personal, social & emotional; and physical development as the cornerstones of learning.
- 4.2.10 Work continues to address the gender gap, particularly in literacy. The final cohort of schools and settings are using "Helicopter Stories" which is proven to support boys' communication, language and literacy.
- 4.2.11 We offer a range of support and training to our early years settings and practitioners, including curriculum and statutory training, professional development forums and moderation sessions for reception teachers.
- 4.2.12 Private, Voluntary and Independent (PVI) settings benefit from annual support visits, pre-Ofsted support programmes, including focussed visits on 'less than good' provision.
- 4.2.13 Our maintained nursery schools have a named link adviser and are subject to the same support and categorisation process as our primary and secondary schools (refer paragraph 4.1.5).

4.3 KEY STAGE 1 (KS1) & KEY STAGE 2 (KS2) OUTCOMES

KS1 & KS2 arrangements

- 4.3.1 Due to the COVID-19 pandemic, external assessments did not take place in 2019-20 or in 2020-21. The assessments in 2021-22 were set at the same standard as 2018-19 to measure the effects of the pandemic on pupil achievement. As such, drops in attainment were expected.
- 4.3.2 In the Summer term of 2022 externally validated teacher assessments took place for the first time in three years at the end of KS1 in reading, writing and mathematics, supported by tests taken during May 2022 in reading and mathematics.
- 4.3.3 Externally marked tests took place at KS2 for the first time in three years in reading, mathematics, grammar, punctuation and spelling (GPS) in May 2022, together with externally validated teacher assessments in writing in June 2022.
- 4.3.4 Research has shown that the effects of the pandemic on attainment were exacerbated for disadvantaged pupils and the impact of this is likely to have differed between schools depending on their level of disadvantage. The DfE website states that "Performance data for 2022 should not be directly compared with 2019 and earlier. Comparisons should not be made between schools. This is because schools may have been affected differently by COVID-19."

Croydon's latest KS1 and KS2 outcomes

- 4.3.5 In 2021/22 the percentage of pupils achieving the expected standard at KS1 in all of reading, writing and mathematics in Croydon was 57%. This is 4% higher than the

national average. 8% of children reached the higher standard in all three compared with 6% nationally.

All individual subjects were higher than national averages at both the expected standard and at the higher standard.

Data at this stage in the year refers to the provisional dataset and may be subject to change when finalised in December 2022.

- 4.3.6 In 2021/22, the percentage of pupils achieving the expected standard at KS2 in all of reading, writing and mathematics in Croydon was 60%. This is the 3rd lowest compared to our statistical neighbours, but above the national average.

In 2018-19 the percentage of pupils achieving expected standard at KS2 in reading, writing and mathematics in Croydon was 67%. The drop of 7%, a result of the effects of the COVID-19 pandemic, was in line with that of other local authorities and national figures.

- 4.3.7 Strengths: Croydon attainment in reading, writing and mathematics is above national averages in reading, mathematics and writing at both KS1 and KS2 and in GPS at KS2 at the expected standard by between 1 and 4%.
- 4.3.8 Weaknesses: Croydon attainment in science is in line with national at KS2 but below national by 2% at KS1. Croydon is below London averages by between 1 and 4% for all subjects at both key stages.
- 4.3.9 Progress scores for KS2 and attainment and progress for groups such as disadvantaged pupils and those with SEND or EAL has not been published at the time of writing.

Action being taken to improve KS1 & KS2 outcomes

- 4.3.10 School Improvement visits challenge and support leaders on the quality of education, including teaching and learning, and provision for specific pupil groups including those with SEND needs and those who are disadvantaged. The number of visits is graduated according to need, as outlined in Appendix 2. School visits include learning walks which often include both lesson visits and book scrutiny for evidence of the curriculum over time. This ensures that any issues are picked up quickly and school leaders are supported with making improvements.
- 4.3.11 Our most vulnerable schools have formally recorded School Progress Review Meetings (SPRM) termly to track progress to a judgement of at least good in an Ofsted inspection. This ensures that appropriate challenge and support is given to the leadership and management of the school to ensure accelerated progress. An element of inspection readiness is introduced into the programme at the appropriate time, and often includes preparing middle leaders and governors for their part in the process.
- 4.3.12 A comprehensive programme of assessment and moderation training is provided at KS1 and KS2 to ensure assessments are robust and accurate. This includes training for teachers who are new to Year 2 and Year 6, and for strong teachers to join the LA

team as moderators which builds capacity in their schools as well as for the LA. Moderation clusters at KS1 and KS2 support teachers in developing and assuring their judgements. In line with statutory responsibilities schools' assessments are moderated in phonics in Year 1, reading, writing and mathematics at KS1 and in writing at KS2.

- 4.3.13 Termly briefings share good practice across the borough in English and mathematics and enable a focus on current areas of priority for improvement, as well as assessment and Special Educational Needs. Strong partnerships will continue to be forged with the local mathematics and English hubs, funded by the government to provide support to schools in these areas.
- 4.3.14 The Schools Forum agreed funding for 2023/24 and 2024/25 will ensure that the above support can continue without additional funding pressures on either the Council's General Fund or on school budgets.

4.4 KEY STAGE 4 (KS4) OUTCOMES

KS4 arrangements

- 4.4.1 This academic year saw the return of the summer exam series, after they had been cancelled in 2020 and 2021 due to the impact of the COVID-19 pandemic. In 2020 and 2021 grades were based upon teacher and centre assessed grades. This change in grading methodology resulted in higher grades being awarded, both locally and nationally, compared to 2019.
- 4.4.2 As part of the transition back to the summer exam series adaptations were made to the exams (including advance information) and the approach to grading for 2022 exams broadly reflected a midpoint between results in 2019 and 2021.
- 4.4.3 Provisional KS4 results for 2022 were published in October 2022, with the validated results due in early 2023. All KS4 data in this report therefore refers to the provisional dataset and may be subject to change.
- 4.4.4 For data comparison purposes, comparison of 2022 to 2019 is more meaningful, although there are some differences in testing methodology.

National KS4 measures are based upon:

- 4.4.5 Percentage of pupils achieving at least a grade 4 or 5 in both English and maths GCSE.
- 4.4.6 Attainment 8 measure which shows the average academic performance of a secondary school. It is calculated by adding together pupils' highest scores across eight government approved school subjects.
- 4.4.7 Progress 8 is a 'value-added' measure that indicates how much a secondary school has helped pupils improve (or progress) over a five-year period when compared to a government-calculated expected level of improvement.

Croydon's provisional KS4 outcomes

- 4.4.8 Overall, Croydon is currently under performing against most national and regional KS4 averages. Whilst progress in Croydon is being made over time to reduce the gap, when compared with other London boroughs we are still behind on all measures.
- 4.4.9 Achievement of Grade 4 or above in English & maths GCSE: 67.7% of Croydon pupils achieved this in 2022, which is 5.3% below the national average (73%). However, this represents a 6.5% improvement in Croydon compared to 2019, which is 0.5% better than the national improvement rate meaning we have reduced the gap slightly. Compared to 2021, our rates fell by 2.7% compared to a national drop of 3.9%, which suggests an encouraging trend to close the gap.
- 4.4.10 Achievement of Grade 5 or above in English and maths GCSE: This is considered a 'strong' pass grade. We perform slightly better in this measure with 48.7% of our pupils achieving this, although still below the national average (49.6%). We have improved by 8.2% compared to 2019, compared to 6.4% national improvement rate, again demonstrating progress being made to close the gap.
- 4.4.11 Attainment 8: Croydon's provisional Attainment 8 score was 47.4 making it 31/32 of London Boroughs. (Lambeth coming 32nd), compared to the London average of 52.7.
- 4.4.12 Progress 8: Croydon (-0.02) performed slightly better than the national average (-0.03) and the score confirms that pupils are making the expected level of progress compared to their KS3 starting point.
- 4.4.13 Cohorts of pupils performing better than expected:
- Pupils with English as an additional language make good progress.
 - Girls are making positive progress, specifically Black African and travellers of Irish heritage.
- 4.4.14 Cohorts of pupils not making expected progress and/or lower attainment:
- Boys, specifically mixed-white/Caribbean, Caribbean and Traveller.
 - Disadvantaged pupils - those who have received Free School Meals (FSM) in past 6 years
 - High Prior Attainment (HPA) pupils – suggesting a lack of stretch and challenge.

Action being taken to improve KS4 outcomes

- 4.4.15 School Improvement visits challenge and support leaders on the quality of education, including teaching and learning, and provision for specific pupil groups including those with SEND needs and those who are disadvantaged. The number of visits is graduated according to need, as outlined in Appendix 2. School visits include learning walks which often include both lesson visits and book scrutiny for evidence of the curriculum over time. This ensures that any issues are picked up quickly and school leaders are supported with making improvements.

- 4.4.16 Promoting teaching and learning partnerships across the borough to develop shared practice and standards between high performing schools and lower performing schools with similar pupil demographics. This is done via targeted CPD (for example focus on programmes for disadvantaged pupils), facilitating school visits and opportunities across schools to share best practice locally and from other boroughs.
- 4.4.17 Focus on English and maths programmes for male pupils – specifically targeting pupils within the demographic identified as having the most barriers to success—particularly Caribbean and mixed white-Caribbean boys.
- 4.4.18 The Schools Forum agreed funding for 2023/24 and 2024/25 will ensure that the above support can continue without additional funding pressures on either the Council's General Fund or on school budget.

4.5 KEY STAGE 5 (KS5) OUTCOMES

KS5 arrangements

- 4.5.1 This academic year saw the return of the summer exam series, after they had been cancelled in 2020 and 2021 due to the impact of the COVID-19 pandemic. In 2020 and 2021 grades were based upon teacher and centre assessed grades. This change in grading methodology resulted in higher grades being awarded, both locally and nationally, compared to 2019.
- 4.5.2 As part of the transition back to the summer exam series, adaptations were made to the exams (including advance information) and the approach to grading for 2022 exams (similarly to KS4) provisionally reflect a midpoint between results in 2019 and 2021.
- 4.5.3 Published data from the DfE for KS5 is not available until February 2023 therefore we are unable to compare across boroughs/ disadvantaged groups or any other measure. Destination Data for KS5 2021-22 is not released until October 2023.
- 4.5.4 Data and information in relation to 2022 results referred to in this report is therefore provisional data provided by local post-16 settings and may be subject to change when final validated data is published.
- 4.5.5 Typically, KS5 students in Croydon enter Level 3 courses (e.g. A Levels) with lower-than-average KS4/GCSE attainment levels, with migration out of Croydon (for example to selective schools in neighbouring boroughs) for post-16 studies.
- 4.5.6 All young people must stay in education, employment with training or training (EET) until their 18th birthday. Those identified as not EET (NEET) must be supported to find and sustain suitable provision.

Croydon's provisional KS5 outcomes

- 4.5.7 A Levels: Local performance remains below regional, statistical neighbour and national averages, but continues to improve year on year. Our provisional A level pass rate (97.9%) data suggests that we are just below the reported national average of 98.4%. The percentage of Croydon students achieving at least 2 A levels has improved significantly in recent years – from 58.8% in 2017/18 to 77.2% in 2021/22 – but remains below all comparator averages, as does the achievement of higher grades.
- 4.5.8 Other level 3 courses (e.g. BTECs, Diplomas, T Levels): We continue to have strong performance with high numbers of students achieving high grades in Technical qualifications - Our Technical qualification students achieved better than all comparator averages by +3.1 points (statistical neighbours) to +4.5 points (London). Performance on Applied General qualifications is less favourable, returning to pre-pandemic levels.
- 4.5.9 Areas of strength: We have individual schools within the borough who are within the top 10 percentile nationally for outcomes.
- 4.5.10 Areas of development: Viability of some school sixth forms and surplus sixth form places - We have a high number of small sixth forms across Croydon who cannot offer the breadth of curriculum to meet the needs of all their KS4 leavers. With typical entrance requirements for A levels being a grade 6+ including English and maths at GCSE and only 48% of students in Croydon gaining a G5+ including English and maths, a 'traditional' school sixth form academic curriculum offer does not meet the needs of a considerable proportion of students.
- Whilst introduction of other types of post-16 courses, for example BTECs and T Levels, would enable more students to access suitable post-16 pathways within their school, the nature of these courses in terms of teaching expertise, resources and premises often proves prohibitive for schools, meaning colleges or specialist/niche post-16 providers are better placed to meet the needs of many students.
- 4.5.11 NEET data is not published annually for the Sept-Nov period due to the volatility of the cohort and data. In the August 2022 tables we were placed in position 10 (of 30) in quintile 3, placing us in the top half nationally. Our combined NEET/not known figure was 4.9% (5.3% in 2021) of the total 16/17-year-old cohort, which equates to 238 young people who are identified as NEET and 229 whose status is not known.
- 4.5.12 Approximately 60% of our NEET/not known cohort are male, and 54% are White, with 35% of Black or Mixed ethnicity. 35% of the cohort reside in New Addington, Broad Green or Woodside. Approximately 20% of our NEET young people are not available to participate in EET for reasons of pregnancy, caring responsibilities, medical or being abroad.
- 4.5.13 The number of complex NEET young people referrals is increasing.

Action being taken to improve KS5 outcomes

- 4.5.14 Improvement of KS5 outcomes across Croydon will be driven by improvement in our KS4 outcomes and therefore the actions being taken as outlined in section 1.5. apply as improvement arrangements for KS3 to KS5 have been aligned.
- 4.5.15 Ensuring the provision of high quality, appropriate careers, information, advice and guidance to ensure all students are on the right KS5 pathway is essential to improving outcomes. Whilst schools and colleges have a statutory responsibility to ensure the provision of this, the LA has historically provided support and a centralised approach to this. However, local and national funding reductions in recent years has significantly reduced the resource and capacity for this.
- 4.5.16 We are developing post 16 partnerships and training across the borough through the Post 16 Forum. We will use this as a vehicle to review the local post-16 offer, share good practice, promote collaboration and inform discussions with post-16 providers on their KS5 offer.
- 4.5.17 Improving Oxbridge, Russell Group and Top Third Access to University as well as degree apprenticeships is a focus. We are doing this by strengthening partnerships with the widening access teams of Higher Education Institutions and exposing Croydon's young people to the possibilities of University and degree apprenticeships through more networking events. This includes work we have been undertaking with Cambridge University.
- 4.5.18 Croydon Council brokers a data management, analysis and monitoring tool (ALPS) at reduced cost for local post-16 centres, which includes training sessions. This tool is used to identify areas for improvement and strength, enabling sharing of good practice across centres, as well as supporting pupil tracking and monitoring.
- 4.5.19 We have a small NEET casework team who provide focussed advice and support to help young people into education and training, track young people whose education status is unknown and one officer dedicated to working with social care colleagues to support CLA/care leavers who are NEET.
- 4.5.20 We continue to produce the annual Croydon Post 16 prospectus [My Choices at 16+ | Croydon Council](#) , now available digitally. This provides details of the full local post-16 offer, plus an enhanced section for young people with SEN, careers information advice and guidance and links to support (e.g. financial) available.

4.6 PUPIL ATTENDANCE

Attendance arrangements

- 4.6.1 The DfE has advised that all schools should return to normal post covid arrangements which means return to focusing on the improvement of school attendance. Croydon Council has adopted a staged approach to improving poor school attendance. This model has three stages:
- i. Universal,
 - ii. Support & Intervention, and
 - iii. Enforcement.

- 4.6.2 These stages underpin the belief that whilst there is an appropriate role for taking legal enforcement measures against parents, ensuring families can receive effective support at an early stage is more likely to resolve patterns of poor attendance. Legal enforcement measures will therefore only be instigated when patterns of poor attendance continue, and evidence exists that demonstrates that parent/carer has not engaged with interventions put in place to support them to improve their child's attendance.
- 4.6.3 The most recent DfE validated data is for the autumn and spring terms of the 2019/20 academic years and is used in this report unless indicated otherwise. Full academic year data for 2019/20, 2020/21 and 2021/22 will be published in March/April 2023.
- 4.6.4 There are two measures for absence from school. These are overall absence and persistent absence. Overall absence is the percentage of total school sessions that were recorded as an absence. Persistent absence is the percentage of pupils who are absent from school for more than 10% of the possible sessions.

Croydon's current attendance

- 4.6.5 Croydon primary school persistent absence rate in 2018/19 was 8.53% which was a decrease of 0.31 from the previous academic year. The primary school figures for the academic year of 2019/20 were not published by the DfE due to covid-19 implications. However, the data for 2020/21 stood at 8.26%. which is better than our statistical neighbours. The data for 2021/22 indicates an increase in persistent absence from the previous academic year of 8.05% however, despite this increase, the data suggests Croydon's primary school persistent absence rate is better than the national average by 1.91%.
- 4.6.6 Croydon secondary schools' persistent absence rate in 2021/22 has increased by 11.64% from the previous academic year. Despite this increase nationally, Croydon secondary school percentage remains below the national average by 2.65% which is a better than the rate for England overall.

Action being taken to improve pupil attendance

- 4.6.7 Croydon LA has commissioned Studybugs which is able to extract live data feed from schools in line with the Government Green Paper statements on school attendance. This gives Croydon staff members access to live pupil data, which can be used to target needs within schools.
- 4.6.8 Monthly whole school attendance touch base meetings led by Croydon LA officers have been rolled out to all Croydon schools to support with all whole school attendance matters.
- 4.6.9 The attendance improvement practitioners undertake individual casework around complex cases of children who are missing out on education. They also promote the

use of the Early Help pathway and conducted reviews of whole school attendance practice in schools where this is a concern.

4.6.10 The local authority also supports schools by taking enforcement action, where this is appropriate, against parents who fail to ensure their children attend school regularly. In the 2021/22 academic year 578 penalty notices were issued for unauthorised absence at school and 22 prosecutions were undertaken by the service.

4.6.11 LA education officers in the Access to Education Team continue to work to improve attendance through individual casework with appropriate cases; whole school support with priority schools; liaison with independent education welfare providers; raising awareness of attendance; and exploring opportunities provided by the Locality Early Help teams.

4.7 PUPIL EXCLUSIONS

Exclusions arrangements

4.7.1 Pupils can be excluded from school either permanently or for a fixed period. These are formal sanctions that occur in response to breaches of the school's behaviour policy and there are regulations and guidance covering their use. Parents have various rights of representation in response to an exclusion.

4.7.2 The DfE publishes the national comparative rates for exclusions from academies and local authority-maintained schools. This data is published annually in the summer following each academic year once it has been validated. The most recent national data release was for the 2020/21 academic year.

4.7.3 The data captures three measures, which are broken down by primary and secondary schools. These are:

- i. The number of permanent exclusions and this as a percentage of total pupil numbers.
- ii. The number of fixed period of exclusions and this as a percentage of total pupil numbers; and
- iii. The number of pupils with one or more fixed period exclusions and this as a percentage of total pupil number.

Croydon's current exclusions

4.7.4 There were 27 permanent exclusions from Croydon secondary schools during the 2021/22 academic year. This is the same number as in the 2020/21 academic year. We have seen a steady decrease in the number of permanent exclusions at secondary school in recent years.

4.7.5 There were 0 permanent exclusions of primary school pupils during 2021/22, which is a reduction on previous years.

4.7.6 There were six permanent exclusions of Croydon resident pupils from schools in other local authority areas.

4.7.7 A further five permanent exclusions were subsequently withdrawn and two were reinstated by the governing body.

4.7.8 The trend shows that Croydon is currently below the national average in the number of permanent exclusions from maintained Croydon schools, academies and free schools over recent years as well as the permanent exclusion rates compared with national, London and statistical neighbours which is extremely positive.

4.7.9 The table below indicates the drop in school-based suspensions in the last two academic year we have seen a dramatic drop of 817 less suspensions/fixed term exclusions.

Table 5: Volume of fixed term and permanent exclusions 2018/19 to 2021/22

	2018/19	2019/20	2020/21	2021/22
Number of suspensions (fixed term exclusions)	1665	1400	1470	653
Number of permanent exclusions	43	41	27	27
Number of permanent exclusions reinstated	2	2	0	0
Number permanent exclusions withdrawn	8	4	2	5

4.7.10 In line with the national situation, Black Caribbean pupils in Croydon still have the greatest level of disproportionately high levels of exclusion from school. Black Caribbean pupils made up 44% of permanent exclusions from Croydon schools during the 2021/22 academic year, but Black Caribbean pupils account for 10.5% of the Croydon school age population.

Action being taken to improve reduce pupil exclusions

4.7.11 The Access to Education Team currently has several preventative models designed to support the reduction of pupils at risk of exclusion. These should be explored before considering the lines of permanent exclusion:

- i. Missing Monday Panel meeting: The purpose of this panel is to help reduce the numbers of children and young people in Croydon who are absent from education, at risk of permanent exclusion or who go missing from the school roll, whilst also ensuring that issues of safeguarding are prioritised by schools in their duty of promoting the well-being of all children.
- ii. The team around the school approach, a multi-agency early intervention support for schools which includes officer visits by both LA officers and partner organisations – supporting all Croydon schools on a range of inclusion matters. This includes support with pupils who are at risk of exclusion.

- iii. Fair Access Panel (FAP) and Primary School Forum have been used for several years as a mechanism through which schools, with parental consent, broker managed moves to other mainstream schools or alternative provision settings. Using these mediums means that a pupil does not need to be permanently excluded.
- iv. Frontline support from Attendance and Inclusion Officers - holistic support for pupils and their families.
- v. Provision of exclusions advice and guidance.
- vi. Safeguarding visits consider exclusions within the wider safeguarding context.

4.7.12 Steps are being taken to work with schools to reduce their need to exclude pupils; this includes a major piece of work that began in February 2020 championing a renewed focus on disproportionality of exclusions amongst different groups of pupils. Example approaches includes the team around the school model, which focuses on early intervention support at the earliest point of concern, holistic practitioner 1:1 intervention for pupils at risk exclusion, thematic workshops and group intervention for vulnerable year groups.

4.8 CHILDREN LOOKED AFTER (CLA) OUTCOMES

4.8.1 Due to trauma and significant issues emanating from trauma, the Virtual School works alongside stakeholders, especially social services, to address and to share understanding and knowledge of how to bridge the gaps and ensure that education is an active part of the Care Plan, and to improve the education outcomes of our CLA.

4.8.2 The role of the Virtual School (VS) is to:

- i. Monitor and promote the educational progress and achievement of children looked after and care leavers.
- ii. Ensure that Personal Education Plans (PEPs) are current, relevant and effective.
- iii. Promote and monitor the use of the Pupil Premium Grant (PPG).
- iv. Support schools and designated teachers to develop effective strategies and support for children looked after.

Croydon's Provisional CLA outcomes

4.8.3 EYFS: We do not have specific data for this cohort of CLA.

4.8.4 KS1 – Year 1: We have 9 children in year 1, 2 of which were disapplied from the phonics testing due to their SEND levels. Of the remaining 7 children, 3 passed the year 1 phonics screening and the remaining 4 are being provided with support and intervention by the VS and their schools in preparation for re-taking the screening in year 2.

4.8.5 KS1 – Year 2: Of the 13 children in this cohort, 6 have SEND needs – 2 with EHCPs and 4 on school level support plans. 7 of the 13 pupils met their teachers' and schools' own targets for the year, and of the 12 pupils taking their phonics screening 7 passed which is pleasing given their level of SEN needs.

- 4.8.6 KS2 – Year 6: We had 23 reportable pupils in this year's KS2 testing cohort, of which 35% (8 pupils) were working at the combined 'expected standard' in reading, writing and maths. This is in line with the reported national average for the CLA cohort.
- 4.8.7 KS4 – Year 11: There are 58 young people in this cohort with 30 entered for Level 1 and Level 2 exams and 20 young people were entered for (Attainment) 8 eligible subjects. 15% of these pupils were forecasted by their schools (in their PEPs) to gain 5 or more GCSEs grades 9 - 4 including English and maths. 20.69% of pupils achieved grades 9 – 4 and over a quarter of these pupils achieved a grade 4 or higher in maths and English.
- 4.8.8 KS5 – Year 13: There are 129 in the Yr. 13 cohort of which 9 achieved a Level 3 qualification, 23 young people achieved a Level 2 qualification and 19 achieved an Entry Level qualification. There are 2 young people that we are still waiting for exam data and 76 that do not have any results - The high mobility and contextual changes that occur in this cohort which affects the figures regarding no results include:
- Entering care at a late age, sometimes at Year 11, and no support with previous educational experience
 - Poor transition plans that do not reflect the step up to Post 16 education
 - Mental Health and other health issues
 - Housing
 - Incarceration
 - PPG+ funding ending in Year 12 and lack of support
 - Post 16 educational placements are not trauma trained
 - Exclusions
- 4.8.9 Attendance: There are 626 pupils in the CLA cohort with attendance rates at 93.56% at primary phase and 88.67% at secondary. The 2020/2021 persistent absence data for our CLA primary cohort is 6.44%, which is better than the overall Croydon primary pupil rate. There is a similar trend with the CLA secondary cohort, with an absence rate of 11.33% which is slightly better than the overall secondary cohort rate.
- 4.8.10 Exclusions: At the primary phase, there were no permanent exclusions, with only one at secondary phase. 3 permanent exclusions were successful rescinded at secondary phase, which included intervention by the Virtual School.

Action being taken to improve CLA education outcomes

- 4.8.11 Advisory Teachers and Education Advisers hold a cohort of specific year groups for at least 2 years to ensure continuity and stability for the children, young people and their carers.
- 4.8.12 The VS is applying additional support for children and young people with the effective use of the Pupil Premium Grant (PPG+) to promote inclusion, reduce exclusion, ensure quality transitions and to raise attainment. All of this reinforces the Advisory Teachers' relationship building and thus more effective intervention with children, young people and stakeholders.

4.8.13 There is a dedicated focus on improving the quality of PEPs, so that they robustly reflect the child / young person's circumstances. Activities around this include delivering high-quality training to Designated Teachers (DTs) [this is via the termly *Arena* programme] and by also continually updating the design of the PEP form so that it reflects the voice of the child or young person. Furthermore, there has been a change in requirement, whereby Advisory Teachers and Education Advisers are required to attend at least one PEP meeting per term for the children / young people in their cohort.

This improvement in completion rate can directly be attributed to a change in approach. Prior to 2020, two colleagues from the Senior Leadership team quality assured a high percentage of PEPs. In 2020, this approach was changed in line with an overall team operations overhaul. Advisory Teachers (ATs) and Education Advisers (EAs) were allocated specific cohorts within the education phases spanning EYFS through to KS5 and were responsible for ensuring PEPs were completed to a specific standard whilst also ensuring that the number of deferred PEPs were kept to a minimum. Deferred PEPs are those that were missing information from the team around the young person or where a PEP meeting did not take place. Furthermore, during the academic year 2020/2021, the assessment category '*Requires Improvement*' was introduced, which enabled more thorough feedback to educational establishments with regards to the quality of the PEP, which in turn increased awareness and support required for the CLA cohort. The table below illustrates the upward trend in PEP quality since 2018/19.

Table 6: PEP quality assurance trends 2018/19 to 2020/21

Academic Year	Excellent Rating	Good rating	Requires Improvement Rating	Deferred Rating
2018/2019	7.05%	52.47%	n/a	40.48%
2019/2020	20.36%	74.56%	n/a	4.97%
2020/2021	22.89%	70.60%	3.11%	3.39%

Source: <https://epeponline.co.uk/dashboard/vs>

4.8.14 Monitoring and actively responding to pupils' absence continues to be a focus for the Virtual School.

4.9 PUPILS WITH EDUCATION HEALTH & CARE PLANS (EHCP) OUTCOMES

EHCP arrangements and context

4.9.1 We currently have 4014 children and young people with Education Health and Care Plans in Croydon. There are approximately 8,000 more registered at SEN Support.

4.9.2 Timeliness of assessment and issuing of plans within the 20-week period has risen from 21% in July 22 to 77% as of November 2022. This is compared to a national performance figure of 60% in 2021. Such timeliness in the issuing of plans is critical to ensuring positive outcomes for each child.

4.9.3 Availability of validated attainment data for 2022 is limited at the time of writing.

Croydon's latest pupil with EHCP outcomes across all educational phases

4.9.4 Across KS1 the data shows that those with an EHCP achieve lower than our statistical neighbours, London and England.

4.9.5 Progress scores for KS2 and attainment and progress for specific groups of learners, including those with SEND, has not been published at the time of writing.

4.9.6 Latest KS4 data shows that those with an EHCP achieved above other statistical neighbours in the Progress 8 measure and there is an upward trend for those achieving grades 4-9 in English and maths.

4.9.7 Latest figures for persistent absentees with an EHCP show that Croydon performs better than our statistical neighbours and England.

4.9.8 Specific exclusions data for those with an EHCP is yet to be published.

Action being taken to improve pupils' with EHCP education outcomes

4.9.9 Autism Education Trust (AET): A considerable number of pupils and students with EHCPs have a diagnosis of Autism Spectrum Conditions. For the last 2 years we have worked with the AET in our Early Years settings to ensure training and resources are available to meet needs. We have now purchased the AET licence for a further three years and for all phases of education so that this effective approach will be embedded across all settings in Croydon. This also addresses the needs of the children and young people in a timely way whilst referral and full assessment is completed.

4.9.10 The Locality SEND Support (LSS) service provides early help, advice, training, resources and support at the point when difficulties are emerging and identified by school SENCOs. This takes a range of forms but consists of training and shared expertise across all settings. This approach is now borough wide as of September 2022 and will have a positive impact on the outcomes of learners with SEND. Those that require further assessment and support will be well presented with real time reports and evidence of strategies already undertaken. Current activities are outlined below:

Table 7: Work of Locality SEND Support (LSS) in terms of contribution to professional development, SENDco support and early support

ACTIVITY	IMPACT
CPD delivered to SENDCos on the SEND aspects of Ofsted's Educational Inspection Framework	Over 70 SENDCos had two training sessions on how Ofsted inspect SEND. At least six schools have subsequently received Ofsted inspections.
Parental Webinar on Neurodiversity	Six sessions have been delivered – each one oversubscribed. Over 100 parents have had help to support their neurodiverse children and support them with their learning to raise standards.

CPD delivered to SENDCos on the new DfE behaviour guidance (Summer 2022)	Training offered to 110 schools through SENDCo forums with over 85% attendance. Support given to improve schools' behaviour policies and hence improve behaviour; creating a calmer atmosphere conducive to learning and higher attainment.
CPD delivered to SENDCos on sickle cell disease awareness	Raise awareness amongst 110 schools so CYP with SCD can be supported with their learning and attendance
Early help team attended each Locality SENDCo forum to discuss ways of supporting families and raise awareness of EHT.	EHT had a productive discussion with almost 80 schools on how to signpost parents and families to early help support.
LSS Provided training for school finance staff	Over 50 school finance colleagues attended training on how to ensure financial support gets quickly to SEND CYP who need it within the Localities.
Governor training for LSS awareness	There have been two governor training sessions. The training was offered through Octavo to governors of over 110 schools and each session was well attended. This training enabled governors to better monitor the support that schools are giving to CYP with SEND
Half termly Headteacher meetings	All 110 mainstream headteachers are offered a half-term catch-up session. These sessions enable them to understand and be able to engage fully with the LSS process. This helps them to provide early support to CYP with emerging needs and improve academic outcomes.
Presentation to Therapies Work group	This work helped to enable all SEND professionals working with CYP to offer a joined-up approach.
LSS webinar to SENDIS (Kids) Parents	Several sessions were offered to parents (fully subscribed) to enable parents and carers to understand LSS and better support their children
LSS liaison with Children's Social Services	This work helped to enable all professionals working with CYP to offer a joined-up approach, improving support.

4.9.11 Increased specialist provision is enabling more children and young people to attend good quality provision within the borough. A review of our Enhanced Learning Provision (ELP) is underway as well as a strategic plan to develop additional ELPs to address gaps in provision as evidenced by data.

4.9.12 Improved real time data has enabled robust forecasting of needs within year groups and informed practice and placement development. Included in this is the close monitoring of attendance and exclusions of which we have none to report as at this time. Improved attendance will support and improve outcomes and greater learning.

5 ALTERNATIVE OPTIONS CONSIDERED

5.1 Not applicable

6 CONSULTATION

6.1 This report is for information purposes only – to provide an annual overview of education standards and pupil outcomes – and therefore consultation is not appropriate.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 This report provides information to support delivery of the following Mayor's Business Plan 2022-2026 outcomes and priorities:

Outcome 3: Children and young people in Croydon have the chance to thrive, learn and fulfil their potential

Priority: Ensure children and young people have opportunities to learn, develop and fulfil their potential

- Enable more pupils with special educational needs and disabilities to attend and thrive in Croydon schools.
- Develop an effective Education Partnership with schools.
- Work with schools to improve support for vulnerable pupils and to continue to reduce exclusions.
- Develop and deliver an Early Years Strategy to ensure every child is given the best start in life.
- Work with all education providers to improve attendance, inclusion and standards for all, so that more of our children and young people can fulfil their potential.

Priority: Work closely with health services, Police and the VCFS to keep vulnerable children and young people safe from harm

- Implement a programme of continuous improvement to sustain the quality of services relating to children, young people and education.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 There are no Finance implications arising from this report

8.1.2 Approved by: Charles Quayle Acting Head of Finance – Education on the 13th December 2022

8.2 LEGAL IMPLICATIONS

8.2.1 The Head of Litigation & Corporate Law comments on behalf of the Director of Legal Services and Monitoring Officer that

- Section 13 of the Education Act 1996 places a duty on local authorities to secure (so far as their powers enable them to do so) that efficient primary, secondary and further education are available to meet the needs of the population of their area.
- Section 13A requires local authorities to ensure that their relevant education and training functions are exercised (so far as they are capable of being so exercised) with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential for children and young people in their area.
- Section 14 requires local authorities to secure sufficient schools for primary and secondary education for their area, and sufficient is defined by reference to number,

character and equipment to provide appropriate education based on age, ability and aptitude, including practical instruction and training appropriate to their needs.

These duties are overarching duties and apply regardless of whether schools are maintained by the local authority or independent of local authority support.

8.2.2 Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Director of Legal Services and Monitoring Officer on the 15th December 2022

8.3 EQUALITIES IMPLICATIONS

8.3.1 Not applicable

8.4 OTHER IMPLICATIONS

8.4.1 There are no direct Human Resources implications arising from this report.

Approved by: Debbie Calliste, Head of HR for Children, Young People and Education on behalf of the Chief People Officer on the 10th December 2022

9. APPENDICES

9.1 Appendix 1: Education data dashboard (Oct 2022)

Appendix 2: School improvement link adviser support levels (2022/23)

10. BACKGROUND DOCUMENTS

10.1 None































11. URGENCY

11.1 Not applicable

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Indicator Title	Polarity	Croydon								Statistical Neighbours Average		London		England		Last Updated	Next Updated	Source
		2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	Trend	Change from previous year	Latest	Croydon vs latest	Latest	Croydon vs latest	Latest	Croydon vs latest			
Quality																		
Number of schools inspected (includes nurseries, primary, secondary, PRU and special schools)		107	117	120	122	121	125		↑ 4	119		2599		21,998		Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Percentage of schools rated 'good' or 'outstanding'	High is good	86	82	83	89	89	87		↓ -2	92	↓ -5	93	↓ -6	87	→ 0	Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Number of primary schools inspected		71	83	84	86	86	86		→ 0	83		1799		16,785		Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Percentage of primary schools rated 'good' or 'outstanding'	High is good	81	78	83	91	90	87		↓ -3	93	↓ -6	94	↓ -7	88	↓ -1	Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Number of secondary schools inspected		20	22	23	23	22	23		↑ 1	22		505		3,411		Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Percentage of secondary schools rated 'good' or 'outstanding'	High is good	90	87	78	83	86	81		↓ -5	88	↓ -7	89	↓ -8	78	↑ 3	Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Number of special schools inspected		6	6	6	6	6	6		→ 0	7		159		1,018		Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Percentage of special schools rated 'good' or 'outstanding'	High is good	100	100	100	100	100	100		→ 0	92	↑ 8	96	↑ 4	90	↑ 10	Mar 2022	Nov 2022	https://www.gov.uk/government/collections/maintained-schools-and-academies-inspections-and-outcomes-official-statistics
Incidence of SEND																		
Pupils with EHCP (all schools)		3.0	3.3	3.5	3.7	3.9	4.0		↑ 0.1	4.5	↓ -0.5	4.1	↓ -0.1	4.0	↑ 0.0	Jun 2022	Jun 2023	https://www.gov.uk/government/collections/statistics-special-educational-needs-sen
Pupils with SEN Support (all schools)		11.0	11.7	11.6	12.3	11.9	13.1		↑ 1.2	12.5	↑ 0.6	11.7	↑ 1.4	12.6	↑ 0.5	Jun 2022	Jun 2023	https://www.gov.uk/government/collections/statistics-special-educational-needs-sen
Outcomes																		
Early Years Foundation Stage Profile (EYFSP) - the EYFS profile was revised significantly in September 2021 It is therefore not possible to directly compare 2021/22 assessment outcomes with earlier years																		
Number of children at EYFSP		5,052	4,802	4,696			4,610		↓ -106	4,744		100,998		638,995		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Percentage of children achieving a good level of development	High is good	73.4	73.8	74.6			67.4	Break in series	NA	68.0	↓ -0.6	67.8	↓ -0.4	65.2	↑ 2.2	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Percentage of children achieving the expected standard across all the Early Learning Goals	High is good	71.7	72.2	73.4			65.7	Break in series	NA	66.1	↓ -0.4	65.7	→ 0.0	63.4	↑ 2.3	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Average number of early learning goals at expected level per child	High is good						14.1	New	NA	14.0	↑ 0.1	14.1	→ 0.0	14.1	→ 0.0	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Average total point score across all the Early Learning Goals	High is good	34.2	34.2	34.2			-	Break in series	→ 0.0	34.5	↓ -0.3	34.8	↓ -0.6	34.6	↓ -0.4	Oct 2019	NA	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Achievement gap between all children and the lowest 20% of achievers across all the Early Learning Goals	Low is good	33.2	33.3	33.4			-	Break in series	↑ 0.1	34.0	↓ -0.5	32.6	↑ 0.8	32.4	↑ 1.0	Oct 2019	NA	https://www.gov.uk/government/collections/statistics-early-years-foundation-stage-profile
Key Stage 1 (KS1) & Phonics																		
Number of eligible pupils in the phonics screening check in year 1		4,898	4,892	4,704			4,621		↓ -83	4,560		95,900		636,787		Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of year 1 pupils achieving the required standard of phonic decoding	High is good	82	85	84			75		↓ -9	78	↓ -3	78	↓ -3	75	→ 0	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Number of eligible pupils in the phonics screening check in year 2		4,844	4,817	4,860			4,426		↓ -434	4551		95,950		637,861		Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of pupils meeting the expected standard in the phonics screening check by the end of year 2	High is good	91	92	92			87		↓ -5	87	→ 0	88	↓ -1	87	→ 0	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Number of eligible pupils at KS1		4,865	4,822	4,874			4,488		↓ -386	4,567		96,410		639,415		Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of pupils achieving the expected standard at KS1 in Reading	High is good	77	77	77			69		↓ -8	69	↓ 0	70	↓ -1	67	↑ 2	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of pupils achieving the expected standard at KS1 in Writing	High is good	69	72	72			61		↓ -11	61	↓ 0	63	↓ -2	58	↑ 3	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of pupils achieving the expected standard at KS1 in Maths	High is good	76	78	78			69		↓ -9	70	↓ -1	71	↓ -2	68	↑ 1	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Percentage of pupils achieving the expected standard at KS1 in Science	High is good	85	85	84			75		↓ -9	77	↓ -2	78	↓ -3	77	↓ -2	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-key-stage-1
Key Stage 2 (KS2) - 2021/22 data are provisional																		
Number of eligible pupils at KS2		4,172	4,460	4,640			4556		↓ -84	4,745		99,010		665,058		Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Percentage of pupils meeting expected standard at KS2 in Reading, Writing and Mathematics	High is good	64	67	67			60		↓ -7	62	↓ -2	65	↓ -5	59	↑ 1	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Percentage of pupils meeting expected standard at KS2 in Reading	High is good	73	77	75			76		↑ 1	76	↓ 0	78	↓ -2	74	↑ 2	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2

Percentage of pupils meeting expected standard at KS2 in Grammar, Punctuation & Spelling	High is good	80	81	79			76		↓ -3	76	↓ 0	78	↓ -2	72	↑ 4	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Percentage of pupils meeting expected standard at KS2 in Maths	High is good	78	78	79			75		↓ -4	75	→ 0	77	↓ -2	71	↑ 4	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Percentage of pupils meeting the expected standard at KS2 in writing TA	High is good	78	80	79			70		↓ -9	71	↓ -1	74	↓ -4	69	↑ 1	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Percentage of pupils meeting the expected standard at KS2 in science TA	High is good	84	84	83			78		↓ -5	80	↓ -2	81	↓ -3	78	→ 0	Sep 2022	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Progress between age 7 and age 11 at KS2 in Reading	High is good	0.2	0.7	0.8			-		↑ 0.1	0.6	↑ 0.2	0.8	→ 0.0	0.0	↑ 0.8	Dec 2019	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Progress between age 7 and age 11 at KS2 in Writing	High is good	0.2	0.6	0.7			-		↑ 0.1	0.5	↑ 0.2	0.8	↓ -0.1	0.0	↑ 0.7	Dec 2019	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Progress between age 7 and age 11 at KS2 in Maths	High is good	0.8	1.1	0.9			-		↓ -0.2	1.0	↓ -0.1	1.2	↓ -0.3	0.0	↑ 0.9	Dec 2019	Dec 2022	https://www.gov.uk/government/collections/statistics-key-stage-2
Key Stage 4 (KS4) - Comparisons made between 2021/22 and 2018/19 given the unprecedented change in the way GCSE results were awarded in 2019/20 and 2020/21																		
Number of pupils at the end of KS4		3,579	3,452	3,640	3755	3831	3697		↓ -134	3,857		86,145		585,222		Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Average Progress 8 score per pupil	High is good	0.06	0.07	0.07	-	-	-0.02		↓ -0.09	0.19	↓ -0.21	0.23	↓ -0.25	-0.03	↑ 0.01	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Average Attainment 8 score per pupil	High is good	45.1	45.8	45.5	48.9	50.0	47.4		↑ 1.9	49.8	↓ -2.4	52.6	↓ -5.2	48.7	↓ -1.3	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Percentage of pupils achieving grades 9-4 in English and Maths	High is good	60.9	63.4	61.2	69.0	70.4	67.7		↑ 6.5	70.1	↓ -2.4	74.1	↓ -6.4	68.8	↓ -1.1	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Percentage of pupils achieving grades 9-5 in English and Maths	High is good	40.6	42.4	40.5	48.9	50.7	48.7		↑ 8.2	52.3	↓ -3.6	57.3	↓ -8.6	49.6	↓ -0.9	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Percentage of pupils entering the English Baccalaureate	High is good	42.7	45.5	46.7	44.9	39.8	47.0		↑ 0.3	50.7	↓ -3.7	55.4	↓ -8.4	38.7	↑ 8.3	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
English Baccalaureate Average Point Score per pupil	High is good	-	4.0	3.97	4.27	4.36	4.22		↑ 0.3	4.49	↓ -0.27	4.77	↓ -0.55	4.27	↓ -0.05	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Percentage of pupils achieving the English Baccalaureate (9-4 grades in English and Maths)	High is good	23.5	23.7	23.6	28.8	26.5	27.2		↑ 3.6	32.8	↓ -5.6	37.3	↓ -10.1	26.8	↑ 0.4	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Percentage of pupils achieving the English Baccalaureate (9-5 grades in English and Maths)	High is good	20.6	16.0	14.6	19.5	18.8	18.8		↑ 4.2	24.3	↓ -5.5	28.5	↓ -9.7	20.2	↓ -1.4	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-gcses-key-stage-4
Key Stage 5 (KS5) - 2021/22 data are provisional																		
Number of Level 3 students		2,517	1,839	1,866	1,922	1,972	1,871		↓ -101	2,075		59,026		364,003		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving at least 2 substantial level 3 qualifications	High is good	85.3	65.3	74.2	77.8	89.2	89.1		N/A	96.4	↓ -7.3	95.1	↓ -6.0	95.8	↓ -6.7	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Number of A level students		1,681	1,628	1,458	1,390	1,453	1,346		↓ -107	1,481		44,567		284,614		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
A level cohort APS per entry	High is good	28.4	27.7	29.3	36.8	38.2	33.7		N/A	37.0	↓ -3.3	38.3	↓ -4.6	38.8	↓ -5.1	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving at least 2 A levels	High is good	60.9	58.8	66.0	73.7	73.5	77.2		N/A	87.7	↓ -10.6	90.1	↓ -12.9	88.3	↓ -11.2	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
A level cohort APS per entry, best 3 A levels	High is good	31.0	27.4	28.1	34.5	37.0	32.4		N/A	37.1	↓ -4.8	38.4	↓ -6.1	39.1	↓ -6.7	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving 3 A*-A grades or better at A level	High is good	5.8	4.7	4.1	14.2	16.9	10.8		N/A	16.9	↓ -6.1	21.4	↓ -10.6	22.7	↓ -11.9	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving grades AAB or better at A level	High is good	13.1	8.4	9.7	23.8	27.1	18.7		N/A	38.3	↓ -19.5	39.7	↓ -21.0	41.4	↓ -22.7	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving grades AAB or better at A level, at least two facilitating subjects	High is good	7.7	5.9	7.1	15.4	16.4	11.5		N/A	18.3	↓ -6.8	22.4	↓ -10.9	23.0	↓ -11.5	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Number of Academic students		1,702	1,641	1,465	1,412	1,531	1,400		↓ -131	1,494		45,350		290,510		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Academic cohort APS per entry	High is good	28.5	27.8	29.3	36.8	38.1	33.2		N/A	37.0	↓ -3.8	38.3	↓ -5.1	38.9	↓ -5.7	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of students achieving at least 2 substantial level 3 academic qualifications	High is good	60.3	58.4	65.8	72.7	69.8	74.2		N/A	87.4	↓ -13.2	89.1	↓ -14.9	87.9	↓ -13.7	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Number of Tech level students		482	157	157	181	228	243		↑ 47	113		3,178		27,074		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Tech level cohort APS per entry	High is good	38.6	30.8	30.1	31.2	35.2	34.4		N/A	31.3	↑ 3.1	30.0	↑ 4.5	30.6	↑ 3.8	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Number of Applied General students		1,065	370	594	742	827	805		↑ 85	814		18,986		118,432		Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Applied General cohort APS per entry	High is good	40.3	27.6	27.1	28.8	30.7	28.3		N/A	32.3	↓ -4.0	30.6	↓ -2.3	31.9	↓ -3.6	Nov 2022	Nov 2023	https://www.gov.uk/government/collections/statistics-attainment-at-19-years
Percentage of 19 year olds qualified to Level 2	High is good	85.6	84.7	84.2	82.8	83.8	-		↑ 1.0	83.7	↑ 0.1	85.8	↓ -1.9	82.9	↑ 0.9	Apr 2022	Apr 2023	https://explore-education-statistics.service.gov.uk/find-statistics/level-2-and-3-attainment-by-young-people-aged-19

Percentage of 19 year olds qualified to Level 3	High is good	63.1	62.4	61.2	63.3	66.4	-		↑ 3.1	66.7	↓ -0.3	69.8	↓ -3.4	62.2	↑ 4.2	Apr 2022	Apr 2023	https://explore-education-statistics.service.gov.uk/find-statistics/level-2-and-3-attainment-by-young-people-aged-19
Destinations of KS4																		
Percentage of KS4 cohort at all state-funded mainstream schools in a sustained education, employment or training destination at 17	High is good	93.8	93.9	94.2	94.9	94.6	-		↓ -0.3	93.7	↑ 0.9	94.4	↑ 0.2	93.8	↑ 0.8	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-destinations
Percentage of KS4 cohort destination not sustained at 17	Low is good	4.8	5.1	4.9	4.5	3.9	-		↓ -0.6	3.8	↑ 0.1	3.5	↑ 0.4	4.9	↓ -1.0	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-destinations
Destinations of KS5																		
Percentage of KS5 cohort at all state-funded mainstream schools & colleges in a sustained education, employment or training destination	High is good	-	80.1	78.6	78.3	74.3	-		↓ -4.0	80.6	↓ -6.3	78.7	↓ -4.4	79.1	↓ -4.8	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-destinations
Percentage of KS5 cohort destination not sustained	Low is good	-	12.4	14.0	15.3	18.4	-		↑ 3.1	13.2	↑ 5.2	14.6	↑ 3.8	15.6	↑ 2.8	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-destinations
Not in education, employment or training (NEET)																		
Number of 16 and 17 year olds known to LA		-	9020	8780	8930	9210	-		↑ 280	8,906		181,790		1,181,090		Mar 2022	Mar 2023	https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures
Proportion of 16 and 17 year olds who were not in education, employment or training (NEET)	Low is good	-	2.2	2.1	2.3	1.8	-		↓ -0.5	1.7	↑ 0.1	1.8	↓ 0.0	2.8	↓ -1.0	Mar 2022	Mar 2023	https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures
Proportion of 16 and 17 year olds not known if in education, employment or training (NEET)	Low is good	-	5.7	4.0	2.9	3.6	-		↑ 0.8	3.2	↑ 0.4	2.2	↑ 1.4	2.7	↑ 1.0	Mar 2022	Mar 2023	https://www.gov.uk/government/publications/neet-and-participation-local-authority-figures
Absence - Full year release (2020 data not available due to covid Autumn term only due to COVID-19 related school closures in the Spring and Summer terms)																		
Overall absence rate from State-funded primary, secondary and special schools	Low is good	4.56	4.67	4.57		4.65	-		N/A	4.74	↓ -0.09	4.44	↑ 0.21	4.62	↑ 0.03	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded primary schools	Low is good	4.01	4.11	3.95		3.72	-		N/A	3.94	↓ -0.22	3.76	↓ -0.04	3.64	↑ 0.08	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded secondary schools	Low is good	5.23	5.35	5.28		5.76	-		N/A	5.51	↑ 0.25	5.11	↑ 0.65	5.49	↑ 0.27	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded special schools	Low is good	9.36	9.16	9.76		9.84	-		N/A	13.97	↓ -4.13	14.34	↓ -4.50	15.21	↓ -5.37	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary, secondary and special schools	Low is good	10.85	10.86	10.75		12.20	-		N/A	12.64	↓ -0.44	11.32	↑ 0.88	12.08	↑ 0.12	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary schools	Low is good	9.09	8.84	8.53		9.08	-		N/A	9.93	↓ -0.84	9.07	↑ 0.01	8.78	↑ 0.30	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded secondary schools	Low is good	12.89	13.14	13.17		15.82	-		N/A	15.05	↑ 0.78	13.47	↑ 2.36	14.83	↑ 0.99	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded special schools	Low is good	28.48	29.38	29.30		27.13	-		N/A	45.57	↓ -18.45	45.89	↓ -18.77	48.94	↓ -21.82	Mar 2022	Mar 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Absence - Combined autumn and spring term release																		
Overall absence rate from State-funded primary, secondary and special schools	Low is good	4.57	4.69	4.40		4.05	6.70		N/A	6.34	↑ 0.36	6.32	↑ 0.38	7.38	↓ -0.68	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded primary schools	Low is good	4.08	4.17	3.83		3.32	5.65		N/A	5.63	↑ 0.02	5.64	↑ 0.01	6.19	↓ -0.53	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded secondary schools	Low is good	5.12	5.28	5.01		4.82	7.74		N/A	7.04	↑ 0.71	7.03	↑ 0.71	8.64	↓ -0.90	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded special schools	Low is good	9.48	9.34	9.83		9.37	14.24		N/A	12.23	↑ 2.01	12.90	↑ 1.34	13.16	↑ 1.08	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary, secondary and special schools	Low is good	11.21	11.50	10.69		10.28	20.17		N/A	18.83	↑ 1.34	18.65	↑ 1.51	22.32	↓ -2.15	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary schools	Low is good	9.97	9.85	8.72		8.26	16.31		N/A	16.52	↓ -0.21	16.47	↓ -0.17	18.21	↓ -1.91	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded secondary schools	Low is good	12.47	13.21	12.66		12.36	24.00		N/A	21.03	↑ 2.97	20.94	↑ 3.06	26.65	↓ -2.65	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded special schools	Low is good	28.25	29.66	30.77		25.58	47.62		N/A	38.89	↑ 8.74	39.74	↑ 7.88	40.17	↑ 7.45	Oct 2022	Oct 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Absence - Autumn release																		
Overall absence rate from State-funded primary, secondary and special schools	Low is good	4.51	4.19	4.15	4.69	4.90	-		N/A	4.83	↑ 0.07	4.63	↑ 0.27	4.66	↑ 0.24	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded primary schools	Low is good	4.08	3.70	3.66	4.15	4.12	-		N/A	4.23	↓ -0.11	4.00	↑ 0.13	3.68	↑ 0.44	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded secondary schools	Low is good	4.98	4.76	4.67	5.23	5.70	-		N/A	5.42	↑ 0.28	5.32	↑ 0.38	5.69	↑ 0.00	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Overall absence rate from State-funded special schools	Low is good	9.32	8.28	9.16	9.67	11.00	-		N/A	11.19	↓ -0.19	10.68	↑ 0.32	10.58	↑ 0.41	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary, secondary and special schools	Low is good	11.97	10.79	10.67	12.74	13.86	-		N/A	13.86	↑ 0.00	13.13	↑ 0.73	12.98	↑ 0.88	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded primary schools	Low is good	10.77	9.17	9.22	11.12	11.53	-		N/A	12.12	↓ -0.59	11.27	↑ 0.27	9.88	↑ 1.66	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence

Persistent absence rate from State-funded secondary schools	Low is good	13.20	12.57	11.97	14.35	16.22	-		N/A	15.50	↑ 0.72	15.17	↑ 1.05	16.26	↓ -0.04	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Persistent absence rate from State-funded special schools	Low is good	26.96	25.62	28.82	26.88	30.48	-		N/A	32.93	↓ -2.45	30.41	↑ 0.07	29.20	↑ 1.29	May 2022	May 2023	https://www.gov.uk/government/collections/statistics-pupil-absence
Exclusions (in the 2019/20 DfE publication fixed term exclusions have been renamed suspensions)																		
Permanent exclusions from schools as a percentage of the school population	Low is good	0.07	0.06	0.06	0.05	0.03	-		↓ -0.02	0.03	↓ -0.01	0.03	↓ -0.01	0.05	↓ -0.02	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Permanent exclusions from primary schools as a percentage of the school population	Low is good	0.04	0.02	0.01	0.00	0.00	-		↑ 0.00	0.00	↓ 0.00	0.00	↑ 0.00	0.01	↓ -0.01	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Permanent exclusions from secondary schools as a percentage of the school population	Low is good	0.13	0.13	0.13	0.11	0.06	-		↓ -0.05	0.07	↓ -0.01	0.07	↓ -0.01	0.10	↓ -0.04	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Permanent exclusions from special schools as a percentage of the school population	Low is good	0.00	0.00	0.00	0.00	0.00	-		→ 0.00	0.03	↓ -0.03	0.02	↓ -0.02	0.03	↓ -0.03	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Suspensions (fixed period exclusions) from schools as a percentage of pupils	Low is good	3.70	3.83	3.82	3.39	3.46	-		↑ 0.08	2.78	↑ 0.69	2.79	↑ 0.67	4.25	↓ -0.79	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Suspensions (fixed period exclusions) from primary schools as a percentage of pupils	Low is good	1.18	1.25	1.47	0.93	0.94	-		↑ 0.01	0.63	↑ 0.30	0.55	↑ 0.38	0.99	↓ -0.06	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Suspensions (fixed period exclusions) from secondary schools as a percentage of pupils	Low is good	7.61	7.84	7.25	6.93	7.03	-		↑ 0.09	5.78	↑ 1.25	5.79	↑ 1.24	8.48	↓ -1.45	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Suspensions (fixed period exclusions) from special schools as a percentage of pupils	Low is good	3.05	2.35	4.26	1.84	1.48	-		↓ -0.36	5.66	↓ -4.18	7.14	↓ -5.65	7.29	↓ -5.80	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Pupils with 1 or more suspensions (fixed period exclusions) from schools as a percentage of pupils	Low is good	2.39	2.35	2.50	2.27	2.29	-		↑ 0.01	1.91	↑ 0.37	1.84	↑ 0.44	2.20	↑ 0.09	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Pupils with 1 or more suspensions (fixed period exclusions) from primary schools as a percentage of pupils	Low is good	0.60	0.58	0.80	0.51	0.54	-		↑ 0.03	0.40	↑ 0.14	0.34	↑ 0.20	0.52	↑ 0.02	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Pupils with 1 or more suspensions (fixed period exclusions) from secondary schools as a percentage of pupils	Low is good	5.14	5.07	4.97	4.79	4.72	-		↓ -0.07	4.08	↑ 0.65	3.86	↑ 0.86	4.38	↑ 0.34	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions
Pupils with 1 or more suspensions (fixed period exclusions) from special schools as a percentage of pupils	Low is good	2.32	1.92	3.27	1.66	1.40	-		↓ -0.26	3.07	↓ -1.67	3.53	↓ -2.13	3.66	↓ -2.26	Jul 2022	Jul 2023	https://www.gov.uk/government/collections/statistics-exclusions

School Improvement Link Adviser Support 2022-23

Universal

Criteria: Academies judged as good or outstanding

Outline of support:

- A named link adviser as a point of contact
- Head teacher meetings and schools newsletters
- **No routine visits or attendance at Ofsted inspection interviews.**

NB: An SLA for academies that wish to purchase a package of school improvement support is available. For details, please contact your Link Adviser.

Universal plus

Criteria: Maintained schools and stand-alone academies judged good or better, or academies judged good or better where there are L.A. concerns.

Outline of support:

- A named link adviser as a point of contact.
- Half termly head teacher meetings and schools newsletters.
- An initial half day visit with a follow up letter outlining key findings and any action points.
- Further contact with named link adviser through the year according to need
- Attendance at any Ofsted inspection interview and feedback
- For **maintained schools**, attendance as the Director of Education's representative at Head teacher short-listing and interviews.

Targeted

Criteria: Schools currently in an Ofsted category of concern (requires improvement or below) to support them to the point of inspection as a good or better school.

Outline of support:

- A named link adviser as a point of contact.
- Head teacher meetings and schools newsletters.
- Termly link adviser half day visits with a follow up letter outlining key findings and action points.
- Attendance at any Ofsted interview and feedback.
- For **maintained schools**, attendance as the Director of Education's representative at Head teacher short-listing and interviews.
- Progress towards being judged as good or better at the next inspection will be monitored through the School Progress Review Meeting (SPRM) process, where agreed.

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LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
DATE OF DECISION	25th January 2023	
REPORT TITLE:	Secure Children's Home for London and Pan-London Commissioning Vehicle Part A	
CORPORATE DIRECTOR / DIRECTOR:	Debbie Jones- Interim Corporate Director Children, Young People & Education	
LEAD OFFICER:	Kerry Crichlow - Director Quality, Commissioning & Performance Improvement (Deputy DCS)	
LEAD MEMBER:	COUNCILLOR MARIA GATLAND, CHILDREN YOUNG PEOPLE AND EDUCATION	
KEY DECISION?	Yes	REASON: Key Decision – Decision significantly impacts on communities living or working in an area comprising two or more Wards 8322EM
CONTAINS EXEMPT INFORMATION?	YES	Public with exempt confidential legal advice and options appraisal reproduced in Part B – provided by Anthony Collins solicitors on behalf of London Councils. Exempt under paragraph 5 of Schedule 12A of the Local Government Act 1972 and the public interest in withholding disclosure outweighs the public interest in disclosure
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

- 1.1 The placements market, and a number of other markets across children's social care and education have been noted as being too large and problematic for the spending power of one local authority alone to address. There are several sub-regional solutions in London that are working towards addressing these issues, however there is a need to try and further unify approaches to the various markets across London.
- 1.2 To this end, one solution currently proposed is a non-profit company set up and contributed to by London Local Authorities the remit of which will be pan-London

commissioning arrangements that will improve the lives of London's children and young people. This company is referred to as a 'Pan-London Vehicle ("PLV")' The future of what this collaboration may look like in totality is at the early stage of development at present, however the PLV's first aim will be to develop Secure Children's Home (SCH) in London, where there is a current lack of provision.

- 1.3** This paper and its recommendations will be presented to all Councils in London in some form. It seeks permission in principle for Croydon Council to join the PLV at the developmental stage, acknowledging limited liability to the Council for any debts incurred by the PLV to a maximum of £1 and to delegate a decision about the financial aspect to the interim Corporate Director for Children, Young People and Education.
- 1.4** Part B of this report contains the attached confidential legal advice and options appraisal referred to in Part A – provided by Anthony Collins solicitors on behalf of London Councils. This attached report contains exempt information as defined in paragraph no. 5 of Schedule 12a to the Local Government Act 1972 (as amended): Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In all the circumstances, the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.
- 1.5** Please also note the following appendices listed:
Appendix 1: PLV legal structure and membership
Appendix 2: Financial Modelling for the Secure Children's Home Project and PLV

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, The Executive Mayor in Cabinet is recommended to agree that the council:

- 2.1** Becomes a member of a not-for-profit company, limited by guarantee, provisionally to be known as the Pan London Vehicle, to:
- develop and then oversee the running of London's secure children's home provision for a five-year period from 1st April 2023 to 31st March 2028, with a break-point after three years once the refreshed business case has been developed to include service pricing structure, commissioning approach, practice model and location. Once the provision has launched – which will be after the break-point – membership will be at a fixed annual cost of £20,000 (subject to inflation adjustment), unless an alternative model for funding the PLV is agreed by members during the development phase and
 - collaborate with other PLV members on future joint commissioning programmes
- 2.2** Delegate authority to the interim Corporate Director Children, Young People & Education, in consultation with the Cabinet Member for Children, Young People and Education, the S151 Officer & Corporate Director of Resources and the Director of Legal Services & Monitoring Officer to:

- finalise the legal documents required to set up, join and run the PLV alongside the other London boroughs;
- approve any operational arrangements
- decide whether or not to exercise the break option at year 3 of the Council's membership of the PLV, following completion of the revised SCH business case; and
- Approve the appointment of the Interim Corporate Director of Children, Young People & Education as:
 - I. the Council's Member Representative of the PLV; and
 - II. the Director of the PLV on a rotation basis for a period of 5 years, when required

2.3 Note that a decision on whether to continue the PLV Membership at the third-year break point, and all subsequent forthcoming break points, will be reported back to the Executive Mayor unless otherwise delegated.

2.4 Note that the Croydon Companies Supervision & Monitoring Panel (CCSMP) has been consulted on this proposal and the Council's group company supervision arrangements will apply to the PLV.

3 REASONS FOR RECOMMENDATIONS

3.1 The Association of London Directors of Children's Services (ALDCS), London Councils, NHS and London Innovation and Improvement Alliance (LIIA) have expressed unanimous support for the development of secure children's home provision in London and supported the development of a business case which is available on request. This has formed the basis of a successful bid to Department for Education and funding has been allocated to develop the provision for London children.

3.2 As well as ALDCS members, a range of stakeholders were engaged throughout the development of the business case including:

- Children and young people with lived experience of a secure children's home (SCH);
- London Councils' Executive, Leaders' Committee and Lead Members;
- Society of London Treasurers;
- Local authorities (children's social care and youth offending teams);
- Central government (Department for Education, the Mayor's Office for Policing and Crime, OFSTED, Ministry of Justice);
- Clinical experts and practitioners within the field of children's services and health;
- Third sector organisations delivering children's services

3.3 The proposed provision will be designed specifically for London, with purpose-built, child-appropriate accommodation. This will reduce the risk of beds needing to be held vacant after a high-risk child is placed there in order to maintain a safe environment. The provision is being designed with co-located step-down facilities with wrap-around support, which is an innovative approach to supporting the children post-placement.

This will enable a smoother transition and a return to the family or to the most appropriate long-term placement that will meet the child's needs. This will also prevent use of emergency placements following a 72-hour placement in secure, when the local authority may not have enough time to identify best next placement or prepare child and family for safe return home. This can lead to placement breakdowns or return to care, which incur avoidable costs and impact detrimentally on outcomes for the child.

3.4 The business case to address the need for Secure Welfare Provision considered a range of options as listed below –

- Impact on early intervention and prevention
- Accessibility of a secure placement
- Continuity of care and relationships
- Care and education in the placement
- Transition from secure to community
- Value for money
- Initial investment
- Deliverability

3.5 This options analysis has led to the recommendation for Secure Welfare Children's Homes provision for London with capacity for 24 placements, alongside facilities for step-down accommodation and support to support the children after placement. Details are provided in Part B of this report as it contains exempt information as defined in paragraph no. 5 of Schedule 12a to the Local Government Act 1972 (as amended): Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In all the circumstances, the public interest in maintaining the exemptions outweigh the public interest in disclosing the information. The key reasons are summarised below:

- Provision for 24 places would meet the demand in London
- Step-down provision would enable better exit planning and work to take place to support children and young people within the community, reducing the likelihood of repeat placements in secure welfare
- Step-down facilities will enable more holistic support to be provided to prevent unnecessary transitions into secure provision for children and young people on the edge of a secure placement

3.6 It is important to note at this point that a location for the Secure Children's Home is not yet finalised. Through the Council's membership of the PLV we would be better positioned to influence where we would like a Secure Children's Home to be located, or alternatively voice objections to proposals that might not meet residents' needs.

3.7 The DfE development grant outlined in the Financial Implications section below will cover the PLV's costs during the development period, including the costs of external legal advice, therefore local authorities will not be required to make a financial contribution to the running of the PLV until the SCH provision launches. During this development phase, PLV members will work collaboratively to agree how the SCH provision will be run and managed. This includes:

- developing and approving the pricing strategy and revenue model for generating income;
- developing the practice and operating models including but not limited to;
 - the approach to working with children, young people and their families;

- safeguarding and risk management arrangements
- quality assurance arrangements;
- the commissioning approach / staffing model;
- the process for managing referrals and placement allocation.
- Inputting into and approving a refreshed business case which will:
 - revisit and update the 'case for change';
 - provide up to date and well-developed costings, informed by the final model of practice and operating model;
 - identify the benefits that will be delivered by the new model (financial and non-financial);
 - consider the most suitable route for appointing a service provider.

3.8 During the development period, member local authorities will also explore alternative models for covering the cost of running the PLV that do not require annual subscription fees.

4 BACKGROUND AND DETAILS

4.1 A secure children's home is a locked and restricted environment, where children's liberty is restricted (under Section 25 of the Children Act) and they are supported through trauma aware and psychologically informed integrated care, health and educational services.

4.2 Across London, a relatively small number of children require a secure welfare placement, which is very high-cost provision to meet complex needs. These children are often placed the furthest from their home local authorities, an average distance of 192 miles, which can have a detrimental impact on children who lose contact with family and the community. Additionally, the loss of local contacts and pathways in education, training and employment can have a negative impact on their development post-placement.

4.3 Further, there is a national shortage of provision and places are often not available when referrals are made. Waiting lists have regularly exceeded 55 children for the whole of the UK. Children are then placed in less suitable but higher cost alternatives to ensure an appropriate level of safety. This shortfall in provision is particularly acute in London where there is not any Secure Provision. Over three years London referred 295 children to Secure Provision but only 159 received places. The majority of requests (72%) are for children from the Global Majority, well in excess of the London comparable profile of 41%. The current arrangements are exacerbating poorer outcomes for this group and increasing racial disparities.

4.4 Croydon's usage of secure homes is currently low, we rarely place more than one or two children a year – often instead utilising enhanced community support in other regulated settings. When we do place them however, we often have to use provision in Scotland as we struggle to find closer provision, meaning contact with family members will be more challenging and links with local services (particularly mental health services) can be challenging to build. There have been a significant number of children on delayed discharge from hospital A&E, or in danger of Criminal Exploitation

who could potentially have benefitted from this type of provision and been made safer sooner.

- 4.5** Pan-London analysis pre-Covid (eight-month period October 2017 to May 2018) highlighted that an average of 21 London children were in Secure Welfare provision at any one time.
- 4.6** Snapshot data taken at the end of each month in the period between December 2021 and September 2022 shows that there is, on average, 12 of London's children in a secure welfare placement at the end of each month – this includes 3 children each month who are living in a secure welfare provision in Scotland - over 450 miles away. Although this looks like a fall in numbers compared to pre-Covid, in the same period, the data shows that 29 referrals were made but a placement was not offered. This indicates that the national shortage of provision is impacting even more of London's children than the data suggests.
- 4.7** Of a sample of 50 'alternative to secure' placements reported in a September 2022 survey, 17 related to children with a deprivation of liberty order in place. Instead of being placed in a secure children's home, as required by the court order, these children were placed in settings that are not specifically designed to keep them safe and 10 of these placements were in unregulated settings or in provisions that are not legally registered to operate as a children's home, costing up to £30,000 per week. This means these vulnerable children would be at risk of not receiving the care, education and support that they needed
- 4.8** Financial data provided by London local authorities in the September 2022 survey shows that the average cost of a secure welfare placement has increased; the average being £7,000 per week in 2019, rising to £10,500 per week in 2022 and some local authorities have paid up to £25,000 per week for secure welfare placements in that period. While Croydon's use of secure placements is small, recent fees for 'alternative to secure' placements have been quoted in excess of £13,000 per week.
- 4.9** The numbers of children are too small and the investment required too great for any one local authority to run its own provision, but there is potential for a pan-London approach, which would enable the benefits to be shared whilst also jointly managing the risks of developing such provision. A pan-London approach also fits with recent reports from the Competition and Markets Authority (<https://www.gov.uk/government/publications/childrens-social-care-market-study-final-report/final-report>) and the Independent Review of Children's Social Care (<https://childrensocialcare.independent-review.uk/>) which recommended multi-authority approaches to develop greater understanding of need, engage with the market and stimulate new provision.
- 4.10** The Association of London Directors of Children's Services (ALDCS), working with NHS England and the Mayor's Office for Policing and Crime (MOPAC) commissioned a review in 2018 of the use of Secure Children's Homes by London's children and young people. This review provided detailed evidence of the need for provision in London, which has informed this report. Her Majesty's Chief Inspector's Annual Report

to Parliament (2020) (<https://www.gov.uk/government/publications/ofsted-annual-report-202021-education-childrens-services-and-skills/the-annual-report-of-her-majestys-chief-inspector-of-education-childrens-services-and-skills-202021>) came to similar conclusions.

Progress to Date

- 4.11** A Secure Children's Home and Community Project Steering Group has been established, including ALDCS together with representatives from Health, MOPAC and the Department for Education. This group is providing oversight until the formation of the proposed Pan-London Vehicle.
- 4.12** A site search has been conducted, based on the statutory criteria for a Secure Children's Home. From a long list of over 400 sites initially considered, two preferred options have been identified, one of which is being taken forward first for more detailed assessment.
- 4.13** A practice model for the provision is being developed by a multi-agency group which will provide an innovative approach to working with children, young people and their families / networks.
- 4.14** For Croydon Council, Officers have engaged with London Councils and the PLV team at Director level, Member level and Officer level extensively over the last year to shape the proposals and advocate for Croydon's position. Officers have taken this decision for scrutiny via the Croydon Companies' Supervision and Monitoring Panel on the 17th November 2022, where the decision to pursue membership of the PLV was supported, and then to the Children, Young People and Education Directorate Management Team on the 23rd November 2022 where the recommendations were also supported.

Commitment sought

- 4.15** The support of Croydon Council in joining the PLV in order to begin the SCH project is required along with other London local authorities in order to secure the capital funding from Department for Education, which is estimated at £50+ million.
- 4.16** Commitment from Croydon Council is sought for a five-year period, 1 April 2023 to 31 March 2028, with a break-point after three years once the refreshed business case has been developed to include service pricing structure, commissioning approach, practice model and location. Thereafter, commitment will be sought for ten-year periods, with break-points every five-years. At each break point, it is envisaged (unless otherwise delegated) that a report will be submitted to the Executive Mayor for further scrutiny of this membership.
- 4.17** While the current financial contribution is nil, at the three-year break point it is envisaged that the Council will be asked to both commit to the commisioning of the SCH, and a funding contribution of around £20,000 per annum to cover the running

costs of the PLV. This is unless an alternative model for funding the PLV, that does not require an annual subscription, is agreed by members during the development phase.

- 4.18** Commitment is sought to participate in joint commissioning arrangements. It is recommended that the decision to proceed after three years will be referred back to the Executive Mayor unless otherwise delegated.

Next Steps

- 4.19** Following decisions by local authority Cabinets or equivalent decision-making bodies across London, the Pan-London Vehicle will be formed as a legal entity with members from the London local authorities who have agreed to opt in.
- 4.20** Subject to a sufficiently large number of London local authorities opting in the development of the London Secure Children's Home will proceed, with planned opening between 2025 and 2026.
- 4.21** Following revision of the business case, local authorities will be asked to confirm their commitment for the remainder of the five-year period based on the commitment in principle sought in this paper. At this stage, it will be possible for local authorities to opt out, but this is considered unlikely as risks are low given the demand for provision.

Risks and Benefits of proposed legal vehicle

- 4.22** The following models were assessed to determine the best approach for risk-sharing, commissioning and oversight of the new provision:
- A lead London local authority
 - An existing pan-London entity
 - A new pan-London entity
 - Joint venture with a third party
- 4.23** Following analysis and evaluation of the risks and challenges of each option it is recommended that the Pan-London Vehicle is structured as a new legal entity allowing the new provision to be jointly owned and managed by London local authorities as the risk of investment and operating costs is too great for any one local authority. This new Pan-London Vehicle will manage the commissioning and oversight of the new provision, so the benefits and risks are shared across local authorities. It also means that all member local authorities will be on an equal or close to equal footing in decision making.
- 4.24** The following options have been considered as the legal basis for setting up an running the PLV:

- Company Limited by Shares
- Company Limited by Guarantee
- Limited Liability Partnership
- Charitable Status
- Community Interest Company

4.25 Following expert legal analysis of these options, the recommendation is that the PLV should be established as a 'not for profit' Company Limited by Guarantee. This enables joint ownership, with limited liability and any profits being held within the Company for future provision.

4.26 The PLV will be hosted in a larger organisation as it will comprise a small number of staff. The key options are for it to be hosted in the London Borough of Barnet as the current fund-holding body or to be hosted in the local authority where the new Secure Children's Home is located, which is yet to be finalised. The location of the PLV will be agreed after the location of the Secure Children's Home has been finalised.

4.27 Tax implications for the agreed structure will need to be fully understood, so as to avoid unnecessary VAT and other tax consequences.

4.28 The legal basis, membership and decision-making processes are set out in more detail in Appendix 1. It will include a limited liability to member authorities of a nominal amount such as £1 to contribute to any debts accrued by the delivery of the SCH.

4.29 There are clear benefits for vulnerable children and young people, Croydon Council and London local authorities joining the PLV for commissioning and the joint development of Secure Children's Home provision for London. The key advantages are highlighted below:

- Development of secure provision in London increasing capacity locally and reducing the overall national shortfall in provision
- Local provision for children with accompanying step-down arrangements will improve outcomes and reduce cost of future provision
- Reduced staff travel time to meetings and visits and reduced transport costs
- Reduced reliance on private care placement market and high-cost provision
- Priority access to the provision
- Access to provision at cost, whereas others will be charged a higher fee, to include cost of voids etc.
- Opportunity to shape the future Secure Children's Home and step-down provision and be part of ongoing governance
- Opportunity to be part of wider joint commissioning through the PLV in future such as addressing the shortfall in high-cost low incidence provision

4.30 There are risks associated with joining the vehicle and oversight of the London Secure Children's Home, which are highlighted alongside mitigating actions in the table below.

Risk	Mitigating action
Failure to achieve expected occupancy levels leading to significant revenue loss	<p>The shortfall in provision in London and nationally makes this a very unlikely risk, although it could be experienced temporarily such as in the initial operating period or other scenarios highlighted below. Lower occupancy in the initial operating period has been modelled. Governance, management oversight, and adequate levels of experienced staff will be key to ensuring good occupancy and these are built into current plans. The PLV and London provision will work closely with the central SCH co-ordination unit to proactively sell places to UK local authorities at a cost that will recover the loss / potential loss of revenue.</p>
Unsatisfactory outcome from statutory inspections	<p>Due to the high levels of need of the children who will be admitted to this unit, there is a likelihood that maintaining a Good or Outstanding OFSTED rating will be a challenge unless the unit is selective about who it admits.</p> <p>Recruitment of experienced Registered Manager and other managers with experience of managing a similar provision. Regular monitoring and quality reviews will reduce this risk. Robust management and swift turnaround would be required if an inspection was less than satisfactory.</p> <p>The risk of not meeting this need however having a child or children who come to harm in the community due to not being able to access this provision would constitute a more significant risk.</p>
Child serious injury or death	<p>Due to the high levels of need of the children who will be admitted to this unit, and the prevalence of extreme aggression, suicidal ideation and self-harm in this cohort, there is a higher than usual likelihood that a child may attempt serious injury to themselves or another young person in this provision than in other provisions we might run or commission.</p> <p>Risks will be managed by robust risk management policies, procedures and training, as well as the physical security of the provision which is built specifically to manage these risks. This will be supported by a strong practice model, safeguards, rigorous performance reviews and effective oversight, with experienced managers and staff who will be in place to minimise this risk.</p> <p>The risk of not meeting this need however having a child or children who come to harm in the community due to not being able to access this provision would constitute a more significant risk.</p>

<p>Temporary closure of the provision or changes to its registration conditions that limit the full use of places – in response to safeguarding or child protection concerns</p>	<p>Due to the high levels of need of the children who will be admitted to this unit, there is a likelihood that OFSTED may issue a temporary limit to accommodation, or a temporary closure unless the unit is selective about who it admits.</p> <p>Ofsted use enforcement powers proportionately and there are a range of options open to them before the closure of a provision. Closure happens only in exceptional circumstances.</p> <p>Mitigation actions include robust safeguarding and child protection arrangements, policies, and training; recruitment of suitably qualified staff and robust quality assurance and monitoring arrangements.</p> <p>The risk of not meeting this need however and having a child or children who come to harm in the community due to not being able to access this provision would constitute a more significant risk.</p>
<p>Permanent closure of the provision</p>	<p>Ofsted use enforcement powers proportionately and there are a range of options open to them before the closure of a provision. Permanent closure happens only in exceptional circumstances.</p> <p>While the children admitted to this unit will have very high needs, we currently assess the ‘full closure’ option as being low as long as all the mitigations above and below are in place.</p> <p>Mitigation actions include: robust safeguarding and child protection arrangements, policies, and training; recruitment of suitably qualified staff and robust quality assurance and monitoring arrangements.</p> <p>In the unfortunate and unlikely event that permanent closure happens robust business continuity arrangements will outline the steps to be followed with regards to children placed at the provision.</p> <p>Should the PLV be wound up: PLV members will agree to be liable for the debts of the PLV up to a nominal amount e.g., £1. Prior to the launch of the PLV, members will agree, with legal advice, what will happen to the SCH and other related assets, and this will be included in the articles of association.</p>
<p>Adverse publicity/Reputational damage from failure of the centre linked to the above or other factors</p>	<p>Due to the high levels of need of the children who will be admitted to this unit, and the challenges in meeting the needs of this cohort, there is a medium/high likelihood that there may be some incidents that affect the reputation of member boroughs.</p>

	<p>The risk of not meeting this need however, and having a child or children who come to harm in the community due to not being able to access this provision would constitute a more significant risk.</p> <p>Proactive communications, a strong practice model, safeguards, rigorous performance reviews and effective oversight, management and staffing will be implemented to minimise this risk.</p>
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5 ALTERNATIVE OPTIONS CONSIDERED

5.1 The following options were rejected for the reasons given:

- Enhancing existing resource - rejected due to the complexity of allocating resource to disparate CAMHS, social care and YOT teams across London and the lack of a joined-up approach across London.
- Specialised community team - rejected due to the risk of duplicating the role of Community Forensic CAMHS teams and fragmenting care pathways.
- Do Nothing – The situation for young people with this level of need is becoming increasingly desperate across the capital.

6 CONSULTATION

6.1 Consultation activity undertaken by London Councils is briefly summarised in paragraph 3.2 above, and legal advice further describing the options open is summarised both above and in Part B of this report.

7. CONTRIBUTION TO COUNCIL PRIORITIES

7.1 The Executive Mayor set out his initial priorities in a report to Cabinet on 22nd June 2022. These included keeping vulnerable children and young people safe from harm and getting a grip on the Council's finances in order to make the Council financially sustainable.

7.2 Joining the Pan London Vehicle to develop secure welfare provision in London will support better outcomes for some of the most vulnerable children in Croydon's care and provide better value for money for the council.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

8.1.1 The financial commitment by each local authority is currently nil, however there are proposals to develop a funding model with local authority partners over the next three years. This contribution is likely to be £20,000 a year. When this funding model is developed, it will coincide with the opt-out clause, which will be informed by a revised

business case, detailed modelling and confirmed location. The Council will have the choice at this point to opt in or opt out, depending on whether or not the finally agreed model fits with our commissioning needs. There is money in the budget currently for a £20,000 Per annum contribution should this be needed.

- 8.1.2** The development costs for the SCH (c£3 million) and the capital costs (c£50+ million) will be borne by Department for Education, subject to completion of agreed project milestones. Therefore, there will be a no cost to the Council associated with the developmental stage. This is a significant investment in provision for London's most vulnerable children which will be secured with the commitment of London local authorities
- 8.1.3** Under Limited Liability, PLV Members will only guarantee the PLV's debts – if it is wound up – up to a limit of £1 or a similarly nominal amount. In the wider sense however, Croydon Council will share in the risk and benefits of operating the Secure Children's Home provision estimated to be £8 million per year (adjusted from 2019 for inflation). As demand for provision exceeds the capacity of the new London Secure Children's Home provision, the risks are minimal and the benefits across London are likely to be significant. A range of scenarios are modelled in Appendix 2, including the financial impact of each option.
- 8.1.4** The total annual of cost of placements at Secure Children's Homes that the new provision would replace was estimated in the original business case (2019 figures) as £7.8 million per annum. The new provision overseen by the PLV has an estimated cost of £7.5 million (2019 figures), based on the original business case – note that these costs have not been adjusted for inflation. Please refer to Appendix 2 for inflation adjusted financial modelling.
- 8.1.5** Comments approved by Maiyani Henry-Hercules, Acting Head of Finance, Children Young People and Education on behalf of the Interim Director of Finance on 1/12/22

8.2 LEGAL IMPLICATIONS

- 8.2.1** This report recommends that the Council becomes a Member of a 'not for profit' company limited by guarantee alongside other London authorities, the Pan London Vehicle (PLV). As set out at Appendix 1, the Council has the power to participate as a Member/ Shareholder of a company under the general power of competence (Localism Act 2011), which gives local authorities the power to do anything that individuals generally may do.
- 8.2.2** The PLV will be a distinct legal entity to the Council with its own governance arrangements. In becoming a Member of the PLV, the Council will be required to sign a Member/Governance Agreement and comply with its terms. The outline of the proposed governance arrangements is set out at Appendix 1. In particular, the proposed terms include 'locking in' London authorities to Membership of the PLV for a minimum number of years with possible breaks i.e. initially 5 years with a break at the third year, and thereafter 10 years with a break at the fifth year. Leaving the PLV outside of the 'break' points will incur liability. This report recommends delegating authority to finalise the terms of such an agreement and other legal documents to the Corporate Director of Children, Young People & Education.

- 8.2.3** As a Member of the PLV, the Council will need to participate in voting on Member decisions and attend any required meetings, such as Annual General Meetings. The Council will therefore require a representative and this report recommends appointing the Corporate Director of Children, Young People & Education to make decisions on behalf of the Council as a Member of the PLV. Additionally, the Council will be required to nominate a Director of the PLV on a rotation basis to serve for a period of 5 years. This report recommends that the Corporate Director of Children, Young People & Education be appointed as a Director of the PLV, when the required. The Council will need to ensure that appropriate training and support is provided, which can be facilitated via the Croydon Companies Supervision and Monitoring Panel.
- 8.2.4** The liability of the Council in joining as a Member of the PLV, is proposed to be limited to a guarantee of a nominal amount, such as £1. This means, if the PLV becomes insolvent or is wound up, then the Council's contribution to the PLV's debts will be of a nominal amount only.
- 8.2.5** At this stage, the recommendations in this report relate to the formation of the PLV. Any commissioning decisions will require separate decision making in accordance with the Council's Tenders and Contracts Regulations (as amended or updated from time to time). The PLV is recommended to be a "Teckal" company in accordance with Regulation 12 of the Public Contracts Regulations. This means that the Council could lawfully commission services from the PLV without undertaking a competitive procurement process under the Public Contracts Regulations 2015.
- 8.2.6** The Executive Mayor has the power to exercise executive functions pursuant to s9E of the Local Government Act 2000 and has the power to delegate those functions. This report seeks relevant delegations to exercise executive functions.
- 8.2.7** Advice in relation to the options for structuring the joint venture was commissioned by London Councils and is included in the Part B report. This advice should be updated in light of the Subsidy Control Act (commencing January 2023) and the proposed Procurement Bill (still draft, likely to commence late 2023), including the Teckal exemption (explained below and at Appendix 1). As the PLV progresses to the next stage, the Council will need to ensure that it jointly commissions external legal advice with the other London authorities.
- 8.2.8** Approved by Kiri Bailey, Head of Commercial & Property Law on behalf of the Director of Legal Services & Monitoring Officer on 7/12/22

8.3 EQUALITIES IMPLICATIONS

- 8.3.1** The Council has a statutory duty to comply with the provisions set out in the Equality Act 2010. In summary, the Council must in the exercise of all its functions, "have due regard to" the need to comply with the three aims of the general equality duty. These are to
- 8.3.2** The proposal looked after children in the borough in being able to achieve the same outcomes as non-looked after children. Children being located in the city where

they reside, making contact from loved one's easier supports children's mental health and well-being.

- 8.3.3** The proposal will benefit children from the Global Majority who Pan London analysis evidence states are more likely to be looked after children, thus improving their lived experience. The current arrangements for secure welfare provision are exacerbating poorer outcomes for this group,
- 8.3.4** Children with disabilities, either physical, mental or neurodiverse may be treated more favourably in relation to this proposal which will not amount to discrimination in relation to the Equality Act 2010
- 8.3.5** An initial Equality analysis has been carried out, this will be a live document and will be updated should the proposal be agreed, and further data and evidence will be provided to demonstrate potential impact. The work is at too early a stage at present to present a meaningful analysis.
- 8.3.6** Comments approved by: Denise McCausland – Equality Programme Manager on 24/11/22

OTHER IMPLICATIONS

8.4 CRIME AND DISORDER REDUCTION IMPACT

- 8.4.1** This provision will specifically serve young people who under Section 25 of the Children Act are at risk of serious harm from absconding (often towards perpetrators who have groomed them for criminal or sexual exploitation), or who are likely to injure themselves or other people due to their high levels of need (Children Act 1989, S.25). This has very clear crime and disorder implications as it both keeps the individual young people and the community safe from harm while intensive work is done to safeguard that young person.
- 8.4.2** Approved by: Kerry Crichlow, Director of Quality, Commissioning and Performance Improvement, on behalf of the Corporate Director of Children, Young People and Education

8.5 DATA PROTECTION IMPLICATIONS

- 8.5.1** There are no Data Protection or sharing implications associated with this decision, however as and when the home is approaching usage, a Data Protection Impact Assessment will be completed.
- 8.5.2** Approved by: Kerry Crichlow, Director of Quality, Commissioning and Performance Improvement, on behalf of the Corporate Director of Children, Young People and Education

8.6 ENVIRONMENTAL IMPLICATIONS

8.6.1 Council officers involved in the project will ensure that in the construction of the project, the highest energy efficiency and environmental standards are observed, and wherever possible responsibly sourced materials are used.

8.6.2 Approved by: Kerry Crichlow, Director of Quality, Commissioning and Performance Improvement, on behalf of the Corporate Director of Children, Young People and Education

CONTACT OFFICER: Kerry Crichlow, Director of Quality, Commissioning and Performance Improvement, on behalf of the Interim Corporate Director of Children, Young People and Education; Kerry.crichlow@croydon.gov.uk

APPENDICES TO THIS REPORT:

Appendix 1 - PLV legal structure and membership

Appendix 2 – Financial Modelling for the Secure Children’s Home Project and PLV

Appendix 1

PLV legal structure and membership

1. Powers and Duties

There are a number of statutory provisions that local authorities can rely upon when setting up the PLV. The Council's main relevant functions in relation to the setup and operation of a company are:

- i) The General Power of Competence (GPOC) – section 1, Localism Act 2011 (“LA11”);
 - (1) Section 1 The GPOC authorises the Councils to do anything that an individual with full capacity may do. This can include setting up and participating (including borrowing/investment/provision of loans) in a company this would, prima facie, provide the powers for the Councils to do likewise.
 - (2) GPOC can be used even if there is another power that overlaps with it. However, GPOC is limited by any limitations on the powers of the Councils that existed prior to GPOC coming into force and by any new limitations that are stated to apply specifically to GPOC or to all Councils' powers (unless GPOC is specifically excluded).
 - (3) GPOC can be used for commercial purposes.
 - (4) See also the additional restrictions in the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009/2393 that apply by virtue of the overlap with Section 95, Local Government Act 2003.
 - (5) Section 5 - 7 The use of GPOC can be restricted by the Secretary of State but to date no restrictions relevant to the establishment and operation of the company have been put in place.
- ii) The Incidental Power – Section 111, Local Government Act 1972
 - (1) This authorises the local authorities to “to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”. The Incidental Power combined with the Councils' functions under the Children Act 1989 potentially authorises the establishment of a joint company to facilitate the delivery of those functions. The Council's functions here would be those under Section 25 of the Children Act. Further, Part III of the Children Act 1989, Section 27, supports collaborative approaches between local authorities for the benefit of discharging their responsibilities for children
 - (2) The Councils' functions in relation to placing children in a secure Children's Home
- iii) Further, the use of a company to build, develop and operate the Secure Children's Homes does not amount to trading or acting for commercial purpose because any such company will be focused on providing services and goods to the vehicle's members, especially if a way can be established for that company to operate principally for the London Boroughs to meet their statutory responsibilities.

1. Legal form of the PLV

- 2.1 The Pan-London Vehicle (“PLV”) will be a company limited by guarantee (“CLG”) and owned by the London local authorities. The PLV will not be focussed on profit

generation and it is intended that any surplus generated by the PLV will be reinvested into its activities.

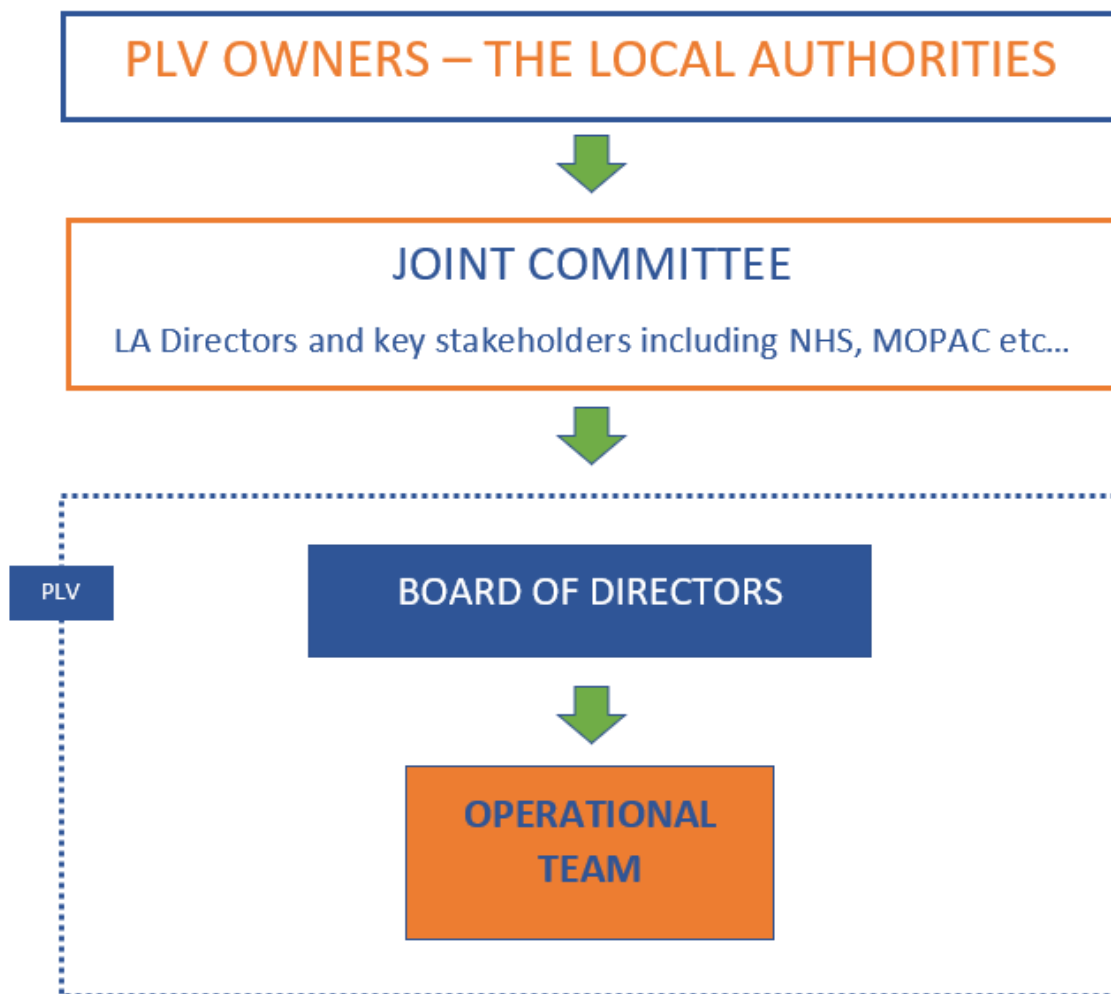
2.2 The CLG structure will –

- a. Enable Teckal compliance and as such will enable the PLV member LAs to contract freely with the PLV for its services without a competitive public procurement process being undertaken;
- b. Provide for London LAs to join and become members of the PLV, and
- c. subsequently leave if they desire. The process for joining and leaving the PLV will be set out in the company's Articles of Association ("Articles") and governance agreement to cover issues such as notice periods, the treatment of on-going costs and liabilities etc;
- d. For the first five years of the PLV's existence, "lock in" the PLV member local authorities (including any local authority who joins the PLV during this period) for a term of five years with a break clause at after three years and at the the end of the term, and from year six onwards, "lock in" the PLV members (including any LA who joins the PLV during this period) for a term of ten years with a break clause at the end of the fifth year of the ten-year term (see 'onboarding and exiting arrangements');
- e. Provide sufficient flexibility for the PLV to extend to activities provided in other areas related to children and young people, subject to agreement of the local authorities.

2.3 As a CLG, the PLV will be registered at Companies House and will be subject to the Companies Act 2006. The PLV member LAs will be the equivalent of the shareholders of a company limited by shares and as such will in effect 'own' the PLV. In turn, the PLV will own its assets (i.e. the SCHs). The PLV member local authorities will only guarantee the PLV's debts if it is wound up, up to a limit usually of £1 or a similarly nominal amount (this is separate from any specific guarantees on liabilities that may arise for specific arrangements). The PLV member local authorities will appoint the PLV's directors who will then hold to account the officer team of the PLV, which will have delegated responsibility for the PLV's day to day operations.

2.4 How the PLV will be governed

2.4.1 An organogram showing the proposed structure is set out below. The rest of this section explains the different components.



2.4.2 The PLV's governance arrangements will be set out in:

2.4.2.1 Bespoke Articles which will be filed at Companies House and as such will be publicly available;

2.4.2.2 An additional, parallel PLV member local authority governance agreement setting out collaboration arrangements between local authorities; and

2.4.2.3 Any other agreement which may be appropriate or necessary for the effective governance of the PLV (Such as a funding agreement, information sharing protocols etc).

2.4.3 The PLV members'/governance agreement and any additional agreements will remain confidential to the parties concerned but will be subject to the Freedom of Information Act 2000 and the Environmental Information Reporting Regulations 2004 as any company wholly owned by a local authority is subject to the same regime as applies to the local authority which owns it.

2.4.4 The PLV will also be required to operate in accordance with its business plan and operational plan which will be reviewed in accordance with the PLV member LA/governance agreement.

- 2.4.5 The PLV's constitution will seek to ensure that its board directors are provided with sufficient freedom to achieve the PLV's objectives, while providing for the PLV member LAs to have sufficient control over, and involvement in, the PLV, its delivery of the SCHs and commissioning of services provided by a third-party operator.
- 2.4.6 Legal documents to establish the PLV (and not confined to its governance) will include, but are not limited to
- Memorandum of Association and Articles of Association;
 - Governance Agreement;
 - PLV Member Committee and Stakeholders' Board Terms of Reference (see below for discussion) – please note this is intended to be an officer level committee or panel;
 - Funding Agreement(s);
 - Support Services Agreement/Service Level Agreements;
 - Access to Information/Information Sharing Agreement (including as pertains to the Freedom of Information Act 2000 and Environmental Information Reporting Regulations 2004
 - Data Protection Act protocol
 - New member joining agreement

2.5 The Member Local Authorities and their roles

- 2.5.1 There will be a single class of membership for the PLV, rather than different classes split between initial local authority members and any others subsequently joining. Between them, the PLV member LAs will appoint six "representative" directors to the PLV board of directors (out of a total of eleven PLV directors – see The Board of Directors section below). All these directors will be non-executive directors. A lead officer on the PLV operational team (e.g. the "Senior Lead") will not be appointed as a PLV board director, but may be invited to join with observer status, in order to give the PLV board of directors the space to develop a strong forum for holding the operational team to account.
- 2.5.2 The constitution of the PLV will be drafted to provide for the rotation of the PLV directors. The directors will serve a term of five years. In relation to the six PLV member local authority representative directors, should a director leave their post at their employing LA during the five-year term of their PLV directorship, their incumbent will take on the role of PLV director for the remainder of the term. At the end of the first five-year term, two directors will stand down, with a further two directors standing down each year thereafter.
- 2.5.3 Financial contributions to the working capital of the PLV will be provided for in specific funding agreements. Following the initial 5 year year period, the financial contribution required of the PLV member local authorities to the working capital (to ensure cash flow) will be dependent upon the number of member local authorities at any time.

2.6 On-boarding and exiting arrangements

- 2.6.1 The initial PLV member local authorities will have to obtain the requisite internal authority to establish the PLV and contribute financially to its working capital. Those London local authorities which join the PLV subsequently will need to obtain the requisite internal authority to do so and also to incur the ensuing costs of membership (a financial contribution to the working capital).

- 2.6.2 The PLV Articles and members’/governance agreement will be drafted to provide for non-member London local authorities to subsequently join the PLV by way of written application to the board of directors of the existing members, with no such application being unreasonably refused. Membership will be contingent upon an agreed financial contribution to the working capital, which will recognise previous contributions made by existing member local authorities.
- 2.6.3 To ensure operational and financial stability for the PLV, during the first five years of the PLV’s existence, PLV member local authorities (including any local authority who joins the PLV during this period) will be ‘locked in’ as financially contributing PLV member local authorities for a term of five years with a break clause at the end of this term. From year six onwards, the PLV member local authorities (including any local authority who joins the PLV during this period) will be ‘locked in’ for a term of 10 years, with a break clause at the end of the fifth year of the 10-year term.
- 2.6.4 The Articles and governance agreement will be drafted to provide for a membership ‘application window’ whereby those non-PLV member LAs wishing to join the PLV are able to apply to do so in the September of each year, with their membership commencing on the 1st April of the following year (if the application is approved) to coincide with the commencement of the local authority financial year. This is assuming the applying LA will have completed its internal decision-making and governance processes prior to applying to join the PLV.
- 2.6.5 The Articles and governance agreement will also provide for PLV member LAs wishing to terminate their membership of the PLV to serve 18 months’ notice, with their membership terminating on the 31st March in a year to coincide with the end of the local authority financial year (subject to the fixed minimum membership period). This gives the PLV the opportunity to agree a transition plan and adjust its budgets with adequate notice.
- 2.6.6 The Articles, governance and finance agreement(s) will provide for the PLV member LAs to provide a contribution to the working capital of the PLV to coincide with the local authority financial year.
- 2.6.7 Exit arrangements will need to provide for settlement of outstanding and/or any on-going financial contributions and liabilities of PLV member LAs which have terminated their membership of the PLV.

2.7 Decision-making

- 2.7.1 The Articles and the governance agreement will be drafted to reserve certain activities and key decisions to the PLV member LAs. Such an arrangement would ensure the PLV member LAs retain control and influence over the PLV. The ‘reserved matters’ will be limited to:
- Adopting the initial and subsequent business plans and approving any material changes to them, including which decisions are to be reserved decisions
 - Appointing and removing directors;
 - Borrowing capital outside of the business plan; and
 - Approving material changes to the nature of the PLV’s business.
 - The reserved matters will be subject to a simple majority of all those members who vote (to enable decision-making on an effective basis). The responsibility

to vote within the relevant time period for each decision will be with the voting LA. The PLV member LAs, by 75% majority of those that vote, can also direct the board to take, or refrain from taking, a specified action (this is common with a company that is structured to enable “Teckal” treatment). All other non-operational decisions in relation to the PLV will be made by the PLV directors, or if appropriate for certain decisions, the PLV operational team.

- 2.7.2 The reserved matters will not include decisions which are otherwise covered by company law e.g. amendment of the Articles by special resolution (75% of those voting at a general meeting or entitled to vote if by written resolution).

2.8 PLV Joint Committee

- 2.8.1 The governance arrangements will provide for a joint committee of the PLV member LAs to comprise the Directors of Children’s Services or similarly senior and appropriately skilled officers of the members’ local authorities. The members of the joint committee will each act as a representative of their respective local authority at “shareholder/owner” level. The joint committee will be involved in approving the PLV’s business plan, budget and the other reserved matters to be decided on behalf of the PLV member local authorities as listed in paragraph 2.7.1 (not including matters covered by company law e.g. amendment of the Articles which requires a special resolution), without the conflicts of interest that board directors can face.

- 2.8.2 The joint committee will operate under agreed terms of reference. The PLV board’s regular reporting to the joint committee will be provided for in the governance agreement, which will also provide for directors or officers of the PLV (e.g. the operational team), in exceptional circumstances, to attend and answer questions at appropriate meetings of the PLV member local authorities, their executive and committees.

- 2.9 Additional public bodies involved in the project, such as NHS bodies and the Mayor’s Office for Policing And Crime, will be able to sit on the joint committee as observers. The observers’ role will be subject to the Terms of Reference and governance agreement and the observers will be able to attend and participate in meetings of the joint committee but will not be able to vote. It is intended that the facilitation of the observers in this way will provide for the engagement and involvement in the project of relevant public bodies, while ensuring the PLV has the freedom it needs to achieve its objectives and marking a distinction between the LAs, as owners of the PLV and the legitimate interests of the other stakeholders.

2.10 The Board of Directors

- 2.10.1 The board will be comprised of 11 directors:

- 2.10.1.1 A chairperson - to provide for political ownership, the board’s chairperson will be the London Councils’ Lead Executive Member for Schools and Children’s Services at any given time. The chairperson will have a casting vote to guard against deadlock in board decisions.

- 2.10.1.2 Six representative directors, these will comprise senior officers of the PLV member local authorities appointed to bring oversight, experience and particular skills which would be advantageous to the PLV. They would not be full time, not remunerated or employed by the PLV and, as detailed above, will serve a fixed term of up to five

years. The directorship shall be automatically terminated upon the cessation of their employment with the PLV member local authority and their incumbent will take on the role of PLV director for the remainder of the five-year term. An officer placed on the board can be provided with an indemnity pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004 for their actions in the role as long as their actions are taken legally, honestly and in good faith.

- 2.10.1.3 Three independent directors shall be appointed following a recruitment process. They will not be full-time, not remunerated (beyond reasonable expenses) or employed by the PLV and they will serve for a fixed term for up to five years. The PLV will have to take out indemnity insurance for them; and
- 2.10.1.4 A director appointed from the members of the London Society of Treasurers. This is to provide for the financial oversight of the board.

2.11 Public Procurement

- 2.11.1 Ordinarily the services that are commissioned in relation to a child might be reasonably categorised as “Social work services with accommodation” (CPV Code 85311000-2) – these are subject to what is known as “the light touch regime” (“LTR”). LTR services benefit from a significantly higher competitive tendering threshold (£663,540) than for other services and greater flexibility in the design and operation of public procurement processes.
- 2.11.2 However, it is worth exploring the establishment of a joint vehicle that will not be subject to the competitive tendering requirements that councils would otherwise be subject to.
- 2.11.3 There are two exceptions in PCR 2015 to the requirement for competitive tendering that enable the commissioning of services directly from either one or more lead authority or a jointly owned vehicle. These are set out in Regulation 12 PCR 2015
 - public services co-operation arrangement;
 - a “Teckal” vehicle
- 2.12 It is perfectly possible for the participating councils to establish an administrative arrangement under which one of the authorities undertakes the lead role in delivering the Secure Children’s Homes, using mechanisms under the Local Government Act 1972, section 101 in particular. These would be outside the EU procurement rules as these arrangements are not public contracts that are subject to their competitive tendering requirements.
- 2.13 One arrangement that does allow for councils and other contracting authorities to have delivered to each other services that are subject to the tendering requirements of the EU procurement regime is the public service co-operation arrangement (in large measure now defined in regulation 12(7) PCR 2015). The key test (of the 3) for our purposes is that the contract creates a co-operation between them with the aim of ensuring that the public services they have to perform are provided with a view to achieving objectives that they have in common. In order for such an arrangement to be effective there has to be genuine reciprocity between participating public bodies – however, with 32 London Boroughs potentially participating, a public service co-operation arrangement between them is likely to be unwieldy, with risk and management falling predominantly on the London Borough(s) hosting the new Secure Children’s Home provision, resulting in unnecessarily complex arrangements.

- 2.14** This leaves us with the other option for delivering and sharing services between the Councils without triggering competitive tendering requirements of the EU procurement rules – the “Teckal” vehicle now governed by Regulation 12 PCR 2015 (except Regulation 12(7)). It would accommodate direct placements by all its member councils but will need to leave open potential adjustment to its structure if the Centralised Commissioning Framework is established and a single national commissioner is in place.
- 2.15** Participating councils and other public bodies should be able to establish a single vehicle that meets the relevant tests i.e. in particular it is established so that:
- they jointly exercise a decisive influence over the strategic objectives and significant decisions of the vehicle;
 - the board of directors comprises representatives of the entity’s member authorities; and
 - the vehicle does not pursue any interest’s contrary to those of the Member authorities.

Appendix 2

Financial Modelling for the Secure Children's Home Project and PLV

There is a clear need to create more Secure Children's Home provision for London. Detailed analysis supports the creation of 24 secure welfare beds. These beds will allow London children to be placed within London, which will give these vulnerable young people better outcomes at a lower cost. The funding commitment from the Department for Education of £50+ million offers London an opportunity to invest significantly in improving outcomes for our most vulnerable children and young people.

Even with this additional funding, the financial, operational, and reputational risk required to take on this project is more than any single LA could manage. The case for creating this provision relies on collaboration between London LAs, and to this end, the establishment of the PLV will allow London LAs to share both the risks and benefits of the project. The PLV is required infrastructure for the project to succeed.

This financial modelling outlines the predicted cost and benefits for London local authorities. In compiling these numbers, we have used recent survey data and detailed modelling in 2019/20. The figures for 2019-20 have been inflated to 2022 prices using the Consumer Price Index (CPI).

1. Annual Running Costs for the Secure Children's Home and Pan-London Vehicle

The costings in the tables below are taken from the NEL business case. These final totals are then updated to 2022 prices using the CPI.

1.1: Secure Children's Home

The current plan is for the proposed Secure Children's Home provision to contain 24 beds, in one or two sites. The below table from the business case shows the estimated annual running costs of various sizes of SCH in 2019/20 prices.

Table 1	Indicative annual running costs 2019
Accommodation Size	
1 x 12 bed	£3.63m
1 x 18 bed	£5.11m
2 x 12 bed	£7.26m
2 x 18 bed	£10.22m

Shows indicative annual running costs for various sizes of SCHs.

Taking the proposal for 2 x 12 bed homes, and updating this figure to 2022 prices, the current annual running cost for the Secure Children's Home proposed is **£8.06m**.

1.2: Pan-London Vehicle

PLV operational costs	Year 1 – start-up costs	Ongoing costs	
Staff costs	£286,000	£286,000	The assumption is that hosting costs and start-up costs are likely to be lower if a London LA hosts the PLV
Hosting costs	£133,000	£133,000	
Start-up costs	£79,000	-	
Total	£498,000	£419,000	

Shows estimated costs of running the PLV annually and in the first year in 2019/20

Note: figures are rounded to the nearest £1k

PLV operational costs in 2022	Year 1	Ongoing
Total	£553,000	£465,000

1.3: Transport Costs

Current transport costs (with no London SCH) in 2019/20 were estimated in the NEL business case to be £126,000. Updated to 2022 prices, this is £140,000.

The NEL business case suggested that LAs could expect the current transport costs to be halved by the creation of a London SCH. On this basis, transport costs in 2022, with the creation of a Secure Children's Home in London, would be: **£70,000**.

1.4: Total Indicative Cost to London

	Estimated costs for 2022
Running cost for 24 beds including provider profit margin	8060000
PLV Annual Cost	465000
Secure Transport Cost	70000
Total	£8,595,000

2. Costs and Benefits to Participating Local Authorities

The next section of the report compares a variety of scenarios to suggest estimated surplus or loss for different weekly costs of placement. Three sample costs of placements are used: £8.25k as mid-point of current Secure children's Home provision; £10k; and £12k, the latter recognising the often very high cost of alternative provision when Secure Children's Home places are not available. The outcomes of each scenario are compared at varying levels of occupancy and the effect of different numbers of local authorities signing up. The scenarios consider occupancy at: 100%; 90%; 85%; and a final scenario (A4, B4, and C4) with occupancy of 50% in year 1 followed by 85% in each of years 2 and 3.

2.1: Scenario A

In these scenarios, the weekly placement cost which the SCH charges the LAs is £8250 across all years (no inflation factored in)

Scenario A	A1	A2	A3	A4			
				Year 1	Year 2	Year3	Over 3 years
Occupancy Rate	100%	90%	85%	50%	85%	85%	
Annual Revenue Raised	£10,296,000	£9266400	£8751600	£5,148,000	£8,751,600	£8,751,600	
Running Cost	£8,595,000	£8,595,000	£8,595,000	£8,683,000	£8,595,000	£8,595,000	
Surplus/Loss	£1,701,000	£671,400	£156,600	£-3,535,000	£156,600	£156,600	£-1,073,930
Surplus/Loss per LA with 33 members	£51,550	£20350	£4,750	£-107,120	£4,750	£4,750	£-32,540
Surplus/Loss per LA with 25 members	£68,040	£26856	£6,264	£-141,400	£6,264	£6,264	£-42,960
Surplus/Loss per LA with 16 members	£106,310	£41960	£9,790	£-220,940	£9,790	£9,790	£-67,120
Surplus/Loss per LA with 8 members	£212,625	£83925	£19,575	£-441,875	£19,575	£19,575	£-134,240

2.2: Scenario B

In this scenario, the weekly placement cost is £10,000 across all years (no inflation factored in).

Scenario B	B1	B2	B3	B4			
				Year 1	Year 2	Year3	Over 3 years
Occupancy Rate	100%	90%	85%	5%	85%	85%	
Annual Revenue Raised	£12,480,000	£11,232,000	£10,608,000	£6,240,000	£10,608,000	£10,608,000	
Running cost	£8,595,000	£8,595,000	£8,595,000	£8,683,000	£8,595,000	£8,595,000	
Surplus/Loss	£3,885,000	£2,637,000	£2,013,000	£-2,443,000	£2,013,000	£2,013,000	£527,670
Surplus/Loss per LA with 33 members	£117,730	£79,910	£61,000	£-74,030	£61,000	£61,000	£15,990
Surplus/Loss per LA with 25 members	£155,400	£105,480	£80,520	£-97720	£80,520	£80,520	£21,110
Surplus/Loss per LA with 16 members	£242,810	£164,810	£125,810	£-152,690	£125,810	£125,810	£32,980

Surplus/Loss per LA with 8 members	£485,625	£329,625	£251,625	-£305,375	£251,625	£251,625	£65,960
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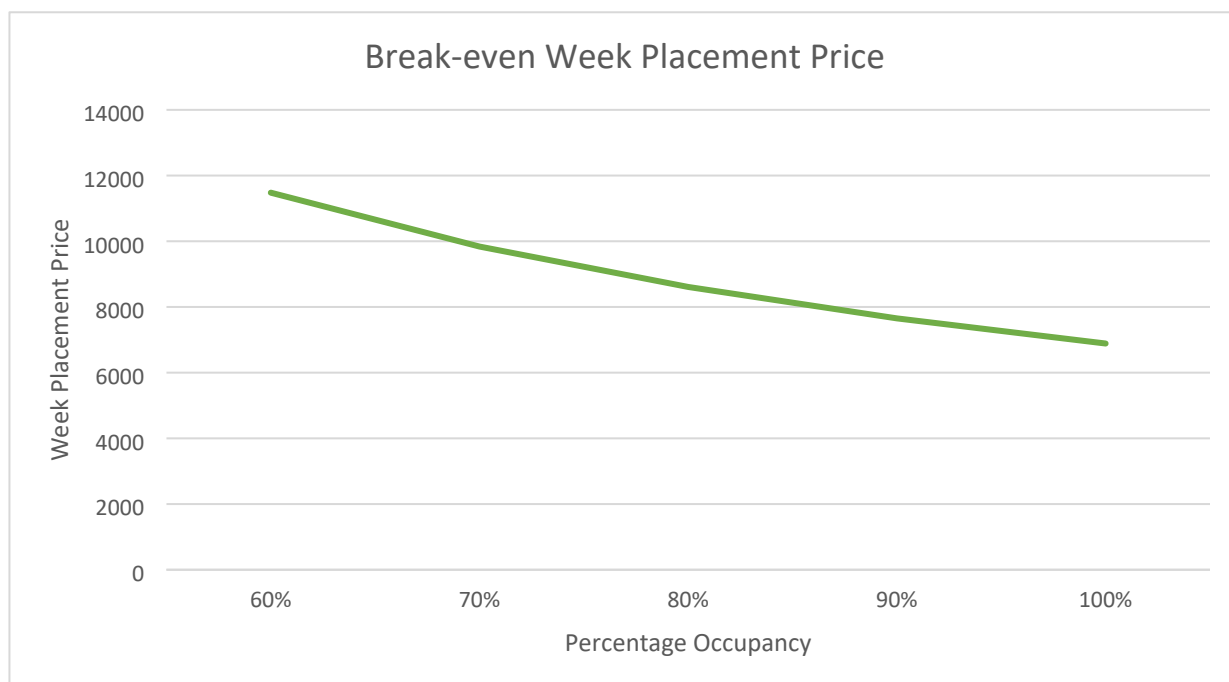
2.3: Scenario C

In this scenario, the weekly placement cost is £12,000 across all years (no inflation factored in).

Scenario C	C1	C2	C3	C4			
				Year 1	Year 2	Year 3	Over 3 years
Occupancy Rate	100%	90%	85%	50%	85%	85%	
Annual Revenue Raised	£14,976,000	£13,478,400	£12,729,600	£7,488,000	£12,729,600	£12,729,600	
Running Cost	£8,595,000	£8,595,000	£8,595,000	£8,683,000	£8,595,000	£8,595,000	
Surplus/Loss	£6,381,000	£4,883,400	£4,134,600	-£1,195,000	£4,134,600	£4,134,600	£2,358,070
Surplus/Loss per LA with 33 members	£193,360	£147,980	£125,290	-£36210	£125,290	£125,290	£71,460
Surplus/Loss per LA with 25 members	£255,240	£195,336	£165,384	-£47,800	£165,384	£165,384	£94,320
Surplus/Loss per LA with 16 members	£398,810	£305,210	£258,410	-£74690	£258,410	£258,410	£147,380
Surplus/Loss per LA with 8 members	£797,625	£610,425	£516,825	-£149,375	£516,825	£516,825	£294,760

3. Break Even Costs

The below graph demonstrates the weekly placement price the SCH would have to charge to break even at different levels of occupancy. This includes covering the costs of the PLV and secure transport. We can see that at below roughly 70% occupancy, the cost of a week placement in the secure children's home needed for the home to break even rises above £10,000. Of course, the running costs of the SCH will change with the number of children who are housed there, as staffing and food costs will vary. Therefore, we can expect that this model significantly overestimates the week-placement costs needed to break even at lower rates of occupancy.



The exact break-even weekly placement prices are shown in the table below, rounded to the nearest £10.

Occupancy	Break Even Placement Price
10%	£68,870
20%	£34,440
30%	£22,960
40%	£17,220
50%	£13,770
60%	£11,480
70%	£9,840
80%	£8,610
90%	£7,650
100%	£6,890

Cost of PLV

These estimates are taken from the NEL business case. We have included an updated cost for 2022.

Estimated Year 1 PLV Costs

The following Table shows the estimated costs of the PLV in Year 1 of operation based upon the assumption the PLV would be a standalone organisation. These costs have been separated out into set-up (A) and on-going (B) costs.

Expenditure	A: Year 1 set-up	B: Year 1 on-going	C=A+B: Total Year 1 costs
Staff Costs: Management	£0	£285,795	£285,795
Professional Fees	£9,203	£24,961	£34,164
Office rent, rates and service charges	£0	£58,286	£58,286
Contracts	£0	£18,108	£18,108
Fit-out and Furniture	£51,240	£0	£51,240
IT and Hardware	£18,995	£9,030	£28,025
Sundries and Supplies	£0	£3,422	£3,422
Training	£0	£10,500	£10,500
Other	£0	£8,418	£8,418
Total	£79,438	£418,520	£497,958

Totals in 2022 (CPI)	£81,187	£433,00	£514,819
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