



<b>Subject:</b>	City Wide Tribunal Service
<b>Date:</b>	8 November 2016
<b>Reporting Officer:</b>	Nigel Grimshaw, Director of City & Neighbourhood Services
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<b>Is this report restricted?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Is the decision eligible for Call-in?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of the report is to provide Members with an update on the findings of the evaluation of the Belfast Citywide Tribunal Service and to present options for consideration in relation to the future funding support of the programme. (See <b>Appendix 1</b> )
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"><li>Note that funding for the citywide Tribunal Service will cease in December 2016. Members are aware that it is unlikely council will be in a position to re-allocate any forecast in-year underspend for non-recurrent purposes in 2017/18. Officers are currently working with BAG in order to review their service delivery requirements, to identify alternative potential funding sources and to use the evaluation to support any subsequent funding bid</li><li>Note the Deloitte MCS report which recognises the success to date of the Belfast Tribunal Service however recommends that, for the model to continue to be effective, it must adapt to the changes in the advice environment notably the next phase of welfare reform, the DfC investment in regional mitigation measures and the introduction of the Mandatory Reconsideration Step.</li></ul>

3.0	<b>Belfast Tribunal Service Evaluation</b>
3.1	<p data-bbox="256 259 440 293"><b><u>Introduction</u></b></p> <p data-bbox="256 309 1471 488">The Belfast Advice Group was established in 2012 to develop proposals for a citywide tribunal representation service. Ligoneil Improvement Association (LIA) was appointed as Lead Partner for the Belfast Advice Group (BAG) and entered into a Funding Agreement on behalf of the BAG to:</p> <ul data-bbox="272 510 1471 745" style="list-style-type: none"> <li data-bbox="272 510 1471 589">• Develop and deliver a citywide, free, independent, confidential and accessible tribunal service to all residents in Belfast and</li> <li data-bbox="272 611 1471 745">• Develop other areas of partnership work pertaining to the advice sector in Belfast to establish common practices and processes across Belfast, subject to the terms and conditions contained in The Funding Agreement.</li> </ul>
3.2	<p data-bbox="256 815 1471 1198">The Council agreed to fund the 2 year project to the total value of £426,209.60 to provide free effective representation for people appealing disallowed Social Security Agency decisions in regard to benefit entitlement. The service includes a senior tribunal representative, four tribunal representatives and two tribunal assistants. All staff are based in LIA and the project services the entire city: North, South, East, West and Central Belfast. Referrals to the service primarily come from all 21 Belfast City Council funded advice centres and external organisations including healthcare professionals, support organisations, MLAs and councillors.</p>
3.3	<p data-bbox="256 1274 1471 1400">Council agreed to extend the programme to the value of £175,000 in March 2015 and further additional resources made available through the Community Support Programme secured the programme to 31<sup>st</sup> December 2016.</p>
3.4	<p data-bbox="256 1476 1471 1601">In order to evaluate the impact of the work to date and to inform any request for sustained funding, the Council adopted Deloitte MCS to complete an independent review. The terms of reference for this work involved:</p> <ul data-bbox="272 1624 1471 1957" style="list-style-type: none"> <li data-bbox="272 1624 1471 1702">• Review the effectiveness of the Tribunal Service in meeting its objectives and targets and any additional benefits that the service has achieved.</li> <li data-bbox="272 1724 1471 1859">• Consideration of the governance arrangements of the programme and in particular the Belfast Advice Group (BAG) and the future need for a strategic body in light of changes to the Advice sector and Welfare Reform.</li> <li data-bbox="272 1881 1471 1957">• The examination of the impact of the Council's investment in the project and to determine the need for future funding in the context of the Council's Generalist Advice Programme,</li> </ul>

the New Advice Strategy for NI and Welfare Reform.

- The identification of options and make recommendations options for future funding needs and levels, future delivery methods in the context of the Generalist Advice Programme including Welfare Reform mitigation programmes.

### **Key Findings**

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**Rationale:** In summary, Deloitte MCS report that the key rationale to establish the Citywide Tribunal Service was to increase support to those appealing benefit decisions in the wake of Welfare Reform. As Members are aware, the implementation of Welfare Reform was delayed in Northern Ireland. Welfare Reform has now been agreed as part of the Fresh Start agreement and Implementation Plan (November 2015) and substantive changes will be rolled out during the second half of 2016. The Deloitte review notes that the context in support of the original need to establish the CTS remains evident, however, if the programme is extended, the ongoing strategic need should be reviewed periodically as it may change, for example, depending on the success of the regional mitigation measures at delivering results for clients.

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They further note the NI strategic focus is shifting from attaining the correct decision for benefit appellants at Tribunal, to reducing the number of appeals by making better decisions earlier in the process (e.g. via the use of the Mandatory Reconsideration Step). They summarise these key strategic, policy and sectoral issues impacting on the Citywide Tribunal Service and the Advice sector as a whole:

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) The Fresh Start Agreement means significant welfare reform, i.e. changes to people's welfare benefits, overcoming months and years (not least the move from DLA to PIP).

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) The Mandatory Reconsideration Process which is being introduced by the Social Security Agency is being put in place. In part this is seeking to reduce the number of cases going to appeal. The Mandatory Reconsideration Step means that someone wanting to review a decision must give the social security office the opportunity to formally review the decision and resolve welfare decision disputes quicker without the need to go to appeal. This process is due to commence in December 2016.

) The Belfast Agenda: There is an alignment between the Citywide Tribunal Service and outcomes within the Belfast Agenda, most notably reducing poverty and reducing health inequalities.

3.9	<p><u>Mitigation Measures Welfare Reform</u>: there is an agreed regional approach to mitigating welfare reform under Strands one and two of the Evason Report. The detail of the strands are summarised as:</p>
3.10	<p>Strand 1 – The provision of a centralised telephone service. A joint bid to the value of £2.5 million has been submitted by the regional consortium (Citizens Advice Bureau as lead partner, Law Centre &amp; Advice NI) to establish a helpline. Ten staff will be employed directly by Advice NI. The Department for Communities (DfC) are currently finalising the assessment of this proposal and hope to award a contract over the coming weeks.</p> <p>Strand 2 – The provision of independent face to face services (additional advisors) This will result in 35 additional advisors regionally across the eleven council areas: 25 will be employed by CAB and 10 by Advice NI. This resource will be deployed across the city, however, the number of staff allocated to Belfast has not yet been finalised.</p> <p>Strand 3 – Welfare Reform Support Programme (contract via local councils) There are two elements to the agreed DfC support programme:</p>
3.11	<p><u>Welfare Reform Readiness Programme</u>: At its October meeting, Committee accepted additional funding of £203,677.26 to provide support to front line advice organisations currently funded through the council's Community Support Advice grant. The programme will ensure that advice organisations are prepared to assist customers through the implementation of Welfare Reform.</p>
3.12	<p><u>Welfare Reform Training Programme</u>: A further additional £65,400.00 was agreed to support access to training support for all front line generalist advisers and volunteers. The programme will enable front line advice organisations to complete immediate training requirements related to Welfare Reform.</p>
3.13	<p><b><u>Operation &amp; Governance</u></b></p> <p>Deloitte MCS summarise the operation of the Citywide Tribunal Service as follows:</p> <ul style="list-style-type: none"> <li>• The need for representation at appeal was demonstrated through consultations with a wide range of stakeholders.</li> <li>• According to statistics provided by the Lead Partner, the Service achieves a higher appeal success rates (65% to 54%) than a 2013 benchmark noted in a study by Citizens Advice report which highlighted the value of representation, making a significant difference to the likelihood of success at appeal.</li> </ul>

- The monetary value added by the service has been calculated at £5.4 million (after the exclusion of the proportion of successful appeals which would have occurred anyway without Tribunal Service intervention). A significant Return on Investment of 12.79 shows that the Service is achieving high returns for its clients when set against the level of investment from the Council.
- The service has progressed well against the objectives set. Statistical targets have been exceeded in appeal representation and pre-appeal revised decisions. However, there is a need to revise these objectives in line with changes to the benefit system associated with Welfare Reform, including more of a focus on achieving better decisions before requiring a tribunal. This could mean increasing the target for pre-appeal revised benefit decisions.
- The service is currently wholly reliant on funding from Belfast City Council. Funding to support the service has come through various mechanisms – the investment programme and non recurring revenue estimates. The funding for this project is not mainstreamed into the annual revenue estimates programme. Given the time limited nature of BCC funding commitment, officers are supporting BAG to identify other funding sources when the BCC financial supports comes to an end in December.
- Over the summer period, steps have been taken by BAG, with Council officer support, to examine other potential avenues for funding. Council Officers and representatives from the Big Lottery People and Communities Programme have had an initial meeting to determine the potential for funding the Citywide Tribunal Service. BAG is to commence a pre-application process with Big Lottery with the aim of securing funding from this programme.

### **3. Deloitte MCS's Identification and Analysis of Options**

Deloitte presents four options based on their analysis, and has shortlisted two of those options for further consideration. (See **Appendix 1**) These are summarised below:

#### **(1) Cease the Tribunal Service**

This option would see the Council end its support for the Tribunal Service. This would mean that the ability of Belfast citizens to receive representation in appealing a benefits decision would be reduced and would be largely limited to the tribunal support offered by generalist advice workers. **(Deloitte have not shortlisted this option)**

#### **(2) Continue, however, apply an alternative delivery model**

This option would see an alternative delivery model introduced. BAG would continue to

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support representation at Appeal, but delivery would be the responsibility of each Belfast Advice Consortium geographically. BAG would seek ongoing funding to resource a Tribunal Representative within each consortium who would represent citizens referred to it by its consortium members. **(Deloitte have not shortlisted this option)**

(3) Continue under the current model

This option would see the continuation of the Tribunal Service through the current delivery model. BAG would source ongoing funding and continue to provide the service through a Lead Partner. Under this option, it is recommended that proportionate change is made to some aspects of the Service, including governance and monitoring as outlined in the Deloitte report. The funder (yet to be secured) would consider a more committed funding period as was the case during Funding Stage One. **(This has been shortlisted for further consideration)**

(4) Continuation of the model

Continue the current model but responding effectively to the impact of regional changes and widening the funding mix. **(This has been shortlisted for further consideration).** This option sees the continuation of the service using the same delivery model (i.e. a dedicated team located together) and has two dimensions. Firstly, there are a series of regional changes that should have an impact on the need for the tribunal service. These include the recent implementation of the Mandatory Reconsideration Step by the SSA, and the additional resources being invested in the advice sector through the mitigation measures (set out in Section 2.2.2). These should support clients and therefore reduce the need for tribunal representation. If the need for the service is demonstrably reduced through these (and evidence should be collated on what the impacts are), the funding support should be changed to reflect this. Secondly, a key theme within the evaluation has been a reliance on the single funder: BCC. They note the risk associated with any transition away from this single funder arrangement. They welcome the initial steps which BAG are taking with BCC officer support to address this.

Financial & Resource Implications

There are no resource implications attached to this report as the time-limited BCC funding expires on 31<sup>st</sup> December 2016.

Equality or Good Relations Implications

3.15	The programme is Citywide and open and accessible to all sections of the community.
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<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<b>Appendix 1 - Deloitte MCS – Evaluation report 'Belfast Tribunal Service'</b>