

Briefing Paper

The Total Benefits Cap – Implementation

August 2013

Introduction

The total benefits cap is a cap on all benefits receivable by a household of £500 a week for couples and single parent households and £350 a week for single people. There are exclusions for some household types including war widows and those receiving working tax credits. It is estimated that 67,000 claimants will be affected and that they will lose an average of £83 a week. The estimated savings are £305million by 2014/15 although a budget of £130million has been made available for discretionary payments. The measure came into effect in April 2013. The government considers that as well as making savings the reform will bring fairness to the benefits system as workless households will not be able to receive more in benefits than the average working household receives in wages & salaries.

Ministers announced in March 2013 that the national roll out of the benefit cap would begin on 15th July 2013.

They also announced that around 7,000 people, who would have been affected by the cap, had already moved into work and a further 22,000 had accepted employment support to move into jobs. Jobcentre Plus had been working with people who could be affected by the cap since April 2012, offering them support to get into work. Households with someone who is entitled to Working Tax Credits will not be affected by the cap - a clear incentive to choose work over benefits. Iain Duncan-Smith, the Work & Pensions Secretary said:

"We've given people plenty of notice about the benefit cap coming in, and Jobcentre Plus have been working tirelessly to get people the help they need. I've seen first-hand that the benefit cap is having a positive impact and is incentivising people to return to work."

The benefit cap started in Bromley, Croydon, Enfield and Haringey from 15th April 2013. All other Local Authorities began rolling out the cap from 15th July and it is due to be completely implemented by September 2013.

The government considers that this gradual approach will ensure that the policy is implemented safely and responsibly and that claimants are protected through the process.

Jobcentre Plus is working with Local Authorities to ensure that households are able to access a wide range of support. This includes: help to move closer, or into the labour market, money and budgetary advice, housing options advice, support to negotiate rent reductions with private landlords and access to child care provision.

Critics point out that people living in high rent areas are most likely to be affected by the cap. Families with large numbers of children are also likely to be affected. 'Inside Housing' has reported that Haringey Borough Council has calculated that a couple with five children living in Tottenham would only be able to claim £46 a week in benefits to fund a £350 a week rent bill. Consequently such households could become homeless and have to be placed in expensive temporary accommodation by councils. The Council is quoted as saying:

"The overall benefits cap will render larger family sized private rented housing in London unaffordable for workless households."

In December 2012 the government announced that the benefits cap would be phased in, and from April 2013 would only apply in Bromley, Croydon, Enfield and Haringey. These four authorities have complained that this will enable neighbouring authorities to place people in the 'capped' boroughs leading to a shortage of suitable homes. Ahmet Oykenner, Cabinet member for housing at Enfield Borough Council, was quoted in 'Inside Housing' as saying:

"Our homeless families will be competing in a highly competitive private rental market with residents from other London boroughs and elsewhere who will be able to pay higher rents."

The benefit cap applies to combined income from the main out-of-work benefits, Jobseeker's Allowance, Income Support, and Employment and Support Allowance, and other benefits such as Housing Benefit, Child Benefit and Child Tax Credit and Carer's Allowance.

One-off benefits, for example Social Fund loans and non-cash benefits such as free school meals, are not included in the assessment of benefit income.

The benefit cap will not affect a household if a member is entitled to Working Tax Credit, increasing the incentive to find work.

In recognition of their additional needs, all households which include somebody who is receiving the following benefits are exempt from the cap:

- Disability Living Allowance
- Personal Independence Payment
- Industrial Injuries Benefit
- War Disablement Pension and the equivalent payments from the Armed Forces Compensation Payments Scheme
- Attendance Allowance
- the support component of Employment and Support Allowance

People who receive a War Widow's or Widower's Pension are exempt, as a part of the government's commitment to those serving or who have served in the Armed Forces and to their dependents.

There will be a 'grace period' during which the benefit cap will not be applied for 39 weeks to those who have been continuously in work for the previous twelve months.

The cap will only apply to people of working age, so income from Pension Credit will not count towards the cap.

3,000 families were affected in the four test boroughs of London.

National roll-out of the benefit cap started in July 2013 and has seen local authorities divided into two groups. The first group of council areas included all local authorities with 275 households or fewer affected. The second group starting on 12th August 2013 covered local authorities with 276 or more households to be capped.

Since April 2013, Jobcentre Plus has been working with people who may be affected by the benefit cap. Their teams have helped around 14,000 claimants identified as living in potentially capped households into work since April 2013 and 34,500 people have accepted an offer of employment support.

Councils have been working closely with households identified as likely to be capped aiming at getting as many as possible back to work in partnership with Job Centre Plus. For many though, moving into work in advance of the cap implementation will not be possible and as housing benefit is capped, it is likely that households will fall into rent arrears and be at risk of eviction.

Furthermore, where affected households already live in temporary accommodation, a shortfall in their rent is likely to fall to the local authority to make up.

Pensions Secretary Iain Duncan Smith has claimed that this will end 'out of control' claims, while officials of the Department for Work & Pensions say that the benefits cap as a whole will save £300million a year.

In April 2013 the government announced that the number of households expected to be affected by the government's cap on benefits has fallen by 16,000 to 40,000. Part of the reason for the drop was due to 8,000 unemployed people finding work. Other reasons for the fall included policy changes, such as the removal of some supported housing costs from the calculation. In July 2012, the department estimated that 56,000 households would be affected. Speaking on BBC Radio 4's Today programme, employment minister Mark Hoban said the figures showed the cap had already begun to affect people's attitude to finding work:

"People are getting to work because they realise that's the best way to avoid the benefit cap. I think what people want to see is a benefit system that's fair, that's affordable, that encourages people into work and these reforms help deliver that... If they want to escape the benefits cap, the best way to do it is to move into work"

In a message on Twitter, David Cameron hailed 'a big day for welfare reform as we pilot a cap on benefits equal to the average wage'.

Business Secretary Vince Cable told BBC Radio Tees that he believed 'most people' agreed with the 'basic principles' of the changes - that no-one should be getting more in benefits than the average wage of someone in employment. But he added:

"These reforms are very controversial and some people are going to get hit unfortunately... Inevitably you will get hard cases. You have to create some support for the hard cases so we don't have real difficulty".

Ministers say welfare spending needs to be reduced and they claim that the threat of the introduction of the cap spurred 8,000 claimants who would have lost out to find jobs before the cap was introduced. It is expected people will see cuts of about £90 a week on average for the 40,000 households affected.

The Department for Work and Pensions says about £90bn was paid out in benefit payments to people of working age and their families in 2009-10. It hopes the cap will save about £110million a year.

In numbers: total household benefit cap

- £305 million amount the Department for Work and Pensions estimates the benefit cap will save by 2014/15
- £26,000 total annual benefit cap for couples
- £18,000 total annual benefit cap for single people
- £65 million amount the DWP has made available in discretionary housing payments

The Results of the Pilots

Four London boroughs started applying the benefit cap on 15th April 2013, with all other local authorities gradually following suit over the summer.

According to government data, 2,900 households have had their incomes reduced as a result of the total benefits cap trialled in four London boroughs, including 185 in Bromley, 574 in Croydon, 1,385 in Enfield and 759 in Haringey.

At the end of June 2013, 2,658 households were affected. A total of 1,621 were experiencing benefit cuts of £50 per week or more, while 1,037 were losing less than £50 per week. The vast majority of those capped, 97%, were households with children.

Facts on the impact are still hard to come by, but a picture is starting to emerge. Authorities found it harder than expected to identify who should be capped - cross-referencing benefits data from the Department for Work and Pensions, HM Revenues & Customs and local authorities to accurately identify 'eligibility' isn't an easy job. Councils have been proactive in ensuring there are hands-on services to provide information, advice and support to affected households, but the pilot areas did have extra money from government to help do this. The Chartered Institute of Housing also reported that some adverse consequences are visible – including people 'choosing' to remain with a violent but employed partner to avoid the cap; full-time carers returning to work with the care costs being passed to the council; and families with complex needs relocating away from the multiple services they were previously receiving.

Most households affected have not previously been required to seek employment - particularly single parents with young children. They are often some way from being able to access the labour market. The hill they need to climb is steep but they need to get to the top quickly to avoid significant losses of income. Discretionary Housing Payments provide a safety net - but not for everyone, and not for long. Households' determination to find work has reportedly strengthened, which must be a good thing, but the motivating factor (for example, to do this now or lose your home) is a bit more than the 'nudge' that has recently become so popular in public policy.

The first four councils to test the government's new benefit cap stated that they had not received enough money to implement the changes. The Department for Work and Pensions provided £2million to help the four councils cover implementation costs, such as extra staff, administration, Information Technology work and meeting any shortfall in housing benefit in the short term. The four boroughs were also each allocated a senior Jobcentre manager to help people find work who are affected by the cap.

But the four councils have each said the money is not enough to cover their costs - in one case, less than half the amount needed. Haringey Council, that received £115,350 from the Department for Work & Pensions, has calculated that its costs will be £220,000 more. Croydon Council that received 'just under £500,000', said it had not been given the funds it felt it needed. A council spokesperson added: 'We have had assurances from [Lord David Freud] that he will look at these issues as a matter of priority.' Enfield Council that received £815,000, could not provide figures for the total cost of the scheme. But a spokesperson said: 'It's difficult to know the scale of homelessness it may cause, in which case it might cost us a lot more.' Bromley Council that received the balance of the funding, declined to comment. The DWP would not explain how the allocations to the first four boroughs were decided.

In May 2013 it was revealed in 'The Guardian' that Social landlords in Haringey were being forced to take legal proceedings to terminate leases. Tenants were being sent eviction letters by social landlord 'Genesis' because the welfare changes meant they 'may not be able to afford the rent' and they may have to leave their homes within fourteen days. The letter from Genesis says it has been forced into taking these steps because of the 'significant changes being currently introduced to the welfare benefit system'.

Haringey Borough Council said it was 'astonished by the premature threat' of eviction. It has 660 households who face an average £50-a-week loss because of the cap – and is spending £1.5million over three months to offer them homes within 1.5miles of the borough. Claire Kober, the Labour leader of Haringey council, said she knew of a number of social landlords using the threat of eviction since the benefit cap was introduced and said:

"This behaviour of housing associations is completely unacceptable, especially given their stated social mission... But this underlines to me that the fears that we expressed to government about the consequences of the benefit cap are coming true. The benefit cap is not addressing the cause of the rising housing benefit bill – just the symptoms."

Duncan Shrubsole, policy director at the charity Crisis, said:

"What's happening in Haringey is an example of how brutal it is out there... Enfield council is considering moving 330 people out to places like Birmingham and Bradford. Every council testing this benefit cap has teams of housing officers warning tenants that they face some stark choices."

In February, the Guardian had revealed that Camden Borough Council said that 700 families faced being moved up to 200 miles away because the benefit cap would mean they would be unable to afford their current accommodation or any other home in south-east England.

In April 2013, Councillor Claire Kober, Leader of Haringey Council, wrote in 'The Guardian' that:

"Four boroughs in London including my own, Haringey, have become a testing ground for the next piece in the government's welfare agenda, the benefits cap."

"The rationale is simple: housing benefit has doubled in a decade. At an annual cost of nearly £23billion, it represents more than 10% of the welfare budget. A rising housing benefit bill should be a concern for all serious political parties. Few would argue that the current system is not in need of an overhaul."

"The government says those who rely on benefits should not have incomes above the national median. But things are rarely as simple as suggested by the coalition.

"Government is making £18 billion of social security cuts on the back of a handful of high-profile cases splashed across the tabloids – typically showing large families living in opulent surroundings at taxpayers' expense. These exceptional cases will be dwarfed by the million families losing out.

"As a borough leader, I see all around me the arbitrary nature of who the benefit cap will hit. There are examples of neighbours in identical rented homes on estates in Haringey: one a council property, next door owned by a private landlord who exercised right to buy. The family living in the private property – where rent is three times higher – will be affected by the cap, their neighbours will not.

"Families will be severely disadvantaged, some almost £400 a week worse off. People desperate to stay in their local area will have to downsize, making households overcrowded, or move into poorer quality accommodation. There will undoubtedly be a knock-on effect on other services, and children will be forced to move schools.

"We will not move anyone out of Haringey during the pilot. The council will cover the initial rent shortfall. However at an annual cost of £7m this will be unsustainable given the many other vital public services already squeezed. When the cap is rolled out nationally, local authorities will face invidious choices about where to house families. We have started to have honest conversations with those affected to help them understand the scale of the changes, and their options.

"The benefit cap maintains popular support due to the coalition's cynical framing of the debate around pseudo concepts of "fairness". Its cynical narrative has proved effective in skewing the debate, pitching residents against each other and putting opposition parties on the back foot. It is right that we oppose the language of the debate, but that in itself does not provide an alternative. Reducing the cost of housing benefit cannot be an issue that a serious opposition shies away from: indeed, a rising housing benefit bill is far from progressive.

"Without a doubt, the housing benefit bill must be reduced. But the current situation is the result of a 30-year affordable housing crisis. Rents continue to rise (up 11% in 10 months in Haringey) while the economy flatlines. Add to this the fact that people can't afford to get on the housing ladder, and the result is increased eligibility for housing benefit. The benefit cap fails to take into account the high cost of housing in London. Symptoms have been mistaken for root causes – the root is a lack of affordable housing.

"The blind spot at the heart of this debate is the disconnection between the supply of affordable housing and benefits, with each issue too often discussed in isolation. The most recent government data reveals a worrying trend in numbers of new affordable homes being built. Last year saw a fall of 4%, and figures are well short of government targets.

"Alongside stagnant private house-building, this drives rents up further. Councils are rightly demanding greater freedoms and flexibilities to deliver new housing. This will be part of the solution, alongside a recovery in private developments.

"Local authorities have to act together to tackle the problem, but the solution requires the broader support of a government that identifies and fully understands the root causes of a high housing benefit."

In Enfield it was reported that the benefits cap was forcing families out of the borough and the Council predicted that more people will be faced with eviction and homelessness. Figures obtained by 'London Housing News' using Freedom of Information requests show that families with children have been relocated using discretionary housing payments. In the first two months after the benefit cap was introduced in Enfield, fifteen families with 46 children were moved out of London. Darren Johnson, London Assembly Green Party Member was quoted as saying:

"The Mayor of London has clearly failed to ensure families in Enfield don't have to uproot their children because of the benefit cap. Rents are so high across London that it is becoming impossible for people on low incomes, working part-time or temporarily unemployed, to stay put and make ends meet."

Councillor Ahmet Oykenar, the Cabinet member for housing said:

"Although we do not know the long-term effect of the government's welfare benefit reforms on rent or migration to Enfield, we do know that rents are currently rising in the private sector as demand grows from those in and out of work, including benefits claimants being placed in Enfield by other boroughs. Enfield's population has already increased by more than 36,000 since the 2001 census resulting in significantly increased demands for council services at a time of unprecedented spending cuts. Enfield Council anticipates a growing number of evictions and homeless applications as local people feel the effects of the government's welfare benefit reforms, putting extra pressure on our already hard pressed services."

"Enfield Council is offering support to local people affected by the Government's welfare benefit reforms, helping them in whatever choices they make. The council has set up a joint taskforce with Job Centre Plus and the Citizen's Advice Bureau which is working with families affected by the benefit cap to explain what options are available to them and help them cope with the drop in benefit. The council does not have a programme of forced moves out of London for families affected by the total benefit cap, however where a family asks us to help them find more affordable accommodation, we will provide assistance."

The total loss of housing benefit in Enfield is more than £10million a year. The authority says approximately 2,700 of Enfield families including an estimated 4,000 children are currently financially worse off as a result of government changes to housing benefit.

A spokeswoman for the Mayor of London Boris Johnson said:

"While reform of the welfare system is long overdue the Mayor has worked hard to secure transitional arrangements, such as additional funding for councils, incentives for landlords to reduce rents and more time for existing claimants. He is also on track to deliver a record number of affordable homes, with 100,000 to be built over two terms and around £3billion invested to improve London's housing. This, he believes, is the most positive way to influence the market, rather than measures such as controlled rents, which he has no power to introduce and are likely to deter investment in building new homes."

In July 2013 the Government announced that the benefit cap pilot has been delivered in four London areas. In total, just over 2,400 households were capped in the boroughs of Enfield, Haringey, Bromley and Croydon. Nationally since April 2012, Jobcentre Plus has been helping those claimants potentially affected with 12,400 having moved into work and 32,300 having accepted employment support. Secretary of State for Work and Pensions Iain Duncan Smith said:

"The benefit cap returns fairness to the benefits systems. It ensures the taxpayer can have trust in the welfare system and it stops sky-high claims that make it impossible for people to move into work. The limit of £500 a week ensures no-one claims more in benefits than the average household and there is a clear reason for people to get a job – as those eligible for Working Tax Credit are exempt."

"Over the last year Jobcentre Plus has targeted extra support on this specific group of people to help them find and stay in work. Universal Credit will build on this, so claimants will know they are always better off in work on their own 2 feet than sticking on benefits."

Final Roll Out

The National roll-out was managed over a ten week period, split into two tranches.

- Tranche 1 included all Local Authorities with 275 cases or fewer and commenced from 15th July 2013;
- Tranche 2 included all Local Authorities with 276 or more cases to be capped and commenced from the week of 12th August 2013.

The benefit cap started in the final council areas on 12th August 2013 and will be completed nationally by the end of September 2013. Benefit claims in the final forty council areas will start to be capped at £500 a week for couples and those with children and at £350 a week for single people. On 12th August 2013 the benefit cap was in place in 340 local authority areas across the country and will be completed nationally by the end of September 2013. In total around 40,000 households will have their benefits capped. Work and Pensions Secretary Iain Duncan Smith said:

"The benefit cap is a major step forward in creating a welfare state that actively helps people get back on their own two feet, instead of providing pay-outs that are out of reach of the average hard-working family."

"Within the cap, there is a very clear incentive for people to work, as those claiming Working Tax Credit will be exempt and Universal Credit builds on this, ensuring claimants know they are better off in work than on benefits."

"It is clear the public support the benefit cap as for too long the taxpayer has propped up a broken system. This government is returning common sense to the welfare state at last."

In August 2013, it was reported by the Daily Mail that 4,000 jobless single people claiming benefits worth more than £23,000 would be affected by the lower benefits cap for people living alone. In an article for the Daily Mail, Work and Pensions Secretary Iain Duncan Smith vowed to end what he called these 'out of control' claims. His pledge came as the final stage of the nationwide roll-out of the benefits cap began in August 2013. He wrote:

“For those eyeballing benefits as a one-way ticket to easy street, I have a wake-up call for you: those days are over... We see that across the country there are 4,000 single people making more in benefits than many individual people would earn from work... This is not right, not fair and by the end of September these people will come under the cap.”

Figures reveal the full extent of welfare dependency in Britain. The Department for Work and Pensions had already said that about 40,000 households will be affected this year by the benefits cap that limits the amount couples and lone parents can receive in benefits to £500 a week, or £26,000 a year. But it had never before revealed that one in ten of those affected will be single people who will be hit by a £350 cap that applies to those without families.

Department for Work & Pensions officials say that the benefits cap as a whole will save £300million a year and those affected will see their benefits cut by an average of £93 a week.

Figures are not yet available for how much the benefits cap on single people will save the taxpayer, but it may be up to £30million a year. Around sixty single people without children have had their benefits capped at £350 a week in the four London boroughs where the cap started in April. They would have received benefits costing more than £1.1million a year.

Officials say the cost of paying benefits to single people is high because many of them are ‘in temporary accommodation where rents can be higher’.

The final phase of the nationwide roll-out will see the benefits cap introduced in most of the major cities such as Birmingham, Manchester, Cardiff, Leeds and Liverpool plus the remaining London boroughs.

Polls have consistently found that the benefits cap is popular with voters. One YouGov survey early in 2013 showed that 76% of the public backs the cap, including 69% of Labour voters.

Claims by the Department for Work & Pensions that the benefits cap is driving people to look for work have proved controversial. But Mr. Duncan-Smith argues that it is encouraging those facing cuts in welfare to get jobs and writes:

“The cap actively encourages people into work by exempting those claiming working tax credits... This is a key motivator for people and Jobcentre Plus advisers tell me they believe the policy is already helping drive people back into work.”

Mr. Duncan-Smith also challenges Labour to endorse the cap. In June 2013 Ed Miliband unveiled a plan to cap ‘structural’ welfare spending – those handouts not affected by an economic downturn – for three years if Labour wins the next election. But the Labour leader has refused to name a single benefit he would cut. Labour has also refused to back the Government’s benefits cap or the Coalition’s decision to limit benefits rises to 1%.

Mr. Duncan-Smith accused Mr. Miliband of having ‘directed his Welfare Party to vote against £83billion worth of savings I have made’.

Councils could be forced to cut spending on roads and care for the elderly to support households losing out through the Government's welfare reforms. A study commissioned by the Local Government Association estimates that less than a quarter of the 1.18million English workless households affected by housing benefit cuts would be able to reduce the impact by moving to a cheaper property or finding a job. Councils could be forced to pay out to support them, leaving them with less money for other priorities.

Benefit cap task force set up in Barnet

A multi-agency task force has been launched in Barnet to support households likely to be affected by the benefit cap. The team combines staff from Barnet Borough Council, Barnet Homes and Jobcentre Plus, and will primarily focus on supporting affected households into work, with some support to find affordable accommodation where necessary.

While the cap was introduced nationally in July 2013 it will come into effect in Barnet later in the summer. Just over 1,000 households in Barnet have been identified as due to be affected by the benefit cap, with the majority living in private sector accommodation.

The task force has been created to provide joined-up advice and support on getting in to work, housing options and benefits advice for residents as seamlessly as possible. It is working with all residents in the borough due to be affected, including those who are renting privately and have not approached the council directly for housing support – a first for Barnet Homes.

Councillor Richard Cornelius, Leader of Barnet Council was quoted in 'Housing News' as saying:

"This is a really good example of the public sector in the borough working together for the benefit of residents. We can give seamless advice on options for work, skills improvement, housing and if necessary child care. By working together we have gone beyond the support offered by many boroughs. I'm particularly pleased Barnet Homes has been contacting and supporting residents in the private rented sector who may need help and support."

Four members of staff have been recruited by Barnet Homes as part of the task force to provide frontline support to the households affected. They have been specially trained to help residents identify which options are available to them and direct them to the right specialist. Derek Rust, Director of Operations at Barnet Homes, said:

"The task force addresses a need created by further uncertainty for residents following the latest welfare reform changes. These can be bewildering for those who might be affected and we want to help them understand the change. By recommending the work options available, helping them with their budgeting or finding them somewhere more affordable to live, we can make a really positive impact."

The task force will also use the expertise of Barnet Homes' Housing Options Team, which has a wealth of experience in preventing homelessness.

Michael Morley, North London District Operations Manager for Jobcentre Plus said:

"My teams have been working with residents due to be affected by the benefit cap since last autumn, helping them overcome the barriers into work – and we have had some success. Allowing my Jobcentre advisers to work alongside benefits officers and housing needs officers means we can achieve more together. Customers get the full range of support they need and I strongly believe we can help get more people into work this way."

Adrian Waite
August 2013

Welfare Reform: The Implications for Housing and Local Government

October 2013

This seminar will look in detail at the Government's controversial welfare reforms and their implications for claimants, social landlords, local authorities and the public finances in all the nations of the United Kingdom.

The seminar comes at a critical time with the government in the process of implementing the welfare reforms that are contained in the Welfare Reform Act of 2012. Many of the reforms are to be introduced in April 2013 including the benefits cap, under-occupation penalty, the localisation of council tax support, personal independence payments and the universal credit pilots. In October 2013, Universal Credit will start to be rolled out for new claimants.

But what effect will all this have on claimants, housing associations and local authorities and how can they manage the reforms to mitigate the risks that they face.

What the Seminar addresses:

- Introduction and Overview of Welfare Reform
- Welfare Reform Act 2012
- Under-occupation penalty (bedroom tax)
- Total Benefits Cap
- Universal Credit
- Personal Independence Payment
- Council Tax Support
- New Information & Communications Technology Systems
- The impact of welfare reform on tenants and landlords
- Direct payment demonstration projects
- Practical steps to manage the effects of the reforms
- Advice and Communications
- Housing Options and Allocations
- Management of Rent Arrears
- Discretionary Housing Payments
- Partnership working
- Case Studies
- Demographics
- Social and Affordable Housing Supply
- Potential future reforms

The course includes opportunities for networking and is accompanied by a very useful book entitled:

"Welfare Reform: The Implications for Housing and Local Government"

Who should attend?

All those with an interest in the welfare reforms including councillors and officers of local authorities; board members and officers of housing associations; representatives of tenants and claimants; staff of voluntary bodies; academics; lawyers and civil servants.

Venue and Date:

London: Novotel Hotel, Waterloo – 9th October 2013

Further details can be found at: <http://www.awics.co.uk/welfareseminar.asp>

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