

**DECISION NOTICE - CORONAVIRUS EMERGENCY RELATED
Key Executive Decision taken by an OFFICER**

KEY DECISION Subject: Track and Trace Discretionary Payments Policy

DECISION TAKER:

Name: Clare Fletcher

Job Title: Strategic Director

Signature: REDACTED

Date: 23 October 2020

**REASON WHY THIS DECISION DID NOT APPEAR ON THE FORWARD
PLAN AND THE URGENCY PROVISIONS WERE NOT FOLLOWED:**

This key decision is required as part of the Council's emergency response to the national Coronavirus Emergency. Due to the necessary speed of decision taking at this time it was not possible to comply with the Council's Constitution that includes the requirement to give 28 days' notice of the decision to be taken; publish details 5 clear days before the decision was taken; publish the decision within 2 days of it being taken; and provide the 5 day call-in period before implementation. Nor was it possible to comply with the Urgency provisions in the Constitution. This is because the Government requires the scheme to be in place by the 12 October.

DECISION TAKEN:

A policy to pay those in hardship a £500 track and trace isolation payment if they fall outside the normal scheme. Individuals not eligible for the mandatory scheme may be entitled to a £500 discretionary payment. The Council has been allocated £22,688.71, which would enable a maximum of only 45 discretionary awards to be made during the period of the scheme which ends on 31 January 2021.

The following are areas which are proposed to localise the scheme.

- (i) have less than £6,000 in capital, (Capital includes; Savings, shares, investments and property not occupied as their main home)
- (ii) not be a university or higher education student.
- (iii) usually have earned income of £300 or less per week, but more than £80.00 per week.
- (iv) demonstrate how and to what extent they will suffer financial hardship during the period of self-isolation. They must provide details and evidence of financial commitments they are unable to maintain. The following give examples of what

will be considered;

- (v) Property related costs, e.g. rent/mortgage and a liability for Council Tax (occupied properties only). Applications will be considered from those who are not liable for Council Tax where a formal tenancy agreement is in place.
- (vi) Have been employed for less than 6 months and do not qualify for sick pay
- (vii) If there is nobody else in the household who can support the applicant financially through this period.

REASONS FOR DECISION:

- To ensure payments are made swiftly to those who need it

OTHER OPTIONS CONSIDERED AND REJECTED:

The next Full Council will be December and not in time for the scheme.

FINANCIAL IMPLICATIONS:

The government is providing funding for the scheme as set out in the report.

LEGAL IMPLICATIONS:

None identified

EQUALITIES AND DIVERSITY IMPLICATIONS:

EIA screening identified no differential adverse impact as follows:

Characteristic	Differential Impact
Age	None
Disability	None
Gender	None
Gender re-assignment	None
Marriage or civil partnership	None
Pregnancy or maternity	None
Race	None
Religion	None
Sexual orientation	None

CONSULTATIONS:

Council Leader (Sharon Taylor) and Portfolio Holder (Joan Lloyd) - concur

Chair of the Overview & Scrutiny Committee

I agree that this decision was reasonable in all the circumstances, was urgent and could not reasonably be deferred

I further agree that any delay likely to be caused by the call -in process would prejudice the Council's or the public interest and that the decision should not therefore be subject to call-in.

Signed: REDACTED

Chair of the Overview & Scrutiny Committee

Date: 22/10/20

DATE OF IMPLEMENTATION OF DECISION: October 2020

Report by: Su Tarran, Head of Revenues & Benefits shared service

Date : 14 October 2020

Report title: Track and Trace discretionary payment scheme

1.0 Proposal

- 1.1 In accordance with the Government's response to Covid – 19 Track and Trace support , the local authority is required to determine a scheme to allocate the funding made available under the discretionary grant fund.
- 1.2 This scheme requires Council approval but to ensure that payments are given to those who need them quickly, delegated approval is required from the Leader of the Council

2.0 Background

- 2.1 On 28 September 2020, Government changed legislation so that certain people have to self-isolate due to the current COVID-19 crisis. A package of legislative measures were introduced both to ensure that those who are required to self-isolate, do so and, that those on a low income, receive a payment of £500 to assist their finances and to encourage compliance with the legislation.
- 2.2 Individuals not eligible for the mandatory scheme may be entitled to a £500.00 discretionary payment. The Council has been allocated £22, 688.71, which would enable a maximum of only 45 discretionary awards to be made during the period of the scheme which ends on 31 January 2021. This discretionary scheme contains some areas where the local authorities can determine the criteria.
- 2.3 The council aims to make awards up to this value but will not make any awards after this has been spent. The council will monitor the amount of discretionary awards made to ensure that there is funding to the end of the scheme.

3.0 Reasons

- 3.1 Test and Trace Support Payment
Eligibility for a £500 Test and Trace Support Payment is restricted to people who:
 - have been told to stay at home and self-isolate by NHS Test and Trace, either because they have tested positive for coronavirus or have recently been in close contact with someone who has tested positive; and are;
 - are employed or self-employed and are;
 - are unable to work from home and will lose income as a result; and

- are currently receiving Universal Credit, Working Tax Credit, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit and/or Pension Credit.

3.2 Discretionary payment

Local authorities can make a £500 discretionary payment to individuals who:

- have been told to stay at home and self-isolate by NHS Test and Trace, either because they have tested positive for coronavirus or have recently been in close contact with someone who has tested positive and;
 - are employed or self-employed; and
 - are unable to work from home and will lose income as a result.
- But,**
- who **are not** currently receiving Universal Credit, Working Tax Credit, Income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support, Housing Benefit and/or Pension Credit; and
 - who are on low incomes and will face financial hardship as a result of not being able to work while they are self-isolating.

3.3 Local authorities can introduce additional criteria to determine eligibility for discretionary payments in their area, as long as these operate in addition to, rather than instead of, the criteria set out above.

3.4 For both the Test and Trace Support Payment and discretionary payments, eligible individuals will receive their £500 payment on top of any benefits and Statutory Sick Pay (SSP) that they currently receive.

3.5 The government announcement on the scheme can be seen here:
<https://www.gov.uk/government/news/new-legal-duty-to-self-isolate-comes-into-force-today>

3.6. The discretionary scheme can for example be prioritised to supporting those who fall just outside of the Benefits scheme and who would suffer the most hardship as a result of having to self-isolate.

3.7 In addition to the criteria set out by government above, the council recognises that certain individuals are particularly vulnerable including those who generally have no recourse to public funds, and the Government have confirmed that these individuals will be eligible to apply to the discretionary scheme. In contrast those living at home with family members who are eligible for the mandatory grant, may suffer less financial hardship. Each individual however may have particular circumstances which need to be given appropriate weight.

As such the discretionary scheme needs to be flexible enough to reflect individual circumstances, so as not to act as a disincentive to stay at home.

3.8 The following are areas which are proposed to localise the scheme.

- (i) have less than £6,000 in capital, (*Capital Includes; Savings, shares, Investments and property not occupied as their main home*)
- (ii) **not** be a university or higher education student.
- (iii) usually have earned income of £300 or less per week , but more than £80.00 per week.
- (iv) demonstrate how and to what extent they will suffer financial hardship during the period of self-isolation. They must provide details and evidence of financial commitments they are unable to maintain. The following give examples of what will be considered;
 - (v) *Property related costs, e.g. rent/mortgage and a liability for Council Tax (occupied properties only). Applications will be considered from those who are not liable for Council Tax where a formal tenancy agreement is in place.*
 - (vi) *Have been employed for less than 6 months and do not qualify for sick pay*
 - (vii) *If there is nobody else in the household who can support the applicant financially through this period.*
- (viii) Applications will be considered from individuals who normally have no recourse to public funds
- (ix) Applications will be considered from those individuals appealing or awaiting a decision on a qualifying benefit.
- (x) Applications must be made within 14 days of the ending of their period of self-isolation.

3.9 Application process

It is not possible for the Council to quantify how many individuals in our area will potentially meet the criteria set out in the report. The amount of funding is limited and careful consideration will have to be given to those who apply during the period of the scheme. Consequently rather than a first come first served basis, approvals will be made on a weekly basis with applications rolling forward if unsuccessful in the week the application is completed.

3.10 It is proposed that any review of the criteria needed to be undertaken is carried out by the Head of Service for Revenues & Benefits in conjunction with the Strategic director (CFO).

3.11 As this is a discretionary scheme there is no right to appeal and the decision of the Council is final.

- 3.12 The Council has created an online form for applications; this is the only mechanism through which the Council will accept applications. Arrangements have been put in place to assist those applicants who do not have digital access in order to apply.

4.0 Options

- 4.1 Various alternatives could be explored but the time delay incurred is considered detrimental to the objective of giving financial support to those in need. Consequently very little variation from the Government's core scheme is proposed.

5.0 Risks

- 5.1 Having determined the scheme as above, and acknowledged that not all individuals can be supported, some will feel aggrieved,
- 5.2 Whilst the scheme cannot be appealed against as it is discretionary, a judicial review can be requested if the process agreed is not applied correctly.