

URGENT DELEGATED DECISION

Date: 21 October 2020

Request to the Head of Paid Service to exercise delegated authority as per Responsibility of Functions in Part IV, page 28 of the Constitution.

“to determine any matter within the referred or delegated powers and duties of a committee / sub-committee / board / working which is so urgent that a decision must be made before the next meeting of that committee / sub-committee / board / working group is due to be held.”

Limits on delegation: -

- Before making a decision using this delegated power, The Head of Paid Service shall consult with and take cognisance of the views of the Chairman (or in his absence the VC) of the relevant Committee / Sub-Committee etc; and
- Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision taken.
- During the COVID-19 Pandemic we have also committed to consult with the Leader of the Opposition on such decisions*

*The Leader of the Opposition was consulted separately via telephone in respect of this matter.

Usual Decision Maker: -

This decision would have been taken by Corporate Policy and Resources Committee

This decision needs to be made and implementation commenced, before the body is next due to meet.

The decision relates to the **Discretionary Test & Trace Support Scheme (TTS)** and the need to set local criteria, additional to the mandatory TTSP scheme eligibility criteria set by Government, in order to ensure the limited funding is targeted at those most in need and suffering hardship due to a period of self-isolation.

Call-in does not apply.

Background

The background to this decision is as detailed in the report titled “**Discretionary Test & Trace Support Scheme Guidance**” which is appended to this decision.

Reason for Urgency and Rationale for use of urgent Delegated Decision

Following recent Government Announcements to make further support available for residents on low incomes who are required to self-isolate, all Local authorities are able to make mandatory and discretionary Test & Trace Support Payments (TTSP) with effect from 12 October, with applicant’s eligibility starting on 28 September.

The mandatory TTSP scheme eligibility criteria has been set by Government; parts of the discretionary scheme eligibility criteria has been set nationally, allowing Local Authorities to impose additional local criteria.

West Lindsey have been awarded a total of £23,131.35 to fund the scheme. The funding and the nationally-set payment amount (£500) for the discretionary scheme allows only 46 payments to be made to residents in the West Lindsey District between 28 September 2020 and 31 January 2021 or until all the funding is spent.

Applications are already being received.

In order to target the payments to those most in need and suffering hardship due to a period of self-isolation, Local Authorities will have to add local assessment criteria to target eligibility.

An urgent decision is therefore required in order to agree the local criteria to ensure payments are targeted and can begin to be made, to those deemed eligible, as at a matter of urgency

The full rationale for the decision, and the criteria for the scheme is contained with the report which is appended.

Financial Detail and Implications

FIN/92/21 – detail contained in the appended report.

Notes of Consultation Relevant to the Decision

Concern expressed at the limited funding which had been allocated by Central Government, and the limited number of people therefore that assistance would be available to

Therefore, important payments made are to those most in need, fully supportive of the additional local criteria. Recognised that applications were been received and there was a need for payments to commence as a matter of urgency.

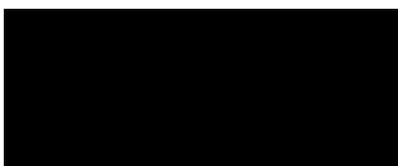
Concern for those who may find themselves just outside of the qualifying criteria., or for those who may be in severe hardship but apply too late when all funds had been allocated.

Commitment from the Authority to signpost to other local discretionary support schemes available from the Council. These schemes may need to be re-visited in coming months and this may come at an additional cost to the authority. Important that residents were supported wherever possible. There would also be continued approaches and lobbying of central Government to increase the funding allocation

Decision

That Option 2 in the appended report is approved and the local criteria for eligibility to the discretionary Test & Trace Support Payment is added to the guidance for assessing applications under the discretionary scheme.

The 'West Lindsey District Council Discretionary Test & Trace Payment Scheme Guide' at appendix 1 of the appended report is approved and adopted.



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Ian Knowles
Head of Paid Service

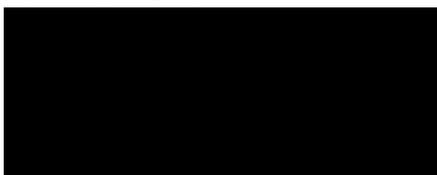
As the Vice- Chairman of the Corporate Policy and Resources Committee I have been fully consulted on this matter



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Councillor Anne Welburn
Vice- Chairman of the Corporate Policy and Resources Committee

As the Chairman of the Prosperous Communities Committee I have been fully consulted on this matter



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Councillor Owen Bierley
Chairman of the Prosperous Communities Committee

As the Leader of the Opposition I have been fully consulted on this matter



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Leader of the Opposition.

Date all Members were notified of the decision: 23 October 2020



MANAGEMENT TEAM REPORT

SUBJECT: Discretionary Test & Trace Support Scheme Guidance

REPORT AUTHOR: Angela Matthews

MT MEETING DATE: Monday, 19 October 2020

COMMITTEE	DIRECTORS
	Assistant Director of Commercial and Operational Services

FINANCIAL IMPLICATIONS: FIN/92/21

FIN REF: Based on the allocations of £23,131.35 from the DWP, the maximum number of discretionary payments to be made will be 46. Once these allocations have been exhausted, no further discretionary payments will be made.

An administration grant of £25,728.80 was also awarded to cover additional costs in administering both the Mandatory and Discretionary scheme and this will be utilised to cover additional staffing costs within the Housing Benefits Team.

HUMAN RESOURCES IMPLICATIONS: None

HR REF:

LEGAL IMPLICATIONS: None

SECTION 17 CRIME AND DISORDER CONSIDERATIONS: None

HEALTH IMPLICATIONS: None

DATA PROTECTION IMPLICATIONS: GDPR compliance, data-sharing agreement and Privacy Notice has been agreed and signed off by West Lindsey and the DHSC.

RISKS AND MITIGATING ACTION: Applications under the scheme are not assessed uniformly and some claimants may lose out or be incorrectly awarded a support payment if guidelines are not agreed and issued to the assessment officers. – Mitigation would be for an assessment guide to be agreed and adopted for use to ‘regulate’ and the assessment decisions in order for support payments to be awarded to those most in need.

DECISION(S) REQUIRED: The guidelines referred to in this report and the ‘Discretionary Test & Trace Assessment Guide’ is agreed and adopted for use.

N.B – please state if the report is for information only

Executive Summary

All Local authorities are able to make mandatory and discretionary Test & Trace Support Payments (TTSP) with effect from 12 October, with applicant’s eligibility starting on 28 September. The mandatory TTSP scheme eligibility criteria has been set by Government; parts of the discretionary scheme eligibility criteria has been set nationally, allowing Local Authorities to impose additional local criteria.

West Lindsey have been awarded a total of **£23,131.35** to fund the scheme. The funding and the nationally-set payment amount (£500) for the discretionary scheme allows only 46 payments to be made to residents in the West Lindsey District between 28 September 2020 and 31 January 2021 or until all the funding is spent.

In order to target the payments to those most in need and suffering hardship due to a period of self-isolation, it has been recognised that Local Authorities will have to add local assessment criteria to target eligibility.

Other Local Authority schemes (including neighbouring Councils) have been appraised and the criteria considered to be most effective in channelling entitlement to those most severely affected has been included in the ‘West Lindsey District Council Discretionary Test & Trace Payment Scheme Guide’.

It is recommended that the local criteria and the ‘West Lindsey District Council Discretionary Test & Trace Payment Scheme Guide’ are approved and adopted.

Background

Test & Trace Support Payments

From 28 September 2020, local authorities can make a £500 payment to residents who live within the District, who satisfy stringent criteria including being entitled to and receiving a prescribed DWP, HMRC or Local Authority means-tested benefit. This scheme has been prescribed by Government and is mandatory. Alongside the mandatory scheme local authorities can make a £500 discretionary payment to individuals living within their district, who do not meet the criteria for the mandatory payment, but they must meet all of the following criteria:

- 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;
- Are employed or self-employed; and
- Are unable to work from home and will lose income as a result.
- 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
- are on low incomes and will face financial hardship as a result of not being able to work while they are self-isolating.

Local Authorities may add local criteria for their discretionary scheme to target the cash limited budget to those most in need.

This discretionary payment is designed to support people on low incomes who are not in receipt of the listed benefits needed for the mandatory Test and Trace Support Payments, if they will lose income as a result of self-isolating, and to encourage them to get tested if they have symptoms. This is important to help stop the transmission of COVID-19 and avoid further economic and societal restrictions.

The discretionary payments are available from 28 September 2020, and the Benefits Service have arrangements in place to administer these. The schemes – mandatory and discretionary – will continue until 31 January 2021 or until such time as funding is no longer available.

The Proposal

All cases that apply for the mandatory TTSP, but fail the eligibility test are advised that they have been unsuccessful in claiming a Standard TTSP within three days of them supplying all the mandatory evidence. At this point the applicant is advised that they can be considered under the Discretionary Scheme if they complete a 'supplementary information form'. This form asks for their household income and make up and their expenditure, their savings and capital value and asks them to give further details of the hardship they have suffered due to

a drop in their income due to self- isolation. At this point the applicant may choose not to continue with the Discretionary Scheme application.

If the 'supplementary information form' is returned an assessment will be made similar to the assessment of a Discretionary Housing Application. Depending on which local criteria West Lindsey's guidance sets, the application could be assessed within minutes comparing the information given against the local criteria, or an in depth assessment would need to take place and a 'matter of opinion' applied by the assessor which could be open to challenge.

Option 1

We assess all applications made for discretionary TTSP on face value using just the Governments criteria – that the applicants are on a low income and facing hardship due to the drop in income during the self-isolation period.

If this option was to be chosen without having a definition of 'hardship' or 'low income' the risk would be that different assessment officers assessing the applications could come to different decisions by applying their opinion to the case. A further risk could be that the assessment of the cases would take longer due to the total discretion given, cost more in officer time and be open to challenge if decisions are not comparable across the assessment team.

Option 2

We add local criteria to the discretionary TTSP eligibility list, similar to other local authorities in Lincolnshire and beyond. The local criteria would define low income and hardship.

The added local criteria is:

- The applicant has normal weekly earnings of up to £372 (National Living Wage multiplied by 40 hours) if single.
- The applicant works 16 hours or more per week
- The applicant has suffered a loss of 50% or more of their normal income during the period of self-isolation
- The applicant has savings / capital of no more than £1000.

Given these added criteria, only applicants who do not have the capacity to cope with a significant reduction in their weekly income without experiencing hardship would meet the criteria for a payment.

Recommendation

It is recommended that Option 2 is approved and the local criteria for eligibility to the discretionary Test & Trace Support Payment is added to the guidance for assessing applications under the discretionary scheme and the 'West Lindsey District Council Discretionary Test & Trace Payment Scheme Guide' at appendix 1 is approved and adopted.

Discretionary Test & Trace Support Payment Guide

Final Version 1

Document History

Version	Description	Date
1	Discretionary Guide	14 October 2020 Approved:

Purpose of this document

This guide sets out the criteria and guidelines for West Lindsey District Council (WLDC) on helping people in the Local Authority district to claim the Discretionary Test and Trace Support Payment.

1. Test and Trace Payments: an overview

From 28th September 2020, local authorities can make a £500 payment to individuals, if they meet all of the following criteria:

- 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;
- Are employed or self-employed; and
- Are unable to work from home and will lose income as a result.

In addition, a discretionary payment is for people:

- 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.

Local Authorities may also introduce local criteria for their discretionary scheme. This discretionary payment is designed to support people on low incomes who are not in receipt of the listed benefits for mandatory Test and Trace Support Payments and have lost income and suffered hardship as a result of self-isolating.

These discretionary payments are available from 28th September 2020, and WLDC has arrangements in place to administer these. The scheme will last until 31st January 2021 or until all funds are spent.

2. Eligibility for payments

Eligibility criteria

Test and Trace Support Payment discretionary payments, will be for individuals who are told to self-isolate on or after 28th September 2020 and who meet the relevant eligibility criteria, as follows:

- 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; and
- Who has normal weekly earnings of up to £372 (National Living Wage multiplied by 40 hours)
- Who works 16 hours or more per week
- Who has suffered a loss of 50% or more of their normal income during the period of self-isolation AND
- Who has savings / capital of no more than £1,000.

Backdating

WLDC cannot accept applications from people told to self-isolate before 28th September 2020, even if the period of self-isolation continues after 28th September 2020.

Applications from members of the same household

People in the same household can each make an individual application to receive the payment, if they each meet the eligibility criteria.

Multiple claims

Someone can claim more than once (if they are told to self-isolate multiple times), as long as they meet the eligibility criteria for each individual claim and their periods of self-isolation do not overlap. WLDC will keep a record of all individuals who make claims to guard against potential fraud – for example, where multiple claims may be made.

Applications made after someone's period of self-isolation has ended

Eligible individuals can make a claim up to 14 days after their period of self-isolation ended. Applications cannot be accepted for assessment after this point.

Third-party applications

Applicants can apply on behalf of someone else. However, the £500 must be paid into a bank account in the name of the person for whom the application is being made (so, for example, if someone applied on behalf of a parent, the payment would be made into the parent's bank account).

Applicants who are self-isolating who have not been told to self-isolate by NHS Test and Trace

Applications cannot be approved for anyone who does not have a valid notification from NHS Test and Trace. The legal duty to self-isolate that came into force on 28th September 2020 applies only to people who have been told to self-isolate by NHS Test and Trace. This means it is important that people who have tested positive share accurate information about their recent contacts with NHS Test and Trace.

Applicants who are quarantining after returning to the UK

The Test and Trace Support Payment scheme does not cover people who are self-isolating after returning to the UK from abroad, unless they have tested positive for coronavirus or have been instructed to self-isolate by NHS Test and Trace.

Funding Pot

The Discretionary payments allocations were announced on 2nd October 2020, WLDC was allocated £23,131.35

The Department of Health and Social Care (DHSC) has advised, as follows:

The £15 million for discretionary payments is a fixed four-month envelope that will not be topped up or subject to a reconciliation process.

The whole pot has been distributed up front, and will not be rounded down to a multiple of £500 as it will not be subject to a reconciliation process (meaning that it will not be topped up or reclaimed if local authorities overspend or underspend their allocation from the pot).

Based on the allocations of £23,131.35, the maximum number of discretionary payments to be made will be 46. Once these allocations have been exhausted, no further discretionary payments will be made.

3. Application process

WLDC has arrangements in place to process and verify applications, issue payments to successful applicants, as well as to prevent and detect fraud.

To apply, applicants will complete the online form (or a telephone/hard copy application if digitally excluded) and provide WLDC with:

- A notification from NHS Test and Trace asking them to self-isolate;

- Proof of savings/capital;

- A bank statement;

- Proof of employment or, if they are self-employed, evidence of self-assessment returns, trading income and proof that their business delivers services which cannot be undertaken without social contact;

- Where required, an income/expenditure statement – which will be included as part of the application process, and link in with requirements of WLDC's guidelines for Discretionary Housing Payments.

Once this evidence has been verified and eligibility for a discretionary payment is affirmed, WLDC will pay the applicant £500. This payment should be made within three working days of receiving an eligible complete application.

How will people provide evidence?

WLDC has arrangements in place to allow applicants to upload their evidence electronically, wherever possible. As some applicants will not have access to scanning equipment while they self-isolate, this will include accepting photographs of documents wherever possible. Data security and evidence provided will be retained in line with appropriate WLDC policies and the DHSC data sharing agreement.

4. Pre-payment checks

WLDC will carry out the following main pre-payment checks. These are to verify that each applicant:

- Has been told to self-isolate by NHS Test and Trace;
- Is employed or self-employed and will lose income because they cannot work from home;
- Is facing financial hardship as a result of not being able to work while they are self-isolating;
- Has savings/capital of less than £1,000 (savings and capital as defined in the processing of Housing Benefit / Universal Credit entitlement)
- Normally earns £372 per week or less and is working 16 hours or more per week
- Has suffered a loss of 50% or more of their normal weekly income during the period of self isolation.

Checking that an applicant has been told to self-isolate by NHS Test and Trace

Only people who have been told to self-isolate by NHS Test and Trace can claim a discretionary Test and Trace Support Payment. To check this, WLDC will use data provided from the Contact Tracing and Advice Service (CTAS) system through the 'Eligibility Checker' process in place.

Applicants may try to provide a notification from the NHS Isolation Note service rather than NHS Test and Trace. If this happens, WLDC will not reject their application, but give them an opportunity to provide a valid NHS Test and Trace notification if they have one.

Checking that an applicant is employed or self-employed and will lose income because they cannot work from home

The application process asks applicants about the nature of their work and whether they can do this work from home, and whether they are employed or self-employed. These questions should be asked in relation to applicants confirming whether they will lose income while self-isolating.

For applicants who are self-employed, WLDC will confirm they are satisfied with the evidence of self-assessment returns and trading income provided by the applicant.

Checking that an applicant will lose income because they cannot work from home

The application form asks applicants to confirm both that they cannot work from home while they are self-isolating and that they will have a reduction in earned income because they are self-isolating.

If an applicant meets the other eligibility criteria and is losing income because they have been told to self-isolate and cannot work from home, they may be eligible for a discretionary payment. So, for example:

- Someone with a single job whose employer continued to pay them a full wage while they self-isolated would not be eligible.
- Someone whose employer paid them a reduced wage while they self-isolated would be eligible (they have lost income).
- Someone with two part-time jobs who continued to be paid a full wage by one employer, but whose other employer did not pay them while self-isolating, would be eligible.

5. Obtaining a CTAS number

The NHS Test and Trace service uses a web-based tool called the Contact Tracing and Advice Service (CTAS) to record information about people who have tested positive for COVID-19 and their contacts. The CTAS Account ID is an 8-character identifier unique to each record on the web tool (e.g. 4a2c204a).

People who test positive for Covid-19 or are a contact of someone who has had a positive test will receive a digital invitation from the CTAS web tool to undertake the contact tracing journey. The invitation message (sent either via a text message or email) contains the 8-character Account ID.

All cases and contacts who completed the contact tracing journey (including those who were ineligible for the digital invitation such as children or individuals with a landline number only) will receive a citizen advice message upon completion of the NHS Test and Trace questionnaire. The citizen message (sent either via a text message/email or postal service for people with no access to mobile phone or email) contains the 8-character Account ID.

WLDC can, through specified officers, use the Eligibility Checker website or telephone helpline to check whether an applicant has a CTAS number.

6. Making payments

WLDC will aim to pay all eligible individuals within three working days of receiving their application and all supporting evidence. Payments should be made up front, as a

single payment, to the bank account matching the bank statement they have provided, via the most appropriate payment mechanism.

WLDC will send each recipient a letter or email to confirm that they have been paid.

Applicants who are overdrawn

Applicants who are overdrawn will be advised how to exercise their first right of appropriation on the £500 payment, so their bank does not use it to pay their overdraft if they are overdrawn.

Appeals

WLDC is not required to provide a right of appeal against any decision not to award a discretionary payment, (neither for the main Test and Trace Support Payment). People who are turned down will not be eligible because they do not meet the criteria.

However, where possible, WLDC will work with applicants to make sure they provided the necessary evidence to support a successful application. For instance, someone who is self-employed may have forgotten to provide their self-assessment return in the first instance. This person should not be rejected but given the opportunity to provide further evidence if they have it.

If an individual is rejected because they do not meet the mandatory eligibility criteria, WLDC will consider if the individual meets the criteria for a discretionary payment.

7. Records to be kept by local authorities

As a minimum, WLDC will keep a record for these purposes of:

- The number of applications for discretionary payments under the scheme;

- The number of approved applications for discretionary payments under the scheme;

- The number of approved discretionary payment applications for which post-payment checks indicate the applicant was not eligible;

- Any other requirements as notified by DHSC;

- Any other requirements in relation to applications and decisions, as considered proportionate and in line with WLDC data retention policies.

8. Taxation

These payments will be subject to income tax, but they will not be subject to National Insurance Contributions (NICs). (This is the case both for Test and Trace Support Payments and discretionary payments made under the scheme).

9. Eligibility for other benefits

These payments will be disregarded when calculating eligibility for other benefits. This includes calculating entitlement to Universal Credit.

10. Evidence of failure to self-isolate

If WLDC becomes aware, either through post-payment verification checks or through other means, that someone has not self-isolated, they will need to refer the case to the police. Recovery of the discretionary payments made to the individual will be carried out in line with government guidance.

11. Fraud

WLDC is responsible for fraud-prevention measures, following best practices to bolster counter-fraud measures provided in government guidance. This includes information on post-payment verification checks.

WLDC has the right to recover costs from people who claim the payment fraudulently and can keep any money recovered to put towards WLDC costs of running the scheme. WLDC is not liable for any unrecoverable costs due to fraud.

12. Review of this Guide

This Guide will be reviewed;

- When updated government guidance is made available;
- When a change may be required due to under or over subscription of discretionary payments;
- For any other reason in the best interests of proactive and positive administration of this Policy.