

Lewes District Council

Test and Trace Discretionary Payments Scheme

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Definitions

The following definitions are used within this document:

‘Additional Eligibility Criteria’; means the additional criteria decided by the Council that need to be met, in order to receive a payment under the Council’s Test and Trace Discretionary Payments Scheme. These will be in addition to the standard criteria and are allowable under Government guidance;

‘Applicant’; means the individual making an application for a payment under this scheme;

‘Contact Tracing and Advice Service (CTAS)’; means the web-based system used by Public Health England to contact and trace individuals who are required to self-isolate;

‘CTAS Account ID’; means the unique number provided by Public Health England through the Contact Tracing and Advice Service (CTAS);

‘COVID-19’; means the infectious disease caused by the most recently discovered coronavirus;

‘face financial hardship’; a key criterion of the Test and Trace Discretionary Payments Scheme is that all applicants will, if not for the payment, face financial hardship solely due to their need to self-isolate;

‘Housing Benefit’; means the benefit administered by local authorities under either the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) 2006;

‘income-related Employment and Support Allowance’; means the means-tested Employment and Support Allowance administered by the Department for Work and Pensions under the Welfare Reform Act 2007;

‘income-based Jobseeker’s Allowance’; means the means-tested Jobseekers Allowance administered by the Department for Work and Pensions under the Jobseekers Act 1995;

Income Support’; means the means-tested Income Support administered by the Department for Work and Pensions under the Income Support (General) Regulations 1987;

‘NHS Test and Trace’; means the service provided to the National Health Service in England, established in May 2020 to track and help prevent the spread of COVID-19;

‘Pension Credit’; means the means-tested Guarantee or Savings Credit administered by the Department for Work and Pensions under the State Pension Credit Regulations 2002;

‘Qualifying benefit’; means any of the following benefits: Housing Benefit, Income support, income-based jobseeker’s Allowance, income-related Employment and Support Allowance, Working Tax Credit or Universal Credit;

‘Self-isolation, Self-isolate’; means the legal requirement for an individual to self-isolate when told to by NHS Test and Trace or the NHS COVID-19 app and the legal duty to self-isolate under the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 which came into force on 28th September 2020;

‘Test and Trace Support Payment Scheme’ (‘Standard Scheme’); means the Standard Scheme introduced by Government on 28th September and administered by Local Authorities;

‘Test and Trace Discretionary Payments Scheme’ (‘Discretionary Scheme’); means the Test and Trace Discretionary Payments Scheme which has been agreed by the Council and which *may* be available for individuals who are unable to access the ‘Standard Scheme’.

‘Universal Credit’ means the means-tested Universal Credit administered by the Department for Work and Pensions under the Universal Credit Regulations 2013;

‘Working Tax Credit’; means the means-tested benefit administered by Her Majesty’s Revenues and Customs under the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002.

1. Background to Self-Isolation and the Test and Trace Payments

- 1.1 From 28th September 2020, Government has changed the legislation so that certain people will have to self-isolate due to the current COVID-19 crisis.
- 1.2 A package of legislative measures has been introduced to ensure that those who are required to self-isolate, do so and that those on a low income receive a payment to assist their finances and to encourage compliance with the legislation.
- 1.3 The Council, together with Government, recognises that self-isolation is one of the most powerful tools for controlling the transmission of the Covid-19 virus. The Government has set down the requirements for two payment schemes to be set up by the Council as follows:
 - (a) The **Test and Trace Support Payments Scheme (the Standard Scheme)** for those eligible applicants who are in receipt of Housing Benefit, Income support, income-based jobseeker's Allowance, income-related Employment and Support Allowance, Working Tax Credit or Universal Credit (the qualifying benefits); and
 - (b) The **Test and Trace Discretionary Payments Scheme (the Discretionary Scheme)** for those applicants who are **not** in receipt of any of the qualifying benefits but who are on a low income and will face financial hardship as a result of not being able to work while they are self-isolating.
- 1.4 This document details who will be eligible for a payment under the **Test and Trace Discretionary Payments Scheme**.
- 1.5 Any applicant who is in receipt of a qualifying benefit, should apply for a payment under the standard scheme details of which are available on the Council's website.

2. An overview of the Test and Trace Discretionary Payments Scheme (the Discretionary Scheme).

- 2.1 From 28th September 2020, individuals will be entitled to a payment of £500 from the Council's Test and Trace Discretionary Payments Scheme if they meet the eligibility criteria listed below:
 - (a) Make an application to the Council in the prescribed form and provide all the evidence and verification required;
 - (b) Are a resident within the Council's area;
 - (c) 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;

- (d) Are employed or self-employed;
- (e) Are unable to work from home and will lose income as a result;
- (f) Are **NOT** currently receiving any of the following benefits:
- Universal Credit;
 - Working Tax Credit;
 - income-based Employment and Support Allowance;
 - income-based Jobseeker's Allowance;
 - Income Support;
 - Housing Benefit; or
 - Pension Credit; **and**
- (g) Meet the Council's additional criteria for a discretionary payment.

- 2.2 This particular scheme is designed for those individuals (applicants) who:
- meet the standard conditions 2.1 (a) to (g) above;
 - are **not** receiving a benefit listed in 2.1(f); and
 - comply with the self-isolation requirements laid down by Government;
- 2.3 Where individuals meet all the requirements but **are in receipt of a benefit stated in 2.1 (f)**, no payment can be made under the Discretionary Scheme; however, they may be able to apply for payment under the Standard Scheme which is available on the Council's website.
- 2.4 Individuals will **NOT** be entitled to apply for both a payment under the Standard Scheme and under the Council's Discretionary Scheme.

3. Commencement of the scheme and scheme closure

Commencement

- 3.1 This scheme is available to all individuals who meet the eligibility criteria for a discretionary payment and who are told to self-isolate **on or after** 28th September 2020.
- 3.2 Individuals who are required to self-isolate **before** 28th September 2020 will not be eligible for a payment.

Scheme closure

- 3.3 At the present time, Government has stated that this Discretionary Scheme (and the Standard Scheme) will be available until 31st January 2021.

4. Applying for a Test and Trace Discretionary Payment (the Discretionary Scheme).

- 4.1 Individuals who are resident within the Council's area *may* make an application for a Test and Trace Discretionary Payment under this scheme. In all cases, the 'applicant' will be required to answer **all** of the questions asked and provide the information required by the Council in the specified timescale.
- 4.2 In order to receive a payment, all applicants must meet the full eligibility criteria, details of which are shown within Section 6 of this scheme. The applicant will be required to self-verify certain criteria and also confirm that they will comply with the self-isolation requirements set by Government.
- 4.3 Where the applicant fails to meet the eligibility criteria, they will not receive a payment and will be informed of this by the Council, either at the point of application or as soon as practicable thereafter.
- 4.4 Where the applicant is successful, the Council will notify them accordingly and make payment in line with the timings and methods shown in Section 8.
- 4.5 Applications can **only** be accepted from individuals who are resident in the Council's area.
- 4.6 Applications will be accepted from a third party in respect of any individual who meets all the eligibility criteria for a payment. However, the following should be noted:
 - The person making the application will need to provide evidence of their identity and also the reason why they are applying on behalf of another person; and
 - That any payment **must** only be made by the Council to the person who is self-isolating. No payment will be made to a third party under any circumstance.
- 4.7 All applications shall be made online using the Council's dedicated webpage. However, should individuals experience difficulties in making any application, they should contact the Council on 01323 410000

5. Time limits for making an application for a payment

- 5.1 No application for a discretionary payment can be made before the 28th September 2020 or for any individual who has been required to self-isolate before 28th September 2020.
- 5.2 Eligible individuals can apply for a Test and Trace Discretionary Payment at any time up to 14 days after their period of self-isolation ended. The Council will **not** accept any applications after this point.
- 5.3 Where an individual has been required to self-isolate on or after 28th September but before the Council's scheme opened on 12th October 2020, an application for a

backdated discretionary payment must be made by 26th October 2020 (14 days after commencement of scheme).

6. Multiple claims within the household and from the same applicant

6.1 Individuals in the same household can each make an application to receive a Test and Trace Discretionary Payment, if they each meet all the eligibility criteria in full.

6.2 An individual may make an application more than once but only:

- If the individual is told to self-isolate multiple times; **and**
- they meet the eligibility criteria for each individual application; **and**
- the periods of self-isolation do not overlap.

6.3 The Council is mindful that this can be confusing for applicants and it will be essential, where multiple applications are made by an individual, to ensure correct eligibility. Therefore, a new application will need to be made for each distinct period of self-isolation.

7. The eligibility criteria and evidence required for a Test and Trace Discretionary Payment.

7.1 For payment to be made under this Discretionary Scheme, all of the criteria **must** be met. As with the application form itself, all evidence will need to be provided electronically. The Council provides facilities for all applicants to upload documents, evidence and photographs.

7.2 Where documentation is only held in 'hard copy' or paper form, the Council will accept digital images or photographs provided they show all the relevant information.

7.3 The Council will keep all information supplied by applicants, secure and in accordance with Data Protection legislation.

An individual must make a valid application to the Council in the prescribed form and provide the all evidence and verification required

7.4 As mentioned in Section 4, a valid application must be made via the Council's website. All applicants will be required to provide details sufficient to identify themselves, their address and to allow the Council to contact them including:

- Full name;
- Address;
- National Insurance Number;
- Telephone number; and
- Email address.

- 7.5 In addition to the above, all applicants will be required to submit a copy of their current bank statement(s) in order to:
- Verify that their income has reduced due to having to self-isolate (see later); and
 - Provide details of the bank account number and sort code of the account into which a payment would be made.

That they are a resident within the Council's area

- 7.6 The applicant will be required to verify that they have their sole or main residence in the Council's area. The Council will check other records held (and make other enquiries where appropriate) to determine this.
- 7.7 Where necessary, the Council will ask the applicant to provide additional evidence of residence.

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

- 7.8 A key requirement of the scheme is that the applicant has been instructed by the NHS Test and Trace to stay at home and self-isolate either because:
- they have tested positive for COVID-19 (coronavirus); or
 - have recently been in close contact with someone who has tested positive.
- 7.9 All applicants will be required to provide the 8-digit unique ID number which has been provided to them by NHS Test and Trace.
- 7.10 For information, the NHS Test and Trace service uses 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 case (e.g. 3b1a305c). Most individuals 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 system to undertake the contact tracing journey.
- 7.11 All cases and contacts who have 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.
- 7.12 The Council will check that the applicant has a valid Account ID produced by the Contact Tracing and Advice Service. Only this number will allow an application to be processed.

- 7.13 The Council will not make payment to anyone who does not have a valid notification (Account ID) from NHS Test and Trace. It should be noted that there is a legal duty to self-isolate which only applies to people who have been told to self-isolate by NHS Test and Trace.
- 7.14 The Council will not accept a notification from the NHS Isolation Note service. Where the applicant has provided this only, they will be given an opportunity to provide a valid NHS Test and Trace notification if they have one.
- 7.15 This scheme does not cover people who are self-isolating after returning to the UK from abroad, unless they have tested positive for COVID-19 (coronavirus) or have been instructed to self-isolate by NHS Test and Trace.

All applicants must be currently employed or self-employed

7.16 Only those applicants who are currently employed or currently self-employed will be entitled to claim a Test and Trace Support Payment. For the sake of clarity, this scheme requires all applicants to provide sufficient evidence of their current employment or self-employment status. In the case of employed applicants, full details of their employer must be given on the application form including contact numbers.

7.17 The Council will also require applicants to provide proof such as listed below:

Employed

- Current wages or salary slips;
- Employment contract; or
- Letter from the employer confirming current employment.

Self Employed

- Self-assessment form;
- Details of HMRC registration as self-employed;
- Current accounts; or
- Current accounts and trading statements

7.18 The above list is not exhaustive.

7.19 As this is an essential requirement in order for a Test and Trace Discretionary Payment to be made, the applicant must satisfy the Council that they meet this criterion.

Are NOT currently receiving any of the following benefits.

7.20 To receive a discretionary payment the applicant **must not be in receipt** of one of the following benefits:

- Universal Credit;
- Working Tax Credit;
- income-based Employment and Support Allowance;
- income-based Jobseeker's Allowance;
- Income Support;
- Housing Benefit; or
- Pension Credit.

7.21 Where applicants are in receipt of any of the above benefits, then payments can **ONLY** be made through the Standard Scheme. The Council has designed the application process so that the same form can be used to claim either payment (Standard Scheme or Discretionary Scheme) and applicants who fail to qualify for a Standard Scheme payment because they are not in receipt of one of those benefits, will automatically be directed to the Discretionary Scheme.

7.22 Where an applicant has yet to apply for one of the benefits listed; is awaiting a decision on a benefit; is currently appealing a negative decision; or is unable to apply for a qualifying benefit, they *may* make an application under this Discretionary Scheme.

Are unable to work from home and will lose income as a result and will face financial hardship as a result of not being able to work while they are self-isolating

7.23 All applicants will have to certify on the application form that they are:

- Unable to work from home;
- Will lose income as a result; **and**
- Will face financial hardship as a result of not being able to work while they are self-isolating

7.24 The Council will need to be satisfied that any applicants meet these conditions in full.

7.25 The Council will require applicants to give details about the nature of their work and whether they can undertake this work from home.

7.26 Only those applicants that cannot work from home whilst self-isolating will meet the criteria and therefore, each applicant will not only be required to verify the fact, but also provide details of the reasons why this is the case, together with details of the type of work that they would normally undertake.

7.27 The Council will also require all applicants making an application for a discretionary payment to provide evidence of financial hardship. All applicants will be required to demonstrate that the financial hardship is **solely** due to having to self-isolate

Meet the Council's additional criteria for discretionary payments

7.28 Given that the funding for the Discretionary Scheme is limited (see Section 14), Government has stated that it will be up to each Council to determine additional criteria that have to be met if a payment is to be made. The additional criteria are shown in 7.29 below.

7.29 **The applicant must be in receipt of Council Tax Reduction or:**

(a) **An applicant's gross earnings are no greater than £290 per week.** This figure is before any deductions for tax, national insurance, pension or other non-statutory items. This is the amount that the applicant would normally earn prior to self-isolation.

Where an applicant has earnings above this level then they would not normally be eligible unless there was an exceptional circumstance;

(b) **An applicant must be required to work a minimum of 16 hours per week or have a minimum gross wage of £80 per week.** Any applicant normally working or earning less than that would not be eligible;

(c) **An applicant must not possess capital of £3,000 or more.** Any applicant with capital above that level would not be eligible. For the sake of clarity, capital will be calculated in accordance with the rules for Housing Benefit;

(d) **University students or those in further or other higher education are excluded from applying for a discretionary grant;**

(e) **Individuals who have applied for a qualifying benefit but have not yet received a decision or have appealed** against a decision not to award a qualifying benefit and are awaiting the outcome of the appeal will be eligible to claim provided they meet **all** other criteria within this section;

(f) **Applicants who are excluded from qualifying benefits by the "Persons from Abroad" provisions within the welfare benefit schemes** will be eligible to claim provided they meet **all** other criteria within this section; and

(g) In all cases applicants will need to demonstrate that they will suffer financial hardship by having to self-isolate.

8. How much discretionary payment will be paid, methods of payment and timings.

- 8.1 Where an applicant meets all of the eligibility criteria for a discretionary payment, a single payment of £500 shall be paid for each period of self-isolation. Payments will be made direct to the applicant's bank account within 3 working days, starting with the date of application.
- 8.2 Where further information or evidence is required from the applicant, the Council will look to make payment within 3 working days starting with the date when all of the required information is received.
- 8.3 Full details of the applicant's bank account must be supplied on the application form and this will be cross checked with the copies of the bank statements provided as part of the verification process.
- 8.4 As required by Government, payments can only be made to the applicant's bank account. No payments can be made to third parties whatsoever.
- 8.5 The Council is aware that in some cases, applicants may be overdrawn and may not be able to gain access to the payment. In these cases, the applicant may apply for protection. This protection is called a 'first right of appropriation of funds order'. More details of this can be obtained from from Citizens Advice.

9. Notification of Decisions

- 9.1 Applications for discretionary payments will be considered by officers of the Council and all decisions made by the Council shall be notified to the applicant either in writing or by email.

10. Implications for other benefits and reductions

- 10.1 The Council has been advised by the Department for Work and Pensions (DWP) that all Test and Trace Support Payments (of any type) will be disregarded for the purposes of all means-tested benefits.
- 10.2 The Council has decided that any payment made under this scheme shall not affect entitlement to Council Tax Reduction.

11. Review of Decisions

- 11.1 Whilst there is no statutory appeal process, the Council will operate an internal review process and will accept an applicant's request for an appeal of its decision by a senior officer.

- 11.2 All such requests must be made in writing to the Council, within 5 days of the Council's decision, and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal. The application will be reconsidered as soon as practicable, and the applicant informed in writing or by email of the decision.

12. Complaints

- 12.1 The Council's 'Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this scheme.

13. The Test and Trace Discretionary Payments Scheme and its relationship with the Standard Scheme

Standard Scheme

- 13.1 This 'Standard Scheme' has been determined by criteria set down by Government and is primarily aimed at all applicants who are working or self-employed; are unable to work from home and will therefore have a reduction in income and are in receipt of certain qualifying benefits (Universal Credit; Working Tax Credit; Income-based Employment and Support Allowance; income-based Jobseeker's Allowance; Income Support; Housing Benefit; or Pension Credit).
- 13.2 The receipt of one of those benefits is essential in order for a payment to be made.

Discretionary Scheme

- 13.3 The Council's Test and Trace Discretionary Payments Scheme is for any individual who meets all the required criteria (including the Council's additional criteria) **except** that they are not currently in receipt of a qualifying benefit and they would face financial hardship due to self-isolation. The reason for this could be, for example, that a claim for a benefit has not yet been made or that the individual, whilst normally resident in the UK, is unable to gain access to public funds.

Claiming from the schemes

- 13.4 Individuals who are entitled to a payment from the Standard Scheme are unable to make a claim from the Council's Discretionary Scheme.
- 13.5 However, an applicant who is refused a 'Standard Scheme' payment on the basis that they meet all the criteria **except** that they are not in receipt of a qualifying benefit, will be directed to make an application for a discretionary payment. It should be noted that in all cases, where an individual applies for a discretionary payment, they will have to satisfy not only the basic criteria laid down by Government but also the additional criteria set by the Council.

14. Funding of the Discretionary Scheme

- 14.1 The Council will receive a fixed amount of funding from Government which will be for the four months that the Discretionary Scheme is intended to last. Government has confirmed that **no** additional monies will be given to the Council.
- 14.2 In view of this, and to ensure that discretionary payments are available throughout the period to 31st January 2021, the Council reserves the right to change the Test and Trace Discretionary Payments Scheme at any time to ensure funds go to those who face the most financial hardship.

15. Taxation and provision of information to HMRC

- 15.1 The Council has been informed by Government that all payments under this scheme are taxable. However, the payments will not be subject to National Insurance contributions.
- 15.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.
- 15.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to individuals.

16. Managing the risk of fraud

- 16.1 Neither the Council, nor Government will accept deliberate manipulation of the scheme and fraud. Any applicant caught falsifying information to gain payments will face prosecution and any payment issued will be recovered from them and this may also include other recovery costs.
- 16.2 Applicants should note that, where a Test and Trace Discretionary Payment is paid by the Council, details of each individual applicant will be passed to Government. Applicants should also note that the Council utilises a number of databases and Government systems to verify information in connection with any application submitted.

17. Recovery of amounts incorrectly paid

- 17.1 If it is established that any Test and Trace Discretionary Support Payment has been made incorrectly due to misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

18. The Council's duties in relation to self-isolation

- 18.1 The duty to self-isolate is an important one. Ensuring infected individuals and their close contacts isolate is one of our most powerful tools for controlling transmission.
- 18.2 We know that someone with the virus can remain infectious to other people for up to 10 days after developing symptoms. It can take up to 14 days for individuals to develop coronavirus symptoms after they catch the virus, and in this time, they can unknowingly pass it on to others, even if they don't have symptoms.
- 18.3 Self-isolating helps prevent family, friends and the community from contracting coronavirus, as well as helping to protect the health and care system.
- 18.4 The changes announced by Government on 20th September 2020 and brought into force on 28th September 2020 (as well as providing for the Test and Trace Support Payments Schemes):
- introduce a new legal duty on individuals to self-isolate if someone tests positive or is identified as a contact by NHS Test and Trace;
 - introduce penalties for those breaking the rules, including fines of at least £1,000 and up to a maximum of £10,000 for repeated or very serious offences; and
 - place a new legal obligation on employers that they must not knowingly enable or encourage their employees to break the law on self-isolation.
- 18.5 As part of this, the Council has a duty If it becomes aware, either through post-payment verification checks or through other means, that someone has not self-isolated, to refer the case to the police.
- 18.6 The Council has been informed by Government that, in order to ensure compliance with the new legislation NHS Test and Trace call handlers will be increasing contact with those self-isolating. Police resources will be used to check compliance in highest incidence areas and in high-risk groups, based on local intelligence including acting on instances where third parties have identified others who have tested positive, but are not self-isolating.
- 18.7 The Council will continue to focus on the principle of encouraging, educating and supporting self-compliance.

19. Delegated Powers

- 19.1 The Council has implemented this Discretionary Scheme in line with Government requirements and guidance.
- 19.2 Officers of the Council will administer the scheme and the Director of Service Delivery is authorised to make technical scheme amendments to ensure it continues to meet the criteria set by the Council and, in line with Central Government guidance.

20. Data Protection and use of data

- 20.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.