

Public Document Pack

Executive Member Decisions

Friday, 29th March, 2019

AGENDA

1. **Proposal of Experimental Traffic Regulation Order -
Waiting and Loading Restrictions around Queen
Elizabeth Grammar School (QEGS)**
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Appendix 2 West Park Road QEGS safety scheme plan
EIA-Checklist West Park Rd QEGS

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Date Published: 29th March 2019
Harry Catherall, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Regeneration

LEAD OFFICERS: Director of Growth and Development

DATE: 12th March 2019

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: Shear Brow and Corporation Park

SUBJECT: Proposal of Experimental Traffic Regulation Order – Waiting and Loading Restrictions around Queen Elizabeth Grammar School

1. EXECUTIVE SUMMARY

To inform the Executive Member for Regeneration of the proposal to introduce an experimental Traffic Regulation Order as detailed below and seek approval to make it:-

No Waiting At Any Time.....Burlington St Blackburn
No Waiting No Waiting/No Loading/No Unloading At Any Time.....West Park Rd Blackburn
No Waiting/No Loading/No Loading Mon-Fri 8am-5pm school term only.....Dukes Brow, Blackburn
Bus Stand Mon – Fri 8am-5pm.....West Park Rd Blackburn

2. RECOMMENDATIONS

That the Executive Member:

Authorise the Director of HR, Legal & Governance to advertise and make the proposed Experimental Traffic Regulation Order as per the attached schedule. The order will be made for a maximum of 18 months. If there are no objections, the order can be made permanent by a separate order.

3. BACKGROUND

A safety scheme has been designed in order to improve bus and pedestrian access in the vicinity of Queen Elizabeth Grammar School. The scheme aims to improve road safety and reduce congestion on both West Park Road and Dukes Brow.

Approval is sought to advertise and then make the Traffic Regulation Orders associated with the new restrictions being introduced as part of this scheme.

4. KEY ISSUES & RISKS

No risks arising from this proposal have been identified. The proposal is of benefit to the social and economic well being of the Borough.

5. POLICY IMPLICATIONS

The proposal to make and revoke Traffic Regulation Orders requires delegated approval from the

Executive Member for Regeneration and Chief Officer. Traffic Regulation Orders are required to be published in the local press and on site to comply with the Road Traffic Regulations Act 1984. Directly affected properties are consulted in line with current procedure.

6. FINANCIAL IMPLICATIONS

The cost of making and advertising this Traffic Regulation Order will be approximately £9000 and will be funded from the Local Transport Plan budget.

7. LEGAL IMPLICATIONS

The necessary legal powers to implement this scheme are within the Road Traffic Regulations Act 1984. The advertising of the proposals will enable comments/objections and suggestions on how the experimental order may be improved by variation from members of the public as well as relevant council highway officers.

Experimental orders are predominantly to provide the Highways Authority with a proper period of time to test the effects of a traffic order. An experimental order enables the impact of the new restriction to be examined and potentially minor changes made to address unforeseen issues more readily. For an experimental order the objection period is 6 months which allows people to raise any objections or recommendations they may have with knowledge of how the restriction really works. Hence the recommendation for the review after 6 months is a reasonable and appropriate requirement although additionally the recommendation could be to continue with the experimental order for a further period if it was considered necessary. The order could be modified sooner than the initial 6 months depending on how it was operating and the interim objections and feedback that was being received.

The experimental period will allow the council to make the necessary adjustments although it should be noted that every time an experimental order is modified, the 6 month objection period starts again

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Members of the public will be given the opportunity to comment on the experimental order during the first 6 months from its implementation.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to a ~~Page 6~~ the Monitoring Officer and the Section 151

Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Gina Lambert
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DATE:	12 th March 2019
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BACKGROUND PAPER:	Appendix 1 - schedule
	Appendix 2 - plan

QEGS ROAD SAFETY SCHEME
SCHEDULES

NO WAITING AT ANY TIME

Street	Side	Location
ADELAIDE TERRACE BLACKBURN,	west	from a point 55 metres north west of its junction with the centreline of Preston New Road for a distance of 55 metres in a north westerly direction

NO STOPPING EXCEPT BUSES

Street	Side	Location
WEST PARK ROAD,	south	from a point approx 30 east of the centre line of Park Crescent for a distance of approx 150m in an easterly direction

NO WAITING MON-FRI 8AM-5PM SCHOOL TERM TIME ONLY

Street	Side	Location
DUKES BROW,	south-west	from the centre line of Hope Terrace to the centre line of Adelaide Terrace
WEST PARK ROAD,	north	from a point approx 50m east of the centre line of Park Crescent for a distance of approx 130m in an easterly direction

NO LOADING /UNLOADING AT ANY TIME

Street	Side	Location
WEST PARK ROAD,	east	from the centre line of Preston New Road for a distance of approximately 55 metres in a northerly direction
WEST PARK ROAD,	west	from the centre line of Preston New Rd for a distance of approx 238m in a northerly direction

NO LOADING/UNLOADING MON-FRI 8AM-5PM SCHOOL TERM TIME ONLY

Street	Side	Location
DUKES BROW,	south-west	from the centre line of Hope Terr to the centre line of Adelaide Terr
WEST PARK RD,	north	from a point approx 50m east of the centre line of Park Crescent for a distance of approx 130m in an easterly direction

SCHEDULE OF REVOCATIONS

COL. 1	COL. 2	COL. 3	COL. 4
Item No.	Road Name	Side of Road	Extents
Items to be removed from: THE BOROUGH OF BLACKBURN (VARIOUS STREETS) (NO.1) (PROHIBITION OF WAITING) ORDER 1977			
No waiting at any time			
1	ADELAIDE TERRACE	west	from a point 48 metres north-west of its junction with Preston New Road to its junction with Burlington Street
3	BURLINGTON STREET	south	from its junction with Adelaide Terrace for a distance of 9 metres in a south-westerly direction

Items to be removed from:
THE BOROUGH OF BLACKBURN WITH DARWEN (BLACKBURN TOWN CENTRE) (TRAFFIC MANAGEMENT) ORDER 2012

Limited Waiting 3 hours, No return within 4 hours Mon-Sat 8am-6pm

1	WEST PARK ROAD	north-east	From a point 49.5 metres north west of its junction with Preston New Road For a distance of 178 metres in a north westerly direction
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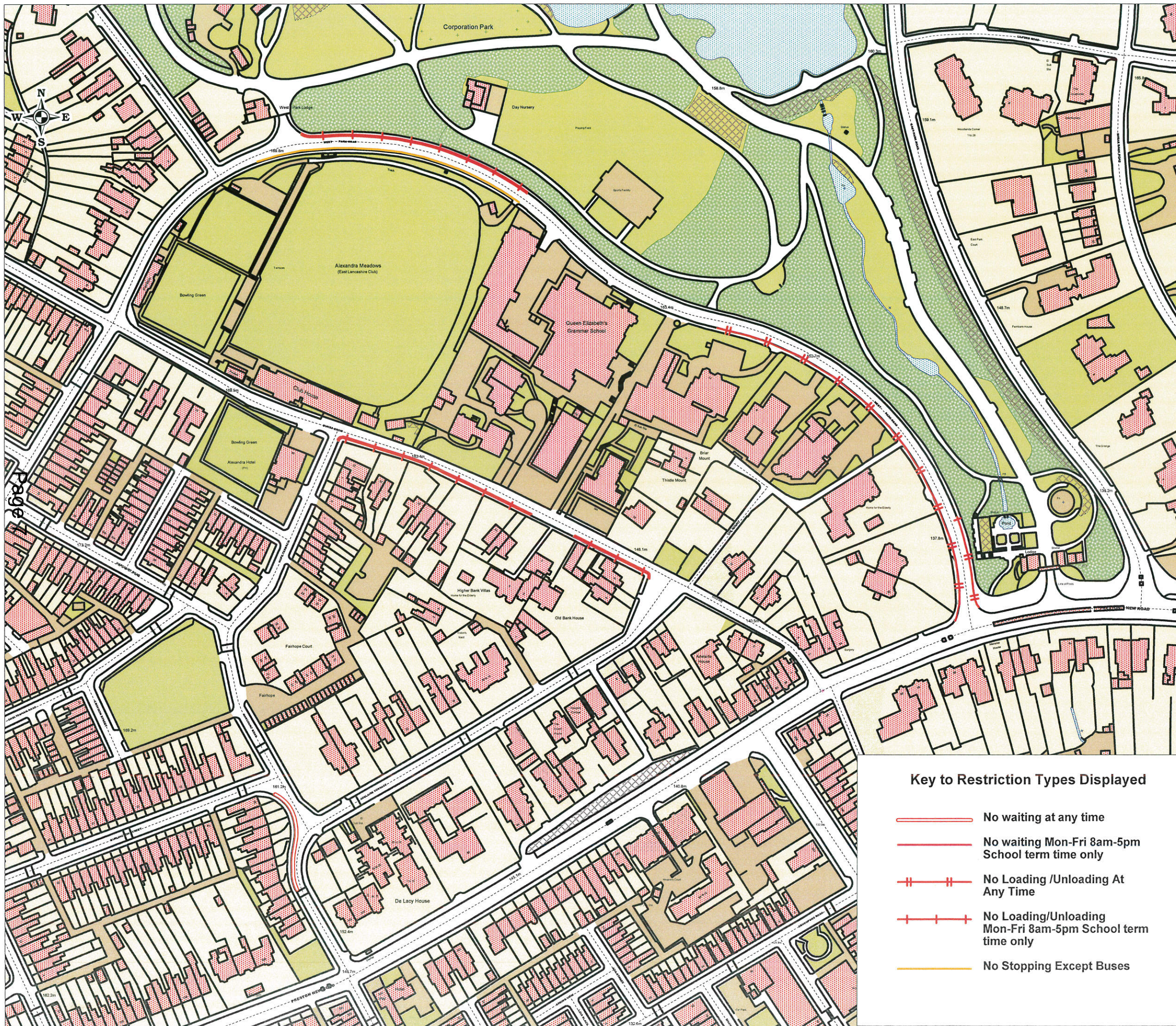
Items to be removed from:
THE BOROUGH OF BLACKBURN WITH DARWEN (VARIOUS STREETS) (no 2) (PROHIBITION AND RESTRICTION OF WAITING AND REVOCATION) ORDER 2017

No waiting at any time






1	EAST PARK ROAD	west	From a point 15 metres north of its junction with Lilford Road for a distance of 58 metres in a southerly direction
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Limited Waiting 2 hours, No return within 3 hours Mon-Sat 8am-6pm

3	EAST PARK ROAD	west	From a point 53 metres north west of its junction with Preston new Road for a disatnce of 237 metres in a north westerly direction
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Key to Restriction Types Displayed

-  No waiting at any time
-  No waiting Mon-Fri 8am-5pm School term time only
-  No Loading /Unloading At Any Time
-  No Loading/Unloading Mon-Fri 8am-5pm School term time only
-  No Stopping Except Buses

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DRAWING TITLE
**West Park Road
 Qeys Safety Scheme**

SCALE 1 : 2000

DATE 27/03/2019

DRAWING No.

DRAWN BY

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Traffic	Date the activity will be implemented	12/04/2019
Brief description of activity	Proposal of Experimental Traffic Regulation Order – Waiting and Loading Restrictions around Queen Elizabeth Grammar School		


Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	
E&D Lead Signature	Gwen Kinloch
Date	12/03/2019

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Resources Executive Member for Children's Services, Young People and Education
LEAD OFFICERS:	Director of HR, Legal and Corporate Services Director of Children's Services
DATE:	20/12/2018

PORTFOLIO/S AFFECTED:	Resources	Children's Services, Young People and Education
WARD/S AFFECTED:	All	

SUBJECT: Redundancy Policy for Schools

1. EXECUTIVE SUMMARY

The Redundancy Policy, Guidance and Appendices have been updated to ensure that we continue to meet statutory and legislative requirements and best practice.

2. RECOMMENDATIONS

The Executive Member for Resources and the Executive Member for Children's Services, Young People and Education are asked to approve and sign off a revised Redundancy Policy for Schools.

3. BACKGROUND

The Policy, Guidance and Appendices have been updated as part of a normal three year cycle to ensure that we continue to meet statutory and legislative requirements and best practice concerning the redundancy process. The policy, guidance and appendices including the selection matrix have also been reviewed to make them simpler and more user friendly.

Following the application of the selection matrix, it has been updated to clarify that should scores be equal then the school reserves the right to select the individual whose dismissal for redundancy would have the least financial impact, however if that right is not exercised, then a competitive interview will be used as the deciding factor.

4. KEY ISSUES & RISKS

None

5. POLICY IMPLICATIONS

There are no new policy implications

6. FINANCIAL IMPLICATIONS

There are no new financial implications

7. LEGAL IMPLICATIONS

The introduction of competitive interview in a tie-break situation results in no new legal implications as this is a transparent, factual and evidence based way to determine a decision.

8. RESOURCE IMPLICATIONS

There are no new resource implications

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Consultation has taken place with key stakeholders and Trade Unions via policy development meetings and Schools' LNJCC.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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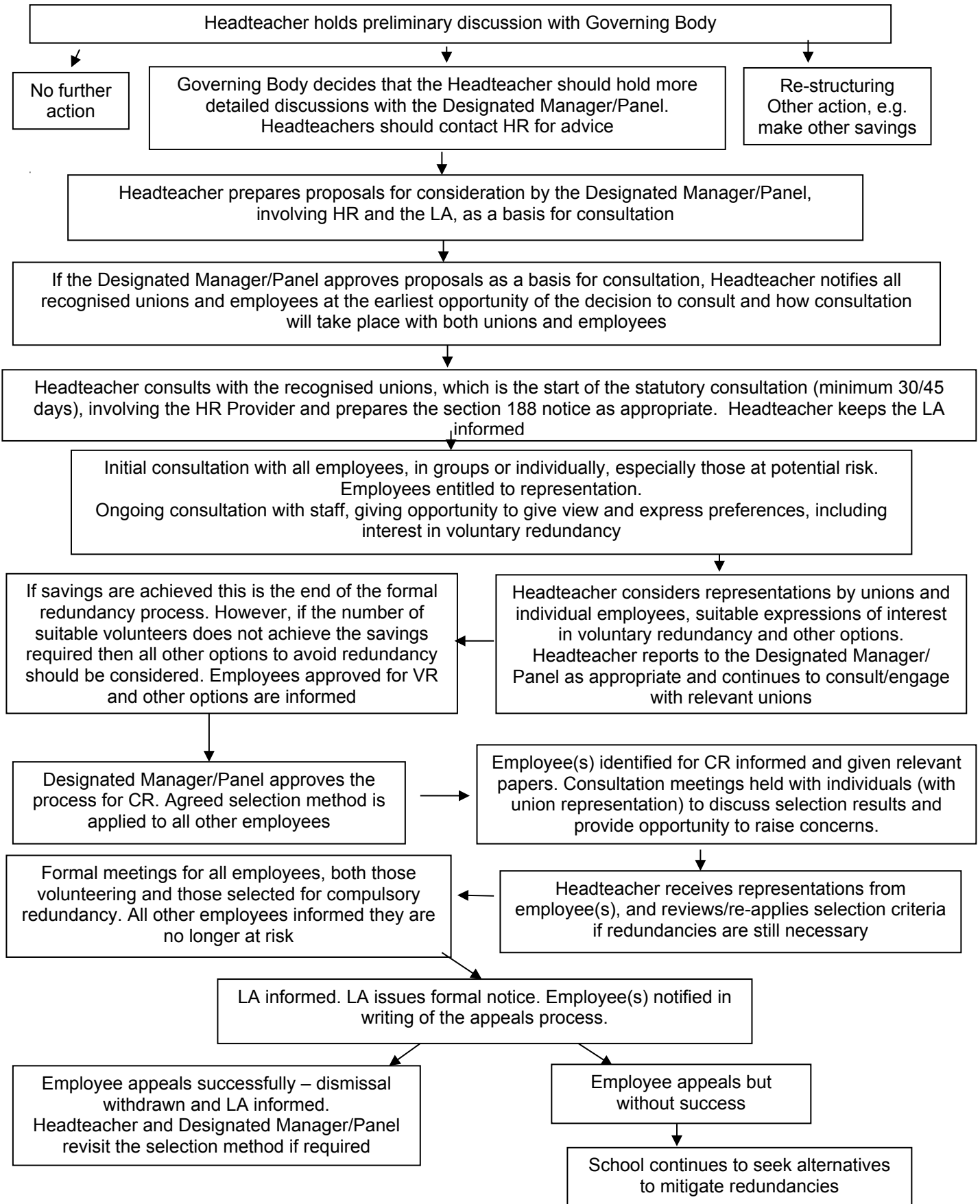
CONTACT OFFICER:	Sally-Ann Wolstenholme
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DATE:	20 th December 2018
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BACKGROUND PAPER:	Redundancy Policy for Schools
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REDUNDANCY PROCESS FOR SCHOOLS

(This should be read in conjunction with the Policy and Guidance)





GUIDANCE FOR USING THE REDUNDANCY SELECTION MATRIX

During times of change it is essential the school retain a competent and balanced workforce who display appropriate behaviours to enable the school to meet future challenges, commitments and needs of the business. The redundancy selection matrix provides a method of selection taking into account as many relevant factors as possible to give a fair and consistent approach to selection.

The matrix is used where there is a reduction in the number of the same posts. Where posts change or combine a number of posts thus resulting in a new job, interviews are a more appropriate form of selection.

It is essential that a consistent approach is used and that scores can be evidenced by file notes, appraisals, 1 to 1's, data, minutes etc, as scores will be challenged and so must be evidenced by supporting documentation alongside supportive development plans and actions and subsequent improvement. Prior to the application of any scores, Managers, the HR Provider and a Union representative must agree the scoring criteria that will be applied to the pool, these must be pertinent to the post and / or the future needs of the post.

General Points for consideration.

Criteria must be agreed prior to applying a selection matrix. A minimum of 3 criteria should be used for performance, capability and behaviours

In exceptional circumstances weighting may be applied. Weighting must be justified and agreed with recognised Trade Union representatives and the HR Provider prior to scoring. The relevant manager will objectively assess employees against the agreed Selection Matrix. Following that process, the school will designate a second manager to undertake verification of the procedures followed, with the support of the HR provider.

Care should be taken when gender and disability have an impact on scores.

Employees may see their own scores and be allowed to challenge / discuss their scores but they cannot see the scores of other employees.

As part of the consultation process, managers must meet with individuals to share their scores and allow a discussion on the results. This must be several days prior to the end of consultation to allow employees to review their scores and managers to consider any challenge and additional information. The manager should explain how and why the scores were reached and allow the employee to challenge any score they feel is inaccurate or unfair. The employee's

concerns must be considered along with any supportive evidence and scores amended if applicable. A further meeting will be held to confirm final scores.

Absence

Absence is scored over the previous 2 years starting from the date employees were placed at risk. Each full year is scored separately from factual information following the calculation in the matrix.

Where an employee has not completed 2 years, scores are to be pro rata to service.

For employees on maternity/adoption/paternity leave the previous 2 years prior to the maternity/adoption/paternity leave commencing should be used.

Where an employee does not work 5 days per week and has been absent for a full week or multiples of full weeks an additional calculation is required to ensure they are not advantaged as follows:-

Take the total score and divide by the number of days worked and then multiply by 5.

Performance and Capability

Relevant performance, capability and behavioural criteria must be agreed with manager, the HR provider and recognised trade unions prior to applying scores. Scores must be justified and be able to be evidenced via documentation such as file notes, appraisals, 1 to 1's, OHU reports, data etc.

Care must be taken that employees are only scored once for the same thing. For example, a file note or management instruction should not be scored if the issue went on to be a formal measure, in such cases the formal measure score would be used.

The Teachers' Standards outlines expected behaviours of teachers and should be considered when applying scores to this factor.

Examples of criteria that may be used are given below but each school must only use criteria that is relevant to the department and the post that is at risk. (The list is not exhaustive).

- Demonstrated ability to teach certain age groups
- Demonstrated ability to teach across several key stages or a range of curriculum subjects
- Maintains and keeps records up to date
- Plans and teaches well-structured lessons
- Regularly meets deadlines and targets
- Regularly receives good feedback from appraisal process
- Accurate and timely performance of work duties
- Plans and prioritises workload appropriately
- Improves teaching to respond to the strengths and needs of all pupils
- Manages behaviours effectively to ensure a good and safe learning environment

Skills, knowledge and experience

Skills – should be considered along with knowledge and experience. The job description and person specification will assist in identifying relevant criteria.

Prior to application of scores consideration must be given to the skills required to carry out the post or the future requirements of the post / school. These should be listed and agreed with union representatives and the HR Provider prior to application.

Examples of Skills may include some of the following. The list is not exhaustive and again, schools should only use criteria that are relevant to the department and the post that is at risk.

- Number of years' relevant experience of the work
- Skills/experience relevant to the management needs of the school
- Particular specified subject/curriculum expertise
- Recent training undertaken
- Specific required skills/experience (SEN, EAL, Excel, Outlook, IT and media skills)
- Interpersonal skills
- Excellent communication skills
- Work effectively with support staff/colleagues
- Understanding of all relevant policies and procedures

Qualifications

This factor can be discounted where a qualification is essential and therefore everyone in the pool has the qualification. Consideration should be given to qualifications that are relevant to the post and those that may be utilised for the future needs of the school and agreed with union representatives and the HR Provider.

Disciplinary and Conduct

Factual from records from the last 2 years up to the end of consultation.

Should formal hearings be completed during the consultation period or later during notice periods that would affect the score these should be taken into account at the relevant time and scores adjusted accordingly.

Loyalty Service

Factual from Records (Should include service defined as continuous Local Government Service as stated in the Redundancy Payments - Local Government (Modification Order) 1999 and covered by the Burgundy Book).

Remember employees have a right of appeal against being dismissed for reason of redundancy. Clear communication in the consultation stage and explaining scores to employees will assist in their understanding of their scores and may reduce appeals.

Tie-breaker

Following the application of all criteria used in this selection process, should scores be equal then the school reserves the right to select the individual whose dismissal for redundancy would have the least financial impact on the school.

If that right is not exercised, then competitive interviews between those with equal scores will be used as the deciding factor.



REDUNDANCY SELECTION MATRIX

Managers should read this in conjunctions with the Selection Matrix Guidance (Appendix B), the Redundancy Policy, and Guidance documents.

The selection matrix is an assessment tool which is applied in redundancy situations where a reduction is required in the number of the same posts. Agreed criteria must be applied fairly and consistently and must be supported by documentation to evidence the points awarded.

The policy will apply to all school employees who are at risk of redundancy and are being considered as part of a 'pool'.

During times of change it is essential the school retain a competent and balanced workforce appropriate to the future needs of the business. There is a need to retain employees who demonstrate good performance, skills, knowledge and desirable behaviours.

The redundancy selection matrix provides a method of selection where employees are evaluated against key criteria relevant to their area of work. Where there is no supporting evidence or evidence is inconsistent across the 'pool' employees must be awarded the same score.

The relevant Manager / Managers will objectively assess employees against agreed criteria and will discuss with individuals during the consultation process.

The maximum points that can be achieved will vary dependant on how many performance criteria are used.

Attendance	30 points (15 points for each of the previous 2 years)
Performance, Capability and Behaviour	15 points for each criteria
Skills, Knowledge & Experience	15 points
Qualification	15 points
Disciplinary & Conduct	25 points
Loyalty Service	10 points

Attendance Scoring

The calculation will be over each 12 month period (the 2 year period from the date employees placed 'at risk') – 15 points per year.

Calculation:

$$\text{Score} = \frac{a^2 d}{2}$$

(Occasions x Occasions x Total Number of Days of Absence in Year / 2 = (score))

Scores will be applied to the matrix as below:

Absence Score	Matrix Points
0	15
1-3	14
4-7	13
8-12	12
13-18	11
19-25	10
26-33	9
34-42	8
43-52	7
53-64	6
65-78	5
79-94	4
95-112	3
113-133	2
134-157	1
158 and above	0

Please note – scores for any part time staff must be pro-rated appropriately to maintain equal treatment.

Maximum score for attendance 30 points. 15 points per year.

Performance and Capability

Criteria applied should be applicable to the post using as many key points as required, (15 points maximum for each criteria). It is recommended a minimum of 3 performances / competence criteria relevant to the post are used and scores applied to each as below.

Examples of criteria might be as below with a maximum of 15 points awarded to each:-

- Improves the teaching to respond to the strengths and needs of all pupils
- Works flexibility across the department
- Records are accurate and up to date

Weighting can be applied if required and justified.

Behaviour considerations to be in line with the Teachers' Standards integral to the performance and capability of the employee.

The following will apply to each Criteria:-

Performance & Capability regularly falls short of what is expected, may have received a formal caution/ notice of improvement or there are documented performance issues.	0 points
Performance & Capability is generally satisfactory but occasionally falls short of what is expected	5 points
Performance & Capability is consistently achieved to a satisfactory standard	10 points
Performance & Capability is consistently above the requirements and is often outstanding	15 points

Skills, Knowledge and Experience

The application of points for Skills (which can include knowledge and experience) must be predetermined and relevant to the post. Skills applicable to the post which have been considered in the scoring should be listed and agreed in advance.

Consideration must be given to the skills required to carry out the post or the future requirements of the post / school

Does not demonstrate the skills, knowledge and experience required for the ongoing needs of the post, extensive training would be required.	0 points
Has most of the relevant skills, knowledge and experience to carry out the duties of post and only minimal training would be required to meet the needs of the organisation.	5 points
Has a full range of skills, knowledge and experience required for the post and future requirements of the post.	12 points
Has full range of skills, knowledge and experience some of which are specialist which can be immediately utilised or have been identified as beneficial to the future work of the school.	15 points

Qualifications – Agreed Qualifications relevant to the post or future needs of the post/school.

Absence of relevant qualification(s) normally expected in this type of post.	0 points
Working toward or part qualified in relevant qualification.	5 points
Possession of relevant qualification.	12 points
Possession of relevant or desirable qualification relevant to the post and possesses other qualifications that could be utilised for the future needs of the school.	15 points

Disciplinary and Conduct

No Issue	25 points
Verbal Warning / 1 st Written	15 points
Written Warning / 2 nd Written	5 points
Final Warning / Final Written	0 points

Loyalty Service

Loyalty Service 10 years	10 points
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5- 10 years	8 points
2 – 5 years	5 points
Under 2 years	0 points

TRANSFER ALL SCORES TO THE INDIVIDUAL SCORE SHEET

INDIVIDUAL SELECTION MATRIX ASSESSOR SCORECARD

Name of Employee:		Department:	
Unit of Selection:			

Name of Assessor:		Date of Assessment:	
Assessor's Job Title:			

	Criteria: <i>Add or delete points as required.</i>	Score
1	Performance & Capability	
	1.	
	2.	
	3.	
	4.	
	5.	

	Criteria: <i>Add or delete points as required.</i>	Score
2	Skills, Knowledge and Experience	
	1.	
	2.	
	3.	

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Criteria: <i>Add or delete points as required.</i>	Score
Qualifications	
1.	
2.	
3.	

Criteria: <i>Add or delete points as required.</i>	Score
Attendance record	

Criteria: <i>Add or delete points as required.</i>	Score
Length of service	

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Assessor's Signature	Print Name	Date

Redundancy Calculation Matrix

Appendix E

REDUNDANCY CALCULATION TABLE FOR AGE AND YEARS OF SERVICE																			
Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)																			
18	1	1½	2	-															
19	1	1½	2	2½	-														
20	1	1½	2	2½	3	-													
21	1	1½	2	2½	3	3½	-												
22	1	1½	2	2½	3	3½	4	-											
23	1½	2	2½	3	3½	4	4½	5	-										
24	2	2½	3	3½	4	4½	5	5½	6	-									
25	2	3	3½	4	4½	5	5½	6	6½	7	-								
26	2	3	4	4½	5	5½	6	6½	7	7½	8	-							
27	2	3	4	5	5½	6	6½	7	7½	8	8½	9	-						
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	10	-					
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	11	-				
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	12	-			
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	13	-		
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	14	-	
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	15	-
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	16
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

Format of Appeal Meetings

1. The Chair of the Panel will introduce all parties and explain the format of the meeting.
2. The Manager(s) (who did the scoring and verified it) will present a report at the hearing and can call witnesses as necessary.
3. The employee/their representative can question the Manager and any witnesses called at the end of the presentation and/or each witness.

The panel will also have an opportunity to ask the Manager questions and of each witness called.

4. The employee/their representative will present their case and can call witnesses as necessary.
5. The Manager can question the employee/representative and any witnesses called at the end of the presentation and/or each witness.

The panel will also have an opportunity to ask the employee or their representative questions and of each witness called.

6. The Manager will make a closing statement.
7. The employee/their representative will make a closing statement.
8. At any stage during the hearing the members of the Appeals Panel (including the HR, LA and diocese representative/s) can question any person who has made a statement or attended as a witness for further clarification.
9. The Manager and employee/their representative shall withdraw from the meeting and the Appeals Panel make a decision, in private. Advice given by the LA representative must be considered by the Panel. In the case of aided schools where advisory rights have been accorded, this shall apply to the representatives of the LA and the Diocese.
10. Once a decision is made the parties will be recalled and the decision shall be conveyed orally to both parties. It will be confirmed in writing within 5 working days. If it is not possible to make a decision on the day the decision will be confirmed in writing to be received within 10 working days of the appeal meeting.

NB If witnesses are called by either party they will only be in attendance for the time required for them to present their evidence.



Redundancy Guidance – Schools

Contents

1. Introduction
2. Scope
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Appendix A - Redundancy Process

Appendix B - Selection Matrix Guidance

Appendix C - Selection Matrix

Appendix D - Selection Matrix Form

Appendix E - Redundancy Calculation Matrix

Appendix F - Format of Appeal Meetings

This is not intended to be an exhaustive document and the guidance should be read in conjunction with the Schools' Redundancy Policy.

1. Introduction

This document aims to provide guidance on how to apply the Redundancy Policy. The School will aim to fully consult with employees and recognised trade union



representatives at the earliest opportunity. The School also recognises that there is a duty to seek to find suitable alternative employment for any employees that are at risk of their employment being terminated due to redundancy.

There may be a need identified for a reorganisation i.e. changes in circumstances, organisational requirements and technological developments, which may affect staffing needs. Managers should consult Human Resources (HR) and the Local Authority (LA) at the earliest opportunity in order to discuss the implications of the proposed change so that any impact can be fully considered and to agree an appropriate level of HR support.

It is expected that all employees and managers will fully participate in applying the policy to ensure that employees are given the best opportunity to be successfully redeployed. Also a fundamental aim of the policy is that all redundancies will take place in a fair and transparent manner.

Redundancy will not be utilised as an alternative to the proper management of performance issues. Where there is concern over an employee's performance the capability/competency procedures should be used. Similarly, performance management will not be utilised to avoid the cost of what would otherwise be a redundancy situation.

2. Scope

The Policy applies to all employees in schools within Community and Voluntary Controlled schools where the Local Authority (LA) is the employer. This includes Headteachers, Deputy Headteachers and Assistant Headteachers, Teachers and Support Staff. This includes those on permanent, temporary or fixed term contracts although please note that redundancy rights may differ depending on whether an employee is permanent, and the length of their service. Please contact HR for further advice.

This policy is commended to all other schools in the borough and should be adopted by Governors accordingly.

3. Definitions

These are set out in the Policy but please note the following:



Designated Manager/Panel –the panel should normally consist of 3 Governors. Where there are not enough Governors available at the meeting this could, by agreement on both sides, be delegated to 2 Governors, however advice should be sought from the Director of Children Services on how to proceed. No employee of the school can be eligible to be a member of the panel.

Appeals Panel - Where there are not enough Governors the appeal may be heard by 2 Governors but there should be no fewer than the number that made the initial decision.

4. Roles & Responsibilities

This has been covered in the Policy.

5. Principles

This has been covered in the Policy.

6. Legal Framework

6.1 Redeployment

Redeployment support for individual employees should start as soon as reasonably practicable after they have been identified as at risk of their employment being terminated due to redundancy.

Redeployment will normally be to alternative employment commensurate with the employee's experience, skills and abilities and, where practicable and appropriate, at a status and level of remuneration comparable with the former position.

Reasonable training in order to undertake the role, mentoring or other support (such as opportunities to work shadow) will be provided where this will assist in successful redeployment to another role.

Offer of suitable alternative work

Wherever possible suitable alternative work will be sought and if a suitable alternative is identified the employee should be given sufficient details to enable them to decide whether or not to accept. When considering whether alternative work is suitable the following factors would normally be considered such as pay, duties, status, location, working environment or hours of work.



In the event that a member of staff receives an offer of employment from another employer covered by the Redundancy Payments (Local Government) (Modification Order) before their contract ends with the School and they take this offer up within 4 weeks of their effective date of redundancy then redundancy pay will not apply. In the event that the redundancy payment had already been made, the employee would be required to repay.

Trial periods

All employees who are offered an alternative suitable position and served notice of redundancy have a statutory right to a four week trial period in an alternative post (unless the role is very similar to their substantive role). The trial period has two purposes. One is to provide the employee with an opportunity to decide whether the new job is suitable without necessarily losing their right to a redundancy payment and the second is to provide the employer with the opportunity to assess the employee's suitability for the role. This four week trial period can be extended where retraining is required but this should be confirmed in writing, clearly outlining the date on which the trial period will end.

Trial periods may be extended beyond four weeks, by agreement, for the purposes of retraining or where holidays have coincided. The extended trial period must be set out in writing before the start of the new contract, specifying the date on which the period of retraining will end and the terms and conditions that will apply at the end of the retraining period. Retraining during the trial period may take the form of "on-the-job" or formal "off the job training" or a combination of the two dependent on the circumstances of the case. The period should also be a reasonable duration to allow for satisfactory standards and performance in the new role.

Regular progress meetings will be held throughout the trial period and the employee will be given reasonable assistance, if necessary to reach the required standard of performance.

Where the relevant manager considers suitability has been demonstrated during the trial period, the position will be offered in writing on the terms and conditions applicable to the post.

Where the relevant manager considers that the employee has not demonstrated suitability in the post during the trial period, the employee will return to their original post, unless the date on which redundancy would have otherwise occurred has been passed, in which case the employee's employment will be terminated.



Salary Protection Arrangements

These are set out in full in the Redundancy Policy Appendix 1.

6.2 Redundancy Pay

Redundancy payments are based on an employee's age and length of service as per the matrix shown in Appendix E. All employees who are eligible to receive redundancy payments will be given a written notification of the way in which their redundancy payment has been calculated.

In order to qualify for redundancy, employees must work up to the date on which the notice of redundancy expires. Employees wishing to leave before that notice expires may only do so with the School's prior agreement. The School's consent will not be unreasonably withheld but will take into consideration the timescales involved along with the potential for suitable alternative employment becoming available.

An employee is not eligible for a redundancy payment if before the end of their current employment they accept an offer of employment with an employer listed within the Redundancy Payments (Local Government) Modification order where this new employment is due to start within 4 weeks of their effective date of redundancy. In these circumstances the employee's service will be treated as continuous.

7. Notification to the LA

In Schools where the Local Authority (LA) is the employer, the Headteacher and/or Governing Body must consult with the LA (Director of Children's Services) and their HR Provider for advice at the earliest opportunity, and prior to any hearing being arranged in cases which may potentially result in the dismissal of an employee. Schools should also consult with the LA when considering a settlement agreement.

All community, voluntary controlled, community special and maintained nursery schools should note the following:

- that when arranging a hearing or appeal hearing to consider dismissal they should notify the LA, the LA may then make the decision that a LA representative will be on the panel;
- in cases where the LA is not on the panel, the school should inform the LA of their decision before communicating this to the employee;
- the panel has a duty to consider the views of the LA and document these and any reasons why they are not taking account of their views.



8. Formal procedure

8.1 Initial Notification and Wider Communication

Consideration needs to be given to communication about organisational changes with those not directly affected by the change but who need to be aware. This may range from others in the immediate team to the whole department to all School employees and may also include people outside the School, for example parents or service users.

8.2 Employer Consultation

The overriding objective of consultation by the School will be to consider ways of avoiding redundancies, reducing them to a minimum and/or mitigating the consequences of the dismissals.

For further details regarding duty to consult, formal notification to the Secretary of State and recognised trade union consultation please refer to the Redundancy Policy.

8.3 Collective and Individual Consultation

Any employee(s) who may be affected more severely by the proposals than others, for example their post is to be deleted, should be advised individually before any collective meeting. Collective meetings may take place with the employees as appropriate and individual consultation meetings will be offered to each employee affected, including anyone that may be absent from work e.g. those on maternity or sick leave. Employees will also be advised that they may be accompanied at meetings by a recognised trade union representative or a work colleague. In most instances it would be appropriate to communicate these changes by individual letters to all employees.

Employees will be informed at the consultation meeting of how they are likely to be affected by the proposed changes. This will include informing those employees who are at risk of redundancy, discussing the reasons for their selection and also discussing options that may be available to them.

Following this individual consultation meeting, the employee will receive a letter outlining the discussions of the meeting, and where appropriate, confirming the employee at risk of redundancy. In some circumstances it may be necessary to hold more than one individual consultation meeting, however, this will be dependent on the individual circumstances.



All employees should be made aware that the consultations are on the basis of proposed changes and that final decisions will not be made until after the consultation exercise has been completed.

8.4 Consultation Outcomes

8.4.1 Identifying employees 'at risk' of redundancy

There are a number of factors that must be taken into account when considering how to identify a pool of employees to be placed 'at risk' of redundancy. The size of the selection pool should be kept as large as possible in line with employment contracts. Managers **must** seek HR advice and guidance when determining what criteria are applicable.

8.4.2 Alternatives to Compulsory Redundancy

Set out below are all the measures that may be considered in a potential redundancy situation. Whether a particular measure is relevant will depend on the nature of each situation and subject to the School's operational and financial considerations.

Non-filling/Deletion of Vacant Posts

Where this is proposed, consideration should be given to the impact on remaining employees and consultation should take place accordingly.

Termination of Casual/Temporary Contracts

Where appointments have been made on a casual or temporary basis i.e. with less than 2 years' continuous service in anticipation of organisational change consideration should be given to terminating those contracts if doing so would avoid or minimise any redundancies of permanent employees. The manager should consult with HR and the recognised Trade Unions where this is the case.

Termination or Reduction of Overtime

Where contractual overtime is in place, or voluntary overtime is worked regularly, consideration should be given to ceasing or reducing this if appropriate. However, as such changes could amount to a variation of the employment contract, you must consult HR if you are considering such a course of action.

Alternative working arrangements such as reduced hours and/or job share

Alternative working arrangements may be appropriate where a potential redundancy situation could be resolved by a number of employees, such as a voluntary reduction



in hours or people voluntarily agreeing to share all the duties and responsibilities of one full-time post rather than one or more employees becoming redundant.

Voluntary Redundancy

In some circumstances, in order to avoid compulsory redundancies, the School will first seek voluntary redundancies from the 'at risk' employees directly affected by the proposed redundancies.

Such requests will be considered through an application process. However, the School retains the right to refuse such applications either on financial grounds and/or in order to retain required skills and experience.

Where employees volunteer who are not 'at risk' of redundancy themselves, but a suitable potentially redundant/'at risk' employee could fill their position through redeployment, then such an application will be considered by management. However, such applications will only be considered after all applications from those staff directly affected have been considered.

Where the number of volunteers exceeds requirements then the decision on which applications to accept will be made based on the requirement to retain the required skills within the department and cost of Voluntary Redundancy including pension. Voluntary Redundancy will also only be considered where there is a clear organisational need and redeployment options have been considered and exhausted.

Early and Flexible Retirement

Subject to the rules of the relevant pension scheme, it may be possible to consider applications for early retirement and/or flexible retirement.

Transferred Redundancy

Transferred redundancy can operate in order to help protect the jobs of employees who would otherwise be made compulsorily redundant. This is done by identifying posts in other schools where employees have volunteered for redundancy on the basis that the school will consider replacing the volunteer by appointing an employee from among those facing compulsory redundancy. This is only in cases where an applicant is deemed suitable by the receiving school.

Re-structures – Ring-fencing/Slotting In

Ring-fence recruitment is the process of appointing to one or more specified posts from within a group of employees who fall within a 'ring-fence'. The ring-fence will include those employees who are vulnerable to redundancy in a particular



reorganisation if their existing posts are deleted. No recruitment from outside the ring-fence will take place until the ring-fence recruitment process has been completed.

Managers must give careful consideration before either 'slotting' existing employees into vacant posts within the new structure or ring-fencing vacant posts to a certain group of employees so as not to place other employees at an unfair disadvantage.

Where a change to a post is minor and the current post holder is already carrying out the majority of the new post within their old job, then it may be deemed reasonable to slot this employee into the new post.

Any ring-fencing or slotting in arrangements should be fully discussed with recognised trade unions and individuals as part of the consultation process.

Ring-fencing will be carried out as agreed during the consultation process. This will normally proceed as follows;

- Where there is only one applicant for a post, the manager will conduct an informal interview to ascertain that the applicant meets the person specification criteria, or could do within a reasonable timescale given appropriate induction support. Notes of the meeting should be kept.
- Where there are two or more applicants for a post, the manager will carry out a more formal selection process which will include competitive interviews and may include selection tests.
- The manager will take account of the results of the interview and tests together with the skills and experience of the applicants, and any relevant qualifications, in determining who should be appointed to the post.

8.5 Selection process and criteria

If all other options to avoid compulsory redundancies have been considered, but do not achieve the required outcome, then the selection process must be carried out to identify employees for compulsory redundancy. The overall selection process (selection and verification) will be carried out by two managers.

The criteria should be clear, objective, precisely defined and capable of objective substantiation. Please refer to the Redundancy Policy and Appendix B for the



selection criteria that may be used as a basis for consultation with the recognised trade unions.

Selection for redundancy will be based on evidence and data from records held as well as any other information volunteered by the employee on a skills and experience summary sheet (completed in consultation with HR support if necessary). The information gathered will be used to assess a score for the individual against each selection criteria. Individuals will have the opportunity to verify any information extracted from their own personal records which is to be used in selecting employees for redundancy.

A written record will be kept of the assessment for each individual employee and the reasons for the decisions. The manager will use the assessment to select those employees who will be retained and those who will be redundant. Where possible, the details will be anonymised to ensure objective selection.

Individual employees will be given feedback by the relevant manager on the redundancy selection assessment as soon as possible after completing the exercise. Employees will receive factual details of their own results but not the factual results of other employees.

In a restructuring situation redundancy selection is likely to take place through the process of ring-fencing new posts. (See section 8.4.4 of the policy and Section 8.4.2 of this guidance). Selection for redundancy will not be necessary if specific posts are to be deleted e.g. where all posts in a particular team are to be deleted.

Verification

Following the selection process, the School will designate a second manager to undertake verifying the procedures followed, with the support of the HR Provider.

That role will be to verify the assessment paperwork, to ensure correct interpretation of the matrix and to ensure consistency of treatment across any given unit of selection, excluding any opportunity for bias.

If it is discovered that there is a fundamental flaw in the way the assessment has been carried out by the designated people, the whole unit will be re-assessed. An example would be where managers have incorrectly interpreted the matrix.



8.6 Employee Notification of Selection Outcome

The manager will consider any comments from the employee and document these.

8.7 Formal issue of Notice Entitlement

The notice entitlement (which is confirmed at this stage) is detailed in Section 6.6 of the policy document.

8.8 Appeals

Rights to appeal against dismissal are detailed in the policy document.

9. Additional Considerations

9.1 Employees on Maternity/Adoption/Parental Leave

Please seek further HR Advice if any employees affected by redundancy are due to go on or are already on Maternity/Adoption/Parental Leave.

If a post is to be made redundant while the postholder is on maternity, paternity or adoption leave, care should be taken to ensure that the employee is not unfairly treated or disadvantaged and advice should be sought from Human Resources.

Further guidance should be sought from your HR Provider and can be found on the ACAS website:

<http://www.acas.org.uk/media/pdf/r/f/Managing-redundancy-for-pregnant-employees-or-those-on-maternity-leave-accessible-version.pdf>

10. Support for Staff on Notice of Redundancy

Employees who have been issued with notice of redundancy will be given reasonable amount of paid time off to look for new employment or to arrange training for future employment. Requests for time off should be made by the employee to their line manager.

Although the School will do what is reasonably possible to assist the employee to secure alternative work, there is also a responsibility which falls on the employee to seek out opportunities. The School expects all its employees at risk of redundancy to co-operate fully in its efforts to minimise the effects of the redundancy.



11. Record Keeping and Confidentiality

It is essential that confidentiality is maintained regarding any information relating to an employee. Only parties directly involved should have access to relevant information other than where such information is requested by law. Any failure to maintain confidentiality by an employee of the school will also be dealt with under the Disciplinary Policy.

The General Data Protection Regulation (GDPR) provides all employees with rights over how the organisation holds and uses personal data. Please refer to the School's Privacy Notice and Data Retention information for further information.

12. Further Advice

Headteachers should contact the HR provider for advice regarding the application of this policy and guidance. If schools require specific guidance or the LA's view on any aspect of the policy and guidance they may contact the LA who will be happy to provide advice.

13. Document Control

Date Agreed	12/12/2018
Date of Next Review	December 2021
Review Period	Every 3 Years (Unless there is a change to the organisation or statutory legislation, whichever is sooner)



Redundancy Policy – Schools

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Appendix 1 – Salary Protection Arrangements

This policy must be read in conjunction with the Redundancy Policy Guidance – Schools.

1. Introduction

- 1.1 The policy outlines the legal framework and should be read in conjunction with the guidance which provides a practical approach to handling redundancies and good practice.
- 1.2 The school is committed to avoiding compulsory redundancies wherever possible, however, it is recognised that there may be changes in circumstances, organisational requirements and technological developments, which may affect staffing needs within schools resulting in a reduction in the overall number of employees.
- 1.3 Managers, employees and recognised Trade Unions will work together positively to consider options that would mitigate against compulsory redundancy. Where compulsory redundancy is unavoidable the school will endeavour to handle the situation in the most fair, consistent and sympathetic

manner possible, whilst ensuring it meets its obligation to consider suitable alternative employment.

- 1.4 This policy assumes that the Governing Bodies of Foundation, Voluntary Aided and Foundation Special Schools, have agreed in writing that the LA and, where appropriate, the Diocese can attend meetings, interviews and hearings in an advisory role. In the absence of such an agreement the Secretary of State can make the determination about who can attend these meetings. For Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, the LA has an automatic right to attend in order to provide advice.

2. Scope

- 2.1 This policy applies to all employees within Community and Voluntary Controlled schools where the Local Authority (LA) is the employer. It is also commended to all other schools in the borough and should be adopted by Governors accordingly.

3 Definitions

Redundancy – See statutory definition of redundancy – Section 6.

Manager – the Headteacher, Deputy Headteacher, another member of the school's Senior Leadership Team, Chair of Governors, or another nominated person.

Employee – includes Teachers, Headteachers, Deputy Headteachers, Assistant Headteachers and Support Staff.

Representative – The right to representation includes an official of a recognised Trade Union or colleague; it does not include legal representation.

LA (Local Authority) - means Blackburn with Darwen Borough Council, acting in its capacity as a maintaining local authority for schools in its area.

LA Representative – a representative of the authority including any officer designated by the Director for Children's Services, their role being to advise the Governing Body and the school management team.

Organisation – The organisation is the school.

Designated Manager/Panel – the person or persons who may dismiss or make a determination to dismiss. This will be the Headteacher where the Headteacher has delegated responsibility to dismiss.

Where the Headteacher does not have delegated responsibility, or due to previous involvement is not able to exercise their delegated responsibility, or the Headteacher is being considered for dismissal, this will normally be a panel of 3 Governors.

Appeal Panel – this will normally comprise a panel of 3 Governors.

4. Roles & Responsibilities

4.1 Local Authority will

- support schools with workforce planning whilst balancing organisational requirements;
- provide advice and support to schools;
- where appropriate, attend formal meetings in an advisory capacity;
- support the school in considering and seeking suitable alternative employment;
- (where the LA is the employer): issue the relevant notice to employees affected by redundancy dismissal.

4.2 Governing Body will:

- review at its first meeting in the school year the membership of its committees including any panels which may be needed in connection with redundancies;
- comply with the redundancy policy and be fair and consistent in its application, to be supportive towards employees and to avoid discrimination;
- determine selection criteria in consultation with recognised Trade Unions.
- Confirm what authority will be delegated in the Redundancy process (via the School's Delegated Authority Decisions Sheet).
(where the GB is the employer) issue the relevant notice to employees affected by redundancy dismissal

4.3 Managers will:

- undertake effective workforce planning by considering the current and future needs of the service based on national or local changes, budget requirements, organisational priorities and efficient practices;
- engage with the affected employee(s) at the earliest opportunity regarding any proposed change;
- undertake early and meaningful consultation with employees and recognised Trade Union Representatives;
- ensure the statutory consultation timescales are followed in circumstances where the numbers of employees trigger the requirement;
- outline the reasons behind the proposals and give employees the opportunity to ask questions and put forward ideas or alternatives for consideration;

- keep a record of all individual and group consultation discussions;
- actively consider and respond to the views and ideas of employees throughout the process;
- be objective, fair and reasonable in their decision making and application of this policy;
- provide support appropriate to the circumstance and be empathetic towards employees during this time;
- explore alternatives to redundancy which will mitigate the need for compulsory redundancies;
- explore suitable alternative employment for eligible employees where there is a genuine likelihood of compulsory redundancy;
- offer any additional support to employees, where required;
- seek advice and/or support from their HR Provider and the LA before any proposed action is taken.

4.4 Employees will:

- actively engage in any discussions regarding any proposed changes;
- take the opportunity to suggest ideas or alternatives which would seek to avoid or minimise compulsory redundancies whilst meeting the needs of the school;
- fully engage in seeking suitable alternative employment where they are eligible and vulnerable to redundancy.

4.5 Recognised Trade Unions will:

- engage in dialogue about potential organisational change with the Headteacher/Governing Body;
- discuss and agree an appropriate level of ongoing dialogue/consultation with the Headteacher/Governing Body;
- respond to management consultation on organisational changes;
- support their members collectively throughout the process as requested;
- support individual members of their trade unions on request at informal and formal meetings to discuss changes to terms and conditions and/or potential redundancy.

4.6 HR Provider will:

Provide advice and support regarding the application of policies and good management practice throughout the process, with due regard to:

- The legal framework;
- Consistency of approach and decision making;
- Equality and fairness in the application of the policy and guidance.

5. Principles

There are a number of key principles that underpin this Policy, which are:

- that the School will fully comply with its statutory obligations in relation to consultation with employees and where appropriate their representatives;
- wherever possible the School will seek to mitigate against compulsory redundancy and ensure that the total number of redundancies is kept to a minimum; and
- selection for redundancy will be based on clear, objective criteria and be fairly applied.

6. Legal Framework

6.1 Definition of Redundancy

Under the Employment Rights Act 1996, an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- The school has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The school has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The school's requirement for employees to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish; or
- The school's requirements for employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or is expected to cease or diminish.

6.2 Consultation Requirement

Employees and recognised trade unions will be advised and consulted with at the earliest opportunity on any proposed changes in the workplace, which may affect a role or result in a role being vulnerable to redundancy.

Initial consultation with the recognised trade unions will include discussions relating to the business case and the future needs of the school.

The law states that when proposing to make 20 or more employees redundant at one establishment within 90 days, an organisation must:

- consult with any recognised trade union or, if none, with other representatives appointed/elected by the employee;
- all consultation should take place in good time and as soon as reasonably practical. In addition, consultation must begin:
 - at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less;

- at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less;
- consult on ways of avoiding dismissals, reducing the numbers to be made redundant and mitigating the effect of the dismissals with a view to reaching agreement with the appropriate representatives;
- disclose in writing to the appropriate representatives the required information concerning the proposed dismissals; (see section 6.3);
- notify the Redundancy Payments Service before formal consultation starts. The notification must be given at least 30 or 45 days in advance of the first dismissal taking effect, depending on the number of proposed redundancies. See paragraph 6.5 below in respect of this requirement. Failure to comply is a criminal offence and may result in a severe fine.

Where it is proposed to make less than 20 staff redundant within 90 days, even though the statutory requirements are not mandatory in such cases, schools should still follow an appropriate process and comply with legislative requirements seeking advice and support from their HR provider (normally 30 days consultation).

6.3 Information which must be disclosed

An organisation must disclose in writing to the appropriate representatives the following information concerning proposals for redundancies so that they can play a constructive part in the consultation process:

- the reasons for the proposals together with the information which is appropriate and relevant to those proposals;
- the numbers and descriptions of employees it is proposed to dismiss as redundant;
- the total number of employees of any such description employed at the establishment in question;
- the way in which employees will be selected for redundancy;
- how the dismissals are to be carried out, taking account of any agreed procedure, including the period during which the dismissals are to take effect;
- the method of calculating the amount of redundancy payments to be made to those who are dismissed;
- agency workers: the number of agency workers currently working for the organisation, where they are working and the type of work they are doing.

6.4 Suitable Alternative Employment/Redeployment

Redeployee status

As soon as an employee is notified in writing that his/her continued employment is at risk, he/she will acquire redeployee status. Wherever possible, redeployee status should be conferred in advance of notice of termination being issued.

Redeployee status will continue until one of the following events occurs (whichever is soonest):

- the employee is offered and has accepted alternative employment; or
- the date of termination of employment; or
- the employee is notified that he/she is no longer on the “at risk” register due to changed organisational circumstances.

An employer has a legal obligation to take reasonable steps in seeking to find suitable alternative employment for employees who are at risk of redundancy (but for fixed term/temporary workers to be eligible to be considered for suitable alternative employment an employee must have two years continuous service (See Fixed Term Contract Guidance) The School expects that all employees and managers will fully engage in looking for suitable alternative employment in order to provide the best opportunity for affected employees to be successfully redeployed.

During the notice period the School will continue to identify any suitable alternative roles to avoid the need for a compulsory redundancy. Suitability will be assessed, for example, by reference to job content, location, status, pay, hours or qualifications. In relation to pay, please note that redeployees will be afforded salary protection in line with relevant national and local terms (full information is contained in Appendix 1 of this policy).

Where the LA is the overall employer, schools should liaise with the LA to explore wider redeployment opportunities that may be available.

Offers of alternative work

Any offer of alternative work should be put in writing to the employee even where the manager believes that the offer may be rejected. The offer should show how the new employment differs from the old and must be made before the employment under the previous contract ends. The offer must also be for the new job to start either immediately after the end of the old job or after an interval of not more than four weeks.

- Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay.
- Unreasonable refusal may arise where the differences between the new and old jobs are negligible.
- Refusal may be reasonable if the new job would cause a significant domestic upheaval, for example, if there was a considerable change in working hours or a need to move house.

- What may amount to ‘unreasonable refusal’ is a matter of fact and degree with each case being considered on its own merits.

Where an employee does not consider an offer to be reasonable they must discuss their reasons with their manager. These reasons will then be considered and a decision made. The employee may be represented at such a meeting. Where, after consideration, the employee’s reasons are found to be reasonable, they will not lose their entitlement to a redundancy payment and further redeployment opportunities will continue to be sought until the effective date of redundancy.

Where an employee’s objections are not considered reasonable then the employee will be advised in writing that they will no longer be entitled to a redundancy payment due to the fact that they have refused a reasonable alternative offer of employment.

The employee will be able to appeal against the decision to the Governing Body. Any appeal must be submitted in writing within 5 working days of receipt by the employee of the written decision, and must set out the grounds for appeal. In the event of their appeal being unsuccessful the offer of a suitable alternative will stand and the employee will get one further opportunity to consider it. If they still refuse this offer then they will lose their right to a redundancy payment unless they accept another redeployment opportunity before the effective date of redundancy.

Trial Periods

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the requirements of the new contract differ from the original contract.

Trial periods may be extended beyond four weeks, by agreement, for the purposes of retraining or where holidays have coincided. The extended trial period must be set out in writing before the start of the new contract, specifying the date on which the period of retraining will end and the terms and conditions that will apply at the end of the retraining period.

If an employee works beyond the expiry of any trial period or agreed extension for training then they will be deemed to have accepted the new employment and as such will lose any right to a redundancy payment.

Please see the “Trial Period” section in the Guidance document for full details regarding this.

For further advice and guidance the school should contact their HR provider.

6.5 Redundancy Notification Requirements

An organisation must notify the Redundancy Payments Service (RPS) before a consultation starts in accordance with the following timeframe:-

Number of proposed redundancies	When notification to RPS must be given
20 to 99	30 days before the first redundancy
100 or more	45 days before the first redundancy

This information would be completed and actioned by the Headteacher in consultation with the HR provider. Further details can be found on the website: <http://www.bis.gov.uk/assets/insolvency/docs/forms/redundancy-payments/hr1pdf>

6.6 Notice Requirements

Following the conclusion of the redundancy consultation any employee selected for redundancy must be issued with the following notice periods:

Support Staff - The period of notice to terminate a contract is defined in the Green Book and is as follows:

Length of service	Notice Requirement
1 month to 2 years	At least a week
2 years to 12 years	A week's notice for every year employed
12 or more years	12 weeks

Teachers - The period of notice to terminate a teacher contract is defined in the Burgundy Book and is as follows (unless statutory notice is greater).

Termination date (end of term)	Minimum notice	Max notice – statutory – one week for each year of service up to 12 weeks for 12 years
Summer term – 31 st August	3 months – to be issued by 31 st May	3 months – to be issued by 31 st May
Autumn term – 31 st December	2 months – to be issued by 31 st October	12 weeks – to be issued by 8 th October
Spring term – 30 th April	2 months – to be issued by 28 th February	12 weeks – to be issued by 6 th February

Headteachers - minimum 3 months' notice – 4 months in the summer term.

To ensure that schools comply with these requirements, any workforce planning must be undertaken well in advance to allow for the consultation and notice period requirements. Your HR provider should be able to assist with the timelines.

6.7 Redundancy Pay

Any employee who is selected for redundancy who meets the relevant criteria may be eligible for a statutory redundancy payment. To be eligible, an individual must:

- be an employee working under a contract of employment;
- have at least 2 years' continuous local government service;
- have been dismissed.

Any payments made in compensation to employees who are dismissed by reason of redundancy will be in accordance with the statutory entitlement scale of payments **except** that the provisions relating to the maximum weekly wage will not apply.

Please note: If an employee at risk of redundancy is successfully redeployed he/she will not be entitled to a redundancy payment. An employee will also lose his/her potential entitlement to a redundancy payment and the opportunity to be considered for further redeployment if he/she:

- refuses an offer of alternative employment considered suitable by the School, without good reason; or
- is dismissed for misconduct during the trial period; or
- resigns during his/her notice period without a mutual agreement with the department about leaving before completing their notice period.

A redundant employee also has the right to a written statement setting out the amount of redundancy payment and how this was worked out. Appendix E of the Redundancy Guidance provides full details of how such payments are calculated.

Schools must ensure that any payment made complies with any necessary regulations.

In the event that a member of staff receives an offer of employment from another employer covered by the Redundancy Payments (Local Government) (Modification Order) before their contract ends with the School and they take this offer up within 4 weeks of their effective date of redundancy then the employee will not qualify for redundancy pay (but their local government service will be treated as continuous). In the event that the redundancy payment had already been made, the employee would be required to repay it.

7. Notification to the LA

At the earliest opportunity, whenever redundancies are anticipated the Manager should inform and obtain advice both from the LA and their HR Provider.

If the employee/s in question is employed within a community or controlled school where the LA is the employer, the Authority must be contacted as soon as possible. Consideration should also be given to notifying the LA even where the LA is not the employer as it will be in a position to provide information on possible vacancies in other schools.

N.B.

In some cases an employee/s contract may not limit their work to a particular school but allow placement to other schools within the LA. Members of staff who are employees of the LA may work at more than one school as a matter of routine. A Governing Body cannot declare an employee with a contract of this kind redundant on its own. It must tell the LA it wants to reduce its staff and ask the LA to consider other suitable posts. If there are none the LA will then start redundancy proceedings. Only at the end of these proceedings, after being informed by the LA, can the Governing Body decide that an employee is redundant.

As the ultimate employer of staff in community, voluntary controlled and maintained nursery schools, the Local Authority must be notified of any hearings or appeal hearings considering dismissals under this policy. If the LA is not on the panel for such hearings, then the LA must be informed of the panel's decision before it is communicated to the employee.

8. Formal Procedure

8.1 Step One - Initial Notification

The Headteacher will notify the recognised trade unions and employees that a decision has been made to consult with regard to potential redundancies.

8.2 Step Two - Consultation with recognised Trade Unions and other bodies

The School will start the statutory consultation process with the recognised trade unions. The Headteacher will involve the HR provider and keep the LA informed.

8.3 Step Three - Initial Consultation with employees

Individuals who are at potential risk of redundancy will be invited to a meeting, advised of the situation and given the opportunity to put forward suggestions to avoid or minimise the redundancy situation. The employee may be accompanied at the meeting by a recognised Trade Union representative or colleague. Consideration should be given regarding the possibility of suitable alternative roles for those employees who qualify for redeployment, as detailed below.

Wherever reasonably practical, all suitable expressions of interest in voluntary redundancy will be invited. All such expressions of interest will be considered. However, the organisation reserves the right to refuse any application for voluntary redundancy either on financial grounds and/or in order to retain required skills and experience.

8.4 Step Four - Consultation Outcomes

Following the initial consultation and depending on the particular circumstances and on the impact of alternatives to redundancy such as:

- redeployment – see 6.4 above;
- voluntary Redundancy – see 8.4.1 below;
- alternative working arrangements such as reduced hours and/or job share;
- early/flexible retirement – see 8.4.2 below;
- transferred redundancy – see 8.4.3 below;
- re-structures (with or without ring-fencing/slotting in) – see 8.4.4 below,

It may be necessary to apply selection criteria to identify the employees affected by redundancy.

8.4.1 Voluntary Redundancy

Voluntary redundancy (VR) occurs where an employee volunteers themselves for redundancy, thereby reducing the need for the compulsory redundancy of another employee. Volunteers for redundancy may apply from both within and outside of the 'at risk' group of employees within a school. All VR applications will be considered based on the needs of the school.

8.4.2 Early and Flexible Retirement

Subject to the rules of the relevant pension scheme, it may be possible to consider applications for early retirement and/or flexible retirement. However, all such applications will be considered based on the needs of the school and the school retains the right to refuse such applications either on financial grounds and/or in order to retain required skills and experience.

8.4.3 Transferred Redundancy

A transferred redundancy occurs where an employee from a different school volunteers for redundancy on the basis that the school will consider replacing the volunteer by appointing an employee from amongst those facing compulsory redundancy. However, this can only occur where the receiving school agrees that the 'at risk' applicant is suitable and agrees to the proposal.

8.4.4 Re-structures – Ring-fencing/Slotting-In

A re-structure may occur within or prior to the redundancy process, and as a result the organisation may have to carry out a recruitment process (e.g. where 2 out of 6 jobs in a department are to be deleted). Such a recruitment process may be "ring-fenced" – i.e. the appointments to the remaining posts will only be made from within the group of employees who are vulnerable to redundancy in that department.

Alternatively, existing employees within the 'at risk' group may be "slotted" into posts within the new structure. However, it is vital to ensure that other employees are not placed at an unfair disadvantage by this process and therefore schools must consult H.R. in relation to any such process.

See guidance for further details. Every effort should be made to consider all of the above and any other available alternatives in order to avoid compulsory redundancies.

8.5 Step Five – Selection Process and Criteria

If all other options to avoid compulsory redundancies have been considered, but do not achieve the required outcome, then the selection process must be carried out to identify employees for compulsory redundancy. The overall selection process (selection and verification) will be carried out by two managers.

The School will consider the status of the employee's employment contract i.e. any remaining temporary employees with less than 2 years' continuous service will be selected for redundancy first wherever appropriate. The selection criteria to be applied for all other employees will be consulted upon with the recognised Trade Unions and may include:

- skills, knowledge and experience;
- qualifications;
- performance (based on appraisal data), capability and behaviour;
- disciplinary record;
- attendance record;
- future value to the organisation to meet the present and anticipated service needs;
- loyalty service (see Appendix B of the Redundancy Policy Guidance).

An interview or assessment process may be applied where the service needs or duties are changing.

The relevant manager will objectively assess employees against the agreed Selection Matrix and will discuss it with the individual employees during the formal consultation process. Employees may also submit evidence for consideration during this process.

A written record will be kept of the assessment for each individual employee, the score awarded and the reasons for the decisions. The managers will use the assessment to select those employees who will be retained and those who will be made redundant.

Wherever possible, employees' details should be anonymised at the point where the affected employees' scores are being considered for selection for redundancy.

The School will take into account the financial implications when assessing selection for redundancy i.e. if following the selection criteria two individuals have an equal assessment, the School reserves the right to select the individual that has the least financial impact on the school.

Following the selection process, the School will designate the second manager to undertake verification of the procedures followed, with the support of the HR Provider.

See Guidance for further details.

8.6 Step Six – Employee notification of Selection Outcome

Following the outcome of the selection exercise, all affected employees will be invited to attend a meeting with the relevant manager, to inform them of their individual position and to consider any comments from the employee. The employee will be advised that they may bring a recognised Trade Union representative or fellow employee with them.

At the meeting, any employee volunteering for redundancy, who it is agreed can be released, will be notified and a last date of service will be agreed, subject to acceptance of a formal offer by the individual.

An employee, who after individual consultation is selected for redundancy, will have the right of appeal against that selection. This appeal should be made in writing and made within 10 working days of receiving written notification of the decision. The appeal will be heard by a panel of Governors and the outcome

of the appeal will be confirmed to the employee in writing within 5 working days by the Governor chairing the appeal.

Any appeal hearing should be conducted in accordance with the School's standard appeals procedure.

Where such an appeal results in the raising of a score which consequently removes that employee from those selected from redundancy, then their redundancy selection will be ended. In such a case, a decision may then be made (using the selection process already carried out) as to which other employees (if any) will be made compulsorily redundant and the appropriate process followed in their case.

8.7 Step Seven – Meeting to formally issue Notice

Following the consultation process, if no suitable alternative role is available, all affected employees will be invited to attend individual meetings and formal notice will be given to the employee. The employee will be advised that they may bring a recognised Trade Union representative or fellow employee with them and the LA (or their nominated representative) have a right to attend. The diocese may also send a representative.

Employees who have been selected for redundancy will have the reasons for the decision, their notice period, amount of redundancy pay (if applicable) and their right to appeal confirmed in writing within 5 working days following the meeting.

NOTE: For all persons who are legally employed or engaged by the LA and are to be dismissed, within 14 calendar days beginning with the date on which the notification from the Governing Body is received, the LA will issue notice to terminate the employee's contract, or issue confirmation of the decision taken at a dismissal appeal hearing.

Where a notice period applies, the notice period will commence from the date the employee receives the dismissal decision, usually via letter from the LA (or two days after postage), and not the date the Governing Body makes a determination.

If there is no applicable notice period, then the effective date of termination will be the date that the employee receives the dismissal decision, usually via letter from the LA (or two days after postage). If a subsequent appeal reverses the decision the notice to terminate the contract will be rescinded.

8.8 Step Eight - Appeals against dismissal

If an employee wishes to appeal against a decision to dismiss them from the School by reason of redundancy, they must do so in writing within 10 working days of receiving written notification of the decision. All notices of appeal must be submitted to the Chair of Governors and must state the ground(s) on which the decision should be reviewed.

As noted in paragraph 1.4, the LA or their nominated representative (normally an HR representative) shall be entitled to attend for all stages of the meeting for the purpose of giving advice. The Diocese may also send a representative if appropriate.

The appeal hearing will be scheduled to be heard within 15 working days of receipt of the written appeal (unless where otherwise agreed to be heard at a later date in exceptional circumstances) and the employee has the right to be accompanied by a work colleague or recognised Trade Union Representative.

If any governor has taken part previously within this process they will be ineligible to be a member of the appeal panel. The appeal panel's decision will be final and there will be no further stages to this procedure.

The outcome of the appeal hearing with reasons for the decision will be confirmed in writing within 5 working days.

All documentation to be considered at the appeal should be exchanged between the Manager and the employee/their representative at least 5 days before the appeal hearing.

The Appeal Hearing will follow the format detailed in Appendix F to the Guidance. If, in exceptional circumstances, additional documentation is supplied by either the Manager or the Employee after the expiry of the 5 day period, the panel will consider whether or not this documentation will be accepted.

9. Additional Considerations

9.1 Employees on Maternity/Adoption/Parental Leave

Selecting an employee for redundancy on the grounds of pregnancy or due to the taking of maternity, paternity or adoption leave is automatically unfair dismissal as well as being unlawful discrimination.

Pregnant employees on fixed-term contracts have similar maternity and employment protection rights to permanent employees.



Any suitable alternative work should be offered to an employee who is made redundant while on maternity/adoption leave even if she/he is on a fixed-term contract.

Therefore, please seek further HR Advice if any employees affected by redundancy are due to go on or are already on Maternity/Adoption/Parental Leave.

10. Support to Employees

Employees who are under notice of redundancy will be given a reasonable amount of paid time off to look for work or to arrange training. Any such arrangements must be agreed with the employee's line manager and reasonable notice will be required so that service delivery is maintained.

10.1 Outplacement/Support from Occupational Health

Where there are large numbers of redundancies schools may wish to consider the use of outplacement support. This is counselling and support usually provided from an outside professional provider which helps the employee to deal with the trauma almost always associated with redundancy. This supports the employee to think through career aspirations and to plan in securing other employment. The school would need to fund this from their delegated budget if a decision is made to support outplacement.

11. Links to other Policies/Documents

Fixed Term Contract Guidance
Schools' Redundancy Guidance and Appendices

12. Further Guidance

Further guidance is available in the Schools' Redundancy Guidance. Headteachers should contact the HR provider for advice regarding the application of this policy and guidance. If schools require specific guidance, or the LA view on any aspect of the policy and guidance, they may contact the LA who will be happy to provide advice.



13. Document Control

Approving Body	LJNCC Meeting (Schools)
Date Agreed	12/12/2018
Date of Next Review	December 2021
Review Period	Every 3 Years (Unless there is a change to the organisation or statutory legislation, whichever is sooner)



APPENDIX 1 – SALARY PROTECTION ARRANGEMENTS

Employees will be afforded salary protection in accordance with relevant national and local terms and conditions of employment applicable at the time. This is currently:

Teachers - School Teachers' Pay and Conditions Document (STPCD)
Currently 3 years' cash safeguard sum. Refer to the STPCD document for further guidance.

Support staff – Local Agreement

All protection amounts will be calculated using the full time equivalent salary or the hourly rate where appropriate. This amount will then be paid on a pro rata basis depending on the hours worked for the period as stated below:

Timescale	Protection Level
First Year	100% protection of the difference
Second Year	50% protection of the difference**
Third Year	Rate for new jobs will apply

**The 50% protection figure is calculated on the 1st anniversary of the start date in the new post and is simply 50% of the year 1 protection figure (pro rata where applicable).

Where pay protection is agreed, the employee will receive the rate of pay for the new role from the effective date of redeployment and will receive any annual pay awards relating to this post. The pay protection is based on an employee's previous actual earnings which is not increased or reduced in line with annual pay scale increases.

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Redundancy Policy for Schools	Date the activity will be implemented	01/01/2019
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Brief description of activity	Redundancy Policy - Schools
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input checked="" type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =	TOTAL	AGAINST =

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Sally – Ann Wolstenholme
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	20/12/2018

EXECUTIVE MEMBER DECISION



REPORT OF:	Executive Member for Resources
LEAD OFFICERS:	Director of Finance & Customer Services
DATE:	13th March 2019

PORTFOLIO/S AFFECTED:	Resources
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WARD/S AFFECTED:	All
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SUBJECT: Revenues and Benefits policy changes 2019/20
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1. EXECUTIVE SUMMARY

The Business Rates Local Discretionary Scheme and Discretionary Housing Payment scheme policies have been reviewed in preparation for the 2019/20 financial year. Appropriate adjustments have been made to accommodate the reduction in budget for the Business Rates Local Discretionary Scheme and the administrative changes for the Discretionary Housing Payment.

Business Rates Local Discretionary Scheme

In the March 2017 budget a number of separate measures were announced to assist businesses that had faced increases in Business Rate bills following the revaluation of all business properties in the country; one of those measures introduced by the budget was the Local Discretionary scheme. The government information and guidance is contained in the document 'Business rates information letter (2/2017)'.

In line with the reduced government funding, this scheme has been reviewed to see how the 2019/20 award of £38,000 can be allocated to those businesses facing increased bills. As such, this report seeks the approval to award a discretionary discount in 2019/20 equivalent to 45% of the increase faced by those businesses that qualify for the relief. The 45% relates to the increase from 2018/19 to 2019/20.

Discretionary Housing Payment scheme

Department of Work and Pensions guidance on the administration of the Discretionary Housing Payment scheme has previously made reference to the fact that councils should avoid awarding discretionary payments to applicants that had been sanctioned. Analysis of cases over the last 12 months has shown that increasing numbers of customers have been detrimentally affected by this exclusion, particularly if they are claiming Universal Credit.

We are amending the policy to clarify the position for applicants who have had the imposition of a sanction by the Department of Work and Pensions. In these cases, it is only where the rent arrears are as a direct result of the sanction that will be disentitled to a payment/award. It is hoped that this change will ensure that more residents will be entitled to make eligible claims.

2. RECOMMENDATIONS

That the Executive Member approves the amendments to the policies for 2019/20.

2. BACKGROUND

Each financial year all Revenues and Benefits policies are reviewed and amended following any changes to council priorities, legislative or administrative requirements.

This report proposes policy changes in respect of the Business Rates Local Discretionary Scheme due to the reduced funding by central government, and to the Discretionary Housing Payments scheme as a consequence of the roll out of Universal Credit.

4. KEY ISSUES & RISKS

4.1 Discretionary Business Rates relief

As detailed in the Executive Board report from 2018, the amount of relief to be awarded in future financial years will be determined on a year by year basis based on the funding available; for 2019/20 this is £35,000. It is proposed that 45% relief is awarded for those qualifying properties.

The Government has provided one further year of funding (2020/21), however the total amount of relief to be distributed across businesses in the borough for that year is only £5,000. A final decision on its allocation will be made in January/February 2020.

The full policy is attached as Appendix A.

4.2 Discretionary Housing Payments

The new policy document is attached as Appendix B.

5. POLICY IMPLICATIONS

The proposed changes to the Discretionary Rate Relief scheme and Discretionary Housing Payment policies are contained in the Appendices.

6. FINANCIAL IMPLICATIONS

The Discretionary Business Rate Relief will be fully funded by the Government based on the criteria set out in the guidance. Whilst the Local Discretionary Relief is capped based on a Government calculation, it is not proposed that the council spend in excess of the allocation.

The amount of funding for the Discretionary Housing Payment scheme is determined by the Department of Work and Pensions each financial year. We are still awaiting the final award figure for 2019/20.

Whilst a council can top up the fund if it wishes, it is not proposed that this council does so in 2019/20. Therefore once the allocation for the financial year is exhausted, future applications will be refused.

7. LEGAL IMPLICATIONS

The schemes will be administered through the Council's discretionary relief powers under Section 47 of the Local Finance Government Act 1988 (as amended).

The policies provide transparency and show the criteria that the Council will apply when making their decisions as to whether or not to grant relief or make payments. The Council must, however, consider applications which may fall outside the policies in appropriate cases and should not be fettered in its decision making by the terms of the policy. The council is, however, bound by the legislation which also provides for limits set by the Government as to when relief grants or payments can be made.

8. RESOURCE IMPLICATIONS

Any additional work required from the changes listed in the policy documents will be undertaken within existing resources.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	4
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CONTACT OFFICER:	Andy Ormerod
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DATE:	20th February 2019
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BACKGROUND PAPER:	
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1. Local Discretionary Rate Relief

1.1 Overview

At the 2017 Spring Budget, the Government announced a £300m fund which would be distributed to Local Authorities over a number of years to fund local discretionary schemes with the aim of delivering relief to ratepayers who have experienced large increases in bills following the 2017 Revaluation.

In the guidance issued by the government, it has stated that there is an expectation that the relief should target:

- Ratepayers or areas facing most significant increase in bills, and;
- Ratepayers occupying lower value properties.

The relief will be awarded by use of the councils discretionary relief powers under section 47 of the Local Government Finance Act 1988. All awards made by Local Authorities will be funded by the government through a grant which they are empowered to give by section 31 Local Government Act 2003, known as the Section 31 grant.

Each Local Authority has been allocated funds based on a prescribed formula, over the four financial years. The funding for the remaining two is detailed below:

2019/20	2020/21
£35,000	£5,000

1.2 Principles of the scheme

The principles used in the design of the local discretionary relief include the following:

- I. Relief to be targeted at businesses that are facing an increase in their business rate bills following the revaluation, encompassing different sizes, sectors and locations across the borough;
- II. The relief to be distributed in a way that is proportionate to how much a bill has increase, and in a fair manner;
- III. The extra relief is distributed to local businesses quickly and smoothly; and,
- IV. Be simple for the Council to administer.

1.3 Calculation of the relief

In respect of the financial year 2019/20 those businesses that qualify for the extra discretionary relief will receive the equivalent to 45% of the increase faced by those businesses that qualify for the relief. The 45% relates to the increase from 2018/19 to 2019/20.

The amount of relief to be awarded in future financial years will be determined by the Executive Member for Resources on a year by year basis based on the funding available and the increases facing businesses.

1.4 Non-qualifying properties

Blackburn with Darwen Borough Council will not award local discretionary relief to organisations providing the following services to members of the public:

- Financial services (banks, cashpoints, bureau de change, pay day lenders);
- Professional services (solicitors, accountants, insurance agents, financial advisors);
- Premises mainly used for religious worship;
- Premises mainly used for education;
- Overseas Aid organisations;
- Administration Offices for National Charities; and,
- Doctors surgeries, Dentists.

In addition, the following establishments/organisations will not be eligible for relief:

- Amusement arcades – establishments operating a business that is predominately gambling/slot machines, etc.
- Takeaways – establishments that predominately function as a takeaway;
- Off licences – establishments that predominately sell alcohol, and;
- Shisha cafes.

1.5 Further exclusions

For properties where any of the following apply, the ratepayer will not be eligible for local discretionary rate relief:

- Ratepayers in receipt of the regeneration relief since the financial year 2017/18;
- Ratepayers who occupied the property after the 31st March 2017;
- Properties that are unoccupied;
- Properties that have no employees based in the hereditament on which relief is being sought;
- Where the relief would not comply with EU law on state aid rules;
- Ratepayers operating an intermittent occupation will not be eligible for any relief;
- National companies, national charities, national chains and public bodies will not be eligible for any relief;

1.6 Calculation of the relief

Local Discretionary relief will be calculated after all exemptions and reliefs have been applied to the account.

1.7 Period of Relief

Each amount of rate relief awarded shall apply for no more than one financial year. Adjustments to the amount of relief will reduce over the three financial years and be calculated based on the total amount of funding. However, a new application will **not** be needed each financial year.

1.8 Appeals

Any appeal against a decision made under the '*Local Discretionary Rate Relief*' policy must be made in writing and reach the Council within 28 days of an organisation receiving notification of an award decision.

- The Council will acknowledge the appeal within 5 working days of receipt.
- The Director of Finance will consider the appeal.
- The applicant will be informed of the final decision as soon as practicable thereafter.

1.9 Special Circumstances

The Council will reserve the right to award or decline applications for business rate relief when faced with exceptional cases.

1.10 General

The Council will consider each case in accordance with the criteria set out above. The criteria is not restrictive and does not restrict the Councils ability to depart from its general policy as to the granting of relief if it sees fit to do so bearing in mind the facts of each case.



Discretionary Housing Payment Policy 2019 - 20

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1. Introduction

- 1.1 Discretionary Housing Payments (DHPs) are awarded by the Council to provide financial assistance (outside of the Housing Benefit and Universal Credit Regulations) to help customers meet their housing costs.
- 1.2 The regulations covering DHP's are contained in the Discretionary Financial Assistance Regulations 2001; amendments include the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013, Council tax Benefit abolition (consequential amendments) regulations 2013 and the Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018
- 1.3 In addition, the Secretary of State has also released Discretionary Housing Payments Guidance Manual Including Local Authority Good Practice Guide March 2018
- 1.4 Blackburn with Darwen Borough Council has taken the above into consideration when developing the DHP policy.
- 1.5 DHPs can play an important role in sustaining tenancies, preventing homelessness and, where needed, enabling customers to move into more affordable accommodation.
- 1.6 DHPs may cover all or part of a shortfall in a customer's eligible rent or provide the deposit or other assistance a tenant may need in order to secure or sustain a tenancy. DHPs may be awarded as a one-off payment and/or as an ongoing series of payments.
- 1.7 To qualify for a DHP, the customer must have a rent liability, require further financial assistance with their housing costs and be in receipt of Housing Benefit or Universal Credit Housing Costs element.

2. Amount of funding available

- 2.1 The Department for Work and Pensions (DWP) provide grants each financial year to Local Authorities for DHP purposes.
- 2.2 The Council needs to consider how to allocate this limited DHP budget in a way that is not only fair, but also supports those that are in most need of assistance.
- 2.3 LAs can use their own funds to top up their government contribution by an additional 150% in England and Wales, and by any amount in Scotland. Once the Local Authority has met its overall cash limit it cannot make any further awards in that financial year. If the Local Authority does award above this limit, it is breaking

the law. The legislation which specifies the overall limit on expenditure is Article 7 of the Discretionary Housing Payment (Grants) Order 2001.

- 2.4 Any unspent DHP funding from the government contribution will be returned to DWP at the end of the financial year.

3. The DHP scheme

- 3.1 Welfare reform is aimed at encouraging people to move into work, increase their hours and / or move to more affordable accommodation.

- 3.2. Although it is hoped that many people will be able to address and resolve their difficulties without the need for a DHP, the Council recognises that DHPs have an important role to play in providing customers with short term assistance to ease transitions and allow households time to find a way to resolve their difficulties.

- 3.3 The overriding principles of the DHP scheme in Blackburn with Darwen are as follows:

- All customers will be treated fairly;
- All DHP applications will be assessed on their individual merits;
- All of the options available to the customer (including, for example, reducing household expenditure, maximising income, securing employment and/or moving to alternative, less expensive accommodation) will be taken into account when the Council assesses the merits of each application, and;
- In order to be awarded a DHP, customers must be able to show that their circumstances are exceptional.

4.

4.1 Objectives of this DHP policy

The Council will consider making a DHP award to applicants who meet the qualifying criteria. Assessing all applications on their individual merits will include considering the extent to which the financial assistance requested will meet the Council's objectives of –

- Encouraging and sustaining people in employment;
- Sustaining tenancies and preventing homelessness;
- Safeguarding residents in their own home;
- Helping customers who are trying to help themselves;
- Keeping families together;
- Supporting victims of domestic violence to move to a place of safety;
- Supporting the vulnerable and elderly in the local community;
- Helping customers through personal and difficult events;
- Supporting young people in the transition to adult life, and;
- Support for households affected by welfare reform.

- 4.2 DHPs are not generally intended to be used as a long term solution to the

customer's financial difficulties. Instead, they should be used to provide short term assistance to ease transitions and allow households time to find a way of resolving their difficulties.

- 4.3 All applications will be assessed on their individual merits however, when considering all applications the Council will take into account not just the cash limitations of what remains in the DHP budget, but also the extent to which a DHP can help a customer to overcome temporary difficulties and if possible, enable them to secure paid employment and / or move to alternative accommodation that they can afford.

- 4.4 The expectation is that DHP's will be awarded in unusual or extreme circumstances where additional help with the current rent will have a significant effect in alleviating hardship, reducing the risk of homelessness, keeping families together or alleviating difficulties that may be experienced in the transition from long term benefit dependency into work.

5. Examples of the shortfalls that DHP may/may not cover

- 5.1 Blackburn with Darwen Borough Council is not required to spend its overall grant allocation in any particular way, and so is able to use discretion. The types of shortfall that a DHP may cover include the following:

- a shortfall between the Housing Benefit or Universal Credit and the rent payable;
- reductions in Housing Benefit or Universal Credit, resulting from the application of the Benefit Cap;
- reductions in Housing Benefit or Universal Credit, resulting from the under-occupation of social rented housing, Reductions in Housing Benefit or Universal Credit, resulting from Local Housing Allowance restrictions, including the Shared Accommodation Rate;
- rent officer restrictions such as local reference rent or shared accommodation rate;
- non-dependant deductions in HB, or housing cost contributions in UC;
- income taper reduction;
- Customers with foster children;
- Customers who have recently become unemployed;
- To secure tenancies and avoid eviction / homelessness, and;
- Providing assistance with arrears which prevent someone from moving to more affordable and suitable accommodation.

A DHP may also be awarded for one-off costs such as a rent deposit, rent in advance or removal costs. When reviewing an award the Council must be satisfied that:

- Rent deposits and rent in advance are reasonable;
- The property is affordable;
- There is a valid reason for the move i.e. downsizing to a more affordable

- property, and;
- Where the rent deposit is linked to preventing homelessness.

5.2 What DHP cannot cover

For the purposes of a DHP, the following elements of a customer's rent cannot be included in their claim for housing costs because the regulations exclude them:

- Service charges that are ineligible for Housing Benefit or Universal Credit;
- Increases in rent that are due to outstanding rent arrears;
- Any charges for water, sewerage or allied environmental services;
- Any liability for Council Tax;
- Recovery of Overpayments of Housing Benefits or Universal Credit, or to sanctions relating to jobseekers allowance, child support or benefit offences, and;
- To supplement levels of Universal Credit paid. DHP will only be awarded where there is a shortfall between the eligible rental liability and the amount of Housing Costs awarded.

5.3 Support for households affected by welfare reform

DHPs are not generally intended to be used as a long term solution to the customer's financial difficulties. Instead, they should be used to provide short term assistance to ease transitions and allow households time to find a way of resolving their difficulties.

All applications will be assessed on their individual merits, however, when considering all applications the Council will take into account not just the cash limitations of what remains in the DHP budget, but also the extent to which a DHP can help a customer to overcome temporary difficulties and if possible, enable them to secure paid employment and/or move to alternative accommodation that they can afford.

The expectation is that DHP's will be awarded in unusual or extreme circumstances where additional help with the current rent will have a significant effect in alleviating hardship, reducing the risk of homelessness or alleviating difficulties that may be experienced in the transition from long term benefit dependency into work.

5.4 Households affected by the Benefit Cap

The purpose of the DHP funding is to provide short-term, temporary relief to mitigate the most severe effects of the Benefit Cap until a more sustainable solution is found. Examples of the groups that are likely to be particularly affected by the Benefit Cap include (but are not limited to) the following:

- Families living in private rented accommodation;
- Families living in temporary accommodation;
- Individuals or families fleeing domestic violence;

- Individuals or families who cannot move immediately for reasons of health education or child protection, and;
- Households that are moving to, or are having difficulty moving to, more appropriate accommodation.

5.5 DWP intention is that the majority of these customers affected by the Benefit Cap will move into work and therefore become exempt from the Cap. Some may choose to move whilst others may consider other means by which they might be able to meet any shortfall such as trying to negotiate a reduction in their rent.

5.6 The Council is unable to provide a list of cases who will automatically receive DHP as it will treat each claim on its own merits and take into consideration the individual circumstances of the customer. Below are examples of the areas the Council may consider a priority however, other cases depending on the circumstances will not be excluded:

- Households that need to move to alternative, lower cost accommodation but are unable to do so immediately (for reasons of health, education or child protection) and the provision of short-term financial assistance will contribute to the achievement of one or more of the Councils DHP policy objectives;
- Households that need to move to alternative, lower cost accommodation but are working proactively to resolve their situation and the short-term award of the DHP will prevent the household from becoming homeless, or delay homelessness for long enough to enable them to complete a planned move to more affordable accommodation;
- Households that are working proactively with the Job Centre and advice/support providers to secure paid employment, claim Working Tax Credit and become exempt from the Benefit Cap, and;
- Homeless households that are residing in temporary accommodation (provided by, or on behalf of, Blackburn with Darwen Borough Council) and have been assessed as being particularly vulnerable and so need to remain in the area awaiting the offer of alternative temporary accommodation.

All applications will be considered on their individual merits.

5.7 Households affected by the Social Sector Size Criteria

The purpose of the DHP funding is to help those customers who are unlikely to be able to meet the shortfall in the rent payments, in a property they are under occupying, and for whom moving to a smaller property may be inappropriate.

For customers who are under occupying and living in *significantly* adapted accommodation, it may be more cost effective to allow them to live in their current accommodation rather than moving into smaller accommodation which then needs to be adapted at a cost to the LA.

5.8 Given the limitations of the DHP budget, and on the understanding that the

Council and its Housing Association partners will do everything they can to support customers and prevent them from becoming homeless, the Council will give priority to DHP applications received from the following households:

- Households that contain a person with a disability and are living in '*significantly adapted*' accommodation;
- Households that contain a disabled child or disabled adult (wef 01/04/17) who is unable to share a bedroom because of their severe disabilities, where regulations do not allow for the extra bedroom;
- Households that contain a disabled child or disabled adult (wef 01/04/17) and are living in accommodation that has been adapted to meet the child/adults needs, where regulations do not allow for the extra bedroom;
- Households containing someone who has a severe and persisting disability which means that they are dependent on the care and support of relatives and friends who are living in the local community, and there is no suitable alternative accommodation in the area;
- Households where an additional room is needed because a person or persons disability precludes a couple from sharing a room or where an additional room is needed to store essential equipment because of a person's disability, and;
- Households who have been approved as adopters or prospective foster parents within the previous 52 weeks or are going through the approval process and need a spare room in order to qualify.

5.9 Depending on the level of demand for DHPs, the Council may also give priority (albeit slightly less priority than is given to the households listed above) to DHP applications from the following households:

- Households whose Housing Benefit is restricted by the Size Criteria but that restriction will soon be lifted because the customer (and their partner if they have one) will reach the age at which they will be able to claim Pension Credit;
- Households whose Housing Benefit is restricted by the Size Criteria but that restriction will soon be lifted because one or more of their children will soon reach an age when they are not expected to share a bedroom;
- Customers who are pregnant and whose Housing Benefit is restricted due to under occupancy but that restriction will soon be lifted when the baby is born, and;
- Households with exceptional needs which are actively and consistently engaging in seeking to downsize to accommodation that matches their need.

5.10 The legislative criteria must be followed, however, applications which are outside the policy but within the law should be considered.

6. Rent in advance, deposits and removals

A DHP can be awarded for a rent Deposit or rent in advance for a property that the customer is yet to move in to if they are already entitled to Housing Benefit or

have Housing costs included in their Universal credit award, or where the Council is satisfied that Housing Benefit or the housing costs within Universal Credit entitlement exists when the award is made.

The DHP budget is insufficient to meet the rent shortfalls of the thousands of customers whose Housing Benefit/Universal Credit will no longer cover their rent in full. In order to provide long term solutions, the Council will help and encourage customers to move to alternative accommodation that they can afford.

Instead of providing customers with short-term assistance to enable them to maintain the rent payments on a home they will never be able to afford without a DHP, the Council may decide that it would be better to help those customers to move somewhere they can afford via a payment of rent-in-advance, help with a deposit or removal costs.

- 6.1 When awarding DHPs for a rent deposit or rent in advance, the following will be checked:
- The property is affordable for the tenant;
 - The tenant has a valid reason to move, and;
 - The deposit or rent in advance is reasonable.

Establish with the claimant whether they:

- are due to have a deposit or rent in advance in respect of their existing tenancy returned to them, or;
- have they received assistance from another department within the LA towards a rent deposit (such as a rent deposit guarantee scheme or similar), and;
- However, tenants will typically not receive a returned deposit until they have vacated a property and begun a new tenancy.

- 6.2 It may not always be possible for the claimant to seek the most affordable accommodation, for example, when someone fleeing the home due to domestic violence needs to seek a place of safety such as a refuge service. Deposits will be paid directly to the future landlord, contact must be made with the landlord to discuss when and how this can be paid. Landlords should be aware of their legal obligations to protect any deposit paid in a Government approved tenancy deposit protection scheme. Compliance with this requirement will help reduce the need for future help with deposits. Further information can be found at:
<https://www.gov.uk/tenancy-deposit-protection/overview>

- 6.3 As a lump sum payment for a deposit or rent in advance is not made in respect of a period, the claimant must be entitled to HB or UC at the point of the award.

- 6.4 Deposits can also be paid to people who are moving out of the area.

- 6.5 The regulations allow DHPs to be awarded on two homes when someone is treated as temporarily absent from their main home, for example because of

domestic violence. In this case, if the claimant is treated as liable for rent on both properties, and in both cases there is a shortfall, they could have DHPs in respect of both properties subject to the weekly limit on each property.

If the claimant is only treated as liable for payments on one dwelling but is having to pay rent on two, a weekly DHP could be made up to the level of the weekly eligible rent on the dwelling from which they are temporarily absent. For example, a claimant may be temporarily absent from their normal dwelling to stay near a child receiving treatment in hospital. They are not treated as liable for payments on the temporary dwelling, but are still incurring housing costs for their normal home. The Council will consider a DHP to help cover costs on the claimant's permanent residence.

In cases of domestic violence the victim may have fled from, or to, another area to seek safety the Council may liaise with other Council's to establish which authority should take the DHP application (the authority where the home is located or the refuge service where the victim is currently living).

Removal costs can also be paid in circumstances where the claimant has to move in emergency circumstances.

7. DHP's and two homes

- 7.1 The regulations allow a DHP to be awarded in respect of two homes when someone is treated as temporarily absent from their main home, for example, because they have had to leave their main home because they are a victim of domestic abuse. Please refer to the Housing Benefit Regulations 2006 (S.I. 2006/213) (HB regulations) or Universal Credit Regulations 2013 (S.I. 2013/376) (UC regulations) for the time restrictions on these provisions. In such cases of temporary absence - if the claimant is treated as liable for rent on both properties, and in both cases there is a shortfall, the Council will consider an award a DHP in respect of both properties subject to the weekly or monthly limit on each property.
- 7.2 Where the claimant is only treated as liable for HB or UC on one home, but is having to pay rent on two, a weekly DHP could be made to cover costs of the second home; the HB or UC eligible rent for the main home is the maximum award. For example, a claimant may be temporarily absent from their main home to stay near a child receiving treatment in hospital. They are incurring costs on their temporary dwelling but their housing costs are covered for their main home. The Council will consider a DHP to help cover costs on the claimant's temporary dwelling.
- 7.3 In cases of domestic abuse where the victim has fled from, or to, another area to seek safety, the Council may collaborate with other Councils in order to establish which authority should receive the DHP application (i.e. the authority where the main home is located or that of the refuge service or temporary dwelling where the victim is currently living).

8. Claiming a DHP

- 8.1 Applications for DHP's will be made on line via Blackburn with Darwen Council's website www.blackburn.gov.uk/benefits or by referral from another party acting on the customer behalf. In order to make an assessment customers must provide details of their income, capital and expenditure and provide proof where required.

When deciding whether or not to award a DHP, the Council will assess each application on its merits and take into account its objectives and such things as:

- The size of any shortfall that exists between what the customer is receiving in housing costs (from Housing Benefit or Universal Credit) and the eligible housing costs for which they are liable, together with the reasons for this shortfall;
- The financial circumstances (income and expenditure, savings, capital and debt) of the customer, their partner and anyone else living in their home;
- Any special needs or health and social problems that the customer and / or their family have along with what impact these have on their housing and financial situation;
- The impact that moving and / or changing schools is likely to have on the family and the educational outcomes of any young people in the household;
- The reasons why, compared to other people, the circumstances of the customer and their family should be considered '*exceptional*';
- The impact that not awarding a DHP is likely to have on the Council's finances and services especially homelessness, social care health etc;
- The length of time for which a DHP is being sought;
- Any steps the customer has taken to reduce their rental liability, including looking for alternative accommodation, and;
- The amount of money remaining in the DHP budget, and
- Any other factors that the Council and/or the customer consider appropriate.

In most cases, the person who claims a DHP will be the person who is receiving Housing Benefit or Universal Credit, or their partner. The Council may however accept a claim from someone who is acting on behalf of that person (such as an appointee or advocate) if the person is vulnerable and requires support.

A claim for a DHP will be considered from the date a DHP is requested, but on condition that all supporting information and documentation is received by the Council within one month of that request.

If the Council requires additional information and evidence to assess the claim, it will request this from the customer in writing, electronically or verbally (over the telephone or face to face). The customer must provide this information and documentation within one month of the date requested.

If the customer fails to provide the information and documentation on time, the Council will make a decision based on any information it already holds, including the information held on file.

The legislative criteria must be followed but applications which are outside criteria set by the policy, but within the law, should be considered so that the Council does not fetter its discretion by applying the policy rigidly.

8.2 The Council will not normally make allowance for any financial loss resulting from the customer's failure to claim any benefits in a timely manner. No allowance will be made for any debt relating to an overpayment of Housing Benefit.

8.3 The award of a DHP does not guarantee that a further award will be made at a later date, even if the customer's circumstances remain unchanged.

9. Backdating an award

9.1 Each application will be looked at on its own merits when deciding whether or not to backdate a DHP. There are no restrictions on the length of the backdating period beyond a prohibition on awarding DHP for any date prior to 2 July 2001, when the scheme began, but we do have a duty to act consistently.

9.2 A backdated DHP award may be made in cases where a claimant is subject to a rent shortfall due to welfare reforms and has accrued rent arrears during the transition period between a reduction in benefit and moving into employment. In this case it the LA will award a backdated DHP to cover the arrears so as not to undermine the claimant's move into employment. In other cases DHP could be used to facilitate a move of home (such as through a mutual exchange) where a landlord will not allow a move for someone who is in arrears.

10. Making a claim in advance

10.1 A DHP can only be considered for a period when the customer is entitled to Housing Benefit or Universal Credit. Claims can however, be made in advance such as the forthcoming imposition of upcoming welfare benefit changes.

11. Notification of a decision

11.1 The customer will be notified, in writing, of the outcome of the DHP claim. If a claim is unsuccessful, the letter will include an explanation of how the decision has been reached and details of the right of review. If the claim is successful, the Council's decision notice will include the following:

- The reason for the award;
- The amount awarded;
- The period of the award;
- To whom the DHP will be paid, and;
- The customer's duty to report any changes in circumstance.

12. Change in circumstances

12.1 The customer must tell the Council if their circumstances change after a DHP is awarded. This is made clear to customers in the award letter and application form.

12.2 DHP's will be stopped:

- If DHPs are being, and/or have been made because a claimant has misrepresented or failed to disclose a material fact, fraudulently or otherwise; and/or
- When a claimant has been paid as a result of an error.

13. Payment arrangements

13.1 The Council will decide whether the DHP should be paid to the tenant, the landlord or a third party. All payments will be made via BACS in accordance with the Council's HB payment schedule.

14. Right to request a review

14.1 As a DHP is not a payment of Housing Benefit or Universal Credit, it is not subject to the appeals mechanism that operates under those schemes.

Customers can however request a review of a decision to refuse an award, a decision to award a reduced amount, a decision not to backdate an award or a decision to seek recovery of an overpayment of a DHP as follows:

- A customer (or their representative) who disagrees with a DHP decision may request a review. This request must be made in writing, within one month of when the notification was issued and confirming the reasons why the review has been requested;
- The appeal will be reviewed by an independent person to those that made the initial decision, and;
- The customer will be notified in writing once the decision has been reviewed, including the outcome of the review and a new decision notification if appropriate.

This decision will be final. In cases of alleged maladministration by the Council, the customer should follow the Council's complaints procedure. If a customer is still unhappy, they have a right to contact the Local Government Ombudsman.

15. Overpayments

15.1 The Council will make every effort to minimise overpayments of DHP. If an overpayment does occur, the Council will decide whether or not it is appropriate to recover. If recovery action is appropriate, the Council will send an invoice to the customer (and/or the person to who the payment was made) and a written

explanation of how the overpayment occurred and the periods and amounts to which it relates.

- 15.2 Where the overpayment is a result of an error made by the Council, recovery will not normally be sought, unless the customer or person who received the payment could have reasonably known they were being overpaid. DHP overpayments will not be recovered from payments of Housing Benefit and Universal Credit that are due to the customer.
- 15.3 DHPs will not be recovered from ongoing HB or UC. This is unlike HB overpayments where there is a regulatory provision to allow recovery from ongoing HB.

16. Fraud

- 16.1 The Council is committed to tackling and preventing fraud in all its forms. If a customer, landlord or agent attempts to claim a DHP by making a false declaration or by providing false evidence or statements, they may have committed an offence under the Theft Act 1968. Where the Council suspects that fraud may have occurred, it will investigate the matter as appropriate and this may lead to criminal proceedings.

17. Publicity

- 17.1 The Council has a responsibility to ensure that it does not limit the legal discretions it may apply, and is committed to applying this policy fairly and consistently. It will take steps to maximise take up to make sure that the funds are targeted towards those who are most in need. This policy will be made available on request.

18. Debt advice

- 18.1 Anyone experiencing debt problems will be signposted to the local debt advice team 'Shelter' for free, confidential advice. Personal Budgeting support and Assisted Digital support can and may be offered where applicable.

19. Policy review

- 19.1 This policy will be reviewed on a regular basis and in light of any legislative changes or other factors that impact on its effectiveness.

INITIAL EQUALITY IMPACT ASSESSMENT

Name of the activity being assessed	Revenues and Benefits policy changes 2019 20 – Discretionary Housing Payments policy				
Directorate / Department	Finance and Customer Services	Service	Revenues and Benefits	Assessment Author	Andy Ormerod
Is this a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Responsible manager / director for the assessment		Andy Ormerod	
Date EIA started	20/02/2019	Implementation date of the activity		01/04/2019	

SECTION 1 - ABOUT YOUR ACTIVITY

How was the need for this activity identified? i.e. Why are we doing this activity?	All Revenues and Benefits policies are reviewed annually to consider any legislative or administrative changes that may need to be implemented. During this review the Discretionary Housing Payment policy was deemed to need a minor change.				
What is the activity looking to achieve? What are the aims and objectives?	<p>The Department of Work and Pensions guidance on the administration of the Discretionary Housing Payment scheme has previously made reference to the fact that councils should avoid awarding discretionary payments to applicants that had been sanctioned. Analysis of cases over the last 12 months has shown that increasing numbers of customers have been detrimentally affected by this exclusion, particularly if they are claiming Universal Credit.</p> <p>We are amending the policy and removing all reference to sanctions. It is hoped that this change will ensure that all residents will be treated the same during assessments.</p> <p>The Discretionary Housing Payment Policy seeks to allow applications from a broad range of groups and maximise the number of potential beneficiaries. The detailed criteria for claims take account of the different needs of groups with protected characteristics.</p>				
Services currently provided (if applicable)	N/A				
Type of activity	<input type="checkbox"/> Budget changes	<input type="checkbox"/> Decommissioning	<input type="checkbox"/> New activity		
	<input checked="" type="checkbox"/> Change to existing activity	<input type="checkbox"/> Commissioning	<input type="checkbox"/> Other [please state here]		

SECTION 2 - UNDERSTANDING YOUR CUSTOMER**What resources will support in undertaking the equality analysis and impact assessment?**

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

The decision to amend the policy was taken following a review of failed or invalid applications from 2018/19 and consultation with neighbouring authorities through benchmarking meetings. The work is an integral part of the service work plan and undertaken by existing managers in the service.

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

There is no requirement or need to consult on this matter. The changes to the policy are within the discretion allowed to local authorities and intended to extend the support offered through Discretionary Housing Payments.



Page 5 Who does the activity impact upon?*	Service users	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Members of staff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	General public	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Carers or families	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
	Partner organisations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly			
Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?* The groups in blue are not protected characteristics (please refer to p. 3 of the guidance notes)	Positive impact	<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Pregnancy & maternity	<input checked="" type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input checked="" type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers
	Negative impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input type="checkbox"/> Carers
	No impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender reassignment	<input checked="" type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity	<input type="checkbox"/> Vulnerable groups
		<input checked="" type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual orientation	<input type="checkbox"/> Deprived communities	<input checked="" type="checkbox"/> Carers

***If no impact is identified on any of the protected characteristics a full EIA may not be required. Please contact your departmental Corporate Equality & Diversity representative for further information.**

Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty? *Refer to p.3 of the guidance for more information*
A public authority must have 'due regard' (i.e. consciously consider) to the following:

DUTY	DOES THE ACTIVITY MEET THIS DUTY? EXPLAIN
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic)</i>	The change to the policy will remove a potential barrier to all individuals making applications and being awarded Discretionary Housing Payments.
Advance equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people)</i>	The change to the policy will remove a potential barrier to all individuals making applications and being awarded Discretionary Housing Payments.
Foster good relations between people who share a protected characteristic and those who do not <i>(i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	The change to the policy will remove a potential barrier to all individuals making applications and being awarded Discretionary Housing Payments.

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please explain how you have reached your conclusion <i>(A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts)</i>			
<p>The changes proposed are intended to simply remove a barrier that has been identified by the service. Any applicant for Discretionary Housing Payments could be subject to a sanction from the DWP (irrespective of equalities characteristics). This in previous years has been a potential reason to decline applications and payments.</p> <p>This change is a positive one for all groups and individuals in the borough and will not impact any equalities group to a greater or lesser extent, and as such, a full EIA is not required.</p>			

Author Signature		Date	20/02/2019
Head of Service/Director Signature		Date	26/02/2019
<i>The above signatures signify acceptance of the ownership of the Initial EIA and the responsibility to publish the completed Initial EIA as per the requirements of the Equality Act 2010.</i>			
Departmental E&D Lead Signature	Gwen Kinloch	Date	22/02/2019

SECTION 3 – ANALYSIS OF IMPACT

Does the activity have the **potential** to:

- **positively** impact (benefit) any of the groups?
- **negatively** impact/exclude/discriminate against any group?
- **disproportionately** impact any of the groups?

Explain how this was identified – through evidence/consultation.

Any negative impacts that are identified within the analysis need to be captured within the action plan in **Section 4**

N.B. Marriage & Civil Partnership is only a protected characteristic in terms of work-related activities and NOT service provision

Characteristic	Positive	Negative	Don't know	Reasons for positive and/or negative impact Please include all the evidence you have considered as part of your analysis	Action No.
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Marriage & Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Vulnerable Groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Deprived Communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Other [please state]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

<p>Does the activity raise any issues for community cohesion?</p> <p>Does the activity contribute positively towards community cohesion?</p>	
<p>Does the activity raise any issues in relation to human rights as set out in the Human Rights Act 1998? Details of which can be found here</p>	
<p>Does the activity support / aggravate existing departmental and/or corporate risk?</p>	<p><i>Is the activity on the departmental risk register? If it is not, should it be?</i></p>

CONCLUSIONS OF THE ANALYSIS

<p>Action following completion of the impact assessment</p>			
<p><i>It is important that the correct option is chosen depending on the findings of the analysis. The action plan must be completed as required.</i></p>			
<input type="checkbox"/> No major change in the activity	<input type="checkbox"/> Adjust activity	<input type="checkbox"/> Continue with activity	<input type="checkbox"/> Stop and reconsider activity
<p>Please explain how you have reached your conclusion</p>			
<p></p>			

SECTION 4**ACTION PLAN**

Action No.	What is the negative / adverse impact identified?	Actions required to reduce / mitigate / eliminate the negative impact	Resources required	Responsible officer(s)	Target completion date

MONITORING AND REVIEW

The responsibility for establishing and maintaining the monitoring arrangements of the EIA action plan lies with the service completing the EIA. These arrangements should be built into the performance management framework.

Monitoring arrangements for the completion of EIAs will be undertaken by the Corporate Equality & Diversity Group and the oversight of the action plans will be undertaken by the Management Accountability Framework.

If applicable, where will the EIA Action Plan be monitored?	<i>e.g. via Service Management Team; Service Leadership Team; Programme Area Meetings</i>
How often will the EIA Action Plan be reviewed?	<i>e.g. quarterly as part of the MAF process</i>
When will the EIA be reviewed?	<i>It should be reviewed at least every 3 years to meet legislative requirements</i>
Who is responsible for carrying out this review?	

Author Signature		Date	Click here to enter a date.
Head of Service/Director Signature		Date	Click here to enter a date.
<i>The above signatures signify acceptance of the ownership of the full EIA, the responsibility for the associated Action Plan (if applicable) and the responsibility to publish the completed full EIA as per the requirements of the Equality Act 2010.</i>			
Departmental E&D Lead Signature		Date	Click here to enter a date.